

Child Protection Sub-Working Group (CPSWG) in Poland

23 March 2022



Welcome! Today's Agenda:

1. Update on coordination: introducing co-leads: Renata from FDDS, Sophie from UNHCR
2. Unaccompanied and Separated Children: what procedures are currently in place
3. Joint discussion with Cash WG: key considerations on cash and UAC
4. AOB



Definitions: UASC: who are we talking about?

Unaccompanied children are children who have been separated from both parents and other relatives and are not being cared for by an adult who, by law or custom, is responsible for doing so.

Separated children are those separated from both parents or from their previous legal or customary primary caregiver, but not necessarily from other relatives. These may, therefore, include children accompanied by other adult family members.

It is important to differentiate unaccompanied and separated children from **orphans**, who are defined as children, both of whose parents are known to be dead. In some countries, however, a child who has lost only one parent is also called an orphan.

FTR: Family tracing and reunification

Source: <https://alliancecpha.org/en/child-protection-online-library/field-handbook-unaccompanied-and-separated-children>

Note that the IAWG-UASC does not endorse the term 'minor' and recommends that the term 'child' be used instead to ensure use of the common definition of 'child', as set out in the Convention on the Rights of the Child.

Child rights principles relating to UASC

Family unity – or integrity of the family – entitles all children to a right to a family, and families to a right to care for their children. Unaccompanied and separated children must be provided with services aimed at reuniting them with their parents or primary legal or customary caregivers as quickly as possible, if this is in their best interests.

The best interests of the child constitutes the basic standard for guiding decisions and actions affecting individual children, whether by national or international organizations, courts of law, administrative authorities or legislative bodies.

The right to life, survival and development of the child entitles all children, including unaccompanied and separated children, to have their lives protected and for them to grow and develop healthily, including with access to the resources necessary to achieve their maximum human potential.

Participation and respect for the views of the child underscores that all boys and girls should be able to express their views, and that these views should be respected and given due weight in relation to the child's age and maturity. Children must be kept informed and, as far as possible, involved in decision-making and plans concerning their placement, care, tracing and reunification. Programmes should actively engage children in the prevention of and responses to family separation.

Non-discrimination: the protection and guarantees of international law must be granted to all, regardless of nationality, ethnicity, gender, age, ability or other status. This includes, in particular, girls and their specific needs.

UASC in Poland: what we know about procedures in place

NB: information as of 23 March - please keep checking for updated guidelines

- Ministry of Social Policy in Ukraine issued new rules on evacuation for children as well as border crossing of accompanied but separated children. As of 17th March, institutions and local authorities cannot evacuate children in residential care without approval from the responsible Ministry in Ukraine.
- Adults accompanying separated children need to have an official document granting them permission to cross the border with the child.
- Special instructions were prepared for the Polish authorities on the procedures for evacuation of children by the Ukrainian Ministry.
- Government of Poland planning to set up a registration system to identify, register, and document information on children.
- UAC who arrive at the Ukrainian border to Poland will be not allowed to cross the border and returned back, informing relevant Ukrainian state structures.
- When UAC cross the border undetected and are identified, they are handed over to the Polish authorities at the border for transfer to a designated facility within Poland.
- A hub in Stalowa Wola, close to Rzeszow, has been established to accommodate all new arrivals of evacuated children, the hub will serve as a first point of registration and referral to longer-term accommodation. Children will stay at Stalowa Wola for 24-48 hours. 2 social workers from Ukraine provide support at SW.
- According to the CP Ombudsman in Ukraine, UASC should not travel beyond the first country of asylum without following clear procedures and receiving approval from the relevant authorities.

Key components to identify, refer and assist children

- Registration of children and sharing of information between both governments, and Ukrainian diplomatic missions or consular offices in Poland (in voivodship where child will be located)
- Documentation of UASCs at border crossing and other service points through harmonized tracking tool
- Assessment of the child's best interests at border and other care facilities as well as through partners
- Suspension of interstate and national adoption procedures
- Monitoring of child rights and needs, in line with best interest of the child
- Only NGOs registered and verified with the Government in Poland can assist children, and only within Poland
- Provide access to medical, educational, legal and social services
- Information provision and participation of the child
- Ensure FTR needs of the child are assessed and based on the BIA work collaboratively with national authorities, ICRC, etc. to reunify timely.

Priorities to support UASCs in Poland

- Ensure documentation, registration and access to case management services
- Leveraging the CPSWG to share guidelines in place from government and common referral pathway/ system
- Strengthening guardianship system, BIA/BID process, establishment of information management system for UASC and evacuated children, ensure adequate linkages and referrals to national child protection system
- Foster close collaboration with partners in Ukraine
- Provide training and capacity building to stakeholders (child safeguarding, PSEA, PFA, etc.); parenting support programmes which are extended to other caregivers
- Family tracing and reunification services and liaison with authorities and actors; prevention of family separation
- Advocacy for application of the Minimum Standards for Child Protection in Humanitarian Settings and Inter-Agency Guiding Principles on Unaccompanied and Separated Children
- Longer term: support the national systems to respond to growing demands and ensure children's best interests are assessed and determined

Cash and UAC

- Little information of who is providing cash transfers and their guidelines and processes on cash and UAC (i.e. criteria, follow up, etc.)
- Little coordination around beneficiaries between agencies providing cash support and concerns around lack of linkage with government system
- Most partners providing 3-month emergency cash grants (while system is being set up to provide cash via PESEL)
- Government of Poland: new *Polish Special Act on Assistance to Ukrainian citizens who have fled Ukraine to Poland in connection with Russia's invasion of Ukraine*.
- The Special Act contains provisions setting forth rights, assistance and benefits to be made available to Ukrainian citizens who have sought refuge in Poland as a result of the war. The Act envisages that all children under 18 should have a caregiver. If they are in Poland unaccompanied, they have to be referred to the Family Court which within 72 hours will appoint a temporary official guardian who will be responsible for the child.

Key consideration

- Cash always to be linked with case management services to address comprehensively all needs and do no harm/ monitor cash provision
- Link sectoral outcomes to the prevention of child protection risks and vulnerabilities
- Assess risks and benefits of cash transfers to children (age, gender, legal regulations)
- Leverage inter-agency platforms by advocating for the needs of vulnerable children
- Consult meaningfully with children
- Disaggregate all data by age, sex and disability
- Coordinate with CP colleagues
- Train all staff, partners, vendors and members of distribution and monitoring teams on PSEA and child safeguarding procedures
- Conduct risk-informed analysis – on risks of inclusion and exclusion of UAC
- Leverage cash to support access to education
- Establish strong referrals
- Involve children in communications, accountability mechanisms, and monitoring

Suggested next steps

Immediate: provide recommendations and engage with government and other partners to minimise harm and risks, address vulnerabilities, and better integrate child protection needs

Longer-term: support better care systems for children

- Engage with government counterparts to establish their position on cash assistance for UAC (Special Act: assistance to child via guardian?)
- Agree on recommendations between WG members and consider how to establish linkages to national CP services and systems at different service points (registration centers, Blue Dots)
- Establish regular exchange between CP and Cash WGs
- Ensure safeguarding trainings include content around cash and UAC



We want to hear from you:

How many children have been identified as UAC at cash distribution points to date?

Is your organization currently providing cash transfers to UAC? What are the criteria and linkages to other services?

What is your take on suggested next steps?

What are gaps and priorities and how can the Cash and CP working groups address these?

