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Committee on Migration, Refugees and Displaced Persons

An urgent call to Europe and its partners: envisioning immediate and long-term policy solutions in support of the displaced people of Ukraine

Preliminary draft report

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A. Preliminary draft resolution

The Parliamentary Assembly,

1. The Assembly is appalled by the continuing high-intensity war of aggression by the Russian Federation against Ukraine, and deeply saddened by its devastating consequences. The mass killings, destruction, abductions, and constant terror, which the people of Ukraine are subjected to, must stop immediately. History has demonstrated many times that no state or empire can last when it imposes its powers through the means of military coercion. Council of Europe member States should stay united in expressing their resolute condemnation of the Russian dictatorial regime's aggressive stand against its neighbours and Europe, as a whole.

2. Since the start of high-intensity military aggression by the Russian Federation on 24 February 2022, millions of Ukrainians have left their homes, seeking refuge. By the end of February 2024, two years later, more than 5,9 million Ukrainian citizens have moved to Europe, and more than 500,000 have moved outside Europe, according to the United Nations High Commissioner for Refugees (UNHCR). In addition to that, in Ukraine, there are about 5 million Internally Displaced Persons (IDPs).

1. People-centred approach in policymaking, notwithstanding crisis

3. The Assembly underscores that keeping a people-centred approach in policymaking in times of crisis is crucial. Bearing in mind the importance of finding the right balance between protecting civilians affected by the war and enhancing the capacity of the State to defend itself, when its existence is under threat, appropriate consideration should be given to the effect of measures taken on Ukraine's population, overall. The lives and dignity of millions of people depend on that.

4. The Assembly underscores the need to provide adequate protection to help the people of Ukraine to come through the pain and suffering, the challenges that forced them to leave their homes, local communities, and the country. States should do their utmost to assist Ukraine to support its people, wherever they are: inside Ukraine, fighting to protect the integrity of their country, or abroad, in Europe or elsewhere. In particular, more needs to be done to free those who are held in captivity or deported to the occupying state.

5. The Assembly praises the Council of Europe member States that took immediate actions to protect the people who fled the deadly attacks by the Russian Federation. It welcomes the solidarity demonstrated by the European Union member States, which enabled the presence on their territory of about 4,5 million people by end February 2024, based on the European Union Temporary Protection Directive (TPD) 2001/55/EC. However, given that the Russian Federation's war of aggression against Ukraine continues, millions of Ukrainians are still unable to return home. The Assembly calls upon EU member States, therefore, to enable the prolongation of the duration of the initially agreed temporary protection, or the opening of new avenues for allowing a regular and legally certain presence of peoples of Ukraine on their territory with access to rights available for asylum seekers. The non-EU Council of Europe member States are encouraged to implement similar measures.

6. The Assembly will follow closely the developments in Ukraine with a view to assisting specific groups of people, step by step. The current resolution sets the scene for future targeted actions specific to each group: the internally displaced persons, the persons who fled the war of aggression and are now under temporary protection in Europe, and those who were forcibly displaced or deported to the Russian Federation and Belarus, including the prisoners of war.

2. Recommended actions for the internally displaced persons (IDPs) in Ukraine

7. The Assembly notes that not everyone could or was willing to leave the country seeking safety. Many stayed in Ukraine to defend their country and support their loved ones at the front, sometimes by paying the highest price.

8. The Assembly should act resolutely to contribute to the protection of internally displaced persons (IDPs) in Ukraine. It calls for the rapid provision of sufficient humanitarian support to ensure that the IDPs in Ukraine are safe and protected. The Assembly welcomes the European Union's contribution to humanitarian support to Ukraine. It notes that by 20 March 2024, the European Commission has paid the first 4,5 billion euro of support under the EU's new Ukraine Facility. This payment will ensure that Ukraine can continue paying salaries, pensions, and providing basic public services, so that the country can focus its effort on winning the war.

9. The Assembly deplores the challenges faced by the internally displaced children, who are further traumatised by the constant bombing by the Russian Federation. Specific protection measures must be in place for them, as mentioned in its [Resolution 2529 \(2024\)](#) and [Recommendation 2265 \(2024\)](#) "Situation of the children of Ukraine" and its [Resolution 2448 \(2022\)](#) "Humanitarian consequences and internal and external displacement in connection with the aggression of the Russian Federation against Ukraine".

10. The Assembly calls upon member States' parliaments to enhance their political support to meet the objectives of the humanitarian response plan for Ukraine, with a specific emphasis on the needs of internally displaced children and their families. It has been estimated that a total sum of about US\$5 billion is needed to support war-affected communities in Ukraine and Ukrainian refugees and their host communities in the region throughout 2024.

11. The implementation of the Ukraine's State Policy on Internal Displacement for the period until 2025 should be given the necessary funding and operational support. Adequately protected shelters must be available and made known to the IDPs, who are not always familiar with their new residence areas inside Ukraine. In addition, support to volunteers and to humanitarian organisations, including civil society organisations and other local groups working in Ukraine must be enhanced so that they can continue assisting IDPs.

12. The Assembly welcomes the Declaration adopted by the Congress of Local and Regional Authorities on 26 March 2024, in which it "calls on European cities and regions to continue mobilising and providing large-scale financial, security and humanitarian assistance to their Ukrainian counterparts, and invites European cities and regions to explore possibilities to establish direct, multi-faceted partnerships with Ukrainian cities and regions, ideally with a long-term vision, and to work to remove any bureaucratic obstacles to this assistance". Member States should continue providing support for IDPs in Ukraine through its cooperation programmes set up by the Congress of Local and Regional Authorities and local democracy initiatives, such as the Inter-Cultural Cities Programme of the Council of Europe.

13. Long-term support programmes for IDPs who are living in Ukraine should include financial assistance to enable access to social housing as well as loans for rebuilding private housing. Moreover, those IDPs wishing to start businesses in their new location need financial support, including with microfinancing or low interest rates' credit lines. The Assembly welcomes Ukraine's accession, in July 2023, to the Council of Europe Development Bank (CEB), which enables the CEB to provide grant funds for emergency assistance and the long-term integration of Ukrainian refugees in host communities, as well as specific actions for IDPs in Ukraine.

14. The Assembly highlights the importance of intensified efforts to help Ukraine defend itself and maintain and re-build its society, aiming to increase its strength and resilience for present and future challenges. Investing in Ukraine's resilience now amounts to investing into making the whole of Europe stronger, with a better protected Western border, following the decisions of the European Union to grant Ukraine candidate status for accession to the EU. The measures stipulated in the Assembly [Resolution 2539 \(2024\)](#) and [Recommendation 2271 \(2024\)](#) "Support for the reconstruction of Ukraine" provide an excellent blueprint for action.

3. Recommended actions as regards the externally displaced persons under temporary protection in Europe

15. The Assembly welcomes the European Union's decision to activate the Temporary Protection Directive (TPD) 2001/55/EC for Ukraine. It supports the proposals to either prolong the validity of the TPD, which is due to expire in March 2025, or to identify a longer-term residency solution for the Ukraine's citizens currently living on EU territory, while ensuring and safeguarding the capacity of Ukraine to continue to defend itself and to rebuild its society, counting on the participation of its citizens including those now out of the country.

16. The assembly reaffirms the rights of all individuals including the temporary protection beneficiaries to apply for asylum at any point as protected under international and EU laws and affirmed by the jurisprudence of the CJEU.

17. To this end, EU member States may consider granting the Ukrainians under temporary protection the right to permanent residency in the host country after a three-year period of residence, regardless of age, gender, disability, religion, or other circumstances. The Assembly welcomes the decisions in this direction taken under the national legal systems by some non-EU Council of Europe member States. As regards Ukrainians who have changed their country of asylum, States could similarly grant a permanent residency in the new host country, after reaching a three-year period of residence, provided that such term is considered sufficient for integration into a new place of residence by the host country.

18. The future of the Ukrainian population which has sought refuge in other European countries should be considered from the long-term perspective of future membership of the country in the European Union. Granting long-term residence for these future European Union citizens would allow them to integrate faster and be better able to contribute to strengthening the European Union as a whole, especially faced with the geopolitical challenges of our continent today following the Russian aggression.

19. As regards access to the labour market, the Assembly reiterates its call for policy planning aimed at creating job opportunities for newly arriving persons, in accordance with the Assembly [Resolution 2502 \(2023\)](#) "Integration of migrants and refugees: benefits for all parties involved". Council of Europe member States are encouraged to step up efforts to ensure suitable opportunities and to recognise qualifications obtained in Ukraine, providing where necessary continued education to enhance qualifications in accordance with the legislation of the host country.

20. The Assembly welcomes the measures to facilitate access to employment and social security schemes open under the Temporary Protection Directive (TPD) 2001/55/EC (Article 12), which stipulates that "the general law in force in the Member States applicable to remuneration, access to social security systems relating to employed or self-employed activities and other conditions of employment shall apply".

21. The Assembly calls upon member States to ensure adequate protection for people with disabilities who had to leave Ukraine and are now under temporary protection in Europe. Mutual recognition of disability status, of the disability degree, and of medical and disability certificates, is essential. States should also enable access to adequate social protection and rehabilitation programmes for those in need of support.

22. The Assembly highlights the importance of creating opportunities for the displaced people of Ukraine to preserve and promote their cultural heritage. Bearing in mind the Assembly's work on "Countering the erasure of cultural identity in war and peace", it recommends that member States hosting temporarily displaced persons from Ukraine:

- facilitate their access to their own heritage, encouraging cultural exchange programmes, partnerships, joint artistic collaborations and the organisation of cultural festivals and exhibitions;
- provide support and resources for artists, writers, musicians, and other cultural professionals by funding initiatives, grants, and residency programmes;
- promote the Ukrainian language, by supporting independent publishers and translations of Ukrainian literature, and by setting up dedicated bookshelves in libraries.

Support for Ukraine's children living abroad

23. States could do more to better regulate, in the host countries, the residence, movement, and protection of the rights of the children of Ukraine. Special attention should be paid to children without parents and children who have moved with guardians or caregivers, to ensure their rights to access education, medical care, and social support according to their age and life circumstances. In that regard, the Assembly calls upon member states to implement the decisions agreed upon in the [Resolution 2529 \(2024\)](#) and [Recommendation 2265 \(2024\)](#) "Situation of the children of Ukraine".

24. States should give immediate priority to ensuring the teaching of the Ukrainian language for Ukrainian children in educational institutions, given the role played by language in supporting national identity. States should enhance the capacity of their education systems to allow for the integration of Ukrainian pupils and

students into the European education system, enabling the mutual recognition of qualifications and diplomas. Co-operation must be enhanced to ensure recognition of results obtained in the Ukrainian education system in European countries, at an equivalent level. In case of discrepancies in educational programs, States could provide additional courses to reach a comparable level thereby enabling the recognition of education obtained in Ukraine.

25. States can foster technical cooperation between experts from the Council of Europe member States in order to finetune policies and practices for the protection of the rights of children of Ukraine residing on their territory, including by taking part in the work of the Council of Europe Consultation Group on the Children of Ukraine (CGU). The CGU was established following up the Reykjavik Declaration “United around our values” adopted at the 4th Summit of Heads of State and Government of the Council of Europe on 16-17 May 2023.

Support for Ukraine’s elderly people living abroad

26. The Assembly notes that many elderly people had to flee Ukraine and are now living abroad, in a situation of extreme vulnerability. While recognising the additional demands this places on the social security systems of host countries, the Assembly considers that States can identify the means to support vulnerable elderly Ukrainians, as recommended by the EU Temporary Protection Directive (TPD) 2001/55/EC (article 13), which stipulates that “The Member States shall make provision for persons enjoying temporary protection to receive necessary assistance in terms of social welfare and means of subsistence, if they do not have sufficient resources, as well as for medical care. [...] the assistance necessary for medical care shall include at least emergency care and essential treatment of illness.”

27. Granting Ukrainian pensioners the status of a pensioner in the host country with the provision of the necessary social welfare support, albeit temporarily, would allow for dignified living for those who suffer severe hardship, having lost all their livelihoods and having no time, energy or resources to recover and rebuild their lives from scratch.

28. Helping Ukraine’s older generation would also facilitate the transmission of culture and identity to the younger generation. Without such efforts, the younger Ukrainians now living outside the country may lose their ties with their home, weakening the future of Ukraine after the war has ended. More should be done, therefore, to promote the inter-generational solidarity to help Ukraine stand strong for the years to come.

Mirroring EU actions in the non-EU Council of Europe member States

29. The Assembly notes the efforts to welcome the externally displaced persons in those non-EU Council of Europe member States which provided immediate protection and temporary shelter for hundreds of thousands of Ukrainians, despite the challenges that many of these countries face in terms of emergency housing capacity or relief support. The Assembly welcomes the participation of non-EU member States in the continued relief work and refugee resettlement schemes, finding appropriate solutions for millions of people of Ukraine displaced beyond the European Union.

Facilitating return and resettlement

30. The Assembly recommends that specific actions be taken to prepare a return to Ukraine after the war, as referred to in the EU Temporary Protection Directive (TPD) 2001/55/EC (Article 21), which states that the “Member States shall take the measures necessary to make possible the voluntary return of persons enjoying temporary protection or whose temporary protection has ended. The Member States shall ensure that the provisions governing voluntary return of persons enjoying temporary protection facilitate their return with respect for human dignity”.

31. The Assembly notes that the return of displaced persons to their homes cannot happen overnight and may require years of preparation, which should start already now. Return will certainly involve the provision of financial assistance for resettlement, and the question of resettlement and re-integration allowances over a given period will need to be settled.

32. The Assembly recommends initiating programmes to help the Ukrainian diaspora support or maintain connections with Ukraine in host countries by establishing Ukrainian cultural centres, promoting language learning, culture, history, and fostering cooperation within the Ukrainian community to enable future returns. The provisions of the Parliamentary Assembly [Resolution 2388 \(2021\)](#) and [Recommendation 2207 \(2021\)](#) “[For a European policy on diasporas](#)” can guide these efforts.

4. Call to release persons forcibly displaced or deported to Russia and Belarus

33. The Assembly is highly concerned about the fate of the Ukrainians who are now on the territory of the Russian Federation and Belarus, as a result of forcible displacement. The Assembly reiterates its call to take urgent measures to liberate persons forcibly displaced, as stressed in its [Resolution 2495 \(2023\)](#) and

[Recommendation 2253 \(2023\)](#) “Deportations and forcible transfers of Ukrainian children and other civilians to the Russian Federation or to temporarily occupied Ukrainian territories: create conditions for their safe return, stop these crimes and punish the perpetrators”. The Assembly calls once more on the Russian Federation to release immediately all persons taken by force to Russia or elsewhere.

34. The Assembly takes note of the Committee of Ministers’ reply to [Recommendation 2253 \(Doc. 15854 of 30 October 2023\)](#), highlighting the importance of the work of the Council of Europe Commissioner for Human Rights and the need to ensure cooperation with the relevant UN bodies, notably the UN Committee on the Rights of the Child. It is important to involve the United Nations Human Rights Council and seek answers regarding the whereabouts of the missing Ukrainian persons, including those who have been forcibly displaced.

As regards the forcibly displaced children of Ukraine

35. The children of Ukraine have suffered incredible hardship since the beginning of the Russian Federation’s aggression. Specific measures must be put in place to help children retained in Russia against their will to be reunited with their family in Ukraine or elsewhere in Europe, as underscored by the Assembly in its [Resolution 2529 \(2024\)](#) and [Recommendation 2265 \(2024\) “Situation of the children of Ukraine”](#). Children without parental care must be returned to Ukraine or, with Ukraine’s agreement, to another Council of Europe member State. Any decision with regard to return or relocation of children without parental care, needs to be guided by these children’s best interests assessed on an individual basis, in line with the overarching principle of the Convention on the Rights of the Child.

36. In its [Resolution 2529 \(2024\)](#), the Assembly reiterated its call on the Russian Federation and Belarus to “provide the Ukrainian authorities or a third party (a State or an international organisation) with comprehensive and reliable information about the number and the whereabouts of Ukrainian children in this situation, their names and surnames, their origin and the destination of the deportation, in order to ensure their safe return to Ukraine”; and to “provide representatives of the relevant United Nations bodies and other international humanitarian intervention and human rights protection organisations, such as the United Nations Children’s Fund (UNICEF), the Office of the High Commissioner for Refugees (UNHCR), the Office of the High Commissioner for Human Rights (UN Human Rights) and other competent United Nations agencies, and the International Committee of the Red Cross (ICRC) with unhindered, immediate and safe access to the children”.

37. The Assembly underscores the need to enhance co-operation between various parties and mechanisms to help return forcibly displaced children. Third-party interventions can offer guarantees of impartiality and effectiveness. It is crucial to have access to the territories of the Russian Federation, Belarus, and occupied territories of Ukraine, to speed up the process of identification, location and repatriation of deported and forcibly transferred Ukrainian children.

38. The Assembly stands ready to continuing its role as a facilitator in communicating with different international actors and organisations that operate for an effective search for children, based on access to information about their identity and the conditions of their deportation or forcible transfer. The Assembly endorses, therefore, the proposals voiced by the members of its Committee on Social Affairs, Health and Sustainable development at its meeting of 18 April 2024 on the possible creation of a network on the situation of the children of Ukraine, which would help strengthen cooperation for protecting the rights of these children.

As regards the Prisoners of War (PoWs)

39. The Assembly should address the issue of Ukrainian prisoners of war and the efforts deployed to negotiate prisoners’ release as a matter of urgency. The bogus trials opened by the occupying forces of the Russian Federation against Ukrainian prisoners of war should be halted, as they are unlawful under international humanitarian and human rights law, not meeting the minimum international standards of fairness. The Assembly calls for the immediate release and return to Ukraine of the 33 Ukrainian soldiers sentenced to long term sentences in penal colony after unlawful trials on 8 February 2024 by the so-called ‘supreme court’ of the ‘Luhansk People’s Republic’ in Russian-occupied Luhansk.

40. The Assembly calls upon the Russian Federation to refrain from taking measures that run counter to the Geneva Conventions I-IV and their Additional Protocols. The Assembly strongly supports measures taken to allow for the exchange of prisoners of war to prevent further violence. The killings by the Russian Federation’s military of unarmed Ukrainian prisoners of war in Avdiivka and the village of Vesele demonstrated the most cruel and inhuman behaviour by the Russian Federation’s Army and its sub-contracted military groups: such blatant disregard by the Russian Federation of the international humanitarian law (IHL) should not be overlooked by the international community.

41. Following the Assembly members’ Written Declaration No 778 of 27 June 2023 on the “Call on the International Committee of the Red Cross and the international community to demand that the Russian Federation fully complies with the international humanitarian law concerning the Ukrainian prisoners of war”,

the Assembly reminds the Russian Federation that the rules and customs of war agreed upon in the codified international humanitarian law (IHL) must be respected by all to ensure that atrocities committed in times of war in the past are not reproduced.

5. Final considerations

42. The Assembly calls upon all parties to the conflict to take measures to establish the whereabouts of the missing persons. Helping families find their loved ones, or start their process of grieving, if their loved ones perished in the war, is essential for the future reconciliation. More needs to be done to assist families in that process. Humanitarian organisations should be allowed to provide adequate support on this issue.

43. Finally, the Assembly reiterates its readiness to assist Ukraine in creating all the conditions necessary for the displaced people of Ukraine to feel safe and to help them return home in future to re-build Ukraine, so that it can stand strong in its European vocation and in defending the values shared by all the Council of Europe member States.

B. Explanatory Memorandum

1. Introduction

1. On 26 January 2024, the Committee was seized for a report on “An urgent call to Europe and its partners: envisioning immediate and long-term policy solutions in support of the displaced people of Ukraine”. I was appointed Rapporteur on 20 March 2024.
2. The United Nations has indicated that more than 14,6 million people - 40 per cent of the population in Ukraine - will need humanitarian assistance this year. Supporting the displaced people of Ukraine is as urgent as ever. The consequences of both internal and external displacement must be carefully assessed to design and implement immediate and long-term policy solutions and support. European countries demonstrated their humanity and solidarity in the aftermath of the brutal aggression by the Russian Federation, protecting the lives of millions of displaced Ukrainians, in particular children, women, and the elderly, and should continue to do so now.
3. The Assembly [Resolution 2448 \(2022\)](#) “Humanitarian consequences and internal and external displacement in connection with the aggression of the Russian Federation against Ukraine” and the earlier [Resolution 2214 \(2018\)](#) and [Recommendation 2126 \(2018\)](#) on “Humanitarian needs and rights of internally displaced persons in Europe” provide guidance on some of the issues that need to be addressed: for the internally-displaced Ukrainians these include urgent access to housing, education, health care, and for those under temporary protection in Europe and elsewhere existing arrangements can be further evaluated and developed.
4. The Council of Europe member States can lead the way. According to UN data, the humanitarian response plan covering the needs of internally displaced persons, as well as the immediate protection needs for refugees, was funded at 53% by the end of 2023. The Assembly should raise awareness of the gap in provision and mobilise support to ensure that displaced people of Ukraine, wherever they are, are safe and protected.
5. This report sets the scene for future targeted actions. It highlights the needs of specific groups of people: the internally displaced persons, the persons who fled the war of aggression and are now under temporary protection in Europe, and those who were forcibly displaced or deported to the Russian Federation and Belarus. The tragedy of displacement will leave a defining mark on the lives of the people of Ukraine, and the international community should do its utmost to ensure that they are protected in the face of adversity, wherever they are now, and that they can participate in the reconstruction and recovery of their country at the end of the war.

2. Current situation

Relevant Council of Europe actions

6. On 16 April 2024, the Committee on Migration, Refugees and Displaced Persons held an exchange of views, following the motion for a resolution on “An urgent call to Europe and its partners: envisioning immediate and long-term policy solutions in support of the displaced people of Ukraine” with the participation of Mr Bjørn Berge, Deputy Secretary General, of the Council of Europe, Mr Dmytro Lubinets, online, Ukrainian Parliament Commissioner for Human Rights, and Dr Vilde Hernes, Senior Researcher at Norwegian Institute for Urban and Regional Research (NIBR), Oslo Metropolitan University.
7. The Deputy Secretary General noted that since the beginning of the Russian Federation's full-scale war of aggression, the Council of Europe has done its utmost to support Ukraine, starting from excluding Russia from the Organisation, to putting in place an action plan for “Resilience recovery and reconstruction of Ukraine”. This includes actions to ensure accountability, recognising that without justice there can be no sustainable peace. Measures to ensure accountability include the Council of Europe's work to support the Ukrainian prosecutor general in the investigation of mass human rights violations and the setting up of a new Register of Damage, which became fully operational in April 2024, and which has already received more than a thousand claims. This is the first, and necessary, step towards an international compensation mechanism in which the Council of Europe is ready to play its role, just as we support the work of the core group in its discussions on a new international tribunal on the crime of aggression. Another essential element is the direct result of the Russian Federation's ongoing aggression, which will continue to require attention, as the situation on the ground changes, namely the support for the displaced people of Ukraine. The violence has resulted in millions of Ukrainians, especially women and children, being uprooted from their homes as they seek safety.
8. For millions this has meant seeking refuge in other Council of Europe member states. Much has been done to provide the support that they need, but there was a great variety in reception capacities and policies towards this group. The Deputy Secretary General recalled the actions taken by the Special Representative on Migration and Refugees (SRSG) to visit bordering countries with high numbers of refugees and to help

design follow up action including capacity building measures, support in building resilient and long-term migration asylum and receptions systems, and putting in place the professional psychological and medical care support that is so often needed.

9. The Deputy Secretary General noted that the number of Ukrainians displaced to other European countries was close to 4 million, in addition to the 5 million internally displaced. More efforts were required, and more important work lied ahead. Addressing the needs of women victims of conflict-related violence is often carried out by survival relief centres which are operating throughout Ukraine with input from lawyers, psychologists, and social workers. The aim was to create such centres in other countries to support Ukrainian women there as well. The Council's network of migration focal points has also done good work to help share good practices and workable solutions on the ground, with examples such as confidential counselling in Ukrainian and Russian, training programmes for labour market integration, simpler school enrolment, and free school supplies. Online platforms have been established through which citizens can offer various kinds of help. The network has also identified remaining and emerging needs and challenges. These include overcrowded reception facilities with the lack of staff and resources dedicated to Ukrainians; concerns about human trafficking; difficulties in assessing the job market and finding employment that matches one's education; integration challenges, including school attendance, mastery of the language and housing. Often one sees a need for better mental health provisions. There was a particular focus on children. He welcomed the new international coalition for the return of Ukrainian children, co-chaired by Canada and Ukraine, as one of the 10 points in President Zelensky's Peace plan.

10. At the Council of Europe's Reykjavik Summit in May 2023, European leaders issued a specific declaration on the situation of the children in Ukraine to ensure the rights and best interests of war-affected children. This sets out concrete recommendations to ensure the protection of children in Ukraine and elsewhere in Europe. As a result, the Council established the Consultation Group on Children of Ukraine, which has been fully operational since December 2023. It provides for a non-political cooperation platform that coordinates action between experts as well as between states in the field, the European Union, and relevant international organisations. The group has so far set up 3 thematic dialogue groups of the topics it identified as the most urgent, namely transnational procedures and cooperation, guardianship, and psychological support and trauma-informed care. The dialogue groups will continue to meet later this year.

11. Amid the need to design strategies in the midst of a war, one must never lose sight of the fact that we are dealing with individual people who have suffered pain and loss in leaving their homes, local communities and countries. He stressed the responsibility of host countries to provide adequate support and care to the displaced persons, and noted that the strong political will, coupled with technological and other communication means, meant that good practices and information could be shared between States in order to ensure the best responses.

Issues raised by the Ukrainian authorities

12. At the same hearing of 16 April 2024, Mr Lubinets, the Ukrainian Parliament's Commissioner for Human Rights, provided the Committee on Migration, Refugees and Displaced Persons with further information about the situation in Ukraine following the Russian aggression. He started by stressing that the world was facing the largest migration process since the Second World War. Millions of Ukrainians have been forced to leave their homes and find refuge elsewhere. Since 24 February 2022, according to the United Nations High Commissioner for Refugees (UNHCR), more than 5,9 million Ukrainian citizens have moved to Europe, and more than 500,000 have moved outside Europe. In addition to that, in Ukraine, there are about 5 million IDPs.

13. Mr Lubinets noted that the number of refugees may further increase as the aggression continues. He asked that Europe be prepared to continue to support Ukraine in this challenge. He highlighted certain difficulties such as a lack of understanding of EU legislation as well as problematic aspects of temporary protection, housing, employment, education. There are some problematic issues. Housing is reduced or not provided at all in some countries. The issue of double taxation regarding Ukrainians who are under temporary protection and continue to work remotely in Ukraine must be addressed. There is no regulatory framework on several issues, such as the mutual recognition of disability status and the disability degree or group.

14. The recognition of higher education degrees, including the Ukrainian university diplomas, also needs to be addressed. Ukrainian children do not have the access to education that they should. Many countries do not have the capacity to provide enough classes taught in Ukrainian language.

15. School age children have to adapt to an entirely new environment which can be stressful for them. In addition, they are confronted with language barriers, academic difference, and specifics of curricula. They may have difficulties in assimilating education which has to be carried out in two schools – the one of the host countries, and the Ukrainian one. He referred to the example of attending school in France, which is compulsory for all children living in France, while having to study in a Ukrainian school in order to obtain the educational certificates necessary for a future employment in Ukraine. Due to the workload in foreign schools

not all children can simultaneously study remotely in Ukrainian schools, which leads to them missing classes and missing the necessary curriculum for their futures.

16. This issue can be addressed through the establishment of Ukrainian schools abroad, or through “Saturday schools”, where children can catch up on their Ukrainian education programme and learn the Ukrainian language and the history of Ukraine, subjects which are not available within the schools of their host countries.

17. He deplored that there were cases when Ukrainian children were separated from their legal representatives in other countries. At the end of 2023, Ukraine’s authorities had been informed about the cases of 255 children who had been separated from their legal representatives. He was leading 75 proceedings initiated at the request of Ukrainian citizens, from whom 178 children had been removed while abroad. Of these, the largest number of children had been removed in Italy, Germany, Sweden, Poland, and the Netherlands. He referred to the example of grandparents, who can move freely with their grandchildren in Ukraine, but who are not considered legal guardians in Europe, since the legislative base is different. This has led to the social services in some European countries filing a court application to officially establish a guardian or custodian from among the citizens of Ukraine on the territory in which these children are staying.

18. In general, according to the analysis of the information received from citizens’ appeals and responses from the competent authorities on this issue, the most common reasons for the temporary removal of children from their parents and other legal representatives by social services are: lack of relevant documents from parents and other legal representatives, difference in the legislation of Ukraine and European Union countries, and a low level of material and living conditions of parents with children. He stressed that evacuated families often live in refugee centres, in poor conditions for their children. Adequate social support is needed, therefore, for parents with children to ensure fulfilments by parents or their childcare responsibilities under the law of the EU member states.

19. He spoke about the challenges in obtaining Ukrainian documents in the EU. Many Ukrainians left abroad in a hurry, with the documents they had on them. After nearly two years in another country there is a need to renew documents. The State Immigration Service of Ukraine has opened several branches in Warsaw, Krakow, Gdansk, Wroclaw, Istanbul, Prague, Bratislava, Milan, Valencia, Madrid, Berlin, Cologne and Munich. This might not be enough, since not all Ukrainians have the opportunity to get to these cities. The Ombudsman’s office wants to protect the rights of Ukrainians abroad. It will also conduct monitoring visits to places of temporary residence of Ukrainians to assess the human rights situation there.

20. Assistance of other countries is needed sometimes. Mr Lubinets spoke about the need to develop an agreed cooperation mechanism, based on which people with Ukrainian documents evacuating from the temporarily occupied territories will be allowed to cross checkpoints of other countries, after having been obliged to travel through the territory of the Russian Federation. He called on the EU countries to respect the rights of those, who suffered from war.

21. Given the challenges he had mentioned, he appealed to the Assembly members to join forces and adapt their legislation to allow for an increase in the number of classes with Ukrainian language instruction and to secure the recognition of Ukrainian diplomas in order to improve the access of Ukrainian citizens to their labour market. In addition, he stressed the need for mutual recognition of the disability status and disability degree of Ukrainians, who are now in Europe.

22. He also mentioned the need to regulate the issue of double taxation for Ukrainian citizens. People fled their homes because of the shelling and violence. Ukraine must first stop the Russian aggression. This will help Ukraine’s citizens return to Ukraine. He called upon Council of Europe member States to continue supporting Ukraine, and President of Ukraine’s Peace Plan, in particular point 4 on the return of all prisoners of war and deported people; assist Ukraine in restoring justice and punishing those responsible for crimes; participate in the rehabilitation of war victims, both civilian and military. One cannot remain indifferent, he stressed. Ukraine’s people needed this support now. He concluded by thanking European countries for helping Ukraine and called to join forces in standing against the Russian aggression, for democratic values.

23. On 18 April 2024, the Ukrainian Delegation of the Parliamentary Assembly organised a side event to discuss the situation of the “Victims of Enforced Disappearances: how Russia captures Ukrainian civilians and violates international law”. PACE President, Mr Theodoros Rousopoulos, expressed his strong support to the victims and called for increased efforts to help Ukraine stand strong in the face of the challenges brought by the Russian Federation’s war of aggression. As he said at the opening of the April part-session, Ukraine is now in its third year of its brave fight against the brutal Russian aggression, which has increasingly targeted, in recent weeks, critical civilian infrastructure, with no care for international law governing conflicts, nor for human life. “Ukraine is fighting this war not just for its own freedom and sovereignty but for the freedom of all of us. It is fighting for the values of human rights, democracy and the rule of law, which are the cornerstone and the pride of our European continent. We must not weaken our resolve to stand by Ukraine. We must not hesitate, at this critical moment, in supporting Ukraine”, he said. He called on all European countries to double

and triple their efforts to allow Ukraine to repel the invader, regain control over its illegally occupied territories and to restore peace based on justice throughout its land. During the side event, family members of victims of enforced disappearances made poignant statements about the tragedy their families went through and called for Europe's support to help defend Ukraine and its people.

24. On 29 May 2024, the Committee on Migration, Refugees and Displaced Persons held an exchange of views with Mr Pavlo Frolov, Member of Verhovna Rada of Ukraine and Chair of the Special Commission on the protection of property and non-property rights of internally displaced and other persons affected by the armed aggression of the Russian Federation against Ukraine. He underlined that by the end of May, more than 4 million people inside Ukraine were in need of daily subsistence support, but that only one million received such support. Moreover, IDPs were living on about 50-70 euro per month, which is not sufficient to rent apartments in a new place of residence. The only choices left were to seek refuge abroad or to accept living in the occupied territories, putting their lives in danger. He called upon the Council of Europe member States to continue their support and kindly asked for sufficient funding to be made available to all IDPs in Ukraine.

3. Member States' solidarity with Ukraine in meeting the needs of displaced people

3.1. *The fate of internally displaced persons (IDPs): the need to meet the humanitarian relief targets*

25. According to the United Nations (UN) Guiding Principles on Internal Displacement, Internally Displaced Persons (IDPs) are described as "persons or groups of persons who have been forced or obliged to flee or to leave their homes or places of habitual residence, in particular as a result of or in order to avoid the effects of armed conflict, situations of generalized violence, violations of human rights or natural or humanmade disasters, and who have not crossed an internationally recognized state border."

26. The Guiding Principles affirm that states have the primary responsibility to prevent displacement, to protect and assist internally displaced persons under their jurisdiction and to provide durable solutions to their situation. In order to fulfil this responsibility, states need to have domestic normative and policy frameworks in place, with the necessary implementing structures and processes, so that they can effectively respond to the specific needs and vulnerabilities of internally displaced persons.¹

27. In its [Resolution 2214 \(2018\)](#) and [Recommendation 2126 \(2018\)](#) "[Humanitarian needs and rights of internally displaced persons in Europe](#)", the Assembly "welcoming the enormous efforts in favour of internally displaced persons undertaken by the member States affected by armed conflicts or other causes of forced displacement, [...] invites those States to regularly assess and make public the humanitarian needs of their internally displaced persons, possibly together with the United Nations, the European Union and the International Committee of the Red Cross (ICRC), in particular regarding the needs of internally displaced persons in terms of housing, education, health care..."

28. When Ukraine was brutally aggressed by the Russian Federation, it rapidly became clear that the fate of millions of people in Ukraine, including children, was at stake. The Assembly is deeply saddened by the tragic deaths of over 500 children and the 1195 wounded.² Nearly 20 000 children have been deported or forcibly displaced by the Russian Federation to Russia or to the occupied territories in Ukraine, as underscored by the Assembly in its [Resolution 2495 \(2023\)](#) and [Recommendation 2253 \(2023\)](#) "[Deportations and forcible transfers of Ukrainian children and other civilians to the Russian Federation or to temporarily occupied Ukrainian territories: create conditions for their safe return, stop these crimes and punish the perpetrators](#)".

29. The Committee on Migration, Refugees and Displaced Persons in its Opinion to the report on the "Situation of Children of Ukraine" ([Doc. 15902](#), of 24 January 2024), stressed that some children have today found refuge in Europe, but many others are still in Ukraine, some of which have been internally displaced. Ukraine needs urgent and sufficient support to be able to meet their needs.

30. The United Nations Office for the Coordination of Humanitarian Affairs (UN OCHA) has stressed the hardship of those internally displaced persons who reside outside collective accommodation sites, particularly in rural areas across Ukraine, and who are facing problems in accessing services and assistance. Displaced people may have been forced to move multiple times, losing their houses and livelihoods, and relying solely on humanitarian assistance. As displacement becomes prolonged, most needs have become more prevalent over time.

31. Displaced people have identified financial support and reconstruction materials as the most prominent needs. The findings from the International Organization for Migration (IOM) (Displacement Tracking Matrix (DTM's), General Population Surveys) indicate that women reported higher needs across all sectors after being

¹<https://www.icrc.org/en/document/internally-displaced-persons-and-international-humanitarian-law-factsheet>.

² <https://childrenofwar.gov.ua/en/>.

displaced for over a year. People living in collective sites do not have access to alternative adequate housing solutions and continue to face significant protection risks, notably due to overcrowding, eviction risks, as well as sexual abuse and exploitation, and other forms of gender-based violence. Other risks include limited access to essential services, socio-economic vulnerability, and different types of physical and mental harm. Risks in collective sites are driven by inadequate living conditions and/or sub-standard site management, with most sites not meeting intersectoral minimum guidelines. This situation is exacerbated by the dispersed nature of the more than 2500 sites across the country, bringing significant challenges for humanitarian relief organisations in terms of logistical capacity and allocation of resources. Given the short-term nature of assistance and that financial support for such initiatives is gradually decreasing as the crisis becomes protracted, the most vulnerable people are at risk of resorting to negative coping mechanisms should their daily needs not be met in collective sites.

32. European countries demonstrated their solidarity toward Ukraine immediately after 24 February 2022. As once stressed by Nadia Hashimi, “refugees didn’t just escape a place. They had to escape a thousand memories until they’d put enough time and distance between them and their misery to wake to a better day.”³ Council of Europe member States deployed great efforts to welcome peoples of Ukraine. The first steps taken in Europe concerned the protection of children.

33. I should like to recall that in international and non-international armed conflicts, children are entitled to special respect and protection, including access to education.⁴ In international armed conflicts, parties to the conflict must take the necessary measures to ensure that children under 15 who are orphaned or separated from their families as a result of the armed conflict are not left to their own resources and that their education is facilitated in all circumstances.⁵ Moreover, in the case of a justified evacuation, education – including religious and moral education, as his(her) parents desire – must be provided to the child while he or she is away, with the greatest possible continuity.⁶ These provisions are applicable to displaced children as well. This was highlighted by the Assembly members during the meeting of the Ad Hoc Committee of the Bureau on the “Situation of the children of Ukraine” held in Paris on 15 December 2023.⁷

34. Increased humanitarian support to internally displaced children in Ukraine should be an absolute priority.⁸ The European Union’s contribution to humanitarian support to Ukraine is most welcome. By 20 March 2024, the European Commission has paid the first 4,5 billion euro of support under the EU’s new Ukraine Facility. This payment will ensure that Ukraine can continue paying salaries, pensions, and providing basic public services, so that the country can focus its effort on winning the war. Through this exceptional bridge financing, the Commission has provided Ukraine with immediate financial support while the conditions of the Facility are being put in place.⁹

35. In its [Resolution 2448 \(2022\)](#) “Humanitarian consequences and internal and external displacement in connection with the aggression of the Russian Federation against Ukraine”, the Assembly recalled that the situation of children required specific measures, based on the principle of the best interests of the child. This concerned inter alia internally displaced children affected by the war¹⁰. In January 2024, the Assembly adopted its [Resolution 2529 \(2024\)](#) and [Recommendation 2265 \(2024\) on the “Situation of the children of Ukraine”](#). No Ukrainian child has been spared by the war. The Assembly underscored that all Ukrainian children have the right to enjoy the rights and freedoms enshrined in relevant international human rights instruments and that the rights and best interests of the child must prevail in decision-making concerning them.

36. Council of Europe member States should continue supporting Ukraine. According to the November 2023 UN data, the humanitarian response plan was funded at 53%. On 15 January 2024, the United Nations and partners asked donors for a combined US\$4.2 billion to support war-affected communities in Ukraine and Ukrainian refugees and their host communities in the region throughout 2024. The Ukraine’s specific action plan addressing the needs of IPDs should be instrumental in meeting the needs of persons displaced inside Ukraine.¹¹

³ Ms Nadia Hashimi is a pediatrician and novelist.

⁴ [CIHL Rule 135](#).

⁵ [Geneva Convention IV](#) Article 24(1).

⁶ [Additional Protocol I](#) Article 78(2).

⁷ See the minutes of the meeting held on 15 December 2023 in Paris: <https://rm.coe.int/-minutes-meeting-of-the-ad-hoc-committee-of-the-bureau-on-the-situatio/1680ae5590>.

⁸ Ukraine: Summary of the Humanitarian Needs and Response Plan and the Regional Refugee Response Plan (January 2024) – Ukraine | ReliefWeb.

⁹ https://eu-solidarity-ukraine.ec.europa.eu/index_en.

¹⁰ www.unocha.org/publications/report/ukraine/no-let-war-affected-ukrainians-un-launches-humanitarian-and-refugee-plans-respond-2024-enruuk.

¹¹ [The Government of Ukraine approved the Strategy of State Policy on Internal Displacement for the period until 2025 - Council of Europe Office in Ukraine \(coe.int\)](#).

37. As underscored by UN OCHA, despite extreme access challenges, especially to areas occupied by the Russian Federation, aid workers reached nearly 11 million people in Ukraine in 2023, with the support of the international donor community. By the end of 2023, it was estimated that 1,5 million girls and 1,4 million boys needed humanitarian support in Ukraine. Humanitarian organisations made every effort to increase assistance in the front-line communities, including through 105 inter-agency convoys, complementing the government's response and the efforts of volunteers, civil-society organisations and other local groups. Their efforts must be acknowledged and further help to enable their operations is needed.

38. Council of Europe Member States should continue providing support for IDPs in Ukraine through its cooperation programmes set up by the Congress of Local and regional Authorities, cooperation through the Inter-Cultural Cities Programme of the Council of Europe and other local democracy initiatives.

39. Financial assistance to enable access to housing or to help start a business in Ukraine, including with microfinancing or low interest rates credit lines, needs to be further supported. Following Ukraine's accession to the Council of Europe Development Bank in July 2023, the CEB can provide grant funds for emergency assistance and support specific actions in Ukraine. In July 2023 the CEB approved its first grant for a project on Ukrainian territory. The €2 million grant finances repairs to homes that have been damaged by the war. The grant aims to improve the living conditions of 500 displaced and vulnerable households, including single-parent families, the elderly and persons with disabilities.

40. At the end of 2023, grants approved by the CEB in response to the Ukrainian crisis, including support to neighbouring countries, stood at €9.6 million. This amount is expected to continue to increase, thanks to the generous support of the Bank's shareholders. During 2023, the Bank mobilised resources for its Ukraine Solidarity Fund, set up the year before by Ireland, receiving a total of €3 million from the Czech Republic, Germany and Lithuania. In addition to grants, the CEB is committed to using loans to support Ukraine's recovery, reconstruction and long-term social development, which is one of the three overarching goals of the Bank's Strategic Framework 2023-2027. In November 2023, the CEB approved a €100 million loan to Ukraine's Ministry of Health for the restoration of health infrastructure damaged by the war. The CEB loan is part of the Health Enhancement and Life-Saving (HEAL) project, a US\$ 500 million framework operation developed by the World Bank in collaboration with the Ukrainian authorities. Finally, in October 2023, the CEB, EBRD, EIB and World Bank signed a Memorandum of Intent to harmonise procurement practices for public sector investment financed by multilateral development banks in Ukraine.

3.2. The EU Temporary Protection Directive (TPD) 2001/55/EC

41. The Temporary Protection Directive (TPD) 2001/55/EC is being applied aimed to provide immediate protection and basic standards of treatment for refugees, including the access to accommodation, labour market, and social and health services.¹²

42. On 15 December 2023, the Ad Hoc Committee of the Bureau, Ms Anna Schmidt, Policy Officer, European Commission, DG Migration and Home Affairs, presented the TPD. She stressed that the EU provided temporary protection to some 4.2 million officially registered Ukrainians across the EU member states with about half of them in Germany and Poland. One third of those were children. The estimate was that one fifth of the number of children that had lived in Ukraine before the war now lived in the EU. The temporary protection was limited in time (until spring 2025 at this stage). This includes children who were evacuated from Ukrainian institutions, namely around 5600 who came in groups, including sometimes children with disabilities. Member states have their own legislation to give meaning to the temporary protection directive. That means that there is some variation in its application across the EU. To coordinate the response, the EU had set up the "solidarity platform", essential for organising, coordinating and harmonising the EU response across the member states. Cooperation with other partners, such as the UNHCR, the UNICEF and the Ukrainian authorities has been strengthened, with regular meetings. These partnerships have been essential. Civil society organisations also played an important role in that process.

43. The EU issued a number of operative guidelines on the implementation of the temporary protection directive, for instance, specifically on how to access education, on the specific challenges related to the reception and care of children fleeing from Ukraine, on the recognition of guardianship decisions. All these guidelines are accessible online. Ms Schmidt referred to the March 2023 Commission communication on one-year temporary protection, a document which was made available for the meeting. The Communication gave an overview of measures taken, with a specific section on children. The Communication underscored the importance of document recognition, as a first step: recognition of children's registration documents and the recognition of Ukrainian guardianship arrangements by the EU member states, of medical and disability certificates; of education certification and diploma, which will all have an immediate impact on children's integration in European education systems. The EU enhanced cooperation with the Ukrainian authorities on

¹² <https://eur-lex.europa.eu/eli/dir/2001/55/oj>.

the recognition of guardianship decisions. Cooperation with Ukrainian parents and legal guardians will also allow tracing of missing children.

44. Guardianship arrangements may change over time. For instance, parents could be divorced. Custody arrangements in separated families would need to be determined either by administrative decisions or through courts. The cooperation at EU level helps exchange best practises across member States. Ms Schmidt referred to the issue of institutionalisation in relation to children who arrive from Ukrainian institutions as groups. Ensuring quality accommodation and care in line with the European standards for these children was a challenge. Some five thousand children from institutions were hosted in Poland. The EU had worked very closely with the Ukrainian authority to identify the best solutions. A pilot project was set up between Ukraine and UNICEF on splitting the broader groups and finding appropriate lodging and care opportunities, also in the context of the enlargement report on Ukraine and the future accession talks.

45. The temporary protection directive provided for immediate access to state education system at primary and secondary level for Ukrainian children. The EU issued policy guidance to promote peer learning across EU. Member states have done different things: whether it is the employment of Ukrainian assistant teachers, or whether it is about trying to facilitate the access of qualified Ukrainian teachers into their national systems; or whether it is about trying to combine the learning that takes place still online based on the Ukrainian curriculum with the curriculum in that given member state, without overburdening the child. A practical manual has been published by the European Commission together with the Ministry of Education and Science of Ukraine, citing arrangement for cooperation in education that has been followed up by the member States. The focus is on the mutual recognition of academic qualifications and participation in the EU twinning and Eurydice networks. This should also help provide guidelines to Ukrainian schools on how to assess learning outcomes of school attendance abroad upon return, which is also very important. The core of this work should focus on child well-being. The learning should become very practical, helping children recover after the trauma they experienced. Finally, member states will also work more intensely on the reception of specifically unaccompanied children, including separated children arriving from Ukraine. Improving reception capacities in the EU for unaccompanied migrant children must be a priority, she concluded.

46. On 11 April 2024, the Council of Europe, through its programme on Human Rights Education for Legal Professionals (HELP) held a seminar on the application of the TPD.¹³ Participants discussed its implementation and the launch of a new HELP course on Temporary Protection in the European Union. The information course aimed to increase the knowledge of legal professionals and other relevant stakeholders on the practical application of the EU Temporary Protection Directive.

Discrepancies in the implementation of the EU Temporary Protection Directive

47. On 16 April 2024, Dr Vilde Hernes, Senior Researcher at Norwegian Institute for Urban and Regional Research (NIBR), Oslo Metropolitan University, presented at the meeting of the Committee on Migration, Refugees and Displaced Persons her comparative report on governance and policy changes during times of high influxes of protection seekers, assessing various governments' approaches and solutions, including in the case of displaced Ukrainians.¹⁴ Dr Hernes noted that many Ukrainians live without knowing if they will return to Ukraine, asking difficult questions. In Europe, mayors were wondering if they should upscale their general services to be able to cater for the needs of persons under temporary protection in their cities. Be it at EU level, at the national, local or at personal level for each individual, choices have to be made under a high degree of uncertainty and instability.

48. The initial narrative has been that Europe has met this forced migration flow with unified response, most importantly by implementing the EU Temporary Protection Directive (TPD) or other kinds of national legislation largely mirroring the TPD for non-EU countries. At the beginning, there has been indeed a more unified response, for example, as regards the type of protection permits for the Ukrainians, compared to for example in 2015-2016, when one saw a European race to the bottom in national integration and asylum policy. Politicians considered that this would prevent making Europe an attractive destination.

49. Not all European countries are covered by the TPD, however. Moreover, the TPD listed minimum requirements and is up to each EU country to transpose those minimum requirements into the national context.

¹³ The following speakers took part: Ms Elena Gobetti, Asylum Unit, DG for Migration and Home, European Commission; Ms Gemma Woods, Senior Legal Officer, UNHCR Regional Bureau for Europe; Mr Jean-Marc Picard, lawyer in immigration law and international mobility, expert of the Council of Bars and Law Societies of Europe (CCBE); Mr Viacheslav Liubashenko, expert, manager of the Ukrainian eDesk; Ms Martina Huber, European Union Agency for Fundamental Rights; Ms Ana Isabela Trifescu, Information Assistant, Information and Analysis Sector, European Union Asylum Agency ([Temporary Protection in the European Union: seminar and presentation of new Council of Europe HELP online course - Council of Europe Office in Ukraine \(coe.int\)](#)).

¹⁴ https://www.researchgate.net/publication/378610498_Governance_and_policy_changes_during_times_of_high_influxes_of_protection_seekers_A_comparative_governance_and_policy_analysis_in_eight_European_countries.

In the study she carried out, of the rights and restrictions for Ukrainian refugees in eight European countries, there were very large differences in overall reception.

50. Dr Hernes gave some specific examples: some countries have provided Ukrainians with more liberal accommodation and settlement policies and practises than those available for other groups of protection-seekers. There have been more liberal rules to settle wherever one would choose, instead of hard restrictions on free settlement. There have been financial grants to private hosts to accommodate Ukrainian refugees. Because of the temporary perspective of their stay, however, there were generally more restrictive rights to integration measures.

51. European countries differ when it comes to whether Ukrainian refugees have rights and obligations to regular integration measures. In Denmark, and partly in Sweden and Finland, the Ukrainian refugees get access to language training and integration programmes. In other parts of Sweden, Poland, Germany, and Austria, they do not have these rights as other people who are granted protection. Another example was that in the countries studied, there were very different rules concerning the financial and public assistance that this group could get. The study identified four different solutions. In the UK and Germany displaced persons from Ukraine were included into the regular social benefits system, similar to the general population. In Denmark and Norway, Ukrainian refugees get similar rights as other refugees to financial benefits. In Sweden, Austria and in Finland (for the first year), Ukrainian refugees continue benefitting from a financial system equal to that available for other asylum seekers. In Poland, there is a variety of different customised arrangements. The main point was that there were very different solutions for this group and in some countries Ukrainian refugees got substantially lower benefits, than other groups which were granted protection.

52. The study showed that there were substantial differences in rights and restrictions for this group across European countries, contesting the impression of this overall unified resolution. There was a mixture of both more liberal and more restrictive policies towards this group. The introduction of the TPD was in itself an easement of requirement, because it made the decision-making of granting the protection follow a shorter and less intensive path, as it did not require an individual assessment.

53. There were examples of more liberal policies with this group and more flexibility in terms of accommodation and settlement, the possibility for temporary return to Ukraine, and the rapid access to the labour market. There were also examples of displaced persons from Ukraine having more restricted rights, compared to other groups. That was related to integration measures, including, in some cases, financial assistance. In Sweden, they even had fewer health care rights. The temporary permit for this group does not qualify as residence time that may be considered for getting permanent residency, which is a clear restriction compared to other permits.

54. At this stage one does not know, if the Ukrainians who have fled will be in the EU for three months, for three years or forever. At the EU level, the collective protection for displaced persons from Ukraine was a temporary solution. Discussions were held in the EU about the prolongation of the TPD. It is not yet clear if there will be a unified solution concerning the type of permits. In future, one needs to see how the implementation at national will evolve, concerning the rights and restrictions for this group. Will the rights for displaced person from Ukraine be expanded or restricted and how will that play out in different countries? One needs to be weary of the risk of a new “race to the bottom” in terms of rights if the war drags on for a long time.

55. Difficult dilemmas had to be faced, namely on how to balance the good conditions for integration and reception, and the host countries’ challenge of becoming an attractive destination country, when the reception capacities were perceived as being stretched to the limits already. The second dilemma related to the question of differential treatment between Ukrainian refugees and other groups that were granted protection. On one hand, there has been criticism that Ukrainians had been favoured, had been welcomed better than other groups of protection seekers, and, on the other hand, the studies had shown that Ukrainian refugees in many countries got fewer rights than those granted protection. Finally, in many countries Ukrainian refugees could be an important source of much needed labour force.

56. Governments must take measures to meet the needs of municipalities that welcomed Ukrainian refugees. Provision of services required funding at local level, which cannot be assured, given that the municipalities do not know if the Ukrainian refugees will stay and for how long, or if they will go back to Ukraine and when. Municipalities do not know if they should upscale their general services, hire doctors, teachers, etc. They cannot do this unless there is some certainty about the future of protection seekers. This can be very costly for municipalities.

57. Liberal and flexible rules are often viewed in a very positive light, but they could also lead to less control and in many cases fewer rights in public assistance. Moreover, the displaced people from Ukraine may be at high risk of labour market exploitation in the long run. Although Ukraine may be a resource to the local labour markets in need of labour, there is not always a match between the qualifications the Ukrainians arrive with and the actual needs in the local labour market, where they are residing temporarily. She suggested that it would be good to help Ukrainians invest in upscaling their qualifications and learning the local language,

despite this insecure status. She stressed that those, who have fled abruptly, overnight, had their lives turned upside down.

58. Although the study found that many Ukrainians were eager to get some normality in their lives, the insecurity about their stay in the host country may challenge their motivation to integrate both socially, and in the labour market. In Norway, for instance, many Ukrainians had higher education. Should they be doing any kind of job or should they actually invest in learning the language and getting a relevant job matching their competency? Next, parents worried about their children, about their education. Parents had to decide whether to have children follow only the Ukrainian curricula or study in local schools of host countries. Ukrainian children followed the Norwegian schools during the day and Ukrainian schools (sometimes online), in the evening, which put a lot of pressure on children. Many said they needed to create a stable and safe environment for their children, bearing in mind these challenges.

59. It was important to focus on the effects of living under the high degree of uncertainty that displaced people from Ukraine experienced. This was very difficult for children, who saw their lives being put “on hold”. She stressed there were no “quick fix” solutions. There were real dilemmas with often conflicting goals. Political and individual choices have to be made in that context of uncertainty. Conflicting goals must be discussed and assessed critically and openly to identify the best suited solutions for all.

Technical cooperation facilitated by the Consultation Group on the Children of Ukraine (CGU)

60. The Council of Europe Consultation Group on the Children of Ukraine (CGU) held its first meeting in Strasbourg on 30 November - 1 December 2023, bringing together over 85 participants (in person and online) to discuss ways to effectively protect the rights of millions of Ukrainian children residing in Council of Europe member states, who have been forced to flee their homeland since the start of Russia’s war of aggression.¹⁵

61. The CGU was set up to ensure practical implementation of the 2023 Reykjavík Declaration, to facilitate dialogue and the exchange of information, in a multilateral setting, on applicable legal standards and policies regarding Ukrainian children residing in Council of Europe member states. The CGU’s focus will be on developing a common understanding of some of the most important legal and policy issues member states are dealing with as a result of the arrival of Ukrainian children on their territories.¹⁶

62. Composed of national experts responsible for decision making and co-ordination of issues related to children of Ukraine appointed by member states, along with focal points from the European Union, other key international organisations, and European and Ukrainian NGOs, the Group will identify promising practices and develop guidance for states and other actors in the field to address some of the concerns by states in upholding the rights of the children of Ukraine.

63. The first meeting was dedicated to the reception, registration and care of unaccompanied and separated children in member states, including those from alternative care facilities. The discussions focused on issues of jurisdiction and admissible law, guardianship, as well as the psychological support and trauma-informed care provided to children affected by war, and/or victims of war. The Group also discussed a Roadmap that will guide its work until the end of its mandate on 31 July 2025.

64. As the Deputy Secretary General, Bjorn Berge, stressed during the 16 April meeting of the Committee on Migration, an additional thematic mix may also be discussed by the CGU, including access to education for children of Ukraine in other member states. So far, discussions have revealed varying practises among member states for schooling of Ukrainian children but also with different models and innovative approaches, such as training of Ukrainian teachers, both to integrate into the host country’s education system, as well as to help Ukrainian children remain connected to their identity, language, and culture.

65. The group will undertake a mapping exercise documenting national practises and challenges to further identify specific needs and guide member states to better protection of Ukrainian children’s right to education. The group closely follows the reform of the Ukrainian childcare protection system, working with others at the national and international levels. It seeks to provide updates on the progress, challenges, and next steps on the complex task of the de-institutionalising the childcare system. This step-by-step approach has already yielded many good results, notably on effective coordination between different ministries. Many issues, however, remain to be addressed. The current focus of work has now shifted to coordination and capacity building at the regional level to ensure a gradual, safe, and human rights-based transition towards family-based alternative care.

The role of Ukrainian diaspora

¹⁵ [Consultation Group on the Children of Ukraine \(CGU\) - Children’s Rights \(coe.int\)](https://rm.coe.int/4th-summit-of-heads-of-state-and-government-of-the-council-of-europe/1680ab40c1).

¹⁶ <https://rm.coe.int/4th-summit-of-heads-of-state-and-government-of-the-council-of-europe/1680ab40c1>.

66. The Ukrainian diaspora played a major role in organising the relief work to support the families of those who stayed in Ukraine to defend the country. The Assembly noted the importance of diaspora in its [Resolution 2388 \(2021\)](#) and [Recommendation 2207 \(2021\)](#) “For a European policy on diasporas”. Many recommendations listed are valid today. The Assembly underscored that diasporas and their associations make a positive contribution to the development of countries of residence and countries of origin by enriching cultural diversity and building dynamic and constructive relations for the purposes of economic and cultural exchange and co-development. Strengthening diaspora policies represents a decisive opportunity for economic, social and cultural development of both countries of residence and origin, and a greater cohesion and inclusiveness in society. Countries can benefit greatly from what diasporas can offer if they engage with them, examine and respond to their needs, include them in decision-making and co-operate with them in formulating diaspora-oriented policies. The Council of Europe can play a major role in the process, bringing together the multiple actors that shape national diaspora policies, including parliaments, governments, diaspora associations, NGOs, media and research organisations.

4. Persons forcibly displaced or deported to Russia and Belarus: the need to follow the International Humanitarian Law provisions

67. Forced displacement is an involuntary or coerced movement of a person or people away from their home or home region. The International Humanitarian Law (IHL) expressly prohibits parties to an armed conflict from forcibly displacing civilians in both international and non-international armed conflicts, unless the security of the civilians involved or imperative military reasons so demand¹⁷. Like other rules of IHL that can prevent displacement from occurring in the first place, this prohibition also protects civilians against the risk of secondary displacement. Furthermore, internally displaced persons have a right to voluntary return in safety to their homes or places of habitual residence as soon as the reasons for their displacement cease to exist.¹⁸

68. In 2023, the Assembly reiterated its call to take urgent measures to liberate persons forcibly displaced, as stressed in its [Resolution 2495 \(2023\)](#) and [Recommendation 2253 \(2023\)](#) “Deportations and forcible transfers of Ukrainian children and other civilians to the Russian Federation or to temporarily occupied Ukrainian territories: create conditions for their safe return, stop these crimes and punish the perpetrators”.¹⁹

69. The Assembly, having been informed of cases of forcible transfer of Ukrainian children from the occupied territories to the Russian Federation and Belarus, called upon Russia to immediately halt these transfers. The Assembly underscored that the forcible transfer of children from one group to another group, with the intention to destroy, totally or in part, a national, ethnic, racial or religious group is considered as a crime of genocide under Article 2, paragraph (e), of the Genocide Convention.

70. On 15 December 2023, the Bureau’s Ad hoc Committee set up to assess the situation of children of Ukraine, expressed particular concern about the fate of children forcibly transferred and deported to the temporarily occupied territories of Ukraine, the Russian Federation, and Belarus. By January 2024, the “Children of War” platform run by the Ukrainian Government stated that it has collected information on more than 19 546 children which have been signalled to the platform as having been deported or forcibly transferred from various locations, and only 388 of whom have returned home.

71. On 13 March 2024, the European Parliament discussed with the Council and Commission how to address the urgent concerns surrounding Ukrainian children forcibly deported to Russia. Since Russia’s war of aggression against Ukraine began in February 2022, international organisations have documented a wide range of serious human rights violations affecting children. Reports of children forcibly deported or displaced by Russian authorities, combined in many cases with them being subjected to re-education programmes and forced adoptions, have raised great concern.

72. The danger of the russification processes put in place by the Russian Federation that illegally occupied the territory of the neighbouring Ukraine, will be further assessed in the forthcoming report on “Countering the erasure of cultural identity in war and peace” (Rapporteur: Ms Yevheniia Kravchuk, Ukraine, ALDE).²⁰ Co-operation between various existing parties and mechanisms is needed to pool efforts for the return of children as soon as possible.

5. Prisoners of War: more efforts are needed to negotiate prisoners’ release

73. As reported on 8 February 2024, 33 Ukrainian soldiers sentenced to long terms sentences in penal colony after unlawful trials. The captured Ukrainian soldiers stood accused of grave crimes under the Russian Criminal Code, but Russia’s official and sparse description of the soldiers’ alleged ‘war crimes’ suggests they

¹⁷ [Geneva Convention IV](#) Articles 49 and 147; Additional Protocol I Article 85(4)(a); Additional Protocol II Article 17; CIHL Rule 129. See also Additional Protocol I Articles 51(7) and 78(1), and Additional Protocol II Article 4(3)(e)).

¹⁸ [Geneva Convention IV](#) Article 49 and [CIHL Rule 132](#).

¹⁹ <https://pace.coe.int/en/files/31776#trace-5>.

²⁰ <https://pace.coe.int/en/files/30159>.

have been prosecuted for merely taking part in the war as part of the Ukrainian armed forces. This sentencing by the so-called 'supreme court' of the 'Luhansk People's Republic' in Russian-occupied Luhansk is unlawful under international humanitarian and human rights law as it has not met the minimum international standards of fairness.²¹

74. The Russian Federation must refrain from taking measures that run counter to the Geneva Conventions I-IV and their Additional Protocols. The Assembly endorses the plea to allow for the exchange of prisoners of war to prevent further violence. The killings by the Russian Federation's military of unarmed Ukrainian prisoners of war in Avdiivka and the village of Vesele demonstrated the most cruel and inhuman behaviour by the Russian Federation's Army and its sub-contracted military groups. The blatant disregard by the Russian Federation of the international humanitarian law (IHL) should not be overlooked by the international community.

75. Noting the Assembly members' Written Declaration No 778 of 27 June 2023 on the "Call on the International Committee of the Red Cross and the international community to demand that the Russian Federation fully complies with the international humanitarian law concerning the Ukrainian prisoners of war", states should remind the Russian Federation that the rules and customs of war agreed upon in the codified international humanitarian law must be respected by all to ensure that atrocities committed in times of war in the past are not reproduced. The Assembly should, therefore, carefully consider the situation of prisoners of war. This issue must be addressed in its future reports.

6. Future actions

76. Ukraine will have to face conflicting interests and dilemmas. Different stakeholders will have different interests. Ukrainian society can remain divided as to how to approach the situation of people who are now displaced, depending on whom they are talking about and where displaced persons are now. One set of considerations could be related to the need to know where the Ukrainians are now.

77. The situation is quite difficult as regards the temporary protection given to men that can be mobilised to defend the country. A new law on mobilization has been adopted in Ukraine, it will come into force in May. It is assumed that according to the new rules, the Armed Forces of Ukraine can mobilise up to 500 thousand people, but the exact number of those subject to mobilisation is not spelled out in the law. Following the adoption of the new law on mobilisation, Ukrainians of military age were banned from obtaining passports at consular offices outside the country - they will have to return to Ukraine for documents.

7. Conclusion

78. First and foremost – may there be peace! Ukraine must be given all the support necessary for its to defend itself. Deep societal transformations will be needed to help build strong partnership between those who defend Ukraine and those who are abroad under temporary protection. According to Kristin Sandvik, "the refugee crisis is a humanitarian challenge that must be collectively owned and collectively solved, whether we are talking about legal frameworks, institutional responses or funding. By crafting new humanitarian solutions to this crisis, critical contributions can be made to international peace and stability."²²

79. The tragedy of displacement will leave a definite mark on the lives of people of Ukraine. The international community should do its utmost to ensure that the peoples of Ukraine are helped to strive in the face of adversity wherever they are now, and that they have the capacity to rebuild Ukraine as soon as this war ends.

80. To rebuild itself, Ukraine will need to be supported in future. The Assembly [Resolution 2539 \(2024\)](#) and [Recommendation 2271 \(2024\)](#) "[Support for the reconstruction of Ukraine](#)", which has just been adopted show that the Council of Europe has led the way in expressing its solidarity with Ukraine and its people, condemning the Russian Federation's war of aggression against Ukraine, and excluding the Russian Federation from its membership. The Council of Europe has also shown leadership in setting up the Register of Damage Caused by the Aggression of the Russian Federation against Ukraine. Its member States should now play a significant role in supporting the reconstruction efforts in Ukraine.

81. To conclude, I recall a Warsan Shire poem, that says: "No one puts their children in a boat unless the water is safer than the land they live on"²³. This is definitely true for people fleeing wars. The modern world is failing in protecting people, it fails in building peaceful coexistence of modern nations, in stopping bloodshed caused by territorial disputes or disputes between those, who cling to the past hegemony against the modern societies that aspire to live independently, breaking away from that past. The time has come to pay greater attention to building long lasting peace in the world.

²¹ [33 Ukrainian soldiers sentenced to long terms in penal colony after unlawful trials \(amnesty.org\)](#).

²² Ms Kristin Sandvik is a Research Professor in Humanitarian Studies at PRIO, a law professor, and Co-founder of the Norwegian Centre for Humanitarian Studies: <https://www.prio.org/people/6417>.

²³ Ms Warsan Shire is a Somali British writer and poet born in Nairobi and raised in London.