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NOTE

From:	Presidency
To:	Delegations
Subject:	Protection of children in vulnerable situations in times of crises and conflict, in particular in the light of the Russian war of aggression against Ukraine - Presidency steering note

Delegations will find attached the Presidency steering note on the above subject, in preparation for the lunch debate that will be held at the EPSCO Council on 13 March 2023.

Protection of children in vulnerable situations in times of crises and conflict, in particular in the light of the Russian war of aggression against Ukraine

Lunch debate

Ukrainian citizens have suffered a year of war, trauma, and a displacement of a scale and speed not seen since World War II. Almost 4 million people from Ukraine benefit from temporary protection in the European Union. According to government statistics and protection monitoring, children comprise over 40% of displaced persons. Children temporarily displaced in and outside Ukraine are in a greater risk of violence, exploitation and abuse. This is particularly the case for unaccompanied and separated children, including children evacuated from institutional care facilities in Ukraine, many of which are children with disabilities, who are more vulnerable to human trafficking, illegal adoptions, and child labour. In addition, temporarily displaced girls are at risk of gender-based violence when sheltering or seeking asylum. Providing all children affected by the war with child protection services, including mental health counselling and psychosocial support, gender-based violence prevention, risk mitigation and response services, targeted habilitation and rehabilitation services, as well as other social care services, is a most urgent matter.

The Charter of Fundamental Rights of the European Union¹ recognizes that children have the right to such protection and care as is necessary for their well-being, and that the child's best interests must be a primary consideration in all actions relating to children, whether taken by public authorities or private institutions. In times of crises and conflict, already existing inequalities risk being amplified as children in vulnerable situations, such as children with disabilities and children from disadvantaged groups, face a particularly high risk of social exclusion. It is therefore crucial that Ukrainian children are ensured access to quality social, care and other key services.

¹ Article 24

Since the beginning of the war, education for approximately 5.7 million Ukrainian children has been disrupted, and for more than 3 million children in Ukraine education is now conducted online or through a combination of online and face-to-face classes. The situation outside Ukraine is concerning, with 2 out of 3 Ukrainian refugee children still not enrolled in host country education systems.² At the beginning of the school year 2022/2023, only half a million Ukrainian children were enrolled in education systems in the EU.³ This does not only affect children's learning. When children are enrolled in the education systems, teachers and other professionals will also be able to identify and be aware of children at risk and to help refer those children to appropriate child protection services. In addition to facilitating the integration of temporarily displaced children in EU education systems, activities allowing children to maintain a link with Ukrainian language and culture are indispensable. To support Member States' efforts, an EU Education Solidarity Group for Ukraine was set up to identify the needs of Ukrainian children.

The Council Implementing Decision activating the Temporary Protection Directive grants, among other rights, access to education systems for temporarily displaced children and the right to legal guardianship for unaccompanied minors. On 8 June 2022, the Council adopted Conclusions on the EU Strategy on the Rights of the Child, with a particular focus on the protection of children's rights in crisis or emergency situations. In a political statement adopted on 27 June 2022, the Council reaffirmed its commitment to the protection of all children who have fled the war in Ukraine, especially those separated from their families, against all risks of illegal adoption, abduction, or exploitation.

² War in Ukraine: Support for children and families | UNICEF

³ What helps displaced children from Ukraine enrol in EU schools? | European Education Area (europa.eu)

Member States can make use of a plethora of existing instruments to facilitate the integration of temporarily displaced children. Notably, the European Child Guarantee calls on Member States to provide for every child at risk of poverty or social exclusion, free and effective access to early childhood education and care, education and school-based activities, at least one healthy meal every school day, healthcare, and effective access to healthy nutrition, and adequate housing. The European Child Guarantee National Action Plans can be helpful in the effort of Member States to use the available funds in a comprehensive manner to ensure access to quality services for children fleeing the war in Ukraine. About one third of National Action Plans implementing the European Child Guarantee make specific reference to displaced persons due to the Russian war of aggression in Ukraine.

Moreover, the European Social Fund Plus (ESF+) requires all Member States to dedicate an appropriate amount to tackle child poverty or social exclusion. The European Regional Development Fund can also support investments in enabling infrastructure, such as social housing or early childhood education and care infrastructure, while the Recovery and Resilience Facility covers infrastructure investments in education at all stages.

An assistance package of EUR 100 million for the rehabilitation of damaged Ukrainian schools was signed between the European Commission and the Government of Ukraine in December 2022, delivering on President von der Leyen's announcement in her 2022 State of the Union speech. On 2 February 2023, during the College-to-Government meeting in Kyiv, the Commission expressed its support towards the development of a modern alternative care strategy in Ukraine and announced that EUR 10 million will be allocated for this purpose. The Commission further specified that this support will include capacity building and a twinning project, inviting Ukraine to team up with EU Member States in these efforts. During the visit to Kyiv, the Commission also announced the allocation of EUR 1 billion for fast recovery activities in Ukraine, including the rebuilding of schools and hospitals.

In the longer term, addressing the multi-layered vulnerability of Ukrainian children affected by the war will require a dedicated effort to rebuild a resilient, inclusive, and integrated child protection system in Ukraine, to ensure access to essential services, stable housing, good quality education and care for all children. This will require continued support to the alternative care reforms initiated before the war, with the aim of replacing institutions for children, including children with disabilities, with family-based and community-based care alternatives. With many children separated from their families and caregivers, ensuring the capacity of the child protection system to support family reunification and to provide services and support to children and families coping with the stresses and traumas that the war has inflicted upon them, will be an important task.

Against this background, Ministers are invited to exchange views on the following questions:

1. *Which measures have been taken by Member States to further social inclusion and ensure access to essential services such as social and care services for temporarily displaced children? Can Member States share good examples, obstacles and lessons learned, regarding measures aiming to ensure that children receive adequate support, as highlighted by the European Child Guarantee?*
2. *Looking ahead, which measures are important to ensure that the best interest of children is at the heart of post-war (or other crises) reconstruction efforts?*