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NOTE

From:	General Secretariat of the Council
To:	Delegations
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Subject:	Political statement on the protection of displaced children from Ukraine in the context of Russia's war of aggression against Ukraine

Delegations will find in the Annex the text of the political statement on the protection of displaced children from Ukraine in the context of Russia's war of aggression against Ukraine approved by the Council at its 3886th meeting held on 27 June 2022.

**POLITICAL STATEMENT
ON THE PROTECTION OF DISPLACED CHILDREN FROM UKRAINE IN THE
CONTEXT OF RUSSIA'S WAR OF AGGRESSION AGAINST UKRAINE**

The Council of the European Union,

Reaffirming its unwavering support to Ukraine and its population as stated in the European Council Conclusions on 30 -31 May 2022;

Noting that on 3 March 2022 the Council agreed to activate the Council Directive 2001/55/EC of 20 July 2001 on temporary protection for displaced persons from Ukraine on or after 24 February 2022¹ and that 3 311 865 registrations under the provisions of this Directive were recorded within the European Union as of 16 June, a large number being children with their families;

Noting with concern that a significant number of children, in particular orphans and children (temporarily or permanently) deprived of parental care who were in public childcare institutions in Ukraine, have fled from Ukraine due to the war that started on 24 February 2022;

Underlining that the European Union Agency for Asylum reported 7 962 unaccompanied minors among those registered for temporary protection in 14 EU+ countries since 24 February 2022².

¹ Council implementing decision (EU) 2022/382 of 4 March 2022 establishing the existence of a mass influx of displaced persons from Ukraine within the meaning of Article 5 of Directive 2001/55/EC, and having the effect of introducing temporary protection.

² Idem.

Recalling that at least 565 812 Ukrainian children have already been integrated in 16 Member States' national school systems. Noting in that regard that to support integration, Member States offer supplementary language classes to Ukrainian pupils and provide access to vocational training and upper-secondary education;

Noting that children represent 15 % of the EU Medical evacuation requests from Ukraine and EU bordering countries, with 34% affected by war wounds due to anti-personnel mines and gun shots and others are in need of continuous medical treatment due to cancer and other serious chronic illness; and that their treatment is ensured in the EU countries in line with the rights provided by the Temporary Protection Directive;

Noting the approval on 9 June 2022 of Council Conclusions on the EU Strategy on the Rights of the Child, which reaffirm the need of children to be protected in particular from their conscription into and use by the army or other armed forces, as well as from trafficking in human beings, illegal adoption, sexual exploitation and separation from their families, and which call upon the Member States to develop and support the adequate implementation of EU legal guarantees for the protection of the fundamental rights of the child in crisis or emergency situations without discrimination, hearing and taking into account the opinion of the children, in accordance with age and degree of maturity, while duly respecting the child's best interests;

Recalls that children are fully-fledged holders of rights and that the protection and promotion of the rights of the child is a key objective of the European Union, and that children's rights are human rights, which are enshrined in the EU Charter of Fundamental Rights;

Recalls the principles and standards of protection of the child provided for by:

- the UN Convention on the Rights of the Child (1989), General comment No. 6 (2005): Treatment of Unaccompanied and Separated Children Outside their Country of Origin,
- the Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict (2000),
- the national legislation of Ukraine and the rules applicable in Member States for the children’s rights protection and for data protection,
- the 1993 Hague Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption,
- the 1996 Hague Convention on Jurisdiction, Applicable Law, Recognition, Enforcement and Cooperation in respect of Parental Responsibility and Measures for the Protection of Children, and in particular Article 6 therein concerning jurisdiction of the authorities of the hosting State over the refugee children who are internationally displaced to its territory,
- the EU Council Directive 2001/55/EC of 20 July 2001 on minimum standards for giving temporary protection in the event of a mass influx of displaced persons and on measures promoting a balance of efforts between Member States in receiving such persons and bearing the consequences thereof³,

³ See also Council Implementing Decision (EU) 2022/382 of 4 March 2022 establishing the existence of a mass influx of displaced persons from Ukraine within the meaning of Article 5 of Directive 2001/55/EC, and having the effect of introducing temporary protection.

- the Regulation (EU) 2016/399 of the European Parliament and of the Council of 9 March 2016 on a Union Code on the rules governing the movement of persons across borders (Schengen Borders Code),
- the European Pillar of Social Rights and in particular principle 1 on education, training and lifelong learning, and principle 11 on childcare and support to children⁴;

Recalls that the best interests of the child must be a primary consideration in all actions relating to children;

Affirms its commitment to the protection of children who have fled Ukraine, in particular the ones separated from their families, against all risks of illegal adoption, abduction or exploitation, in accordance with national and European legislations and applicable international treaties;

Encourages Member States to develop and further strengthen cooperation with Ukraine, in particular concerning:

- the voluntary return to Ukraine of children, in particular orphans and children (temporarily or permanently) deprived of parental care who were in public childcare institutions in Ukraine, and who fled from Ukraine due to the war that started on 24 February 2022, and were placed in family/foster care or hosted by local families in Member States (children), upon cessation of martial law on its territory, upon cessation of temporary protection, or, if a safe and dignified return and access to education are possible, prior to its termination conditioned upon the return being in the best interest of the child;
- the exchange of experience and relevant information on national legislation and procedures;

⁴ See also Council Recommendation of 22 May 2019 on High-Quality Early Childhood Education and Care Systems.

- the national registration of unaccompanied and separated and out of family law coverage children traveling from Ukraine, as well as groups of children arriving from Ukrainian institutions accompanied by their Ukrainian guardian(s), at the relevant national authority and in accordance with the European Union data protection rules;
- the implementation of the recommendation of UNICEF and the statement of the Hague Conference on Private International Law⁵, according to which no on-going adoption procedure should be expedited and no new adoption procedure should take place in an emergency situation such as armed conflict;

Encourages Member States to:

- provide free legal aid or assistance to the Ukrainian children enjoying temporary protection in their respective territory in relation to all procedures related to the temporary protection or its cessation, in accordance with the national law and procedures of each Member State;
- endeavour to provide free access to health care services to the Ukrainian children according to their individual needs, including but not limited to the access to vaccines according to national immunisation programmes;
- inform unaccompanied and separated children traveling from Ukraine on their rights, available services and other information in a language he/she understands, taking into account their age and development level, if necessary, with the involvement of an interpreter, in particular, using remote interpretation;

⁵ <https://www.hcch.net/en/news-archive/details/?varevent=854>.

- strive to take all possible measures to ensure high quality reception for the children arriving from Ukrainian institutions, in line with their best interests, while preserving the links and close contact of groups and family-type forms where children lived in different institutions of Ukraine before crossing the border;
- ensure that all unaccompanied and separated children fleeing from war in Ukraine, including children from Ukrainian institutions, are fully integrated into national child protection systems and benefit from all services and protection thereby provided, and that their reception is organized in line with the best interests of the children;
- support access to quality education and care to young children under the age of primary education, in close cooperation with local authorities, including through formal and non-formal activities;
- support access and successful participation in education through, amongst others, providing psychosocial support to refugee children and their families. This includes supporting social and emotional learning and resilience building in classrooms, schools and early childhood education and care settings, as well as tailored interventions of mental health professionals. Provide staff with adequate training to understand and address the mental health and well-being needs of refugee learners.

