

AGREEMENT
BETWEEN THE MINISTRY OF SOCIAL SECURITY AND LABOUR
OF THE REPUBLIC OF LITHUANIA AND THE MINISTRY OF SOCIAL POLICY OF
UKRAINE
ON COOPERATION IN THE FIELD OF PROTECTION OF CHILDREN AFFECTED
BY THE WAR IN UKRAINE DUE TO THE RUSSIAN FEDERATION'S
ARMED AGRESSION

The Ministry of Social Security and Labour of the Republic of Lithuania and the Ministry of Social Policy of Ukraine, hereinafter referred to as the Parties, and individually as the Party,

expressing their intention to pursue successful cooperation and to actively develop bilateral relations in the field of protection of rights and ensuring the best interests of children,

based on the historical friendship and strategic partnership between Ukraine and the Republic of Lithuania,

having regard to the military aggression against Ukraine started by the Russian Federation on February 24, 2022,

desiring to ensure a safe environment, comprehensive care, necessary assistance, rights and legitimate interests for children, who arrived to the Republic of Lithuania from war-torn Ukraine,

recognizing the growing number of Ukrainian children from public childcare institutions, where children and persons from among orphans were placed, children deprived of parental care and family uniforms upbringing coming to the Republic of Lithuania due to the hostilities on the territory of Ukraine and the risk of unlawful children resettlement abroad as well as adoption, notwithstanding the procedures laid down in Ukrainian law,

according to the United Nations Convention on the Rights of the Child from November 20, 1989 and its Optional Protocol on the Involvement of Children in Armed Conflict from 2000, the 6th Commentary of the United Nations committee on Child rights "On Unaccompanied and Separated Children Outside Their Country of Origin" from 2006, the Convention on Jurisdiction, Applicable Law, Recognition, Enforcement and Cooperation in Respect of Parental Responsibility and Measures for the Protection of Children adopted in Hague on October 19, 1996, to which Ukraine and the Republic of Lithuania are parties, in particular, to Article 6 of this Convention on refugee children and children, who are transferred internationally due to the unrest in their country, Agreement between Ukraine and the Republic of Lithuania on Legal Assistance and Legal Relations in Civil, Family and Criminal Cases from 7 July 1993, as

well as the national legislation of Ukraine and the Republic of Lithuania governing the protection of children's rights,

agreed on the following:

Article 1

Definitions

1. **Children** – orphans, children deprived of parental care, who were enrolled in boarding institutions of various types, forms of ownership and subordination to 24-hour children's stay in Ukraine, as well as residing in patronage families, family-type orphanages, foster families, and custodians, and parents children, who were temporarily displaced from the territory of Ukraine as a result of hostilities (including unaccompanied or accompanied children).

2. **A competent institution** is a public institution or body of the State of the Party responsible for the application of the legislation in force on the territory of the State of that Party concerning protection of the children's rights and for the implementation of this agreement:

- in Ukraine – the Ministry of Social Policy of Ukraine;
- in the Republic of Lithuania – the State Child Rights Protection and Adoption Service under the Ministry of Social Security and Labour.

3. **Authorized persons/bodies and organizations for registration:**

- in Ukraine – the National Social Service of Ukraine;
- in the Republic of Lithuania:
 - the Ministry of Social Security and Labour of the Republic of Lithuania, if a group of Children deprived of parental care or a group of parents Children (including unaccompanied or accompanied children) arrives, and
 - the competent institution of the Republic of Lithuania, if individual Children deprived of parental care or parents Children (including unaccompanied or accompanied children) arrive.

4. **Personal data** means any information relating to an identified or identifiable natural person (data subject); an identifiable natural person is one who can be identified, directly or indirectly, in particular by reference to an identifier such as a name, an identification number, location data, an online identifier or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that natural person.

Article 2

Agreement purpose

According to their respective competences and the legislation in force in their respective territories, the Parties agree to cooperate on ensuring of protection of Children's rights, who due to the hostilities were temporally displaced from the territory of Ukraine to the Republic of Lithuania, and also on providing their return to Ukraine upon cessation of martial law on its territory or, if possible and necessary, prior to its termination or abolition.

Article 3

Forms of cooperation

1. The Parties shall, in accordance with the national legislation in force on the territory of the State of the Party, and acting within their mandate, exchange experience and relevant information; if necessary they shall organize meetings of practitioners and experts, professional trainings and other activities in an acceptable for the both Parties and format agreed by them.

2. The Parties have agreed that all Children shall be registered as soon as possible by:

- authorized persons/bodies and organizations of the both Parties;
- diplomatic missions or consular offices.

3. The Parties have agreed the following forms of cooperation:

3.1. organization of reception, accommodation and care of Children.

3.2. coordination of the return of Children to Ukraine after the end of martial law on its territory or, if possible and necessary, until its termination and abolition.

4. The Parties have agreed that interstate and national adoption procedures for Children shall not be carried out in any country of the world for the duration of martial law in Ukraine without due regard to the legislation of Ukraine or pending the approval of the Ukrainian authorities.

5. The host Party's granting any status to Children may no longer be a basis for the procedure of interstate and national adoption of Ukrainian Children without due regard to the legislation of Ukraine governing these legal procedure and relations.

6. The competent institutions of the Parties shall, under the Hague Convention on Jurisdiction, Applicable Law, Recognition, Enforcement and Cooperation in Respect of Parental Responsibility and Measures for the Protection of Children from October, 19 1996, share information on the protection of Child rights and legitimate interests, meeting their individual needs and addressing specific situations to ensure the best interests of the Child.

Article 4
Intentions of the Parties

1. Common intentions according to which the Parties:

1.1. take all necessary measures to effectively identify Children on their territory;

1.2. ensure the full protection of their rights under the procedure established by the legislation in force on the territory of the State of the host Parties;

1.3. take measures to provide Children with all information on their rights, available services, and other information in a language they understand, taking into account their age and level of development, with the involvement of an interpreter if necessary, including the use of remote translation;

1.4. exchange information on protecting Children's rights and legitimate interests, meeting their individual needs and addressing specific situations to ensure the best interests of the Child under the Hague Convention on Jurisdiction, Applicable Law, Recognition, Enforcement and Cooperation in Respect of Parental Responsibility and Measures for the Protection of Children from 19 October 1996.

2. Ministry of Social Policy of Ukraine:

2.1. organize the movement of Children from Ukraine to the Republic of Lithuania, as well as by official decision of the competent authorities of Ukraine officially inform the Republic of Lithuania and cooperate in coordinating the return of Children back to Ukraine in the manner and time agreed by the Parties;

2.2. will cooperate in the consideration of individual cases that may lead to violations of children's rights.

3. Ministry of Social Security and Labour of the Republic of Lithuania:

3.1. will organize the reception of Children, ensuring full protection of their rights in the manner prescribed by current legislation of the Republic of Lithuania;

3.2. will ensure as soon as possible the registration of Children who entered the territory of the Republic of Lithuania by the responsible institutions of the Republic of Lithuania at the Consular Section of the Embassy of Ukraine in the Republic of Lithuania;

3.3. will ensure that in a case Children traveling in the Republic of Lithuania only as a transit country and / or staying in the Republic of Lithuania and subsequently traveling to another country with accompanying persons the competent institution of the Republic of Lithuania transfers to a central authority responsible for the protection of the rights of the Child of the country of destination and to the Consular Section of the Embassy of Ukraine in the Republic of Lithuania available information about the Children (name, surname, date of birth) and persons accompanying

them (names, surnames, dates of birth, contacts with the child) in accordance with international agreements signed by the Republic of Lithuania;

3.4. ensure that orphans, children deprived of parental care and parents children, who were temporarily displaced from the territory of Ukraine as a result of hostilities (including unaccompanied or accompanied children) and who entered the Republic of Lithuania are appointed a temporary guardian (curator) as soon as possible according to the law of the Republic of Lithuania, while maintaining to the possible extent scope of functions and powers of the legal representative of the Child, who was provided and determined in accordance with the legislation of Ukraine. The temporary guardian (curator) and the legal representative of the Child, or another person authorized by Ukraine, make the mutual decision on ensuring the rights and best interests of the Child. In case of disagreement between the positions of the above-mentioned persons regarding actions in relation to Children, the final decision is made by the mutual agreement of the competent institution of the Parties in accordance with the best interests of the Child;

3.5. will guarantee that brothers and sisters in the territory of the Republic of Lithuania will live together in all cases on the principle of inseparability of brothers and sisters, except in cases where it violates the interests of the Child. The principle of inseparability of siblings will apply to all other decisions concerning Children;

3.6. will ensure that groups of Children arrive to the territory of the Republic of Lithuania from Ukraine (for example, a group of Children living together in one institution of guardianship (care), etc.) will not be separated from each other, unless it is contrary to the best interests of the Child;

3.7. seeks to protect Children, in the Republic of Lithuania, from the threat of trafficking of Children and immediately transmits all information on possible manifestations of trafficking of Children to the competent authorities of the State Party in accordance with national law and signed international agreements;

3.8. ensure that Children born in Ukraine who have not been issued a birth certificate or other identity document in Ukraine for arrival in the Republic of Lithuania are not granted citizenship of the Republic of Lithuania;

3.9. organize, after receiving the official decision of the competent authorities of Ukraine, the return of Children who were on the territory of the Republic of Lithuania back to Ukraine in the manner and terms agreed by the Parties;

3.10. take all possible measures to prevent the separation of Children from their relatives and other accompanying persons, as well as to prevent the separation of groups and forms of family type in which Children lived before crossing the border into different institutions of the host country, promotes their cohabitation;

3.11. will provide Children with all possible assistance in settlement, provision of vital needs, as well as financial and institutional capacity - other needs;

3.12. will cooperate in the consideration of individual cases that may lead to violations of children's rights.

Article 5

Transfer, registration of Children and their temporary accommodation

1. Prior to the arrival of Children in the Republic of Lithuania, the Ministry of Social Policy of Ukraine shall provide the Ministry of Social Security and Labour of the Republic of Lithuania or the competent institution of the Republic of Lithuania with information on Children (age, sex, attendance at school, form and type of guardianship, institution of guardianship over Children). Some of the above statistical information may also be transmitted.

2. Registration, temporary accommodation of Children and appointment of a legal representative for Children who have arrived without parents to the Republic of Lithuania from Ukraine shall be organized and carried out in accordance with the current legislation of the Republic of Lithuania.

3. Personal data received by public institutions and institutions of the Republic of Lithuania during the registration of Children when deciding on their temporary residence shall be processed in accordance with Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of individuals with regard to processing their personal data and on the free movement of such data, which repeals Directive 95/46/EC (General Data Protection Regulation) and other legal acts in force in the Republic of Lithuania.

4. According to this Agreement, the Ministry of Social Policy of Ukraine provides only statistical information on Children from Ukraine (sex, age, types and forms of guardianship, disability). Personal data of Children who have arrived from Ukraine to the Republic of Lithuania are transferred to the competent institution of Ukraine and the Consular Section of the Embassy of Ukraine in the Republic of Lithuania according to the national legislation and international agreements in force in the territory of the Republic of Lithuania.

Article 6

Support and assistance to Children

1. State institutions and institutions of the Republic of Lithuania in cooperation with non-governmental organizations will provide Children who have arrived to the Republic of

Lithuania from Ukraine with accommodation and meals, as well as necessary support and assistance in accordance with the legislation in force in the Republic of Lithuania.

2. Every Child who has arrived to the Republic of Lithuania from Ukraine shall be informed by the competent institution of the Republic of Lithuania of his or her rights and services to which he or she is entitled. This information is provided in a way that is appropriate for the Child's age, maturity and individual needs.

Article 7

Language

During the implementation of this Agreement, the Parties and their competent institutions agree on the language of correspondence.

Article 8

Costs

The expenditure on resettlement of children and the vital needs of the Children and their needs for services and assistance to the Children shall be borne by the Party where the Children present according to the legislation in force in the territory of the State of the respective Party.

Article 9

Disputes resolution

Disputes between the Parties over the interpretation of this Agreement shall be settled by direct negotiations and consultations.

Article 10

Legal force of the Agreement

The provisions of this Agreement shall not affect the international obligations and legislation of the Parties or their States.

Article 11**Entry into force, amendment and termination of the Agreement**

1. This Agreement shall enter into force on the date of signature by the last of the Parties.
2. This Agreement may be amended or supplemented by mutual written agreement of the Parties. The changes are the subject of separate protocols, which are an integral part of this Agreement.
3. This Agreement is concluded for an indefinite period. Either Party may terminate this Agreement by giving written notice to the other Party not later than one month before such termination. In this case, the Agreement shall terminate six months after the date of receipt of the notice of termination.

Done in Kyiv on April 11, 2022 in two copies, in English, all texts being equally authentic.

**On behalf of the Ministry of Social
Security and Labour of the Republic of
Lithuania**

**Minister
Monika NAVICKIENĖ**



**On behalf of the Ministry of Social Policy
of Ukraine**

**Minister
Maryna LAZEBNA**

