Parliamentary Assembly
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COUNCIL OF EUROPE
CONSEIL DE L'EUROPE

Resolution 2448 (2022)[1]

Humanitarian consequences and internal and external displacement in connection with the aggression of the Russian Federation against Ukraine

Parliamentary Assembly

1. The Parliamentary Assembly is extremely concerned about the humanitarian consequences caused by the Russian war of aggression against Ukraine, which has displaced millions of people and caused the largest population movement since the Second World War. It is appalled by the staggering and growing numbers, with more than a quarter of the Ukrainian population having fled the bombing, atrocities and terror by mid-May 2022.

2. The Assembly strongly condemns the forced deportation by the Russian Federation of more than 1 million Ukrainians from the temporarily occupied territories of Ukraine to its territory under the guise of "peaceful evacuation" and is struck by the fact that 183 000 children are among them.

3. The Assembly also recalls its Resolution 2198 (2018) "Humanitarian consequences of the war in Ukraine" in which the Assembly had already expressed alarm at the humanitarian situation resulting from the ongoing Russian war against Ukraine, however, the situation at present has deteriorated and needs extraordinary and swift steps to address it.

4. Applauding the rapid reaction of the Council of Europe, which suspended the Russian Federation as early as 25 February 2022 and excluded it on 16 March 2022, in response to Opinion 300 (2022) "Consequences of the Russian Federation's aggression against Ukraine" adopted unanimously by this Assembly, the Assembly calls on Council of Europe member States to support the Organisation's long-term commitment to Ukraine as set out in the adjusted Action Plan for Ukraine (2018-2022), which contains a series of immediate measures to address the direct consequences of the aggression committed by the Russian Federation.

5. The Assembly commends the solidarity demonstrated by Council of Europe member States in opening their borders from 24 February 2022 and welcomes the fact that the European Union States have activated, for the first time since its adoption in 2001, Directive 2001/55/EC (the so-called "Temporary Protection Directive") and incorporated it into their national law. It calls on all national parliaments, including those of non-European Union member States that have not yet done so, to put in place at least equivalent protection and to extend it to also cover third-country nationals. This could include the lifting of visa restrictions where necessary.

6. The Assembly is impressed by the admirable efforts made by Ukraine, which, in addition to defending its territory and the values of freedom and democracy it holds dear, has to meet the needs of the 7 to 9 million displaced persons who have found refuge in regions hitherto relatively untouched by the war.

1. *Assembly debate* on 22 June 2022 (22nd sitting) (see Doc. 15547 and addendum, report of the Committee on Migration, Refugees and Displaced Persons, rapporteur: Mr Pierre-Alain Fridez). *Text adopted by the Assembly* on 22 June 2022 (22nd sitting).

7. While hoping for a rapid cessation of hostilities, the Assembly is aware that the humanitarian consequences will not be resolved in the short term. It is therefore essential to ensure continued, long-term and co-ordinated support from Council of Europe member States in order to guarantee that displaced persons and refugees from Ukraine receive all the assistance they need to live in dignity and face the future.

8. The Assembly calls on the Ukrainian and Russian authorities to resume the exchange of prisoners of war and return them to their territories in accordance with the rules of the Geneva conventions, through the International Committee of the Red Cross and other international humanitarian organisations.

9. Convinced that the dignified reception of those who have fled the war in Ukraine is undeniably a duty of all Council of Europe member States, the Assembly believes it is necessary to create the conditions if the resilience of the Ukrainian people is to be sustainable in the long term.

10. At the same time, it is necessary to start thinking now about the reconstruction of Ukraine, which will have to face many challenges, especially with regard to the environment and infrastructure. In this context, the Assembly welcomes the pledges made at the High-level International Donors' Conference for Ukraine in Warsaw held in Warsaw on 5 May 2022. In parallel, the Council of Europe will promote and ensure a comprehensive system of accountability for the war of aggression against Ukraine and gross human rights breaches by institutionalising a compensation mechanism for Ukraine. This international assistance will need to be carefully targeted and co-ordinated in order to meet all of Ukrainian society's needs.

11. In the meantime, as long as the war continues, the Assembly stresses the need for a co-ordinated, continuous, long-term and non-discriminatory support policy, involving all relevant players, international organisations, central authorities, regional and local authorities, civil society and the private sector.

12. Acknowledging the enormous generosity shown by Europeans towards Ukraine through the very substantial humanitarian donations made since 24 February 2022, the Assembly regrets their gradual decrease and urges constant and sustained efforts, while recalling that this humanitarian aid must be subject to monitoring and quality control. To this end, it encourages the European Union, the relevant United Nations agencies and the Ukrainian authorities responsible to set up a mechanism to carry out these tasks.

13. The Assembly calls on the European Union to urgently provide explicit legal clarification on the rights of those benefiting from temporary protection who, having stayed in the European Union for more than 90 days within a 180-day period and then returned to Ukraine, wish to re-enter the territory of the European Union.

14. The Assembly encourages the member States to develop humanitarian crisis-management action plans in order to avoid the improvisation seen in the early days of the war. Those States with no tradition of taking in migrants should reflect on their recent experience in order to envisage a paradigm shift.

15. The Assembly considers that an integrated approach to the assessment of Ukraine's humanitarian needs is indispensable. In this context, the support provided by international organisations, in particular the Office of the United Nations High Commissioner for Refugees (UNHCR) and the International Organization for Migration (IOM), is essential.

16. The Assembly recalls that infrastructure issues (roads, transport, water drainage, waste management, etc.) need to be examined at the same time as the assessment of housing needs. It welcomes the recent initiative of 120 architects from all over Ukraine who met in Irpin in the Kyiv region to draw up a development strategy for the reconstruction of the city and recommends the creation of a network of non-governmental organisations that, under the leadership of the Council of Europe's Conference of International Non-Governmental Organisations, will bring together architects and engineers from Council of Europe member States who could provide support to their Ukrainian colleagues.

17. Recognising the primary responsibility of national authorities for taking in refugees, the Assembly is impressed by the key role played by civil society in providing a dignified humanitarian response to the plight of the Ukrainian people and realises that this support is essential for addressing the many challenges faced by host States. It regrets, however, that this role does not always receive due recognition and calls on national authorities to treat non-governmental organisations, Ukrainian diaspora associations, volunteers and other players as full partners. Those partners whose competences and involvement are well established should be eligible for national and international funding.

18. The Assembly is deeply concerned about the plight of certain vulnerable groups.

18.1. It encourages the member States of the Council of Europe, including their national parliaments, to embrace the activities, norms and standards developed in connection with the Council of Europe Action Plan on Protecting Vulnerable Persons in the Context of Migration and Asylum in Europe (2021-2025) in order to implement all necessary measures to address the vulnerability of certain individuals.

18.2. It reiterates the compelling need to identify those in vulnerable situations at an early stage and to comply with the norms and standards of the Council of Europe as developed in connection with the Council of Europe Action Plan on Protecting Vulnerable Persons in the Context of Migration and Asylum in Europe (2021-2025).

18.3. In order to prevent human trafficking, it recommends the establishment of a transnational tracking system that would help border police to identify potential victims more easily. In general, it is still necessary to intensify measures to prevent and combat human trafficking and the abuse and exploitation of vulnerable people, especially women and children, drawing on the guidance note on addressing the risks of trafficking in human beings related to the war in Ukraine and the ensuing humanitarian crisis from the Group of Experts on Action against Trafficking in Human Beings (GRETA).

18.4. Recalling that unaccompanied and missing children (whether they have left Ukraine or are still on its territory) are at a higher risk of sexual exploitation and abuse, the Assembly welcomes the statement on protecting children from sexual exploitation and sexual abuse resulting from the military aggression of the Russian Federation against Ukraine adopted on 10 March 2022 by the Committee of the Parties to the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (CETS No. 201) (the Lanzarote Committee). It is essential that States implement the recommendations adopted by the Lanzarote Committee in the context of its special report “Protecting children affected by the refugee crisis from sexual exploitation and sexual abuse” and follow the guidance to States on the prevention and protection of children from sexual exploitation and sexual abuse in the context of migration and asylum contained in the checklist prepared for this purpose.

18.5. Welcoming Recommendation CM/Rec(2022)17 of the Committee of Ministers of the Council of Europe on protecting the rights of migrant, refugee and asylum-seeking women and girls, adopted on 20 May 2022, the Assembly calls for its effective implementation. In this context, it calls for the implementation of gender-sensitive policies and services.

18.6. It emphasises the importance of the accountability and transparency of aid beneficiaries and the distribution of international aid, assistance and funding for the urgent needs of displaced persons.

18.7. The Assembly regrets that third-country nationals have not been given the same welcome as Ukrainian nationals and reiterates the obligation to protect people fleeing from Ukraine against xenophobic and racist violence and hate speech. It strongly encourages member States to take due account of the statement on the consequences of the aggression of the Russian Federation against Ukraine adopted by the European Commission against Racism and Intolerance (ECRI) at its 88th plenary meeting (29 March-1 April 2022) and hopes that the response by member States and the many initiatives developed during this period will also benefit other refugees in Europe and that a new approach will be adopted towards them. The Assembly stresses the need to ensure equal opportunities in access to education for all pupils and students whose education was interrupted by the outbreak of hostilities in Ukraine. It also recommends introducing the possibility of taking examinations remotely, particularly for students from third countries, or the option of returning to Ukraine to study once that is practicable.

18.8. The situation of Roma remains a matter of concern. It has exposed the continuing difficulties concerning identity documentation for Roma in Ukraine and the need to resolve these difficulties as soon as conditions permit. The Assembly stresses the need for safe and regular routes to safety for everyone, regardless of their nationality, ethnicity or religion – including stateless people and undocumented Roma. It refers to the statement by the Commissioner for Human Rights of the Council of Europe of 7 April 2022, who urged all member States to raise awareness of the vulnerabilities and difficulties faced by Roma fleeing the war, and to increase their efforts to resolve them, in particular by ensuring that humanitarian assistance is provided to everyone, without any discrimination. The Assembly suggests that, when preparing their monitoring reports on the situation in Ukraine and the other countries concerned, the relevant Council of Europe bodies should take stock of the situation and propose concrete solutions and recommends the mobilisation of the Council of Europe’s Roma and

Travellers Team to ensure that Roma fleeing the fighting are given adequate and long-term protection, including the possibility to obtain a residence permit or citizenship and, indeed, to participate in integration programmes without being stigmatised.

18.9. The Assembly reiterates the need to ensure the rights of everyone, without discrimination, and in this connection calls on all member States to consider the situation of LGBTI (lesbian, gay, bisexual, transgender, intersex) persons who are still in Ukraine or are fleeing the war in order to ensure that their vulnerability and needs are fully taken into account in the humanitarian assistance provided to them.

18.10. The Assembly recalls that the situation of children requires specific measures, based on the principle of the best interests of the child. With regard to unaccompanied and separated children, it refers to Resolution 2449 (2022) "Protection and alternative care for unaccompanied or separated migrant or refugee children", to the Recommendation of the Committee of Ministers CM/Rec(2019)11 on effective guardianship for unaccompanied and separated children in the context of migration, and to the "Guide on family-based care for unaccompanied and separated children", adopted by the Steering Committee for Human Rights (CDDH) in December 2021. It also recalls the measures proposed under strategic objective 6 ("Children's rights in crisis and emergency situations") of the new Council of Europe Strategy for the Rights of the Child (2022-2027), in particular with regard to the protection of migrant children and children affected by armed conflicts.

19. Understandably, people who have fled Ukraine face a dilemma of wishing to return as quickly as possible on the one hand and needing to integrate on the other. The Assembly recognises displaced persons' desire for a safe, voluntary and dignified return, while being aware, just as they are, of the unstable security situation. It believes it is essential for people who have fled abroad to escape the war to find their place in the host society during their stay.

19.1. Therefore, as soon as possible and at the latest after completing their school year based on the Ukrainian curriculum, children should be encouraged to attend school in the country in which they are living at the beginning of the 2022 school year. The summer holidays could provide an opportunity to prepare them for starting school in their host country. The language education and linguistic integration tools for children developed by the Council of Europe should be used systematically. On their return to Ukraine, the learning acquired should be recognised by the Ukrainian school system. Access for their children to pre-school facilities is also very important for many women arriving with young children, for whom the lack of this type of childcare would make their integration and access to the labour market even more difficult.

19.2. The Assembly is also aware that access to employment in host countries remains a major challenge for refugees from Ukraine, in particular with regard to the recognition of their qualifications. It welcomes the efforts already undertaken to strengthen the abilities of professionals in qualification recognition in order to facilitate the efficient, professional and fair processing of Ukrainian qualifications, and is pleased that the European Qualifications Passport for Refugees can assist refugees and host governments in the near future. Already, 16 European countries have joined this Council of Europe project and the Assembly encourages others to do so in order to assess the qualifications of Ukrainian people who have been forced to flee the war, even in the absence of full documentation.

19.3. Local authorities, in co-operation with Ukrainian diaspora organisations and other civil society representatives, should support the opening of "Ukrainian houses", integration centres for displaced Ukrainian people to better facilitate their socialisation and psychological assistance, as well as their linguistic preparation with a view to employment; national authorities should facilitate the resolution of the housing problems faced by displaced Ukrainian persons, including through programmes to partially subsidise rental costs.

19.4. An assessment of the needs, both material and psychological, of those who go back to Ukraine should be carried out by the relevant bodies and international support programmes to ensure that these people do not face hardship on their return.

19.5. Special online educational programmes for Ukrainian children should be funded so that they can continue their education according to the Ukrainian system.

20. The Assembly is concerned about the mining of Ukraine's territory by Russia in the context of creating conditions for the safe return of displaced persons and calls for intensified efforts to assist Ukraine in accelerating the demining process of its own territories.

21. The Assembly welcomes the active role played by the Council of Europe Development Bank (CEB) in assisting those fleeing the war in Ukraine through grants from its Migrant and Refugee Fund and through loans. Recognising that the arrival of thousands of refugees from Ukraine has posed an undeniable challenge to its neighbouring countries, particularly in terms of public services, such as schools, hospitals and transport, which were already insufficient before the war, it considers that the current situation of soaring needs should be turned into an opportunity and serve as an impetus to strengthen failing and/or insufficient public services, particularly through the CEB's involvement.

22. In this context, the Assembly calls on Council of Europe member States to further strengthen the CEB's resources with a view to improving its ability to address urgent needs through targeted grants and increasing its capacity to finance long-term investments in social infrastructure in countries hosting large numbers of Ukrainian refugees, and it urges Ukraine to join the CEB as quickly as possible.

23. Recognising the key role of local and regional authorities in addressing the dire humanitarian consequences faced by citizens and aware that needs are best assessed as close to their source as possible, the Assembly applauds the establishment of the Cities4Cities platform supported by the Congress of Local and Regional Authorities of the Council of Europe as a co-ordination point for responding to the demands and needs of Ukrainian cities and regions in a synchronised manner. It calls for this initiative to be transformed into a fully-fledged European twinning platform to enable the establishment of detailed twinning arrangements, with the aim of mobilising solidarity and ensuring that the humanitarian aid provided corresponds to actual requirements and is channelled to where it is needed. In addition, the Assembly invites the Congress of Local and Regional Authorities to consider ways of helping local authorities to manage the humanitarian consequences for local communities, in co-ordination with other relevant players.

24. Member States that do not share a border with Ukraine need to do more to co-ordinate and support the tremendous efforts being made in the neighbouring countries. The Assembly calls on central, regional and local authorities to facilitate the intra- and international transport of displaced persons, in particular by providing additional means of transport and related services, such as information/guidance, the organisation of social housing and the enrolment of children in schools. The Assembly also advocates the creation of a platform, unified at the European level, for the provision of information and the purchase of train tickets, a distant descendant of the Interrail Card, which was created at the initiative of the Council of Europe.

25. Lastly, the Assembly, aware of the very important role played by the private sector in mitigating the damage caused by the humanitarian crisis resulting from the Russian aggression against Ukraine, and of the role the Assembly itself will be called upon to play in the country's reconstruction, encourages Council of Europe member States, in terms of information and internet society provision of services to exploit the possibilities provided by the partnership between the Council of Europe and the private sector in order to maintain and promote the implementation and/or reconstruction of digital infrastructure and related services, including a secure and open internet that respects human rights both online and offline.