



URGENT ACTIONS NEEDED TO PROTECT AND CARE FOR CHILDREN DISPLACED FROM AND IN UKRAINE

The war in Ukraine continues to disrupt the lives of millions of children - and especially children without or at risk of losing parental care-, deny their fundamental rights, and drive families apart. The current war has exacerbated vulnerabilities arising from the pre-existing conflict in eastern Ukraine as well as the COVID-19 pandemic, which had already jeopardised children's care, health, safety and education for years.

Between 24th February 2022 and March 19th 2023, at least 1,478 children have been killed or injured as a direct result of the conflict.ⁱ Continued fighting and targeting of civilian infrastructure, including healthcare and educational facilities and power supply networks are compounding dire humanitarian needs, especially for children. As of January 2023, 4.1 million children are in need of humanitarian aid inside Ukraineⁱⁱ. There are currently 8.1 million people displaced from Ukraine across Europe, an estimated 40% of whom are childrenⁱⁱⁱ with critical needs. Most children have endured traumatic experiences and require mental and psychosocial support.

The situation is particularly dire for approximately 106,000 children^{iv} -about half of which are children with disabilities- who lived without parental care in various institutions such as orphanages and boarding schools before the ongoing conflict began, and many more children who either have lost or have been at risk of losing parental care and caregivers since. Institutional care is harmful to children's wellbeing and development, as it lacks the individualised nurturing care and emotional support children need.^v As the full-scale war enters its second year, institutions continue to fail in providing primary care, psychosocial support and assistance to children and address their specific needs adequately, as a result of deep structural inadequacies and impacts of the conflict.

In Ukrainian-controlled territory, transfer of children to institutions located further away from active conflict further stretches the capacity of already inadequate institutions and affects the quality of care and children's wellbeing. As a result, children in these settings are isolated, and are exposed to a heightened risk of neglect, abuse, exploitation and violence, including sexual violence. Little information is available regarding children living in institutions located in Russian-controlled territory; many are however thought to remain in or near active conflict areas.^{vi}

From the early months of the full-scale war, multiple reports have described civilians -including children and children without parental care- as being forcibly transferred within occupied Ukrainian territory, prevented from moving to Ukrainian-controlled territory or deported to Russia by Russian and Russian-backed forces and authorities.^{vii} Further, Russian authorities issued a decree in May 2022 facilitating the adoption and naturalization of Ukrainian orphans and children left without parental care.^{viii} The exact numbers of children who have either been forcibly transferred or sent to Russia with the alleged consent of caregivers but have been prevented from returning to Ukraine, as well as put for adoption in Russia are as of yet unknown. According to the OHCHR, Ukrainian authorities estimate that more than 16,000 children could have already been deported to Russia so far.^{ix} Forcible transfer or deportation of civilians by a party to a conflict constitute a violation of international humanitarian law and a war crime.

An entire generation of children risks growing up without the care they need. In the midst of this humanitarian catastrophe, the SOS Children's Villages federation stands united on the side of children. We call parties to the conflict to abide by their responsibilities under international law and prioritise protection of all civilians, including children, and the respect of their human rights.

WE CALL ON PARTIES TO THE CONFLICT TO:

Abide by their obligations under international humanitarian law as well as ensuring the respect of international human rights laws pertaining to all civilians, including those relevant to children (including under the Convention on the Rights of the Child and the Convention for the Protection of Civilian Persons in Time of War).



Parties to the conflict should always allow and make the necessary arrangement for safe passage of civilians who wish to flee conflict zones. Until February 2023, the majority of UN-verified casualties among children were caused by the use of explosive weapons. The international community should hold armed forces accountable for the targeting of civilians and civilian infrastructure, including hospitals and childcare and education facilities.

All parties to the conflict - and in this instance Russian and Russian-affiliated forces and authorities in particular- should uphold their obligations under international law and refrain from conducting forcible transfers and deportations of civilians from Ukraine, including children. Authorities should be held accountable in the event of proven violations. National authorities should enable families, individual adults and children who may have been forcibly transferred or deported to take part in safe, dignified and voluntary returns, family reunification, as well as other solutions of their choosing. To this end, international humanitarian organizations, including the UNHCR, should be given unimpeded access to civilians who have been forcibly transferred, in order to assess their well-being, needs and situation as well as lead on identifying adequate solutions to end their displacement.

Further, it is a commonly accepted principle of states responsibility under international law that adoption of children in emergencies is not a suitable option for separated and unaccompanied children, and should not be considered. Inter-country adoption should only be considered once all efforts to trace living relatives and find national alternative care solutions have proven unsuccessful. In emergency situations, authorities should refrain from promoting and implementing inter-country adoptions, as protection and safeguarding standards are nearly impossible to enforce.^x Children separated from their parents should not automatically be considered as orphans or in need of adoption, with priority given to children's protection and upholding their best interests and fundamental rights. Linked to this, alleged deliberate actions to deprive children of their nationality and change their status could amount to violations of international humanitarian law and human rights law as well as a war crime.

Existing accountability mechanisms, including the OHCHR Independent International Commission of Inquiry on Ukraine, the ICC Inquiry on Ukraine and the newly established International Centre for the Prosecution of the Crime of Aggression should be supported with adequate resources and access in order to uphold the rights of vulnerable children and adults; and allow those affected to safely provide testimony and meaningfully contribute to those mechanisms' proceedings.

THE INTERNATIONAL COMMUNITY AND PARTICULARLY HUMANITARIAN AND DEVELOPMENT DONORS TO UKRAINE AND HOST COUNTRIES AS WELL AS NATIONAL AUTHORITIES SHOULD PRIORITISE THE FOLLOWING:

1. While prioritising community-based solutions, continue to and increase support to children in institutions located near frontlines as well as children who have been transferred to institutions in safer areas of Ukraine.

Children in institutional care, especially children with disabilities are among those facing the highest risks of neglect, abuse, exploitation, violence and trafficking. In most cases, they have little chances to flee and struggle to receive basic services. We have observed cases of children being abandoned in institutions by care workers who fled the conflict. We call on the international community to support the Ukrainian government in its obligations to protect all children. Any measures taken to safely evacuate institutions should be implemented in the best interests of each child and guarantee the highest protection, safeguarding and inclusion standards. Further, family and community-based solutions should be prioritised as the most appropriate and effective means for children without parental care to fulfil their fundamental rights. As a short-term emergency measure, relevant authorities should ensure that care services in institutions hosting an increased number of children as a result of evacuations are adequate and able to meet the specific needs of each child, with consideration of gender, age and disability. Referral mechanisms should be in place for children who cannot receive the care they need.

2. Scale up financial support to mental health and psychosocial support (MHPSS) services. Humanitarian interventions in Ukraine and refugee hosting countries must continue to prioritise culturally sensitive mental health care for all affected children, families, caregivers, and guardians and provide adequate resources for it.

Our care professionals and mental health experts continue to share reports of children in distress. Children without or at risk of losing parental care are already more vulnerable to mental health issues as a result of having endured adverse childhood experiences. The war in Ukraine has compounded this existing vulnerability, leaving children and their caregivers in dire need of MHPSS



services, arising from, but not limited to, displacement, first-hand experience of conflict, family separation, loss of relatives and other traumatic events. While addressing a wide range of critical and often competing basic needs such as shelter, medical care, food and protection, donors and national and international aid organisations operating in Ukraine and host countries should better integrate and expand MHPSS programmes aligned with the IASC Guidelines on Mental Health and Psychosocial Support. This includes robust referral mechanisms as well as training of caseworkers, coordination with and technical support to local authorities on mental health care practices when relevant.

3. Provision of safe and dignified refuge and quality emergency care to all children and adults fleeing Ukraine.

There are about 8 million people from Ukraine displaced across the European continent, most of them women and children, with or without parents or custodial caregivers such as kinship or foster care providers. Quick onset displacement crises require tremendous efforts from national authorities and basic services as well as already stretched aid organisations. While European countries have made efforts in hosting people from Ukraine, inadequate services risk impacting children and caregivers' ability to fulfil their fundamental rights.

Some of the main priority concerns for the response outside Ukraine should include: (1) creation of accessible and inclusive child-friendly spaces where all children can come together in a safe and stimulating environment to play, learn, express themselves, make connections and feel supported; (2) prioritising interim alternative care in line with the UN Guidelines for the Alternative Care of Children, for which professionals are needed to support children without parental care fleeing from Ukraine, including trained foster care professionals, caregivers and caseworkers, interpreters and mental health experts. To this end, caregivers' social networks should be strengthened by supporting and establishing self-help, peer-to-peer and social support groups, as well as tailored and inclusive services to caregivers of children with disabilities. Further, quality of adequate care services in hosting countries should be monitored, upheld and kept in line with the highest international care standards; (3) protection of children's bonds with their family members or dedicated caregivers, including tracing family ties and supporting the reunification process, and preventing and mitigating risks of separation of siblings when children have lost their parents and need placement in alternative care; (4) social protection services and programmes -including tailored interventions for caregivers of children with disabilities- such as cash assistance to affected families as well as facilitating access to formal income generating opportunities for parents and caregivers who have left Ukraine; (5) culturally-sensitive MHPSS activities; (6) mainstreaming meaningful access to basic public services, including health care and education, regardless of status of displaced families.

4. Medium to long term plans for children to fully access their right to quality care and protection, both in Ukraine and in countries hosting displaced children.

The war has abruptly interrupted childcare system reforms and the development of the national deinstitutionalisation strategy. In addition to providing conflict-affected children with quality alternative care, family strengthening and education services under the emergency response, the Ukrainian government, the international community, donors and civil society actors must continue to work together on longer-term plans to rebuild strong childcare and protection systems in Ukraine. In particular, after granting the EU candidate status to Ukraine, the European Union should prioritise financial support and technical assistance to Ukraine to reform childcare systems in its path towards EU membership, in line with the European Commission's opinion on Ukraine's application and the Copenhagen criteria. In this process, EU Member States should be encouraged to share good practices and lessons learnt from similar experiences in transitioning from institutional care to community and family-based care.

We welcome the implementation of the EU-wide Temporary Protection Directive as well as similar temporary protection measures in non-EU countries, which allow Ukrainian families and children to immediately access quality alternative care and other basic services. However, all children and families fleeing the war in Ukraine, regardless of nationality and their residence status in Ukraine, should equally benefit from such measures.

Further, there need to be medium to long term plans to ensure adequate care, meaningful access to basic services and inclusion of children without parental care. To this end, hosting countries must continue to mainstream and strengthen child protection in all policies and procedures pertaining to hosting families and children from Ukraine by (1) upholding quality alternative care standards and making necessary investments in staff capacity and availability of facilities; (2) continuing to improve registration processes, restoring documentation and supporting family tracing and reunification, as well



as continuing efforts to prevent trafficking and disappearance of children; (3) appointing qualified guardians, ensuring access to information and the right to be heard; (4) guaranteeing meaningful access to services to all children regardless of their origin or status.

Both Ukrainian authorities and hosting countries should prioritise children's best interests in their coordination to secure agreements for children to access quality alternative care and basic services, together with inclusion into host countries' school curricula, while also facilitating contacts with Ukrainian educational system or online learning platforms and child protection authorities. All actions related to the aforementioned priorities must include child participation and be solely guided by the best interests of children.

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ⁱ OHCHR, UN Human Rights Monitoring Mission in Ukraine (20 March 2023), *Ukraine, Civilian Casualties update*. Available at <https://ukraine.un.org/sites/default/files/2023-03/Ukraine%20-%20civilian%20casualty%20update%20as%20of%2019%20March%202023%20ENG.pdf>

ⁱⁱ OCHA (December 2022), *2023 Ukraine Humanitarian Needs Overview*. Available at <https://reliefweb.int/report/ukraine/ukraine-humanitarian-needs-overview-2023-december-2022-enuk-.?text=The%202023%20HNO%20covers%20Ukraine%E2%80%99s%2020oblasts%20and%20people%20returnees%20and%20those%20who%20remain%20at%20home%29>.

ⁱⁱⁱ UNICEF (2023), *Ukraine and Refugee Response*. Available at [2023-HAC-Ukraine-and-Refugee Response.pdf \(unicef.org\)](https://www.unicef.org/ukraine/2023-HAC-Ukraine-and-Refugee-Response.pdf)

^{iv} According to the National Social Service Agency of Ukraine, 105,459 children used to live in 727 large-scale institutions before February 2022.

^v For more details on the negative impacts of institutional care on children in Ukraine, see:

- UNICEF, International Social Service (July 2020), *Assessment of the Child Protection and Alternative Care System in Ukraine*. Available at https://bettercarenetwork.org/sites/default/files/2022-11/unicef_iss-report_on_alternative_care_system_in_ukraine-final.pdf; and
- Dobrova-Krol, N.A., van IJzendoorn, M.H. (2017). *Institutional Care in Ukraine: Historical Underpinnings and Developmental Consequences*. In: Rus, A., Parris, S., Stativa, E. (eds) *Child Maltreatment in Residential Care*. Springer, Cham. Available at https://doi.org/10.1007/978-3-319-57990-0_11

^{vi} OCHA (December 2022), *2023 Ukraine Humanitarian Needs Overview*.

^{vii} For example, see:

- Amnesty International (2022), *"Like a Prison Convoy", Russia's Unlawful Transfer and Abuse of Civilians in Ukraine During 'Filtration'*. Available at <https://www.amnesty.org/en/documents/eur50/6136/2022/en/>;
- Human Rights Watch (2022), *"We Had No Choice", "Filtration" and the Crime of Forcibly Transferring Ukrainian Civilians to Russia*. Available at https://www.hrw.org/sites/default/files/media_2022/09/ukraine0922_web.pdf;
- Human Rights Watch (2023), *"We Must Provide a Family, Not Rebuild Orphanages", the Consequences of Russia's Invasion of Ukraine for Children in Ukrainian Residential Institutions*, available at https://www.hrw.org/sites/default/files/media_2023/03/crd_ukraine0323web.pdf
- Khoshnood, Kaveh, Nathaniel A. Raymond and Caitlin N. Howarth et al. (February 2023), *Russia's Systematic Program for the Re-education and Adoption of Ukraine's Children*, Humanitarian Research Lab at Yale School of Public Health: New Haven. Available at <https://hub.conflictobservatory.org/portal/sharing/rest/content/items/97f919ccfe524d31a241b53ca44076b8/data>

^{viii} The decree specifically refers to 'orphans and children deprived of parental care, [and] incapacitated persons'. This decree as well as related adoption practices carried out in Russia have sparked wide international criticism over the legality of such actions.

^{ix} OHCHR (15 March 2023), *Report of the Independent International Commission of Inquiry on Ukraine*. Available at https://www.ohchr.org/sites/default/files/documents/hrbodies/hrcouncil/coiukraine/A_HRC_52_62_AUV_EN.pdf

^x See UNICEF, <https://www.unicef.org/child-rights-convention/convention-text>; <https://bettercarenetwork.org/sites/default/files/2021-03/GuidelinesAlternativeCareofChildrenEnglish.pdf> and <https://www.hcch.net/en/instruments/conventions/specialised-sections/intercountry-adoption>