

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

Poland

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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	Y	(N/A – awaiting information from the Border Guard)
Arrived accompanied by mother, father or another legal guardian	N	-
Arrived without parents, but with other family members, neighbours or family friends	N	-
Arrived unaccompanied	Y	539 (as of 27 June 2023) ¹
Arrived within a group of children, as an organised evacuation from Ukrainian institutions or foster carers (with or without an appointed legal guardian)	Y	2,761 (as of 27 June 2023) ²
Arrived within a group of children, through private initiatives, such as football clubs (with or without an appointed legal guardian)	N	-

Source: Ministry of Family and Social Policy, Border Guard.

¹ Response of the Ministry of Family and Social Policy to the HFHR's request for public information, 5 July 2023.

² Response of the Ministry of Family and Social Policy to the HFHR's request for public information, 5 July 2023.

In Poland, a dedicated, obligatory registration system operates only for two categories of children from Ukraine: those who arrived unaccompanied and those who arrived as an organised evacuation from Ukrainian institutions or foster carers. Ukrainian children who have arrived in the territory of Poland unaccompanied, and Ukrainian children who were placed in foster custody in the territory of Ukraine before their arrival in Poland, shall be registered in the register of minors, run by the Minister of Family and Social Policy and district family assistance centres (*powiatowe centra pomocy rodzinie*).³ Data in the register of minors shall be entered, updated and deleted as soon as the information requiring the entry, update or deletion becomes known (e.g. the information that a child left Poland). The data shall be kept in the system for a period of 12 months from the date on which the reasons for which the data were entered cease to exist.

Data from the register may be made available to the following entities:

- 1) consuls of Ukraine;
- 2) the voivode (regional governor) competent for the place of residence of the minor;
- 3) the Minister of Family and Social Policy;
- 4) powiat (county) family assistance centres;
- 4a) the competent body of the municipality;
- 5) the competent authority in the field of family benefits;
- 6) the Social Insurance Institution (*Zakład Ubezpieczeń Społecznych*);
- 7) courts;
- 8) prosecutors;
- 9) the competent authority in the field of health care information systems;
- 10) Border Guard.

In addition, the Commander-in-Chief of the Border Guard maintains, in the Border Guard's ICT system, a register of Ukrainian citizens who have arrived on the territory of the Republic of Poland from the territory of Ukraine in connection with the hostilities conducted on the territory of Ukraine and who have applied for a PESEL number.⁴ The data stored in it includes, among other things, the age of the person, which makes it possible to ascertain the total number of registered children arriving from Ukraine.

³ Poland, Act on assistance to citizens of Ukraine in connection with the armed conflict on the territory of that country (*Ustawa o pomocy obywatelom Ukrainy w związku z konfliktem zbrojnym na terytorium tego państwa*), 12 March 2022, Articles 25a-25c.

⁴ Poland, Act on assistance to citizens of Ukraine in connection with the armed conflict on the territory of that country (*Ustawa o pomocy obywatelom Ukrainy w związku z konfliktem zbrojnym na terytorium tego państwa*), 12 March 2022, Article 3(3).

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	1) Medium or slight health impairment: 49 2) Beating: 24 3) Physical or mental abuse: 31 4) Physical or mental abuse to the detriment of a person who is vulnerable because of their age, mental or physical condition: 32 5) Violation of physical integrity: 20
Sexual abuse	1) Rape: 5 2) Causing to submit to another sexual act: 5 3) Rape of a minor under 15 years of age: 9 4) Sexual exploitation of a minor under 15 years of age: 16 5) Presentation of pornographic content to a minor under the age of 15: 3
Trafficking for exploitation	N/A
Children reported as missing	N/A
Other crimes against children fleeing Ukraine	N/A

Source: Chief of Police, Ministry of Justice, National Public Prosecutor's Office.

No statistics are collected in Poland on the number of crimes committed against children from Ukraine arriving in connection with the armed conflict.

Such data is notably not collected by the National Public Prosecutor's Office⁵ or the Ministry of Justice⁶. As the latter explained, the Ministry of Justice collects information

⁵ Response of the National Public Prosecutor's Office to the HFHR's request for public information, 6 July 2023.

⁶ Response of the Ministry of Justice to the HFHR's request for public information, 7 July 2023.

on court proceedings (including convictions) but without specifying the nationality of the victim.

Detailed information on the number of registered crimes committed against Ukrainian children between 24 February 2022 and the end of April 2023 was provided by the Police Headquarters.⁷ However, although the nationality of the victims of the crimes is known, it is not possible to determine whether they were children who arrived in connection with the ongoing conflict or whether they had already been in Poland before the conflict began. The data does not include registrations from pre-trial proceedings conducted by the prosecution on its own, i.e. without the involvement of the Police.

⁷ Response of the Police Chief Commissioner to the HFHR's request for public information, 7 July 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

Children who came unaccompanied from Ukraine to Poland due to the warfare can be defined as those children who were separated from their parents only in a situation of forced migration. They are those who came to Poland without their parents - but also those who found themselves in Poland with a parent or parents who, however, decided to return to their country of origin without their child. Unlike those evacuated from custody, unaccompanied children were not part of the care system, which makes their situation significantly different. The size of this group is difficult to estimate, however, based on the available data it can be considered to be in the tens of thousands. From 24 February 2022 until 12 March 2022, children up to the age of 16 could cross the border into Poland independently (i.e. without a guardian). However, after 12 March 2022, a resolution of the Cabinet of Ministers of Ukraine came into force, under which persons under 16 could no longer cross the border without a guardian. If children crossed the border with an adult, on the Polish side the accompanying adult automatically became entitled to apply for temporary custody.⁸

A child who arrived in Poland without parents/legal guardians after 24 February 2022 is at particular risk of becoming a victim of trafficking or illegal adoption. Therefore, the Act of 12 March 2022 on Assistance to Citizens of Ukraine in Connection with the Armed Conflict on the Territory of Ukraine (hereinafter Act of 12 March 2022), which has a special character and was developed precisely for the purpose of providing assistance

⁸ Tyimińska A., [*Children in foster care and unaccompanied minors from Ukraine: ex-post assessment of the regulation and practice of application of the Ukrainian speculative law*](#), Helsinki Foundation for Human Rights, 2022.

to persons who came to the territory of Poland to seek refuge after the outbreak of the conflict in Ukraine, provides for the obligations of state authorities and institutions to regulate the legal situation of a child who arrived without parents and guardians and to ensure its safety.

In the case of a child who is unaccompanied and/or separated from his or her family, the state authorities have two basic obligations: 1) to provide the child with a guardian and proper representation; 2) to enter the child in the register of minors.

Temporary guardian

With regard to the provision of care and representation to the child, action in this regard is provided for by Article 25 of the Act of 12 March 2022 on Assistance to Citizens of Ukraine in Connection with the Armed Conflict on the Territory of Ukraine.⁹ Pursuant to this provision, a minor citizen of Ukraine who resides on the territory of the Republic of Poland without the care of adults responsible for him/her in accordance with the law in force in the Republic of Poland shall be represented and have custody over his/her person and property by a temporary guardian. A temporary guardian shall be appointed by the guardianship court competent for the place of residence of the child. When appointing a temporary guardian, the court shall be guided by the welfare of the child. The court, when considering an application for the appointment of a temporary guardian, should hear the child, and therefore, at the summons of the court, the person in whose custody the child is, is obliged to appear in court with the him/her. The court may also hear the case in closed session without the need for the candidate for a temporary guardian to appear in court with the child. A temporary guardian should be appointed in the first place from among relatives, affinities or other persons guaranteeing proper performance of the guardianship duties.¹⁰

In the absence of such persons, a candidate for a temporary guardian shall be indicated, at the request of the court, by the social assistance centre or social services centre competent for the place of residence of the child, within 48 hours. Together with the indication of the candidate for temporary guardian, the organisational unit shall send his/her written consent to be appointed temporary guardian. Article 148 of the Family and Guardianship Code shall apply to the person who is to become a temporary

⁹ Poland, Act on Assistance to Citizens of Ukraine in Connection with the Armed Conflict on the Territory of Ukraine (*Ustawa o pomocy obywatelom Ukrainy w związku z konfliktem zbrojnym na terytorium tego państwa*), 12 March 2022, Article 25.

¹⁰ Coviuh I., Khomyn Y., Strama A. (2023), [*Temporary care of a minor child from Ukraine. A guide for caregivers*](#), Krakow, 2023.

guardian.¹¹ According to this provision, a person who does not have full legal capacity or who has been deprived of public rights cannot be appointed a guardian. A person who has been deprived of parental authority or has been convicted of an offence against sexual freedom or decency or an intentional offence involving violence against a person or an offence committed to the detriment of a child or in cooperation with a child cannot be appointed a guardian either, against whom a prohibition has been ordered to carry out activities related to the upbringing, treatment, education or care of minors, or an obligation to refrain from residing in certain environments or places, a prohibition on contacting certain persons or a prohibition on leaving a certain place of residence without the court's consent. A guardian may not be appointed in respect of whom there is a probability that he or she will not properly fulfil the duties of a guardian.

The same person may be appointed temporary guardian for more than one child if there is no conflict between the interests of the children. The same person shall, if possible, be appointed temporary guardian for siblings. If the children prior to their arrival in the territory of the Republic of Poland were placed in foster care in the territory of Ukraine and they arrived together with the person taking care of them, the court shall appoint this person as a temporary guardian for all of them.¹² The court shall appoint another person as a temporary guardian if, for any reason, the person exercising custody is unable to do so. A candidate for a temporary guardian shall make a declaration that there are no circumstances referred to in Article 148(1-1a) of the Family and Guardianship Code.¹³ The declaration shall be made under pain of criminal liability for making a false declaration. The person making the declaration shall include the following clause: "I am aware of the criminal liability for making a false declaration". This clause replaces the authority's instruction on criminal liability for making false statements.

Relations between the Republic of Poland and Ukraine are governed by the Agreement on Legal Assistance and Legal Relations in Civil and Criminal Matters, drawn up in Kiev on 24 May 1993. This act regulates judicial cooperation on the service of documents and the taking of evidence, jurisdiction and applicable law, access to justice and the recognition and enforcement of judgments. In the light of the agreement, it does not

¹¹ Poland, Family and Guardianship Code ([Kodeks rodzinny i opiekuńczy](#)), 25 February 1964, Article 148.

¹² Poland, Act on assistance to citizens of Ukraine in connection with the armed conflict on the territory of that country (*Ustawa o pomocy obywatelom Ukrainy w związku z konfliktem zbrojnym na terytorium tego państwa*), 12 March 2022, Article 25(7).

¹³ Poland, Family and Guardianship Code ([Kodeks rodzinny i opiekuńczy](#)), 25 February 1964, Article 148(1-1a).

affect the rights and obligations under other international agreements concluded by each contracting party. Civil matters also include family and guardianship matters.

In Poland, a child is placed in foster care only on the basis of a court decision. In Ukraine, however, a child may be placed in foster care on the basis of both a court decision and an administrative decision (even at the request of the parents themselves). Such a solution is obviously contrary to the Polish legal order and in such a situation the Agreement between the Republic of Poland and Ukraine on Legal Assistance and Legal Relations in Civil and Criminal Matters applies.

The fact that a child has been placed in foster care in Ukraine on the basis of an administrative decision is not completely undermined in Poland and considered non-existent, however, it requires confirmation by a district court. This is also the practice of the Polish judicial authorities.¹⁴

Proceedings for the appointment of an interim guardian may be initiated on application or ex officio. Those entitled to submit an application are: Border Guard; a head of a commune, a mayor, a city president, a starost, a marshal of a voivodship; a public prosecutor; the Police; heads of organisational units of social assistance referred to in Art. 6 item 5 of the Act of 12 March 2004 on social assistance; representatives of international organizations or non-governmental organizations providing assistance to foreigners; a person who has taken actual custody of a child; a person who has taken actual custody of a child after they have entered the territory of the Republic of Poland and exercises this custody on the day the application is submitted; other persons or entities, within the scope of their tasks. The court shall examine the case without delay, no later than within 3 days from the day the application is received by the court or the court becomes aware of the need to appoint a temporary guardian.

Records of minors

The existence of the records is aimed at collecting information on their movements within Poland, quantitative and qualitative monitoring of the care given to them and the place and time of the care given. This knowledge is necessary to ensure the safety of these children and to enable the provision of effective care assistance to them. Furthermore, the existence of such a register will allow Poland to provide the Ukrainian side with information on the number of children who have crossed the Polish border and their place of residence on Polish territory. This data may prove indispensable to the Ukrainian authorities after the end of the armed conflict.

¹⁴ Tyimińska A. (2022), [Dzieci z pieczy zastępczej oraz małoletni bez opieki z Ukrainy: ocena ex-post regulacji i praktyki stosowania specustawy ukraińskiej](#), 2022.

The issue of minors' records is stipulated by Article 25a of the Law of 12 March 2022 on assistance to citizens of Ukraine in connection with the armed conflict on the territory of the country. Pursuant to this provision, a minor Ukrainian citizen who has arrived in the territory of the Republic of Poland unaccompanied by a person exercising actual custody over him or her, and a minor Ukrainian citizen who has arrived in the territory of the Republic of Poland and prior to his or her arrival was placed in foster care in the territory of Ukraine, is subject to registration, hereinafter referred to as the "register of minors".

The register of minors shall be maintained by the minister responsible for family affairs and district family assistance centres by means of an ICT system enabling the maintenance of this register, the transfer of data to it, the deletion of data from it and the making available of data from it.

The act does not specify how the registration takes place. Therefore, the information may be obtained at border crossings or when applying for temporary protection. Unfortunately, there is no information in the act on a register for children and guardians who pass through Poland but are on their way to another place. It is difficult to determine how such a register would function.

The records of minors shall contain data including: first name(s) and surname(s) of the person who came to the territory of the Republic of Poland with the minor for whom he/she was exercising foster care in the territory of Ukraine, and the person representing the minor in the territory of the Republic of Poland, hereinafter referred to as "the custodian"; first name(s) and surname(s) of the minor; nationality of the minor and the custodian; address of the minor's last place of residence in Ukraine; disability of the minor; health condition of the minor; the minor's relationship to other minors who have crossed the border; the minor's and guardian's Personal Identification Number (PESEL) - if issued; the minor's and guardian's date of birth - if no PESEL number has been issued; the minor's and guardian's place of residence in the territory of the Republic of Poland; the date of arrival of the minor and guardian at the place of residence in the territory of the Republic of Poland; the type of document on the basis of which the minor and guardian crossed the border - if present; series and number of the document on the basis of which the minor and the guardian crossed the border - if any; e-mail address of the guardian; telephone number of the guardian; type, number and digital copy of the document confirming identity of the minor; type, number and digital copy of the document confirming identity of the guardian; photograph of the minor; a photograph of the person who arrived with the minor in the territory of the Republic of Poland for whom he/she was exercising foster care in the territory of Ukraine; information about the place and date of the crossing of the border by the minor and the custodian; information about the custodial situation of the minor, including information about the

appointment of a temporary custodian and data of the custodian; information about the date of termination of custody by the custodian or departure from the territory of the Republic of Poland by the custodian.

2.1.2. Children evacuated from Ukrainian institutions

After 24 February 2022, not only children with their parents and guardians came to Poland, but also those in foster care in Ukraine, mainly institutional, as such a system prevails in that country. Also with regard to these children, state authorities and institutions were obliged to take certain measures to ensure their shelter and safety. These measures include: 1) the care of the children, 2) the registration of the child in the register of minors.

Caring for evacuated children

Evacuated children, also through the action of non-governmental organisations (such as the HAPPY KIDS Foundation), were provided with medical safety, psychological support, fulfilment of developmental needs, fulfilment of educational needs, security, livelihood and sanitation needs from the first weeks of their stay.¹⁵

Legal issues concerning the placement of children coming from Ukrainian foster care in Poland are regulated by Article 27 of the Act of 12 March 2022 on Assistance to Ukrainian Citizens in Connection with the Armed Conflict on the Territory of Ukraine.

Children under 3 years of age

Children up to the age of 3 could only be placed in family foster care. Exceptionally, the placement of a child up to the age of 3 in a care institution of the socialisation, intervention or specialist-therapeutic type is possible in cases where the mother or father of that child is placed in the care institution in question, and in other exceptional cases, particularly where the child's state of health warrants it, or where siblings are involved.

Children over 3 years of age

Children over 3 years of age who were evacuated from Ukraine to the territory of Poland from institutional foster care were placed in a care institution of the socialisation, intervention or specialist-therapeutic type or in family foster care according to the provisions of the Act of 9 June 2011 on family support and the foster care system.

¹⁵ Happy Kids, [A year of war - what next for Ukrainian children evacuated to Poland](#), 17 February 2023.

According to a statement made by the Polish Minister of Family and Social Policy on 23 February 2023, approximately 3,000 children mainly from institutional orphanages were evacuated to Poland after the Russian aggression on Ukraine. According to information made available by the Ministry of Family and Social Policy, as of 27 June 2023, there were 2,761 Ukrainian children registered in Poland who had been placed in foster care prior to their arrival in Poland.¹⁶ For the sake of safety and comfort of the evacuated children, the Polish government, together with the Ukrainian government, decided not to separate the children and in such groups as the children arrived in Poland (there were groups of up to 150 children each) from Ukrainian foster care institutions, they would stay in appropriate centres in Poland and this has been the case until now.¹⁷

The International Agreement between Poland and Ukraine of 24 May 1993 on Legal Aid and Legal Relations in Civil and Criminal Matters, drawn up in Kiev, provides for the mutual recognition between the two countries of court judgments rendered in non-material civil matters and this group includes family and guardianship cases. Ukrainian foster families that have been established by court judgment are considered equivalent to foster families from Poland and have access to benefits in Poland. The situation is slightly more difficult for Ukrainian foster parents who acquired their entitlement through an administrative decision. They need a confirmation issued by a Polish district court. Thus, Article 27(4a) of the Act of 12 March 2022 applies to the latter, according to which a child shall not be placed in foster care if, prior to his/her arrival in the territory of the Republic of Poland, he/she was placed in foster care in the territory of Ukraine and arrived in the territory of Poland together with the person in charge of such care; in such a case, the court shall appoint this person as a temporary guardian, unless the welfare of the child is at risk.

Registration of a child in the register of minors

The remarks concerning the records of minors are the same as those described in para. 2.1.1.

¹⁶ Response of the Ministry of Family and Social Policy to the HFHR's request for public information, 5 July 2023.

¹⁷ Infor.pl, [Nearly 3,000 children from Ukrainian orphanages have been brought to Poland](#), 23 February 2023; Dudkiewicz J., [Ukrainian orphanages in Poland: one hundred children each. Bullying and sexual violence are inevitable](#), WysokieObcasy.pl, 12 April 2022.

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

As indicated in section 2.1.1, children displaced from Ukraine are particularly vulnerable to becoming a victim of trafficking or illegal adoption.¹⁸

The fact that Ukrainian children are at risk of experiencing crime was also highlighted by the Ombudsman for Children.¹⁹ However, the HFHR's request for public information in this regard has so far not been addressed by the Office of the Ombudsman for Children.

The Act of 12 March 2022, which has a special character and was developed precisely for the purpose of providing assistance to persons who came to the territory of Poland to seek refuge after the outbreak of the conflict in Ukraine, provides for the obligations of state authorities and institutions to regulate the legal situation of a child who arrived without parents and care and to ensure its safety.

Several safeguards to protect children from crime are provided for in this law. These can include:

1. a requirement that the candidate for temporary guardian make a declaration that the conditions of Article 148(1) and (1a) of the Act of 25 February 1964 - Family and Guardianship Code do not apply to him/her.

A child in the care of a temporary guardian is also potentially at risk of experiencing a crime, especially when the guardian is a stranger to the child. With this in mind, the legislator stipulated in Article 25(5) of the Law of 12 March 2022 on Assistance to Citizens of Ukraine in Connection with Armed Conflict on the Territory of Ukraine that the court, when appointing a temporary guardian, shall be guided by the welfare of the child. A temporary guardian should be appointed primarily from among relatives, affinities or other persons giving a guarantee of the proper performance of the guardian's duties. The provision of Article 148 of the Act of 25 February 1964 - Family

¹⁸ UNICEF, '[Children fleeing war in Ukraine are vulnerable to trafficking and exploitation](#)', 21 March 2022.

¹⁹ K. Kropiwić, D. Al Shehabi, [RPD: zdecydowana większość problemów dzieci wynika z braku stabilności w domu](#), 8 July 2023.

and Guardianship Code shall also apply. This means that a candidate for a temporary guardian must have full legal capacity, not be deprived of public rights and not be deprived of parental authority over his/her own children, and not have been convicted of an offence against sexual freedom or morality or an intentional offence involving violence against a person or an offence committed to the detriment of a minor or in cooperation with a minor, or a prohibition on engaging in activities related to the upbringing, treatment, education or care of minors, or an obligation to refrain from frequenting specified environments or places, a prohibition on contacting specified persons or a prohibition on leaving a specified place of residence without the court's consent. The declaration is made under the threat of criminal liability;

2. records of minors (Article 27 of the Law of 12 March 2022 on assistance to citizens of Ukraine in connection with the armed conflict on the territory of the country)

The existence of the records is aimed at collecting information on their movements within Poland, quantitative and qualitative monitoring of the care given to them and the place and time of the care given. This knowledge is necessary to ensure the safety of these children and to enable the provision of effective care assistance to them. Furthermore, the existence of such a register will allow Poland to provide the Ukrainian side with information on the number of children who have crossed the Polish border and their place of residence on Polish territory. This data may prove indispensable for the Ukrainian authorities after the end of the armed conflict. The issue of minors' records is defined by Article 25a of the Act of 12 March 2022. Pursuant to this provision, a minor Ukrainian citizen who has arrived in the territory of the Republic of Poland unaccompanied by a person exercising actual custody over him or her, and a minor Ukrainian citizen who has arrived in the territory of the Republic of Poland and prior to his or her arrival was placed in foster care in the territory of Ukraine, is subject to registration, hereinafter referred to as "the register of minors". The register of minors shall be maintained by the minister competent for family affairs and district family support centres by means of an ICT system enabling the maintenance of this register, transfer of data to it, deletion of data from it and making data available from it;

3. overseeing the implementation of the rights and duties of the interim guardian

For the child's safety and protection from harm, Polish law also provides for supervision of the activities of the temporary guardian. Pursuant to Article 25(3)-(3b), supervision of the implementation of the rights and obligations of a temporary guardian is exercised by a social welfare centre or a social services centre. It also provides legal, organisational and psychological assistance to temporary guardians and Ukrainian children in their care;

4. the aggravation of penalties for certain offences committed during the armed conflict on Ukrainian territory

Article 72 of the Act of 12 March 2022 tightened criminal liability for certain offences to which persons coming from Ukraine to the territory of Poland, especially children, are exposed. According to this regulation, when convicting a perpetrator who, during the armed conflict on the territory of Ukraine, has committed an offence referred to in:

(1) Article 189 (unlawful deprivation of liberty), Article 189a § 2 (preparation for trafficking in human beings), Article 191 § 1-2 (use of violence against a person or unlawful threats in order to force another person to perform a specific action, omit or endure) of the Act of 6 June 1997 - Penal Code - the court shall impose a sentence of imprisonment of not less than one year, and in the case of the offence specified in Article 189 § 3, of not less than five years, up to the upper limit of the statutory threat provided for the offence attributed to the perpetrator increased by half;

2) Article 204 § 1 and 2 of the Penal Code (pimping) of the Act of 6 June 1997 - Penal Code - the court shall impose a sentence of imprisonment of between 5 and 15 years;

3) Article 203 (forced prostitution) or 204 § 3 of the Act of 6 June 1997 Penal Code - the court shall impose a sentence of imprisonment of between 8 and 15 years or 25 years of imprisonment;

4) Article 189a § 1 (trafficking in human beings) of the Act of 6 June 1997 Penal Code - the court shall impose a sentence of imprisonment of between 10 and 15 years or 25 years of imprisonment.

2.2.2. Support for children victims of crimes

Children displaced from Ukraine can - in case of experience of being harmed by a crime - receive legal and psychological support in Poland.

In particular, it is important to point out the existence of special hotlines dedicated to children from Ukraine. These hotlines are run by:

1. **Dajemy Dzieciom Siłę Foundation - 116 111 Helpline for Children and Young People**

The Giving Children Strength Foundation runs a Helpline for Children and Young People, which operates every day, 7 days a week. Children who call this Helpline can talk about anything and get support (including legal and psychological support). In a situation where there is a threat to the health or life of the calling child, a representative of the Helpline will contact those who will ensure the child's safety and take appropriate action (<https://116111.pl>). The phone can be used by children of all ages, as well as children with disabilities, children experiencing violence and crime (<https://116111.pl>). The phone is open 24 hours a day, however, in Ukrainian from 14:00 to 24:00 (<https://116111.pl/ua/>);

2. the Children's Ombudsman - the Children's Ombudsman's Helpline 800 12 12 12 and an online chat room

It provides counselling and psychological support, as well as advice on where to go and what to do and from which entities to seek help in situations of experiencing depression, domestic violence, peer violence, crime (including sexual offences). The location of the Children's Helpline within the structures of the Office of the Children's Ombudsman enables its consultants to deal with the problem, monitor the situation and organise further help on the basis of cooperation with many institutions (<https://brpd.gov.pl/dzieciocy-telefon-zaufania-rzecznika-praw-dziecka/>). Children of all ages can benefit from the telephone and assistance, as well as children with disabilities, children experiencing violence and crime. All children can benefit from the help, including children from Ukraine and also in Ukrainian as well as Russian (<https://brpd.gov.pl/dzieciocy-telefon-zaufania-rzecznika-praw-dziecka/>);

3. the **Committee for the Protection of Children's Rights** - provides assistance and support, as well as legal aid, to children displaced from Ukraine. The Committee for the Protection of Children's Rights can be contacted by telephone at: 22 626 94 19, 504 059 819, 504 190 740 or by email: kopd@kopd.pl, prawnik@kopd.pl.²⁰

In addition, in accordance with the provisions of the Law of 12 March 2022 on Assistance to Citizens of Ukraine in Connection with the Armed Conflict on the Territory of Ukraine, children are also entitled to free legal aid, as well as therapeutic assistance. For example, according to Article 25(3aa) and (3b) of the indicated Act, temporary guardians and children under their care are entitled to free legal aid and free civic counselling, in the procedure and under the rules set out in the Act of 5 August 2015 on free legal aid, free civic counselling and legal education. The temporary guardians appointed for the children referred to in paragraph 7, third sentence, and the children in their care shall be provided with psychological assistance by the county.

2.2.3. Protection of children as victims of crime

In a situation where a child from Ukraine experiences a crime in Poland, the procedures to be followed are the same as those applicable to a child who is a Polish citizen. If law enforcement authorities (e.g. the Police, the prosecutor) receive information that a crime has been committed to the child's detriment, criminal proceedings will be initiated in order to identify the perpetrator of the crime and hold him/her criminally responsible. The information may come from various sources, e.g. the child's parents or guardians who notified the Police, the person on the helpline to whom the child called, as well as

²⁰ <https://kopd.pl/aktualnosci/pomoc-i-wsparcie-dopomoga-i-pidtrimka/>.

any person who has information about the act (including a person providing assistance to the child or his/her family).

In criminal proceedings, the child victim does not have the capacity to exercise his or her rights independently. Pursuant to Article 51 § 2 of the Code of Criminal Procedure, these rights are exercised by his/her legal representatives or the person under whose permanent custody the child remains. In the case of a child from Ukraine, this will be the child's parents or legal guardians appointed by the court or a temporary guardian. However, if the perpetrator of the offence against the child will be his or her parent or the parent's spouse, then the non-offending parent cannot represent his or her child, but a guardian ad litem for the child victim is appointed for him or her (Article 98 in connection with Article 99 of the Family and Guardianship Code in connection with Article 51 § 2 of the Code of Criminal Procedure). This solution is justified by the fact that such a parent, while representing the child, might not be fully objective and subconsciously act to the child's disadvantage in order to help the other parent.

As the child cannot exercise his or her rights independently in a criminal trial, as a rule the child is not an active participant. This rule suffers one exception when a child is called to testify as a witness. The Polish criminal trial provides for two modes of questioning - ordinary and protective.

The ordinary procedure derives from Article 177 of the Code of Criminal Procedure and, in model terms, consists in the fact that a child is questioned like an adult. This means that in pre-trial proceedings a person is questioned by the person conducting these proceedings (e.g. at a police station or at the premises of a prosecution unit), while in jurisdictional proceedings in the courtroom by the court. The parties, i.e. also the suspect/defendant, defence counsel, attorney and expert may participate in such an activity. Such interrogation should be, as far as possible, conducted in the presence of a legal representative or actual guardian or an adult person indicated by the person interrogated, unless the good of the proceedings prevents this or the person interrogated opposes it (Article 171 § 3 of the Code of Criminal Procedure). This mode of questioning will apply to a child witness when the grounds for questioning him/her under the protective mode do not exist.²¹

The protective mode comprises the provisions of Articles 185a - 185d of the Code of Criminal Procedure and its purpose is to prevent the experience of secondary victimisation by the person questioned in the criminal process and to minimise the

²¹ Podlewska J. (2018), *Regulacje prawne dotyczące przesłuchiwania dzieci w Polsce* [in:] *Przesłuchanie małoletniego świadka w postępowaniu karnym. A guide for professionals*, Warsaw, p. 7.

disproportion between the person questioned and the interrogator. Protective interrogation consists of being conducted in a court session with the participation of an expert psychologist in a Friendly Interrogation Room.²² It may, in principle, be carried out only once and takes place without the suspect/accused being present. This procedure may be used in four cases:

A) firstly, with regard to a child victim of an offence committed with the use of violence or unlawful threats or as defined in Chapters XXIII, XXV and XXVI of the Criminal Code - if he or she is under 15 years of age at the time of the interrogation and only if the victim's testimony may be of significant importance for the settlement of the case and only once, unless significant circumstances come to light, the clarification of which requires a second interrogation or if the evidentiary request of the accused who did not have a defence counsel at the time of the first interrogation of the victim is granted (Art. 185a § 1 of the Code of Criminal Procedure);

B) secondly, with regard to a child victim who is 15 years of age or older at the time of interrogation, when there is a fear that interrogation under other conditions could have a negative impact on his or her mental state (Article 185a § 4 of the Code of Criminal Procedure);

C) thirdly, the protective mode of questioning may be used to question a witness of a crime committed with the use of violence or unlawful threats or defined in Chapters XXV and XXVI of the Criminal Code, if he or she is under 15 years of age at the time of questioning;

D) the fourth situation in which the protective mode of questioning applies arises from Article 185c § 1 and 2 of the Code of Criminal Procedure. According to the wording of these provisions, a victim of an offence defined in Articles 197-199 of the Criminal Code who is at least 15 years old at the time of interrogation shall be interrogated under the protective mode.²³

²² Makaruk K., Masłowska P. (2021), *Protection of a minor victim from multiple interrogation - considerations in the light of the results of a qualitative study*, *Child Wronged*, vol. 20 no. 1, pp. 65-67; Brulinska D., Dajnowicz D. (2015), *Child as a witness in the criminal process in theoretical and practical terms*, *Nowa Kodyfikacja Prawa Karnego*, vol. XXXV, AUWr No 3670, p. 88).

²³ Zbrojewska M., Małolepszy A. (2011), *Child as a witness in the criminal process*, *Studia Gdańskie*, vol. XXVIII p. 106-108; Osiak-Krynicka K. (2019), *Nowe zasady przesłuchania w trybie art. 185c Kodeksu postępowania karnego osoby pokrzywonej przestępstwem z art. 197-199 Kodeksu karnego*, *Folia Iuridica Universitatis Wratislaviensis*, vol. 8(2), p. 149-163.

Both the child during the interview and the parent exercising the rights of the victim have the right to be assisted by an interpreter. This is because, according to Article 204 of the Code of Criminal Procedure, an interpreter must be summoned if there is a need to interrogate: 1) a deaf or mute person and it is not sufficient to communicate with him/her by means of writing; 2) a person who does not speak Polish. An interpreter should also be summoned if there is a need to translate a letter written in a foreign language into Polish or vice versa, or to acquaint a party with the content of the evidence being taken.

2.2.4. Procedural safeguards for children as suspects or accused persons

If a child from Ukraine has committed a crime or an offence on the territory of Poland, the principles of his/her responsibility do not differ from those of a Polish citizen, because - as a rule - foreigners who have committed a crime or an offence on the territory of Poland bear the same responsibility as Polish citizens. They are subject to identical proceedings and face the same punishment provided for in the Penal Code or the Misdemeanour Code. Pursuant to Article 5 of the Penal Code of 6 June 1997, the Polish penal law applies to a perpetrator who has committed an offence on the territory of the Republic of Poland, as well as on a Polish ship or aircraft, unless an international agreement to which the Republic of Poland is a party provides otherwise.

However, it should be emphasised that in Poland, according to Article 10 § 1 of the Penal Code, criminal liability may be incurred by a person who has reached the age of 17. On the other hand, the principles of responsibility for committing a criminal act by a child who has not reached the age of 17 are regulated by the Act on the Support and Rehabilitation of Minors of 9 June 2022. The child is then liable to the guardianship court. However, it should be pointed out that there is an exception to the above rule: namely, pursuant to Article 10 § 2 of the Penal Code, a child who, after attaining the age of 15, commits a prohibited act as defined in Article 134, Article 148 § 1, 2 or 3, Article 156 § 1 or 3, Article 163 § 1 or 3, Article 166, Article 173 § 1 or 3, Article 197 § 3 or 4, Article 223 § 2, Article 252 § 1 or 2 and Art. 280 of the Penal Code, may be held liable under the rules set out in that Code if the circumstances of the case and the degree of development of the offender, their characteristics and personal conditions support this, and in particular if previously applied educational or corrective measures have proved ineffective.

Consent for a child to incur criminal liability after the age of 15 is given by the guardianship court, which then refers the case to the criminal court. Then, in such proceedings, the procedural situation of the child as an accused or suspect is not fundamentally different from that of an adult and the child exercises his or her rights

and obligations independently, however, there are some special arrangements to assist and ensure that the child realises his or her rights. These special arrangements include:

1. Article 79 § 1 (1) of the Code of Criminal Procedure, according to which a person under the age of 18 must have a defence counsel in a criminal trial;
2. Article 76 of the Code of Criminal Procedure, according to which, if the accused is a minor or incapacitated, his or her legal representative or the person under whose custody the accused remains may take all procedural actions in his or her favour, and in particular file appeals or motions and appoint a defence counsel;
3. pre-trial detention may only be used if placement in a juvenile shelter would be insufficient [Article 67(2) of the Act of 9 June 2022 on the Support and Rehabilitation of Juveniles].

In addition, a child who is a suspect/defendant, like an adult, has the right, inter alia, to be assisted by an interpreter (art. 72 of the Code of Criminal Procedure), to communicate with his/her defence counsel in the absence of other persons and by correspondence if he/she is temporarily detained (art. 73 of the Code of Criminal Procedure), to apply for the appointment of an ex officio defence counsel (art. 78 of the Code of Criminal Procedure), to defence, including the right to be assisted by a defence counsel (art. 6 of the Code of Criminal Procedure), to apply for actions that the authority may or is obliged to take ex officio (art. 9 § 2 of the Code of Criminal Procedure), to be informed of his/her rights and obligations (art. 16 of the Code of Criminal Procedure).

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

2.3.1. Arrived unaccompanied

If a child has itself arrived in Poland from Ukraine after 24 February 2022, fleeing an armed conflict, it is subject to different rules of care than children from third countries arriving on the territory of Poland. The rules of the Act of 12 March 2022 apply to such a child.

If a child who has arrived from Ukraine does not have parents or other legal guardians in Poland, it is necessary to apply for the appointment of a temporary guardian for the child. The temporary guardian represents the child before courts and authorities, has custody of the child and of the child's property (Article 25 of the Act of 12 March 2022).²⁴

A guardian may be a relative of the child, relatives by affinity or other persons who give a guarantee that the guardian's duties will be properly performed. There are no requirements in terms of citizenship, knowledge of Polish or Polish law. A citizen of both Poland and Ukraine may become a guardian of a child. One temporary guardian may be appointed for several children if there is no conflict between their interests, while for siblings there should be one guardian. It should, however, be emphasised that if the child came to the territory of Poland on his/her own, without any relatives, a temporary guardian may also be appointed for the child from among strangers to that child.²⁵

Although the temporary guardian has day-to-day care and representation of the child, he or she can only make decisions on day-to-day matters. In order to make a more important decision concerning the child (e.g. subjecting the child to an operation, leaving the country), he or she must obtain the authorisation of the guardianship court.²⁶

As follows from Article 25(2) of the Law of 12 March 2022, a temporary guardian, unless the scope of his or her rights and duties is otherwise specified upon his or her appointment, is authorised to represent the child and exercise custody over his or her person and property. The temporary guardian should obtain the authorisation of the guardianship court in all major matters that concern the child's person or property. Representation, i.e. acting on behalf of the child in legal transactions and legal custody of the child, is restricted in more important matters in which the guardian must obtain permission from the guardianship court. However, the law does not specify which decisions or type of decisions are included among the more important ones and the less important ones not requiring additional court confirmation. Custody of the child's person and property is to be understood as the actual duty to provide the child with a place and suitable living conditions, as well as to take care of the child's property. However, it should be emphasised that the court has the possibility to modify the scope of rights and obligations of the guardian, e.g. to limit them if it deems it appropriate.

Proceedings for the appointment of a temporary guardian may be initiated upon request or ex officio. The catalogue of entities entitled to initiate such proceedings is provided

²⁴ Halina Nieć Legal Aid Centre, [Temporary custody of a minor child from Ukraine. A guide for guardians](#), 2023.

²⁵ Ibid.

²⁶ Ibid.

in Article 25(11) of the Act of 12 March 2022. If, on the other hand, a person knows of a child from Ukraine who is unaccompanied in Poland and no temporary guardian has been appointed for him or her, he or she may inform the competent guardianship court. The court should then initiate appropriate proceedings *ex officio*.²⁷

Proceedings for the appointment of a temporary guardian are conducted by the guardianship court with jurisdiction over the child's place of residence. If, for example, the child resides in Warsaw, the application for the appointment of a temporary guardian should be filed with the district court that covers the district in question. No fees are payable in these proceedings and the State Treasury bears the expenses. The court shall hear the case without delay, no later than within 3 days of the day on which the court receives the application or becomes aware of the need to appoint a temporary guardian. The court shall hold a hearing, hear the applicant for a temporary guardian and the actual guardian and the child, if the child's degree of maturity so permits. Sometimes, in particularly justified cases, the court may rely on the documents submitted and hear the case in closed session. The decision on the appointment of a temporary guardian is enforceable upon publication or issuance and is served on the participants in the proceedings, the competent social welfare unit, the district family support centre and the Commander-in-Chief of the Border Guard. The implementation of the rights and obligations of the temporary guardian shall be supervised by the social welfare centre or social services centre and the district family assistance centre. A temporary guardian who has custody of more than 15 children may apply to the county family assistance centre to employ a person to assist them. The district family support centre provides legal, organisational and psychological assistance to all temporary carers and the children in their care.²⁸

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

In a situation where a child was displaced from Ukraine, the issue of his/her care and representation, as in the case of the children described in section 2.3.1, is governed by

²⁷ Tyimińska A. (2022), [Children from foster care and unaccompanied minors from Ukraine: ex-post assessment of the regulation and practice of application of the Ukrainian speculative law](#), Warsaw, 2022.

²⁸ Tyimińska A. (2022), [Children in foster care and unaccompanied minors from Ukraine: ex-post evaluation of the regulation and practice of application of the Ukrainian speculative law](#), Warsaw, 2022; Covtuh I., Khomyn Y., Strama A. (2023), [Temporary care of a minor child from Ukraine. A guide for guardians](#), Krakow, 2023.; Association for Legal Intervention, [How to become a temporary guardian of a child from Ukraine without parents](#), 2022.

the provisions of the Act of 12 March 2022. Since the child arrived on the territory of Poland without persons who are his/her parents or legal guardians, i.e. persons entitled to represent him/her by law, it is necessary to establish a temporary guardian for such a child pursuant to Article 25 of the indicated Act. The situation of a child who has arrived with a family member, neighbour or family friend differs from that of a child who has arrived alone in so far as these persons may be appointed temporary guardians of such a child.²⁹ For the specific regulations concerning a temporary guardian, reference should be made to para. 2.3.1.

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

Children in family or institutional foster care have also arrived on the territory of Poland due to the armed conflict in Ukraine. The issue of their representation varies depending on whether they arrived on the territory of Poland with their guardians and the type of custody.

First of all, it should be pointed out that the situation of children in foster care may vary, depending on what is the basis of the foster care - a court decision or an administrative decision.

In Ukraine, the foster care system differs from the Polish one and is characterised, inter alia, by the following solutions:

- most children end up in foster care not because of the deprivation of parental authority or the loss of parents, but at their request;
- the vast majority of children are in educational and rehabilitation institutions for people with disabilities or health problems and in boarding schools for gifted children and adolescents from rural areas, for example;
- foster care in Ukraine is predominantly institutional – whereas EU countries (including Poland) are pursuing policies to deinstitutionalise foster care, e.g. by introducing numerical or age limits in foster care systems;
- the living conditions in institutional foster care in Ukraine are very often poor - both from the point of view of the infrastructure of the facilities and the ratio of professional staff to the number of wards/pupils;

²⁹ Tymieńska A. (2022), [Children in foster care and unaccompanied minors from Ukraine: ex-post evaluation of the regulation and practice of application of the Ukrainian speculative law](#), Warsaw, 2022; Covtiuh I., Khomyn Y., Strama A. (2023), [Temporary care of a minor child from Ukraine. A guide for caregivers](#), Krakow, 2023.

- the decision to place a child in a foster family may be taken not only in court proceedings, but also in administrative proceedings, which is impossible under Polish conditions.³⁰

Family foster care

- if the child was in family foster care, i.e. placed in a foster family or a family orphanage on the territory of Ukraine on the basis of a court decision, and came to Poland together with the person taking care of the child, such a child shall not be placed in family foster care in Poland, but such a guardian shall be established as a temporary guardian in Poland, unless the welfare of the child is at risk [art. 27(4a) in conjunction with Article 25(7) of the Act of 12 March 2022]. In such a situation, it is necessary to apply to the court for the appointment of a temporary guardian.;
- if the child was in family foster care, i.e. was placed in a foster family or a family orphanage on the territory of Ukraine on the basis of an administrative decision and came to Poland with a person in charge of the child, it is necessary to have a confirmation of such custody issued by a Polish district court (Article 48(2) in connection with Articles 50-52 of the Agreement between the Republic of Poland and Ukraine on Legal Assistance and Legal Relations in Civil and Criminal Matters drawn up in Kiev on 24 May 1993). In the absence of such confirmation, it is necessary to appoint these guardians as temporary guardians;
- if the child was in family foster care, i.e. was placed in a foster family or a family orphanage on the territory of Ukraine and came to Poland without a person taking care of the child:
 - a temporary guardian may be appointed for the child on the basis of Article 25 of the Law of 12 March 2022, until the child's return to Ukraine;
 - II) such a child may be placed by the court in foster family care in Poland on the basis of the provisions of the Act of 9 June 2011 on family support and the foster care system, subject to the exceptions provided for in Article 27 of the Act of 12 March 2022. Pursuant to the latter provision, the court may entrust the fulfilment of the function of a foster family or the running of a family orphanage:
 - o to a citizen of the Republic of Poland who is not an ascendant or sibling of a child, who does not fulfil the necessary training condition set out in the provisions of the Act of 9 June 2011 on family support and the foster care system, concerning foster families or

³⁰ Tyimińska A. (2022), [*Children from foster care and unaccompanied minors from Ukraine: ex-post evaluation of the regulation and practice of application of the Ukrainian speculative law*](#), Warsaw, 2022.

- a citizen of Ukraine residing in the territory of the Republic of Poland, whose stay in the territory of the Republic of Poland is recognised as legal pursuant to Article 2(1) and who does not meet the conditions for foster families or those running family-type children's homes with respect to necessary training. However, such candidate shall then submit a declaration that he/she fulfils the conditions referred to in Article 42(1)(1)-(4) and (2) of the Act of 9 June 2011 on Support for the Family and the Foster Care System. The declaration shall be made under pain of criminal liability for making a false declaration. The person making the declaration shall include the following clause: "I am aware of the criminal liability for making a false declaration". This clause replaces the authority's instruction on criminal liability for making a false declaration.

Institutional foster care

Children who were placed in institutional foster care in Ukraine are not integrated into the Polish foster care system upon arrival in Poland.³¹

Thus:

- if a child who was placed in institutional foster care in the territory of Ukraine came to the territory of Poland without an adult responsible for that child in accordance with the law in force in the Republic of Poland, then it is necessary to establish a temporary guardian for that child on the basis of Article 25 of the Act of 12 March 2022;
- if a child who was placed in institutional foster care in the territory of Ukraine came to the territory of Poland with an adult responsible for that child in accordance with the law in force in the Republic of Poland, then it is also necessary to establish a temporary guardian for that child on the basis of Article 25 of the Act of 12 March 2022. Irrespective of whether the child who was placed in foster care arrived alone without his/her guardian or whether he/she arrived with this guardian, he/she is not automatically included in the system of institutional foster care in Poland, but a temporary guardian must be appointed for him/her by the court, which in this case could be the person who was the legal guardian of this child in Ukraine. As indicated above, according to Article 25(2) of the Law of 12 March 2022, a temporary guardian, unless the scope of his or her rights and duties is otherwise specified upon his or her appointment, is authorised to represent the child and exercise custody over his or her person

³¹ Tymińska A. (2022), *Children from foster care and unaccompanied minors from Ukraine: ex-post evaluation of the regulation and practice of application of the Ukrainian speculative law*, Warsaw, 2022.

and property. The temporary guardian should obtain the permission of the guardianship court in all major matters that concern the child's person or property.

According to a statement by the Polish Minister of Family and Social Policy on 23 February 2023, approximately 3,000 children mainly from institutional orphanages were evacuated to Poland after the outbreak of war. For the welfare, safety and comfort of the evacuated children, the Polish and Ukrainian governments decided not to separate the children. In the kind of groups in which the children arrived in Poland (there were groups of up to 150 children each) from Ukrainian foster care institutions, they would stay in appropriate centres in Poland, and this has been the case until now.³²

Such children were therefore placed in a care institution of the socialisation, intervention or specialist-therapeutic type or in family foster care in accordance with the provisions of the Act of 9 June 2011 on family support and the foster care system. However, if among the children who were in institutional foster care prior to their arrival in Poland there were those who were under 3 years of age, they could only be placed in family foster care. Exceptionally, the placement of a child up to the age of 3 in a care institution of a socialisation, intervention or specialist-therapeutic type is possible when the child's mother or father is placed in a given care institution, and in other exceptional cases, especially when the child's health condition warrants it or when siblings are involved.

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

If a child has been displaced from Ukraine with a group of persons on a private initiative, the question of representation of such a person is different. If the group of persons with whom the child has arrived in Poland includes his or her parent or legal guardian, then that person is entitled by law to represent his or her child and exercise his or her rights in Poland. The situation becomes more complicated when there are no parents or legal guardians of these children in the group of persons who have arrived. In that case, it is necessary to establish a temporary guardian for that child or group of children under the rules set out in Article 25 of the Act of 12 March 2022, as the child must be provided with a person to represent him or her. Given that a temporary guardian can be a guardian for both one and several children, it is likely that the person who was the

³² Infor.pl, [Nearly 3,000 children from Ukrainian orphanages have been brought to Poland](#), 23 February 2023; Dudkiewicz J., [Ukrainian orphanages in Poland: one hundred children each. Bullying and sexual violence are inevitable](#), WysokieObcasy.pl, 12 April 2022.

organiser of this arrival on the territory of Poland and also came with the children will be established as their temporary guardian. With regard to the procedure for the appointment of a temporary guardian, reference should be made to para. 2.3.1.

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	N/A	(Response to public information request not available at the time of preparing the report - data not publicly available)
With a foster family	N/A	(Response to public information request not available at the time of preparing the report - data not publicly available)
With person who looked after the child when fleeing	N/A	(Response to public information request not available at the time of preparing the report - data not publicly available)
In reception centres for unaccompanied children (all nationalities)	N/A	(Response to public information request not available at the time of preparing the report - data not publicly available)
In reception centres for children fleeing Ukraine	N/A	(Response to public information request not available at the time of preparing the report - data not publicly available)
Other placement	N/A	(Response to public information request not available at the time of

		preparing the report - data not publicly available)
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Source: [Type your source here.](#)

The issue of the placement of unaccompanied children fleeing Ukraine remains relatively poorly recognised. From the available literature, it appears that the basic problem is that there are no limits on the number of children housed in particular places.³³ This is due to the fact that, in theory, these are not foster care facilities, but holiday or conference centres. The Ministry of Family and Social Policy has not released detailed information as to where and in what number the children evacuated from Ukrainian foster care are staying. However, from media reports, it is known that children were staying, for example, in the Ossa Conference Centre (Łódzkie Voivodeship) or in holiday centres in and around Ustka (approximately 300 children).

2.5. Children evacuated from Ukrainian institutions

2.5.1. Institutional and community-based services

Table 4 - hosting children evacuated from Ukrainian institutions

Premise - name, location, type of building	Type of care - institutional or community based service	Category of child (type of disability, children without parental care)	Who manages the institution / community based service - Polish authorities or Ukrainian carers	Number of children in the institution	Number of carers / accompanying adults and child-adult ratio
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³³ Tyimińska A. (2022), *Children from foster care and unaccompanied minors from Ukraine: ex-post evaluation of the regulation and practice of application of the Ukrainian speculative law*, Warsaw, 2022.

N/A	N/A	N/A	N/A	N/A	N/A
N/A	N/A	N/A	N/A	N/A	N/A
N/A	N/A	N/A	N/A	N/A	N/A
N/A	N/A	N/A	N/A	N/A	N/A

Source: (Response to public information request not available at the time of preparing the report - data not publicly available).

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2.5.2. Alternative care

A very important event from the point of view of children arriving from Ukraine placed in foster care was the signing of a political declaration on the social protection of children affected by warfare and armed conflict by the Polish Minister of Family and Social Policy, Marlena Maląg, and the Ukrainian Minister of Social Policy, Maryna Lazebna, on 30 June 2022. The purpose of signing the declaration was to establish cooperation between Poland and Ukraine on the protection of children evacuated from Ukrainian institutional foster care. Above all, it is intended to create facilitations for the return of these children to Ukraine after the cessation of hostilities. In addition, Poland also undertook not to accelerate the ongoing adoption processes with regard to the children and not to initiate new ones; to register the minors in the ICT system (i.e. records introduced at a later stage - Article 25a of the Act of 12 March 2022), to take measures aimed at maintaining close contact between children evacuated from the same institution - to strive to keep the evacuated groups of minors together.³⁴

The above declaration does not constitute an announcement or a project for the deinstitutionalisation of foster care in Poland, or the deinstitutionalisation of foster care in which children arriving from Ukraine are placed. The declaration is not intended to create rights or obligations under international or national law. Nor does it entail any financial consequences for either party.

In this document, the parties (Polish and Ukrainian) have declared to each other their mutual desire to protect the rights of children who have left Ukraine for the Republic of

³⁴ Poland, Ministry of Family and Social Policy, [Polish and Ukrainian ministries signed declaration on child protection](#), 30 June 2023; Tymińska A. (2022), [Children from foster care and unaccompanied minors from Ukraine: ex-post assessment of the regulation and practice of application of the Ukrainian speculative law](#), Warsaw, 2022.

Poland, as well as their mutual desire to preserve and protect the lives and well-being of children and to further strengthen and develop cooperation between the parties in the aforementioned areas.

2.5.3. Efforts to retain links

In Poland, there have been efforts to ensure that children are placed in places that allow them to maintain contact with other children with whom they have arrived. According to a statement by the Polish Minister of Family and Social Policy on 23 February 2023, approximately 3,000 children (mainly from institutional orphanages) were evacuated to Poland after the outbreak of war. For the welfare, safety and comfort of the evacuated children, the Polish government together with the Ukrainian government decided not to separate the children and to keep them in the groups in which the children arrived in Poland.³⁵

Another of the measures aimed at protecting the relationships and bonds of children from Ukraine is Article 27(5) of the Act of 12 March 2022, according to which a voivode, in particularly justified cases, may issue a permit to a citizen of Ukraine to run a care and educational institution in which only Ukrainian children, residing on the territory of the Republic of Poland, whose stay on the territory of the Republic of Poland is considered legal, will be placed, despite the failure to meet the conditions referred to in Article 106 of the Act of 9 June 2011 on family support and the system of foster care.

2.5.4. Safeguards for children placed in institutional care settings

Safeguarding the situation of children from Ukraine placed in institutional foster care raises reservations and concerns. First of all, such children, even though they have been in foster care in Ukraine, are not subject to integration into the Polish foster care system. Their stay is legalised by means of granting temporary guardianship status to employees and workers of Ukrainian institutions. Support in accommodation and maintenance of their living conditions is provided by local government units or private sponsors, and the children were placed in holiday and conference centres, correctional institutions and shelters for minors.

The non-inclusion of Ukrainian children in the Polish foster care system allows them to be left out of the system's important standards concerning, inter alia, the size of groups

³⁵ Infor.pl, [Nearly 3,000 children from Ukrainian orphanages have been brought to Poland](#), 23 February 2023; Dudkiewicz J., [Ukrainian orphanages in Poland: one hundred children each. Bullying and sexual violence are inevitable](#), WysokieObcasy.pl, 12 April 2022.

in institutions or age limits. This problem is well illustrated by Article 27(4) of the Act of 12 March 2022, according to which children under the age of 3 should not be placed in institutions of institutional foster care. This regulation was created under pressure from parliamentary groups and NGOs.³⁶ Unfortunately, in the practical application of this provision, it is common for these children to end up in a kind of legal "non-existence" and to be accommodated in holiday centres that do not constitute either institutional or family care.

In addition, there is no limitation on the number of children residing in particular places - as theoretically these are not foster care institutions, but holiday or conference centres. The above situation may be due to the action of the Polish authorities declared in the Political Declaration on the Social Protection of Children Affected by Warfare and Armed Conflict of 30 June 2022 and pursuing a policy of not allowing Ukrainian children to be adopted and not separating groups of children evacuated from the same foster care placements - leading to the creation of huge groups, disregarding age limits. A solution to the above problem, stemming from an expert report, would be to include in the Act of 12 March 2022 a solution for Ukrainian children from Polish custodial institutions, which would integrate them into the Polish system – while maintaining care standards and taking into account the key interests of the Ukrainian side.³⁷ It is about including in the Polish foster care system those children who came to Poland from Ukraine and who were in foster care in Ukraine for the period of their stay in Poland. Such a solution would provide them with better protection and standards of accommodation and protection of their interests.

2.5.5. Oversight of premises / centres managed by Ukrainian guardians / carers

With regard to temporary guardians under whose care children from Ukraine remain in Poland, the Act of 12 March 2022 provides that social welfare institutions provide supervision and support to temporary guardians to a certain extent.³⁸

Pursuant to Article 25(3) of the Act of 12 March 2022, supervision over the implementation of the rights and obligations of the temporary guardian shall be

³⁶ Tyimińska A. (2022), [Children from foster care and minors from Ukraine: ex-post evaluation of the regulation and practice of application of the Ukrainian speculative law](#), Warsaw, 2022.

³⁷ Tyimińska A. (2022), [Children from foster care and minors from Ukraine: ex-post evaluation of the regulation and practice of application of the Ukrainian speculative law](#), Warsaw, 2022.

³⁸ Covtiuh I., Khomyn Y., Strama A. (2023), [Temporary care of a minor child from Ukraine. A guide for caregivers](#), Krakow, 2023.

exercised by a social welfare centre or a social services centre - in the case of transformation of a social welfare centre into a social services centre pursuant to the provisions of the Act of 19 July 2019 on the Implementation of Social Services by a Social Services Centre, or by another organisational unit designated by the head of the village, the mayor, the city president competent for the place of residence of the child.

Article 25(3) of the Law of 12 March 2022 indicates the "exercise of supervision", but does not specify the specific activities that would constitute such supervision. This therefore makes it difficult to exercise supervision over temporary carers. In practice, supervision could consist of: community visits, assistance in solving social and living and caring problems, inspection of the living conditions in which children reside and verification of their legal situation.

In practice, as these provisions are formulated in very general terms, institutions find it difficult to apply them, unsure of what activities the supervision covers and in the absence of one consistent way of exercising supervision. There are no general guidelines in this regard – except for the guidelines that have been developed by the Support Group for Victims of Trafficking established within the Anti-Trafficking Team of the Minister of the Interior and Administration.³⁹ They indicate how to analyse when carrying out surveillance whether a child is at risk of being trafficked. In practice, much depends on the activity of the specific welfare institution - either the social welfare centre or the district family welfare centre.

Part of the responsibility in terms of support and citizen supervision of temporary carers has been taken over by NGOs, which have been 'catching' cases of carers' violence against their charges as part of social control (as part of their functioning, when providing help to families which have applied for it).⁴⁰ However, the available sources do not point to specific examples or provide exact details of institutions or individuals who are performing their duties incorrectly.

³⁹ Poland, Recommendations for supervisors on the implementation of the rights and duties of a temporary guardian ([Zalecenia dla osób sprawujących nadzór nad realizacją praw i obowiązków opiekuna tymczasowego](#)), 1 September 2022.

⁴⁰ Tymieńska A. (2022), [Children in foster care and minors from Ukraine: ex-post evaluation of the regulation and practice of application of the Ukrainian special law](#), Warsaw, 2022; Covtuh I., Khomyn Y., Strama A. (2023), [Temporary care of a minor child from Ukraine. A guide for caregivers](#), Krakow, 2023.

2.5.6. Access to local services and support

There are activities for the social integration of Ukrainian children in Poland, especially in the field of education.

Education

Data from the Educational System shows that as of 14 February 2023, there are 187.9 thousand children and young people from Ukraine in Polish schools and kindergartens who arrived in Poland after the Russian aggression. In contrast, at the end of April 2023, Ministry of Education and Science reported that there are more than 193 thousand children and young people from Ukraine in the Polish education system.⁴¹

According to the Polish education law, compulsory education in Poland covers every child from 7 to 18 years of age. Pupils and pupils who fled the Russian aggression against Ukraine can study in a Polish school or remotely in a school functioning in the Ukrainian educational system. This is according to the Decree of the Ministry of Education and Science of 21 March 2022 on the organisation of education, upbringing and care and youth who are citizens of Ukraine. The parent or the person who takes care of the pupil/student is obliged to submit to the municipality where they reside a statement about the continuation of education in the Ukrainian educational system by this pupil.

In practice, as alarmed by the Polish Ombudsman, it is estimated that a large proportion of young people do not study in any system, which may indicate the lack of a strategy to integrate children with refugee experience into the Polish educational system. Although the parent or guardian is obliged to make a declaration of continuation of education in the Ukrainian education system, this is not always fulfilled. And among the children who do not fulfil their obligation to study, there may be those with disabilities and special educational needs who require special support. The failure of the Polish authorities to react when a child's right to education is not realised may constitute a violation of obligations under, inter alia, the Convention on the Rights of the Child. Educational exclusion and the creation of closed groups are associated with negative consequences not only for the individual, but also for society as a whole. State authorities should therefore strive to facilitate the integration of children and their caregivers, which is often easier and more effective in a local school setting. Ukrainian children face many problems. The most acute issues are the stress and alienation experienced by children and young people. Problems include a lack of psychological and pedagogical support, failure to implement the recommendations of the psychological and pedagogical

⁴¹ Covtiuh I., Khomyn Y., Strama A. (2023), [Temporary care of a minor child from Ukraine. A guide for guardians](#), Krakow, 2023; Matłacz A. (2023), [There are 187.9 thousand children from Ukraine in Polish schools and kindergartens](#), Prawo.pl, 27 February 2023.

counselling centres, a lack of appropriate textbooks, and insufficient numbers of intercultural assistants or teacher aides. Sometimes schools do not respond effectively to incidents of discrimination and hostility experienced by pupils from other countries. Intercultural and anti-discrimination education is therefore necessary. Integration is also hindered by, among other things, too many refugee pupils in one class, preferential treatment of newcomers, lack of support for the integration process by teachers and educators or lack of competence in conflict resolution and anti-discrimination. The survey commissioned by the Ombudsman - conducted among school authorities, school principals, teachers, cultural assistants, parents of Polish and Ukrainian students - shows that the most important challenge, indicated by all respondents, is the language barrier. Teachers also indicate that working with students with war trauma is one of the biggest challenges of the current situation. Other frequently indicated challenges, especially by teachers, are classes that are too large and too few teachers and teacher aides. Principals and teachers recognise the need to implement training in preparation for working with Ukrainian students on how to support students with war trauma. They also protest against the need to acquire materials on their own and to finance them with their own resources.⁴²

It should be pointed out at this point that the Polish Minister of Education and Science is working and talking with the UN to bring all Ukrainian children living in Poland into the Polish education system, due to the hostilities on Ukrainian territory, power cuts and air strikes.⁴³

Therapeutic assistance

Children from Ukraine have the right to be assisted by a free psychologist. This right stems from Article 32 of the Act of 12 March 2022. According to this provision, a citizen of Ukraine residing in the territory of the Republic of Poland, whose stay in the territory of the Republic of Poland is considered legal, may be provided with free psychological assistance. This assistance is provided by the head of the village, mayor or city president competent for the place of residence of the Ukrainian citizen. The provision of psychological assistance is one of the tasks delegated to the municipality within the scope of government administration and is financed in the form of a targeted subsidy from the state budget.⁴⁴

⁴² Poland, Ombudsman, [Unresolved problems of education of children and youth from Ukraine. Minister Przemysław Czarnek responds to the RPO](#), 31 March 2023.

⁴³ Ukrainian in Poland, [Why Ukrainian children need to go to school in Poland](#), 29 March 2023.

⁴⁴ Coviuh I., Khomyn Y., Strama A., *Temporary care of a minor child from Ukraine. A guide for caregivers*, Krakow 2023.

In addition, children can also receive psychological support through dedicated hotlines. See section 2.2.2 for details.

Medical care

A child displaced from Ukraine is also entitled to health care services. It stems from Article 37 of the Act of 12 March 2022. Pursuant to this provision, a citizen of Ukraine, whose stay on the territory of the Republic of Poland is considered legal, is entitled to medical care provided on the territory of the Republic of Poland covering health care benefits on the principles and to the extent to which persons covered by compulsory or voluntary health insurance are entitled to benefits under the Act of 27 August 2004. on health care services financed from public funds with the exception of spa treatment and spa rehabilitation, as well as the administration of medicinal products issued to benefit recipients within the framework of health policy programmes of the minister competent for health matters.⁴⁵

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

2.6.1. Child friendly information

There are no public campaigns on this issue in Poland. However, there are websites on the Internet where you can find information on where a child can turn for help to obtain information on rights or websites informing about the existence of helplines. Just type in, for example, 'Legal assistance for Ukrainian children', 'Psychological assistance for Ukrainian children' or 'Helplines for Ukrainian children' into a search engine and it is possible to search for sites that are also available in Ukrainian, where it is possible to find contacts to people who will explain the child's rights in an accessible and understandable way. Websites aimed primarily at Ukrainian citizens about their rights include:

1. Ukrainian in Poland: <https://www.ukrainianinpoland.pl> (or in the Ukrainian version: <https://www.ukrainianinpoland.pl/uk/>);

⁴⁵ Coviuh I., Khomyn Y., Strama A. (2023), [*Temporary care of a minor child from Ukraine. A guide for caregivers*](#), Krakow, 2023.

2. the Legal Portal for those fleeing Ukraine run by the Association for Legal Intervention - <https://ukraina.interwencjaprawna.pl> (or in the Ukrainian version: <https://ukraina.interwencjaprawna.pl/uk/>);

3. the UA Help Info - <https://uahelp.info/pl/> (or in the Ukrainian version: <https://uahelp.info>).

Above all, special helplines are set up for children, enabling them to contact both a lawyer and a psychologist who speaks Ukrainian and who will explain, discuss and describe in detail their rights, listen to them and show them where they can go for possible help. In addition, the institutions that run the helplines also have a chat room, through which a child who is ashamed to call the helpline can communicate. The most well-known helplines in Poland dedicated to children from Ukraine were discussed earlier.

In addition, it is also possible for children to obtain information about their rights in a friendly and safe manner at the Blue Dot Centres - these are safe spaces set up in Poland by UNICEF and UNHCR together with national authorities and civil society partners. At the Blue Dot Centres, children as well as adults fleeing Ukraine can get immediate support. At Blue Dot, you can find information and confidential, one-to-one counselling on services available in Poland, emotional support and counselling, support for children and families, a safe space for children to play, and support with legal issues. All services and support offered by service providers at Blue Dot centres are free of charge. Blue Dot centres can be found in the following locations:

- Krakow: 5a Pawia Street, 31-154 Krakow (open 07:00-22:00)
- Warsaw - West Railway Station: 144 Jerozolimskie Avenue, 02-305, Warsaw
- Chełm - Railway Station: Kolejowa 89, 22-100
- Przemyśl Railway Station: Plac Legionów 1, 37-700 Przemyśl (open 24/7)
- Medyka - Border Crossing: Medyka 172B 37-732 (open 8:00-20:00).⁴⁶

2.6.2. Child participation

In order to make it easier for children from Ukraine to integrate with other children and adapt to life in a new country and place, there are many initiatives for children from Ukraine in Poland. We can divide these activities into those that are carried out both within and outside the school.

School initiatives for Ukrainian children to help them settle in

⁴⁶ UNHCR, [Blue Dot Safe Spaces, Protection and Support Centres](#) (accessed 16.06.2023).

Obtaining information about initiatives taken at school towards children from Ukraine who arrived during the war crisis is possible from the report: "Together in the classroom. Children from Ukraine in Polish schools. Potentials and challenges in building a multicultural school in the context of the war in Ukraine according to male and female teachers. Research Report"⁴⁷ and from the report "Culturally Diverse School. Challenges and needs related to the influx of students from Ukraine"⁴⁸.

Reports show that the majority of students:

1. seek contact with children who arrived from Ukraine during the war crisis,
2. meet mainly outside school,
3. are interested in information about children coming from Ukraine (e.g. where they come from, their customs),
4. inform adults about the problems of young people coming from Ukraine as a result of the war,
5. help children who have joined (e.g. explain things to them about the new school, help them with their studies),
6. independently organise or join in helping children from Ukraine.

In addition, the reports also give recommendations that should be implemented in schools. These include, firstly, that attention should be paid to the circumstances of interculturalism when building the class team. This requires a conscious initiation of an educational process starting with integration, getting to know each other, working out norms, but also monitoring the progress of integration and community building at different stages of the class.

An interesting solution for Ukrainian pupils is to organise joint activities for Polish and Ukrainian children, where knowledge of the language is not so necessary (e.g. sport, art). Another solution is volunteer programmes, where a group of Polish children would take care of a colleague from Ukraine.⁴⁹

⁴⁷ Pyżalski J., Łuszczynska A., Kalata G., Plichta, Poleszak W. (2022), [*Together in the classroom. Children from Ukraine in Polish schools. Potentials and challenges in building a multicultural school in the context of the war in Ukraine according to male and female teachers*](#), Szkoła z klasą Foundation, 2022.

⁴⁸ Tędziągolska M., Walczak B., Żelazowska-Kosiorek A. (2022), A [*culturally diverse school. Challenges and needs related to the influx of students from Ukraine*](#), Centre for Civic Education, 2022.

⁴⁹ SWPS University, [*School - a platform for the integration of Ukrainian children*](#), 10 October 2022.

Integration games took place mainly at the beginning (February, March, April), when Ukrainian children were most numerous in Poland. Examples of integration include the following:

1. in Szczytniki Duchowe – on 16 March 2022, the school management, with the help of the Pedagogical Council, decided to integrate the young guests from the East. While the parents were chatting with the teachers in one of the classrooms, integration activities took place in the other, which allowed the children and young people to get to know each other and, in the process, to get to know the teachers. In addition, Ukrainian flags appeared in the school, basic Ukrainian phrases were displayed on monitors in the corridor, which can be learned quickly;⁵⁰

2. in Krakow schools – in December 2022, events were held in Krakow schools to allow Polish and Ukrainian students, but also their parents and relatives, to get to know each other better. The initiatives organised by the city's educational units were also intended to help integrate all residents of Krakow. They were held in as many as 124 locations in Kraków. As part of the Christmas festivities, workshops were organised on the creation of Christmas decorations, where everyone could make a Christmas decorations and take them home, or the painting of Christmas tree baubles. The event also included classes in learning to write in the Cyrillic alphabet, workshops on decorating gingerbread, making Christmas ornaments and a review of regional products. There was also a review of Ukrainian songs, which were sung by Ukrainian students together with their parents. The students also attended lectures given by representatives of the Man to Man Foundation on the situation in Ukraine;⁵¹

3. at the King Casimir the Great Primary School No. 30 in Lublin – a Polish-Ukrainian Integration Family Meeting "Shoulder to Shoulder" was held on 22.11.2022. During the meeting, students took part in numerous integration games. Particularly noteworthy was the jointly made maps of Ukraine. To conclude the meeting, everyone jointly decorated a tree with a handprint in the national colours of the befriending countries.⁵²

Out-of-school initiatives for Ukrainian children

⁵⁰ <https://gniezno.naszemiasto.pl/szczytniki-duchowne-w-szkole-odbyla-sie-integracja/ar/c5-8727113>

⁵¹

https://www.krakow.pl/aktualnosci/265742,26,komunikat,w_krakowskich_szkolach_trwaja_polsko-ukrainskie_spotkania_integracyjne.html

⁵² <https://sp30.lublin.eu/dnia-22-11-2022r-odbylo-sie-w-naszej-szkole-polsko-ukrainskie-integracyjne-spotkanie-rodzinne-ramie-w-ramie/>

In Poland, activities to integrate Ukrainian children were also undertaken outside of school. Examples of such activities include the following:

1. educational and integration programme for Ukrainian and Polish children in Kielce "Integration without borders" – the programme was conducted during the summer holidays in 2022 by the Association for Support and Development "Integrujemy Pokolenia" in cooperation with the City of Kielce. The project is an initiative created to support the youngest refugees from Ukraine, who found themselves in a difficult situation after emigrating from the country due to the war. The aim of the project is to enable Polish and Ukrainian children to integrate culturally by spending time together and getting to know each other. Through educational activities carried out during the summer holidays, it aims to give the children a better start in the new school year. The programme's objectives are: - integration of Polish and Ukrainian children taking into account cultural education,- improvement of the knowledge of the Polish language among Ukrainian children to increase their opportunities to participate in the Polish education system,- integration of Ukrainian children into the Polish school system and beyond,- provision of activities and games to help children forget the hardships of war and improve their mental state,- improvement of the competence of day-care centre staff through their participation in training courses on working with children after traumatic experiences. As part of the project, nine three-week periods were carried out at the '4 Corners' Network of Day Care Centres and Family Support Centres, during which children participated in a range of integrative and cultural activities. The programme included, among other things, art, music and theatre workshops held in the city's cultural and scientific institutions, and trips to the cinema or swimming pool. An important element was and is the learning of the Polish language, because without its knowledge the young refugees will not be able to cope at school;⁵³

2. the project 'Library for all. Different. Equal. Important' is a socio-educational project that enables children and young people from both Ukraine and Poland to learn, play and form relationships together. As part of the project, children, young people and caregivers can benefit from a modern free programme offer, make friends and even learn each other's languages and cultural customs. The project is implemented by the international humanitarian organisation Save the Children International and the Information Society Development Foundation.⁵⁴

⁵³ <https://www.kielce.eu/pl/aktualnosci/integracja-bez-granic---program-edukacyjno-integracyjny-dla-dzieci-ukrainskich-i-polskich-w-miescie-kielce.html>

⁵⁴ <https://bibliotekidlaukrainy.org.pl/biblioteki-w-projekcie/>

3. Access to social rights

3.1. Access to health care

3.1.1. Scope of medical care for children fleeing Ukraine

Table 5 - 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)	Y	Ukrainian citizens, including children, have the same access to health care as Polish citizens (Article 37 of the Law of 12 March 2022).
Complete medical check -up / health screening	Y	Ukrainian citizens, including children, have the same access to health care as Polish citizens (Article 37 of the Law of 12 March 2022).
Mental health screening (PTSD, depression, anxiety)	Y	Ukrainian citizens, including children, have the same access to health care as Polish citizens (Article 37 of the Law of 12 March 2022).
Vaccinations for children	Y	Ukrainian citizens, including children, have the same access to health care as Polish citizens (Article 37 of

		the Law of 12 March 2022).
Mental health / psychosocial support	Y	Ukrainian citizens, including children, have the same access to health care as Polish citizens (Article 37 of the Law of 12 March 2022).
Children with disabilities and those with chronic illnesses have access to the medical care needed	Y	Ukrainian citizens, including children, have the same access to health care as Polish citizens (Article 37 of the Law of 12 March 2022).

Source: Poland, National Health Fund, [Assistance for Ukrainian citizens guaranteed in the special law. What do providers need to know?](#), 14 March 2022; Poland, Law on Assistance to Ukrainian Citizens in Connection with the Armed Conflict on the Territory of Ukraine, 12 March 2022.

Ukrainian citizens, including children, have the same access to health care as Polish citizens. This follows from Article 37 of the Act of 12 March 2022. Pursuant to this provision, a citizen of Ukraine whose stay on the territory of the Republic of Poland is considered legal is entitled to medical care provided on the territory of the Republic of Poland covering health care services on the principles and to the extent to which persons covered by compulsory or voluntary health insurance are entitled to benefits under the Act of 27 August 2004. on health care services financed from public funds with the exception of spa treatment and spa rehabilitation, as well as the administration of medicinal products issued to benefit recipients within the framework of health policy programmes of the minister competent for health matters.⁵⁵

3.1.2. Challenges in practical provision

However, in terms of health care for children from Ukraine, despite its availability on the same basis for Polish citizens, there are some challenges and practical problems that

⁵⁵ Coviuh I., Khomyn Y., Strama A. (2023), [Temporary care for a minor child from Ukraine. A guide for caregivers](#), Krakow, 2023; Polskieradio24.pl, [Support for refugees. Ukrainians have the same right to health services as Poles](#), 5 April 2023.

have been highlighted by the Polish Ombudsman.⁵⁶ These challenges and problems include:

1. immunization, including vaccination against COVID-19. It is not fully clear from when vaccination can be performed for those without medical records, e.g. a child: whether to start vaccination from the beginning or from the age of 6 years and how to start the vaccination calendar;

2. the lack of provision and funding of an interpreter service by the National Health Service. Currently, hospitals have to cope on an ad hoc basis, and there is not always a Ukrainian-speaking person among the staff. In Poland (generally), there are no legal regulations on access to an interpreter in the health sector. While a third party such as an interpreter can participate in the provision of health care services, practice varies widely. Some healthcare providers fund interpreters, while others require the patient to come with an interpreter, and others use the competence of their own staff or relatives who come with the patient to act as interpreters. However, the quality of such interpretation can vary, depending on the competence of the person. As indicated by the Commissioner for Human Rights, this may constitute a language barrier to patient-doctor communication, e.g. as to giving informed consent for services. In response to the Ombudsman's letter, the Minister for Health noted that there was no basis for the National Health Fund to cover the costs of translation.⁵⁷ This issue was also signalled by the media, but without giving specific examples⁵⁸;

3. the lack of medical documentation in Ukrainian patients can cause problems in accessing reimbursement for medicines. The doctor may, without examining the patient, issue the prescription necessary to continue the treatment. Therefore, there may be a difficulty in writing a prescription and obtaining reimbursement without medical documentation. The Act does not address this problem - it does not regulate the possibility of prescription reimbursement for chronic diseases without a diagnosis and without medical documentation. On the other hand, there may be situations in which the medicine may be needed immediately.

⁵⁶ Poland, Ombudsman, [Health care problems for Ukrainian refugees. The Ministry of Health informs the RPO of its actions](#), 13 April 2022.

⁵⁷ Poland, Minister for Health, [Response to the Ombudsman's letter concerning problems for Ukrainian refugees](#), 12 May 2022.

⁵⁸ K. Wójcik, [Lekarze mają problemy z leczeniem Ukraińców. Brakuje tłumaczy](#), Rp.pl, 21 April 2022; PolitykaZdrowotna.com, [Problemy z tłumaczami dla ukraińskich pacjentów](#), 15 April 2022.

3.1.3. Mental health and psychosocial support for children fleeing Ukraine

At this point, it is worth emphasising that psychological and psychiatric support for children arriving from Ukraine in practice is extremely important. According to the report "Together in the classroom. Children from Ukraine in Polish schools. Potentials and challenges in building a multicultural school in the context of the war in Ukraine according to male and female teachers. Research Report", some Ukrainian children studying in their classrooms show symptoms that may indicate that these children are experiencing symptoms of environmental crisis and post-traumatic stress, irritability and reacting with excessive emotions. These children manifest anxiety about their relatives and express a desire to return to their country.⁵⁹

Children from Ukraine can benefit from the assistance of a psychiatrist under the National Health Fund on the basis of Article 37 of the Law of 12 March 2022 on Assistance to Citizens of Ukraine in Connection with the Armed Conflict on the Territory of Ukraine, as Ukrainian citizens, including children, have the same access to health care as Polish citizens. However, there are also forms of free psychological and psychiatric assistance for Ukrainian children provided primarily in Ukrainian. Information (in Ukrainian) on the availability of such assistance is available, among others, at:

1. <https://twarzedepresji.pl/ukraina/> - the "Faces of Depression" programme offers free remote psychological and psychiatric assistance to Ukrainian citizens - children and adults;
2. <https://uahelp.info/pl/wsparcie-psychologiczne-dla-dzieci-z-ukrainy/> - the website indicated provides a list of facilities where it is possible to obtain psychological and psychiatric assistance, which is provided, among others, by the Committee for the Protection of Children's Rights, the Mazovian Centre for Neuropsychiatry, as well as a list of centres for free diagnosis and therapy for Ukrainian children;
3. <https://forumprzeciwdepresji.pl/3135/pochodzisz-z-ukrainy-tu-znajdziesz-bezplatna-pomoc-psychologiczna> - this is a website that also lists helplines and facilities to which you can turn for psychological and psychiatric help in Ukrainian.

⁵⁹ Długosz P., Kryvachyk L., Izdebska - Długosz D. (2022), *War refugees from Ukraine life in Poland and plans for the future "Together in the classroom. Children from Ukraine in Polish schools. Potentials and challenges in building a multicultural school in the context of the war in Ukraine according to male and female teachers. Research report"*, Lublin 2022.

3.2. Access to education

3.2.1. Types of schooling

In Poland, Ukrainian children whose stay in the territory of the Republic of Poland is recognised as legal on the basis of the Act of 12 March 2022⁶⁰, are not subject to compulsory annual pre-school preparation, compulsory schooling or compulsory education⁶¹, if they receive education in a kindergarten or school functioning in the Ukrainian educational system in the mode of distance education. The child's parent or guardian shall submit to the municipality having jurisdiction over the child's place of residence a declaration of continuation of education in the Ukrainian educational system. No actual proof of the online attendance of the education in Ukrainian educational system is needed. If such declaration is not made or is withdrawn, the child must be admitted to a Polish school, thus fulfilling the educational obligation under the Polish legal system. The possibility of fulfilment of the educational obligation in the formula of remote learning is regulated by the Regulation of the Minister of Education and Science of 21 March 2022 on the organisation of education, upbringing and care of children and youth who are citizens of Ukraine.⁶² Accordingly, Ukrainian students under temporary protection in Poland have three options for learning: (1) the national formal education system; (2) physical attendance at schools run by Ukrainians; (3) online attendance at schools run by Ukrainians.

According to data collected by the Polish authorities and made available on the Open Data website, the total number of Ukrainian children with an active UKR PESEL was 397,865 as of 16 June 2023.⁶³ The total number of Ukrainian children and adolescents

⁶⁰ Law of 12 March 2022 on assistance to Ukrainian citizens in connection with the armed conflict on the territory of Ukraine ([Law of 12 March 2022 on assistance to Ukrainian citizens in connection with the armed conflict on the territory of Ukraine](#)).

⁶¹ Act of 14 December 2016. - Education Law (Act of 14 December [2016 - Education Law](#)).

⁶² [Decree of the Minister of Education and Science of 21 March 2022 on the organisation of education, upbringing and care of children and youth who are citizens of Ukraine](#).

⁶³ Open Data/Open Data, [Statistics on applications for UKR foreigner status in connection with the conflict in Ukraine](#). The data presented here reflects the number of Ukrainian children with an active UKR PESEL number. Obtaining a PESEL identification number is voluntary and occurs at the request of the person concerned. Therefore, the figures given here provide some insight into the number of Ukrainian children in Poland, but they do not reflect the actual figure. It is more authoritative to rely on data from the Ministry of Family and Social Policy, which keeps a register of minors, and data from the Border Guard, as they register obligatorily every entry into Poland of a Ukrainian citizen. These data are presented in section 1.1.

under temporary protection of compulsory school age (7-18 years) for the school year 2022-2023 was 268,145, including 142,769 boys and 125,376 girls.⁶⁴

The total number of Ukrainian pupils under temporary protection⁶⁵ in Polish primary and secondary schools and kindergartens is 172001, of whom 13490 pupils attend preparatory branches.⁶⁶ Of the 172001 pupils, 36410 attend kindergartens, 118855 attend primary schools (grades 1-8) and 16763 attend secondary schools. Schools do not provide information on drop-outs, but on the number of Ukrainian pupils covered⁶⁷ attending school in a given period. According to a representative of the Department of Education of the City Hall of Wrocław, children who do not attend school for more than a month are removed from the list of students unless the school receives information that the student intends to return to school.⁶⁸ A comparison of the number of pupils in September 2022 and June 2023 shows that the number of pupils in each type of school is similar, with an increase in the number of pupils in kindergartens and secondary schools. (See table 6).

In the case of children with special educational needs, enrolment in a special school is possible on the basis of an assessment of special educational needs. Such an assessment is issued by a special commission at psychological-educational counselling centres at the request of the parent or guardian. Assessment teams should take into account the information contained in documents issued by Ukrainian authorities, as provided by child's parents/guardians.⁶⁹ Moreover, the Minister of Education's regulation allows for enrollment of children in special schools only on the basis of their parents'/guardians'

⁶⁴ Open Data/Open Data website, [Statistics on applications for UKR foreigner status in connection with the conflict in Ukraine](#).

⁶⁵ In accordance with the [Law of 12 March 2022 on Assistance to the Citizens of Ukraine in Connection with the Armed Conflict on the Territory of Ukraine](#).

⁶⁶ Open Data/Open Data Portal, [Refugee pupils from Ukraine by school type, grade and district state as of 18.06.2023](#).

⁶⁷ In accordance with the Law of 12 March 2022 on Assistance to the Citizens of Ukraine in Connection with the Armed Conflict on the Territory of Ukraine ([Law of 12 March 2022 on Assistance to the Citizens of Ukraine in Connection with the Armed Conflict on the Territory of Ukraine](#)).

⁶⁸ Personal interview on 20 June 2023.

⁶⁹ Poland, Ministry of Education and Science, [Wsparcie dzieci z Ukrainy ze specjalnymi potrzebami edukacyjnymi – informacja MEiN](#), 4 March 2022.

declaration that they have applied for an assessment of special educational needs.⁷⁰ As of 16 June 2023, there were 48 Ukrainian pupils in Polish special schools.

There are several schools in Poland that model themselves on the Ukrainian education system and employ Ukrainian teachers. One of these is the school run by the Unbroken Ukraine Foundation. The two main donors of this school are UNICEF and Save the Children. As of 31 May 2023, 1562 students (1st to 11th grade) were studying in all three branches located in three Polish cities: Warsaw (473), Krakow (550) and Wroclaw (539). In addition to formal education, the school also offers educational services. In particular: 1,200 children aged 5-6 attended preparatory classes for school in 12 cities in Poland, and an additional 1,100 eleventh-graders attended preparatory classes for the National Multitest in 12 cities in Poland (these are Bydgoszcz, Łódź, Katowice, Rzeszów, Białystok, Poznań, Szczecin, Gdańsk, Lublin, Wrocław, Kraków and Warsaw). The total number of refugee children covered by educational services by the Unbroken Ukraine Foundation is almost 4,000 children.⁷¹

Another school based on the Ukrainian education system is SzkoUA, founded in Warsaw⁷² in April 2022. The school is based on the principle of extramural education, i.e. students are assigned to several schools in Davidov (Lviv region, Ukraine) and study in Warsaw on site, under the supervision of Ukrainian teachers. It also provides psychological support for children and various opportunities for students to integrate into Polish society. In addition, the Ukrainian school "Materynka"⁷³ in Warsaw was established in 2021 and is run by the Ukrainian Educational Centre Foundation. It is supervised by the Ukrainian Ministry of Education and offers education in grades 1 to 11. Schools operating according to the Ukrainian education system are outside the supervision of the local authorities.

The Ukrainian education system does not have data on the number of students attending online classes. The Ministry of Education and Science explained that there is no legal basis for collecting such data. The Ministry does not collect nor verify the truth

⁷⁰ Poland, Minister of Education and Science, Rozporządzenie w sprawie organizacji kształcenia, wychowania i opieki dzieci i młodzieży będących obywatelami Ukrainy, 21 March 2022, Article 12.

⁷¹ Email dated 21 June 2023.

⁷² It was established on the initiative of the Club of Catholic Intelligentsia in Warsaw and the Our Choice / Ukrainian House Foundation in Warsaw, with the support of the Polish School Foundation and the Przymierze Rodzin Association, and in cooperation with the Ministry of Education and Science of Ukraine.

⁷³ [Materynak School website](#).

of declarations – as explained by the Minister of Education, such assessment would mean encroaching on the sphere reserved for the Ukrainian authorities.⁷⁴

Table 6 - Enrolment and attendance of children fleeing Ukraine

Types of schooling		Number of children enrolled ⁷⁵	Number of children attending	Source
National formal educational system	Children in nursery	30577	36410	Official government portal Open Data
	Children in primary education	121088	118855	Official government portal Open Data
	Children in secondary education	15648	16763	Official government portal Open Data
Physical attendance of Ukrainian led school / educational setting		1,500+ (data for SzkoUA and Materynki in progress)	1,562+ (data for SzkoUA and Materynki in progress)	Email exchange with a school run by the Unbroken Ukraine Foundation, 21 June 2023.
Online attendance of Ukrainian led school / educational setting		Not applicable	Not applicable	Not applicable

Source: Open Data Portal, '[Student refugees from Ukraine](#)'.

3.2.2. Support to integration in the formal educational system

The two main forms of support for Ukrainian students in Polish schools include: (1) preparatory departments, which offer extensive learning of the Polish language and culture in combination with regular education according to the Polish education system; (2) additional Polish language teaching for children attending regular classes. According to the Ministry of Science and Education, approximately 51% of Ukrainian pupils receive additional language lessons (no less than 6 hours per week).⁷⁶ According to the Ministry

⁷⁴ [Letter of 7 July 2023 from Minister Przemysław Czernek to the Ombudsman.](#)

⁷⁵ Open Data/Open Data website, [Refugee pupils from Ukraine by school type, grade and district state as at 21.09.2022.](#)

⁷⁶ [Letter of 7 July 2023 from Minister Przemysław Czarnek to the Ombudsman.](#)

of Science and Education, the fact that the number of preparatory classes halved in the 2022/2023 school year compared to the end of the 2021/2022 school year means that a significant proportion of Ukrainian pupils continued their education in the following school year in ordinary classes.⁷⁷

In terms of psychological and specialised support, school psychologists and local psychological and pedagogical counselling centres provide care for all students, including students from Ukraine.⁷⁸ The Minister of Education's regulation allows for employing people who are not teachers in counselling centres in order to provide children from Ukraine with psychological and pedagogical help in their language.⁷⁹

In addition, schools can employ intercultural assistants, as well as Ukrainian teaching assistants. As reported by several local authorities, local authorities, in cooperation with donors (UNICEF and the Polish Centre for International Aid, PCPM) and schools, have developed a new name for this position - 'teacher assistant'. The aim is to employ Ukrainian-speaking assistants, mainly Ukrainian teachers who do not yet have sufficient Polish language skills and certified diplomas to teach in Polish schools.⁸⁰ During the summer holidays, Ukrainian educators also supported city cultural institutions and NGOs carrying out activities as part of the city's annual 'Summer in the City' and 'Winter in the City' campaigns. They helped tutors of Ukrainian children to communicate and involve them in games, workshops or sports activities.⁸¹ Intercultural assistants promote cultural exchange between children from Poland and other countries. An intercultural assistant is a person whose task is to support foreign children attending schools in Poland and the school community (including the teaching staff and the children's parents and legal guardians). A person performing such a function may be employed as a teacher's assistant on the basis of the Education System Act of 7 September 1991.⁸²

⁷⁷ [Letter of 7 July 2023 from Minister Przemysław Czarnek to the Ombudsman.](#)

⁷⁸ [Letter of 7 July 2023 from Minister Przemysław Czarnek to the Ombudsman.](#)

⁷⁹ Poland, Minister of Education and Science, Rozporządzenie w sprawie organizacji kształcenia, wychowania i opieki dzieci i młodzieży będących obywatelami Ukrainy, 21 March 2022, Article 14.

⁸⁰ Personal group interview with representatives of the local authorities of Gdansk, Lublin, Krakow, Lodz and Warsaw on 20 June 2023.

⁸¹ Personal group interview with representatives of the local authorities of Gdansk, Lublin, Krakow, Lodz and Warsaw on 20 June 2023.

⁸² [Act of 7 September 1991 on the educational system.](#)

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

Comprehensive information on the number of early school leavers and NEETs among Ukrainian students is not available. A comparison of the number of pupils in September 2022 and June 2023 suggests that there are few early school leavers in the Polish education system or in offline schools in the Ukrainian education system. However, considering that the total number of Ukrainian children and adolescents under temporary protection at compulsory school age (7-18 years) in the school year 2022-2023 was 268145⁸³, while only 135591⁸⁴ Ukrainian pupils under temporary protection attend Polish primary and secondary schools and the number of pupils in the Ukrainian education system in Poland is limited, more than 130000 pupils should be involved in distance education in the Ukrainian education system. However, as explained by the Ministry of Education and Science, there is no legal basis on which to collect such data.⁸⁵

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

Citizens of Ukraine and other persons listed in Article 1 of the Law of 12 March 2022, covered by the subject scope of the said Law, are entitled to certain monetary and non-monetary benefits.

One-off cash benefit of PLN 300

Legal basis: Law of 12 March 2022.

Description: A Ukrainian citizen who has acquired a UKR PESEL identification number in accordance with the law is entitled to receive a one-off cash benefit of PLN 300 (lump sum paid in advance). The cash benefit is intended for subsistence, in particular to cover expenses for food, clothing, footwear, personal hygiene products and housing fees.

Administrative authority: municipal social assistance centre

Parental benefit from the Family 500+ programme

Legal basis: the Act of 11 February 2016 on State aid in the upbringing of children in connection with the Act of 12 March 2022.

⁸³ Open Data/Open Data website, [Statistics on applications for UKR foreigner status in connection with the conflict in Ukraine.](#)

⁸⁴ Open Data/Open Data website, [Statistics on applications for UKR foreigner status in connection with the conflict in Ukraine.](#)

⁸⁵ [Letter of 7 July 2023 from Minister Przemysław Charnik to the Ombudsman.](#)

Description: This is a benefit for a parent, a temporary guardian or a person in foster care over a child. The 500+ benefit is granted in the amount of PLN 500 per month per child. 500+ is due from the month in which the application is submitted until the end of the benefit period in which the benefit is paid. The current benefit period runs from 1 June 2022 to 31 May 2023. The 500+ benefit is only available for the period when the child and his/her guardian reside in Poland.

Administrative authority: Social Insurance Institution

More information: <https://www.zus.pl/-/500-dla-obywateli-ukrainy>

Family care capital

Legal basis: Act of 17 November 2021 on family capital care in connection with the Act of 12 March 2022.

Description: The family care capital (RKO) is available for a child between the ages of 12 and 35 months. The benefit does not depend on family income and amounts to a total of up to PLN 12,000 for the second and each subsequent child. A precondition for receiving the benefit is that the parent (mother or father; i.e. this excludes guardians or foster care) resides with the child (it is sufficient to enjoy temporary protection based on temporary residence) in the Republic of Poland.

Administrative authority: ZUS

More information: <https://www.zus.pl/-/rodzinny-kapital-opiekunczy>

Family allowance

Legal basis: Act of 28 November 2003 on family benefits in connection with the Act of 12 March 2022.

Description: Family allowance is intended to partially cover the maintenance expenses of a child. The granting of the right to family allowance depends, inter alia, on meeting an income criterion. Family allowance is granted if the average monthly per capita family income or the income of a learner does not exceed the amount of PLN 674. In the case when a member of a family is a child with a disability certificate or a certificate with a moderate or significant degree of disability, the family allowance is granted if the average monthly per capita family income or the income of a person studying does not exceed the amount of PLN 764.00. The amount of the family allowance is per month:

- 1) PLN 95.00 per child up to the age of 5;
- 2) PLN 124.00 per child over 5 years of age and up to the age of 18;
- 3) PLN 135.00 for a child aged over 18 and up to the age of 24.

Administrative authority: ZUS

More information: <https://www.gov.pl/web/rodzina/zasilek-rodzinny>

Parental benefit

Legal basis: the Act of 28 November 2003 on family benefits in connection with the Ordinance of the Council of Ministers of 31 July 2018 on the amount of family income or learner's income constituting the basis for applying for family allowance and special care allowance, the amount of family benefits and the amount of guardian's allowance in connection with the Act from 12 March 2022.

Description: The parental benefit amounts to PLN 1,000 and is due to, inter alia, the mother or father; a foster family in the case of taking custody of a child up to the age of 7; a person who has adopted a child in the case of taking custody of a child up to the age of 7.

Administrative authority: municipal social assistance centre

More information: <https://www.gov.pl/web/rodzina/wiadczenie-rodzicielskie>

Attendance allowance

Legal basis: Act of 28 November 2003 on family benefits in connection with the Act of 12 March 2022.

Description: Attendance allowance is granted to partially cover expenses resulting from the need to provide care and assistance of another person in connection with inability to lead an independent life. The application for the benefit must be accompanied by, inter alia, a photocopy of a valid disability certificate (the original certificate must be submitted for inspection), which may have been issued by the Ukrainian authorities. It is granted to, among others: a disabled child, a disabled person over the age of 16, subject to certain requirements, and a person over the age of 75. The amount of the attendance allowance from 1 November 2019 is PLN 215.84 per month.

Administrative authority: municipal social assistance centre

More information: <https://www.gov.pl/web/rodzina/zasilek-pielegnacyjny>

Nursing benefit (*świadczenie pielęgnacyjne*)

Legal basis: Act of 28 November 2003 on family benefits in connection with the Act from 12 March 2022.

Description: The nursing benefit is a cash benefit which may be claimed by persons who do not take up or give up employment or other gainful employment in order to take care of a person with a disability certificate including indications of: the need for permanent or long-term care or assistance of another person in connection with a significantly limited possibility of independent existence and the need for permanent co-participation of the child's guardian in the child's daily life in the process of its treatment, rehabilitation and education, or having a certificate of a significant degree of disability or a certificate of incapacity for independent existence (issued by a pension authority). The granting of a nursing benefit is not dependent on the family income criterion. The nursing benefit from 1 January 2023 is PLN 2,458 per month.

Administrative authority: municipal social assistance centre

More information: <https://www.gov.pl/web/rodzina/wiadczenie-pielegnacyjne>

Childbirth allowance

Legal basis: the Act of 28 November 2003 on family benefits in connection with the Ordinance of the Minister of Health of 30 October 2019 amending the Ordinance on the form of medical care for a pregnant woman, entitling her to a childbirth allowance, and the model certificate confirming being under such care in connection with the Act of 12 March 2022.

Description: The allowance is due to the mother or father or the child's legal guardian. The allowance is paid once in the amount of PLN 1,000. It is granted if an application for it is submitted before the child turns 1 year old. The application must be accompanied by: a doctor's certificate or a certificate issued by a midwife confirming that the child's mother was under medical care not later than from the 10th week of pregnancy until delivery. In the case of an application for the adoption of more than one child or the birth of more than one child during one birth, the allowance is granted for each child.

Administrative authority: municipal social assistance centre

More information: <https://www.gov.pl/web/rodzina/dodatek-z-tytulu-urodzenia-dziecka>

Carer's allowance

Legal basis: Act of 25 June 1999 on cash benefits from insurance in the event of sickness and maternity in connection with the Act of 12 March 2022.

Description: Guardianship allowance is granted to parents, as well as to a temporary guardian established by a family court order in accordance with the Law on Assistance to Citizens of Ukraine. The allowance may be granted if the parent or temporary guardian is released from work due to, inter alia, caring for an ill or disabled child or a family member other than the child who is ill. The total period of care allowance may not exceed 60 days per calendar year. It does not depend on the number of persons entitled to the benefit, the number of children or family members who require care.

Administrative authority: ZUS

More information: <https://www.zus.pl/swiadczenia/zasilki/zasilek-opiekunczy/prawo-do-zasilku-i-okres-przysluginowania>

Subsidy for a child's stay at a crèche, children's club or day-care centre

Legal basis: the Law of 17 November 2021 on the family capital of care in connection with the Law of 12 March 2022.

Description: This is a benefit for a parent, temporary carer or carer. In order to receive the grant, the establishment or carer must register the child on the register of crèches and children's clubs or the list of day carers. A prerequisite for receiving funding for a crèche is that the applicant does not receive a family care capital (RKO) for that child.

Administrative authority: ZUS

More information: <https://www.zus.pl/-/dofinansowanie-pobytu-w-zlobku>

Good Start Programme

Legal basis: ordinance of the Council of Ministers of 15 June 2021 on the detailed conditions for the implementation of the government programme "Good start" in connection with the Act of 12 March 2022.

Description: The Good Start programme is a type of support for all students starting the school year, which consists of a one-off payment of PLN 300 for a child's school starter kit. Among those who can apply are the child's parents and legal guardians. Applications can be submitted from 1 July to 30 November 2022.

Administrative authority: ZUS

More information: <https://www.zus.pl/baza-wiedzy/program-dobry-start>

Assistance to Ukrainian citizens with disabilities, State Fund for Rehabilitation of Persons with Disabilities

Description: PFRON offers assistance in financing the required deductible for the purchase or repair of prescription medical devices. A Ukrainian citizen with a disability can receive this assistance under Module I of the PFRON programme entitled 'Assistance to Ukrainian citizens with disabilities'. In order to benefit from the programme, it is necessary to have a document confirming the 1st or 2nd degree of disability issued under the Ukrainian disability assessment system. The benefit can be availed of by a person in possession of a document issued under the Ukrainian disability assessment system. If there is no such document, a declaration that the person has it is sufficient. This also applies to children, in which case a declaration by the guardian that they have such a document issued to children under the Ukrainian disability assessment system is sufficient.

Administrative authority: district family assistance centre

More information: <https://www.pfron.org.pl/o-funduszu/programy-i-zadania-pfron/programy-i-zadania-real/pomoc-obywatelom-ukrainy-z-niepelnosprawnoscia/komunikaty/pomoc-dla-obywateli-ukrainy-z-niepelnosprawnoscia-na-zaopatrzenie-w-wyroby-medyczne/>

Education and rehabilitation allowance for a disabled child

Legal basis: the Family Benefits Act in connection with the Act of 12 March 2022.

Description: It is granted in the amount of PLN 90 per month for a child up to the age of 5 and in the amount of PLN 110 per month for a child over 5 up to the age of 24, if the child has a certificate of disability or a certificate with a moderate or significant degree of disability. The application must be accompanied by a certificate of disability or a certificate with a moderate or significant degree of disability (it is sufficient to provide documentation issued by Ukrainian authorities).

Administrative authority: municipal social assistance centre

More information: <https://www.gov.pl/web/rodzina/dodatek-z-tytulu-ksztalcenia-i-rehabilitacji-dziecka-niepelnosprawnego>

Housing allowance

Legal basis: Act of 21 June 2001 on housing allowances in connection with the Act of 12 March 2022.

Description: A housing allowance is an amount paid to people in financial difficulties to pay for housing. The allowance is payable in cases prescribed by law and depends, inter alia, on the legal title to the dwelling, the achievement of a sufficiently low income and the appropriate usable area of the dwelling.

Administrative authority: benefit centre (town hall)

More information: https://www.bip.krakow.pl/?sub_dok_id=762

Social ticket

Legal basis: Act of 12 March 2004 on social assistance in connection with the Act of 14 July 2021 on revised income criteria and amounts of cash benefits from social assistance in connection with the Act of 12 March 2022.

Description: The social ticket is a monthly registered ticket entitling you to travel on public transport, which can be obtained by persons whose income is equal to or lower than the income criterion for social assistance benefits (PLN 600 in the case of a family member, PLN 776 in the case of a person running a household alone). The basis for issuing a social ticket is a written information issued by a social assistance centre appropriate for the place of residence, confirming that the interested person has income equal to or lower than the income criterion set out in the regulation of the Council of Ministers on verified income criteria and amounts of cash benefits from social assistance, in force on the day of purchasing the ticket, and an identity document.

Administrative authority: municipal social assistance centre

See further:

https://mops.krakow.pl/ogolne/260865,1934,komunikat,bilet_socjalny_dla_obywateli_ukrainy_____.html

Meals for children and schoolchildren from Ukraine

Legal basis: Act of 12 March 2004 on social assistance in connection with the Act of 12 March 2022.

Description: Parents of pupils can be exempted from paying for meals in the school canteen, e.g. in the case of a particularly difficult financial situation of the family or in particularly justified cases of fate. Meals for Ukrainian pupils can be covered by the social welfare centre. A prerequisite for applying for fee exemption is the acquisition of a PESEL identification number in accordance with the Law on Aid to Citizens of Ukraine.

Administrative authority: municipal social assistance centre

Right to reimbursed medicines

Legal basis: Act of 12 May 2011 on the reimbursement of medicines, foodstuffs for special nutritional purposes and medical devices in connection with the Regulation of the Minister of Health of 8 March 2012 on medical prescriptions in connection with the Act from 12 March 2022 on assistance to Ukrainian citizens in connection with the armed conflict on the territory of the country.

Description: Ukrainian patients have the right to receive reimbursed medicines. The rules for Ukrainian citizens are the same as those for prescriptions for insured persons in Poland, which have been in force since 2012. Medical facilities, including POZ clinics and pharmacies, are informed about the details related to prescription writing and fulfilment.

Establishment: POZ

More information: <https://www.nfz.gov.pl/aktualnosci/aktualnosci-centrali/pacjenci-z-ukrainy-maja-prawo-do-lekow-refundowanych,8162.html#:~:text=Patients%20from%20Ukraine%2C%20kt%C3%B3rzy%20from,statutory%20%E2%80%94%20to%20receive%20medicines%C3%B3w%20reimbursed.>

Health4Ukraine

Description: The Programme enables Ukrainian citizens who have crossed the border after 24 February 2022 to obtain a subsidy for the purchase of medicines in general pharmacies and pharmacy points in Poland. Each person whose application for admission to the Programme is successful will receive an individual Programme Participant Code, which will enable them to purchase medicines and other products available at the pharmacy up to the amount of PLN 500. Any Ukrainian citizen who crossed the Polish border after 24.02.2022 may benefit from assistance under the programme. The condition to join the programme and receive assistance is to present a document confirming the assignment of a Polish PESEL identification number. Both adults and children may join the Programme (on behalf of children the application for joining is submitted by parents/legal guardians).

The electronic application should be submitted at: <https://health4ukraine.com/pl/>

More information: <https://health4ukraine.com/pl/>

The rules for receiving financial and in-kind assistance may vary depending on the place of residence of the person entitled to cash and non-cash benefits. Detailed information on the conditions for the payment of benefits can be obtained directly from the administrative bodies to which the application is addressed.

In addition to benefits payable from the state budget, financial assistance is offered by international organisations.⁸⁶

3.4. Additional legal and practical barriers and challenges

3.4.1. General challenges

Ukrainian children have access to health care on a par with Polish children, as well as access to social assistance. On the other hand, the challenges that deserve to be noted are those related to the education of Ukrainian children.

According to the report "*Together in the Classroom. Children from Ukraine in Polish Schools. Potentials and Challenges in Building a Multicultural School in the Context of the War in Ukraine according to Male and Female Teachers*", Ukrainian children arriving in Poland after 24 February 2023 find it difficult to communicate with Polish students and teachers due to the language barrier and also have problems in their relationships with their peers. In addition, children with special educational needs (related to e.g. dyslexia, dysgraphia, intellectual disabilities) do not have official medical certificates and diagnoses, which worsens the possibility of providing them with appropriate support and hinders their effective learning.⁸⁷

Furthermore, according to Amnesty International's report "*We are here together. Ukrainian pupils and students in Polish schools. Results of Amnesty International's 4-month monitoring*", Polish schools lack textbooks for pupils and students in Ukrainian and Polish, and many establishments do not have intercultural assistants and assistants (teacher aides). Often there are also insufficient teaching staff or infrastructure to open the preparatory departments recommended by the Ministry of Education and Science.

⁸⁶ Source: Coviuh I., Khomyn Y., Strama A. (2023), [Temporary care of a minor child from Ukraine. A guide for caregivers](#), Krakow, 2023.; <https://www.pomocprawna.org/swiadczenia-pieniezne-i-niepieniezne-dla-obywateli-ukrainy>

⁸⁷ Pyżalski J., Łuszczynska A., Kalata G., Plichta P., Poleszak W. (2022), [Together in the classroom. Children from Ukraine in Polish schools. Potentials and challenges in building a multicultural school in the context of the war in Ukraine according to male and female teachers](#), Szkoła z klasą Foundation, 2022.

Male and female teachers are looking on their own for solutions to the situation where children who do not speak Polish have appeared in their classrooms overnight. Many of them indicate that they feel left alone with this challenge. Moreover, despite a predominantly warm welcome from the Polish society, some Ukrainian children have experienced discrimination and hostility from Polish pupils and their parents. In view of this, it is necessary to introduce systemic intercultural and anti-discrimination education, which unfortunately is lacking in Polish schools - classes of this type are only introduced on the schools' own initiative in cooperation with NGOs.⁸⁸

Intercultural assistants are already present in Polish schools. However, as the expert report indicates, the following problems have been identified in their practice:

- there is a lack of systemic solutions with regard to the institution of assistants,
- there is a lack of long-term planning for their role and tasks in schools,
- in the preparatory classes, those employed as assistants are in fact working as subject teachers and are not allowed to exercise their rights as teachers,
- are paid less for the same work,
- have a lower status in the teaching staff than teachers,
- are not always treated as partners for cooperation by Polish teachers,
- are not integrated into the team,
- there is no psychological support provided for them or training in working with traumatised children, despite the fact that they are by definition the first contact in difficult situations.⁸⁹

An interesting example of the unequal treatment of Ukrainian children was the eighth-grade exam. In May 2022, students took the eighth-grade exam, which consists of the following subjects: Polish, mathematics and a modern foreign language. Among the examinees, according to the Central Examination Commission, were 6150 students from Ukraine. Taking the exam is a prerequisite for eighth grade graduation and participation in recruitment to secondary schools. The Decree of the Ministry of Education and Science of 21 March 2022 on the organisation of education, upbringing and care for children and young people who are citizens of Ukraine did not impose an obligation on Ukrainian students to take the eighth-grade exam, but failure to take it resulted in the need to repeat eighth grade. In order to avoid repeating the same grade, the students in question had to take an exam, the result of which had a very significant impact on which post-primary school they could continue their education in. The Central

⁸⁸ Amnesty International (2023), [*We are here together. Ukrainian pupils and students in Polish schools. Results of Amnesty International's 4-month monitoring*](#), 2023.

⁸⁹ M. Tędziągolska, B. Walczak, A. Żelazowska-Kosiorek (2022), [*A culturally diverse school. Challenges and needs related to the influx of students from Ukraine*](#), 2022.

Examination Commission introduced certain facilitations for Ukrainian eighth-graders, including the possibility of answering questions in mathematics and a foreign language in Ukrainian, extended examination time and the possibility of using a dictionary in the Polish language examination. This is because the latter, despite partially changed and translated questions in Ukrainian, still required answers in Polish, including the writing of a dissertation or short story. Given that the students had only been in Poland for a few months or weeks - it is difficult to assume that they knew Polish well enough to demonstrate their actual knowledge and skills. It is also difficult in such a short period of time to master completely new material, the knowledge of which is to be verified during the examination, including school reading.⁹⁰

3.4.2. Challenges for children at multiple risk/disadvantage

After the outbreak of war, children who do not have Ukrainian citizenship and come from third countries such as Nigeria, Egypt, Sudan or Pakistan have also arrived on the territory of Poland. They are mainly 16-17 year olds who studied at university in Ukraine with a student visa. In Poland, their situation has changed drastically. Firstly, because undertaking studies by a foreigner involves high fees and, in the case of those under 18, requires the consent of a parent or legal guardian. In addition, Polish universities may find it difficult to recognise the previous academic performance of such persons as authoritative and sufficient to continue their studies. Moreover, if these persons do not meet the conditions for temporary protection, they face numerous problems with the legalisation of their stay. The provisions of the Law of 12 March 2022 on Assistance to Citizens of Ukraine in Connection with the Armed Conflict on the Territory of Ukraine do not address the situation of persons who are not Ukrainian citizens but third-country nationals. These persons can therefore either apply for a residence card - for which, however, they need a legal guardian - or apply for international protection under the procedure provided for unaccompanied children. The latter solution is problematic, however, as not all of these people meet the conditions for refugee status. They cannot safely return to their country of origin for reasons of a general political or economic nature that cannot be considered persecution. Moreover, it involves the referral of these persons, who were independent students in Ukraine, to institutional foster care. It is difficult to determine the number of such children in Poland, as some of them may

⁹⁰ Amnesty International (2023), '[We are here together. Ukrainian pupils and students in Polish schools. Results of Amnesty International's 4-month monitoring](https://www.edunews.pl/badania-i-debaty/badania/5972-polsko-ukrainska-wieza-babel-sytuacja-w-polskich-szkolach)', 2023; <https://www.edunews.pl/badania-i-debaty/badania/5972-polsko-ukrainska-wieza-babel-sytuacja-w-polskich-szkolach>.

not have legalised their stay. As indicated in an expert report, third-country nationals face many difficulties concerning, for example, legalisation of their stay, financial support or lack of access to material and food support. Their level of protection and access to social services is lower than that of Ukrainian citizens. They are also unaware of what their status is in Poland.⁹¹

The Ministry of Education and Science, together with the United Nations Children's Fund (UNICEF) and the Polish Centre for International Aid, has launched a special information hotline for Ukrainian pupils, students and their families and carers. The helpline operates from Monday to Friday from 9.00 a.m. to 5.00 p.m. under the number +48 22 100 13 00. Information on starting or continuing education in Polish schools and universities is provided in Ukrainian, Russian and Polish.⁹²

Moreover, according to the report of the Helsinki Foundation for Human Rights, the hypothesis of illegalization of stay by these children may be confirmed by data obtained from the court. When asked about the number of proceedings with unaccompanied children within the meaning of the Act of 13 June 2003 on granting protection to aliens within the territory of the Republic of Poland (i.e. proceedings not concerning Ukrainian citizens), judges gave very low numbers (up to 5 proceedings) or declared the absence of such procedures. This raises the concern that there are children residing in Poland who - due to institutional barriers – have not taken steps to legalise their stay and face many risks related to their irregular stay.⁹³

A number of specific problems were also encountered by persons who, although citizens of Ukraine, were unable to document their citizenship (e.g. members of the Roma community). These persons were consequently left without assistance or access to protection. When letting people through at the Polish-Ukrainian border, women and children of Ukrainian origin were let through first and other nationalities and minorities later. There was also a problem at the reception points for refugees. The places for

⁹¹ Tyimińska A. (2022), [*Children from foster care and unaccompanied minors from Ukraine: ex-post assessment of the regulation and practice of application of the Ukrainian speculative law*](#), Warsaw, 2022.

⁹² Poland, Ministry of Education and Science, Hotline for Ukrainian pupils and students and their families ([*Infolinia dla ukraińskich uczniów i studentów oraz ich rodzin*](#)), 25 August 2022.

⁹³ Tyimińska A. (2022), [*Children from foster care and unaccompanied minors from Ukraine: ex-post assessment of the regulation and practice of application of the Ukrainian speculative law*](#), Warsaw, 2022.

Ukrainians were well-equipped and relatively comfortable, while those for Roma had basically nothing and conditions there were much worse.⁹⁴

⁹⁴ Mikulska A. (2022), [Roma from Ukraine treated as second-class refugees. "We hear: we do not accept these people"](#), OKO.press, 1 April 2022.

4. Law and policy in place

4.1. Dedicated legal provisions

The situation of children has continuously been of interest to the Polish legislative and executive bodies. As indicated above on several occasions, the situation of both children and adult citizens of Ukraine who came to Poland in connection with the Russian aggression is regulated by the Act of 12 March 2022. However, since its entry into force, it has already been amended several times - in order to provide the best possible assistance and support to Ukrainian citizens.

With regard to the situation of children, two amendments to the aforementioned Act were particularly relevant:

1. amendment of 23 March 2022;⁹⁵
2. amendment of 8 April 2022.⁹⁶

The first of the aforementioned amendments introduced changes to the provisions concerning unaccompanied children. They covered, among other things, supervision and support for temporary guardians. On the basis of this amendment, district family support centres were involved in these processes. A special form of support for temporary guardians with 15 children in their care was also introduced. In order to support such a guardian, the county family support centre is obliged to employ a full-time support person. In addition, the legislator expanded the catalogue of persons who can obtain the status of a foster family of underage Ukrainian citizens in a simplified procedure (after this change, it also included Polish citizens).

The biggest novelty was the introduction to the law of provisions 25a-c concerning the registration of unaccompanied Ukrainian children located in Poland. As indicated in the explanatory memorandum, the purpose of introducing this solution was the necessity to provide children with a high level of protection. Cooperation with consuls and the Ukrainian government was also indicated as an essential value. However, the impact assessment attached to the draft does not contain specific data on the number of

⁹⁵ Poland, [Act amending the Act on assistance to Ukrainian citizens in connection with the armed conflict on the territory of Ukraine](#), 23 March 2023.

⁹⁶ Poland, [Act amending the Act on assistance to Ukrainian citizens in connection with armed conflict on the territory of Ukraine and certain other acts](#), 8 April 2022.

unaccompanied Ukrainian children residing in Poland. This number is described as difficult to estimate.

The second of the amendments regarding the situation of unaccompanied children introduced some changes and clarified the forms of support provided by county family support centres for selected groups of temporary carers and introduced a ban on placing Ukrainian children under the age of three in institutional foster care.⁹⁷

Even before the entry into force of the Law of 12 March 2022, the Executive Decision of the Council of the European Union activating the mechanism of temporary protection for persons who have left Ukraine due to the armed conflict was adopted on 4 March 2022.⁹⁸ It primarily covered Ukrainian citizens and nationals, their spouses, children and close relatives, as well as persons enjoying international protection on the territory of Ukraine. The specific entitlements of beneficiaries of temporary protection are set out in Council Directive 2001/55/EC of 20 July 2001 on minimum standards for giving temporary protection in the event of a mass influx of displaced persons and centres for the balance of efforts between Member States in receiving such persons and the consequences thereof. Temporary protection includes, inter alia, the right to legal residence for one year, access to the labour market or health care. Children are guaranteed access to education and the support of guardians (legal guardians) for those who remain unaccompanied. Ukrainian children were given access to education. However, the issue of guardianship and the issuance of residence permits, which will be described below, raises doubts about compliance with the Directive.

National legislation (both the Act of 12 March 2022 and the relevant provisions of the Act of 13 June 2003 on Granting Protection to Aliens on the Territory of the Republic of Poland) implement EU rules on temporary protection and should comply with them. However, according to the report of the Helsinki Foundation for Human Rights,⁹⁹ there are a number of provisions of national law that are incompatible with EU law. The situation of unaccompanied children is regulated in particular by Article 16 of Council Directive 2001/55/EC of 20 July 2001 on minimum standards for giving temporary

⁹⁷ Tyimińska A. (2022), *Children from foster care and unaccompanied minors from Ukraine: ex-post assessment of the regulation and practice of application of the Ukrainian speculative law*, Warsaw, 2022.

⁹⁸ Council Implementing Decision (EU) 2022/382 of 4 March 2022 establishing the existence of a mass influx of displaced persons from Ukraine within the meaning of Article 5 of Directive 2001/55/EC and resulting in the introduction of temporary protection

⁹⁹ Tyimińska A. (2022), *Children from foster care and unaccompanied minors from Ukraine: ex-post assessment of the regulation and practice of application of the Ukrainian speculative law*, Warsaw, 2022.

protection in the event of a mass influx of displaced persons and on measures to promote a balance of efforts between Member States in receiving such persons and bearing the consequences thereof. It provides that Member States should ensure that this group benefits from the protection of a guardian or from a representative of an organisation for the care and protection of children. Furthermore, paragraph 2 obliges States to ensure that the child is cared for by adult relatives (point a), foster families (point b), specially adapted reception centres (point c) or the person who took care of the child at the time of absconding (point 4) - i.e. the de facto guardian. The question arises as to whether this catalogue should be regarded as prioritised or whether the order of the sub-items is arbitrary. The procedure should include the consent of the person (or persons) concerned by the guardianship, as well as the opinion of the child, taking into account his or her age and maturity. The institution of a temporary guardian appears to ensure the fulfilment of the requirements set out in Article 16 of Council Directive 2001/55/EC of 20 2001 July on minimum standards for giving temporary protection in the event of a mass influx of displaced persons and on centres supporting the balance of efforts between Member States in receiving such persons and the consequences thereof. A temporary guardian acts as a curator to the extent that he/she is entitled (and obliged at the same time) to exercise legal custody over the child. The provisions on the appointment of a guardian grant the possibility to apply from among the four groups mentioned in the Directive. They also provide for the consent of the candidate guardian as well as the consideration of the child's opinion. In the absence of a candidate guardian, the child - according to the provisions on unaccompanied children - should be placed in the foster care system, which can be considered a 'foster family' or a 'reception centre specially adapted to receive minors'. However, the issue of residence permits is problematic in the case of children under the age of 13. Article 8 of Council Directive 2001/55/EC of 20 2001 July on minimum standards for giving temporary protection in the event of a mass influx of displaced persons and on centres promoting a balance of efforts between Member States in receiving such persons and bearing the consequences thereof, provides that they shall be granted to any person enjoying temporary protection. In Poland, the role of a residence permit, which also entitles one to cross the border, is fulfilled by the Diia.pl electronic document provided for in Article 10 of the Act of 12 March 2022. To produce it, however, it is necessary to have a trusted profile, which can only be set up by persons with full or limited legal capacity. This creates a legal loophole - persons under the age of 13 or persons who are incapacitated totally, although protected, do not have access to a Polish residence permit and at the same time a travel document.¹⁰⁰

¹⁰⁰ Tymińska A. (2022), [*Children from foster care and unaccompanied minors from Ukraine: ex-post assessment of the regulation and practice of application of the Ukrainian speculative law*](#), Warsaw, 2022.

4.2. Dedicated action plan and/or integrated measures

For the benefit of children, measures are carried out to ensure their protection, safety and access to education. This is reflected, inter alia, in the provisions of Articles 25, 25a, 27 and 37 of the Law of 12 March 2022 on Assistance to Ukrainian Citizens in Connection with the Armed Conflict on the Territory of Ukraine, which relate to the establishment of a temporary guardian, foster care, registration of minors or access to health care. In addition, the issue of education is also regulated by the Regulation of the Minister of Education and Science of 21 March 2022 on the organisation of education, upbringing and care of children and youth who are citizens of Ukraine. Moreover, the Polish Minister of Education and Science is leading efforts to include children from Ukraine in the Polish education system, as currently the parents of these children have the right to choose between in-patient education in a Polish school or remote education in a Ukrainian school.¹⁰¹

4.3. European Child Guarantee

On 14 June 2021, the Council for Employment, Social Policy, Health and Consumer Affairs adopted Council Recommendation (EU) 2021/1004 on the establishment of a European guarantee for children (OJ EU L 223/14). According to the Recommendation, each Member State submits a National Action Plan to the European Commission for its implementation. The purpose of the National Action Plan is to inform the EU institutions of the measures taken to implement the Recommendation. The National Action Plan will serve as a tool for the implementation of the Recommendation and the regular monitoring of this process.

In Poland, the National Action Plan also foresees measures for children fleeing Ukraine. A key element in terms of the State's actions in favour of refugees from Ukraine was the development and adoption of the Law of 12 March 2022 on Assistance to Citizens of Ukraine in Connection with the Armed Conflict on the Territory of Ukraine. It was published in the Journal of Laws on 12 March 2022. The new legislation entered into force on the day of publication, but with effect from 24 February 2022, as it also covers all benefits provided to Ukrainians since the outbreak of war in their country. It is a special law, existing alongside other legal acts in the area of migration and asylum, in

¹⁰¹ Gazetaprawna.pl, [Czarnek announces 'elements of education' for Ukrainian children learning remotely](#), 22 March 2023.

particular the Act of 12 December 2013 on foreigners and the Act of 13 June 2003 on granting protection to foreigners on the territory of the Republic of Poland. It introduces specific regulations providing an *ad hoc* legal basis for the legalisation of the stay of Ukrainian citizens for a period of 18 months, allows access to the labour market, education, use of health care, social assistance benefits and benefits for families with children.

The act includes certain measures to address children fleeing Ukraine, among others, in the following areas:

- access to child-directed services;
- access to childcare for children up to the age of three;
- regulation of foster care;
- regulation of the institution of temporary guardianship;
- social welfare activities;
- health care;
- education.

As this law is the primary piece of legislation regulating the forms of assistance to persons fleeing Ukraine, the information was presented in detail earlier, under respective sections of the report.

4.4. Budget

On the basis of the Act of 12 March 2022, an Assistance Fund was established at the Polish Development Bank (*Bank Gospodarstwa Krajowego*). Pursuant to Article 14 of this Act, the purpose of the Fund is to finance or co-finance the implementation of tasks to assist Ukraine, in particular citizens of Ukraine affected by the armed conflict on the territory of that country, including tasks carried out on the territory of the Republic of Poland as well as outside it, as well as the implementation of tasks related to Poland's food security in connection with the armed conflict on the territory of Ukraine. Payments from the Fund's resources are made on the basis of payment instructions submitted to Bank Gospodarstwa Krajowego by the Prime Minister. Units of the public finance sector allocate interest on Fund resources accumulated on a separate account for the implementation of the above tasks. The Fund's resources come, inter alia, from: payments of money by public finance sector units; payments from the state budget; proceeds from treasury securities; proceeds from bonds issued; other revenues, including donations; proceeds from non-reimbursable foreign sources; interest on Fund resources remaining on separate bank accounts, the obligation to create which results from binding regulations or agreements, at the disposal of the head of the organisational unit implementing tasks financed from Fund resources. The Fund's resources may be

allocated to the financing of activities ensuring the safety of persons from Ukraine and the protection of public safety and order in places of their gathering and stay, including in particular expenses related to the movement, accommodation, food and equipment of officers of services subordinate to the minister in charge of internal affairs, as well as to the reimbursement of expenses or costs incurred for the implementation of these tasks.

The Fund's resources may be used to finance the tasks of the Polish Red Cross, in connection with the armed conflict on the territory of Ukraine, carried out by the National Information and Search Office, provided for in international conventions on the treatment of prisoners of war and the protection of civilians during war. The Fund's resources may be used to implement tasks related to social integration. The Fund's resources may be used to finance or co-finance the construction, modernisation, equipment and maintenance of border crossings with Ukraine.

State budget units and local government units shall collect funds from the Fund in a separate income account and allocate them for the expenditures referred to above within the financial plan of that account. The head of the local authority (mayor, city president), the district management board and the provincial management board dispose of the funds and draw up a financial plan. Bodies of the public finance sector shall, within 15 days of the end of each quarter of a given year, inform the authorising officer of the budgetary part from which they have received resources from the Fund about the amount of unused resources and interest.

It should also be emphasised that, according to the amendments introduced in 2023 to the Act of 12 March 2022, Ukrainian citizens who are staying in Poland in collective accommodation centres will contribute to the costs related to accommodation and meals. This solution will also play the role of social activation. Ukrainian nationals whose stay in Poland exceeds 120 days will pay 50 per cent of the cost of assistance - but no more than PLN 40 per person per day. Persons who stay more than 180 days will pay 75 per cent of the cost, but no more than PLN 60 per person per day. People who are unable to work, e.g. due to disability, age, difficult living situation, pregnancy or the need for childcare, will not contribute to the costs. It will also make the possibility of using collective accommodation – for more than 120 days after arrival in Poland - conditional on having a PESEL number.

The payment of family benefits that Ukrainian citizens can receive in Poland will be defined. This refers, for example, to "500+", "300+" or Family Care Capital. The Social Insurance Institution will receive data from the register of the Border Guard concerning the date of each entry and exit from Poland of a Ukrainian citizen. Thanks to the solution,

it will be possible to withhold the payment of benefits in relation to persons who have left Poland.

In 2023, the government will continue to financially support local authorities with regard to additional educational tasks for Ukrainian children. This includes costs related to the education, upbringing and care of children and pupils and ensuring the use of pre-school education. Financial support will also apply to public post-secondary schools, schools for adults and industry secondary schools for students from Ukraine who came to Poland due to the war.¹⁰²

¹⁰² Sobczak K. (2023), [Ukrainians staying in Poland will pay for upkeep - Senate amendments rejected](#), Law.pl, 13 January 2023.

Annex 1 - Research and data

Table 7 - Research on experiences of children fleeing Ukraine # 1

Surveys or research studies on experiences of children fleeing Ukraine	
Name/title	We are here together. Pupils and students from Ukraine in Polish schools
Main findings (max. 1000 chars)	<ul style="list-style-type: none"> - Polish schools lack textbooks for male and female pupils in Ukrainian and Polish, and many establishments do not have intercultural assistants (teacher aides). - There is also often not enough teaching staff or infrastructure to open the preparatory branches recommended by the Ministry of Education and Science. - Male and female teachers are looking on their own for solutions to the situation where children who do not speak Polish have appeared in their classrooms overnight. Many of them indicate that they feel left alone with this challenge. - In spite of the great help and warm welcome from the Polish society, some children from Ukraine have experienced discrimination and hostility from Polish pupils and their parents, and it is therefore necessary to introduce systemic intercultural and anti-discrimination education, which unfortunately is lacking in Polish schools - such classes are only introduced on the schools' own initiative in cooperation with NGOs.
Highlight any findings re. gender, age, disability and diverse characteristics	The study focused on children in primary schools - both boys and girls.
Methodology (for surveys/polls indicate sample size and sample method)	During the monitoring, Amnesty International conducted 35 semi-structured interviews with teachers, headmasters and headmistresses of primary and Ukrainian schools, representatives and representatives of NGOs and local authorities, parents of Ukrainian and Polish pupils. Interviews were conducted in person, by telephone and/or online. Representatives of schools in both small and medium-sized urban centres participated in the interviews.

Source	Amnesty International, <i>We are here together. Ukrainian pupils and students in Polish schools. Results of Amnesty International's 4-month monitoring</i> , https://www.amnesty.org.pl/wp-content/uploads/2023/02/Jestesmy-tutaj-razem.-Uczniowie-i-uczennice-z-Ukrainy-w-polskich-szkolach-2.pdf
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Table 8 - Research on experiences of children fleeing Ukraine # 2

Surveys or research studies on experiences of children fleeing Ukraine	
Name/title	A. Tymińska, Children from foster care and unaccompanied minors from Ukraine: ex-post assessment of the regulation and practice of application of the Ukrainian speculative law, Warsaw 2022.
Main findings (max. 1000 chars)	<ul style="list-style-type: none"> - Introduced by the Act of 12 March 2022, the temporary guardianship regulations have allowed tens of thousands of Ukrainian children in Poland to be taken into care and to have access to extensive entitlements. - The welfare of children is at some risk because the provisions on the supervision of the person acting as a temporary guardian are formulated too broadly and adequate practice has not developed in this regard. - Children who have come to Poland unaccompanied and who are not Ukrainian citizens are mostly unaccompanied and thus deprived of protection and basic entitlements (the avoidance of legalisation is due to the lack of an adequate pathway for them - they do not have access to a PESEL number like their Ukrainian peers and a temporary guardian cannot be appointed for them, and the existing pathway for them to legalise their stay - applying for international protection is uncertain and lengthy, and involves at least a temporary referral to a foster placement).
Highlight any findings re. gender, age, disability and diverse characteristics.	The report covers children up to the age of 18 - both boys and girls, and children in foster care.
Methodology (for surveys/polls)	Analysis of normative acts, the legislative process and statistical data from the Ministry of Justice, analysis of data obtained

indicate sample size and sample method)	through access to public information, analysis of internet sources, including newspaper articles on children from Ukraine, interviews with lawyers and lawyers from non-governmental organisations dealing with the protection of children, as well as an organisation dealing with legal support for foreigners, interviews with family court judges.
Source	https://hfhr.pl/upload/2022/11/hfpc raport dzieci z pieczy z astepczej oraz maloletni bez opieki z ukrainy 1.pdf

Table 9 - Research on experiences of children fleeing Ukraine # 3

Surveys or research studies on experiences of children fleeing Ukraine	
Name/title	J. Pyżalski, A. Łuszczynska, G. Kalata, P. Plichta, W. Poleszak, <i>Together in the classroom. Children from Ukraine in Polish schools. Potentials and challenges in building a multicultural school in the context of the war in Ukraine according to male and female teachers</i> , Szkoła z klasą Foundation, 2022.
Main findings (max. 1000 chars)	<ul style="list-style-type: none"> - There are groups of children and young people from Ukraine who have difficulties in entering into peer relationships and these children should therefore be actively supported, e.g. by activating peer support and assigning each of these students the help of a colleague from Poland. -Some children find it difficult to communicate with Polish students and teachers due to the language barrier. - In children, there are problems in relationships with peers. - Children with special educational needs (related to e.g. dyslexia, dysgraphia, intellectual disabilities) do not have official medical certificates and diagnoses, which worsens the possibility of providing them with appropriate support and hinders their effective learning.
Highlight any findings re. gender, age, disability and diverse characteristics.	In the research, respondents indicated issues relating to children attending both primary and secondary school. Responses also referred to children with disabilities.
Methodology (for surveys/polls indicate sample	The School with Class Foundation invited 110 schools with Ukrainian children to participate in the survey. Representatives of 71 schools responded. The overwhelming majority of these were primary schools. Data also came from schools functioning

size and sample method)	as part of teams and secondary schools. The survey was conducted using a questionnaire and had an online format. Separate sub-pages and links were prepared for the tool for principals and teachers. Principals were asked to fill in the tool directed at them and to send the link to the tool only to those teachers who currently work with Ukrainian children with refugee experience in their school.
Source	https://www.szkolazklasa.org.pl/raport-z-badania-razem-w-klasie-dzieci-z-ukrainy-w-polskich-szkolach/

Table 10 - Research on experiences of children fleeing Ukraine # 4

Surveys or research studies on experiences of children fleeing Ukraine	
Name/title	M. Tędziągolska, B. Walczak, A. Żelazowska-Kosiorek, <i>The culturally diverse school. Challenges and needs related to the influx of students from Ukraine</i>
Main findings (max. 1000 chars)	<ul style="list-style-type: none"> - Factors facilitating the acclimatisation of Ukrainian students in Polish schools were the school's previous experience of working with foreign students, having Ukrainian or Russian speakers on staff, and the presence of Ukrainian students from pre-war migration. - In turn, the high mobility of refugees, associated with further migration or return to Ukraine, was a factor that had a negative impact on many levels. - A process that makes integration with Polish students relatively difficult is the tendency to form relatively closed Ukrainian groups if there is a larger group of refugee students in a class. - A major problem was the lack of access to textbooks, exercise books and worksheets for some subjects, especially sciences, and materials for learning Polish as a mother tongue. - Cases of conflict between Polish and Ukrainian students were incidental. - The lack of psychological and pedagogical support for Ukrainian students is one of the most serious problems - this is due to the lack of specialists who speak Ukrainian or Russian, as well as cultural barriers - the issue of trauma, potentially experienced by refugees, is realised by school staff, who however know that they do not have the tools for diagnosis and therapy.
Highlight any findings re.	N/A

gender, age, disability and diverse characteristics.	
Methodology (for surveys/polls indicate sample size and sample method)	The report is based on over 100 interviews conducted in 6 primary and secondary schools hosting refugees from Ukraine. The interviews included Ukrainian and Polish students and their parents, principals, teachers, school counselors and psychologists, intercultural assistants, technical staff, representatives of the school environment. The research was conducted in May and June 2022.
Source	https://ceo.org.pl/wp-content/uploads/2022/09/CEO_Szkola-zroznicowana-kulturowo_raport_sierpien22.pdf

Table 11 - Research on experiences of children fleeing Ukraine # 5

Surveys or research studies on experiences of children fleeing Ukraine	
Name/title	A. Krawczak, <i>Situation of Ukrainian children in Poland</i> [in:] <i>Dzieci się liczą 2022. Report on threats to security and development in Poland.</i>
Main findings (max. 1000 chars)	<ul style="list-style-type: none"> - It is not a good solution for Ukrainian children to study remotely at an online Ukrainian school, as it is an additional social isolation in terms of time organisation, contact with peers and security over them if they are children of parents working away from home. - Children with disabilities also find themselves in a difficult educational, rehabilitation and therapeutic situation after their arrival in Poland, as the basis for their admission to a special school or referral to remedial classes is a certificate on the need for special education issued by the assessment teams at psychological-educational counselling centres, and certificates issued in Ukraine are not accepted in Poland. In addition, the medical documentation of these children has often not been taken from Ukraine or requires a sworn translation into Polish, which entails a cost for the parents or guardians, who are usually in a difficult material situation as refugees.

<p>Highlight findings re. gender, disability and diverse characteristics.</p>	<p>any re. age, and</p> <p>The report deals with the situation of Ukrainian children up to the age of majority, the education of Ukrainian children and the situation of children with disabilities.</p>
<p>Methodology (for surveys/polls indicate sample size and sample method)</p>	<p>Analysis of normative acts, legislative process and statistical data from the Ministry of Justice, analysis of data obtained through access to public information, analysis of internet sources including newspaper articles on children from Ukraine.</p>
<p>Source</p>	<p>https://fdds.pl/Resources/Persistent/5/e/8/9/5e8940d252b5fdcadd95e8a2d5a2daea07b11e29/Dzieci%20sie%20licza%202022%20-%20Ukraina.pdf</p>

Annex 2 - Promising practices

Table 12 - Promising practice # 1

Promising programme / practices aimed at providing protection and support to displaced children fleeing the war in Ukraine	
Name/title	Ombudsman for Children helpline 800 12 12
Implementing body (public authority, CSO, etc.)	Ombudsman for Children
Funding body	The Ombudsman for Children, whose activities as a state body are financed from the state budget
Reference in EN and original language (incl. URL, where available)	Link to the programme website, which provides information in both Polish and Ukrainian: https://800121212.pl/ukraina/ .
Start / end date or ongoing	The Children's Ombudsman Helpline was established in 2008, while it has been available to Ukrainian children since Wednesday 2 March 2022. https://brpd.gov.pl/2022/02/25/uwaga-pomoc-800-12-12-12-po-ukrainsku/
Main target group	Children, including children from Ukraine, who need psychological and/or legal assistance (including information on their rights).
Scope (local/regional/national)	Nationwide coverage
Objectives and outputs	The aim of the Children's Ombudsman Helpline is to provide support in the form of a free helpline that children and their carers can call to receive free and professional psychological support. An online chat room is also available for children. Both the helpline and the chat room provide complete discretion and anonymity.
Brief description (max. 1000 chars)	The Children's Ombudsman Helpline is primarily aimed at children who are seeking psychological support as well as legal support. As part of legal support, specialists are on duty in the following areas: social matters (benefits: 500 plus, 300 plus, allowance and supplements to family allowance, nursing allowance, etc. In the framework of legal support, specialists are on duty in the field of: social matters (benefits: 500

	<p>plus, 300 plus, allowances and supplements to family allowances, nursing benefits, etc.), provision of social assistance, social matters of children brought up in various forms of foster care, during and after their care, operation of social welfare homes for children and youth with intellectual disabilities), <u>access to health care</u> (access to health care services, rights of a child patient, legal remedies available to patients and their legal representatives/guardians in exercising their rights), in <u>the field of education and upbringing</u> (psychological and pedagogical assistance provided in kindergartens, schools and other facilities; peer violence, matters related to assessment, grading and promotion of pupils, individual teaching, transportation of pupils with disabilities, as well as other matters related to the organisation of transport of children to schools). As of 2 March 2022, the scope of assistance has also been extended to Ukrainian children and assistance is provided in Ukrainian and Russian.</p>
Highlight key elements of the programme/practice which makes it promising (sustainability, measurable impact etc) (max. 500 chars)	The programme is sustainable, the telephone is open 24 hours a day and it is possible to obtain both legal and psychological support. Various forms of communication (telephone or chat) are available.
Monitoring and evaluation and the bodies involved	The Ombudsman for Children shall, by 31 March each year, submit a report on his activities to the Parliament and the Senate.

Table 13 - Promising practice # 2

Promising programme / practices aimed at providing protection and support to displaced children fleeing the war in Ukraine	
Name/title	UNICEF - SUPPORTING CHILDREN WITH DISABILITIES IN UKRAINE
Implementing body (public authority, CSO, etc.)	The "Ray of the Sun" Foundation Family Development Society Polish Association of the Deaf Dolnośląski Branch

Funding body	UNICEF (the programme is run under the United Nations Children's Fund).
Reference in EN and original language (incl. URL, where available)	https://mops.wroclaw.pl/projekty-i-programy/unicef/2322-unicef-wspieramy-niepelnosprawne-dzieci-z-ukrainy-2
Start / end date or ongoing	October - December 2022.
Main target group	<p>Activities are aimed at children up to the age of 18 who meet the following cumulative conditions:</p> <ul style="list-style-type: none"> • have a disability or are at risk of having a disability (on the basis of a certificate or a certificate), • have Ukrainian citizenship, • arrived on the territory of the Republic of Poland in connection with the hostilities in Ukraine, • live in Wrocław.
Scope (local/regional/national)	Local (Lower Silesian Voivodship)
Objectives and outputs	The aim is to provide support for Ukrainian children with disabilities.
Brief description (max. 1000 chars)	<p>The "Ray of the Sun" Foundation offered the following forms of support:</p> <ol style="list-style-type: none"> 1. The day care centre was open 7 days a week. It provided childcare, recreational activities and bridging developmental deficits, Polish language lessons, and outings to cultural venues. 2. Development support classes in individual or group format, including psychological support, development of communication skills with the environment.

3. Socio-legal counselling for parents, answering questions on where and what help for a child with a disability can be obtained and helping to fill in the necessary documents.
4. Purchase of specialised, rehabilitation and assistive equipment.
5. Art workshops and inclusive and supportive games.
6. Cultural and recreational events.

The Family Development Society offered assistance to children at risk of disability due to experiencing post-traumatic stress caused by the hostilities in Ukraine and refugees. Examples of forms of activities:

1. Psychological, therapeutic, pedagogical support.
2. Psycho-educational group activities (workshops, training courses).
3. Information point (legal, social, civic advice).

The Polish Association of the Deaf offered assistance to children with hearing disabilities. These included the following:

1. Polish Sign Language course for deaf children and hearing children of deaf parents.
 2. Social advice point for parents (advice on how and where to get the necessary help).
 3. Purchase of specialised, rehabilitation and assistive equipment.
 4. Speech and language therapies and psychological therapies - individual and group.
 5. Integration and cultural events.
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Highlight key elements of the programme/practice which makes it promising (sustainability, measurable impact ect) (max. 500 chars)	To assist children with disabilities, various forms of support were provided
Monitoring and evaluation and the bodies involved	N/A

Table 14 - Promising practice # 3

Promising programme / practices aimed at providing protection and support to displaced children fleeing the war in Ukraine	
Name/title	Blue Dot Centres
Implementing body (public authority, CSO, etc.)	UNICEF and UNHR
Funding body	UNICEF and UNHR together with national authorities and civil society partners
Reference in EN and original language (incl. URL, where available)	<p>Polish version: https://help.unhcr.org/poland/pl/informacje-dla-osob-pochodzacych-z-ukrainy/bezpieczne-przestrzenie-blue-dot-centra-ochrony-i-wsparcia/?fbclid=IwAR2T1LCpAiAEJ4isMDd3rQc7b5DRK4VWAA9ICdvV1NMvUVIQf5hXp9Pnr10</p> <p>English version: https://help.unhcr.org/poland/information-for-new-arrivals-from-ukraine/blue-dot-safe-spaces-protection-and-support-hubs/</p> <p>Ukrainian version: https://help.unhcr.org/poland/uk/інформація-для-прибулих-до-польщі-з-ук/безпечні-простори-blue-dot-центри-захисту-та/</p>
Start / end date or ongoing	Activities carried out continuously
Main target group	Women, men and children of all nationalities fleeing Ukraine.
Scope (local/regional/national)	Nationwide - Blue Dot can be found nationwide in the following locations:

	<ul style="list-style-type: none"> • Krakow: 5a Pawia Street, 31-154 Krakow (open 07:00-22:00) • Warsaw – West Railway Station: 144 Jerozolimskie Avenue, 02-305, Warsaw • Chełm - Railway Station: Kolejowa 89, 22-100 • Przemyśl Railway Station: Plac Legionów 1, 37-700 Przemyśl (open 24/7) • Medyka - Border crossing: Medyka 172B 37-732 (open 8:00-20:00)
Objectives and outputs	Provide immediate support and services to all children, women and men of all nationalities fleeing Ukraine in need.
Brief description (max. 1000 chars)	<p>Blue Dot centres include:</p> <ul style="list-style-type: none"> • Information and confidential, individual advice on services available in Poland • Emotional support and counselling • Support for children and families • Safe play space for children • A space where you can relax and feel safe • Support in legal matters <p>All services and support offered by service providers at Blue Dot centres are free of charge.</p>
Highlight key elements of the programme/practice which makes it promising (sustainability, measurable impact etc) (max. 500 chars)	Blue Dot centres offer safe spaces and immediate support for people regardless of their nationality.
Monitoring and evaluation and the bodies involved	N/A

Table 15 - Promising practice # 4

Promising programme / practices aimed at providing protection and support to displaced children fleeing the war in Ukraine

Name/title	SPYNKA programme to support children and mothers from Ukraine
Implementing body (public authority, CSO, etc.)	Foundation for Child Development
Funding body	UNICEF, Plan International, World Childhood Foundation
Reference in EN and original language (incl. URL, where available)	Polish version: https://spynka.org Ukrainian version: https://spynka.org/ua/ English version: https://spynka.org/en/
Start / end date or ongoing	Launch: April 2022.
Main target group	Ukrainian and Polish children
Scope (local/regional/national)	SPYNKI - are care and educational groups for Ukrainian and Polish children created in various provinces throughout Poland.
Objectives and outputs	The cornerstone of the Programme is the creation and running of Sprints - places for the care and education of children, giving their mothers the chance to work.
Brief description (max. 1000 chars)	Underpinning all programme activities are the needs of children . Ukrainian children who have lost everything they have known - a family home, close relatives, a friendly neighbourhood or a favourite playground - are in great need of the stability and sense of security that a calm and routine daily life provides. The intention of the programme's implementers is that refugee children should be able to develop through integration with their Polish peers, and that their mothers should receive the support they need.
Highlight key elements of the programme/practice which makes it promising (sustainability, measurable impact etc) (max. 500 chars)	SPYNKI are day care places for the youngest children, but also professionally developed educational programmes aimed at integrating Ukrainian children with their peers. For both Ukrainian children and their mothers, Spynki are places of adaptation and integration into the local community. They provide a sense of stability and security.

Monitoring and evaluation and the bodies involved	N/A
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Table 16 - Promising practice # 5

Promising programme / practices aimed at providing protection and support to displaced children fleeing the war in Ukraine	
Name/title	Education and protection of children, young people and adults experiencing the effects of war in Ukraine
Implementing body (public authority, CSO, etc.)	Polish Migration Forum
Funding body	The project is funded by Liechtenstein, Iceland and Norway through the EEA Funds under the Active Citizens - Regional Fund programme.
Reference in EN and original language (incl. URL, where available)	https://forummigracyjne.org/projekt/edukacja-i-ochrona-dzieci-mlodziezy-i-doroslych-doswiadczajacych-skutkow-wojny-w-ukrainie
Start / end date or ongoing	01.05.2022 r. - 30.04.2023 r.
Main target group	Ukrainian children and young people with refugee experience
Scope (local/regional/national)	National
Objectives and outputs	Organise activities for young people in schools on coping with stress, drawing on one's resources and increasing mental resilience. Providing psychological support for children and young people who experience difficulties related to migration and refugees. Supporting formal and non-formal education through the organisation of additional classes, workshops and training.
Brief description (max. 1000 chars)	To provide psychological support to children and young people from Ukraine who have experienced migration and refugeeism. Increasing the mental resilience of young people to stress and difficult life situations. Organise activities for young people in schools on coping with stress, drawing on one's

	resources and increasing mental resilience. Provide psychological support for children and young people who are experiencing difficulties related to migration and refugees. Supporting formal and non-formal education through the organisation of additional classes, workshops and training.
Highlight key elements of the programme/practice which makes it promising (sustainability, measurable impact etc) (max. 500 chars)	Increasing the psychological resilience of young people who have experienced migration and refugeeism. Improving the educational situation of children and young people from Ukraine who are in Poland. Reducing the risk of health problems related to trauma and stress in children and adolescents from Ukraine.
Monitoring and evaluation and the bodies involved	N/A