

Fundamental rights of children displaced in the EU following the Russian war of aggression

Germany

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Contractor: German Institute for Human Rights

Author(s): Dr. Agathe Menetrier, Dr. Roger Meyer

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1. Children fleeing Ukraine

1.1. Data on children fleeing Ukraine

Table 1 Children fleeing Ukraine

Category of child	Registration system Y/N	Number of children (as disaggregated as possible) (as of 30 April 2023 unless otherwise specified)
Overall number of children	Reception centres (<i>Erstaufnahme</i>), Foreigners' offices (<i>Ausländerbehörde</i>) inform the Youth welfare office (<i>Jugendamt</i>) of their locality of the arrival of Ukrainians under 18. Youth welfare offices communicate to the federal office of administration (<i>Bundesverwaltungsamt, BVA</i>) the number of children they registered in a given state. the Central Register of Foreigners (<i>Ausländerzentralregister</i>) is managed by the Federal Office for Migration and Refugees, with the technical assistance of the Federal Office of Administration. The transmission of data to other public and - to a limited extent - non-public bodies is permitted. ¹	In Germany, according to the German Central Register of Foreigners (<i>Ausländerzentralregister</i>), 349,000 children and adolescents under 18 resided in Germany as of 23 May 2023. Around 133,000 are of primary school age (6-11 years), around 127,000 between 12 and 17 years old. ²

¹ Germany, Federal Office of Administration (*Bundesverwaltungsamt*) (no date), '[Ausländerzentralregister](#)'.

² According to the German Central Register of Foreigners (*Ausländerzentralregister*) responding to Mediendienst Integration (2023), '[Refugee children from Ukraine](#)', Facts and Figures, 23 May 2023.

Arrived accompanied by mother, father or another legal guardian	No information could be found	
Arrived without parents, but with other family members, neighbours or family friends	No information could be found	
Arrived unaccompanied	Youth welfare offices (<i>Jugendämter</i>) communicate to the federal office of administration (<i>Bundesverwaltungsamt, BVA</i>) the number of unaccompanied children they registered in a given state. The BVA aggregate these figures to obtain a total figure for Germany. However, the Federal Ministry of Family Affairs, Senior Citizens, Women and Youth (<i>BMFSFJ</i>) raises attention to the limited significance of this aggregate figure. Indeed this total is a snapshot that has not been updated when unaccompanied children from Ukraine later continued their journey to other countries, returned to Ukraine or were reunited with relatives in Germany. ³	3,891 ⁴
Arrived within a group of children, as an organised evacuation from Ukrainian institutions or foster carers (with or without an appointed legal guardian)	The Federal Ministry for Family Affairs, Senior Citizens, Women and Youth (<i>BMFSFJ</i>) set up a contact and coordination office at a federal level in order to coordinate the reception of evacuated orphanages or "children's	

³ Germany, Federal Ministry for Family Affairs, Senior Citizens, Women and Youth (*BMFSFJ*) (2023), [Bericht der Bundesregierung über die Situation unbegleiteter ausländischer Minderjähriger in Deutschland](#), 25 May 2023, p. 12

⁴ From 14.03.2022 until 30.10.2022, Germany, Federal Ministry for Family Affairs, Senior Citizens, Women and Youth (*BMFSFJ*) (2023), [Bericht der Bundesregierung über die Situation unbegleiteter ausländischer Minderjähriger in Deutschland](#), 25 May 2023, p. 27.

	<p>homes" from Ukraine. SOS Children's Village (<i>SOS-Kinderdorf e. V.</i>) is in charge of their registration since March 31, 2022. However, they only register children who actually turn/are referred to SOS-Kinderdorf e. V. and are not responsible for centralising data on children evacuated from Ukrainian institutions in Germany. A representative of the SOS-Kinderdorf e. V. indicated that he was therefore unable to give a representative figure of the number of children from Ukrainian institutions who fled to Germany, since their registration office was set up only after most children from orphanages and children's homes had already arrived in Germany by their own means. In July 2023 the coordination office was theoretically still functioning but in practice it had not received any reports on new arrivals of children from Ukrainian institutions in the first half of 2023, as most had arrived in the first months of the war.⁵</p>	
<p>Arrived within a group of children, through private initiatives, such as football clubs (with or without an appointed legal guardian)</p>	<p>No information could be found</p>	

⁵ Contribution via phone by *SOS Kinderdörfer e.V.*, 29 June 2023.

1.2. Crimes against children fleeing Ukraine and children going missing

Table 2 – Serious crimes against children fleeing Ukraine and children going missing

Issue / risk	Number of cases i) reported and ii) investigated
Violence, including domestic violence	In 2022, 1,643 cases with 1,863 child and adolescent victims from Ukraine were recorded in the criminal statistics. Of the 1,863 victims, 64.1% were children under 14 (1,194 victims) and 35.9% were juveniles between 14 and 18 (669 victims). Sexual offences accounted for 4.1% (68 cases) of all offences against Ukrainian children and juveniles, violent crime for 19.2% (316 cases). 469 Ukrainian children and adolescents up to under 18 years of age with a victim-suspect relationship to family and other relatives were victims of domestic violence in 2022. ⁶
Sexual abuse	In the period from 04.04.2022 to 29.09.2022, the German Federal Criminal Police Office (<i>Bundeskriminalamt</i>) carried out a survey of suspected cases of selected sexual offences (not all) with regard to the flight events in connection with the Ukraine conflict. In the period mentioned, 63 suspected cases of sexual offences against children and adolescents were reported by the <i>Länder</i> . The Federal Criminal Police Office does not know whether the suspicions in the cases mentioned could be substantiated or not or whether the investigations are still ongoing. This is not a statistic in the true sense of the word, but a police survey of the situation in Germany for a limited period of time. ⁷
Trafficking for exploitation	The Federal Criminal Police Office carried out a survey with regard to the flight events in connection with the

⁶ Germany, Federal Criminal Police Office, written contribution sent via email to the German Institute for Human Rights on 30 June 2023.

⁷ Germany, Federal Criminal Police Office, written contribution sent via email to the German Institute for Human Rights on 30 June 2023.

	<p>Ukraine conflict. Between 04.04.2022 and 31.05.2023, seven suspected cases of human trafficking/exploitation to the detriment of children/adolescents were reported to by the police stations of the <i>Länder</i>.</p> <ul style="list-style-type: none"> - 1x child trafficking, - 2x labour exploitation, - 1x forced prostitution - 3x exploitation in the commission of acts punishable by law.⁸ <p>Another source (civil society actor) mentioned a case of forced prostitution of a child reported in Berlin and investigated by the state criminal office (<i>Landeskriminalamt</i>).⁹</p>
Children reported as missing	<p>Based on the file "Missing, Unknown Dead and Helpless Persons", a total of 118 UMF with Ukrainian citizenship were reported missing in 2022 according to the survey conducted by the Federal Criminal Police Office on 20.06.2023. 109 of these missing person cases have already been resolved, nine persons are still missing.¹⁰</p>
Other crimes against children fleeing Ukraine	

In **Germany**, according to a written contribution by ECPAT Germany for this report, many counselling centres specialised in the fight against human trafficking assess that the low numbers of reported cases of exploitation of children from Ukraine can be due to a time delay before cases occur or are reported. In the meantime, there are many reports of cases of labour exploitation as domestic helpers, some of which existed even before the war of aggression by Russia, which are now coming to light due to the increased attention towards this population.¹¹

⁸ Germany, Federal Criminal Police Office, written contribution sent via email to the German Institute for Human Rights on 30 June 2023.

⁹ ECPAT Germany, Email contribution to the German Institute for Human Rights, 28 June 2023.

¹⁰ Germany, Federal Criminal Police Office, written contribution sent via email to the German Institute for Human Rights on 30 June 2023.

¹¹ ECPAT Germany, Email contribution to the German Institute for Human Rights, 28 June 2023.

2. Child protection – legal, policy framework and procedures in place

2.1. Responsibilities of child protection authorities

2.1.1. Individual children, including unaccompanied and separated children

In **Germany**, the federal network of social welfare organisations (*der Paritätischer Gesamtverband*) published an explanation of the responsibilities of youth welfare services after the outbreak of the war in Ukraine. An examination of whether a child is unaccompanied or accompanied must be carried out obligatorily by the youth welfare office on site. If children come in the accompanying constellation of friends, neighbours, relatives, etc., it must be determined in each individual case by the youth welfare authorities whether they are to be legally appointed in the sense of German guardianship law. From this, the decision is derived as to whether the children remain in this care relationship and joint accommodation and care is provided outside the child and youth welfare system or whether the children must be taken into care and thus accommodated in the regular child and youth welfare system. Even if children arrive as a group or as part of an institutional structure (for example an orphanage) accompanied by Ukrainian care givers, the responsibility upon arrival in Germany remains with the Youth Welfare Services. If, after examination, the Youth Welfare Office considers that the children should remain in groups and be accompanied by their Ukrainian care givers, then the role of the Youth Welfare Office is to declare these children as officially placed outside their families. Secondly, the Youth Office must ensure that these groups of children are integrated into the child and youth welfare system according to the same standards as German children. In this context, the Youth Welfare services can envisage to recognise these Ukrainian care givers as professional youth educators, pending additional training. The legal issues associated with guardianship need to be resolved in parallel. The type of accommodation in which children are placed has no bearing on their guardianship status. Even if they are not accommodated in ordinary facilities of the Youth Welfare Services, they remain under the jurisdiction of the Youth Welfare Services.

Accommodation in a refugee shelter, for example, does not change the fact that Youth Welfare Services have the mandate to insure the child's welfare, its protection and care according to Book VIII of the Social Code.¹² If the responsible youth welfare office considers that the welfare of the child is not sufficiently guaranteed within the group with which the child fled and under the care of its Ukrainian care givers, the child will be placed within the usual child and youth welfare system in accordance with SGB VIII.¹³

2.1.2. Children evacuated from Ukrainian institutions

In **Germany**, the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth specified in a written statement from July 2022 that in the cases of children who were evacuated from Ukrainian institutions, it is the responsibility of Youth welfare offices to determine whether the persons with whom they entered Germany can be considered as legal guardians. Pursuant to § 21 (1) SGB X¹⁴, youth welfare offices use the evidence they deem necessary to establish this relationship (for example obtaining information as an electronic document, hearing parties, consulting documents). In order to assess the relationship between the accompanying adult(s) and the child, the Youth Welfare Services must also take into account the provisions of the Family Code of Ukraine, which stipulate in particular that the administration of a care institution (children's home, orphanage) is the guardian of the children and adolescents who are permanently placed there.¹⁵ In addition, there are also other forms of care (patronage, foster family, children's homes close to the family), in which the respective caregivers are assigned guardianship. If one of these forms of care exists, it must be assumed that the caregivers have parental authority and the children and youth under their care are thus accompanied and should not be taken into state's custody.¹⁶

For larger groups of persons with disabilities evacuated from Ukrainian institutions, the Ministry of Work and Social Affairs and the Ministry of health have developed a federal point of contact (*Bundeskontaktstelle, BKS*) operated by the German Red Cross since May 2022 to identify the support needs of newly arriving refugees with disabilities and/or special needs in Germany before they arrive, in order to provide them with tailored services in inpatient care or integration

¹² German law - [Achstes Buch Sozialgesetzbuch - Kinder- und Jugendhilfe \(SGB VIII\)](#)

¹³ Federal Network of Social Welfare Organisations (*Der Paritätischer Gesamtverband*) (2023), [Klarstellung zur Zuständigkeit der Kinder- und Jugendhilfe in Bezug auf geflüchtete Kinder und Jugendliche aus der Ukraine – Notwendigkeit der Vereinbarung und Koordinierung zwischen Bund, Ländern und Kommunen](#), 28 March 2022.

¹⁴ German law - Zehntes Buch Sozialgesetzbuch – [Sozialverwaltungsverfahren und Sozialdatenschutz – \(SGB X\) § 20 - Untersuchungsgrundsatz](#)

¹⁵ Germany, Federal Ministry for Family Affairs, Senior Citizens, Women and Youth (*BMFSFJ*) (2022), [Unbegleitet und begleitet nach Deutschland einreisende Kinder und Jugendliche aus der Ukraine in der Kinder- und Jugendhilfe](#) – Fortgeschriebene Punktuation des BMFSFJ', 04 July 2022.

¹⁶ The Federal association for unaccompanied refugee minors (*Bundesfachverband unbegleitete minderjährige Flüchtlinge*) (2022), [Information for Parents and Persons Accompanying Children and Adolescents from Ukraine](#)', 22 November 2022, p. 3.

assistance.¹⁷ The federal point of contact is not responsible for centralising information on all cases on German soil, it only records individuals who actually turn to the federal point of contact and is therefore unable to communicate figures on children with disabilities from Ukraine. The majority of persons with disabilities who turned to the federal point of contact were adults. However, the federal point of contact has so far also been able to accommodate 7 children with care needs and/or disabilities. In addition, the federal point of contact advised the Federal Children's Hospice Association (*Bundesverband Kinderhospiz*, BVKH) on the accommodation of 11 further children. Beginning of July 2023, the federal point of contact had been notified of a further group of 11 children planning to flee to Germany, but was still waiting for an official request. The latter two groups of 11 children each are from the same facility in Dnipro. They are evacuated as groups and may have to be split up in Germany due to capacities (the group already present in Germany can currently be accommodated as a whole in one facility). The children accompanied by the federal point of contact all came with accompanying persons - in the case of the two groups mentioned, this is the care staff who has the appropriate power of attorney.¹⁸

The Federal Ministry for Family Affairs, Senior Citizens, Women and Youth (*BMFSFJ*) set up a contact and coordination office at a federal level in order to coordinate the reception of evacuated orphanages or "children's homes" from Ukraine. SOS Children's Village (*SOS-Kinderdorf e. V.*) is in charge of registering arrivals since March 31, 2022. A representative of *SOS Kinderdörfer e.V.* contacted for this report indicated that in July 2023 the contact and coordination office was theoretically still functioning but in practice it had not received any reports on new arrivals of children from Ukrainian institutions in the first half of 2023, as most had arrived in the first months of the war.¹⁹ However, SOS Children's Village was in regular contact with the afore described federal point of contact for individuals with special care needs/and or disabilities operated by the German Red Cross, for example on the topic of the arrival of the group of children from the institution in Dnipro.²⁰

¹⁷ German Red Cross (*Deutsches Rotes Kreuz*) (n.d.), [Bundeskontaktstelle - Hilfe für Menschen mit Behinderungen und/oder Pflegebedarf auf der Flucht](#), n.d.

¹⁸ German Red Cross' *Bundeskontaktstelle*, Email contribution to the German Institute for Human Rights, 06 July 2023.

¹⁹ Contribution via phone by *SOS Kinderdörfer e.V.*, 29 June 2023.

²⁰ Contribution via phone by *SOS Kinderdörfer e.V.*, 29 June 2023.

2.2. Safeguards and measures addressing risk of violent crimes against children fleeing Ukraine

2.2.1. Safeguards to protect and defend children from crimes

In **Germany**, the Federal Ministry for Family Affairs emphasises on its website its efforts to protect refugee women and children from Ukraine from human trafficking, forced prostitution, violence and exploitations. The Ministry notably supports the federal coordination network against trafficking (*Bundesweiter Koordinierungskreis gegen Menschenhandel e.V., KOK*), a network of 39 non-governmental organisations. The KOK trains members of the Federal Police, the Federal Office for Migration and Refugees and aid organisations so that they can advise and help trafficked persons. The KOK also provides information material in three languages for refugees.²¹ As stated by KOK in a report about its action against trafficking in the context of the war on Ukraine, state institutions are required to ensure legal entry at border crossings, but NGOs also play a supportive role in coordinating available services. In order to reach women and children early on, the specialised counselling centre JADWIGA Munich, for example, cooperated with the Romanian border police. Along the border crossings, the police handed flyers by specialised counselling centres, also on the topic of human trafficking, to persons who informed the authorities that they wanted to continue their journeys further to Germany.²² However, according to a written contribution by the German office of a global network of civil society organisations that works to end the sexual exploitation of children (*ECPAT Deutschland*) for this report, information material on the topic was not tailored to the target group of children in terms of format and content. In general this source reports that the welcome attention to the issue of human trafficking that existed at the beginning of the refugee movement from Ukraine mostly referred to forced prostitution among Ukrainian women. Furthermore ECPAT regrets that Germany lacks standardised registration and verification mechanisms, for example about accompanying persons of underage refugees from Ukraine, possibly creating new protection gaps. ECPAT is not aware of any measures that have been taken to combat trafficking in children explicitly. ECPAT observed that mainly civil society organisations

²¹ Germany, Federal Ministry for Family Affairs, Senior Citizens, Women and Youth (*BMFSFJ*) (2022), '[Hilfe und Unterstützung für geflüchtete Menschen aus der Ukraine](#)', website, 21 March 2022.

²² KOK (2022), '[Menschenhandel im Kontext des Ukrainekrieges – Bericht des KOK-Ukraine Projektes](#)', 17 December 2022, p. 7.

have tried to create shelters on the run and to distribute information material for children. On 05 and 06 June 2023 a conference took place with other civil society organisations active in the protection of refugee children in Germany. ECPAT summed up the key problems that were identified during the conference to protect refugee children from Ukraine from crimes in Germany:

- Problems in screening unaccompanied refugees (i.e. children who are not accompanied by their parents but by relatives or others);
- Protection gaps and lack of minimum standards in the placement of accompanied refugee children in private households (lack of traceability and ombudsman service for refugees in private households, lack of vetting mechanisms and protection standards for hosts, lack of counselling and support services for hosts and refugees);
- Lowering of standards for the collective accommodation of unaccompanied children, due to the high number of arriving refugees in general, the earlier reduction of places and the extreme shortage of trained workers in all areas of assistance to education.²³

2.2.2. Support for children victims of crimes

In **Germany**, the Federal Ministry of Family Affairs funds the free and anonymous online counselling service *jugendnotmail.de*, which supports children in difficult situations with mail and chat counselling. The portal already addresses refugees in Russian and Ukrainian on the homepage and also offers counselling in these two languages. A flyer informs about the counselling services in Ukrainian.²⁴ The federal coordination network against trafficking (KOK) noted in a public report from December 2022 on the situation of refugees from Ukraine that German authorities are facing great challenges due to the high number of applications and the shortage of personnel. Based on Art. 21 of the EU Reception Directive, vulnerable refugees include among others (unaccompanied) children, single parents with children, trafficked persons, persons with serious physical illnesses or mental disorders and persons who have suffered torture, rape or other serious forms of psychological, physical or sexual violence. However, notes KOK, there is still no mechanism to identify and address the needs of these vulnerable persons during the registration process.²⁵ In Hamburg, the *Flüchtlingsambulanz* offers

²³ ECPAT Germany, Email contribution to the German Institute for Human Rights, 28 June 2023.

²⁴ Germany, Federal Ministry for Family Affairs, Senior Citizens, Women and Youth (*BMFSFJ*) (2022), '[Hilfe und Unterstützung für geflüchtete Menschen aus der Ukraine](#)', 21 March 2022.

²⁵ KOK (2022), '[Menschenhandel im Kontext des Ukrainekrieges – Bericht des KOK-Ukraine Projektes](#)', 17 December 2022, p.10.

consultation hours by phone and in person in Ukrainian among other languages to children.²⁶

2.3. Guardianship/legal representation arrangements for unaccompanied and separated children fleeing Ukraine

2.3.1. Arrived unaccompanied

In **Germany**, the state office responsible for the legal and informative support (*Deutsches Institut für Jugendhilfe und Familienrecht e. V., DIJuF*) of youth welfare offices (*Jugendämter*) produced an infographic illustrating the screening process to establish caring responsibilities upon arrival of refugee children in Germany.²⁷ Youth welfare offices must notably establish whether children and youth should be considered to be accompanied or unaccompanied. Federal Ministry for Family Affairs, Senior Citizens, Women and Youth specified in a written statement from July 2022 that children and juveniles from Ukraine who arrive in Germany unaccompanied by a person or guardian (section 7, paragraph 1, nos. 5 and 6 of Book VIII of the German Social Code)²⁸ are “unaccompanied foreign minors” and are to be temporarily taken into custody (pursuant to section 42a of Book VIII of the Social Code)²⁹. In accordance with section 88a, paragraph 1 of Book VIII of the Social Code³⁰, the youth welfare office (*Jugendamt*) in whose area the child or juvenile is staying before the start of the measure is locally responsible for temporary custody. If the said state has reached its maximum custody capacity, the Federal Office of Administration can allocate the case to the next located state, based on the distribution process rules following § 42b i. V.m. § 42c SGB VIII³¹. During the temporary custody, the youth welfare office decides whether the child must be permanently allocated to another state’s responsibility or excluded from state’s custody. According to the aforementioned legal text, in this context, particular attention must be paid to ensuring that reference persons/groups stay together.³² The federal

²⁶ UKE (2023), ‘[Über die Flüchtlingsambulanz](#)’, 02 March 2023.

²⁷ Germany, Institute for youth welfare and family right (*Deutsches Institut für Jugendhilfe und Familienrecht e. V.*) (2022), ‘[Ablaufschema – Ankommen junger Geflüchteter](#)’, 31 May 2022.

²⁸ German law – [Achstes Buch \(VIII\) – Kinder- und Jugendhilfe – Begriffsbestimmungen](#)

²⁹ German law – [Achstes Buch \(VIII\) – Kinder- und Jugendhilfe - §42 Inhabutnahme von Kindern und Jugendlichen](#)

³⁰ German law – [Achstes Buch \(VIII\) – Kinder- und Jugendhilfe - § 88 Örtliche Zuständigkeit bei Aufenthalt im Ausland](#)

³¹ German law – [Achstes Buch \(VIII\) – Kinder- und Jugendhilfe - §42 Inhabutnahme von Kindern und Jugendlichen](#)

³² Germany, Federal Ministry for Family Affairs, Senior Citizens, Women and Youth (*BMFSFJ*) (2022), ‘[Unbegleitet und begleitet nach Deutschland einreisende Kinder und Jugendliche aus der](#)

coordination network against trafficking (*Bundesweite Koordinierungskreis gegen Menschenhandel e.V., KOK*) noted in a public report on the context of refugees from Ukraine that in contrast to the reception process of unaccompanied children from other countries of origin, most children and adolescents from Ukraine enter Germany with valid identity and passport documents. Their age therefore rarely has to be estimated according to § 42 f SGB VIII^{33, 34}. Contrary to a report published by the Federal Ministry of Family Affairs at the end of May³⁵, the Association for Unaccompanied Refugee Minors (*BumF*) considers the reception, accommodation and care of unaccompanied refugee children to be not sufficiently legally secure and in line with the best interests of the child, pointing for example to insufficient controls once caregivers are appointed as guardians.³⁶ Although the Association for Unaccompanied Refugee Minors referred to unaccompanied refugee children of all nationalities, a representative contacted for this report indicated that children displaced from Ukraine also directly or indirectly suffered from:

- Misunderstandings about the youth welfare system in Germany (based on experiences of restrictive youth welfare system in countries of origin, unaccompanied children in Germany frequently fear the German youth welfare system);
- Insufficient verification of the suitability of host and foster families according to quality standards;
- Insufficient trainings of professionals to identify human trafficking structures and victims of trafficking;
- A lack of communication between counselling centres for trafficked persons and youth welfare services, of age-appropriate information tools for refugee children in their respective languages of origin;
- Short-term and precarious financing of shelters and professionals.³⁷

In **Germany**, the State Youth Welfare Office for Berlin for examples states that for children who remain in Berlin, independent youth welfare agencies are commissioned to carry out a clearing. This also includes the initiation of first steps to apply for a residence permit under the Residence Act. As of May 31, 2022, the State Youth Welfare Office for Berlin has successfully applied for 105 unaccompanied children from Ukraine to be granted Temporary Protection status. For all children taken into their care, the Youth Welfare Office requests the responsible Family Court

[Ukraine in der Kinder- und Jugendhilfe](#) – Fortgeschriebene Punctuation des BMFSFJ, 04 July 2022.

³³ German law – [Achstes Buch \(VIII\) – Kinder- und Jugendhilfe - §42 Inhabutnahme von Kindern und Jugendlichen](#)

³⁴ KOK (2022), '[Menschenhandel im Kontext des Ukrainekrieges – Bericht des KOK-Ukraine Projektes](#)', 17 December 2022, p. 9.

³⁵ Germany, Federal Ministry for Family Affairs, Senior Citizens, Women and Youth (BMFSFJ) (2023), '[Bericht der Bundesregierung über die Situation unbegleiteter ausländischer Minderjähriger in Deutschland](#)', 25 May 2023.

³⁶ Bundesfachverband unbegleitete minderjährige Flüchtlinge (2023), '[Die Odyssee ist nicht beendet, wenn unbegleitete geflüchtete Kinder und Jugendliche in Deutschland ankommen!](#)', press release, 8 June 2023.

³⁷ Bundesfachverband unbegleitete minderjährige Flüchtlinge, Email contribution to the German Institute for Human Rights, 10 July 2023.

to appoint guardians. The family court usually decides on the appointment of a guardian within one month. Until a guardian is appointed, the youth welfare office has the right and the duty to represent the unaccompanied child or adolescent according to section 42a (3) SGB VIII.³⁸ Since some children who have fled Ukraine are still in contact with their parents via modern means of communication and thus parental care could theoretically be exercised from a distance, the family courts in Berlin have agreed that the need to appoint a guardian or a supplementary caretaker is assessed on a case-to-case basis. This should ensure a legal representation in Germany. Best practice examples that have been described by the State Youth Welfare Office for Berlin are sensibilisation campaigns among supporters for the specific needs of unaccompanied children. The Youth Welfare Office claims that as a result of these campaigns the numbers of unaccompanied children – irrespective of their nationalities - with whom they are in contact have risen from 2.8 to 12 per day between early March and 25 July 2022.³⁹

2.3.2. Arrived without parents, but with other family members, neighbours or family friends

In Germany, the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth specified in a written statement from July 2022 that children and juveniles from Ukraine who are staying with friends or acquaintances who are not legal guardians are also to be taken into temporary custody. Legal guardians within the meaning of Article 7(1)(6) of Book VIII⁴⁰ of the Social Code are persons over the age of 18 who, on the basis of an agreement with the parents or person with parental authority, are responsible for the care of the person not only temporarily and not only for individual tasks (temporary would be only taking the child with them on the train and handing him/her over to relatives upon arrival). This agreement with the parents or person with parental authority does not have to be concluded in writing to be effective. Within the framework of the investigation of the facts, the Youth Welfare Office must ex officio determine whether the children and juveniles are accompanied by legal guardians. Pursuant to section 21 sub-section 1 SGB X⁴¹, it uses the evidence that it deems necessary to determine the facts of the case (for example obtaining information as an electronic document, hearing parties, consulting documents). The exercise of this discretion shall also take into account the provisions of the Family Code of Ukraine, which in particular provide that the administration of the institution ("children's home", "children's institution") in which children and juveniles are permanently accommodated is assigned guardianship. In addition, other forms of care (patronage, foster family, children's homes close to the family) are also found, which establish rights of

³⁸ German law – [Achstes Buch \(VIII\) – Kinder- und Jugendhilfe - §42 Inhabutnahme von Kindern und Jugendlichen](#)

³⁹ Email by the State Youth Welfare Office for Berlin to the German Institute for Human Rights, 25 July 2022.

⁴⁰ German law – [Achstes Buch \(VIII\) – Kinder- und Jugendhilfe – Begriffsbestimmungen](#)

⁴¹ German law - Zehntes Buch Sozialgesetzbuch – [Sozialverwaltungsverfahren und Sozialdatenschutz – \(SGB X\) § 20 - Untersuchungsgrundsatz](#)

representation for the respective caregivers. If one of these forms of care exists, it is to be assumed that the caregivers have parental authority. When the Youth Welfare Office takes children without legal guardians into temporary custody, it does not mean that they have to be taken out of the said familiar environment and placed in an institution. While the child remains in the said familiar environment for daily care, the Youth welfare office checks whether these persons are "suitable" within the meaning of § 42a par. 1 sentence 3 in conjunction with section 42 subsection 1 sentence 2 of Book VIII of the Social Code⁴² to gain the legal custody of the child / adolescent. If this is the case, the temporary custody framework includes the possibility to place the child with these friends or acquaintances.⁴³ In this case the child's welfare (stability of environment and persons of reference) takes precedence over the respect of the process of fair distribution among states. In this case the child is still counted within the intake quotas of the state where the friends or acquaintances reside. If a relative or another person in Germany is the legal guardian (e.g. by agreement with the legal guardians), the child or adolescent is no longer considered unaccompanied. In these cases, the temporary custody ends when the child or adolescent is handed over to this person.⁴⁴ The German Youth Institute questioned 141 youth welfare offices, 16 per cent of whom mentioned aspects related to unaccompanied refugee children as a challenge. Almost half of the individuals subsumed under this appellation were undergoing status clarifications as to whether the constellation in which they entered Germany, e.g. with acquaintances, relatives or friends, ought to be classified as "accompanied" or "an unaccompanied" entry in the sense of the law."⁴⁵

2.3.3. Arrived within a group, from Ukrainian institution or foster carers (with or without an appointed legal guardian)

In **Germany**, the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth (BMFSFJ) set up a contact and coordination office at a federal level in order to coordinate the reception of children from evacuated orphanages or "children's homes" from Ukraine. This consists of two pillars - a registration office and a coordination office - and

⁴² German law – [Achstes Buch \(VIII\) – Kinder- und Jugendhilfe - §42 Inhabutnahme von Kindern und Jugendlichen](#)

⁴³ Germany, Federal Ministry for Family Affairs, Senior Citizens, Women and Youth (BMFSFJ) (2022), '[Unbegleitet und begleitet nach Deutschland einreisende Kinder und Jugendliche aus der Ukraine in der Kinder- und Jugendhilfe](#) – Fortgeschriebene Punctuation des BMFSFJ', 04 July 2022, p. 1.

⁴⁴ Germany, Federal Ministry for Family Affairs, Senior Citizens, Women and Youth (BMFSFJ) (2022), '[Unbegleitet und begleitet nach Deutschland einreisende Kinder und Jugendliche aus der Ukraine in der Kinder- und Jugendhilfe](#) – Fortgeschriebene Punctuation des BMFSFJ', 04 July 2022, p. 2.

⁴⁵ The German Youth Institute (*das Deutsche Jugendinstitut*) (2023), [Ukrainian refugees in Germany - Surveys on the target group and on communal care and support structures](#), 23 February 2023, p. 21.

is funded by the BMFSFJ. SOS Children’s Village (*SOS-Kinderdorf e. V.*), operating the “SOS Notification Hotline for Ukrainian Orphanages and Children’s Homes” since March 31, 2022, informs institutions, organisations and private individuals who organise the reception of evacuated orphans and children homes from Ukraine in Germany about the distribution procedure and the responsible offices in the various German states and provides them with the names of contact persons. When groups of Ukrainian institutions inform SOS-Kinderdorf on their way to Germany, the latter directs them to the German *Land* that has free capacity to receive them.⁴⁶

In **Germany**, according to the *Land* of Nordrhein Westphalia, one the two German *Länder* who host the most Ukrainian refugees, a registration procedure was created specifically for children with disabilities evacuated from Ukrainian institutions. For the purpose of centralising information, the arrival of a large groups of 8 children or more in a city of the region has to be notified to the Ministry for work, health and social affairs of the *Land* of Nordrhein Westphalia (*MAGS*) to a dedicated email address. The information is then treated by the focal point for refugees with disabilities and/or in need of care (*Kontaktstelle für geflüchtete Menschen mit Behinderung und/oder Pflegebedürftige*) coordinated by the German red cross who will assess the persons’ needs.⁴⁷

2.3.4. Arrived within a group, through private initiatives, such as football clubs (with or without an appointed legal guardian)

Children arrived withing a group are treated the same way as children who were evacuated from the institutions. As detailed in 2.3.2. the Youth Welfare Office is responsible for determining on a case by case basis whether the persons with whom they travelled from Ukraine can be appointed custody in Germany. During the time of this procedure, the children can remain under the care of the persons with whom they travelled. If aware of the existence of the SOS Kinderdorf registration point on their way to Germany, such groups can benefit from the latter’s information and then be

⁴⁶ Germany, Federal Ministry for Family Affairs, Senior Citizens, Women and Youth (BMFSFJ) (2023), [‘Bericht der Bundesregierung über die Situation unbegleiteter ausländischer Minderjähriger in Deutschland’](#), 25 May 2023, p. 9.

⁴⁷ Nordrhein Westphalia Landesstelle (2022), [‘Fragen und Antworten zu minderjährigen Flüchtlingen mit Behinderung’](#), 21 June 2022, pp. 1-2.

transferred to a *Land* that has capacity. The authors of this report do not have any information on groups that may have been cared for by SOS Children's Villages.

2.4. Placement of unaccompanied and separated children fleeing from Ukraine

Table 3 – Placement of unaccompanied and separated children

Type of placement	Number of children	Details
With adult relatives		
With a foster family		
With person who looked after the child when fleeing		
In reception centres for unaccompanied children (all nationalities)		
In reception centres for children fleeing Ukraine		
Other placement	35 children taken in state's custody in Schleswig-Holstein; 31 children taken in state's custody in Bremen ⁴⁸	In state's custody (<i>Obhut</i>)

The authors of this report could not find quantitative data on the type of placement of unaccompanied and separated children, despite our requests for information sent to the Federal Ministry of Federal Ministry for Family Affairs, Senior Citizens, Women and Youth, SOS Kinderdörfer e.V., UNICEF, the Federal association for unaccompanied refugee minors (*Bundesfachverband unbegleitete minderjährige Flüchtlinge*).

⁴⁸ From the beginning of the war until 31st of October 2022. Germany, Federal Ministry for Family Affairs, Senior Citizens, Women and Youth (*BMFSFJ*) (2023), '[Bericht der Bundesregierung über die Situation unbegleiteter ausländischer Minderjähriger in Deutschland](#)', 25 May 2023, p. 26.

2.5. Children evacuated from Ukrainian institutions

2.5.1. Institutional placements

The authors of this report could not find data on the placement of children in institutions upon arrival in Germany, despite our requests for information sent to the Federal Ministry of Federal Ministry for Family Affairs, Senior Citizens, Women and Youth, UNICEF, the Federal association for unaccompanied refugee minors (*Bundesfachverband unbegleitete minderjährige Flüchtlinge*), SOS Kinderdörfer e.V., and the German Red Cross. Although the two latter organisations respectively serve as focal points for children institutions from UA and for displaced persons with disabilities, they do not have the responsibility to collect exhaustive data on all cases in Germany. They are thus only aware of cases which were indeed reported to them (whereas most cases organised their arrival independently, before these focal points were set up).

2.5.2. Alternative care

In Germany, the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth recognised in a written statement from July 2022 that providing assistance to a group of children from Ukraine who are accompanied by caregivers with legal guardianship is a situation for which it is difficult to find an equivalent in the catalogue of situations so far listed in German legal texts (catalogue of §§ 28 - 35 SGB VIII)⁴⁹. For this reason according to the Ministry, a pertinent assistance format must be designed, taking into account that the adults caring for such groups from Ukraine are very often not professionals in the sense of German standards (cf. § 72 Para. 1 Sentence 1 Book VIII of the Social Code)⁵⁰. One of the propositions by the Ministry is an alternative model of assistance to education resembling a “large foster family” in which children and youth receive benefits to subsistence; the caregiver receives support for the costs of children and youth’s welfare and education; the caregiver receives advice and support from the Youth welfare office; the group of children/youth and their caregiver are provided with a suitable accommodation. This setting is midway between a youth institution and a foster family and would therefore be freed of the operating licence mandatory for such institutional care settings. To ensure the best interests of the child, the Ministry further emphasises that Youth welfare offices should hold personal talks with the caregivers in

⁴⁹ German law – [Achstes Buch \(VIII\) – Kinder- und Jugendhilfe - §§ 28 – 35 - Erziehungshilfe](#)

⁵⁰ German law – [Achstes Buch \(VIII\) – Kinder- und Jugendhilfe - §72 – Mitarbeiter, Fortbildung](#)

order to gently inform them about the requirements of child protection and the legal provisions in Germany. These caregivers should also be offered appropriate further education or training.⁵¹

2.5.3. Safeguards for children placed in institutional care settings

Despite requests for information sent to the Federal Ministry of Federal Ministry for Family Affairs, Senior Citizens, Women and Youth, SOS Kinderdörfer e.V., UNICEF, the Federal association for unaccompanied refugee minors (*Bundesfachverband unbegleitete minderjährige Flüchtlinge*), the authors of this report could not find information on safeguards developed specifically for children from Ukraine once they are placed in institutional settings. This could be explained by the multiplicity of existing institutional settings into which they were integrated in Germany. The information in 2.3.2. also applies to caregivers from Ukraine: The Youth Welfare Office must ex officio determine whether children are accompanied by legal guardians. Pursuant to section 21 sub-section 1 SGB X⁵², it uses the evidence that it deems necessary to determine whether accompanying adults can be considered legal guardians (for example obtaining electronic Ukrainian documents, hearing parties, etc.). The Youth Welfare Services must also take into account the provisions of the Family Code of Ukraine, which stipulate in particular that the administration of a care institution (children's home, orphanage) is the guardian of the children and adolescents who are permanently placed there.⁵³

2.5.4. Access to local services and support

In **Germany**, children and adolescents who were accommodated in Ukrainian institutions for educational assistance generally have access to educational assistance, not matter the type of care they were integrated in in Germany (foster care, guardian from Ukraine, German institution). Youth welfare offices examine the respective

⁵¹ Germany, Federal Ministry for Family Affairs, Senior Citizens, Women and Youth (*BMFSFJ*) (2022), '[Unbegleitet und begleitet nach Deutschland einreisende Kinder und Jugendliche aus der Ukraine in der Kinder- und Jugendhilfe](#) – Fortgeschriebene Punctuation des BMFSFJ', 04 July 2022, p. 4.

⁵² German law - Zehntes Buch Sozialgesetzbuch – [Sozialverwaltungsverfahren und Sozialdatenschutz – \(SGB X\) § 20 - Untersuchungsgrundsatz](#)

⁵³ Germany, Federal Ministry for Family Affairs, Senior Citizens, Women and Youth (*BMFSFJ*) (2022), '[Unbegleitet und begleitet nach Deutschland einreisende Kinder und Jugendliche aus der Ukraine in der Kinder- und Jugendhilfe](#) – Fortgeschriebene Punctuation des BMFSFJ', 04 July 2022.

educational need in the individual case (§ 27 Para. 1 SGB VIII)⁵⁴ and whether this can be met by accompanying caregivers. If the child must be placed in an institution (outside of the family/caregiver setting), the child and youth welfare services are primarily responsible for ensuring the children's livelihood. If there is no educational need, children who are capable of working and have reached the age of 15 are generally eligible for a subsistence allowance under Book II of the Social Code (SGB II)⁵⁵, and children under the age of 15 under Book XIII of the Social Code (SGB XII)^{56, 57}.

With regard to children with disabilities who have fled from Ukraine, there are the following findings: In **Germany**, the youth welfare offices are primarily responsible for services of assistance to insertion -meaning all decisions concerning a better insertion of the child into society- for children and adolescents with a (threatening) mental disability (§ 35a SGB VIII)⁵⁸. Benefits of integration assistance are intended to enable people with a (threatened) disability to lead a self-determined life. Responsibility varies from *Land* to *Land*; the responsible institution is the one designated as such by the respective Land. (paragraph 4 of the Book VIII of the Social Code⁵⁹ and paragraph 1 of Book IX of the Social Code⁶⁰). In Nordrhein Westphalia those are for example in principle the municipal associations (*Landschaftsverbände*), as well as the districts and municipalities until the child finishes school.⁶¹

According to the German Red Cross' federal point of contact for refugees with disabilities and/or special needs (*Bundeskontaktstelle, BKS*), children face similar challenges as adults with disabilities. Contacted for this report, a representative of the *Bundeskontaktstelle* indicated that registering children with disabilities often poses difficulties, since several institutions lack infrastructures for individuals with reduced mobility. Furthermore, it is difficult to get in touch with the responsible Office for

⁵⁴ German law – [Achstes Buch \(VIII\) – Kinder- und Jugendhilfe - §27 – Hilfe zur Erziehung](#)

⁵⁵ German law - [Sozialgesetzbuch \(SGB\) Zweites Buch \(II\) - Bürgergeld, Grundsicherung für Arbeitsuchende](#)

⁵⁶ German law – Sozialgesetzbuch (SGB) [Achstes Buch \(VIII\) – Kinder- und Jugendhilfe - §27 – Hilfe zur Erziehung](#)

⁵⁷ Federal Ministry for Family Affairs, Senior Citizens, Women and Youth (*BMFSFJ*) (2022), [‘Unbegleitet und begleitet nach Deutschland einreisende Kinder und Jugendliche aus der Ukraine in der Kinder- und Jugendhilfe – Fortgeschriebene Punctuation des BMFSFJ’](#), 04 July 2022, p. 5.

⁵⁸ German law – Sozialgesetzbuch (SGB) [Achstes Buch \(VIII\) – Kinder- und Jugendhilfe § 35 Intensive sozialpädagogische Einzelbetreuung](#)

⁵⁹ German law – Sozialgesetzbuch (SGB) [Achstes Buch \(VIII\) – Kinder- und Jugendhilfe - §10 – Verhältnis zu anderen Leistungen und Verpflichtungen](#)

⁶⁰ German law – [Sozialgesetzbuch \(SGB\) Neues Buch \(IX\) - § 1 Selbstbestimmung und Teilhabe am Leben in der Gesellschaft](#)

⁶¹ Nordrhein Westphalia Landesstelle (2022), [‘Fragen und Antworten zu minderjährigen Flüchtlingen mit Behinderung’](#), 21 June 2021, p. 2.

Foreigners' Affairs to clarify the registration procedure, although this registration is mandatory to access to the social and health system and thus for the financing of accommodation places and medical care. The registration and accommodation of accompanying persons of refugees with disabilities was also a considerable hurdle, as their role could not be legally clarified for a long time. On the one hand, there was a lack of capacity in the facilities, and on the other hand, people could not move into accommodation without registration. The representative of the *Bundeskontaktstelle* gave the example of a group of 11 children evacuated from an institution in Dnipro whose arrival was coordinated by the federal point of contact. The facility which hosted them as well as the Federal Children's Hospice Association (*Bundesverband Kinderhospiz*) had to make advance payments to cover the costs for their medical care as well as to rent private flats to accommodate the accompanying persons. This rapid medical care led to a rapid improvement in their state of health.⁶²

2.6. Child-friendly information and means to ensure participation of children from Ukraine

2.6.1. Child friendly information

In **Germany**, the German Society for Psychology (*Deutsche Gesellschaft für Psychologie*) produced a child friendly video about traumas and tools to react to it, available in German and Ukrainian language.⁶³ The Federal Institute for Vocational Education and Training (*Bundesinstitut für Berufsbildung, BIBB*) has produced information available in Ukrainian and Russian on its website about career orientation and vocational training places in Germany.⁶⁴

⁶² German Red Cross' *Bundeskontaktstelle*, Email contribution to the German Institute for Human Rights, 06 July 2023.

⁶³ German Society for Psychology (Deutsche Gesellschaft für Psychologie) (n.d.), '[Psychologische Hilfe Ukraine](#)', Website.

⁶⁴ Federal Institute for Vocational Education and Training (Bundesinstitut für Berufsbildung) (n.d.), '[FAQ for Immigrants](#)', n.d.

2.6.2. Child participation

The authors of this report could not find reliable information on the practice of hearing children in custody determination proceedings. The sources consulted speak of different practices depending on the youth welfare office.

In **Germany**, according to the Association for Unaccompanied Refugee Minors (*BumF*), age-appropriate play facilities for children and offers for adolescents constitute a right in private and public accommodations. If such play facilities are not available, *BumF* advises care-givers of Ukrainian children to claim this right.⁶⁵

In **Germany**, a report by the German Youth Institute highlighted school measures which contributed to Ukrainian children's satisfaction with the school, generally conducive to the children's well-being and a positive perception of German society, such as breakfasts with Ukrainian children, welcome signs in the school building and classrooms in the school building and in classrooms, school tours and introductions of the children by the school administration.⁶⁶

⁶⁵ Bundesfachverband unbegleitete minderjährige Flüchtlinge (2023), '[Information for Parents and Persons Accompanying Children and Adolescents from Ukraine](#)', leaflets, November 2022, p. 7.

⁶⁶ The German Youth Institute (*das Deutsche Jugendinstitut*) (2023), '[Ukrainian refugees in Germany - Surveys on the target group and on communal care and support structures](#)', 23 February 2023, p. 42.

3. Access to social rights

3.1. Access to health care

3.1.1. Scope of medical care for children fleeing Ukraine

Table 4 – Scope of medical care for children

Scope of medical care for children	Y/N	Reference / details
Only emergency care/essential treatment of illnesses (Article 13.2 TPD)	no	Since the German Federal Government decided to include refugees from Ukraine in standard medical care from 1 June 2022, they are entitled to health coverage analogous to this of German citizens.
Complete medical check-up / health screening	yes	However, most of the refugees from Ukraine did not undergo a state-led initial medical examination as many found shelter in private homes and benefitted from free medical treatments offered by voluntary health professionals. ⁶⁷
Mental health screening (PTSD, depression, anxiety)	no	
Vaccinations for children	yes	The officially recommended vaccinations and medically required preventive examinations for the prevention and early detection of diseases are provided. ⁶⁸
Mental health / psychosocial support	yes	In contrast to refugees from other countries of origin, refugees from Ukraine have a legal entitlement to full psychiatric and psychotherapeutic treatment following the decision of the Federal Government to include

⁶⁷ Ärztezeitung (2022), [‘Krieg in der Ukraine : Diese mehr als 600 Berliner Praxen behandeln Flüchtlinge kostenfrei’](#), 10 March 2022.

⁶⁸ Federal Ministry for Work and Social Affairs (2023), [‘Fragen und Antworten für Geflüchtete aus der Ukraine’](#), 01 March 2023.

		them in standard medical care from 01.06.2022. ⁶⁹
Children with disabilities and those with chronic illnesses have access to the medical care needed	Upon assessment	Since June 2022 and their inclusion into the mainstream health coverage, Ukrainian children with disabilities have, according to the law, the same access to medical care as children with German nationality. To accompany them in their demands for assistance they can benefit from free independent complementary counselling throughout Germany. ⁷⁰ However, according to the German Red Cross' report on refugees with disabilities in Germany, Ukrainians with chronic illnesses and/or disabilities faced the same lack of systematic identification upon arrival as refugees from other nationalities. ⁷¹

In **Germany**, according to the German Federal Government agency responsible for disease control and prevention, in accordance with the Asylum Seekers' Benefits Act (*Asylbewerberleistungsgesetz*), asylum seekers can usually obtain treatment vouchers (*Behandlungsscheine*) for medical and psychotherapeutic care from the responsible municipal offices; in emergencies, care is also provided without a treatment voucher. With the EU Temporary Protection Directive, refugees from Ukraine became entitled to a residency title (section 24(1) of the Residence Act)⁷² and, among others, to health benefits under the Asylum Seekers' Benefits Act (i.e. a restricted access) with retroactive effect from 24 February 2022, without having to apply for asylum. However, the German Federal Government decided to include refugees from Ukraine in standard medical care from 1 June 2022, giving them a regular entitlement to health care analogous to this of German citizens, including a legal right to full psychiatric and psychotherapeutic treatment.⁷³ However, the exclusion of language mediation from the costs covered within the framework of standard care is a major problem for Ukrainian refugees in Germany. During psychiatric consultations, patients thus have to rely on family members or friends for translation, whereas experts point to the particularly

⁶⁹ Lindner, K., [„Prävalenzen für eine posttraumatische Belastungsstörung \(PTBS\) bei Geflüchteten und gesetzliche Behandlungsansprüche in Deutschland“](#), Berlin, *Bundeszentrale für gesundheitliche Aufklärung*.

⁷⁰ Senate Department for Labour, Social Affairs, Equality, Integration, Diversity and Anti-Discrimination (*Senatsverwaltung für Arbeit, Soziales, Gleichstellung, Integration, Vielfalt und Antidiskriminierung*) (n.d.), [‘Ergänzende Unabhängige Teilhabeberatung’](#) (EUTB), n.d.

⁷¹ German Red Cross (*Deutsches Rotes Kreuz*) (2022), [‘Geflüchtete Menschen mit Behinderungen in Deutschland: Ergebnisse der Bedarfserhebung’](#), 15 August 2022, p.5.

⁷² German Law – [Act on the Residence, Economic Activity and Integration of Foreigners in the Federal Territory](#)

⁷³ Germany, Robert Koch Institut, [‘Flucht und psychische Gesundheit’](#), 05 April 2022.

problematic use of children for translation. In the case of stationary care in clinics, costs of language mediation can theoretically be covered by the institution. However, in practice in psychiatric clinics, it is only possible to ensure a minimum level of communication during inpatient treatment through staff from other stations who happen to be native speakers or through relatives, often children, with knowledge of German, or volunteer interpreters.⁷⁴ All NGOs contacted for this report criticized the lack of language mediation as a major hurdle.⁷⁵

3.1.2. Challenges in practical provision

In **Germany**, according to a report published by a research centre established at the Technical university of Dresden and funded by the Mercator foundation, the prevalence of mental illness among refugees is high and they face legal hurdles to access help (especially with regard to language mediation). Funding language mediation for refugees is not yet possible within the framework of the statutory health insurance, although it is indispensable for adequate medical care. Other challenges are more specifically related to the health situation of the population in Ukraine before the outbreak of war: the comparatively high prevalence for tuberculosis and HIV as well as the low vaccination rates. There is a need to raise awareness on and catch up with vaccinations against COVID-19 and various vaccine-preventable diseases such as measles. Moreover, HIV and tuberculosis therapies (as well as other, e.g. cardiovascular, long-term treatments) were potentially interrupted for the time of the flight to Germany. The risk of HIV may be further increased by sexual violence during war. Low-threshold testing services are needed in this regard. Due to the fact that most Ukrainian refugees do not live in collective accommodation, they are not required to undergo an initial medical examination.⁷⁶ Upon enrolment in schools, where the vaccination status of children is checked, children from Ukraine with an incomplete vaccination passport according to German standard are informed of this necessity and referred to physicians.⁷⁷

⁷⁴ Lindner, K., Merkel, U. (2023), '[Die Psychiatrische Versorgung durch die internationale Praxis Dresden](#)', *Bundeszentrale für gesundheitliche Aufklärung*, Im Fokus : Geflüchtete.

⁷⁵ Documentation and Cultural Centre of Sinti and Roma in Germany, Email contribution to the German Institute for Human Rights, 06 July 2023; Contribution via phone by *SOS Kinderdörfer e.V.*, 29 June 2023; Bundesfachverband unbegleitete minderjährige Flüchtlinge, Email contribution to the German Institute for Human Rights, 10 July 2023.

⁷⁶ MIDEM (2022), [Europa und Fluchtmigration aus der Ukraine. Jahresstudie](#), Mercator Forum Migration und Demokratie, Dresden, Hans Vorländer, p. 67.

⁷⁷ Baden-Württemberg Ministry for culture, youth, and sport (*KM-BW*) (2022), '[Erstes Informationsschreiben zur Beschulung der geflüchteten Kinder und Jugendlichen aus der Ukraine](#)', public information letter, 16 March 2022.

3.1.3. Mental health and psychosocial support for children fleeing Ukraine

In **Germany**, the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth allocated more funds to welfare organisations to support psychosocial centres, counselling and care for refugees from Ukraine.⁷⁸ According to the German Federal Government agency responsible for disease control and prevention (*Robert Koch Institut*), mental health, unlike for example infectious diseases, is not part of the routine screening according to legal prerequisites (§36(4) IfSG)⁷⁹ relative to accommodation in shared housing.⁸⁰ A study from the Dresden area concludes that refugees from Ukraine suffering from psychiatric/psychological disorders have great difficulties in getting the help they need due to the shortage of treatment places. Also the exclusion of language mediation from the costs covered within the framework of standard care is a major problem for Ukrainian refugees in Germany. During psychiatric consultations, patients thus have to rely on family members or friends for translation, whereas experts point to the particularly problematic use of children for translation. In the case of stationary care in clinics, costs of language mediation can theoretically be covered by the institution. However, in practice in psychiatric clinics, it is only possible to ensure a minimum level of communication during inpatient treatment through staff from other stations who happen to be native speakers or through relatives, often children, with knowledge of German, or volunteer interpreters.⁸¹ All NGOs contacted for this report criticized the lack of language mediation as a major hurdle.⁸² Concerning the psychiatric/psychological conditions of children from Ukraine, the federal coordination network against trafficking (*Bundesweite Koordinierungskreis gegen Menschenhandel e.V., KOK*) noted in a report on the situations of refugees from Ukraine that behaviours of withdrawal, aggression or rejection are increasingly observed among children and adolescents.⁸³ The federal

⁷⁸ Germany, Federal Ministry for Family Affairs, Senior Citizens, Women and Youth (*BMFSFJ*) (2022), '[Hilfe und Unterstützung für geflüchtete Menschen aus der Ukraine](#)', website, 21 March 2022.

⁷⁹ German Law - Infektionsschutzgesetz – IfSG - § 36 - [Infektionsschutz bei bestimmten Einrichtungen, Unternehmen und Personen; Verordnungsermächtigung](#)

⁸⁰ Germany, Robert Koch Institut, '[Flucht und psychische Gesundheit](#)', website, 05 April 2022.

⁸¹ Lindner, K., Merkel, U. (2023), '[Die Psychiatrische Versorgung durch die internationale Praxis Dresden](#)', *Bundeszentrale für gesundheitliche Aufklärung*, Im Fokus : Geflüchtete.

⁸² Documentation and Cultural Centre of Sinti and Roma in Germany, Email contribution to the German Institute for Human Rights, 06 July 2023; Contribution via phone by *SOS Kinderdörfer e.V.*, 29 June 2023; Bundesfachverband unbegleitete minderjährige Flüchtlinge, Email contribution to the German Institute for Human Rights, 10 July 2023.

⁸³ KOK (2022), '[Menschenhandel im Kontext des Ukrainekrieges – Bericht des KOK-Ukraine Projektes](#)', 17 December 2022, p. 22.

chamber of psychotherapists produced a guide in Ukrainian and Russian for parents to help them care for their traumatised children.⁸⁴

3.2. Access to education

3.2.1. Types of schooling

In **Germany**, according to the Standing Conference of Ministers of Education and Cultural Affairs (KMK), since March 2022 schools in German federal states (*Länder*) enrolled children from Ukraine in special classes, which are called “welcome classes” (*Willkommensklassen*)/ “preparatory classes” (*Vorbereitungsklassen*)/ “bridge classes” (*Brückensklassen*)/ “intensive classes” (*Intensivklassen*), depending on the *Länder*. The goal of these classes is an intensive teaching of the German language to prepare pupils to join regular classes at a later point.⁸⁵ According to an information letter from the Minister of Education of Baden-Württemberg, the enrolment in these special classes is not mandatory and pupils can also be integrated into regular classes (*integratives Schulmodell*), or change from one format to another according to their needs.⁸⁶ Such decisions vary from one school to another and are at the discretion of school directors. According to a report published by a research centre established at the Technical university of Dresden and funded by the Mercator foundation, the schooling of Ukrainian refugees is handled differently throughout Germany, sometimes even within individual federal states, whereby local conditions, available resources, integration policies lead to different models. The latter vary along two poles, from the segregation of pupils in aforementioned classes (which in some cases never merge with regular classes), to the integration of children from Ukraine into mainstream German speaking classes from day one of their enrolment. Practices vary according to the federal state: In the *land* of Baden-Württemberg for example, the weekly timetable for refugees provides for ten hours of language support at primary school, two hours of democracy education, six hours in the supplementary course (mathematics, music, art, a discipline

⁸⁴ Federal chamber of psychotherapists (*Bundespsychotherapeutenkammer*) (2022), [Elternratgeber für Flüchtlinge jetzt auch als PDF-Broschüre erhältlich](#), Press release, 24 May 2022.

⁸⁵ Germany, Standing Conference of ministers of education and cultural affairs (*KMK*) (2022), [‘Zum Umgang mit \(schulpflichtigen\) geflüchteten Kindern und Jugendlichen aus der Ukraine’](#), resolution, 10 May 2022, p. 2.

⁸⁶ Baden-Württemberg Ministry for culture, youth, and sport (*KM-BW*) (2022), [‘Erstes Informationsschreiben zur Beschulung der geflüchteten Kinder und Jugendlichen aus der Ukraine’](#), public information letter, 16 March 2022, p. 3.

of discovery) as well as two hours for pedagogical focal points.⁸⁷ In secondary school, there are 12 hours of language support, four hours of democracy education and nine hours for the supplementary course. The *land* of Rhineland-Palatinate promotes the German language with intensive German courses of up to 20 hours.⁸⁸ In some cities, so-called pop-up schools have been set up, whether as a bridging measure before schooling in a welcome class, as in Berlin, or as an additional afternoon offer, as in Freiburg. Facing the arrival of a high number of children from Ukraine, the *land* of Sachsen extended its integration concept in matters of school education.⁸⁹ They either joined existing preparatory classes, newly created preparatory classes or in individual cases directly integrated regular classes. As a temporary measure, “Ukraine preparatory classes” (*Vorbereitungsklassen Ukraine, VKU*) were also created. In October they represented 40% of the 900 preparatory classes of Sachsen.⁹⁰

According to a representative of *SOS Kinderdörfer e.V.* the situation of young Ukrainians has not changed much since their arrival in Germany, they are still “stuck in welcome classes” with little prospect of improving their level of German.⁹¹ Currently many parents and teachers call attention towards the lack of places for children from Ukraine in German school (see section 4.1. on challenges for more details).

In Germany, studies in Berlin, Brandenburg, Munich, showed that many young Ukrainians who were about to graduate high school in Ukraine before the war are now anxious as to their professional future in Germany. Indeed one and a half years after their arrival in Germany, many of them continue to be taught with other Ukrainians in “welcome classes” where their level of German progresses only slowly.^{92,93}

Table 5 – Enrolment and attendance of children fleeing Ukraine

Types of schooling	Number of children enrolled	Number of children attending	Source
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⁸⁷ MIDEM (2022), [Europa und Fluchtmigration aus der Ukraine. Jahresstudie](#), Mercator Forum Migration und Demokratie, Dresden, Hans Vorländer, pp. 59-60.

⁸⁸ MIDEM (2022), [Europa und Fluchtmigration aus der Ukraine. Jahresstudie](#), Mercator Forum Migration und Demokratie, Dresden, Hans Vorländer, pp. 59-60.

⁸⁹ MIDEM (2022), [Europa und Fluchtmigration aus der Ukraine. Jahresstudie](#), Mercator Forum Migration und Demokratie, Dresden, Hans Vorländer, pp. 59-60.

⁹⁰ MIDEM (2022), [Europa und Fluchtmigration aus der Ukraine. Jahresstudie](#), Mercator Forum Migration und Demokratie, Dresden, Hans Vorländer, pp. 59-60.

⁹¹ Contribution via phone by *SOS Kinderdörfer e.V.*, 29 June 2023.

⁹² Ünsal, G., von Oswald, A., Lushankina, O., (2023), [Geflüchtete aus der Ukraine in Berlin und Brandenburg, Berlin](#), Minor Kontor, p. 8.

⁹³ Terlinden, G. (2022), [Psychosoziales Behandlungszentrum \(PSZ\) für Menschen mit Kriegs- und Fluchterfahrungen](#), Bundeszentrale für gesundheitliche Aufklärung.

National formal educational system	Children in nursery		22 per cent of children under the age of three and 59 per cent of children aged three to school entry age (six) attend a daycare centre.	According to a representative survey among Ukrainian refugees conducted by several state agencies from June to September 2022. ⁹⁴
	Children in primary education		Around 207,000 children from Ukraine are currently being taught at German general and vocational schools.	Paula Henselin, statistical commission of the Standing Conference of Ministers of Education and Cultural Affairs (KMK) (2023), Query on refugee children/young people from Ukraine , 6 June 2023.
	Children in secondary education			
Physical attendance of Ukrainian led school / educational setting				
Online attendance of Ukrainian led school / educational setting			Many pupils take part in online lessons from Ukraine in the afternoon, Exact figures are not available. Bremen, for example, states that the	Ministries of the federal states, upon MEDIENDIENST request. ⁹⁶

⁹⁴ Brücker, H., Ette, A., Grabka, M.M., Kosyakova, Y., Niehues, W., Rother, N., Spiess, C.K. Zinn, S., Bujard, M., Cardozo, A., Décieux, J.P., Maddox, A., Milewski, N., Naderi, R., Sauer, L., Schmitz, S., Schwanhäuser, S., Siegert, M., Tanis, K. (2022), [Geflüchtete aus der Ukraine in Deutschland: Flucht, Ankunft und Leben](#). (BAMF-Kurzanalyse, 4-2022), Nürnberg, Bundesamt für Migration und Flüchtlinge (BAMF) Forschungszentrum Migration, Integration und Asyl (FZ).

⁹⁶ MEDIENDIENST (2022), [‘Over 200,000 Ukrainian pupils enrolled’](#), 06 December 2022.

		majority of pupils do so. In Berlin, 25,7% of Ukrainian parents participating in a survey responded that their child/children were taking classes at an online Ukrainian school. ⁹⁵	
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3.2.2. Support to integration in the formal educational system

In **Germany**, according to the Standing Conference of Ministers of Education and Cultural Affairs (KMK), a Task Force was created in March 2022 to help implementing the integration of children into the public school system, as foreseen by the EU Temporary Protection Directive.⁹⁷ The requirements of the states (*Länder*) regarding compulsory schooling apply, meaning that children from Ukraine who reside in Germany for more than three months must be enrolled in a German school.⁹⁸ Upon enrolment in schools, where checking vaccination status of all children is part of the enrolment procedure, children from Ukraine with an incomplete vaccination passport according to German standard are exceptionally accepted into class while parents are informed of the necessity to vaccinate their child and referred to physicians.⁹⁹ According to a report published by a research centre established at the Technical university of Dresden and funded by the Mercator foundation, the practice of the *Länder* has been to enrol children and adolescents in schools even when they do not have enough sufficient vaccine protection according to the Infection Protection Act (*Infektionsschutzgesetz*,

⁹⁵ Ünsal, G., von Oswald, A., Lushankina, O., (2023), [Geflüchtete aus der Ukraine in Berlin und Brandenburg, Berlin](#), Minor Kontor, p. 8.

⁹⁷ Germany, Standing Conference of ministers of education and cultural affairs (KMK) (2022), [‘KMK benennt Vorsitzenden – Task Force tagt erstmalig’](#), resolution, 18 March 2022.

⁹⁸ Germany, Standing Conference of ministers of education and cultural affairs (KMK) (2022), [‘Beschulung der schutzsuchenden Kinder und Jugendlichen aus der Ukraine im Schuljahr 2022/2023’](#), resolution, 23 June 2022.

⁹⁹ Baden-Württemberg Ministry for culture, youth, and sport (KM-BW) (2022), [‘Erstes Informationsschreiben zur Beschulung der geflüchteten Kinder und Jugendlichen aus der Ukraine’](#), public information letter, 16 March 2022.

IfSG)¹⁰⁰, while reporting them to the competent health office in order to quickly catch up on protective vaccination.¹⁰¹

In Germany, according to the Standing Conference of Ministries of Education and Cultural Affairs (KMK), a challenge is on the one hand, to meet the Ukrainian government's wish to teach the Ukrainian scholar programme to refugee children and, on the other hand, to promote the acquisition of the German language and thus their integration into the German school system. The KMK clearly stated in resolutions from May 2022 and June 2022 that learning the German language and integrating into the German school system have priority, while Ukrainian online materials can be used as a supplement and flanking measure in regular lessons.¹⁰²

In **Germany**, according to a resolution of the Standing Conference of Ministries of Education and Cultural Affairs (KMK), young adults from Ukraine are allowed to apply to German higher education institutions and take up even without having completed a regular year of schooling or studies. Likewise, the proof of accreditation of private Ukrainian higher education institutions is waived for the application period of the winter semester 2022/2023 and the summer semester 2023. This resolution was made in reaction to the impossibility to obtain higher education degrees in Ukraine since the outbreak of the war.¹⁰³

3.2.3. Data on drop outs and NEETs (not in education, employment, or training)

In **Germany**, in some federal states, capacities are so overloaded that refugee children cannot yet attend school.¹⁰⁴ It is difficult to determine exactly how many children are affected: According to a media article, 4,000 children from Ukraine are currently (June 2023) waiting for a school place in Germany, the majority of them in Berlin and North Rhine-Westphalia. Key reasons for this are the severe shortage of staff and space.¹⁰⁵ According to another media report based on a survey of the responsible ministries, as

¹⁰⁰ German Law - Infektionsschutzgesetz – IfSG - §36 [Infektionsschutz bei bestimmten Einrichtungen, Unternehmen und Personen; Verordnungsermächtigung](#)

¹⁰¹ MIDEM (2022), [Europa und Fluchtmigration aus der Ukraine. Jahresstudie](#), Mercator Forum Migration und Demokratie, Dresden, Hans Vorländer, pp. 57-58.

¹⁰² Germany, Standing Conference of ministers of education and cultural affairs (KMK) (2022), [‘Beschulung der schutzsuchenden Kinder und Jugendlichen aus der Ukraine im Schuljahr 2022/2023’](#), resolution, 23 June 2022.

¹⁰³ Germany, Standing Conference of ministers of education and cultural affairs (KMK) (2022), [‘Hochschulzugang mit ukrainischen Bildungsnachweisen’](#), resolution, 05 April 2022.

¹⁰⁴ MEDIENDIENST (2022), [Over 200,000 Ukrainian pupils enrolled](#), 06 December 2022.

¹⁰⁵ Schulze, L. (2023), [‘„Man kann die Lage nicht aushalten“: Viele Schulen sind überfordert durch die enorme Zahl geflüchteter Kinder’](#), *tagesspiegel*, 16 June 2023.

of May 2023, 1,800 displaced children were waiting for a school place in the state of North Rhine Westphalia, while 1,700 school places were missing in Berlin (figures encompass children from Ukraine and from other countries).¹⁰⁶ According to a survey among refugees from Ukraine in Berlin and Brandenburg between December 2022 and February 2023 in Berlin, 17,5% of respondents indicated that their child/children were not enrolled in any educational institution.¹⁰⁷

In **Germany**, according to the Ministry of Family Affairs, Senior Citizens, Women and Youth, due to the unrestricted access to the labour market for Ukrainian refugees, the vocational integration for young people from Ukraine is easier than for young people who fled from other countries.¹⁰⁸

3.3. Access to social welfare – forms of social assistance related to children

In **Germany**, the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth published a bulletin in July 2022 about the relationship between educational assistance (*Hilfe zur Erziehung*) and social benefits (*Lebensunterhaltssichernden Leistungen*) according to SGB II¹⁰⁹ or SGB XII¹¹⁰. Its purpose is to ensure a uniform interpretation of the law by the public authorities. Among others, it states that children who lived in Ukrainian institutions for educational assistance have access to educational assistance in Germany. The Youth Welfare Office examines the respective educational needs in each individual case (§ 27, paragraph 1, Book VIII of the Social Code)¹¹¹ and whether these can be met by accompanying caregivers. The bulletin further stipulates that for children who reside in educational establishments in Germany, the child and youth welfare services are primarily responsible for ensuring the livelihood (*Lebensunterhaltsicherung*) of the children (§ 39 SGB VIII), which is included as an annex service of the educational assistance (*erzieherischen Hilfe*). In the absence of a need for educational assistance, young people who are capable of working and have reached the

¹⁰⁶ Der Spiegel (2023), '[Thousands of children without a school place](#)', 26 May 2023.

¹⁰⁷ Ünsal, G., von Oswald, A., Lushankina, O., (2023), [Geflüchtete aus der Ukraine in Berlin und Brandenburg, Berlin](#), Minor Kontor, p. 8.

¹⁰⁸ Federal Ministry for Family Affairs, Senior Citizens, Women and Youth (*BMFSFJ*) (2022), [Unaccompanied and accompanied children and young people from Ukraine entering Germany in child and youth welfare services](#) – Fortgeschriebene Punctuation des BMFSFJ, 04 July 2022, p. 47.

¹⁰⁹ German law - [Sozialgesetzbuch \(SGB\) Zweites Buch \(II\) - Bürgergeld, Grundsicherung für Arbeitsuchende](#).

¹¹⁰ German law - [Sozialgesetzbuch \(SGB\) Zwölftes Buch \(XII\) - Sozialhilfe](#).

¹¹¹ German law - [Achstes Buch \(VIII\) - Kinder- und Jugendhilfe - § 27 - Hilfe zur Erziehung](#).

age of 15 are generally eligible for assistance to secure their livelihood under Book II of the Social Code, and minors under the age of 15 are eligible for assistance under Book XII of the Social Code. In this case there is no competition with benefits under Book VIII of the Social Code for lack of congruence.¹¹²

In **Germany**, there are various child-specific social security benefits that are relevant for children who have fled Ukraine or for their parents. Parents who have fled Ukraine can receive child benefit if the parent making the application has a residence permit according to section 24 of the Residence Act.¹¹³ Another requirement - namely that the residence permit allows gainful employment for at least 6 months - is no longer required as of 1 June 2022. The parent submitting the application must reside in Germany. The child for whom child benefit is claimed must reside in Germany or another state of the European Union (EU), the European Economic Area (EEA) or Switzerland. Orphans and children who do not know the whereabouts of their parents can also receive child benefit. These children must apply for child benefit themselves. The prerequisite is: The child has a residence permit according to section 24 of the Residence Act. A specific length of stay is not required.¹¹⁴ Child benefit consists of 250 euros per month for each child.

Other child-specific social security benefits are, for example, education and participation benefits for children and adolescents in need (*Bildungs- und Teilhabeleistungen für bedürftige Kinder, Jugendliche und junge Erwachsene*). These cover, for example, the costs of day trips, collective lunches at school and day care centres, music, sports or games in clubs and groups. These benefits are eligible in particular for those persons who receive basic support for jobseekers (*Bürgergeld*) or social assistance (*Hilfe zum Lebensunterhalt* or *Grundsicherung im Alter und bei Erwerbsminderung*) or whose parents receive the child supplement or housing benefit. In addition, there may be a claim to benefits from the education and participation benefits under SGB II or SGB XII if the child or his/her parents do not otherwise receive any of the aforementioned social benefits, but are unable to cover the child's specific educational and participation needs. For example, the monetary amount for personal school supplies in the calendar year 2023 totals 174 euros; this amount is updated annually.¹¹⁵

¹¹² Bundesministerium für Familie, Senioren, Frauen und Jugend (BMFSFJ) (2022), [Unbegleitete und begleitete Kinder und Jugendliche aus der Ukraine bei der Einreise nach Deutschland in der Kinder- und Jugendhilfe](#) - Fortgeschriebene Punctuation des BMFSFJ, 04. Juli 2022, S. 5.

¹¹³ [Gesetz über den Aufenthalt, die Erwerbstätigkeit und die Integration von Ausländern im Bundesgebiet - §24](#)

¹¹⁴ Bundesagentur für Arbeit (ohne Datum), [Kindergeld für Geflüchtete aus der Ukraine](#), Webseite.

¹¹⁵ Bundesministerium für Familie, Senioren, Frauen und Jugend (BMFSFJ) (kein Datum), [Bildungs- und Teilhabeleistungen für bedürftige Kinder, Jugendliche und junge Erwachsene](#), Webseite.

4. Additional legal and practical barriers and challenges

4.1. General challenges

Disadvantageous treatment of third country nationals:

In **Germany**, the European Council on Refugees and Exiles (ECRE) echoed critiques of the different treatment of third country nationals who fled from Ukraine as compared to applicants of Ukrainian nationality. The difference in treatment is displayed in the registration process where access to the application for temporary protection is sometimes not granted to third country nationals who fled from Ukraine and eligible third country nationals are pressured into the asylum procedure instead. After having lodged their application, third country nationals are further treated differently with regards to access to the labour market and social benefits.¹¹⁶ The difference treatment of third country nationals who fled Ukraine resonates with critiques by professionals working with asylum seekers and refugees in Germany. They welcome the solidarity for Ukrainian refugees, while regretting the privileged treatments from which they benefit in terms of access to the labour and housing market, social benefits and health care, as compared to those seeking protection from other regions also rocked by armed conflict. As the German Red Cross noted in a report published in August 2022, the privileged treatment of Ukrainian refugees can be observed in, among others, a stronger commitment to the integration of Ukrainian children into German schools, access to language courses for Ukrainians, selective housing and support services. The unequal treatment of different groups of refugees is already causing tensions and conflicts on the ground. The German Red Cross and other organisations calls for a fundamentally better care for all refugees - irrespective of their origin.¹¹⁷

Challenges to access education and to maintain its quality:

In **Germany**, according to a study by a private research institute on German Economy, at least 13,400 additional teachers are needed in schools to maintain the current

¹¹⁶ European Council on Refugees and Exiles (ECRE), [The Asylum Information Database \(AIDA\) – Country report: Germany](#), 31 December 2022.

¹¹⁷ German Red Cross (*Deutsches Rotes Kreuz*) (2022), [‘Geflüchtete Menschen mit Behinderungen in Deutschland: Ergebnisse der Bedarfserhebung’](#), 15 August 2022, p. 74.

conditions of care and teaching.¹¹⁸ According to the independent research initiative MEDIENDIENST, in almost all *Länder*, the biggest challenges are the lack of teachers, as well as a lack of space in schools in some *Länder*. Many children also attend Ukrainian online classes in the afternoon, which is a heavy double burden for the pupils. The psychological burden of the war and the signs of trauma that many of the children present are also impediments to settling in the German education system. Moreover, many families do not know how long they will stay in Germany, many of them hope to return to Ukraine in the near future. This uncertainty negatively impacts certain parents' motivation to support their children's integration into the German school system and to learn German.¹¹⁹

Challenges to access health care services:

In **Germany**, according to a survey among refugees from Ukraine in Berlin and Brandenburg between December 2022 and February 2023 in Berlin and Brandenburg, a lack of paediatricians was evoked as cause of worry by many respondents.¹²⁰ According to a representative of *SOS Kinderdörfer e.V.* contacted for this report, the long waiting times to access therapy with a psychologist or psychiatrist treating children and adolescents is also a source of great anxiety for parents of children in need.¹²¹

4.2. Challenges for children at multiple risk/disadvantage

Based on Art. 21 of the EU Reception Directive, refugees in need of special protection include (unaccompanied) children, disabled persons, elderly persons, pregnant women, single parents with minor children, trafficked persons, persons with serious physical illnesses or mental disorders and persons who have suffered torture, rape or other serious forms of psychological, physical or sexual violence. However, the registration process in Germany still lacks a mechanism to identify and address the needs of these vulnerable persons and to address their needs appropriately.¹²²

¹¹⁸ Geis-Thöne, W. (2022), *Mögliche Auswirkungen des Kriegs in der Ukraine im deutschen Bildungssystem*, Institut der deutschen Wirtschaft (IW), p. 4.

¹¹⁹ MEDIENDIENST (2022), *'Over 200,000 Ukrainian pupils enrolled'*, 06 December 2022.

¹²⁰ Ünsal, G., von Oswald, A., Lushankina, O., (2023), *Geflüchtete aus der Ukraine in Berlin und Brandenburg, Berlin*, Minor Kontor, p. 37.

¹²¹ Contribution via phone by *SOS Kinderdörfer e.V.*, 29 June 2023.

¹²² Bundesweiter Koordinierungskreis gegen Menschenhandel e.V., *'Menschenhandel und Ausbeutung im Kontext des Ukrainekrieges – Eine Untersuchung aus Sicht spezialisierter Fachberatungsstellen zur Situation in Deutschland'*, 16 December 2022, p. 10.

Trafficked persons: In **Germany**, the federal coordination network against trafficking (KOK) noted in a public report from December 2022 on the situation of refugees from Ukraine that German authorities are facing great challenges due to the high number of applications and the shortage of personnel.¹²³

Unaccompanied children: In **Germany**, the Ministry for Family Affairs, Senior Citizens, Women and Youth published a report on the situation of unaccompanied children fleeing to Germany, noting that social restrictions linked to the Corona pandemic have put additional psychological strain on them. Psychosocial and psychotherapeutic care continues to be rated as inadequate by the states and associations in charge of assisting this population. Many facilities also complain that there are not enough therapy places available and that the waiting times for a therapy place are not adequate. According to the institutions surveyed, it is primarily the consequences of flight, separation from the family as well as asylum and residence law issues that lead to stress and impairments in the everyday lives of the unaccompanied children.¹²⁴ Furthermore, workers in dedicated facilities and youth welfare offices who were questioned by the BMSFSJ in an online survey in 2022 deplored a general lack of accommodations that would meet the needs of unaccompanied children. They also deplored a lack of skilled workers to provide care to this group, which became significantly larger since 2021.¹²⁵ The wish of unaccompanied children arrived in Germany from Ukraine to return to their home country poses a challenge to those working in youth services, since the latter are used to work towards establishing conditions to allow the unaccompanied children to reside in Germany on a long term.¹²⁶

Sinti and Roma: In **Germany**, according to the Federal Government Commissioner against Antigypsyism and for the Life of the Sinti and Roma in Germany, Ukrainian Roma are facing institutional discrimination through public authorities as well as individual racism through defamation by security personnel, police forces, interpreters, volunteers, and other Ukrainian refugees. Key challenges are the lack of interpretation and translated information for Roma, especially when they do not speak Ukrainian or Russian, provision with adequate accommodation, especially for families with many

¹²³ KOK (2022), '[Menschenhandel im Kontext des Ukrainekrieges – Bericht des KOK-Ukraine Projektes](#)', 17 December 2022, p.10.

¹²⁴ German Federal Ministry for Family Affairs, Senior Citizens, Women and Youth (BMFSFJ) (2023), '[Bericht der Bundesregierung über die Situation unbegleiteter ausländischer Minderjähriger in Deutschland](#)', 25 May 2023, p. 7.

¹²⁵ German Federal Ministry for Family Affairs, Senior Citizens, Women and Youth (BMFSFJ) (2023), '[Bericht der Bundesregierung über die Situation unbegleiteter ausländischer Minderjähriger in Deutschland](#)', 25 May 2023, p. 9.

¹²⁶ German Federal Ministry for Family Affairs, Senior Citizens, Women and Youth (BMFSFJ) (2023), '[Bericht der Bundesregierung über die Situation unbegleiteter ausländischer Minderjähriger in Deutschland](#)', 25 May 2023, p. 38.

children, equal access to social welfare services and tailored educational offers for Roma children. The Focal Point on Antigypsyism of Sachsen (*Melde- und Informationsstelle Antiziganismus, MIA*) published a report about cases of discrimination against Roma children from Ukraine housed in shelters with other refugees from Ukraine. During visits by observers to shelters in the federal state of Mecklenburg-Western Pomerania, Roma families reported that they were subjected to racist insults and treated in a derogatory manner.¹²⁷

Because Roma children often fled to Germany in the care of relatives, usually without the necessary powers of attorney for personal care, their administrative situation is very long to process and they do not receive any child benefit in this time. Roma children's unclear administrative status also includes their insurance coverage and makes their access to doctors in private practices very difficult. The latter often request the presence of an interpreter before they treat patients. Still according to this source, hospitals do not seem to have the financial means to appoint interpreters. The Documentation and Cultural Centre of German Sinti and Roma in Germany suspects that treatment is often refused on the base of antigypsyism resentment.¹²⁸

According to the representative of the Focal Point on Antigypsyism, antigypsyist prejudices impaired equal access to education. When they are enrolled in regular schools, Roma children often experience mobbing by other pupils and at times by teachers themselves.¹²⁹ That being said, the Documentation and Cultural Centre of the Sinti and Roma in Germany also reports on alternative educational projects for Roma children, for example primary schools accepting non-literate children despite the fact that they are already over the primary school age of 10/11; cross-age learning groups in which the children are taught by a retired teacher on a voluntary basis until they can be integrated into a regular class; shortened teaching time for the children (3-day week) in order not to overload them; head teacher working with the *Land's* registration office to keep track of the children who fell out of the education system.¹³⁰

The accommodation conditions in which Roma children live with their families are precarious, which especially affects children of large families. As long as families live in a municipal shelter, they are not allowed to apply for basic benefits to cover such

¹²⁷ Federal Government Commissioner against Antigypsyism and for the Life of the Sinti and Roma in Germany, Statement on the situation of Roma refugees from Ukraine in Germany, submitted to FRA by letter dated 9 August 2022.

¹²⁸ Focal Point on Antigypsyism (*Melde- und Informationsstelle Antiziganismus – MIA*), "[Zur Lage der aus der Ukraine geflüchteten Roma in Deutschland](#)", 29. August 2022, pp. 2, 7.

¹²⁹ Documentation and Cultural Centre of Sinti and Roma in Germany, Email contribution to the German Institute for Human Rights, 06 July 2023.

¹³⁰ Focal Point on Antigypsyism (*Melde- und Informationsstelle Antiziganismus – MIA*), "[Zur Lage der aus der Ukraine geflüchteten Roma in Deutschland](#)", 29. August 2022, S. 2,7.

material needs. However, the youth welfare office can declare itself obliged to enforce custody based on the bad accommodation conditions. The representative of the Focal Point on Antigypsyism made similar observations, notably about restrictions in the provision of clothing and personal hygiene articles, which particularly affect children.¹³¹

¹³¹ Documentation and Cultural Centre of Sinti and Roma in Germany, Email contribution to the German Institute for Human Rights, 06 July 2023.

5. Policies in place

5.1. Dedicated action plan and/or integrated measures

In **Germany**, there is no action plan on the federal level dedicated to children fleeing Ukraine. In May 2022, the *Land* of Hessen developed its own action plan for refugees from Ukraine which entails specific chapters dedicated to children from Ukraine, on their integration into the education system of the *Land*.¹³²

5.2. European Child Guarantee

In **Germany**, the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth (*BMFSFJ*) developed in 2022 the National Action Plan "New Opportunities for Children in Germany" (*Neue Chancen für Kinder in Deutschland*) in response to the recommendations of the Council of the European Union on the implementation of the European Child Guaranty. In spring 2023, the draft National Action Plan was published by the Ministry, it was then adopted by the Federal Cabinet in early July 2023.¹³³ It mentions hardships faced by children from Ukraine in Germany as well as existing state structures and initiatives from civil society organisations to assist this group. However the Action Plan does not entail measures addressing children from Ukraine specifically. Responding to the Ministry's call to NGOs to comments on the draft of the Action Plan, the Federal Network of Social Welfare Organisations (*Bundesarbeitsgemeinschaft der Freien Wohlfahrtspflege*) published a document which, among others, criticises the privileged treatment of children from Ukraine as compared to children who fled from other countries for similar reasons.¹³⁴

¹³² Hessen (2022), [Aktionsplan – Solidarität mit der Ukraine – Frieden in Europa](#) – Hessen hilft, 03 May 2022.

¹³³ Germany, Federal Ministry for Family Affairs, Senior Citizens, Women and Youth (*BMFSFJ*) (2023), [Bundeskabinett beschließt Aktionsplan für chancengerechtes Aufwachsen](#), 5 July 2023.

¹³⁴ Federal Network of Social Welfare Organisations (*Bundesarbeitsgemeinschaft der Freien Wohlfahrtspflege*) (2023), [Stellungnahme der Bundesarbeitsgemeinschaft der Freien Wohlfahrtspflege \(BAGFW\) zum Entwurf des Nationalen Aktionsplans „Neue Chancen für Kinder in Deutschland“](#), 01 June 2023, pp. 1,2,6.

5.3. Budget

The experts interviewed for this report are not aware that the current or future annual budget includes a special budget at the federal level for refugee children from Ukraine.

Annex 1 – Research and data

Table 6 – Research on experiences of children fleeing Ukraine

Surveys or research studies on experiences of children fleeing Ukraine	
Name/title	<p>‘Geflüchtete aus der Ukraine in Deutschland: Flucht, Ankunft und Leben’</p> <ul style="list-style-type: none"> - Section ‘Lower well-being of children from Ukraine compared to Children in Germany’ (pp. 6-7) - Section ‘Child day care and integration into the school system’ (p. 10)
Main findings (max. 1000 chars)	<p>The comparison shows that the psychological well-being of Ukrainian children and adolescents who have fled to Germany is significantly below the representative reference and norm values of other children and adolescents living in Germany for all age groups.</p> <p>Among families in which the interviewed parent is employed in Germany or is taking part in a language or integration course, the number of children enrolled in Kindergarten is significantly higher than in families where it is not the case.</p>
Highlight findings any re. gender, age, disability and diverse characteristics	<p>22% of children under the age of three and 59% of children aged three to school entry age (six) attend a day-care centre.</p> <p>In 91% of the families with children of school age (six to eighteen) at least one child was attending school in Germany at the time of the survey at the time of the survey.</p>
Methodology (for surveys/polls indicate sample size and sample method)	<p>For the general study, 11,225 Ukrainian nationals aged 18 to 70 who moved to Germany between 24 February 2022 and 8 June 2022 and were registered by the population registration offices were surveyed.</p> <p>Parental data on the KINDLR question items “psychological well-being”: The population is all parents with at least one child aged 3 to 17 years in Germany; the question asked was about the well-being of the oldest child. N = 4.631-4.669.</p>
Source	<p>Brücker, H., Ette, A., Grabka, M.M., Kosyakova, Y., Niehues, W., Rother, N., Spiess, C.K. Zinn, S., Bujard, M., Cardozo, A., Décieux, J.P., Maddox, A., Milewski, N., Naderi, R., Sauer, L., Schmitz, S., Schwanhäuser, S., Siegert, M., Tanis, K. (2022), <i>Geflüchtete aus der Ukraine in Deutschland: Flucht, Ankunft und Leben</i>. (BAMF-Kurzanalyse, 4-2022), Nürnberg, Bundesamt für Migration und Flüchtlinge (BAMF) Forschungszentrum Migration, Integration und Asyl (FZ).</p>

Table 7 – Research on experiences of children fleeing Ukraine

Surveys or research studies on experiences of children fleeing Ukraine	
Name/title	Minderjährige Geflüchtete aus der Ukraine und ihre Familien – Erste Erfahrungen aus der interkulturellen Versorgungspraxis sowie der Flüchtlingsambulanz/Hamburg
Main findings (max. 1000 chars)	<p>Children who have fled Ukraine have so far predominantly presented nonspecific symptoms or symptoms on the anxiety and depression spectrum. Most of them had mental or neuropsychiatric disorders.</p> <p>With increasing duration of flight and continuing war in the home country, an intensification of symptoms and manifest illnesses of Ukrainian children and adolescents is to be expected, which will present the health care system with the same challenges as known from previous refugee populations. (e.g. financing, professionalisation, language mediation). The UN Convention on the Rights of the Child, which obliges Germany to treat and rehabilitate children and adolescents after wars and crises, should be decisive here.</p>
Highlight any findings re. gender, age, disability and diverse characteristics.	
Methodology (for surveys/polls indicate sample size and sample method)	Observation based on the reception, counselling and treatment of the 49 underage patients from Ukraine registered at the refugee outpatient clinic in Hamburg by December 2022, of which 32 were male (65%) and 17 were female (35%). The average age was 11.7 years with a range of 3-18 years.
Source	Zindler, A., Wunderlich, H., Nitschke-Janssen, M. (2023), <u>'Minderjährige Geflüchtete aus der Ukraine und ihre Familien – Erste Erfahrungen aus der interkulturellen Versorgungspraxis sowie der Flüchtlingsambulanz/Hamburg'</u> , <i>Praxis der Kinderpsychologie und Kinderpsychiatrie</i> , Vol. 72, No. 2, February 2023

Annex 2 - Promising practices

Table 8 – Promising practice # 1

Promising programme / practices aimed at providing protection and support to displaced children fleeing the war in Ukraine	
Name/title	German-Ukrainian “Encounter” School (<i>Deutsch-Ukrainische Begegnungsschule</i>)
Implementing body (public authority, CSO etc)	Aziz-Nesin-Grundschule in Friedrichshain-Kreuzberg & Helene-Lange-Schule in Steglitz-Zehlendorf
Funding body	Senator for Education, Youth and Family of Berlin
Reference in EN and original language (incl. URL, where available)	Announcement of the opening of the German-Ukrainian classes by the senate of Berlin
Start / end date or ongoing	Started in September 2022 - ongoing
Main target group	School children
Scope (local/regional/national)	Locally in Berlin
Objectives and outputs	The encounter school offers the pupils the chance to prepare for both German and Ukrainian qualifications - and not only to learn the German language, but also to continue cultivating Ukrainian.
Brief description (max. 1000 chars)	<p>A special timetable has been drawn up for the German-Ukrainian Encounter School, which fulfils the requirements of Berlin and those of Ukraine. The subjects, which are taught in accordance with Ukrainian curricula and in the Ukrainian language by native-speaking Ukrainian teachers trained as a rule in accordance with the law of the home country, are: Ukrainian language, Ukrainian literature, Ukrainian history. At the same time, German is taught more intensively with elements of German as a foreign language.</p> <p>The Ukrainian examinations in Year 9 and Year 11 are administered by the Ukraine and the Ministry of Education there. The certificates should entitle students to continue their education in the Ukraine and in Germany.</p>

Highlight key elements of the programme/practice which makes it promising (sustainability, measurable impact etc) (max. 500 chars)	The teachers at the Begegnungsschule speak Ukrainian as their mother tongue and often have the same refugee experiences. The school is also a good role model because it focuses on the needs of the students: to be understood, for some continuity and belonging. And thus also raises the fundamental question of what should be the orientation of integration policy in educational matters.
Monitoring and evaluation and the bodies involved	unknown

Table 9 – Promising practice # 2

Promising programme / practices aimed at providing protection and support to displaced children fleeing the war in Ukraine	
Name/title	Project on psychosocial care for refugee children and young people
Implementing body (public authority, CSO etc)	Psychosocial Centre Dresden
Funding body	Funded by the Ministry for Social Affairs of the <i>Land</i> Sachsen
Reference in EN and original language (incl. URL, where available)	Website of the psychosocial centre in Dresden
Start / end date or ongoing	Started in August 2022 - ongoing
Main target group	Children and young people with psychological problems
Scope (local/regional/national)	Locally in Dresden and its surroundings
Objectives and outputs	Open up existing services in the regular and support system for the target group
Brief description (max. 1000 chars)	<p>The PSZ Dresden offers psychological and psychosocial counselling for psychologically stressed people with a refugee and migration background in individual and group settings at the Psychosocial Centre Dresden.</p> <p>In addition, the PSZ Saxony network office offers training on how to deal with traumatised refugees in a culturally sensitive manner in order to open up existing</p>

	services in the regular and support system for the target group.
Highlight key elements of the programme/practice which makes it promising (sustainability, measurable impact ect) (max. 500 chars)	The psychosocial centre existed prior to the war in Ukraine and adapted its services to the newly arrived group of Ukrainian refugee children and young people.
Monitoring and evaluation and the bodies involved	unknown