



INTERNATIONAL SOCIAL SERVICE

Ukraine Crisis & International Standards

Update: 23 March 2022

The ISS international network is working to support children and families affected by the **crisis in Ukraine**. ISS deplores the loss of human lives, the massive displacement and the scale of human suffering.

This document provides guidance on how to apply international standards when working with children and their families impacted by this crisis. **The question to be asked**, consistently – whatever decision, action or process – is “**what is in the best interests of the child?**” This applies to situations on the ground that are complex and allow no easy answers. A number of recommendations are salient:

Intercountry adoptions

Intercountry adoption should not take place during or immediately after an emergency, including in the context of armed conflict. **Crises are a breeding ground for illicit practices**, in part because there is little oversight, if any. In the current circumstances, **it is extremely difficult to determine whether children who may appear to be orphans or permanently deprived of parental care are truly eligible for adoption**. We call on all actors to respect and implement the relevant international standards and we urge receiving States to adopt a harmonised approach. By recalling the [Report and Conclusions of the 2005 Special Commission](#) (para.131) and in light of the deteriorating situation on the ground in Ukraine, as well as [the message shared by the Ukrainian government](#), ISS advises a suspension of adoption procedures. The relocation of children abroad for adoption, in times of conflict, is contrary to international law. Priority should be given to reunite a displaced child with their parents or family members. In the aftermath of their displacement to neighbouring countries, adequate identification and registration measures should be in place. **Prospective adoptive parents should communicate primarily with their central adoption authority or accredited adoption body and refrain from individual actions**.

Ukraine has not ratified the 1993 Hague Convention. It is one of the major States of origin for intercountry adoption, ranking second in ISS/IRC’s annual statistics in 2020, with 277 intercountry adoptions.

Children in – or coming from – residential care institutions

Children in residential care must be protected. All children have the right to life, survival and development, without discrimination, and this care can be undermined by rapid adoptions that proceed heedless of international standards. Instead, **efforts are to be made to reunify children with their biological parents or other family members**. Most children in Ukrainian residential facilities were placed there directly by their biological families.

Guiding international standards and ISS internal documents

- [Convention on the Rights of the Child](#)
- [UN Guidelines for the Alternative Care of Children](#)
- [UNICEF Best Interests of the child in ICA](#)
- [Moving Forward Handbook](#)
- [ISS thematic factsheets on alternative care and adoption](#)
- [ISS Manual on Children on the Move](#)
- [The 1993 Hague Convention](#)
- [The 1996 Hague Convention](#)
- [HCCH Note on Children deprived of their family environment due to the armed conflict in Ukraine](#)
- [2010 C&R of the HCCH Special Commission](#)
- [The Verona Principles for the protection of the rights of the child born through surrogacy](#)

Further implementation tools and initiative

- [MOOC Children on the Move](#)
- [MOOC Getting Care Right for all Children](#)
- [Better Volunteering, Better Care](#)

Children from residential care facilities in Ukraine who arrive in other countries with the administration of their residential care facility should not be considered unaccompanied. According to the [Family Code of Ukraine](#) (Art. 244 & 245), *if a child permanently lives in a child care center or health institution, functions of the custodian and caretaker in respect of the child are performed by the administration of these institutions.* (Brief analysis of this particular situation available upon request). However, this does not mean that any permanent decision-making process for concerned children, whether in Ukraine or abroad, can circumvent thorough assessment and approval procedures (consent of parents, competent authorities) required to make informed decisions for any child. This recommendation for a best interests assessment, based on international standards, applies equally to unaccompanied children.

In Ukraine, there were 718 institutions in 2020 with a total of 102,570 children in residential care. Nearly half are children with special needs.

- The Ministry of Education was responsible for 555 institutions, housing 93,506 children.
- The Ministry of Social Policy had 125 institutions, housing 6,230 children.
- The Ministry of Health had 38 baby homes housing 2,834 children under 4 years old.

Surrogacy

Emergency situations are not compatible with launching surrogacy procedures. Ukraine is the second most popular destination for foreign couples seeking surrogacy services. In recent years, an estimated 2,000 to 2,500 children have been born, per year, through surrogacy in Ukraine. At least 1,500 couples living in the US, UK, Ireland, Australia and elsewhere have surrogate mothers in Ukraine as well as embryos stored at clinics in Ukraine.

Children on the move

It is in the best interests of all children to remain with their family or to be reunified with their family.

All measures should be taken to keep the children with their families or primary caregivers and prevent any (further) separation. Whenever feasible, try to evacuate and **move children together with adult family members or caregivers and keep siblings together.**

Hundreds of thousands of people are on the move due to the Ukrainian crisis, most of them children and women. Men in the Ukraine aged 18 to 60 have been barred from leaving the country. As a result, families have been or are being separated. Those parts of the family that are still together should not be separated. Hence, assistance should be provided to the whole family – or the now partial family – as a unit, not only to the children, so that the family or partial family can stay together.

Give priority to family-based accommodation for children and their families, including to those children separated from their parents or caregiver.

If the child has a parent who is not with her/him, keep the communication channels open between the child and the respective parent so that the location is known. This is important for mental wellbeing and for later family reunification.

We are at your service if you have any questions or would like further information as well as legislative or other analysis: irc-cir@iss-ssi.org

ISS Casework services may include

- legal and administrative assistance (e.g. legal advice in the asylum seeking procedures, acquisition and transfer of official documents)
- psycho-social counselling
- family tracing and maintaining contact with the family
- family reunification
- provide necessary referrals to competent authorities

ISS Technical assistance and advocacy may include

- dissemination of information to professionals (e.g.: newsletter/bulletin, publications)
- training of professionals
- support in national law and policy reforms
- active participation in expert groups
- work with UN and regional treaty bodies