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From:	Presidency
To:	Delegations
Subject:	The Russian war of aggression against Ukraine — The broad fundamental rights impact in the EU

For the meeting of the Working Party on Fundamental Rights, Citizens' Rights and the Free Movement of Persons (FREMP) on 10 November, the Presidency has invited the EU Agency for Fundamental Rights (FRA) to present its new bulletin "The Russian war of aggression against Ukraine — The broad fundamental rights impact in the EU". Subsequently, the Member States can discuss the findings and present their experiences in tackling the challenges that the situation in Ukraine has brought about in their countries.

The Russian invasion of Ukraine is a grave threat to human rights in Europe. The FRA examined its fundamental rights impact in Hungary, Poland, Romania and Slovakia in the first weeks of the invasion and published its first Ukraine bulletin in May 2022¹. Since then, the FRA has collected information on the situation across all EU Member States, and on 21 October 2022 it published a second bulletin on recent developments in the EU². The bulletin focuses on efforts made by governments, supported by EU guidance, tools and funding, and in collaboration with local authorities and civil society.

The bulletin shows that at the borders, many of the initial difficulties have been resolved, allowing people fleeing Ukraine to safely cross and access the appropriate procedures. Procedures and practices for residence permits for temporary protection vary, as do their length and complexity. Some challenges remain concerning the provision of information.

¹ https://fra.europa.eu/sites/default/files/fra_uploads/fra-2022-ukraine-bulletin-1_en.pdf

² https://fra.europa.eu/sites/default/files/fra_uploads/fra-2022-ukraine-bulletin-2_en.pdf

Beneficiaries of temporary protection generally enjoy access to employment on a similar or equal footing to country nationals. Many Member States have simplified procedures for recognising professional qualifications in fields such as healthcare or education. Still, highly qualified temporary protection beneficiaries may end up working in low-skilled jobs due to language barriers and limited information. Low availability of childcare may limit women's access to the labour market, as many have arrived alone with young children. Thanks to an overwhelming wave of solidarity, many refugees have found accommodation in private housing due to a lack of capacity in public accommodation facilities. The sustainability of this solution, together with adequate compensation, remains a challenge, as does the systematic vetting of housing providers.

The provision of social welfare and protection varies considerably between Member States. Some have opened their social systems to temporary protection beneficiaries while others have created separate systems. Eligibility criteria, payment delays due to a high workload, language barriers and a lack of documentation may limit access to social protection, and the amounts paid may not be sufficient for subsistence. Many Member States grant beneficiaries full access to healthcare, while others restrict access to emergency care or exclude certain medical services. A range of issues affect the quality of healthcare provided, including the lack of access to medical records, language barriers and pre-existing capacity issues in public healthcare systems. On the other hand, some Member States have tried to recruit Ukrainian medical professionals to overcome these barriers.

Access to education is particularly important given the large number of displaced children. Challenges concerning limited places in schools persist and some displaced children continue to follow Ukrainian education remotely with little contact with their peers, which can affect their integration. Member States have expanded school capacities, using preparatory classes and intensive language schooling, or relaxed legal requirements to enable the recruitment of Ukrainian and Russian-speaking staff. The situation of unaccompanied children remains a concern as national childcare systems may lack the capacity for their registration and subsequent care including guardianship. Some Member States have appointed additional, temporary or distant guardians to address the increased demand. Another challenge is presented by children and adults with disabilities who live in institutional care, which is gradually being abolished in the EU.

Displaced Roma from Ukraine have reportedly faced additional difficulties such as obstacles during initial reception and registration as well when trying to find work and access housing and social welfare services, medical services and education. Some instances of unequal treatment affecting LGBTIQ+ persons have also been reported. While opinion polls show that Europeans largely feel sympathy for people arriving from Ukraine, incidents of disinformation and xenophobic hate speech were reported in some countries and only a few state authorities or NGOs have initiated targeted action against them.

Risks of trafficking in human beings for sexual and labour exploitation were identified in EU Member States, especially with regard to online and offline recruitment and individual offers of private transport from the border and accommodation. Although a relatively limited number of suspected cases were reported and investigated, authorities remain vigilant and have introduced measures such as mandatory registration of providers, awareness raising about the risks, information on available support, and training of front-line workers. Similar assistance is also being provided to victims of sexual and gender-based violence.

In line with the findings of the FRA, the Presidency would like to initiate a discussion among Member States on the following questions:

- 1) Which main fundamental rights challenges have you faced during recent months in connection with the arrival of war refugees from Ukraine? How have you addressed these challenges?
- 2) What do you see as the most important challenges for the future in order to improve the adaptation and integration of war refugees from Ukraine into your society? How do you plan to overcome these challenges in accordance with EU fundamental rights standards?
