Follow up action points:
• Last chance for participants to make comment and suggestions for the WG’s ToRs – to be finalized by 19.04.2022

Summary of Relevant information:
• We welcome La Strada, an established Polish NGO with considerable expertise in the counter-trafficking field, as the WG’s co-lead

• THEME: Unaccompanied and Separated Children – Intervention by Pawel Barabasz

• There are two distinct groups to consider: Children who were in foster care in Ukraine before the outbreak of war, and children who are unaccompanied or separated in Poland (who travelled to Poland with family members, friends, or in some cases parents - who then travelled back to Ukraine to eg. look after their elderly parents)

• Border guards have not kept an official record of unaccompanied and separated children

• It is also estimated that between 5000 and 7000 children who were in foster care in Ukraine have entered Poland with their guardians since 24 February.

Risks for unaccompanied children
• Unaccompanied and separated children refused registration in Warsaw because they were without a guardian
• Vulnerable to exploitation and human trafficking

The new law on assistance to Ukrainian nationals – provisions on unaccompanied and separated children

Art. 25 of the law presupposes that the emphasis will be placed on assignment of a temporary guardian whose responsibilities will near those of legal guardian.

The procedure is as follows:
1. An application for assignment of temporary guardian is filed in the family court appropriate for the location by local authorities, BG, prosecutor, police, representative of an NGO or international organization, a person holding factual care over the UMC.
2. The court has 72 hours to consider the application, incl. interviewing the candidate for temporary guardian and the child (this requirement can be waived in special circumstances as per court’s decision). In practice, however, this is not done.
3. The decision of the court is effective immediately and shared for information of the BG, social welfare center and involved parties.

Risks:

- One temporary guardian can be assigned for a large number of children (up to 15 without additional formalities) - risk that no sufficient care will be awarded to each child
- The requirements to become a temporary guardian are very broad (requirements of Polish law waived) and non-related persons can become ones
- Legal safeguards are very weak, as the requirement of interview of candidate can be waived if sufficient documentation is provided
- The temporary guardian has a wide range of powers over the child, almost similar to a legal guardian, i.e. can decide about the child’s travel, education, hospitalization (in more serious cases this needs to be consulted with the court).

- If no temporary guardian is identified, the child can enter the foster care system.
- Art. 27 of the law allows for easier conditions to become a foster parent. It waives the requirements assigned by the law on family support, including the requirements of proper residential space, training, etc. - provided that the foster parent is an UA national who fled UA after 24 Feb 2022 and the foster child is a UA national who fled UA after 24 Feb 2022 (this applies to all provisions of the new law)
- Additionally, the children placed in institutional care are not counted towards statutory limits imposed by Polish law.

Risks:

- Lack of proper safeguarding of foster care environment, persons without qualification can be entrusted with foster care duties.
- Children will most likely be placed in institutional foster care, as recruitment of foster families in current situation (where persons fleeing UA need to cater their own needs first) will prove extremely difficult.
- Unaccompanied and separated children are vulnerable to exploitation

Law and Referral Mechanisms

- Ministry of Family and Social Policy - for cases of unaccompanied or separated children the focal point's contact is ph. +48 666 383 956, or email miejscadladzieci@mrips.gov.pl. For cases of UMCs in foster care in Ukraine, the focal point can be reached by phone +48 608-407-239, +48 602-603-788 or email ewakuacjadzieci@mrips.gov.pl)

- In case no temporary guardian of the UMC can be identified for UMCs in Warsaw, contact Warsaw Center for Family Assistance at +48 607 811 855 (crisis hotline), sekretariat.piecza@wcpr.pl

- In case of potential trafficking situation, contact The National Consulting and Intervention Centre for the Victims of Trafficking
  - tel. +48 22 628 01 20 (24/7 HELPLINE) and + 48 22 628 99 99* (Monday – Thursday 9:00 – 18:00, Friday 9:00 – 14:00*)
  - e-mail: kcik@strada.org.pl
Useful Contacts and Resources:

KCIK: + 48 22 628 01 20 (Helpline for those in danger of being trafficked) - National Consulting and Intervention Centre for the Victims of Trafficking (kcik.pl)

La Strada (Foundation Against Trafficking In Persons and Slavery): +48 22 628 99 99

National Police Unit for Combating Trafficking in Human Beings of the Criminal Service Bureau:
Telephone: (+48 22) 601 48 33 - E-mail: bk@policja.gov.pl

Local police
Podkarpackie - Podkarpackie Police (policja.gov.pl)

Krakow - KMP in Krakow (policja.gov.pl)

Warsaw - POLICE ADVICE FOR WARSAW VISITORS - Informator dla turystów - Komenda Stołeczna Policji (policja.waw.pl)

General Emergency Number: 112