



Reducing Risks in Uncertainty

The importance of free, quality legal assistance
for unaccompanied and separated children
displaced from Ukraine.

Table of Contents

- How KIND protects unaccompanied and separated children in Europe 3
- Executive Summary 5
- Foreword 7
- Introduction 8
- Good practices and lessons learned providing legal assistance to children displaced from Ukraine 9
 - A clear entitlement to free, quality legal assistance 9
 - Provision of free legal aid and legal assistance in all procedures 10
 - Child-friendly legal and procedural information 12
 - Robust requirements for qualifications and vetting 13
 - Specialised capacity building through training and guidance 14
 - Child-sensitive procedures delivered through an interagency, multidisciplinary case management process 17
 - Effective monitoring, accountability, and complaints mechanisms..... 18
 - Providing legal assistance in transnational procedures 18

KIND has been working with its partners to improve access to legal information and assistance in the region with our nongovernmental and pro bono legal partners since the start of the conflict and stands ready in further supporting the report’s recommendations.



THIS PAGE | Refugees fleeing Ukraine walk to a reception centre in Velke Slomence, Slovakia. Photo by Christopher Furlong/Getty Images

COVER | Children paint a peace dove on Ukrainian colors blue and yellow during a demonstration against the war in Ukraine in Stuttgart, southern Germany, on March 13, 2022. Photo by Thomas Kienzle/AFP via Getty Images

How KIND protects unaccompanied and separated children in Europe

KIND works with partners, expert consultants, and local staff across Europe to protect unaccompanied and separated children's rights and well-being through our holistic model.



Providing child-centered, trauma-informed legal assistance through our staff, NGO and pro bono legal partners, to ensure children are correctly identified as children and can access international protection and sustainable solutions such as residency and citizenship, and can reunify with family.



Informing children about their rights through Know Your Rights sessions and other tools.



Increasing the capacity of actors working with children on the move and strengthening protection systems for children through trainings and other technical assistance.



Engaging in policy recommendations and advocacy to ensure that laws, policies, procedures, and practices for unaccompanied and separated children are integrated, rights-based, and promote their best interests.

KIND has served

+6,900

children from 46 countries through staff and partners in Europe



KIND staff and projects are based in the European Union and the United Kingdom.

KIND's current partners in Europe include:

- Alliance of Lawyers for Human Rights, France
- Association for Integration and Migration (SIMI), Czechia
- Child Circle, Belgium
- Child Helpline International the Netherlands
- eLiberare, Romania
- European Lawyers in Lesvos, Greece and Poland
- Human Rights League, Slovakia
- Irish Refugee Council, Ireland
- Immigrant Council of Ireland
- Italian Refugee Council, Italy
- Rule of Law Institute Foundation, Poland
- The Ukrainian House, Poland
- KIND UK, United Kingdom

Executive Summary

Acting together to improve access to free, quality legal assistance

AS THE CONFLICT IN UKRAINE becomes more protracted, there is a need to reaffirm our commitment to advancing protection for displaced unaccompanied and separated children, as well as for children evacuated from alternative care settings in Ukraine. While we realise that there are specific legal challenges arising for children displaced from Ukraine and that it is necessary to continue to raise awareness of these challenges, we aim to contribute to system strengthening that will benefit and assist all unaccompanied and separated children in Europe. Therefore, our call to action below includes both specific commitments for action in the Ukraine response, as well as broader objectives. Together with our partners across Europe, KIND will continue to advocate for our joint vision to advance protection and to ensure access to free, quality legal assistance for all unaccompanied and separated children in all relevant procedures concerning their status and fulfillment of their rights.

We will make progress if we dedicate our resources to strengthening integrated child protection systems and taking joint action to further good practices in the eight areas outlined below. While there are a wide range of recommendations and actions that could advance protection, we shine a spotlight below on a few of KIND's commitments and on immediate actions that KIND and our partners are taking now to advance good practices and to ensure free, quality legal assistance to unaccompanied and separated children in Europe.

Clear entitlement to free, quality legal assistance

- KIND will continue to carry out needs assessments to map gaps in providing free, quality legal assistance to unaccompanied and separated children. We aim to raise awareness of these gaps and ensure that children have access to legal representation when necessary to fulfil their rights.
- We are committed to advocating together with our partners for necessary legislative and policy reforms to address the existing gaps in protection and assistance at the European and national levels.

Provide free legal aid and legal assistance in all procedures

- KIND has joined the 2023 Global Refugee Forum Multistakeholder Community Legal Pledge, which aims to unite the legal community around a shared goal of working with refugees and other forcibly displaced people to advance their access to rights, justice, and lasting solutions to their displacement. KIND is expanding our programmatic work and technical assistance in Europe to be a leader in improving the provision of free, quality legal assistance for unaccompanied and separated children in the region. This includes the recent recruitment of KIND lawyers in Poland and Slovakia, and later this year in Czechia.
- KIND, together with our NGO partners and pro bono law firms, will continue to provide free, quality legal assistance to unaccompanied and separated children to ensure access to protection and respect for their best interests.

Child-friendly legal and procedural information

- In consultation with displaced youth and civil society partners, KIND is producing child-friendly information and making tools available to children, guardians, social workers, cultural mediators, and legal assistance providers.
- When undertaking capacity-strengthening work, KIND will ensure that the voice of displaced children and youth is heard, and that tools and information are child-centered. As part of the EU AMIF project, "My Coming of Age Story", KIND and its partners will conduct focus groups with displaced youth to inform the process of developing toolkits and training modules for guardians and legal assistance providers, who are supporting unaccompanied children in the transition to adulthood.

Robust requirements for qualifications and vetting

- Within the wider legal community, including with partners working with pro bono law firms and volunteers, KIND will promote the exchange of good practices and safeguarding standards such as those outlined in The Practical Guide to Collaborative Access to Justice Pro Bono Projects.

Specialised capacity building through training and guidance

- KIND will continue to provide trainings and capacity building to partners in Europe on a range of issues such as child-friendly interviewing skills and a trauma-informed approach. In addition to the toolkits and training modules that will be delivered as part of the EU AMIF project, My "Coming of Age Story", KIND, with its partners, will promote technical assistance support tools for guardians including peer support models.
- As part of our Suzir'ya prvoject, KIND will develop and deliver a training curriculum with experts on child trafficking, child protection, and core international crimes at a national and regional level. KIND will also convene and steer a Regional Child Protection Advisory Group to support system-strengthening activities and foster collaboration, sharing of good practices, and the development of resources for the Ukraine response.

Child-sensitive procedures delivered through an interagency, multidisciplinary case management process

- KIND provides legal information, counselling, and assistance through a holistic interdisciplinary model for legal service delivery.
- Building on its initial work in Slovakia, KIND plans as part of our Suzir'ya project to strengthen the role of civil society in interagency, multidisciplinary processes. KIND will establish national hubs in Slovakia, Poland, and Czechia within the offices of civil society partners to facilitate implementation of multidisciplinary, interagency referral approaches, and provide child-centered legal case management, including support services for children displaced from Ukraine who are at risk or victims of conflict-related crimes.

Providing legal assistance in transnational procedures

- KIND's lawyers and partners are committed to assisting unaccompanied and separated children, as well as their families, in complex transnational procedures.
- KIND joined the Multistakeholder Family Reunification Pledge to support family reunification and help one million refugees reunite with their families by 2030.
- We shall work with partners, including Ukrainian legal experts, to facilitate transnational exchange of expertise and better understand how to apply relevant laws. This could be supported by establishing legal advisory groups.
- With a view to strengthening transnational cooperation, KIND is supporting Child Helpline International to organise more sub-regional multidisciplinary workshops and learning exchanges in 2024 as part of the Suzir'ya project. These exchanges aim to increase knowledge about the changing landscape and risks for children displaced from Ukraine and improve transnational coordination to promote a truly integrated, collaborative system of protection for unaccompanied and separated children.

We urge our partners, the wider legal community, policy makers, and donors to reach out to us to discuss ways we could collaborate in the areas outlined above to ensure access to free, quality legal assistance. Together, we can identify, promote, and replicate noteworthy practices that will advance the good practice outlined.

Foreword

KIDS IN NEED OF DEFENSE (KIND) Kids in Need of Defense (KIND) is a global leader in protecting unaccompanied and separated children. Launched in 2008, KIND champions a world in which every child's rights and well-being are protected throughout their journey to safety. Building on its successful model in the United States, KIND has partnered with pro bono law firms and nongovernmental organisations (NGOs) in the United Kingdom (UK) since 2016 and Europe since 2019 to provide children on the move with free, quality legal assistance to ensure their access to protection and justice. These efforts are taking place alongside capacity strengthening activities, technical assistance, and advocacy for systemic and practical reforms grounded in child protection systems that advance the rights of unaccompanied and separated children in Europe.

The escalation of hostilities in Ukraine in February 2022 required KIND to determine rapidly how it could help children fleeing the conflict. In March 2022, KIND and Child Circle published a [Note on Unaccompanied Children Fleeing from Ukraine](#), providing an overview of key issues to consider from the perspective of procedural safeguards and access to protection and safety. Following fact-finding missions and consultation with existing partners, KIND—with the support of existing and new partners—established new projects in Poland, Slovakia, and Italy.

KIND also contributed to the Regional Reference Group, advising on an important legal study co-authored by our partner Child Circle and UNICEF entitled, [Fulfilling the rights of children without parental care displaced from Ukraine](#), which emphasised the critical role child-friendly legal information, counselling, and legal assistance play as key safeguards for children. The study includes recommendations for ensuring that children's rights are fulfilled, including improved access to legal assistance.

In August 2023, [KIND committed to support](#) KIND committed to support the study's recommendations. To do so, KIND expanded staff and programs in the region. KIND now employs staff in Europe, as well as lawyers in Poland and Slovakia, to work directly with children—providing specialist legal assistance in increasingly complex cases—and strengthen the pro bono culture where we work. In response to the continuing needs of children displaced from Ukraine, KIND is developing further capacity-strengthening work and technical assistance and hiring additional legal and psychosocial program staff.

Now in the third year of Russia's full-scale invasion of Ukraine, KIND prepared this paper with our partners to share our experience and raise awareness of the continuing need for free, quality legal assistance for unaccompanied and separated children displaced from Ukraine, as well as children evacuated from alternative care settings in Ukraine.

We are calling on our partners, the wider legal community, policy makers, and donors to respond to this need with a concerted effort that replicates good practices, addresses protection gaps, and supports exchange of expertise and lessons learned to help ensure the safety and well-being of children displaced from Ukraine.

Kids in Need of Defense

Introduction

AFTER RUSSIA INVADED UKRAINE in February 2022 in a major escalation of hostilities, the political and humanitarian response in neighbouring European countries was swift and welcoming. At the end of 2023, about 4.3 million persons who fled Ukraine were under temporary protection in the European Union (EU), with children representing 33.2 percent of those displaced (Eurostat). Despite activating temporary-protection measures, the reception of millions of refugees, many of whom are unaccompanied and separated children or children evacuated from alternative care settings in Ukraine, continues to pose a challenge for governments across Europe. Many governments responded with legislative and policy reforms, as well as with measures to provide special protection and assistance to these children ([EUFRA Jan 24](#)). Many child protection needs—in particular, identifying, registering, and legal responsibility and caring for unaccompanied and separated children—remain persistent and complex, however. Though governments have taken different approaches to registering children, most do not publish disaggregated data about children from Ukraine in their country ([EUFRA Sept 23](#)). The large influx of children displaced from Ukraine exacerbated preexisting legal-guardianship challenges for unaccompanied children seeking asylum ([EUFRA Sept 23](#)). Important issues such as guardianship and transnational cooperation have also been prioritised as needing attention by the [Council of Europe's Consultation Group on the Children of Ukraine](#) following the adoption of the [Reykjavik Declaration and the Declaration on the situation of the children of Ukraine](#).

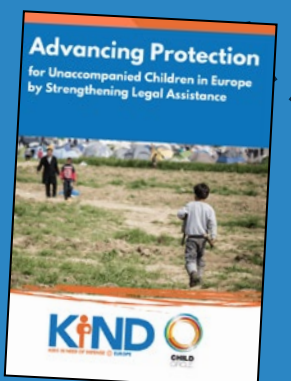
Policy makers recognise the need to address the uncertainty and limbo of those displaced from Ukraine in the face of a protracted conflict now well into its third year. This recognition prompted the Council of the European Union to extend temporary protection by one year, until 4 March 2026. Governments across Europe are also shifting from their initial humanitarian response to considering how to develop a “dual intent” approach to integration policy ([OECD Nov 23](#)). For unaccompanied and separated children, and children in alternative care settings, governments will need to renew their efforts to assess and address these children's best interests, special needs, and rights through comprehensive solutions.

Currently, there is an urgent need for child-friendly information and free, quality legal assistance to help children, their families, and their guardians navigate a variety of procedures. Such procedures may concern both private law matters (e.g., family law, parental responsibility, and child protection measures) and public law matters (e.g., asylum, protection for victims of trafficking, and status determination for stateless children). For example, some children may need help exercising their right to seek asylum. Others may need to confirm their legal identity or be recognised as stateless. Some may need to be reunited with family in Ukraine or other countries. These resources are crucial to ensure respect for the best interests of every child in decision making concerning comprehensive, secure, and sustainable solutions.

FIGURE 1. KEY DEFINITIONS

Quality legal assistance for unaccompanied and separated children can be defined as encompassing both legal and procedural information as well as the right to consult with a legal adviser and the right to legal representation. Certain preconditions are necessary to allow children access to quality legal assistance, including identification, information, and guardianship measures.

A **comprehensive, secure, and sustainable solution** is defined by the UN Committee on the Rights of the Child as one that, to the greatest extent possible, caters to the long-term best interests and welfare of the child and is sustainable and secure from that perspective. The outcome should aim to ensure that the child is able to develop into adulthood, in an environment that will meet his or her needs and fulfil his or her rights as defined by the UN Convention on the Rights of the Child. rights as defined by the UN Convention on the Rights of the Child.



Good practices and lessons learned providing legal assistance to children displaced from Ukraine

SINCE THE BEGINNING OF THE RESPONSE nearly three years ago to the conflict in Ukraine, KIND and our partners across Europe have provided child-friendly information and legal assistance to families and children displaced from Ukraine. While many displaced children are benefiting from temporary protection, they are not always accompanied by an adult who is legally responsible for them, and they often face serious child protection risks as their displacement becomes more protracted.

Every displaced unaccompanied and separated child should have access to free, quality legal assistance to ensure that their best interests are made a primary consideration in the procedures and decisions that may affect them and the future fulfilment of their rights. Decisions that could have a serious and long-term impact on a child include decisions concerning possible relocation or repatriation, as well as decisions taken when a child is approaching the transition to adulthood.

In this complex context, KIND and our partners continue to promote our joint vision as set out in our report [Advancing Protection for Unaccompanied Children in Europe by Strengthening Legal Assistance](#). Below are our indicators of good practice—important measures necessary to improve how legal assistance is provided to unaccompanied and separated children. In assessing whether and how such standards are being met in the Ukraine response, we aim to raise awareness of both gaps and good practices, as well as share lessons learned.

2.1.

A clear entitlement to free, quality legal assistance

As we noted in KIND and Child Circle’s flagship publication, [Advancing Protection](#), there are various provisions concerning legal assistance for unaccompanied children contained in EU laws governing different procedures. Therefore, an unaccompanied child’s entitlement to legal assistance may differ in scope depending on the procedure they are facing. Furthermore, there may be significant differences in how governments implement these obligations at the national level.

The sheer number of children displaced at the start of the full-scale conflict in Ukraine posed challenges as to how to mobilise legal assistance quickly and at scale in locations where the legal assistance was part of a coordinated multidisciplinary, interagency response.

Additionally, there are barriers regarding how separated and unaccompanied children can access legal assistance and build a relationship of trust with their legal assistance provider. This is especially the case when significant numbers of children are arriving in a short period of time, as was the case in many countries in 2022, and when it is unclear whether a child is separated or accompanied by an adult who is responsible for them.

Even though there is often a clear lack of entitlement to free legal aid and barriers to accessing legal assistance, KIND and our partners across Europe regularly receive referrals of children who urgently need advice and legal representation. Such referrals come from a variety of actors, including guardians, child protection professionals, NGOs, family members, and cultural mediators. This is why it is so essential to build good relations and trust with the Ukrainian community abroad.

— Good practice: Ensuring the provision of free, quality legal assistance and establishing trust with the Ukrainian community abroad

It is particularly important to consider how to provide legal assistance and ensure the correct partnerships are in place to establish trust. From the start, it was important to work alongside the Ukrainian community, civil society organisations, and experts. In Italy, KIND launched a new partnership with the Italian Coalition for Civil Liberties (Coalizione Italiana per le Libertà e i Diritti civili (CILD), one of its member organisations, Progetto Diritti), and the Association of Ukrainian Women in Italy (ADULI). ADULI, an established organisation, made clear early on the great need for legal information and assistance. They also made clear that only through partnerships with trusted networks within the Ukrainian community could we effectively address that need and make legal assistance accessible. Therefore, KIND supported a partnership among ADULI, CILD, and lawyers from Progetto Diritti. This partnership provided trusted legal outreach sessions and legal helpdesks across Italy, particularly in areas where there was a high concentration of Ukrainian children and families, including Rome, Naples, and Sicily. This partnership ensured that lawyers carried out information activities in places where children and their caregivers were present, including reception centres, hotels, schools, and relevant communities. We helped establish trust by providing access to lawyers, socio-legal workers, and cultural mediators.

Through the end of December 2023, this partnership provided legal information and support to 1,342 individuals, including 496 children, on temporary protection, family reunification, livelihood assistance, access to pediatric care, and child protection/custody issues. The partners developed a “Know Your Rights” guide, which was recently updated, entitled, “La guerra in Ucraina, protezione temporanea per gli ucraini” (“The War in Ukraine: temporary protection for Ukrainians”), published in Italian, Ukrainian, and Russian. It is a comprehensive resource for caregivers and guardians that explains not only how to navigate a variety of Italian legal processes, but also access services, such as health care, education, housing, and employment in an unfamiliar country. The group also delivered 17 legal information sessions for 573 people.

As models of legal assistance and outreach develop over the course of this conflict, it is clear that strong partnerships and collaboration with the Ukrainian community are key to delivering accessible and trusted legal assistance. We also saw this in Poland, where European Lawyers in Lesvos (ELIL) provides outreach at Ukrainian House once a week.

2.2.

Provision of free legal aid and legal assistance in all procedures

Providing free legal aid and legal assistance to unaccompanied and separated children varies greatly among countries. Different forms of legal assistance and types of legal assistance providers may be available in different cases, at a variety of stages (for example, before or during an interview, for first-instance decisions, or for appeals or reviews).

Ukrainian children’s legal needs are becoming more complex as the war drags on. To address these needs, the situation calls for child-migration legal expertise alongside pro bono support from the wider legal profession, which is why KIND placed KIND lawyers in Poland and Slovakia.

Those assisting unaccompanied and separated children may feel there is no need for legal and procedural information or legal assistance. There is often the assumption that all children have been granted temporary protection and that this is sufficient to meet their needs and to protect them from risks. While many Ukrainian children continue to benefit from temporary protection status under EU law, some children still face a number of challenges including: guardianship issues for those accompanied by an adult not their parent or legal guardian; increased vulnerability due to limited protection from a guardian, including those transferred from alternative care settings in Ukraine and children aged 16 or 17; and challenges accessing health care, education, and vocational training.

Lesson learned: Children displaced from Ukraine often have a myriad of complex legal needs and require specialised legal assistance

There are a wide range of procedures where information, support, and legal assistance may be necessary for unaccompanied and separated children, as well as for children in alternative care settings and those individuals and organisations supporting them. Legal issues that we have encountered in our work or were brought to our attention by partners include:

- **Guardianship:** verification or establishing guardianship, changes in temporary guardianship
- **Family reunification**
- **Family law matters:** custody
- **Turning 18:** may need to address changes in residence status, possible repatriation, and military conscription
- **Access to services such as education** and accommodation/financial support
- **Legal stay, temporary protection, and asylum**
- **Possible repatriation:** and the need for an individual best interests determination before any return decision
- **Legal identity and documentation**
- **Statelessness**
- **Assistance for victims of human trafficking**
- **Access to justice for victims of core international crimes,** including war crimes and grave violations against children

ACCESS TO SPECIALISED LEGAL assistance for children and their guardians and families will help children understand their rights and options to ensure that the best interests of the child are addressed and that all forms of international protection for the child are considered.

KIND is expanding our partnerships and operations across Europe to improve the provision of quality legal assistance for children in the region by bringing specialised knowledge and advice on a range of legal issues facing unaccompanied and separated children, including those displaced from Ukraine.

Good practice: Providing legal assistance in Blue Dot hubs by ELIL Poland

From September 2022 through to September 2024, KIND has partnered with European Lawyers in Lesvos (ELIL) on an initiative in Warsaw, Poland, to provide legal information to children and families from Ukraine through the [Ukraine Pro Bono Collaborative](#). We initially provided information where children and families were present. This included providing legal services at reception centres and the Blue Dot resource and information hubs established by UNHCR and UNICEF in partnership with government authorities.

“Blue Dots” are situated at various border and other locations to best serve children fleeing or displaced by the situation in Ukraine. At these sites, children can register with protection authorities and receive basic necessities, medical aid, information, counselling, legal services, assistance in locating and reunifying with family, and reliable information on how to access national protection services. Professional, trained social workers, psychologists,

counsellors, and legal aid providers are on hand at Blue Dots to help identify urgent social services and protection needs. Information is shared through multiple channels and in different languages, in child-friendly formats, and on digital platforms. This model, like other cross-border collaboration, can help facilitate holistic case management and family reunification support responsive to the ways in which children’s situations and needs may evolve over time.

Pro bono attorneys from six law firms, who are trained and supervised by an expert ELIL staff attorney, provide “Know Your Rights” sessions at reception centres and respond to a range of inquiries regarding registration, temporary protection, guardianship, access to education and benefits, and missing families. The [Ukraine Pro Bono Collaborative](#) won the award for “Pro Bono Initiative of the Year” at The Lawyer European Awards in 2023. The Ukraine Pro Bono Collaborative is a joint pro bono project among the law firms Allen & Overy, Bird & Bird, Dentons, Hogan Lovells, Norton Rose Fulbright, and White & Case, and ELIL.

As of September, 30 2024:

- **9,618 families and children benefitted** from legal information and assistance
- **Six law firms joined the partnership** to help meet the needs of Ukrainians in Poland
- **79 pro bono lawyers** were trained and supervised to provide legal assistance through one-on-one consultations.

The value of a pro bono model supported by specialist legal assistance providers is clear. It was deployed quickly and adapted to the evolving need in the first few months after February 2022. As displacement became more protracted, the situation of children became more complex, as did the legal queries that arose and the need for legal assistance and representation. Specialist legal assistance providers remain necessary to activate and support the pro bono model and to work through and respond to more complex queries.

Throughout 2023 and 2024, ELIL reported a marked increase in the complexity of the cases they assisted. As a result of this trend, they are now assisting a smaller number of complex cases as compared to the beginning of the project, when they were working on a large number of comparatively simple cases. In the early months following the invasion of Ukraine, the primary concern was about basic legal issues – e.g., access to temporary protection and financial support. Now, in addition to these issues, ELIL is receiving many more complex questions and assisting with complex cases relating to unaccompanied children, particularly in relation to their potential return to Ukraine.

This is why KIND continues to increase legal support to build capacity and expertise to help children on the move.

2.3. Child-friendly legal and procedural information

Children displaced from Ukraine and their caregivers need access to information about their rights, the procedures in which they are likely to be involved, and the options that may be open to them. It is important that children are aware of their rights and how to realise their rights in the context in which they find themselves displaced abroad. Children should be empowered and supported to obtain legal information and assistance at key junctures, for instance, as they transition to adulthood. Yet, a 2023 [legal study](#) published by UNICEF and Child Circle highlights the lack of accessible, child-friendly information on rights for children displaced from Ukraine.

Good practice: KIND Know Your Rights guide informed by research and consultation with the Ukrainian community, including children and youth

To increase the child-friendly information and tools available to children and their caregivers, we have developed a **Know Your Rights (KYR)** guide tailored specifically for children displaced from Ukraine. This guide is informed by pro bono research and focus group interviews with children and youth displaced from Ukraine.

In partnership with Amazon and DLA Piper, KIND has created additional child-friendly information about the rights and procedures unaccompanied children will need to know and understand. To serve the most children possible, a team of 50 attorneys researched legal issues faced by children from Ukraine in the top five receiving countries in Europe (Poland, Romania, Italy, Germany, and Czechia) and prepared a KYR guide for each country.

KIND worked with a Ukrainian diaspora organisation in Poland, Ukrainian House, to involve the Ukrainian community and children in the final development and design to ensure that our messaging and dissemination strategy is child-friendly and informed by lived experience.

Our guide focuses on procedures and rights a child should be aware of while empowering them to obtain assistance and help. Through our work with our legal partners and Ukrainian communities on the ground, we know that this has been challenging, particularly for those aged 16 and 17, and those transitioning to adulthood, whom this guide will target. In Ukraine, formal schooling is completed at age 16 when some children move abroad to study in educational institutions without parental care. For others within this age group, there are pressures to work and earn money to support their families. Children in this age group can also be harder to reach and engage with as they are more likely to be without parental care, not linked to any child protection or other system, and therefore more at risk of harm, raising more concerns. Key questions arise concerning in which circumstances this age group may have autonomy over certain decisions, and the importance of receiving their own legal assistance as they transition to adulthood.

This guide has now been published in Poland and is being disseminated through our partners, with short videos being used to raise awareness about the guide which is also hosted online. The design template in Poland is now being used to finalise and disseminate the guides in other countries. KIND's partners and various institutions with whom KIND cooperates such as schools and local authorities welcomed the publication of the KYR guide as it will be useful in addressing the need for reliable information.

2.4. Robust requirements for qualifications and vetting

Legal assistance providers working with unaccompanied and separated children should be thoroughly vetted and possess specific qualifications. Ideally, such professional and educational qualifications, including mandatory minimum training requirements, should be specified in national law and supervised by the national bar association or law societies.

Good practice: Creating a roster of specially trained and vetted lawyers to work with child victims of violence including forcibly displaced children

The Polish government recently adopted new legislation to address child protection concerns. As a result of the law, a roster of lawyers specially trained and designated to work with children was created. This is a significant and positive development. Specialised training is required and is being provided by the National School of Judiciary and Public Prosecution. The trainings cover approaches for working with children, such as child-friendly interviewing and applying a trauma-informed approach. The training also includes providing adequate legal assistance to refugee and migrant children.

In addition, according to the new law, starting in February 2024, each institution and organisation working with children is required to develop a child protection policy document that to take effect no later than August 2024.

Each institution and organisation working with children will be required to create child protection standards and develop tools to protect children from violence.

At the same time, there are growing concerns about domestic violence affecting Ukrainian children, including separated children who may be staying with adults who are not family members. KIND's lawyer in Lublin has completed this specialised training and is included in the roster of lawyers. KIND would like this list to be expanded to include lawyers who work with unaccompanied children.

MANY VOLUNTEERS OFFERED THEIR time to assist those fleeing Ukraine in response to the Russian invasion. At the same time, proper vetting of staff and volunteers working in Blue Dots at border areas, transit hubs, and other low-threshold settings was greatly needed.

Good practice: Guidance for pro bono projects highlights importance of safeguarding

In 2023, Fabi Fugazza (CILD), Amy Grunske (Orrick), Phil Worthington (ELIL), and Joanna Khatib (Dentons), with select input from KIND, published [The Practical Guide to Collaborative Access to Justice Pro Bono Projects](#). This guide is the first of its kind and comprehensively outlines best practices in the development and management of collaborative pro bono projects to meet the legal needs of disadvantaged and marginalised individuals.

The following is an excerpt from the Guide in relation to Safeguarding and Employee Assistance Programs (EAPs) requirements:

Access to justice projects often involve cases with traumatic and sensitive circumstances. Noting this, and the fact that stakeholders involved in these projects (volunteer lawyers, supervising lawyers, project staff, pro bono leads, etc.) are all, at the end of the day, human beings impacted by the words and actions they are subject to, it is critical to focus on safeguarding throughout the project. This includes both the safeguarding of individuals being assisted and the safeguarding and welfare of all those working on the project. Considerations in this respect include:

- Ensuring at the outset that all volunteer lawyers have access to Employee Assistance Programs (EAPs) at their firms (so that they can, if needed, speak to a professional if they feel particularly impacted by information seen/heard).
- Ensuring that pro bono leads are making their volunteers aware of the existence of EAPs and encouraging volunteer lawyers to access if they should need.
- Ensuring that the host NGO has safeguarding policies and procedures that are robust and appropriate for the jurisdiction. Ensuring that safeguarding practices of the host NGO are shared within the volunteer manual and covered in training sessions.
- Ensure that the supervising lawyer and any other relevant staff at the NGO are trained and able to receive reports related to safeguarding.

2.5. Specialised capacity building through training and guidance

To better support and protect the thousands of children displaced from Ukraine, legal assistance providers and other frontline organisations in neighbouring countries recognised a need for specialised training and capacity building. In addition to improving child-friendly interviewing skills and trauma-informed care, there is a need to better understand legal arrangements that may have been made under Ukrainian law, as well as the application of temporary protection and specific child protection measures. Legal assistance providers and civil society organisations welcome training on how to prevent human trafficking among those displaced from Ukraine, contribute to national referral mechanisms, and assist child victims of human trafficking.

Good practice: KIND's training efforts to enhance specialised capacity, prevent risks, and improve assistance

During 2023, KIND organised or contributed to 14 specialist training sessions that reached over 799 lawyers and frontline staff from 35 countries across Europe and beyond to build capacity across frontline staff working with children displaced from Ukraine. Topics included working with children with experiences of conflict, preventing and managing vicarious trauma, and supporting child victims of human trafficking. Some examples of these training sessions are noted below.

KIND contributed our legal and subject-matter expertise to a series of seven in-person workshops covering seven countries impacted by the conflict in Ukraine organized by [Child Helpline International](#) in partnership with UNICEF Europe and Central Asia, and UNICEF country offices. These workshops, held between February and April 2023 in Bulgaria, Czechia, Hungary, Moldova, Poland, and Slovakia, with a workshop for Ukrainian actors in Poland, brought together 209 participants from 49 state, civil, and international organizations working with children impacted by the conflict in Ukraine to build the capacity of frontline staff to assist children who fled the ongoing conflict. Training was provided in trafficking in human beings, sexual and gender-based violence, and trauma informed care and well-being. KIND provided inputs on unaccompanied and separated children.

KIND delivered three in-person specialist workshops on child trafficking in the context of the conflict in Ukraine. These workshops were part of training sessions organized by the Organization for Security and Co-operation in Europe (OSCE) to build capacity for frontline responders from Ukraine and neighbouring countries. KIND trained 109 participants from 33 countries. These trainings covered best practices for the identification of child trafficking in the context of the Ukraine conflict and best practice responses.

In a collaboration between KIND's team in Europe and our U.S.-based social services team, we delivered two online trainings on trauma-informed care for unaccompanied migrating children (available on [KIND's YouTube channel](#)). These trainings provided an introduction to the effects of trauma on children and youth, the basic principles of trauma-informed care in the legal process, and recommended best practices for practitioners' minimization of vicarious trauma. Over 400 lawyers from KIND's Europe NGO, and pro bono partners joined the live training or accessed the recording.

Lessons learned: Further professional exchange and training is necessary to enhance access to justice and protection for unaccompanied and separated children through strategic litigation efforts

In the pursuit of solutions for children displaced from Ukraine, decisions are sometimes taken without an individual assessment of a child's needs and without taking into consideration the views and best interests of the child concerned. In such cases, when the decision is not in the best interests of the child and when an action could place the child at risk, it is crucial that the child is provided with free, quality legal assistance, and helped to appeal the decision.

When the appeal is not successful at the national level, the child's lawyer may consider lodging a request for interim measures with the European Court of Human Rights under Rule 39 of the Rule of Court. Interim measures are urgent orders issued by the Court on an exceptional basis, where there is a ["real risk of serious and irreversible harm."](#) or, for example, if the potential relocation or repatriation of a child would place that child at risk.

Depending on the national context, it may be possible to submit a communication to the United Nations Committee on the Rights of the Child. Several European governments ratified the third Optional Protocol to the Convention on the Rights of the Child, including Czechia, France, Italy, Germany, Switzerland, and Ukraine. The Committee may transmit to the State party concerned for its urgent consideration a request to take such interim measures as may be necessary in exceptional circumstances to avoid possible irreparable damage to the victim or victims of the alleged violations.

Further training and exchange of practice is needed to assist lawyers to better understand the possibilities for international appeals and to make the best choices regarding possible strategic litigation. Lessons learned and expertise from efforts such as [CILD's Rule 39 Pro Bono Initiative](#) are valuable in this regard. KIND is committed to working with partners to facilitate exchange of good practice and to develop further training on strategic planning of advocacy efforts and strategic litigation.

2.6. Child-sensitive procedures delivered through an interagency, multidisciplinary case management process

As is noted in our [Advancing Protection](#), report, to meet in order for a child's needs, their legal assistance provider should work within the context of an interagency multidisciplinary case management process. This requires close cooperation between the child's lawyer and the child's guardian. Guardianship is a key safeguard for unaccompanied and separated children, as well as for children in alternative care settings. An effective guardianship system is a fundamental safeguard in child protection. Ensuring that a child has access to a responsible, supportive adult, who is recognised as their legal guardian is of paramount importance. Without a legal guardian, children are often unable to access legal assistance. Legal assistance may be necessary to establish or to verify guardianship arrangements, particularly for separated children. Below is a summary of the profiles in KIND and Child Circle's [Stepping Stones](#) report.

FIGURE 2. THE COMPLEMENTARY ROLES OF THE CHILD'S GUARDIAN AND LEGAL ASSISTANCE PROVIDER

Profile of guardian

A guardian is an independent person, who safeguards the child's best interests and general well-being, and to this effect complements the limited legal capacity of the child. The guardian acts as a statutory representative of the child in all proceedings in the same way that a parent represents his or her child.

The term **legal representative** is also used, in place of guardian in certain laws and some national systems, but this should be distinguished from the role of a legal assistance provider.

In line with the guidance from the Fundamental Rights Agency of the European Union, the guardian's role is to:

- Safeguard the child's best interests
- Promote the child's safety and well-being
- Facilitate the child's participation (also by providing information to the child)
- Act as a link between the child and others
- Help to identify a durable solution in the child's best interests
- Exercise legal capacity, support the child in legal procedures, and ensure access to legal assistance and counselling
- Hold authorities accountable for their actions
- Intervene if the welfare of the child is in danger.

Profile of legal assistance providers

Legal assistance may be undertaken by a legal adviser, and in some cases, a lawyer and, depending on the circumstances of the child and the proceedings concerned, it may involve:

- Providing legal advice and counselling to help the child and their guardian make informed decisions about procedures including when it comes to best interests procedures before the decision to transfer is taken
- Providing procedural information
- Explaining how procedural information is specifically applied to the child's situation
- Helping to gather information and evidence
- Legal representation - assisting the child to express their views and following their instructions in processes where lawyers may need to act, including support with any appeals procedures
- Safeguarding interests of the child in the procedure, including responding to problems and delays
- Assisting with any review or appeal
- Educating the child's guardian to be able to respond or seek referrals for the child (e.g., health and well-being during proceeding or the need to request a medical report or other evidence such as DNA).

Lesson learned: Legal assistance may be necessary to establish or verify guardianship

Verifying or establishing guardianship or parental authority for a child is essential to safeguarding their best interests. In the Ukraine response, a significant number of displaced children arrived unaccompanied or separated from their parents, while others were evacuated in groups from alternative care settings. In many of these cases, guardianship needed to be verified or established. Additionally, some children were placed in temporary guardianship arrangements that needed to be reviewed and possibly renewed.

KIND partners provided information and support in over 400 cases in Italy and Poland, ensuring that children had a legally responsible adult (e.g., by supporting the verification of guardianship of the accompanying adult or the assignment of a local guardian) and were protected from unnecessary separation from the caregivers accompanying them. This remains an important area of work for KIND lawyers and partners. In April 2024, KIND and partners received a project grant from the European Commission's Asylum, Migration and Integration Fund (AMIF) to fund a project, "My Coming of Age Story," supporting legal assistance providers to develop training and resources for guardians to better prepare them to assist unaccompanied children in their transition to adulthood. The grant is led by the Italian Council for Refugees and involves a consortium of four other NGO partners, including KIND, covering six countries. Three of the partners are existing KIND partners in Europe. The project partners will develop toolkits and training modules to support guardians of unaccompanied children as the children transition to adulthood and aims to enhance collaboration between lawyers and guardians.

INTERAGENCY, MULTIDISCIPLINARY CASE MANAGEMENT processes are often based on standard operating procedures and memoranda of understanding. In addition to such agreements and practical operational frameworks, interagency training can be helpful to clarify mandates, review case studies, and strengthen referral mechanisms.

Lesson learned: Joint training strengthens interagency work and national and transnational referral mechanisms

At the start of the conflict, KIND staff undertook several assessments in Europe and identified a strong need for capacity-strengthening workshops in the region. In response, KIND partnered with a counter-trafficking expert, the Human Rights League, based in Slovakia, and the Johns Hopkins School of Advanced International Studies' Europe Human Trafficking Initiative to develop a counter-trafficking initiative to improve responses through capacity-building workshops, practical tools, interagency and regional/cross-border coordination, and the creation of a community of practice.

In August 2022, KIND led technical capacity-building workshops in Slovakia for a multidisciplinary interagency group including specialised law enforcement, criminal justice, child welfare, and NGO partners. The training goal was to enhance cooperation and coordination among law enforcement and civil society to improve identification of and assistance to victims and increase the groups' ability to handle cases together. Building from these workshops, KIND is supporting further activities on trafficking in human beings and core crimes investigation in Slovakia by designing and putting into practice, for the first time in the country, an innovative interagency response that contributes to strengthening the emerging National Referral Mechanism. Some participants have liaised with each other on specific cases. Others are working on related activities, including supporting witnesses to testify in documenting and investigating war crimes.

2.7.

Effective monitoring, accountability, and complaints mechanisms

Any care arrangements for unaccompanied and separated children, as well as children from alternative care settings in Ukraine, should be embedded in the national child protection system. Children displaced from Ukraine should be protected by existing supervisory and monitoring bodies and supported to access existing complaints mechanisms.

As noted above, child-friendly information is necessary to empower children to know their rights and be able to express their concerns. Legal advice and assistance may be necessary in some cases to ensure monitoring and to assist children in accessing justice when their rights have been violated.

It is important that displaced children and those caring for them are provided with child-friendly information, ideally in their native language, regarding how to report a child protection concern or to file a complaint with the responsible child protection authority and law enforcement as appropriate.

Lessons learned: Children and their caregivers need to know how to report concerns and abuse, including how to make formal complaints

A KIND partner, Ukrainian House, reported that concerns were raised about the widespread problem of bullying by both teachers and peers in Polish schools, and, more generally, how to report an incident or a child at risk.

It is crucial for all actors to understand fully their potential roles in preventing and responding to violence against children. Specifically, children and those working with them need to know to whom and how to report:

- bullying in school
- violence against a child
- child abuse
- suspected human trafficking
- sexual exploitation
- labour exploitation

There is also a potential role for legal assistance providers in outreach and educational activities, such as human rights education, in schools and community centres to raise awareness of children's rights and how to approach the authorities regarding abuse.

2.8.

Providing legal assistance in transnational procedures

In the context of the Ukraine response, transnational cooperation is often essential from the first contact with a child through to securing a solution for the child. There are a broad range of procedures, assessments, and decisions where the exchange of information and cooperation with Ukrainian authorities, a child's legal guardian, or family members abroad may be necessary. For example, such actions may include: verifying identity, nationality, legal responsibility and guardianship; family tracing, contact, assessment and reunification; and determining the best interests of the child to inform a decision on a comprehensive solution.

An understanding of any previous care arrangements made in Ukraine and relevant Ukrainian law are often essential to protecting children displaced from Ukraine. In many cases, the advice and assistance of Ukrainian lawyers could prove crucial in confirming who has legal responsibility for a child and which solution may be in a child's best interests. This is especially the case in national contexts where care arrangements made in Ukraine have been recognised and Ukrainian law is applied to the situation of the child.

It is essential to collaborate with lawyers from Ukraine both informally and formally. KIND is working to do this in Poland and is also involving Ukrainian lawyers as part of the Suzir'ya Regional Child Protection Advisory Group.



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