

KEY CONSIDERATIONS AND RECOMMENDATIONS

# Responding to Children's Care in the Context of the Ukraine Crisis



THE UKRAINE CHILDREN'S CARE GROUP



# Acknowledgements

This document was developed under the auspices of the Ukraine Children's Care Group. The group is convened by the [Global Collaborative Platform on Transforming Children's Care \(GCP\)](#). The document is the result of combined efforts by international and local civil society organisations and networks. Group members have drawn on years of experience and expertise to create this compendium of technical considerations and recommendations for child protection practitioners and government officials seeking to ensure the protection of unaccompanied and separated children affected by the Ukraine crisis, including children in alternative care.



## THE FOLLOWING ORGANISATIONS CONTRIBUTED TO THE DEVELOPMENT OF THIS DOCUMENT:

**Better Care Network, Catholic Relief Services, Changing the Way We Care, Eurochild, Family for Every Child, HDPI (Humanitarian Development Partnerships), Hope and Homes for Children, International Social Service (ISS), Lumos, Maestral, Missing Children Europe, Save the Children, SOS Children's Villages, SPOON, Child Protection Sub-Cluster in Ukraine.**

## Introduction

**HUMANITARIAN CRISES**, such as conflict, threaten the health, safety and well-being of children, families, and communities. They disrupt children's contextual, cultural, and social fabric, including the day-to-day activities that fill their lives and allow them to explore and express themselves comfortably and safely. They undermine the ability of parents and other caregivers to provide appropriate care as they face multiple challenges in addressing the needs of their children whilst managing the significant risks to their lives and well-being, placing enormous stress on caregivers' mental health. Risks to children affected by conflict are multiple and may include family separation, recruitment into armed forces or groups, sexual and gender-based violence, and psychosocial distress. At the same time, conflicts have a massive impact on the systems that are meant to protect children, including the staff, services, and mechanisms that provide alternative care for children.

The current conflict situation in Ukraine raises specific considerations for children with regards to appropriate care both at the policy or system level and in work with individual children. These include: the potential temporary need of alternative care; the availability of placements including at or near border locations, while children are in transit or when they have reached their destination in host countries; increased risks in residential care settings, particularly those in locations where there is active conflict; and increased strain on existing child protection and child welfare services in Ukraine and in host countries.

Additionally, a conflict situation can increase the risk of inappropriate recourse to alternative care, resulting in an influx of children into residential care or the establishment of new residential care facilities. This can happen both during the onset of the humanitarian situation as well as post-conflict if residential care is promoted as the primary means of providing support to children who are unaccompanied or separated.



Photo Save the Children

## Purpose and Objectives of this guidance document and the target audience

**THE AIM OF THIS GUIDANCE DOCUMENT** is to provide a framework to support child protection practitioners and policymakers working both inside Ukraine and in host countries to implement responses related to children's care in the context of Ukraine in line with international standards and good practice on children's care and the provision of alternative care.

This is neither a communications document nor a detailed toolkit, but rather a starting point of key recommendations to inform strategic priorities, programme design, and priority interventions and advocacy efforts with policymakers, donors and other key stakeholders.

Each section of this guide is divided into key considerations and recommendations related to the various situations children are in, including children: without parental or family care, at risk of separation, in alternative care or who have recently left alternative care, including those who have been evacuated from residential care facilities either inside Ukraine or to host countries. Each section considers children in both refugee and internally displaced contexts, as well as children with existing intersecting vulnerabilities, such as children with disabilities and children from ethnic minorities, including Roma or third country nationals.

**As a framework document, the recommendations can be used to draw out the most appropriate aspects and adapted for relevant audiences.** They have been presented together to ensure a comprehensive approach for both programming and advocacy related to children's care.

*As we learn from our experiences during the initial response and as the response transitions, this guidance will be subject to ongoing refinement and adjustment. We invite you to share your experiences and provide feedback to help improve the recommendations outlined in this document and to continue to ensure its contextual relevance. Please share your feedback at [contact@bettercarenetwork.org](mailto:contact@bettercarenetwork.org)*

**REMEMBER!** Recognising the leadership and responsibility of the Government of Ukraine, and of national governments and ministries in host countries in the care and protection of children in their territory, this document is not intended to replace the guidance issued by the Government of Ukraine and the governments of host countries. Rather it should be read as complementing the laws and policies issued by the Government of Ukraine and by Governments of States providing transit or hosting Ukrainian children. It is developed to support practitioners and policymakers to implement best practice and quality standards, informed by international human rights instruments related to children's care.

## What is included in this Guide?

This Guide is divided into eight sections. Each section provides key considerations and recommendations in accordance to a specific area of children's care. Each section also includes hyperlinks to additional resources, including those developed since the onset of the conflict.

### THE KEY SECTIONS:

**Prevention of child-family separation and protection of children in family care in Ukraine and host countries**

**Addressing Children's Care Issues in the Context of Movement and Relocation**

**Care and Protection of Children in Residential Care in Ukraine and host countries**

**Care and Protection of Children in Foster Care in Ukraine and host countries**

**Strengthening Care and Protection Systems in Host Countries to respond appropriately to the needs of refugee children**

**Enabling family reunification and reintegration from alternative care as soon as possible**

**Intercountry adoption and surrogacy**

**Ensuring international support is directed to keeping children in families and strengthening child protection systems**

International standards and guidelines on children's rights and alternative care always remain relevant. This Guide is framed by applicable international standards, including the UN Convention on the Rights of the Child, the UN Convention on the Rights of Persons with Disabilities, and the [Guidelines for the Alternative Care of Children](#). In addition, it builds on key humanitarian guidance, such as the [Interagency Guiding Principles on Unaccompanied and Separated Children](#), the [Field Handbook on Unaccompanied and Separated Children](#), and the [Minimum Standards for Child Protection in Humanitarian Action](#) (in particular, Standard 13: Unaccompanied and separated children; Standard 16: Strengthening family and caregiving environments; Standard 18: Case management; and Standard 19: Alternative care).



## ☰ Understanding the Context in Ukraine and Host Countries

**WHILE THIS GUIDANCE FOCUSES** specifically on children's care in relation to the humanitarian situation resulting from the conflict in Ukraine, it also recognises the need for the response to be framed within the existing national child protection systems in Ukraine and in host countries, and to take into account both the immediate needs and the longer-term needs of Ukrainian children and the goals of alternative care. The conflict in Ukraine has regional implications with mass displacement across borders. It is therefore critical that child protection humanitarian and development actors work together to understand the care systems, legislation, and key stakeholders in place in each specific area of operation as these may differ from one context to another. Preventing family separation, ensuring immediate identification, registration, reunification and emergency care arrangements and safe spaces for children who are separated or unaccompanied, linked to national child protection systems and safety, stability, and adequate child protection services in reception facilities, remain an urgent priority.

All stakeholders responding to the crisis in Ukraine and neighbouring countries must also leverage the invaluable knowledge, expertise and long-standing relationships with children, families and communities, which have been fostered by local civil society organisations over decades of collaboration, to guarantee the safety and protection of the children affected by this crisis. It is equally important to acknowledge that the context in Ukraine itself is not homogenous, and children's care situations will likely differ depending on the location, for instance in areas directly affected by the conflict versus areas where the conflict has not yet reached.



Photo: Save the Children



Photo: Wolfgang Schwän/Anadolu Agency via Getty Images/Save the Children

1

# Prevention of child-family separation and protection of children in family care in Ukraine and host countries

## KEY CONSIDERATIONS

- The significant impact of the conflict on civilian infrastructure and services is deeply affecting the social and economic stability in Ukraine, putting further strain on vulnerable families, and increasing the risk of family separation. Hospitals, water facilities, schools and kindergartens have been destroyed. Access to WASH, education, health, livelihoods and social services support is interrupted in many locations.<sup>1</sup> When vulnerable parents and families do not have the resources to meet their basic needs, the risk of neglect and family separation increases. Every effort must be made to enable children living with their family to continue to do so.
- Mass displacement of the population in areas directly affected by the conflict both internally and across borders is resulting in the separation of children from their families. As of May 2022, more than 8 million people are internally

<sup>1</sup> HAC Ukraine and Refugee Outflow, April 2022.

1

displaced in Ukraine, including approximately 2.8 million children.<sup>2</sup> Over 4.5 million refugees, 90 percent women and children, have fled to neighbouring countries and beyond, seeking protection and requiring critical assistance.<sup>3</sup>

- A ban on adult males of conscription age (18 to 60 years) from leaving Ukraine<sup>4</sup> means that a significant number of women have had to move or relocate with their children on their own, leading to significant risks for their safety, well-being and their capacity to care for their children.
- Displacement places women and children at increased risk of gender-based violence, of facing traumatic events, trafficking and other forms of exploitation, and family separation. The most vulnerable children include children living outside of their family environments in residential care facilities, children with disabilities, and unaccompanied and separated children (UASC). At the same time, the social services workforce, including social workers, teachers, and professionals that support families and children, has been critically affected by the conflict, undermining their ability to operate.
- Challenging decisions have been taken by many families for the safety of their children, including relocation and evacuation both within Ukraine and across borders. Some children, including minors under 14 years old, were evacuated without being accompanied by their parents or other legal representative for various reasons: children lost contact with their parents, they could not be evacuated with their parents due to health reasons, or parents had to care for another family member. Some of these children have been sent to safer locations to stay with a relative or acquaintance within Ukraine or in other countries.
- Older children/adolescents may also make decisions about their own safety and well-being and evacuate without their families, on their own or with groups of unrelated adults who may be known or not to them, including across borders.<sup>5</sup>
- With application by European Union (EU) member states of the Temporary Protection Directive<sup>6</sup>, and many other countries admitting Ukrainian refugees, secondary movements are expected, which further highlights the risk of family separation. Many refugees already moved beyond countries of first arrival to seek resettlement in other countries in Europe: in Belarus, Moldova and Romania, over 85 percent of people arriving from Ukraine have moved on to another country, while Bulgaria, Croatia, Greece and Italy received over

2 IOM, Ukraine Internal Displacement Report: General Population Survey, 3 May 2022.

3 Figures represent UNICEF's input to the inter-agency planning documents currently under revision (UNHCR Refugee Response Plan and UNOCHA Flash Appeal), and as such are provisional and subject to change following the finalisation of the inter-agency processes.

4 Exceptions include adult males who have children or are guardians of children with disabilities, who financially support three or more children, or who are single fathers of children under 18. The ban is in place for the period of martial law in accordance to the Decree of the President of Ukraine of 24.02.2022 № 64/2022 "On the imposition of martial law in Ukraine." [See here](#).

5 CBS News, 9 April 2022 "17 year old Ukrainian girl remains in US custody after border separation."

6 European Commission, Document 52022PC0091, 3 March 2022.



1

91,300 Ukrainian nationals in March.<sup>7</sup> In Germany, more than 700,000 refugees are registered,<sup>8</sup> while in Poland an estimated 3.5 million people have arrived since 24 February 2022 – approximately 53 percent of the total 6.5 million who have fled Ukraine as a result of the conflict.<sup>9</sup> Due to the cultural and linguistic proximity of Poland to Ukraine, nearly 50 percent of people interviewed at the border upon entry into Poland have indicated their intention to stay in the country for the duration of the conflict.<sup>10</sup>

- An estimated 400,000 Roma were living in Ukraine, as well as other minorities, such as people of African, Asian, and Middle Eastern descent.<sup>11</sup> Since the onset of conflict, it has been reported that minorities trying to cross the border, including third state nationals or people of colour of Ukrainian nationality who flee without documents have experienced non-admission to the Republic of Moldova and the European Union<sup>12</sup> or discrimination in countries of transit or upon arrival.<sup>13</sup> The lack of documents is especially problematic for Roma, many of whom were “de jure” stateless in Ukraine or did not have access to documentation due to marginalisation, impoverishment, and other administrative barriers. Roma, for instance, have been denied access to transportation, accommodation and other assistance provided by volunteers in some locations.<sup>14</sup>
- The significant influx of refugees in host countries strains national child protection systems and impacts the capacity to provide support to these families, contributing to the risk of secondary separation.

7 UNHCR; Government of Italy; Government of Greece in HAC Ukraine and Refugee Outflow, April 2022.

8 Reuters, 13 May 2022, ‘Over 700,000 refugees from Ukraine registered in Germany’.

9 [ACAPS, Brief Note: Poland Refugee influx from Ukraine](#), 25 May 2022.

10 Ibid.

11 [‘Call for UN action for Roma from Ukraine’](#), 8 March 2022

12 Ibid.

13 Human Rights Watch, ‘Moldova: Romani Refugees from Ukraine Face Segregation’, 25 May 2022; The Guardian, ‘They won’t accept us: Roma refugees forced to camp at Prague train station’, 25 May 2022.

14 Ibid.

## 1

## KEY RECOMMENDATIONS

Refer to the [Movement and Relocation section](#) for recommendations that address the specific risks of separation during relocation or evacuation.

### Prevent child-family separation in conflict-affected locations of Ukraine

- **In most situations, it is in the best interests of all children to remain with their family or to be reunified with their family if they are currently living in alternative care.** Actively encourage families to keep their children with them and ensure they have access to support to enable them to remain together. For children living in residential care facilities, refer to the [section on Residential care](#) for further information on reunifying children.
- Facilitate **a rapid assessment of the risk factors driving separation**, including child-family separation and the placement of children in alternative care to ensure appropriate preventive measures are put in place, including the provision of support services to address the risk factors leading to separation.
- The assessment should also seek to **identify the main places where people go to search for a child who has gone missing** and the main ways in which the affected population receives information and support.
- One of the best ways to prevent separation is to ensure that the right information reaches the right people. Spread key messages to children, parents, affected communities, authorities, and other partners in locations impacted by the conflict to mitigate family separation.
- **Disseminate information on how to prevent family separation.** Information should be given in a variety of ways (for instance, as a leaflet or poster, in picture format, verbally in meetings or via announcements, or through social media). Messages should highlight what to do and whom to contact in the event that separation occurs in accordance with services available in each location where there is a presence of displaced persons. Messages must also be accessible to children and consider their different ages and abilities.
- **Coordinate across sectors to support the physical distribution of basic essentials to support the immediate needs of families** in areas affected by conflict or where families are sheltering and unable to evacuate. For instance, where possible, set up recreational or educational activities with children alongside education actors, including in shelters, and provide psychosocial and parenting support alongside Mental Health and Psychosocial Support actors (MHPSS).

## 1

## Support family-based care for displaced children and families in Ukraine and those in host countries

- Identify, assess and analyse the risk factors leading to separation and the protective factors that protect children and increase family coping capacity and resilience in each location, which can be built on and strengthened.
- **Map and assess the quality and accessibility of existing multi-sectoral, formal and informal, local, national services that support families and caregivers**, such as safe shelter, cash and livelihood support, education, and adequate healthcare and disability services. Document whether and how these services are accessible to refugee and internally displaced children and families, including those with disabilities and minorities.
- Support children and families to access available services **including through referrals and providing support to obtain required documentation**. Convey clear messaging about where children and families can access resources and services when needed.
- Children, parents, families and communities have capacities as well as needs and typically know what they need to get through crises. **Engaging them in developing solutions is key** to identifying and building upon their strengths for the benefit of their children. Include them in the design, implementation and leadership of family strengthening initiatives. (Refer to [It's Time for Care](#) for further information).
- When vulnerable parents and families do not have the resources to meet their basic needs, the risk of neglect and family separation increases. Risk and protective factors related to family separation (such as unmet basic needs, displacement, and loss of livelihoods of adult caregivers) are often accumulative and correlated, which **underscores the importance of early intervention**. Design programmes and practices that are multi-faceted and target multiple rather than single factors, such as combining parenting and stress management training, cash or food transfers, and awareness-raising on the risks of residential care.
- **Cash alone is not always sufficient** to reduce the economic risks, vulnerabilities and barriers to services that families and caregivers often face both during an emergency and in its aftermath, especially where essential items are not available or too expensive to buy. Physical distribution of needed items may be required. Where possible, coordinate with livelihood actors to combine cash transfers with other types of assistance, including psychosocial and parenting support.



1

- **Enabling children to attend school**, in person if possible, can have important psychosocial benefits by re-establishing regular, structured activities and a sense of normalcy and purpose, as well as facilitating peer support and support from teachers or social services personnel. If in person attendance is not available or possible, support children and families to ensure they have access to virtual learning.
- Work with education actors in host countries so that **children can access early learning and education through temporary learning and recreational activities**, and support host governments to include refugee children in national education systems.
- **Strengthen caregivers' social networks** by supporting or establishing social groups, peer-to-peer support groups, self-help groups or alternate communication methods (such as social media and telephone). Establish parenting networks in communities hosting refugees or the internally displaced and promote supportive caring relationships and social connections amongst caregivers, including specific activities for elderly caregivers.
- Coordinate with MHPSS actors, and formal and informal local, national and international actors to establish referral mechanisms that provide **access to a continuum of care across the range of mental health and psychosocial support services**. This will help to mitigate immediate and long-term psychological and social suffering to children and their caregivers.
- Engage with **qualified psychologists, educators and other service providers among people seeking refuge themselves** and leverage their professional competencies and language skills.
- Increase access to and provision of **basic mental health and psychosocial support services** to prevent social exclusion and violence against children. Train child protection, actors and other stakeholders, virtually or in person, on:
  - basic supportive listening skills and psychological first aid (PFA); (see here an example of where this has been done in Moldova);
  - the **[IASC Guidelines on Mental Health and Psychosocial Support in Emergency Settings and the IASC Guidelines on Inclusion of Persons with Disabilities in Humanitarian Action](#)**;
  - signs of mental health conditions and distress; and
  - referral mechanisms and information-sharing protocols.
- Train multi-sectoral actors to identify and refer parents and caregivers who need support to appropriate services.

1

- **Identify and include refugee and internally displaced children and families**, including those without documentation, in key priority actions such as access to health services for prevention, social protection programmes, child friendly information dissemination and referral mechanisms, including online support where possible.
- Inform families, teachers, health and other community workers in both refugee or internally displaced host communities **on how to identify and respond to those children with heightened protection or mental health and psychosocial support needs and those at increased risk of separation**, including those with disabilities, due to death or illness in the family. Ensure that this information is provided in an easy-to-read format and include both child and disability-friendly information.
- **Recognising the stressful environment that caregivers find themselves in**, share positive parent tips specially designed for this situation. Train social workers and others engaged directly with caregivers in the content. Also share via social media platforms. See [here](#) for evidence-based parenting tips in Ukrainian, Russian and other languages).

### **Strengthen the systems that support families to care in Ukraine and host countries**

- Recognise child care and protection workers as **essential front-line emergency responders** and ensure that measures are in place to **support their physical and mental protection during the emergency phase**, including through the provision of essential transport, salary continuity, job protections, benefits, and health care so they can continue to safely provide essential care for children and families at risk of separation.
- The work of frontline workers is incredibly stressful and mentally taxing. Supervisors of these professionals should **prioritise the psychosocial well-being of their teams** and ensure that supervision approaches are especially sensitive to mental health well-being.
- Coordinate with local authorities and civil society organisations in host countries to ensure **refugees are fully integrated into national social protection systems**.
- **Bolster the social service workforce capacity in Ukraine and host countries** through training of volunteers and caseworkers, ideally from the displaced population that can provide follow-up care and support to families at risk of separation.

## Children's participation in decisions that affect them

**Child participation and agency** is a child's right and good practice. It is the responsibility of adults to inform, prepare, and involve children in the decisions that impact their lives. It is important for children to understand, in age-appropriate language, what is happening, why it is happening, where they are going, and if their family members have been informed. Communication should be on-going and include any changes to the alternative care placement or decisions related to the change in location.

**Communicate with children.** It is necessary to prepare children for placement in alternative care in an age-appropriate and child-friendly manner. Focus should be placed on listening to, discussing and addressing their questions and fears and providing enough information that they understand what is happening in age-appropriate language. At a minimum, children need to understand why they are being placed into alternative care, information about who will be caring for them, how long it will be, and if there are other children in care. If there is information about their biological family, this information should be provided to the child in a manner that is age appropriate.

**Make sure children with disabilities can exercise their right to participation.** Children with disabilities, like all children, have a right to be heard on matters that affect them, and for their views to be given due weight according to the child's age and maturity, without discrimination based on disability, and to receive age- and disability-appropriate support for this purpose. Support and accommodations should be provided to ensure that children and adolescents with disabilities can express their will and preferences and be involved in matters of personal choice and public policy-making that affects them. Parents, relatives, and caregivers can have an important role in supporting children with disabilities to express their views and should take the child's views into account.





Photo: Save the Children

2

## Addressing Children's Care Issues in the Context of Movement and Relocation

### KEY CONSIDERATIONS

- The chaotic nature of massive and rapid displacement of population in areas directly affected by the conflict, both internally and across borders, brings significant risks of child family separation and creates further challenges for caregivers who are trying to balance immediate safety concerns with the need to continue to provide effective care and protection for their children, both during the movement and after relocation.
- These risks are further heightened for children who were outside of family care and in alternative care prior to the onset of conflict, children who have disabilities or medical conditions, children whose parents and primary caregivers have a disability or medical condition, and children who had limited access to social support and basic necessities, including as a result of poverty, social exclusion and discrimination.

2

- Many residential care facilities have had to evacuate, and the children relocated in groups to other parts of the country or taken across borders to other countries. Further, there is a lack of Ukrainian personnel able to travel with children from residential care facilities, which increases risks to children when they are evacuated.<sup>15</sup>
- The evacuation of children from residential care facilities by private actors, many acting on an individual basis and others acting with organisations that are not registered or that are operating without knowledge and supervision by the authorities, is increasing the risks of exploitation, abuse, trafficking and family separation.
- The lack of cross border registration during the first few weeks of the conflict has made tracking the whereabouts of separated and unaccompanied children and ensuring their safety and appropriate care exceedingly challenging. Many children are traveling with staff from the residential care facilities and therefore are identified as accompanied by a legal guardian in line with the care procedures established in Ukraine without undergoing proper registration, which can lead to an unclear status with regards to their needs for care and protection.
- Recognising the particular risks faced by these children and their caregivers, the Government of Ukraine issued directives and guidance regarding the movement and evacuation of these particularly vulnerable categories of children within Ukraine and across borders. The Government is also in the process of clarifying the status, care and protection needs, and registration of refugee children and families who have fled Ukraine and sought refuge in host countries, including through the adoption of bilateral agreements with those countries.<sup>16</sup>

## KEY RECOMMENDATIONS

While humanitarian evacuation should always be used as a measure of last resort, to be pursued only in exceptional circumstances when all other options have been exhausted, they may be deemed necessary to save civilian lives. All organisations supporting the evacuation of children must coordinate with designated Ukrainian authorities to ensure evacuations are aligned with national legislation, are in accordance with the framework of existing State protection mechanisms and follow the directives of the Ukrainian Government. See text box below for relevant directives and guidance by the Ukrainian authorities.

15 European Disability Forum, April 2022.

16 Ministry of Social Policy invited 23 countries to sign [bilateral memoranda on protection of children's rights from vulnerable categories](#).

## 2

**List of relevant directives and guidance by the Ukrainian authorities.<sup>17</sup>**

- Cabinet of Ministers of Ukraine Decree of 28 February 2022 № 166 On the Changed rules for crossing the State border by citizens of Ukraine (in [Ukrainian](#), in [English](#)).
- Cabinet of Ministers of Ukraine Decree of 1 March 2022 № 179 On Changes included in paragraph 24 of the Rules of Crossing the State border by citizens of Ukraine (in [Ukrainian](#)) amending the Resolution of the Cabinet of Ministers of Ukraine of 27 January 1995 № 57.
- Rules for crossing the state border by children brought up in family forms of upbringing during the war. Improved by the Ministry of Social Policy of Ukraine on 4 March 2022 (in [Ukrainian](#)). Recommendations on the coordination of the movement of children within Ukraine and the departure of children outside of Ukraine in a state of emergency or martial law (in [Ukrainian](#)).
- Cabinet of Ministers of Ukraine Decree № 264 of 12 March 2022. Note regarding the crossing of the state border by children, persons with disabilities and persons accompanying them in a state of emergency or martial law. Prepared by the Ministry of Social Policy (in [Ukrainian](#) and in [English](#)).
- Cabinet of Ministers of Ukraine Decree of 17 March 2022 № 302 Kyiv On the establishment of the Coordination Headquarters for the Protection of the Rights of the Child during Martial Law. Co-led by the Minister of Social Policy and the President's Envoy on Rights of Children and Children's Rehabilitation (in [Ukrainian](#)).
- Cabinet of Ministers of Ukraine Decree of 8 October 2008 № 905 Kyiv On approval of the Procedure for conducting activities on adoption and supervision of the observance of the rights of adopted children (in [Ukrainian](#)).
- Cabinet of Ministers of Ukraine Decree of 24 May 2022 № 618 Kyiv On Amendments to the Procedure for Adoption Activities and Supervision of Observance of the Rights of the Adopted Children (in [Ukrainian](#)).

<sup>17</sup> Please check for recent revisions or new guidance by the Ukrainian authorities released since the publication of this document.



## 2

## Keeping children and their families together to prevent separation during movement and relocation

- **Enable children to stay with or return to their families or primary caregivers**, where it is in their best interests and it is safe to do so, and to prevent any (further) separation. [Refer here](#) for further considerations and recommendations related to prevention.
- **Disseminate information in local languages on how to prevent family separation.** Information should be given in a variety of ways (for instance, as a leaflet or poster, in picture format, verbally in meetings or via announcements, or through social media). Ensure that messages are also accessible to different ages and abilities in a modified version for children and young people. Messages should highlight what to do and whom to contact in the event that separation occurs in accordance to services available in each local setting.
- Put into place **practical actions to prevent family separation during movement** within Ukraine and across borders, such as:
  - Encourage families to carry all personal documents with them at all times, including when going to a safe shelter.
  - Attach identification tags or wrist bracelets to babies, young children and children with disabilities.
  - Teach children key information about their family identity, emergency meeting points.
  - Provide children with written details of the intended travel route and contact details of parents or other caregivers.
  - Talk to children about the types of people they can trust, and who can help them if they are lost or separated.
  - Encourage families to allow their children to carry documentation that verifies their legal identity and explain to their children to only share this information with public officials or humanitarian workers in the event of separation.
- **Support families to access and secure key documentation needed** from the authorities to establish legal identity, care responsibility, and enable access to social services and support, including emergency services.
- **Ensure all children, including those with disabilities, are prepared, supported, and enabled to move locations.** Special planning and suitable accommodations might be required, and this should be part of the planning process. Healthcare or other services or resources needed for children with disabilities should be arranged and provided for in the new location.

2

- **Communicate regularly and in an age-appropriate way with children who are being moved.** It is important to make a concerted effort to ease the fears of the children, recognising that they are in the middle of an extremely traumatic event, and provide enough information so that they are not caught unaware. At a minimum, children need to understand why they were moved, where they are staying, and how long they will be there. If the children were in alternative care prior to the move, they should also be told if their parent(s)/guardian have been informed of their move.
- For cross border movement, support families to secure and have with them the required documentation, such as the child's passport or the child's birth certificate (in the absence of a passport).
- **In cases where children and families cannot provide documentation** required to cross the State border due to loss of documents or statelessness, children should be registered within the national system of the receiving country as well as the Ukraine Consulate at the border and/or at the relocation point. Information should be shared with the Ukrainian administrative authorities to confirm promptly the identity, legal status, and family relations to ensure that the children are traveling with their parent or legal guardian.
- **Support the establishment of child protection help desks or screening points at key locations** (such as reception and arrival areas or food distribution centers) and/or during planned population movements or evacuations to identify and prevent family separation. UNHCR and UNICEF have established Blue Dot centers for this purpose in locations such as border crossing points, transport hubs, and cash assistance centers. Blue Dots are support and Information Hubs for children and families at key border crossing points and other strategic locations. Refer here for further information.
- **Address the immediate and specific needs of all refugee children, including unaccompanied and separated children upon their arrival to reception hubs.** This should include child protection services, access to psychologists, and staff trained to tend to children's medical needs. Staff should speak the children and their carer's language or be accompanied by interpretation providers and be trained to provide targeted support to children with disabilities.

## 2

## Identification, registration and assessment of care and protection needs of children who are unaccompanied and separated children in the context of movement and relocation<sup>18</sup>

- **Identify and register all children who are separated and unaccompanied** during movements of population, including children who were in alternative care prior to and since the onset of the conflict.
  - For children traveling within Ukraine, register all unaccompanied and separated children who have been displaced within Ukraine using common forms and agreed referral procedures, referring to the Ukraine Children Services<sup>19</sup> and other relevant guidance issued by the Ukrainian authorities.
  - For children traveling to neighbouring countries, register all unaccompanied and separated refugee children within the national system of the receiving country as well as the Ukraine Consulate, at the border and/or at the relocation point.
  - At the point of registration, confirm the identity of the person(s) traveling with the child and record their contact information. For children traveling alone or with unrelated adults or friends to a neighbouring country, undertake immediately a comparison of registrations with existing records of children reported as missing across the EU. See [Missing Children Europe](#) for further information.
- **All children suspected to be missing (including from residential care) should be reported to the police and, where available, the 116 000 hotline.** If a child is reported missing, child protection organisations should immediately trigger a search for children who may have been separated during the transportation process by informing and liaising with local child protection authorities as well as any child protection coordinating body mandated in the context of the emergency. See [Missing Children Europe](#) for further information.
- Conduct timely interdisciplinary best interests assessment and determination procedures<sup>20</sup> in a child sensitive manner and by professionals with relevant expertise.
  - Take into consideration and prioritise the views of the child to ensure children's rights are respected in placement decisions.
  - Any return home should be decided, with any necessary support to the family, on a comprehensive determination of the best interest of each child on a case-by-case basis.
  - In the meantime, their right to remain in third countries, including their right to seek and receive asylum, must be upheld.

18 See also Changing the Way We Care. March 2022. [Critical Considerations for Movement of Children During a Humanitarian Crisis](#)

19 Procedure 166 in [Ukrainian](#), in [English](#)

20 UNHCR (2021), [Best Interests Procedure Guidelines: Assessing and Determining the Best Interests of the Child](#).

2

- **Enable swift reunification with parents when it is determined as in the child's best interests**, and the provision of temporary, safe and appropriate alternative care in the meantime in close collaboration with the competent authorities. Refer to section on [Enabling family reunification and reintegration from alternative care](#) as soon as possible.
- Ensure government authorities and/ or child protection organisations **regularly monitor and assess the safety and well-being of all unaccompanied and separated children** to screen for potential trafficking and to work towards family reunification.
- **Support an effective inter-agency cross-border data management system in partnership with national authorities** responsible for child protection. Governmental and child protection actors should establish a system that is operational both across Ukraine and reception countries, to account for unaccompanied and separated children including children residing in/or coming from residential care facilities in Ukraine.
- **Ensure that all data management systems adhere to the child protection and data protection guiding principles**, including the principle of do no harm. Any sharing of information with any party, including cross-border information sharing, should be based on data sharing agreements established and in line with the standards set forth by the European General Data Protection Regulation.

### Movement of Children who are in Foster Care

- **Inform the Ukrainian Children services of movement of foster families** within Ukraine and to neighbouring countries and facilitate regular contact.<sup>21</sup>
- If the child needs to travel to a neighbouring country accompanied by a foster carer /guardian or person authorised by the foster carer/guardian to accompany the child, **they must have official documentation of the foster placement clearly identifying the child and the foster carer(s) and the terms of the placement**, as well documented approval of the guardianship authority for the child to leave Ukraine accompanied by the foster carer(s)/guardian.<sup>22</sup>
- Upon arrival at the place of temporary residence, the person accompanying the children must apply to the consular office of Ukraine in the host country to register the child within one day of their arrival.<sup>23</sup>

21 Procedure 166 in [Ukrainian](#), in [English](#)

22 See Procedure 166 in [Ukrainian](#), in [English](#) for full requirements by Ukrainian authorities

23 Procedure 166 in [Ukrainian](#), in [English](#)



## 2

## Movement of Children who are in Residential Care

- It is important to acknowledge the tension between the immediate need to protect children from danger and the potential risk to children that may result from a move to a new location. The relocation of children from residential care facilities may be considered when they are threatened by the conflict. **Moving children to safety must not hinder their prospect for family reunification in the future.**
- **Whenever possible, safe family reunification should be supported**, or if it is not possible at this time or in the best interest of the child, for a parent or adult family member(s) to accompany a child who is being relocated with a group.
- **All efforts must be made to keep siblings together** before, during, and after movement.
- Evacuation within Ukraine to the nearest safe and appropriate location where there are no active hostilities should be prioritised, **keeping children as close as safely possible to their geographical origin and families.** If there are no opportunities to ensure the safety of children within Ukraine, an assessment of whether their evacuation to a neighbouring country is in their best interest should be undertaken, ensuring whenever possible cultural and linguistic links to facilitate ease of return.<sup>24</sup>
- **When, under specific circumstances, evacuations of residential care facilities are necessary** to bring children to safety, those legally responsible for children in residential care facilities in Ukraine must ensure that such evacuations are done in line with the national authorities' instructions, including specific requirements for movement, and notification to the mandated authorities of any change in the children's situations and location. Refer to the Government of Ukraine's directives to all child-care facilities, including residential care and boarding schools, on how to organise necessary evacuations.<sup>25</sup>
- **Before moving children to another country**, an order from the director of the residential care facility should be secured, clearly identifying the person responsible for the children, or if that is not possible, authorisation from the guardianship authority or military administration where the institution is located should be obtained. A copy of the order and a list of all children and accompanying adults must be provided to the local office of Children Services where the residential care facility is located, or other mandated authorities as specified under the latest guidance of the Ukrainian authorities.<sup>26</sup>

24 Procedure 166 in [Ukrainian](#), in [English](#)

25 Procedure 166 (in [Ukrainian](#), in [English](#)) and 179 (in [Ukrainian](#))

26 See Procedure 166 in [Ukrainian](#), in [English](#)

2

- When evacuating and relocating children, **it is important to ensure they have all their identifying information with them.** This should include:
  - Their name, birthdate, the names and contact information of their parents/guardian and residential care staff, any physical or mental health issues, medication, allergies, or disability, language, and origin of the child.
  - It should be secured to the child (such as attaching identification tags or wrist bracelets to babies, young children and children with disabilities) and waterproof (such as in a plastic bag or on a waterproof tag or card).
  - This information should be with the child and a copy with the parent or mandated adult caregiver. If it is not, immediately document it on a waterproof card and lanyard and give it to the child.
  - Provide children with the written details of the intended travel route and contact information of responsible persons at destination, including the name of the residential care facility if they are being transferred.
- **The Ukrainian Children Services authorities should be informed of all movement of children in residential care in Ukraine<sup>27</sup>** and registration undertaken within a common registration and information management system.
- **The Consular Office of Ukraine in the host country should be notified within one day of arrival** to ensure registration of the children by the Consulate, and whenever possible, the director of the institution or other person legally authorised should also inform the mandated Children Services authorities in Ukraine of the arrival of the children in the new location.
- **Children from residential care facilities in Ukraine who arrive in other countries with the administration of their residential care facility should be considered as separated children and not unaccompanied.** According to the Family Code of Ukraine (Art. 244 & 245), *if a child permanently lives in a child care center or health institution, functions of the custodian and caretaker in respect of the child are performed by the administration of these institutions.* However, this does not mean that any permanent decision-making process for concerned children, whether in Ukraine or abroad, can circumvent thorough assessment and approval procedures (such as consent of parents and competent authorities) required to make informed decisions for any child.
- It is essential that child protection organisations and relevant authorities in Ukraine and countries of transit and reception **ensure connections with parents and relatives are maintained or re-established as early as possible to enable reunification, if it is determined to be in the child's best interest**, and that parents and families are involved in decisions being made about the child's relocation and movement.

---

27 Procedure 166 in [Ukrainian](#), in [English](#)

2

**All child protection organisations moving groups of children should ensure proper safeguarding policies, protocols and practices are in place and that children and adults are made aware of them.** All

service providers should have existing safeguarding policies and practices. These should form the basis of safeguarding practices during any transition or movement. It is critical to identify, mitigate, and respond to additional safeguarding risks and places where risks might occur when moving children. This should include, at a minimum, protocols for sleeping arrangements, washroom facilities, what to do in case of separation, how to report any safeguarding concerns or other information related to their well-being and safety, and engagement with adults other than the identified caregiver. These should be clearly articulated to all adults, children, and adolescents.

People often want to help in an emergency, including staff and volunteers. It is critical that Codes of Conducts, safeguarding policies and clear vetting and oversight processes are in place to ensure the safety of children. (See Inter-Agency Standing Committee Protection from Sexual Exploitation and Abuse Posters for [Ukraine](#) and [Poland](#), Changing the Way We Care Safeguarding Toolbox and [Safeguarding children in emergencies: A pocket guide](#)).



Photo: Save the Children

3

## Care and Protection of Children in Residential Care in Ukraine and host countries

### What is meant by 'residential care'?

Residential care refers to any group living arrangement where children are looked after by paid or volunteer staff in a specially designated facility. The term covers all care provided in any non-family-based group setting, such as places of safety for emergency care, transit centres in emergency situations, and all other short- and long-term residential care facilities, including small group homes, children and infant homes, institutions, 'orphanages', and 'family-like or family-type homes'.

In some contexts, these facilities may have dual functions, for example, combining a focus on education as well as care, and be known as boarding schools. They may also be focused on particular 'categories' of children, for example children with disabilities, or children deemed 'in need of protection'. Regardless of whether they are State run or privately run, registered or unregistered, faith based or secular, house children only or adults and children together, all of these facilities come under formal alternative care regulations, and the children in them are under the direct responsibility of the State or mandated agency (for example, in refugee contexts). See [UN Guidelines for the Alternative Care of Children Para 29 c. iv](#). See also the inter-agency [Guidance for Alternative Care Provision during COVID-19](#).



## 3

## KEY CONSIDERATIONS

- Prior to the conflict, an estimated 100,000 children were living or receiving services in over 700 residential care facilities and boarding schools in Ukraine.<sup>28</sup> These include nine different types of residential care facilities operating under the responsibility of 3 different Ministries, the Ministry of Health, the Ministry of Social Policy and the Ministry of Education and Science.<sup>29</sup>
- Heads of these residential facilities reported at the time that 91,410 of these children had developmental disorders or health issues. This means that as 2015, 92 percent of children in residential facilities in Ukraine had some form of medical diagnosis or disability. A majority were reported to have some form of mental disabilities (22%), speech disorders (14 percent), or delayed mental development (11 percent).<sup>30</sup>
- Romani children have also been reported to be disproportionately represented in residential care in Ukraine and other countries in the region because of poverty and systemic discrimination against Roma communities and families, resulting in a high level of institutionalisation and social exclusion.<sup>31</sup>
- Deprived of a family environment and residing largely in large institutional facilities with limited staffing and resources, these children are highly vulnerable during the conflict. A large number of residential care facilities are located in large cities or towns, in areas directly affected by the conflict, targeted by shells and missiles, with significant risk of being cut-off from supplies as fighting intensifies and staff are forced to flee.
- The vast majority of children in residential care have living parents and families and, contrary to media reports, are not orphans. Less than 10 percent of the children in residential care were formally placed in these facilities by the authorities because they were without parental care or because of a decision to terminate parental rights.
- The complexity and size of this institutional system and the lack of centralised oversight and integrated data system has meant that there is a significant lack of clarity about the identity, numbers, status, and situations of these children as the conflict started.

28 [The Illusion of Protection, Hope and Homes for Children](#), 2016; [International Social Service Fact Sheet: Ukraine Crisis and International Standards](#), 29 March 2022. In 2020 this included 38 baby homes housing children under 4, and 125 residential care facilities under the Ministry of Social Policy. Following the outbreak of the Covid-19 pandemic in 2020, it was reported that 42,000 children were urgently returned to their families from 435 residential facilities (primarily from boarding schools under the Ministry of Education) but it is not clear how many remained in their families and how many subsequently returned to the institutions prior to the outbreak of conflict. See [Hope and Homes for Children, Behind the Mask of Care: A Report Based on the Results of the Situation Analysis of Baby Homes in Ukraine](#), 2020.

29 [The Illusion of Protection, Hope and Homes for Children](#), 2016; Disability Rights International, [No Way Home](#), 2015.

30 [The Illusion of Protection, Hope and Homes for Children](#), 2016.

31 [Life Sentence: Romani Children in Institutional Care](#), 2011.

3

- Many residential care facilities have had to evacuate due to the conflict, and the children relocated in groups to other parts of the country or taken across borders to other countries. The Ukrainian authorities quickly took action to issue guidance to ensure better coordination of movement and identification of children who were living in residential care being taken out of the country, requiring the permission of the authorities and registration by the child protection authorities of the host countries to facilitate their eventual return and reunification.<sup>32 33</sup>
- Children in residential care are often out of sight resulting in even higher vulnerability during an emergency. The protection of children who remain in these facilities should be a priority concern, including addressing the immediate threats to their lives, safety and well-being, and providing support to their caregivers to ensure they are able to provide effective care and protection during these challenging times and make appropriate decisions regarding evacuation where needed.
- There are serious concerns for the situation of children with disabilities and medical conditions in these facilities, with reports that children are not evacuated even where their immediate safety is in question, and due to the significant risks they are facing in contexts where personnel/staff have left to address the needs of their own families, or where supplies needed to support children's medical and well-being needs have been cut or reduced as a result of the conflict. The lack of a coordinated response that puts the needs and rights of these children at the forefront can lead to significant loss of life and harm.
- Confusion and misinformation about the situation and status of children in residential care can also lead to inappropriate and harmful responses. Media reports of thousands of 'orphaned' children and private initiatives to facilitate the transfer of children across borders pose serious protection and safeguarding concerns and greatly increase these risks.
- Trafficking of children for labour or sex was already a significant concern in Ukraine prior to the current conflict, with girls and women particularly vulnerable to trafficking, sexual exploitation and abuse.<sup>34</sup> The lack of accurate and up-to-date data on children in residential care, the absence of a registration

32 Procedure 166 (in [Ukrainian](#), in [English](#)) and 179 (in [Ukrainian](#)) for specific requirements for the relocation and evacuations of children living in residential care facilities, including movement across international borders.

33 Following the outbreak of the conflict, the Ukrainian Ministry of Social Policy reported on 19th March 2022 that 4,894 children from 179 residential care facilities had been evacuated, and of these, 2,522 children had been relocated within Ukraine, and 2,372 children from 116 residential care facilities were relocated abroad. Another 30,078 children were reported to have been returned to the care of their parents or other legal guardians following the start of the conflict, the vast majority from residential facilities under the supervision of the Ministry of Education: [See here](#).

Additionally, information from the Ukrainian government and reported in news media identified at least 17 countries, which had received Ukrainian children from residential care facilities by the end of March 2022. The Ministry of Social Policy has also invited 23 countries to sign bilateral agreements for the protection of the rights of displaced children from vulnerable categories, including children who had been in residential care facilities and in foster care: [See here](#).

34 [US State Department Trafficking in Persons report](#), 2021

3

system for children displaced domestically as well as across borders, and the lack of clarity regarding legal guardianship and documentation, create significant risks of children going missing and being trafficked and exploited both within Ukraine and abroad.

- The Government of Ukraine has made significant commitments to address the widespread institutionalisation of children on the grounds of care, health, or education prior to the onset of this conflict. Its impact has further exposed the extreme vulnerability of these children and the critical need to transform the system towards child and family centered services at the community level. There is a significant risk of child reinstitutionalisation if resources are not immediately committed by the Government of Ukraine and the international community to support this shift in the context of the response to the conflict and in its aftermath, as part of post-conflict reconstruction efforts.
- The progress made over the last decade in countries neighbouring Ukraine, such as Moldova, Bulgaria, Romania, to end child institutionalisation and redirect child welfare systems towards family-based services could also be put at risk as these countries respond to the urgent needs of refugees fleeing the conflict in Ukraine, a majority of whom are women and children. Without rapid and concrete support to enable host countries to scale up services to families at the community level and to provide a range of family-based alternative care options, a return to the use of institutionalisation is likely, as the current systems may not be able to address the needs of large numbers of children and families.

## KEY RECOMMENDATIONS

### Addressing the immediate needs of children who are in residential care facilities in Ukraine

- Residential care facilities for children **should be formally recognised as protected humanitarian spaces and classified as ‘essential services’** within emergency management frameworks.
- All efforts should be made to **secure and guarantee the supply chains of essential goods (food, sanitation, hygiene products, and essential medicines) and critical services** (including those specifically needed for children with disabilities and medical conditions) in residential care facilities that are continuing to operate, and that staffing is secured to ensure consistent care and protection.
- Children with disabilities and children in residential care are at high risk of malnutrition and feeding difficulties. Trauma and emergencies can pose new risks for malnutrition and poor feeding practices. Children who have had limited

3

access to food and water, health services, and other necessities can become malnourished very quickly. **Caregivers should prioritise safe feeding practices, adequate diet, and food hygiene**, and link children with health services as soon as possible.

- **Emergency plans covering residential care services should be developed by the child welfare authorities in partnership with service providers.**

Planning should consider the fluidity and likely duration and phases of the humanitarian emergency and include a rapid mapping of the situation of these facilities, the children in their care, staffing, and essential services and resources needed to ensure the children's safety, care and well-being.

- **A review and identification of key personnel/staff should be undertaken**, including caregivers, caseworkers and essential resources needed for each phase of the emergency, with plans for replacement of staff who have left, and additional flexible funds for child welfare authorities to enable rapid adaptation of systems and services in response to the crisis.
- **Clear directives by mandated agencies with oversight of child welfare services should be issued**, including steps to be taken by the local authorities and management of residential care facilities for the orderly and safe return of children who can be reintegrated into their families. Formal notification should be made for all children exiting care services to the relevant authorities including in the child's community/district of return.
- **Contingency evacuation plans should be developed by the child welfare authorities** in partnership with service providers for residential care facilities located in areas directly affected by the conflict or at risk of being caught up in it. **This should include regular assessments of the security risks for children and comprehensive plans for their relocation to safety** when advisable, and specific provisions for addressing the needs of children with disability or medical conditions as part of the evacuation or relocation, both during transit and at relocation point. Children's medical history, treatment and medication, health and psychosocial support and accessibility requirements, as well as key relationships must be documented and transferred with each child relocated from a facility to ensure continuity and suitability of care and support in the new location.<sup>35</sup> See [section on evacuation of children in residential care facilities for further guidance](#).
- To prevent family separation and support family tracing and reunification, **it is important to ensure that the child's parents and relatives are contacted and informed of any plans for relocation of a child/children and involved in decision-making as necessary** unless it has been determined by mandated authorities not to be in the best interest of the individual child. Communication should be maintained throughout the relocation process.

35 Disability Rights International, 'Left Behind in the War: Dangers Facing Children with Disabilities In Ukraine's Orphanages', May 2022.



3

- **As soon as safety allows, the situation and needs of each individual child should be assessed.** A rapid assessment of each child's health status, nutrition and feeding needs, psychosocial support needs, and disability related support and access needs should be used to inform care practices, links to services, and prioritisation of urgent needs. Children who have experienced violence or witnessed traumatic events are at high risk of severe distress, and children in residential care are at high risk for malnutrition, abuse and neglect.

### Establishing an integrated data system for children in and out of residential care

- **Consolidation of data on all children who were in residential care facilities prior to the conflict should be undertaken by the authorities as a priority,** including integration of the data sets across the three Ministries with responsibility for these facilities, together with data sets available at the local level by any mandated agencies. The data should include key information about identity, family information, dates of placement, dates of leaving placement, and other relevant information needed to ensure children's legal and care situation can be assessed and confirmed.
- **A mapping of all residential care facilities should be undertaken as soon as it is safe to do so** by the authorities to collect data on the situation of children remaining in their care, as well as on the situation of children who have left or been evacuated since the onset of conflict, the situation of staff and caregivers, and of services provided and resources available, including a rapid assessment of the current capacity of the providers to care appropriately for the children.
- **Formal registration of every child and adult residing or working in the residential care facilities should be undertaken** together with mandatory maintenance of an updated and detailed register of any child entering or leaving the facility (including as a result of a planned or unplanned evacuation or exit), any cases of illness or death, complete with full identification of the individual, dates and times, and procedures followed to notify the authorities.
- A register should also be established by the authorities **to assist with the identification and inclusion of residential care facilities no longer operating as well as unregistered facilities,** including the location, management structure, and any other particular characteristics.
- **An integrated database should be established at the national level** by the authorities to enter, update, and safeguard data on all children in residential care facilities as well as the personnel of the facilities to enable the consolidation of data prior to, during, and after the conflict. This will allow any changes in each child's situation, status, and care arrangements to be recorded

3

and fully assessed once the situation permits to ensure appropriate care and protection are being provided.

- An integrated database should be established as soon as possible **to centralise all data regarding children from Ukraine who are in residential care and those who left residential care during the emergency** both within Ukraine and in host countries.

### Regulating the use of residential care during the emergency in Ukraine and host countries

- **Regulations and restrictions should be placed upon the admission of children into residential care facilities during the emergency**, both within Ukraine and in host countries. Service providers should be required to immediately notify authorities if a child is brought to their facility and not through formal gatekeeping mechanisms.
- **The recruitment and solicitation of children for placement in residential care within Ukraine or internationally by agencies, facilities or individuals should be prohibited** in line with international standards.<sup>36</sup> The Ukrainian child welfare authorities should be immediately notified of such attempts, including in the context of the relocation or evacuation of children from residential care within Ukraine and abroad, in line with government guidance.
- **Revised gatekeeping procedures should be issued** by the authorities providing for necessary adaptations during the emergency to enable assessment of necessity and suitability of care placement, authorisation of placement, and monitoring by child welfare authorities.
- Where the child's primary caregiver is known, **every effort should be undertaken to ensure they are able to play an active role in the decision-making process, unless it is determined not to be in the best interests of the child**, for instance in circumstances where parental rights were terminated by state authorities prior to the conflict.
- **All efforts must be made to keep siblings together as part of placement decisions.** Where contact and communication have been broken as a result of the conflict or the evacuation process, support should be provided to the child to identify the whereabouts of and reconnect with siblings and other significant persons in the child's life, taking into account the child's wishes and best interests.
- **As soon as safety allows, residential care facilities caring for children should be assessed** to ensure they are in a position to provide a developmentally appropriate, safe, and caring environment which is small

36 United Nations General Assembly, United Nations Guidelines for the Alternative Care of Children (2009), op. para. 127.

3

and organised around the rights and needs of the child, in a setting as close as possible to a family or small group situation. Ensuring minimum caregiver to child ratios as well as qualifications of staff are key requirements in every context.

- **Infants and young children should not be placed in residential care** in response to the emergency or during the emergency period **and family-based care should be secured as a priority**. In the event of exceptional circumstances, infants and small children should not remain in residential care for longer than 72 hours (3 days). Assigned and experienced caregivers should provide individualised care for the duration of admission with no more than 2-3 babies/infants per caregiver.
- **Temporary shelters used as interim care centres during the emergency must be identified and assessed to facilitate the registration of all children and staff**, family tracing, rapid assessment and reunification where it is in the child's best interest, or transition to more appropriate care placements; and to incorporate these facilities into the child protection response framework for emergency cases. Shelters should be set up following standards of quality for children's residential care. Safeguarding procedures, policies, and training must be in place for all staff, managers, and volunteers.
- **Ensure that a child's placement in interim residential care is always temporary**, is followed by a comprehensive assessment within the shortest timeframe possible to determine the child's needs and situation and includes the identification of solutions that are more appropriate for the child in terms of care placement, in line with national and international standards.
- Interim residential care or interim shelter arrangements must provide case management, family tracing, psychosocial support and trauma informed counselling services, child-friendly information, and safe access to technologies for maintaining family contact.
- All personnel with responsibilities for monitoring or provision of services to children in residential care facilities should be made aware of the heightened risk of violence and exploitation during humanitarian emergencies. **Formal procedures should be strengthened or established to enable safe and confidential identification and reporting of physical, sexual, psychological abuse and exploitation** with responsibility assigned to trained child protection personnel that can respond appropriately to any reported cases.
- All personnel with responsibilities for direct work with children must have received proper **safeguarding vetting and training**.

## 3

### Preventing institutionalisation and ensuring children are cared appropriately in families and communities

- **Clear policy statements prioritising prevention of child-family separation and promoting family-based care alternatives over recourse to residential care** should be widely circulated by the Ukrainian authorities, the governments of countries hosting Ukrainian refugee children and their families, and the governments of countries providing support to Ukraine, whether official or from private sources.
- **All efforts should continue to prevent child institutionalisation, including for children with disabilities**, in Ukraine and in host countries. Restrictions on the establishment of new residential care facilities should be issued during the emergency situation<sup>37</sup>, and funding directed to scaling up family and community-based alternatives and services.
- It is important to **provide continuity and stability for children who have been evacuated from a residential care facility** by enabling them to maintain contact and relationships established prior to the conflict with other children and individual staff members. **This should not be at the expense of providing suitable family-based alternative care**, however, which is essential to ensure these children receive the individual care and attention essential for their well-being. Support should be provided to ensure children are able to maintain these significant relationships, for example through regular visits, phone calls, and joint activities.
- Authorities and child protection actors should **avoid measures that may create hidden incentives for child-family separation or abandonment** in the context of the crisis by prioritising access to social services or support through residential care facilities instead of children in families. Securing appropriate care for children in residential care during the crisis should be clearly framed within broader policies that prioritise access to services for children in their families and should not be provided at a higher level per child than support to children in families.
- Some young people may have been in the process of leaving alternative care and transitioning from residential care into independent living or into adult services shortly before or at the same time as the onset of the conflict. They are likely to be among those most affected by its impact as they already face significant challenges accessing educational and livelihood opportunities and often experience marginalisation and stigmatisation. Child protection actors should work in partnership with child welfare agencies in Ukraine and host countries to **identify, trace and contact as many care leavers as possible**, conduct preliminary assessments of their support needs, **and ensure they are provided with targeted support**.

37 Guidelines for the Alternative Care of Children (2009), para.154.





4

Photo: Save the Children

## Care and Protection of Children in Foster Care in Ukraine and host countries

### KEY CONSIDERATIONS

- Ukraine and neighbouring countries hosting refugee children displaced by the conflict, including Poland, Moldova, and Romania, have made significant commitments to reform their alternative care systems over the last two decades, with a particular focus on moving away from child institutionalisation and redirecting services towards family-based care.
- Although these countries are at different stages of reform, one of the common elements of the reforms has been the development of family-based alternative care, beginning with strengthening kinship care and guardianship arrangements to establishing more robust foster care placements and services.
- The primary form of alternative care for children not living in parental care is care within their extended family, with relatives or friends of the family (Kinship Care). Whilst most of these kinship care arrangements are organised informally by families, there have been increasing efforts to formalise these placements

4

through guardianship or kinship-foster care orders and the provision of financial and other forms of support to these caregivers.<sup>38</sup>

- In addition, these countries have also invested in developing formal foster care systems<sup>39</sup>, where children in need of alternative care are placed in a family environment with foster carers who are unrelated to the child, and who are formally selected, trained and supervised to provide care on a temporary basis. These foster carers can be employed or receive remuneration or other forms of support to enable the care of the child, and the placement is based on a formal decision by the legal or administrative competent authorities.
- Data available in Ukraine prior to the conflict reported that at the beginning of 2018 there were 13,689 children in foster care and 51,101 children in kinship care.<sup>40</sup> In Moldova, in 2019 there were 1,035 children in foster care and 2,474 children in formal kinship care.<sup>41</sup> In Poland, the number of children in foster care in 2018 was reported as 55,288 including formal kinship care placements.<sup>42</sup> In Romania, there were 18,317 children in foster care and 18,437 children in kinship care in 2018.<sup>43</sup>
- Although formal foster care systems have been strengthened over the last few years in several of these countries, there remain significant challenges in terms of the numbers of placements, the availability of support and supervision for foster carers, and the availability of foster carers who can provide both emergency and therapeutic foster care.
- The conflict in Ukraine is impacting foster families directly as well as the foster care system and its ability to support and supervise foster care placements. With increased numbers of children being separated or losing caregivers, it is likely that a significant increase in placements is going to be needed, including emergency placements and placements for children who require access to rehabilitation and paediatric palliative care services, as well as mental health and psychosocial support.
- Foster carers and their families will need continued emotional and economic support to care for the children in their care.

38 The Guidelines for the Alternative Care of Children (2009) define Kinship Care as “family-based care within the child’s extended family or with close friends of the family known to the child, whether formal or informal in nature.” A/RES/64/142 para 29 (c) (i). Data for Ukraine in 2012 estimated that 10 percent of children under 18 were living in households without a biological parent, most in households headed by a grandparent or close relative (MICS 2012). In Moldova, the prevalence of children under 18 not living with a biological parent was 2.7 percent (MICS 2012). In Poland, estimates for children living in a household without a biological parent in 2019 was 0.8 percent and in Romania for the same year in was 2.6 percent. [See here](#).

39 The Guidelines for the Alternative Care of Children (2009) define foster care as “situations where children are placed by a competent authority for the purpose of alternative care in the domestic environment of a family other than the children’s own family that has been selected, qualified, approved and supervised for providing such care”. A/RES/64/142 para 29 (c) (ii).

40 [Opening Doors for Europe’s Children: Ukraine 2018 Country Fact Sheet](#); [See Ukraine Country Care Snapshot](#).

41 [Moldova Country Care Snapshot](#). More recent data from the Moldova authorities report that as of December 31st, 2021, there were 1056 children in 382 foster families and 64 large foster families (up to 6 children).

42 Information of the Council of Ministers on the implementation in 2018 of the Constitution of 9 June 2011 (in [Ukrainian](#))

43 [Romania Country Fact Sheet](#)

4

- For host countries, the significant number of children coming from residential care facilities in Ukraine as well as other refugee children who are separated or accompanied and in need of alternative care is likely to place their foster care system under increase pressure and require significant investments to scale up and strengthen those services.

## KEY RECOMMENDATIONS

- Social workers and child protection actors should **follow-up with known foster carers and the children in their care to determine what type of support and follow-up is needed.**
- Given the volatility of the conflict situation, **all foster families in Ukraine should work with their case manager to have a contingency plan in place** to prepare for events such as an evacuation or relocation of the family.
- Social workers and child protection actors should work with all foster carers who currently have children in their care to develop a contingency plan should evacuation or relocation of the family be necessary.
- If needed, foster carers should be able to move with the children in their care and their own biological family, including across borders, and be provided with the support necessary to enable them to do so, including support to obtain required documentation. Refer to [section on movement of children from foster care](#) and Procedure 166 in [Ukrainian](#), in [English](#) for further information.
- **Emergency foster care services should be prioritised**, including with policy change and allocation of resources, particularly for children under three years of age. Foster carers, biological families and others may be in need of respite care during this tense and stressful period. Respite services should be prioritised for further development and equipped with training, cultural appropriateness/ awareness and language to facilitate respite for children and carers.<sup>44</sup>
- **Assessment of existing foster families to determine interest, availability and suitability, and recruitment of new foster families should be prioritised to ensure that there are sufficient placements for children**, for instance, in the event that there is an influx of UASC. Where there is not a sufficient number of existing foster families, rapid recruitment and training of new foster families, ensuring proper safeguards, should be implemented. This may include recruitment of local foster carers in host countries or of Ukrainian nationals, including from the refugee population.

44 Respite care provides parents and other caregivers with short-term child care services that offer temporary relief, improve family stability, and reduce the risk of abuse or neglect. Respite care can be planned or offered during emergencies or times of crisis. It can be provided through day services or short-term placement in foster care or residential care.

4

- Special considerations should be made to **recruit foster families that are able to provide care to children with disabilities, ensuring the provision of support and services at the community level** to address their needs and ensure their rights are fulfilled.
- Training of foster carers should be provided, especially to ensure they have the knowledge and skills required to care for young children and children with disabilities.
- It is critical that foster carers in Ukraine and host countries are **provided with information and training on Psychological First Aid for children**, including dealing with children who have experienced traumatic events, such as witnessing the conflict, losing a parent or family member, or becoming unaccompanied or separated.
- Foster care, whether provided by local child protection services or by Ukrainian foster carers accompanying children in host countries, **should be immediately incorporated into national social service welfare planning and budgets** to account for the increase in services necessary to support the placement of children affected by the Ukraine conflict in foster care.
- **Foster carers providing care for refugee children should be supported to access local services** at the same level as established networks of foster carers, whether previously engaged in foster care or having taken on the responsibility to foster refugee children as a result of the conflict. This should include access to financial remuneration of services as per local/national standards.
- **Facilitate support for foster carers through peer support groups and networks** and 'care for the caregivers' programmes, be they Ukrainian nationals or local foster carers. This should also include access to quality supervision, respite services, and mental health services to support their psychosocial well-being.
- **Refugee children in foster care, with local providers or Ukrainian nationals should be supported to access all available services**, including, but not limited to welfare, education and health. Children who have evacuated with their foster carers should be supported to access the same rights and benefits as children in the foster care system of the host country and should be supported to integrate in the local education, health, day care and social services systems.
- **Foster care programmes should also engage with Roma communities and organisations** to understand whether and how they can be supported to foster Roma children, recognising the importance of culture and community in children's care and the existence of cultural barriers and discrimination faced by these communities.
- **Training and support should be made available** to those personnel accompanying children from residential care seeking to become foster carers, where appropriate.





Photo: Save the Children

5

## Strengthening Care and Protection Systems in Host Countries to respond appropriately to the needs of refugee children

### KEY CONSIDERATIONS

- The mass displacement of civilians due to the conflict in Ukraine has been met with an unprecedented response from neighbouring countries that are providing support to refugees, including to those transiting to third countries.
- It is essential that countries hosting refugee children, including children who are separated or unaccompanied, have in place the systems and services needed to respond effectively to the situation and specific needs of children, ensuring their protection and upholding their rights.
- The response is likely to put significant strain on already stretched social services and will require, in many instances, the rapid scaling up of services and adaptations to meet the increased demand on national and local social service systems. This must include systems strengthening to ensure that the capacity to operate effectively is in place, for instance, by recruiting additional qualified human resources (social service workforce and other key personnel)



5

and ensuring they have the required training and skills, and allocating increased funding to effectively deliver and supervise these services.

- The alternative care systems in host countries are likely to be particularly affected as they mobilise to respond to the care needs of separated and unaccompanied children. It is critical to view the response as an opportunity to strengthen and build on existing efforts and commitments to reform existing systems, making sure that increased funding and investments are directed to improving the care of all children and families.

## KEY RECOMMENDATIONS

### Prioritise family-based alternative care for children and plan for family reunification and reintegration

- **Family-based alternative care and the eventual reunification and reintegration with parents or relatives should be prioritised whenever possible** and in the best interest of the child. Refugee children who have been evacuated and separated from their families, friends and community need the support and care of trusted adults to help them navigate traumatic experiences.
- Each host country should establish **a clear policy statement prioritising family-based care alternatives and the prevention of separation over recourse to residential care**, and circulate the statement to healthcare facilities, police stations, courts, local councils and community child protection structures/mechanisms.
- Whenever possible, **extended family or other kin should be identified and considered prior to placing the child in another alternative placement**. In many cases, children have crossed into host countries with relatives (such as grandmothers or aunts). States should ensure that these caregivers are appropriately documented as kinship caregivers and receive necessary support, including direct payments and other forms of assistance provided to foster carers, as well as access to social services and social protection programmes.
- Child welfare systems and the service providers in host countries will be affected by the impact of the influx of refugees. **It is essential for the mandated government agencies to clarify to all child protection actors how the system is addressing needs and issues among refugees**, including on information and data sharing, legal provisions related to guardianship, changes in roles and responsibilities, and the support available to ensure effective functioning during this challenging period. Agencies implementing child protection programming as part of the emergency response should work within existing systems.

5

- **Emergency plans covering alternative care services should be developed and costed by the child protection authorities** in partnership with service providers and community leaders considering the fluidity and likely duration of the conflict. The existing alternative care system, especially family-based care options, will be affected. Appropriate planning and resources should be secured to ensure that the care system can both support children from the host country as well as child refugees from Ukraine.

### **Provide refugee children with equal access to services and care as children who are nationals of the host country.**

- **Children fleeing the war must be treated equally without any form of discrimination.** While interim measures may be needed to manage increased needs during the emergency, there must be no setting-up of parallel child protection and care systems with inferior quality standards for unaccompanied and separated children, and children relocated from residential care facilities.
- **Non-discrimination is a child's right, and all children should have equal access to care and other services available to children in the community,** without discrimination on the basis of race, ethnicity, religion, age, gender, sexual orientation, disability, or family-status. Alternative care placements should be reviewed to ensure that placement is based on the best interests of each individual child rather than any preconceived notions based on a child's race, ethnicity, gender, immigration or disability status. **Alternative care provided on the grounds of disability would be discriminatory.**<sup>45</sup>
- Refugee children and families should undergo the same process that is applied for local children at risk/in crisis **to include them in national and local prevention programmes.**
- **Children who were in alternative care in Ukraine and their caregivers should have full access to social services,** ensuring access to benefits for children and caregivers alike, including health and education and the incorporation of caregivers in the staffing schemes, as per national specification.
- As with all alternative care placements, **the principles of necessity and suitability should be applied to each individual case** of a refugee child who is requiring alternative care in the host country.

45 UN Convention on the Rights of Persons with Disabilities, 2017, General Comment 5, para. 11. CRPD/C/GC/5.

## 5

## Make sure the alternative care system can respond to the unique needs of refugee children

- The governments of Ukraine and host countries should **clarify guardianship arrangements for unaccompanied children to ensure no child is without the support and protection of a legal guardian** or other recognised responsible adult or competent public body at any time.
- **Clear and accessible procedures for the appointment or confirmation of legal guardians/legal representatives** should be put in place and communicated as soon as possible, including where necessary, the appointment of temporary guardians pending the completion of a thorough assessment and the approval procedures required to make informed decisions for each child. These guardianship arrangements should comply with the laws and regulations established by the Ukrainian government and the government of the host country, and **ensure that no permanent decision is made about the legal status and care of the child until i) a comprehensive determination can be made about family reunification and reintegration, and ii) a decision is made by the mandated bodies that is in line with the best interests of the child and takes into account the child's opinion.**<sup>46</sup>
- All efforts should be made to **maintain or establish communication with parents or other primary caregivers in Ukraine or in host countries** to ensure their involvement in decisions relating to the child's care and to facilitate eventual reunification.
- **Proper assessment of alternative families, safeguarding procedures and regular monitoring must be in place.** Short-term placements can be expedited in emergency situations, but it is essential that a thorough assessment of the family and an individual care plan for the child be developed as soon as possible.
- Special attention should be placed on **the unique needs of refugee children** including understanding disability, mental health, language, culture, and ethnic background, and the need to potentially engage with organisations that can ensure appropriate support is provided, including disability and ethnic minority organisations, as well as other relevant government agencies in addition to the local authorities engaged in the provision or oversight of family-based alternative care for host country national children.
- **Understand each child's health, nutrition, and psychosocial needs through a rapid assessment or other mechanism.** Children who have had limited access to food and water, health services, and other necessities can quickly develop nutrient deficiencies or become malnourished. A rapid

<sup>46</sup> See Procedure 166 in [Ukrainian](#), in [English](#) for further information.

5

assessment should include their health status, nutrition and feeding status, and psychosocial support needs. While all children should be linked to health services, this assessment can also inform prioritisation of children with the most urgent needs. **Caregivers (including family members, foster carers, and care staff) should be informed of the results and supported to make a plan to respond to critical needs.**

- **Support caregivers to recognise and respond to the impact of traumatic events on children.** Children who have experienced violence, witnessed traumatic events, have been displaced or have been separated from their families are at high risk of mental health conditions or distress. This can affect children's feeding, emotional state, and behaviours, and caregivers can respond better if they know to expect this. **Responsive care can help to mitigate this impact.**
- **Equip caregivers to understand and respond to the needs of children with disabilities and children who have been separated from their families.** This can include linking them to necessary services, counselling caregivers on best practices, and access to inclusive schools.
- It is critical that **strong safeguarding policies are in place and implemented in organisations managing placements** and that frequent monitoring occurs.

## 5

**The EU Temporary Protection Directive under Council Implementation Decision**

**2022/382** should be applied in all Member States which ensure children can gain quick access to protection and support, education and health.<sup>47</sup>

- Member States must appoint as soon as possible guardians/legal representatives for the unaccompanied minors benefitting from temporary protection on their territory, including where necessary by appointing a temporary guardian pending the appointment of the permanent guardian, or, by ensuring the representation by an organisation which is responsible for the care and well-being of minors, or by any other appropriate representation.
- For the Member States of destination, the Commission recommends setting up a swift procedure for registering the presence of unaccompanied children taking up residence on their territory, and to initiate as soon as possible the procedures for the appointment of the guardian/legal representative and for entrusting the care of the children, as foreseen by national law - subject to the verifications foreseen by the national law, including in terms of making an assessment of the best interests of the child and vetting the adults involved for record of previous child-related offences. The procedures for entrusting the care of the children may be separate from the procedures for the appointment of guardians/legal representatives for the same children, as foreseen by national law. Where necessary, guardianship/legal representation may also be ensured by an organisation which is responsible for the care and well-being of minors, or by any other appropriate representation, as stipulated by Article 16 of the Directive. Foster families and communities/organisations entrusted under national law with the care of unaccompanied minors benefitting from temporary protection should also be provided with family and support allowances for the children taken in charge, as foreseen by the national law of the host Member State.
- Member States should initiate as soon as possible procedures for identifying family members within the meaning of Article 15 of Directive 2001/55/EC that may be residing in other EU Member States, and, where those have been identified, initiate as soon as possible procedures for the reunification with the family members.
- Family reunification procedures should apply without prejudice to family members of the children concerned being able to come to the Member State of first entry to pick them up or to other arrangements agreed in the context of the Solidarity Platform.

<sup>47</sup> See the 'Communication from the Commission on Operational guidelines for the implementation of the Council implementing Decision 2022/382 for [further information](#).





Photo: Save the Children

## 6

# Enabling family reunification and reintegration as soon as possible

## KEY CONSIDERATIONS

- Advocating for and working towards safe reunification is, generally speaking, in the best interests of the child and the best way to protect children from abuse, exploitation and trafficking.
- States are under an obligation to respect, protect and fulfil the rights of all children affected by family separation, including the right to family life, and to take positive measures to prevent separation and to ensure that child-friendly, effective reunification procedures and rights-based solutions are in place, with children's best interests a primary consideration.<sup>48</sup>
- The complexity and length of family reunification procedures has been recognised as an issue, along with the consequences on children. Reunification processes need to be simplified, while ensuring that the best interests of the child are always a primary consideration.
- It is essential to begin the reunification and reintegration process as soon as possible and to ensure documentation of identity and information about families

<sup>48</sup> [Rights of the Child and Family Reunification: Report of the United Nations High Commissioner for Human Rights](#), A/HRC/49/31 (9 March 2022)

6

is obtained and stored safely in accordance to data protection protocols to increase the likelihood of reunification.

- The complexity of family reunification and reintegration across borders and in the context of a conflict situation must be recognised and considered as part of the process of assessment, decision-making and planning for reunification and reintegration. This will require close cooperation between the child welfare authorities of Ukraine and the host countries to ensure comprehensive assessments can be conducted on a case-by-case basis, and decisions made in the best interests of each child.
- Particular attention should be given to children who were in alternative care in Ukraine prior to the conflict and who were evacuated to host countries. These children were in the care of the Ukrainian State and, in a majority of cases, their parents and other relatives retained primary responsibility for their children, as no termination of parental rights' orders were made by the legal authorities.<sup>49</sup> Ensuring that comprehensive assessments are made about the care situations of these children, including the identification and tracing of parents or other primary caregivers, and that best interests determination are completed will require the involvement of parents or caregivers as well as mandated child protection/welfare agencies in Ukraine and the host countries.

## KEY RECOMMENDATIONS

### Maintaining connections and protecting identity

- **All efforts must be made to ensure the immediate identification of unaccompanied and separated children**, including gathering and recording relevant information using the nationally designated form, **to enable family tracing and reunification where separation has occurred.** [See section on movement and relocation.](#)
- **The identification, registration and restoration of civil documentation for separated and unaccompanied children should be embedded within humanitarian operations** and hotspots, ideally conducted by designated child protection officers.
- Provide the parents, the child or, if appropriate, another member of the family with the **essential information concerning the whereabouts of the absent member(s) of the family** unless the provision of the information would be detrimental to the well-being of the child.

<sup>49</sup> See Hope and Homes for Children, '[The Illusion of Protection](#)', 2016. p.39. According to the report, "Only 9% of children stay in institutions because of the loss of parents or because their parents have been deprived of their parental rights".

6

- **Family reunification and reintegration should be considered from the moment that a separated child is identified**, and a plan put in place for temporary protection, whilst working towards reunification and supporting reintegration.
- Children who are separated from one or both parents or other primary caregivers **have a right to maintain personal relations and direct contact with those parents and caregivers, unless contrary to the child's best interests**. Every effort must be made to ensure modes of communication are accessible to all children, including children and caregivers with disabilities.
- **Family connections and contact should be facilitated for children in foster or residential care**, including seeking involvement of primary caregivers in key decisions about the child unless a determination has been made by the competent authorities that this would be contrary to the child's best interests.

### Conducting comprehensive assessments and best interests determination

- Family reunification and reintegration processes must follow international standards and best practice for case management and service delivery. **In keeping with international standards, all decisions must be made on a case-by-case basis with children's best interests a primary consideration.**<sup>50</sup>
- Assessments should incorporate a holistic view of the child, including safety, relationships and attachments, physical and mental health, developmental needs, as well as educational needs. **The child's views and preferences must be taken into consideration, in line with their evolving capacity**, and fully documented in the assessment.
- **Caseworkers receiving and working with separated and unaccompanied children before, during and after reunification should be trained in child protection case management** during emergencies, trauma-informed care, and have the aptitude to build trusting relationships with the child, the family, and the current care provider. Outreach teams, cultural mediators, child-friendly information on procedures and processes are important. **Caseworkers must be able to communicate with the child and family in their local or preferred language.**
- Where a child has complex needs, including physical, intellectual, developmental, sensory or psychosocial disabilities, emotional or behavioural challenges, is at risk of exploitation, or there is additional trauma (such as

50 UNHCR (2021), [Best Interests Procedure Guidelines: Assessing and Determining the Best Interests of the Child](#).

6

witnessing violence, death, or has missing family members) **the child must be supported and these needs considered** in making alternative care arrangements and in planning, preparing for and carrying out reunification.

- **Referral to family group conference services where available may be needed** - learning from COVID - the use of virtual convening via WeChat, WhatsApp, Skype or Zoom, to agree interim plans and arrangements and maintain contact between the child and the family and to support reunification decision-making.
- **Recognise the importance of informal support networks that children have in host communities** - this often includes peers from their countries of origin and other unaccompanied children with whom they have shared experiences, culture, and language.

### Supporting safe and effective reunification and reintegration

- **The reunification and reintegration of children needs to be safe and follow internationally recognised guidelines** to ensure safe, carefully assessed, supported and sustained return of children to their families.<sup>51</sup>
- **The reunification process should consider extended family members (such as grandparents, cousins or aunts and uncles)**, as unaccompanied children may have more distant connections with family members whom they may want to live with but cannot due to existing rules (leading some children to take it upon themselves to move alone, increasing risk to themselves) or in the case of loss of life of parents, reunification with extended family should remain a priority.
- **Pre-reunification counselling for children and their relatives** (whether the child is moving to an adult or vice-versa) should be supported as part of reintegration processes.
- In the context of the conflict in Ukraine and the impact it is having on families' safety, well-being and livelihoods, it is **critical to assess what support and services may be needed in each case to enable successful reintegration and to prevent further separation** as families face challenges in providing and caring for their children.
- It is imperative to ensure that children who are reunified and reintegrated with their families are provided with **ongoing support and monitoring to strengthen families' capacity to care appropriately in this challenging context and ensure they have access to services needed in order to do so.**

<sup>51</sup> Refer to the [Guidelines on Children's Reintegration](#) for more detailed guidance. See also Changing the Way We Care. March 2022. [Critical Considerations for Movement of Children During a Humanitarian Crisis](#)

6

- **Cross-border cooperation between child protection agencies and ministries in all countries must be central to efforts to enable family reunification and reintegration for children who have been evacuated to host countries.** This includes cooperation in the context of case management to facilitate tracing and best interests assessment and determination, as well as implementation of child-family reunification and the provision of support to the children and their family whenever needed.
- **Every child has the right to remain in third countries and their right to seek asylum should always be upheld,** always ensuring respect for the principle of non-refoulement.
- **Counselling and psychosocial support should target children who cannot reunify with parents or other family members, and who have family left behind in Ukraine.** Support for regular contact with family members back home should be facilitated, taking into account the child's own wishes and best interests, to maintain relationships and connection with their social support networks.





Photo: Save the Children

## 7

## Intercountry adoption and surrogacy

### KEY CONSIDERATIONS

- According to International Social Services' worldwide statistics, Ukraine facilitated the second highest number of intercountry adoptions in 2020.<sup>52</sup>
- Prior to the conflict, Ukraine was the second most popular destination for foreign couples seeking surrogacy services.<sup>53</sup>
- In times of peace, a child should only be considered for intercountry adoption when it has been established that the child is adoptable, placement options in the country have been considered, it is in the child's best interests and when there is consent by those legally acting on the child's behalf.
- During humanitarian emergencies, such as conflict, it is a well-accepted principle of States' obligations under international law<sup>54</sup> that adoption is not an appropriate response for unaccompanied and separated children until efforts to trace and reunite them with their families have been exhausted. In chaotic environments, it is impossible to determine whether a child is in fact adoptable

52 International Social Service, Monthly Review No. 257, December 2021.

53 International Social Service Ukraine Crisis & International Standards Update, 23 March 2022.

54 Children deprived of their family environment due to the armed conflict in Ukraine: Cross-border protection and intercountry adoption: [Information Note from the Permanent Bureau of the HCCH](#) (16 March 2022); See also the [Call for a Moratorium on Intercountry Adoption in Response to the Conflict in Ukraine](#) (25 May 2022).

7

and to ensure the appropriate safeguards are in place. Children may mistakenly be considered orphans, even if they have family members who are actively looking for them. This includes children evacuated from different forms of residential care (such as orphanages, boarding schools, and baby homes) as many of them also have family members.

- Separated and unaccompanied children are extremely vulnerable to trafficking and other forms of exploitation. The ongoing crisis makes it impossible to ensure that commercial or criminal gain, fraud, child trafficking, and the deception of birth parents do not play any part in the adoption process.
- The Ukrainian authorities have issued guidance<sup>55</sup> that clearly requires host countries to register unaccompanied and separated children as part of the child protection system in that country, and to notify the consulate of Ukraine and work with Ukrainian authorities to ensure all possibility of reunification and return has been assessed.
- While there is little global consensus on surrogacy, the lack of regulation or poor regulation can lead to serious violations of the rights of all those involved, especially children. According to the Verona Principles, children born through surrogacy, surrogate mothers, intending parents, and persons providing human reproductive materials are subject to particular vulnerabilities and are at risk of exploitation.

## KEY RECOMMENDATIONS

- **Intercountry adoption should not take place during or immediately after an emergency, including in the context of armed conflict.** In an emergency situation, the risk of child abduction, sale, or trafficking, and of illegal adoptions are increased (refer to the Call for a [Moratorium on Intercountry Adoption in Response to the Conflict in Ukraine](#) for further information). Every effort must be made to locate surviving relatives, kin, and/or other personal connections. **Ukraine has placed a moratorium on adoption, including intercountry adoption, during the emergency, and the same moratorium applies to countries that have received children displaced from Ukraine.**
- If a family was in the process of adopting a child from Ukraine and a final adoption order was made prior to the onset of the conflict, it is essential that the transfer of the child to the adoptive parents takes place in accordance with international legal standards and under the guidance of the Ukrainian authorities, and in line with the laws of the country where the adoptive child

<sup>55</sup> The Government of Ukraine, 17 March 2022. How to help an Unaccompanied Children during Martial Law in Ukraine, The Center for Combating Disinformation at the National Security and Defence Council of Ukraine outlined the rules of border crossing for children under 16, 13 March 2022; and Procedure for border crossing for orphans and children without parental care, 28 February 2022.

7

will be residing. **Prospective adoptive parents should communicate with their central adoption authority or accredited adoption body to obtain the most up-to-date advice, and they must refrain from taking individual actions themselves.**

- **Children born through surrogacy or about to be born through surrogacy, must be protected and provided safety.** Their identity should be preserved, including their medical records, and they should be granted nationality to avoid statelessness.
- It is imperative that **the rights of children and all parties involved in surrogacy procedures are immediately respected and protected**, especially during this time of conflict when their risk to exploitation has increased.
- In line with the **Verona Principles**<sup>56</sup>, national legislative, judicial and policy approaches to surrogacy should be based on a human rights framework.
- The **UN Guidelines for the Alternative Care of Children** states that children in emergency situations should not be moved to a country other than their habitual residence for alternative care except for compelling health, medical or safety reasons. When a child must be moved, they should stay as close as possible to their home, be accompanied by a parent or caregiver, and have a clear plan of return.
- **Best interests assessments should be conducted** to support the needs of each individual child.

---

56 International Social Service, 'Principles for the protection of the rights of the child born through surrogacy (Verona principles)', 2021.





Photo: Save the Children

## 8

# Ensuring international support is directed to keeping children in families and strengthening child protection systems

## KEY CONSIDERATIONS

- The upswell of international support for Ukraine and particular concerns for vulnerable children and families including children who are separated or unaccompanied is an essential demonstration of global solidarity. In many cases, it is enabling crucial practical support to be available on the ground.
- It is imperative for support to be directed effectively and appropriately under the supervision of the national authorities responsible to prevent abuse, trafficking and other forms of exploitation, prevent separation, support families to care for their children under these most challenging circumstances, and arrange appropriate care for children who are separated from their families. Private initiatives to facilitate the transfer of children across borders pose serious protection and safeguarding concerns and greatly increase these risks.
- Although often misrepresented as orphans in media reports, the majority of unaccompanied and separated children - either as a result of displacement

8

during this crisis or other reasons prior to this crisis - have parents or extended family members with whom they can be reunited with the appropriate support. Many of these children have living relatives or legal guardians who may not have been informed of their movements.

- Children who have been separated from their families are highly vulnerable during the conflict. Children in residential care, children with disabilities and medical conditions, and children who have been displaced are facing serious risks to their safety, health, nutrition, and well-being.
- Confusion and misinformation about the situation and status of children can also lead to inappropriate and harmful responses. The lack of accurate and up-to-date data on children in residential care, the absence of a registration system for children displaced domestically as well as across borders, and the confusing situation regarding legal guardianship and documentation, create significant risks of children going missing and being trafficked and exploited both within Ukraine and abroad.
- All children in emergencies face child protection risks. It is important for those working or volunteering in programmes that support Ukrainian children and their families to follow defined child safeguarding procedures when interacting with children.

## KEY RECOMMENDATIONS

### Direct international assistance to support children in families

- **International support should always strengthen existing local and national efforts** and avoid creating parallel systems that can undermine local mechanisms and the local workforce.
- International assistance should be directed towards efforts that support caring for children in families. **Every effort must be made to keep children with their families, kin and community.**
- Resources should be directed to **enable the provision of services, material, psychosocial, and other support to help prevent family separation.**
- **Children with disabilities should be included in all support services and linked to disability-specific services where necessary.** Programme-level data should be disaggregated by disability where feasible and shared with practitioners to help gauge programme gaps.
- International support for children who have been separated from their families —either as a result of displacement during this crisis or other reasons prior to this crisis —**must focus on connecting and reuniting them as soon as possible.**



8

- All efforts should continue to prevent child institutionalisation and promote family-based alternative care options, including for children with disabilities, in Ukraine and in host countries. **International support, including funds provided through Overseas Development Assistance, humanitarian relief and private donors, should be provided to enable significant scaling up of family based alternative care placements where needed.** Refer to section on [Care and Protection of Children in Residential Care in Ukraine](#) and host countries.

### Ensure volunteers are equipped and accountable to support children in families

- **Prior to traveling**, volunteers should seek guidance from local authorities and organisations on the ground on how to best support vulnerable children and their families in ways that first and foremost keep children safe.
- **Background checks must be mandatory and child protection policies and procedures clearly defined and acknowledged by all volunteers.** All volunteers must be trained and supervised. All volunteers should sign a code of conduct and be trained in safeguarding before providing any kind of support.
- **Programmes using volunteers should be designed to support families to stay together and prevent separation.** This can include programmes that provide psychosocial support, economic support, positive parenting training, or educational opportunities. Prevent family separation and connect with child protection organisations mandated to conduct family tracing and reunification if children have been separated from their families.
- **Volunteers should not interact with children who have been separated from families, including children in residential care** or children who have been living in residential care prior to the war, but instead allow the children to be given emotional and social support from their known caregivers.



## Key Resources

**Better Care Network:** [Ukraine Response Care Resources](#)

**Better Care Network, The Alliance for Child Protection in Humanitarian Action, and UNICEF.** September 2020. [Guidance for Alternative Care during the COVID-19 Pandemic](#)

**Better Care Network, UNICEF.** December 2020. [It's time for care: Prioritizing quality care for children during the COVID-19 pandemic](#)

**Better Care Network, The Alliance for Child Protection in Humanitarian Action, and UNICEF.** April 2020. [Technical Note on the Protection of Children during the COVID-19 Pandemic: Children and Alternative Care- Immediate Response Measures](#)

**Changing the Way We Care.** March 2022. [Critical Considerations for Movement of Children During a Humanitarian Crisis](#)

**Changing the Way We Care.** 2022. Safeguarding [Toolbox](#): For organisations to develop & implement effective, relevant safeguarding policies and practices

**European Union Agency for Fundamental Rights.** 2022. [Guardianship systems for unaccompanied children in the European Union: developments since 2014](#)

**European Union,** [Temporary Protection Directive](#) under Council Implementation Decision 2022/382.

**Eurochild, Child Circle and UNICEF.** May 2022. [Discussion Paper on guardianship, care arrangements and custodial responsibilities for unaccompanied and separated children fleeing Ukraine and arriving in the European Union](#)

**Eurochild.** May 2022. [How can we support children fleeing Ukraine?](#) Mapping of Legal and Policy Frameworks in 13 Countries

**Eurochild** December 2021. DataCare – [Country Overviews](#)

**Eurochild and UNICEF.** 2021. [Better data for better child protection systems in Europe: Mapping how data on children in alternative care are collected, analyzed and published across 28 European countries](#)

**Government of Ukraine,** Decree № 264, of 12 March 2022: Border crossing rules for children, persons with disabilities and persons accompanying - Booklet prepared by the Ministry of Social Policy (In [Ukrainian](#) and in [English](#))

**Government of Ukraine, Decree № 302,** of 17 March 2022: Establishment of the Coordination Hub on Rights of Children during martial law, co-headed by the Minister of Social Policy and President's Envoy on Rights of Children and Children's Rehabilitation

**Government of Ukraine,** Procedure 166 (in [Ukrainian](#), in [English](#)) and 179 (in [Ukrainian](#))



**Government of Ukraine, [On approval of the Procedure for conducting activities on adoption and supervision of the observance of the rights of adopted children, and On Amendments to the Procedure for Adoption Activities and Supervision of Observance of the Rights of Adopted Children](#)**

**Inter-agency Statement**, 14 March 2022: [Key Recommendations to Uphold the Rights of Ukrainian Children Deprived of Family Care](#)

**Inter-agency Statement**, 25 May 2022: [Call for a Moratorium on Intercountry Adoption in Response to the Conflict in Ukraine](#)

**International Social Services**. 29 March 2022. [Fact Sheet: Ukraine Crisis and International Standards](#)

**KIND**. 2022. [Note on Unaccompanied Children Fleeing From Ukraine](#)

**OCHA. Ukraine Protection Cluster**. 2022. [Recommendations on Humanitarian Evacuation of Civilians in Ukraine](#)

**Save the Children**. 2010. [Alternative Care in Emergencies Toolkit](#)

**Save the Children**. 2012. Safeguarding children in emergencies:

- [Toolkit 1: Safeguarding standards](#)
- [Toolkit 2: How to ensure the implementation of the minimum standards](#)
- [Toolkit 3: Safeguarding references](#)

**The Alliance for Child Protection in Humanitarian Action**. 2017. [Field Handbook on Unaccompanied and Separated Children](#)

**The Alliance for Child Protection in Humanitarian Action**. 2017. [Toolkit on Unaccompanied and Separated Children](#)

**The Alliance for Child Protection in Humanitarian Action**. 2019. [Minimum Standards for Child Protection in Humanitarian Action](#)

**The Alliance for Child Protection in Humanitarian Action**. 2022. [Alliance Child Protection Advocacy Messages for the Ukraine Crisis](#)

**Terre des hommes**. 2009. [How to keep children safe as a volunteer responding to the Ukraine emergency](#)

**United Nations General Assembly**. 2010. [United Nations Guidelines for the Alternative Care of Children](#) A/RES/64/142

**United Nations General Assembly**. 2019. [Resolution on the Rights of the Child](#) - Children without parental care. A/RES/74/133

**UNHCR**. 2021. [Best Interests Procedure Guidelines: Assessing and Determining the Best Interests of the Child](#)

**UNICEF**. 2022. [Guidance for protecting displaced and refugee children in and outside of Ukraine](#)

**Missing Children Europe**. [Children from the Ukraine reported missing in the EU](#)

**European Disability Forum** [resources](#)

**Keystone Moldova** [hotline for disability services](#)