

Observations on safeguarding Ukrainians displaced across Europe

Introduction

The Council of Europe Commissioner for Human Rights fosters the effective observance of human rights, assists Council of Europe member states in the implementation of Council of Europe human rights instruments, in particular the European Convention on Human Rights (ECHR), identifies possible shortcomings in law and practice concerning human rights and provides advice and information regarding the protection of human rights across the region.¹

Commissioner O'Flaherty presents these Observations as Europe faces one of its greatest protection challenges yet: ensuring the continued safeguarding of millions of people displaced from Ukraine by Russia's war of aggression for as long as necessary. The Commissioner is concerned about intensifying discussions at EU and national levels on ending temporary protection and reducing assistance for persons displaced from Ukraine. This shift is occurring despite enduring protection needs. As the war enters its fifth year, the hostilities have escalated further.

Displacement of Ukrainians across Europe presents a complex landscape. As the Commissioner has witnessed first-hand, there is a great diversity of profiles among displaced persons. Socio-economically well-anchored families have more options. Alongside them, there is a significant number of vulnerable individuals, including older persons, single caregiver women, persons with disabilities and others unable to secure employment, as well as people from frontline areas and temporarily occupied regions of Ukraine, for whom return is foreclosed for the foreseeable future.

The present Observations provide guidance to Council of Europe member states for upholding the human rights of people displaced from Ukraine in the coming phase. They are a continuation of the Commissioner's work initiated with his July 2025 Memorandum on human rights elements for peace in Ukraine.² The Observations are based on desk research and the engagement of the Commissioner with key actors, including the European Union (EU) Special Envoy for Ukrainians in the EU and the Commissioner for Internal Affairs and Migration, the United Nations High Commissioner for Refugees (UNHCR), the Ukrainian authorities, the Ukrainian Parliament Commissioner for Human Rights, the Ukrainian diaspora and civil society. The Commissioner also engaged with Ukrainians displaced by Russia's war from

diverse backgrounds through meetings in Karlsruhe (Germany), Chişinău (Moldova) and Strasbourg (France) and at the Global Ukrainian summit in Bern in June 2026. He thanks the Ukrainians who shared their stories and concerns with him; their voices are central to the views laid out in this document.

European welcome in 2022

Russia's full-scale invasion of Ukraine in February 2022 triggered one of the largest refugee movements in the world. According to the latest figures from UNHCR (November 2025), over 5.7 million persons displaced from Ukraine are currently recorded globally, with approximately 90% of them in Europe.³ In 2022, the people of Europe opened their arms to welcome and succour Ukrainians fleeing the advancing Russian troops and bombing. Volunteers rushed to the borders to provide hot meals, clothes and humanitarian assistance. Local authorities, from major cities to small villages, mobilised to offer emergency shelter, co-ordinate onward travel and provide information.⁴ Civil society and international organisations have also played a key role in supporting people displaced from Ukraine.

On 4 March 2022, the EU activated – for the first time – the Temporary Protection Directive 2001/55/EC (“the TPD”). This marked a timely response that enabled immediate collective protection without lengthy assessments of individual asylum applications. According to the EU Council Implementing Decision 2022/382 activating the TPD, temporary protection applies to Ukrainian nationals who resided in Ukraine before 24 February 2022; to stateless persons and non-Ukrainian nationals who benefited from international protection in Ukraine before that date; and to the family members of these categories. The Decision also mandates protection for stateless persons and nationals of third countries other than Ukraine who were residing in Ukraine before 24 February 2022 on the basis of a valid residence permit and allows member states to extend protection to others (Articles 2 and 3). Following successive extensions of the TPD's applicability to people displaced from Ukraine, it remains in force until March 2027.

Several Council of Europe member states that are not bound by the TPD have activated comparable domestic temporary protection arrangements, including Albania, Denmark, Iceland, the Republic of Moldova, Montenegro, North Macedonia, Norway, Switzerland and the United Kingdom. Temporary protection meant not only the right to stay for those fleeing the war, but also access to the labour market and social rights.

The EU quickly made funding available to its member states, helping them to assist those displaced from Ukraine, and supported co-ordination among states through the Solidarity Platform and the appointment of the Special Envoy for Ukrainians in the EU, Ylva Johansson. The Council of Europe also implemented several actions in support of persons displaced from Ukraine, including grants for immediate aid through the Council of Europe Development Bank (CEB), legal education on temporary protection, human rights monitoring, resources for linguistic and educational integration of children, and work on displaced Ukrainian children.⁵

Europe's response in 2022 remains an enduring example of solidarity and shared responsibility. The Commissioner commends the EU and Council of Europe member states for their actions to safeguard millions in their hour of greatest need.

Current situation and diminishing support across Europe

According to Eurostat, as of March 2026, 4.33 million people displaced by Russia's war against Ukraine were under temporary protection in the EU. The largest numbers of people are hosted in Germany (1,274,955 people, or 29.4% of the EU total), Poland (961,405) and Czechia (379,820), while the highest per capita ratios were in Czechia (34.8 per 1,000 people), Poland (26.3) and Slovakia (26.2).

Among people under temporary protection in the EU, 98.4% were Ukrainian citizens. 43.3% were women and 30.1% were children. While there is no unique register and figures fluctuate, it can be inferred from the UNHCR operational data portal that over 600,000 further people enjoy temporary protection status in non-EU Council of Europe member states.

Discussions are ongoing at EU level about next steps regarding the applicability of the TPD to persons displaced from Ukraine. In 2025, the EU signalled that it was preparing to wind down application of the TPD. The EU Council Recommendation ST/12015/2025/INIT, adopted in September 2025, encouraged EU member states to start taking steps towards transitioning beneficiaries out of temporary protection arrangements. However, most host countries have not taken policy and legislative steps to organise such a transition. In light of the ongoing war in Ukraine and the lack of comprehensive preparation across host countries for this transition, the European Commission proposed in June a one-year extension of the TPD's applicability until March 2028.

In some member states, persons displaced from Ukraine under temporary protection have started to move to residence permits under national law based on employment, resources, family or studies. This approach can offer stability and enable people displaced from Ukraine to better plan their lives. Successive extensions of temporary protection status have offered short term relief. However, they have also created uncertainty and limited access to long-term stay and other residence options. This is notably because time spent under temporary protection does not count towards eligibility for long-term status in many countries.

A handful of EU member states have developed or are in the process of creating dedicated residence statuses for Ukrainians for periods of three to five years. These dedicated permits also include eligibility requirements, administrative costs or link social benefits to employment.⁶

Another trend concerns reductions in the scope of eligibility for temporary protection. For example, some member states have denied or are considering denying temporary protection to individuals originating from selected regions (oblasts) considered safe because they are deemed to be less exposed to the fighting.⁷ Exclusion of men of conscription age from temporary protection is also being considered, both at domestic level and in the ongoing discussions at EU level about the TPD.⁸

As the Commissioner also heard during his meetings with displaced Ukrainians, barriers continue to hinder effective access to labour market. Language barriers remain pervasive. A lack of recognition of diplomas and qualifications from Ukraine is another obstacle, with nearly 60% of employed displaced Ukrainians working below their skill level.⁹ Administrative burdens, such as complex paperwork, delays in granting proof of extension of temporary protection, requirements for swift registration and for documentation can deprive those without proper documentation of effective access to legal status and rights. In many states, integration measures, including language classes, access to mental health services, and affordable housing have been insufficient or subject to premature cuts. Some member states are also

reducing access to essential social support, including free accommodation, child benefits, social protection and health care.¹⁰ In some countries, benefits and access to shelters have been withdrawn on the basis of displaced persons coming from oblasts considered safe.¹¹

Some vulnerable people displaced from Ukraine are experiencing poverty, homelessness, social exclusion, as well as labour exploitation or human trafficking.¹² The Commissioner heard stories of vulnerable displaced Ukrainians facing serious hardship, including lack of access to health care, living in overcrowded dwellings and lack of access to care for older persons or persons with disabilities. The global funding crisis affecting international organisations and civil society is threatening critical support for all refugees, including Ukrainian refugees.¹³

The majority of those displaced from Ukraine are women and children, with specific vulnerabilities. Research shows that underlying structural gender-based inequalities in host countries also affect Ukrainian women's ability to enter the labour market, despite many having a high level of education and having been in full-time employment in Ukraine. This is often due to the lack of affordable childcare, which prevents women from attending language courses and working full time.¹⁴ Displaced women from Ukraine are disproportionately exposed to risks of labour exploitation, human trafficking, and violence, as documented in a survey published by the EU Agency for Fundamental Rights (FRA) in February 2026, entitled "Seeking Safety from War – Violence and rights abuses against women from Ukraine".

A significant number of children displaced from Ukraine are still not enrolled in local schools.¹⁵ Unaccompanied minors from Ukraine are particularly vulnerable and face elevated risks to their safety, well-being and access to rights. Multiple extensions of temporary protection status have led to uncertainty and high levels of anxiety and mental-health distress among children from Ukraine in host countries.¹⁶

There is also a rise in anti-Ukrainian sentiment, with displaced Ukrainians facing hate speech, bullying in schools, intimidation and violence. Certain Ukrainian associations have been vandalised. This hostile sentiment is often fuelled by populism wrapped in an anti-migrant narrative increasingly visible in Europe. Russia appears to amplify these narratives. Such developments compromise the safety of displaced Ukrainians, violate their human rights, and undermine societal cohesion.

Maintaining protection: human rights guidance for the next phase

Taking account of the situation as described above, the Commissioner offers guidance based on member states' international human rights obligations to ensure that displaced Ukrainians remain protected as long as required.

The need to continue protection

Temporary protection is an exceptional measure that functions alongside asylum systems. A premature end to the TPD's applicability and domestic temporary protection schemes, without safety net, risks pushing millions into irregular status, destitution, or involuntary return to a country still at war. Any changes to the protection of persons displaced from Ukraine must comply with international refugee and human rights law principles.

Chief among these is the principle of *non-refoulement*.¹⁷ Additionally, ending protection status must only be considered when circumstances in the country of origin have changed in a fundamental, stable and durable manner sufficient to ensure a safe and dignified return. This is a well-established principle under refugee law.¹⁸ The TPD itself stipulates that a decision of the European Council to end temporary protection shall be based on "the establishment of the fact that the situation in the country of origin is such as to permit the safe and durable return of those granted temporary protection with due respect for human rights and fundamental freedoms and [EU member states'] obligations regarding *non-refoulement*" (Article 6(2)).

The Commissioner considers that the current situation in Ukraine does not meet the standards of changed circumstances allowing a safe and dignified return. The war is not only continuing, but it has also dramatically escalated. According to the UN Human Rights Monitoring Mission in Ukraine, the year 2025 was the deadliest since 2022 and May 2026 saw the highest number of civilian casualties since 2022.¹⁹

Massive attacks involving hundreds of long-range drones and missiles have occurred in recent months. These attacks hit civilian targets across Ukraine, including western regions and Kyiv, far away from the frontlines. Civilians are killed or injured on a daily basis. Russian attacks on homes, hospitals, schools and critical energy infrastructure continue to undermine basic life conditions. Considering this situation, no region of Ukraine should be regarded safe, as also found by the UNHCR.²⁰

The Commissioner furthermore observes that not all protection needs will end upon the restoration of peace. Host countries should avoid hasty returns until it is possible to ascertain a fundamental and durable change in the circumstances in Ukraine. This would include respect for a ceasefire, comprehensive assessment of the security and humanitarian situation in Ukraine, and sufficient time to ensure basic living conditions. This approach is echoed in Ukraine's Demography Development Strategy until 2040 and Plan of Action 2024-2027.

Issues related to restrictions on temporary protection

The Commissioner considers that any restrictions on access to collective temporary protection (at EU and domestic level) must be justified in line with states' international human rights obligations.

As regards restrictions based on “safe” oblasts, this approach does not reflect the realities of Russia’s war against Ukraine. The Commissioner notes that the oblasts considered to be safe are not the same across the countries applying or considering this restriction, which highlights the difficulty of evaluating the highly volatile situation on the ground.

As for the potential exclusion of Ukrainian men of conscription age, the Commissioner notes that requiring citizens to perform military service is permissible under international law. He recognises that conscription by the Ukrainian authorities is legitimate to ensure that Ukraine can exercise its right to self-defence against Russian aggression. The fact that obligatory military service is permitted by international law in one state, however, does not override other states’ international protection obligations.

The Commissioner recalls that the TPD and domestic temporary protection schemes for Ukrainians were established based on the overall situation in Ukraine and the generalised risks for all people in Ukraine. Excluding an entire group on the basis of sex and age requires justification in line with international anti-discrimination standards, including Article 14 ECHR and Article 1 Protocol No. 12 ECHR.

Besides access to collective protection, issues relating to conscription or conditions of military service may give rise to legitimate individual protection claims. In general, a person is unlikely be considered a refugee if their only reason for desertion or draft evasion is a dislike of military service or fear of combat. However, the conditions of service or the consequences attached to evading military service may amount to persecution under the Refugee Convention, for example in cases of disproportionate or arbitrary punishment, discrimination, torture and inhuman treatment, and enslavement or servitude.²¹

In this regard, the Commissioner recalls that, in his July 2025 Memorandum on human rights elements for peace in Ukraine to the Ukrainian authorities, he pointed to serious human rights violations in the context of conscription and called for effective investigations, zero tolerance for ill-treatment and the establishment of an independent oversight mechanism. Reports from the Ukrainian Parliament Commissioner for Human Rights indicate that such human rights violations continue.

Member states should also consider the possible protection needs of people exercising their right to conscientious objection to military service and the possibility of alternative service. The Venice Commission, in an Amicus Curiae Brief to the Constitutional Court of Ukraine considered that, “the very nature of conscientious objection implies that it cannot be fully excluded in time of war, albeit States have a limited margin of appreciation, especially in case of a general mobilisation.”²²

The Commissioner observes that, if restrictions on collective protection under the TPD are nevertheless introduced, member states must ensure access to national asylum systems and individualised assessments of personal circumstances, in compliance with the TPD and international human rights and refugee law. When making such assessments, national authorities should take into consideration up-to-date information from relevant authoritative sources, including the Parliament Commissioner for Human Rights of Ukraine.

Expulsions and undue pressure to return

Despite the continuing need for protection, the Commissioner notes recent media reports suggesting an increase in readmissions to Ukraine following expulsions by member states, notably of people considered ineligible for, or excluded from, temporary or other forms of protection. *Non-refoulement* obligations apply to all people within member states’ jurisdiction,

irrespective of their legal status, circumstances and legality of entry, or any other factor. The Commissioner recalls that UNHCR has an active non-return advisory for Ukraine, and calls on member states to follow this guidance.²³

The Commissioner also warns against undue pressure on persons to return prematurely. Such pressures are increasing as member states reduce assistance or tighten conditions for and access to lawful stay. States shall refrain from creating or tolerating situations which, though falling short of a formal order to return, provide individuals with no real choice but to leave, as life in the host country is made unsustainable.²⁴

This should be distinguished from a displaced person's genuine wish to return to Ukraine despite the ongoing war. Such returns have taken place for a range of personal, family and other reasons. Member states must ensure that these decisions are truly voluntary, including that they are well-informed and taken without coercion or indirect pressures.

Vulnerable people most at risk

At the core of the international and European human rights system is the duty of states to pay specific attention to those most vulnerable, through special protection, positive obligations to remove barriers to accessing rights, and the principle of non-discrimination. Council of Europe member states must ensure that their actions do not discriminate directly or indirectly against any group, including on grounds such as age, gender, disability, education, or socio-economic status and that international protection is maintained for everyone who needs it, for as long as the situation in Ukraine requires.

The Commissioner observes that domestic residence permits for third country nationals and special permits for Ukrainians that are currently being introduced in some host countries exclude the most vulnerable. A considerable proportion of displaced Ukrainians will not meet the mandated eligibility criteria for these permits. Many people live with multiple vulnerabilities that may prevent them from accessing employment or qualifying under other demanding criteria. This includes older persons, persons with disabilities, children and youth, including those outside of education, single mothers with no access to childcare, caregivers, some Roma, de facto stateless persons, households without working-age adults, and people dealing with trauma, such as victims of torture, sexual and gender-based violence or other international crimes.

Even when employed, displaced Ukrainians are often in low-paid jobs with an income below the threshold for residence on migration permits, a concern that displaced Ukrainians raised during meetings with the Commissioner. Furthermore, persons who meet the eligibility criteria for these permits but later lose eligibility would also likely be left without legal right to stay and no clear pathway to return to temporary or other protection statuses. For many people, alternative statuses do not constitute an effective replacement if the need for protection continues after the TPD or domestic temporary protection schemes end. Without adequate planning, millions could face what UNHCR has described as a "cliff edge" scenario when temporary protection suddenly ends.

In this regard, the Commissioner notes that, in some countries, displaced Ukrainians have been prevented from accessing asylum and other international protection because of temporary protection arrangements – an approach which the Court of Justice of the EU found erroneous.²⁵ At the very minimum, member states should ensure effective access to protection status, including asylum and subsidiary protection.

The Commissioner further recalls as a practical consideration that, among the most vulnerable, many may not be able to return for humanitarian reasons or because they have nowhere to go. For example, according to the 2025 UNHCR Recommendations on the continued use of temporary protection, nearly 14% of displaced persons from Ukraine under temporary protection are from territories of Ukraine that are temporarily occupied by Russia.

Keeping attention to women, children and youth

The Commissioner invites host countries to pay attention to the specific needs of women and children in the context of any end of or transition from temporary protection.

As regards women displaced from Ukraine, many would be exposed to losing protection in the event of a premature end to temporary protection schemes because they are less likely to have access to other residence permits based on employment or other strict criteria. Another concern for women, which was repeatedly raised during the Commissioner's meetings with displaced Ukrainians, is the fact that, even though they may want to return to Ukraine, they need to remain in host countries to protect and support their children in their studies. The situation of women with intersectional vulnerabilities, such as older women, women with disabilities, women from territories of Ukraine temporarily occupied by Russia, Roma women and LGBTI women, requires additional attention, notably in relation to availability of required care, discrimination or lack of documentation.

In line with the Council of Europe Committee of Ministers' Recommendation CM/Rec(2022)17 on protecting the rights of migrant, refugee and asylum-seeking women and girls, member states should adopt a gender sensitive approach in order to prevent gaps in the protection status of women as long as the situation in Ukraine requires. They should not return women where their life would be at risk or where they might be subjected to acts of torture or inhuman or degrading treatment or punishment, including those acts which disproportionately affect women and girls or are directed at them because they are women or girls.

Policies relating to temporary protection must also fully respect children's rights and account for the best interests of the child, in compliance with the United Nations Convention on the Rights of the Child. Member states should consider the ties formed by children and youth with their host communities, as well as their right not to be separated from their parents, in compliance with Article 8 ECHR which protects the right to respect for private and family life. Robust guardianship systems must ensure that the best interests of unaccompanied children are protected, including with regard to their protection status and possible return.

The Commissioner invites host countries to pay specific attention to youth displaced from Ukraine. As young adults, they are in their formative years, making important decisions regarding their studies, careers and life paths. Policies that overlook these developmental needs risk disrupting their prospects. Member states should adopt approaches that respect the rights, aspirations and best interests of youth.

Ensuring participation in host societies

Beneficiaries of international protection enjoy the right to housing, healthcare, education, work and social protection grounded in the European Social Charter (ESC), the case-law of the European Committee of Social Rights, and international legal standards such as the International Covenant on Economic, Social and Cultural Rights (ICESCR).²⁶

States must realise these rights to the maximum extent of available resources and, where needed, within the framework of international cooperation. Host countries should ensure effective access to these rights, including by providing support such as language courses, job-matching, and recognition of qualifications. The Commissioner observes that investment in upholding the social rights of people displaced from Ukraine is not only required under international human rights law, but is also in the interests of both host countries and Ukraine.

The Commissioner further observes that, in line with the internationally accepted framework for durable solutions for refugees,²⁷ host countries should not only envisage returns but also ensure avenues for local integration, since some displaced Ukrainians will remain in their host communities. This can be done concurrently with preserving Ukrainians' contacts with their country, as well as access to culture, language and history. In this light, the Commissioner notes the important role of the Ukrainian diaspora in supporting displaced Ukrainians. In addition, initiatives such as unity hubs established in host countries in cooperation with Ukraine should be encouraged. Ukraine's Unity Hub in Berlin, supported financially by the German authorities, serves as a valuable model.

Strengthening information and consultation

The lack of clear, accessible, and reliable information about the future of temporary protection continues to be a great source of anxiety, as was also indicated by displaced Ukrainians with whom the Commissioner met. Lack of information about procedures, options and eligibility criteria, effectively compounds the risk of a "cliff edge" scenario, with many frozen in indecision or at risk of inadvertently falling out of legal protection, particularly the most vulnerable. This uncertainty exacerbates psychological trauma, creates significant barriers to integration and participation in host societies, and undermines the ability of displaced persons to make informed choices. Host states should ensure that affected communities have access to clear and timely information about their legal status.

Too often, policies about displaced Ukrainians are made without their direct input. Meaningful consultation of displaced people from Ukraine is needed to affirm their dignity and agency as rights holders and to ensure that protection and/or transition policies are fit for purpose. The Commissioner considers that host states should consult displaced persons, as well as civil society and national human rights institutions and international organisations working with them, including on issues related to transition out of temporary protection and the prospect of return or future integration options.

Voluntary and dignified returns when the time comes

As discussions begin about the future of displaced Ukrainians after the war, Council of Europe member states should start preparing for a time when safe and dignified return can be considered. For displaced Ukrainians, return is not a matter of simply going back – it is a multifaceted process that must take place in an atmosphere of safety, dignity, voluntariness and respect for human rights. Once the conditions for a safe and dignified return are met and protection is no longer necessary, member states should provide for a transition period and adopt a gradual, measured approach to returns to avoid abrupt large-scale movements of people.

The Commissioner observes that returns should be based on positive incentives and adequate support, not administrative pressure or coercion. For returns to be voluntary, people should have access to clear information under conditions allowing a considered choice.

Returns must be safe and secure. Essential material needs, such as access to water, food, shelter, and healthcare, must be guaranteed. Ensuring the safety of returnees involves protecting their physical well-being, including freedom from violence or the threat posed by landmines. Legal safety is equally important, for example for individuals who worked under duress during the Russian occupation before leaving Ukraine, or who left by crossing borders irregularly due to extraordinary circumstances. Returns must also be dignified. Dignity in return means respecting returnees as rights holders, with particular attention to the most vulnerable.

Safe and dignified return should be informed by the UN Global Compact for Safe, Orderly and Regular Migration and the UN Development Programme (UNDP) Humanitarian-Development-Peace Nexus approaches, which promote cooperation, collaboration and coordination among humanitarian, development and peacebuilding actors from the very outset of displacement. Such an approach ensures that returnees are systematically included in national development plans, social safety nets, and locally focused reconstruction initiatives. In its Position on returns to Ukraine, the International Organisation for Migration (IOM) supports an integrated approach to reintegration across the economic, social and psychosocial dimensions, with adaption of individualised reintegration to take account of collective reintegration at the community level in line with local priorities and ongoing recovery and reconstruction efforts.²⁸

Returns should be gender-sensitive. In this respect, the Commissioner notes a dedicated Council of Europe guide entitled “Safe and Dignified: Gender-sensitive voluntary return strategies for Ukraine, anchored in Council of Europe standards.” The guide stresses the importance of addressing challenges facing women such as violence, discrimination, access to essential services, documentation, and successful reintegration. Gender-sensitive risk identification and need assessments should take place before, during and after return.

Displaced persons often lack trustworthy information about the situation in Ukraine and support for their return. Supported ‘go-and-see’ visits, clear official communication, and transparency around entitlements and risks are good practices. The Commissioner notes with concern that some protection statuses offered by host countries, such as subsidiary protection, prevent displaced persons from visiting Ukraine. According to UNHCR’s Position on the impact of travel to Ukraine on refugees’ legal status and access to rights in host countries, such a condition is not justified, and the possibility of conducting short visits to Ukraine does not undermine the overall assessment of the international protection needs of Ukrainians.

As recognised by the UN Principles on Housing and Property Restitution for Refugees and Displaced Persons (the Pinheiro Principles), displaced persons have the right to have restored

to them any housing of which they were arbitrarily or unlawfully deprived, or to be compensated for it when it is impossible to restore. However, with many homes destroyed or inaccessible, especially in the territories of Ukraine temporarily occupied by Russia, the challenge is immense. In this respect, the Ukrainian government's existing compensation schemes should be supported. However, these schemes do not currently provide compensation for housing lost or damaged in the temporarily occupied territories. It is positive that such compensation is envisaged through the Register of Damage for Ukraine, but this will only become a reality once the Claims Commission becomes operational and funds are made available.

The Commissioner reiterates his position, stated in his July 2025 Memorandum on human rights elements for peace in Ukraine, that all victims of Russia's internationally wrongful acts in or against Ukraine since 2014 should receive reparations. He welcomes that displaced Ukrainians can now submit compensation claims for involuntary displacement outside of Ukraine to the Register of Damage for Ukraine. Reparations for returnees, especially those who lost their homes, will be of particular importance for their return. Host country authorities should promote the submission of claims to the Register of Damage. Furthermore, the Commissioner encourages Council of Europe member states to ratify the Convention establishing an International Claims Commission for Ukraine and support the future compensation scheme. Pending compensation, support to social housing should be ensured. The Commissioner notes such initiatives by several Council of Europe member states and that Ukraine is currently developing a new social housing strategy.

Shattered social infrastructure could render returns premature or unsustainable. Due to large-scale displacement, military strikes and other war-related factors, existing institutions may lack sufficient staff, funding or basic physical conditions to welcome returnees. In this regard, the Commissioner encourages continuous support for the reconstruction of infrastructure with possible future returns in mind. He concurs with the position of the Council of Europe Congress of Local and Regional Authorities that social infrastructure must be rebuilt "better", more resilient and greener, offering improved accessibility, safety and inclusiveness to women, children, older persons, veterans and persons with disabilities.²⁹ In this respect, the Commissioner welcomes the Council of Europe Development Bank's ongoing and increased support for Ukraine's recovery, housing, and healthcare, with a focus on vulnerable groups.

Children and youth returning from abroad may require targeted educational support to bridge gaps caused by displacement, trauma, language barriers, and differences in curricula between host countries and Ukraine. The Commissioner encourages support for Ukraine's preparation for reintegration across the educational spectrum to ensure continuity and prevent disadvantage. Psychosocial support, especially for children and those affected by war, should be widely available.

Effective recognition of qualifications and experience gained abroad will be needed for economic reintegration and should be guided by the Council of Europe standards.³⁰ The Commissioner considers that experience acquired in host countries must be valued and formally recognised, including for pension purposes.

Returns will test the resilience and solidarity of communities, particularly where issues of collaboration, lingering suspicion and trauma will persist. Transitional justice measures, anti-discrimination policies, support for victims and other vulnerable persons, and effective strategies to prevent stigma in communities will be crucial.

Preparations for this future, by Ukraine, host countries, and international partners must continue and intensify. This requires developing domestic policies and practical measures anchored in the human rights framework, in dialogue with displaced persons. The forthcoming

Council of Europe Action Plan “Democratic Security for Ukraine” 2027-2030 which is currently being prepared with the Ukrainian authorities will further support Ukrainian authorities in promoting safe, dignified and gender-sensitive voluntary return. It will also contribute to improving the overall conditions for such return by advancing good governance, the rule of law and human rights.

Recommendations

The Commissioner recommends that member states:

Ensure continuity of protection for as long as necessary – either by extending temporary protection or by providing alternative legal statuses – until the circumstances in Ukraine have changed in a fundamental and durable manner sufficient to ensure a safe and dignified return, in accordance with international refugee law and human rights obligations. **Refrain from consideration of forced returns and expulsions** until that time has come.

Refrain from policies and practices that could lead to unsafe or premature returns. Do not reduce social assistance or impose excessive barriers to temporary protection and legal stay while individuals are still in need of protection.

Guarantee protection without discrimination based on employment status, duration of stay, possession of travel documents, region of origin, sex, age or other factors. Explicitly address **the needs of vulnerable groups** and adopt approaches to temporary protection that are **gender-sensitive and uphold the rights of children and youth**.

If transitioning from or restricting access to collective temporary protection, maintain full access to asylum procedures and individualised assessments. Uphold the principle of *non-refoulement*, grounded in up-to-date analysis of the situation in Ukraine.

Adopt a common and co-ordinated approach that avoids an abrupt end to temporary protection and enables displaced persons from Ukraine to plan appropriate pathways to remain protected for as long as required by the circumstances in Ukraine.

Ensure ongoing access to social rights for all those in need of protection during any transition from temporary protection to another status, including the right to work, housing, healthcare, and key social benefits.

Strengthen solidarity by ensuring adequate and sustained humanitarian funding for programmes across member states to effectively assist persons displaced from Ukraine.

Consult with affected persons when designing policy options and prioritise timely, clear and accessible information on protection and other legal statuses in host countries, including eligibility, procedures, timelines and implications for rights.

Respond proactively to discrimination and hate speech, strengthen protections against them, and promote inclusive narratives to support the integration and dignity of all displaced persons.

Ensure all returns are voluntary, safe, and dignified, with clear information and without any form of coercion or administrative pressure.

Prepare coordinated support for future returnees already now, including adequate housing, access to essential services, compensation or restitution for lost property, and targeted educational and psychosocial assistance. Prioritise sustainable reconstruction of infrastructure and institutions to ensure accessible, resilient, and inclusive environments for returnees.

Anticipate and implement social cohesion measures, including anti-discrimination and transitional justice measures, to support the effective reintegration of future returnees. Engage

displaced persons and affected communities in the design and implementation of return and reintegration policies. Recognise work qualifications, education and services received abroad, and connect them with local opportunities.

Endnotes

¹ Committee of Ministers of the Council of Europe, Resolution (99)50, adopted 7 May 1999.

² Council of Europe Commissioner for Human Rights, [Memorandum on human rights elements for peace in Ukraine](#), 8 July 2025.

³ The number of people displaced from Ukraine is much higher when taking into consideration those displaced since the illegal annexation of Crimea in 2014. The Ukrainian Ministry of Foreign Affairs' [estimate](#) is over 8 million people. Although these Observations do not specifically address the situation of those who have left since 2014, some of the recommendations in this document are relevant to upholding their rights.

⁴ EU Fundamental Rights Agency, [Fleeing Ukraine: Displaced People's experiences in the EU](#), 2023.

⁵ See among others, [CEB and Ukraine refugees](#), 2022; relevant work of the European Commission on Racism and Intolerance; the Group of Experts on Action against Trafficking in Human Beings; [HELP](#) online course on temporary protection; Division on Migration and Refugees, [Ukraine – Displacement](#); [Consultation Group on the Children of Ukraine](#); [Supporting the \(linguistic\) integration of refugees from Ukraine](#).

⁶ For example, Poland's new [CUKR residence card](#) involves a short registration deadline, administrative fees and does not open access to healthcare and children benefits for people not in employment. Czechia's [special long-term residence permit](#) requires a yearly minimum income and valid travel documents, and links benefits to employment. In [Ireland](#), the permit under consideration will also be linked to employment with a minimum annual income. By contrast, no such condition is envisaged in a 3-year transition permit envisaged in [The Netherlands](#).

⁷ For example, [Switzerland](#) and [Norway](#) have already implemented such restrictions. [Denmark's](#) previous government put forward a proposal to exclude certain regions from temporary protection and [Czechia](#) is also considering such an approach.

⁸ In March 2026, [Norway](#) excluded men between 18–60 from automatic temporary protection (unless exempt from military service), with new applications processed individually instead. See also, Politico, ['Strong support' for excluding fighting-age men from EU's Ukraine refugee scheme](#), 5 June 2026.

⁹ UNHCR, [Labor market integration of Ukrainian refugees in Europe: Employment gaps, skill mismatches and economic gains](#), January 2026.

¹⁰ This has happened, for example, in Belgium, Czechia, Germany, Ireland, Norway, Poland, and Slovakia. See for example, Euronews, [Refugee allowance and rent compensation: here is how benefits for Ukrainians are changing in Europe](#), 24 April 2025; RBC-Ukraine, [EU trend shift: countries cut benefits for Ukrainian refugees as support policies tighten](#), 25 February 2026; People in Need, [European countries are cutting housing support for refugees, leaving vulnerable groups at risk](#), 29 April 2024; Government of Norway, [New measures to ensure continued control of immigration](#), 30 January 2024; Info migrants, [Germany: Reduced benefits for Ukrainians who arrived after March 2025](#), 15 January 2026; [Poland to restrict free healthcare for Ukrainian refugees as support scheme is overhauled](#), 24 January 2026.

¹¹ For example in [Hungary](#), where Roma from the western regions of Ukraine were particularly affected by this measure.

¹² European Council on Refugees and Exiles, [AIDA Comparative Report: Access to socio-economic rights for beneficiaries of temporary protection](#), 22 January 2025. See also the [work](#) of the Council of Europe Division on Migration and Refugees on the reception and integration of Ukrainian war-displaced persons.

¹³ For example, shortfalls in funding from international donors have led to drastic reductions in the UNHCR outstanding cash assistance programme for persons displaced from Ukraine in Moldova. See, UNHCR, [Important announcement to the refugee community in Moldova](#), March 2026.

¹⁴ UNHCR labour market report; ICMPD, [New perspectives: Labour Market integration of displaced Ukrainian women, A comparative study of Austria, Germany and Poland](#), May 2025.

¹⁵ Consultation Group on Children of Ukraine, [Mapping study on children of Ukraine's access to education in Council of Europe member states](#), 2024.

¹⁶ Missing Children Europe, [YoU Decide Research Report: Reclaiming Our Voice](#), March 2026.

¹⁷ This principle prohibits returning individuals to a country where they would face threats to life or risk of torture and inhuman or degrading treatment, including under Articles 2 (the right to life) and 3 (the prohibition of torture or inhuman or degrading treatment or punishment) of the European Convention on Human Rights (ECHR). Non-refoulement obligations also arise from other international instruments, including the 1951 Refugee Convention, the International Covenant on Civil and Political Rights (ICCPR), and the UN Convention against Torture.

¹⁸ UNHCR Executive Committee, [Conclusions No. 69 \(XLIII\) on Cessation of Status \(a, b\)](#), 43rd Session, 1992; UNHCR, [Guidelines on International Protection No.3: Cessation of Refugee Status under Article 1C\(5\) and \(6\) of the 1951 Convention relating to the Status of Refugees \(the "Ceased Circumstances" clauses\)](#), (HCR/GIP/03/03), 10 February 2003; [EU Qualification Regulation \(2024/1347\)](#), Article 16(2)(b).

¹⁹ UN Human Rights Monitoring Mission in Ukraine, [2025 deadliest year for civilians in Ukraine since 2022, UN human rights monitors find](#), January 2026; [Protection of Civilians in Armed Conflict](#) – May 2026.

²⁰ UNHCR, [Deadly attacks in western Ukraine show that no part of the country is safe](#), 20 November 2025.

²¹ UNHCR, [Guidelines on International Protection No. 10](#) “Claims to Refugee Status related to Military Service within the context of Article 1A (2) of the 1951 Convention and/or the 1967 Protocol relating to the Status of Refugees”, para. 12, 31 and 32, November 2014.

²² The right to conscientious objection is derived from Article 9 ECHR and Article 18 ICCPR. Under international and European human rights law, member states are required to introduce alternative service. See for example: UN Human Rights Committee, [General Comment No. 22 on ICCPR Article 18](#), 30 July 1993; ECHR, [Factsheet on conscientious objection](#), March 2024 and *Bayatyan v. Armenia*, Applications No. [23459/03](#), judgment of 7 July 2011; Council of Europe Committee of Ministers [Recommendation No. R\(87\)8](#) on Conscientious objection to compulsory military service, 9 April 1987; CJEU, [C-238/19](#), *EZ v Bundesrepublik Deutschland*, judgment of 19 November 2020. Venice Commission, [Amicus Curiae brief](#) to the Constitutional Court of Ukraine, 15 March 2025.

²³ UNHCR, [Position on Returns to Ukraine](#), March 2022.

²⁴ See, for example, International Law Commission, [Draft Articles on Expulsion of Aliens](#) 2014, with commentaries, Article 10.

²⁵ Court of Justice of the European Union, [Case C-195/25, Framholm](#): Judgment of the Court (Third Chamber) of 20 November 2025 (request for a preliminary ruling from the Förvaltningsrätten i Göteborg – Sweden).

²⁶ UNHCR, [Guidelines on International Protection No.3: Cessation of Refugee Status under Article 1C\(5\) and \(6\) of the 1951 Convention relating to the Status of Refugees \(the “Ceased Circumstances” clauses\)](#), (HCR/GIP/03/03), 10 February 2003, para 24.

²⁷ UN [Global Compact for Safe, Orderly and Regular Migration](#), 13 July 2018.

²⁸ IOM, [Return, reintegration and recovery: IOM position on returns to Ukraine](#), 2023.

²⁹ Congress of Local and Regional Authorities of the Council of Europe, [A strategic approach to supporting the recovery and reconstruction of Ukraine at local and regional levels](#), 31 March 2026.

³⁰ [Recommendation](#) CM/Rec(2025)6 of the Committee of Ministers to member States on qualifications and linguistic competences of refugees in Europe.