



Building a Europe  
for and with children

Construire une Europe  
pour et avec les enfants

COUNCIL OF EUROPE



CONSEIL DE L'EUROPE

CGU(2024)28  
12 July 2024

## Consultation Group on the Children of Ukraine (CGU)

### 3<sup>rd</sup> Plenary Meeting, 1 – 2 July 2024 / Strasbourg

#### Summary Note

- ✚ The Council of Europe Consultation Group on the Children of Ukraine (CGU) held its 3<sup>rd</sup> Plenary Meeting in-person in Strasbourg on 1-2 July 2024 with the participation of **33 member States' representatives, 14 representatives of relevant international organisations, 10 representatives of relevant national and international civil society organisations, and 8 independent experts.**
- ✚ The opening of the 3<sup>rd</sup> Plenary Meeting by the Secretariat included welcoming words, recalling the unique and **state-led, non-political and technical working methodology** of the CGU and the **phased approach** to the preparation of deliverables, as agreed at the 2<sup>nd</sup> Plenary Meeting of the CGU. Briefly, **phase 1** deliverables aim at outlining existing tools and guidelines and conducting a gap analysis; **phase 2** deliverables aim at the production of focused, short, and practical guidance/position notes addressing acute issues; and **phase 3** is targeted at ensuring dissemination and visibility of CGU deliverables. All DG groups have embarked on phase 1, with the DG on Guardianship foregoing the compendia due to a decision that there was already existing information available. Two DGs have simultaneously already embarked on phase 2 deliverables.
- ✚ The first day of the meeting was devoted to reporting on the progress of the work of the three Thematic Dialogue Groups: 1) **Dialogue Group on Transnational Procedures and Cooperation**, 2) **Dialogue Group on Guardianship**, 3) **Dialogue Group on Psychological Support and Trauma-informed Care**. This was followed by the special update on Ukraine's "Better Care Initiative" reforming the Ukrainian child protection and alternative care system, supported by the European Commission and UNICEF.
- ✚ The second day was devoted to a **Special Thematic Hearing on understanding the risks of trafficking of children of Ukraine including for the purposes of sexual and labour exploitation**, which was exempted from Chatham House Rule opened for online participation so as to allow a wider audience of relevant professionals to follow the presentations and discussions on the topic (a separate report of the hearing will be available shortly). The CGU plenary resumed in the afternoon, with the presentation of the **Mapping Study on children of Ukraine's access to education**, which was prepared by an independent Education Policy expert as a follow-up to the thematic exchange on education systems that was held during the 2<sup>nd</sup> Plenary Meeting in March 2024.

## 1) Report on the 2nd round of Dialogue Group meetings and progress on deliverables

### a. Thematic Dialogue Group on Transnational Procedures and Cooperation (TPC)

- ✚ The Chair of the Dialogue Group on TPC offered an overview of the discussions held and progress made concerning the **phase 1 deliverable: Compendium and Gap Analysis** and the first **phase 2 deliverable: Information Note on Adoption Procedures During War**. *Please see the Summary Report of the 2nd Meeting of the Dialogue Group on TPC for more details on the discussions, challenges, and possible ways forward.*

#### i. Progress on phase 1 deliverables: Compendium and Gap Analysis

- ✚ The outline of the Compendium was presented to the CGU by experts, with a proposed scenario-based approach (addresses pressing issues comprehensively, while focusing on cases concerning children of Ukraine) receiving strong support from CGU members. CGU members emphasised the usefulness of the Compendium in providing practical guidance to professionals dealing with transnational issues concerning children of Ukraine and could also be used as training material for higher and continuous education. The questionnaire prepared to gather information for the Gap Analysis was also presented to the CGU. Some suggestions were made to rephrase certain questions and add new ones.

#### ii. Progress on phase 2 deliverables: Information Note and Position Paper on Adoption Procedures During War

- ✚ The fact that some CoE member States have been confronted with the question of adoptions of Ukrainian children was brought to the CGU's attention by several CGU and Dialogue Group members and participants. Consequently, an independent expert is preparing an Information Note that provides an overview of existing laws and standards applicable to adoptions. The information note uses case scenarios to emphasise the importance of balancing the best interests of children and underscores that no adoptions, whether international or domestic, should take place during war, with very limited exceptions to protect a child's best interests provided all safeguards can be ensured.
- ✚ Some CGU members raised concerns about indicating exceptions in the Information Note, since ensuring the necessary safeguards during active war is extremely difficult. Conversely, other members stressed the importance of indicating exceptions to ensure the document's longevity. As discussions on national adoptions evolve, it will become crucial to provide guidance on safeguards that must remain strict. There was also a discussion on whether the Information Note should address the complex notion of "habitual residence", with differing views expressed by members. The Dialogue Group will continue working on the Information Note and Position Paper at its next meeting.

### b. Dialogue Group on Guardianship

- ✚ The Chair of the Dialogue Group on Guardianship briefed the CGU on the discussions from the 2<sup>nd</sup> Dialogue Group meeting. She relayed the Dialogue Group's decision not to prepare a Compendium due to the plethora of existing compendia and reports relevant to guardianship arrangements concerning children of Ukraine. Instead, **a Fact Sheet, prepared by the CGU Secretariat, compiling existing sources shared at the Dialogue Group meeting** was presented. She also provided an overview of the progress on the **Gap Analysis as a phase 1 deliverable**, as well as the **Mapping Study and Position Paper on Dual Guardianship Arrangements as a first phase 2 deliverable**.

*Please see the Summary Report of the 2nd Meeting of the Dialogue Group on Guardianship for more details on the discussions, challenges, and possible ways forward.*

### **i. Progress on phase 1 deliverable: Gap Analysis**

- ✚ The questionnaire prepared to gather information for the Gap Analysis was presented to the CGU. Some suggestions were made to rephrase certain questions and to add new ones.

### **ii. Progress on phase 2 deliverables: Mapping Study and Position Paper on Dual Guardianship Arrangements**

- ✚ The dual guardianship arrangements have emerged as a unique practice in the case of children of Ukraine, where both the host state and Ukraine appoint guardians to the same child. This was identified as a priority area by CGU members, with member States addressing this novel issue in various different ways. Potential challenges in this area include ensuring children's right to participate in the arrangement, the assessment about the suitability of both guardians, their relative roles and communication between them. Consequently, the Dialogue Group decided at its last meeting to work on this topic concurrently with the phase 1 deliverable. The CGU members strongly supported this decision.

### **c. Dialogue Group on Psychological Support and Trauma-informed Care**

- ✚ The Chair of the Dialogue Group on Psychological Support and Trauma-informed Care provided a brief to the CGU on the discussions that were held during the 2<sup>nd</sup> Dialogue Group meeting and offered an overview of the progress concerning the **phase 1 deliverable: Compendium and Gap Analysis**. She also opened the discussion for a **possible phase 2 deliverable on supporting professionals working with the specific trauma of children of Ukraine returning following unlawful deportation to the Russian Federation and temporarily occupied or controlled territories**. *Please see the Summary Report of the 2nd Meeting of the Dialogue Group on Psychological Support and Trauma-informed Care for more details on the discussions, challenges, and possible ways forward.*

### **i. Progress on phase 1 deliverable: Compendium and Gap Analysis**

- ✚ The outline of the Compendium and the questionnaire prepared to gather information for the Gap Analysis were presented to the CGU. CGU members emphasised the importance of supporting and training professionals, as well as enhancing collaboration between State authorities and civil society to ensure the sustainability of psycho-social support initiatives for the children of Ukraine. This includes financial support and efforts to combat burnout of professionals. Additionally, several suggestions were made to rephrase and add questions to the questionnaires.
- ✚ The independent expert working on the preparation of the Gap Analysis also explained that she would conduct a focus group session with professionals working with children of Ukraine on the provision of psycho-social support to collect more empirical data to complement the replies received to the questionnaire. Some CGU members volunteered to support the organisation of these focus group sessions.

ii. **Possible phase 2 deliverable: Exploratory Hearing on recognising the specific trauma of children having returned to Ukraine or arriving in CoE member States following unlawful deportation to the Russian Federation or temporarily occupied territories and supporting professionals working with such children**

- ✚ A possible 2nd phase deliverable on recognising the specific trauma and supporting professionals working with children having returned to Ukraine or moved to other CoE member States following their unlawful deportation to the Russian Federation or temporarily occupied territories was discussed in the context of the Dialogue Group. This idea garnered significant interest from CGU members. A CGU member raised the need to conduct a risk assessment to ensure that returned children will not be distinguished from other war-affected children in need of psychosocial support, thereby preventing any potential stigmatisation between categories of children within society. Other CGU members highlighted that this is precisely why a hearing on this topic is crucial to support professionals in overcoming such risks. The Dialogue Group will discuss the idea of holding an Exploratory Hearing as a phase 2 deliverable at its next meeting.

**2) Special Update on the Ukraine’s “Better Care Initiative” supported by the European Commission and UNICEF**

- ✚ The Ukrainian authorities presented the latest updates on the “Better Care Initiative”, which aims to reform the Ukrainian child protection system by focusing on deinstitutionalisation by moving towards a much more child friendly family-based alternative care. Currently, the formal approval of the Reform Strategy and National Plan by all relevant national and regional government bodies has been achieved. While awaiting the Cabinet of Ministers’ final review and adoption, tailor-made regional implementation plans, along with monitoring and evaluation frameworks, are being established. Pilot projects have also commenced in 10 regions. Additionally, a new digital platform designed to reduce bureaucracy, increase transparency, and improve decision-making within the child protection system was introduced.
- ✚ UNICEF Ukraine supporting the “Better Care Initiative” as an executive partner, presented a “small-scale grants mechanism for social service providers” that they are using to support the reform. This mechanism is intended to support and ensure the sustainability of the next steps in the reform.
- ✚ The CGU members expressed their admiration for Ukraine’s progress on the reform. They noted potential opportunities for closer collaboration with Ukrainian authorities, particularly in supporting regional implementation. Some state representatives offered to share their procedures and experiences in family-based alternative care with the Ukrainian authorities.
- ✚ In response to questions from CGU members, Ukrainian authorities clarified that child participation in developing the Reform Strategy was ensured through the Youth Council at the national level and child consultation groups at regional levels. They also stated that while the current strategy covers the next five years, there is no specific timeframe for completing the reform.

**3) Screening of a documentary: Girl Away from Home**

- ✚ A short documentary, *Girl Away from Home*, co-directed by Alisa Kovalenko and Simon Lereng Wilmont, was screened. The film, which showcases the impact of war on a young girl who is forced to leave Ukraine, told from the child’s perspective, brought into sharp relief many of the issues the CGU is discussing. The screening was followed by a discussion with one of the co-directors, Ms Kovalenko.

#### **4) Special Thematic Hearing on understanding the risks of trafficking of children of Ukraine including for the purposes of sexual and labour exploitation**

- ✚ Representatives from Ukraine and neighbouring member States, relevant international organisations, Ukrainian and international civil society organisations, as well as independent experts with experience in law enforcement and academic research, presented information to better understand the risks of trafficking of children of Ukraine. These presentations were followed by in-depth discussions and an exchange of views. A detailed report on the Thematic Hearing will be prepared by the Secretariat of the CGU in close cooperation with the Council of Europe's Group of Experts on Action against Trafficking in Human Beings (GRETA).
- ✚ At the debriefing session following the Thematic Hearing, the CGU agreed that Ukrainian children are at a greater risk of human trafficking. The hidden nature of the crime necessitates vigilance and further guidance on how to efficiently implement international standards to better prevent, proactively investigate, and prosecute cases of human trafficking.
- ✚ The CGU also took note of the European Union's (EU) new Directive amending 2011/36/EU on preventing and combating trafficking in human beings and protecting its victims, adopted on 27 May 2024, which aims to reinforce the fight against human trafficking by establishing minimum rules concerning the definition of criminal offences and sanctions and by introducing provisions to strengthen the prevention of this crime and the protection of the victims, while taking into account the gender perspective. CGU members showed support in the transposition process at the level of EU member States.

#### **5) Mapping Study on Children of Ukraine's Access to Education**

- ✚ At the thematic discussion of the 2<sup>nd</sup> CGU plenary meeting, it was noted that there are varying approaches to the education of children of Ukraine across Council of Europe member States. To address this, an expert was commissioned to conduct a Mapping Study showcasing the challenges member States were facing and good practices they had put in place to ensure the education of children of Ukraine.
- ✚ The first draft of the Mapping Study on Children of Ukraine's Access to Education was presented at this meeting. It was recognised that there is a need for awareness-raising about initiatives by the Ukrainian and other member States' ministries of education to facilitate the integration of Ukrainian children into schools in their places of residence.
- ✚ In addition to the good practice examples and challenges outlined in the Mapping Study, CGU members highlighted several other issues concerning education of children of Ukraine. These include the tendency of more adolescent boys than girls to drop out of school, the uncertainty and demotivation caused by the temporary protection status, the difficulties faced by children of Ukraine in alternative care settings in accessing mainstream education both in Ukraine and in host States, and the need to use education to establish peace and tolerance to prepare a better future for children of Ukraine.

#### **6) Proposed way forward**

- ✚ The CGU observed that all Dialogue Groups are adhering to the working method established at the 2<sup>nd</sup> Plenary Meeting and are making good progress. It was suggested that a Working Group on the communication and dissemination of upcoming deliverables should be established, with the participation of a few members from each Dialogue Group, to ensure effective and consistent dissemination of the CGU's work.

- ✚ Regarding the thematic discussions, the CGU members proposed the following themes for the next revolving thematic topic:
  - Access to justice of children of Ukraine;
  - Collaborating with individuals with lived experience and target communities to better protect the rights of children of Ukraine and mechanisms to provide psycho-social support and prevent children’s rights violations such as violence, abuse, and exploitation;
  - Cross-border cooperation of social services;
  - Preconditions for the safe return of children of Ukraine from Host States;
  - Rights of children of Ukraine in institutions and alternative care settings;
  - Screening mechanisms for accompanying adults and guardians.

## 7) Decisions taken by the CGU and way forward:

The CGU made the following decisions regarding the work of the Dialogue Groups:

- ✚ written comments on the questionnaires are to be submitted by 8 July 2024;
- ✚ the questionnaires will be sent to the CGU members, Dialogue Group participants, and Ombudspersons’ offices by 12 July 2024;
- ✚ the deadline for submitting replies to the questionnaires is 13 September 2024;

Regarding the thematic discussions, the CGU decided that:

- ✚ written comments on the first draft of the Mapping Study will be submitted by 8 July 2024, with the decision on the next steps to be made after the finalisation of the Mapping Study;
- ✚ the CGU should consider collaborating on a joint deliverable with GRETA and the Lanzarote Committee on protection of children of Ukraine from human trafficking, following up on the Thematic Hearing; and
- ✚ the topic for the next thematic discussion will be the “Preconditions for the Safe Return of Children of Ukraine from Host States”.

### Provisional dates for the next plenary meeting:

4th Plenary Meeting (3 days in-person meeting), from 21 January to 23 January (Tuesday – Thursday)

### Provisional dates for the next Dialogue Group Meetings:

|  |  |   |
|--|--|---|
| <b>Thematic Dialogue Group on Psychological Support and Trauma-informed Care</b> | <b>19 September</b> (afternoon)        | <b>Tuesday 12 November</b> (afternoon)  |
| <b>Thematic Dialogue Group on Guardianship</b>                                   | <b>4 October</b> (afternoon)           | <b>Tuesday 26 November</b> (afternoon)  |
| <b>Thematic Dialogue Group on Transnational Procedures and Cooperation</b>       | <b>Thursday 24 October</b> (afternoon) | <b>Thursday 12 December</b> (afternoon) |