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CGU(2023)FirstMeeting/Summary note
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Consultation Group on the Children of Ukraine (CGU)

First Meeting Summary Note

30 November – 1 December 2023
(Strasbourg and online)

- ✚ The opening of the **first (launching) meeting** by the Secretariat included welcoming words and outlined the rationale, mandate and objectives of the **Council of Europe Consultation Group on the Children of Ukraine (CGU)**;
- ✚ The main thematic area identified as a matter of top priority by CGU members and participants for discussion at the first meeting was the **registration, reception and care of unaccompanied and separated children from Ukraine (including from alternative care facilities)**. Under this main heading, the following subtopics were discussed in some detail : 1) transnational procedures 2) the challenges of guardianship, notably temporary guardianship 3) and psychological and trauma-informed support to war-affected children from Ukraine. In addition, an update on the progress of the reform of the Ukrainian childcare system was given by Ukraine and others closely supporting the process (European Commission, UNICEF), after which a rich discussion ensued.

1. Transnational procedures and cooperation

- ✚ In navigating the maze of the concurrent international, European and national laws, presentations were given and lively and constructive discussions were held about different positions on which laws apply *in concreto* to children of Ukraine in CoE member states, with different case scenarios forming the backdrop guiding these discussions. Different positions were outlined, highlighting the many issues, complex questions and understandings regarding jurisdiction and applicable law (and impeding a coordinated policy), underscoring the need for further discussions going forward.
- ✚ The role and modalities of memoranda of understanding and other bilateral cooperation agreements between Ukraine and Council of Europe member States as regards children from Ukraine were discussed by way of specific examples (ex. Poland, Lithuania), and discussions were held on the recognition of the authenticity of official documents from Ukraine (ex. guardianship documents), which remains a major obstacle in the reception, registration and

care of unaccompanied and separated children as well as separated children accompanied by an adult (other than a parent or a relative), who is responsible for providing care to the child and / or for representing the child.¹ Regarding the last topic, some interesting electronic apps (DIIA) were developed by Ukraine to facilitate the exchange of electronic documents across borders, and Poland demonstrated how it practically implements the DIIA on its territory. Finally, a number of relevant conventions (ICCS convention no. 2 of 1957 or no. 16 of 1976, no 34 of 2014) in the area of recognition of documents were presented by the International Commission on Civil Status (ICCS).

Way forward ➡ a **Thematic Dialogue Group on Transnational Procedures**, with the Hague Conference on Private International Law (HCCH) taking the coordinator's role, will continue discussions of scenarios and concrete deliverables, including an easy to use Matrix for all actors dealing with unaccompanied and separated children from Ukraine as well as separated children accompanied by, for example, a guardian.

2. Guardianship issues

- ✚ Guardianship, not just from the perspective of the transnational recognition point of view, but also from the perspective of ensuring an effective and child-friendly system in member States, has been identified as a top priority. Given the large-scale arrival of unaccompanied and separated children following the Russian aggression of Ukraine, some member States' already burdened system have reached breaking point. The fact that what was originally thought to be a short-lived conflict is becoming increasingly protracted as the war moves into its second year, means that temporary guardianship solutions will oftentimes no longer meet the needs of the situation. This session navigated through the different findings on the part of international organisations, national experiences and promising practices in addressing the various challenges faced in this area. Above and beyond the scheduled presentations, highlighted further promising practices by member States and the European Guardianship Network that could prove valuable in finding durable solutions across member States. Important guidance was also provided through first results of the implementation review of the Committee of Ministers Recommendation on effective Guardianship.

Way forward ➡ a **Thematic Dialogue Group on Guardianship** (the Group coordinator TBD), will continue discussions of scenarios and concrete deliverables, possibly including a mapping document relating to promising practices (in complement to the forthcoming assessment by the Council of Europe's Steering Committee for the Rights of the Child on the implementation of the CM Recommendation 2019(11) on effective guardianship for unaccompanied and separated children in the context of migration.

3. Psychological support and trauma-informed care of unaccompanied and separated children from Ukraine

- ✚ This session focused mainly on presenting various different concrete and innovative tools and initiatives in this area, such as training manuals for psychologists working with children from Ukraine, hotlines, a special phone app, a book awareness campaign, and trauma informed

¹ One of the main groups of children discussed during the first part of the CGU plenary was that of separated children accompanied by an adult (other than a parent or a relative), who is responsible for providing care to the child and / or for representing the child in accordance with a measure of protection (decided by a competent authority), the law, an agreement or a unilateral act. Definitions of "unaccompanied" and "separated" children in para. 29(a)(i) and (ii) of the UN Guidelines for the Alternative Care of Children do not cover this group, which represents the most challenging group of children displaced from Ukraine.

capacity building in child protection and support initiatives for migrant children in the justice system.

- ✚ This session reaffirmed the dire need for more work in this area. Given the general lack of trained professionals (notably with specialization in trauma - psychotraumatologists), member States expressed the desire to enhance capacity of psychologists and social workers through training. The importance of integration of these children in the community through schooling and sports was also emphasized.

Way forward ➡ a **Thematic Dialogue Group on Psychological support and trauma-informed care** (the Group coordinator TBD), will continue discussions and start working on practical deliverables, including a roster identifying Ukrainian speaking professionals, a compendium (mapping document) of training tools, apps, etc., and other promising practices both by member States and other actors in the area of psychological support and trauma-informed care possibly the organization of a special hearing.

4. Special Session:

- ✚ In addition to the afore mentioned sessions, a special update was held on the reform of the Ukrainian child protection and alternative care system, during which Ukraine's Better Care Initiative, supported by the European Commission and UNICEF was discussed, and some interesting perspectives brought forward by Bulgaria and Moldova having engaged in such a reform. These discussions indicated both the complexity of a holistic reform and the time such reforms take to implement. Willingness by many CGU members to support the process actively, if desired by Ukraine.

Decisions taken by the members of the CGU :

Working methods:

- The **Draft Road Map approved** as an evolutive document ;
- Constitution of three **Thematic Dialogue Groups**, which will meet at regular intervals between CGU plenaries (CGU plenaries are held at 3-month intervals) and one **multilateral Strategy Group**, composed of CGU Secretariat, and a few strategic representatives from member States (including Ukraine), international organisations (EC, HCCH, UNICEF, UNHCR, UN Committee on Rights of the Child, and civil society);
- For the time being, unless decided otherwise in specific situations², **continuation of Chatham House rule** with the following implications:
 - only Summary Reports are made public via the new CGU website;
 - the List of Participants of CGU plenaries will be made public via the new CGU website;
- Suggestion of a creation of **a platform on CGU website** displaying Council of Europe monitoring reports, work of different committees (i.e. Lanzarote) that are relevant to the work of the CGU;
- "Listserve"-type exchanges between members to provide peer advise on specific questions of practical concern.

Administrative matters:

- A **CGU email list serve will be created** with all CGU members' email addresses visible to each other, allowing easy communication between them;
- A **CGU mailbox** will be created at Secretariat level.

Possible deliverables could include:

² Specific sessions, events (hearings), or interventions of the Council of Europe Secretary General may justify opening the forum.

- **Mapping of Ukrainian speaking psychologists and social workers** in different CoE member States? (CGU Secretariat to inquire with member States if such a mapping exists at national level);
- **Mapping of other promising practices of community integration practices** (cultural mediators, integration into sports activities, etc.).

Upcoming dates:

- Following some research on dates of other international and regional events, the dates for next CGU plenaries will be proposed by the Secretariat to CGU members in January 2024.