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**NOTE**

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From:	Presidency
To:	Delegations
Subject:	Social measures for the temporary protection of displaced persons from Ukraine Presidency steering note

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Delegations will find attached the Presidency steering note on the above subject, with a view to the lunch debate at the EPSCO Council on 16 June 2022.

## EPSCO Council (Employment and Social Affairs)

Luxembourg, 16 June 2022

### **Social measures for the temporary protection of displaced persons from Ukraine**

Since Russia began a war of aggression against Ukraine, the European Union and its Member States have been fully mobilised to ensure a response commensurate with the seriousness of the circumstances. Since 24 February 2022, the European Council has condemned this war of aggression in the strongest possible terms and called for swift and concrete responses<sup>1</sup>.

The European Union has also shown great responsiveness in its measures and sanctions against Russia, and the Member States have shown solidarity by welcoming more than six million people fleeing the war, 90% of whom are women and children, including more than 3.5 million people that have been hosted by or have transited through Poland. The UN High Commissioner for Refugees estimates that 2.1 million Ukrainians have returned to their country. Border flows are now stabilising<sup>2</sup> and since 10 May more people have been returning to Ukraine than entering the EU. Movements recorded are now comparable to those of previous years.

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<sup>1</sup> 1/22.

<sup>2</sup> According to the UN High Commissioner for Refugees, it is estimated that more than 2.1 million Ukrainians have already returned to Ukraine since 24 February 2022 (<https://data.unhcr.org/en/situations/ukraine>).

## The initiatives put in place

On 3 March, the Council of the European Union unanimously approved the immediate activation of the arrangements provided for in the 2001 Directive on granting temporary protection in the event of a mass influx of displaced persons<sup>3</sup>. Temporary protection status grants immediate protection and rights, including residence rights, access to the labour market, access to housing, social assistance, medical assistance, access to education for children, the right to legal guardianship for unaccompanied minors and the right to means of subsistence. The European Commission is currently preparing practical guidance in the form of a communication on labour market integration, vocational education and training and adult learning.

In order to clarify these arrangements and provide the best possible support to the Member States, the European Commission adopted on 23 March a communication on the operational guidelines for the implementation of temporary protection<sup>4</sup>. This communication provides guidance on the scope of the Directive, the arrangements for taking care of children, in particular unaccompanied children, free movement and registration and reporting. A solidarity platform was also set up to coordinate the operational response among Member States and to facilitate the mobilisation of the relevant EU instruments.

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<sup>3</sup> Directive 2001/55/EC.

<sup>4</sup> 7439/22.

Helping refugees from Ukraine integrate in the Member States and enter the labour market in particular is a priority shared by all Member States. Consequently, the EU has mobilised funds<sup>5</sup>, facilitated the recognition of professional qualifications<sup>6</sup> and guaranteed the right of access to vocational training in order to facilitate the integration of refugees into the labour market, depending on the needs of businesses in the Member State in which they have settled, as provided for in the Temporary Protection Directive.

Since the activation of temporary protection, 2.8 million beneficiaries have been registered.

In parallel with the activation of these arrangements, the Commission has reaffirmed its commitment to the displaced Ukrainian people by adopting, as of 8 March, a Communication on European solidarity with refugees and those fleeing war in Ukraine<sup>7</sup>. The European Union is also working to mobilise a range of funds to meet Ukraine's financing needs and prepare for its reconstruction<sup>8 9</sup>.

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<sup>5</sup> In the context of the 'Cohesion's Action for Refugees in Europe' (CARE initiative), amendments to the existing regulations focused on giving Member States more flexibility to rapidly mobilise unspent funds from the 2014-2020 programming period, particularly the European Social Fund (ESF).

<sup>6</sup> For example, Recommendation (EU) 2022/554 of 5 April 2022 on the recognition of qualifications for people fleeing the Russian invasion of Ukraine or the Commission Communication on attracting skills and talent to the EU (ST 8556/22).

<sup>7</sup> 7027/22.

<sup>8</sup> Amended proposal for a Regulation amending Regulation (EU) No 1303/2013 and Regulation (EU) No 223/2014 as regards increased pre-financing from REACT-EU resources.

<sup>9</sup> Communication (COM (2022) 233 final) of 18 May 2022 on Ukraine relief and reconstruction.

As a follow-up to these measures, the 10-point plan presented at the extraordinary meeting of home affairs ministers on 28 March for stronger European coordination on welcoming people fleeing the conflict zone is the roadmap for European aid.

### **Measures for welcoming and protecting vulnerable persons**

The massive influx of refugees, mostly women alone or with children, exposes people fleeing the conflict to major risks related to human trafficking, illegal adoption, sexual exploitation and rape. In this respect, upholding the most basic social rights becomes both a duty and a challenge for all Member States, which share a responsibility to protect the most vulnerable people, in particular children and unaccompanied minors, the elderly, people with disabilities and Roma people.

In this context, the European Solidarity Platform has adopted a plan to combat human trafficking. It lays down guidelines at European and Member State level to prevent and combat trafficking, and to identify, support and protect the victims of trafficking. On 13 May, the Commission also announced that EUR 1.5 million would be allocated to a specific project supporting the United Nations Population Fund (UNFPA) to assist women and girls in Ukraine by providing sexual and reproductive health services.

However, Member States still face significant challenges with preventing and combating the risks of exploitation and violence, in particular against women and girls, and ensuring adequate medical support in terms of sexual and reproductive rights for victims of sexual violence and rape.

At its last extraordinary meeting on 30 May, the European Council reaffirmed its support for Ukraine and its determination to welcome and provide security to refugees, including by assisting neighbouring countries<sup>10</sup>.

With specific regard to children, since March 2022 the European Commission has been calling on Member States to take into account the specific situation of Ukrainian refugee children in their national plans for the implementation of the European Child Guarantee. In its conclusions on the EU Strategy on the Rights of the Child, approved on 9 June 2022, the Council further focused on specific risks and measures for children in emergency or crisis situations.

Ukraine has also called on a large number of Member States to sign a memorandum of cooperation on the social protection of temporarily displaced children who are victims of military action and armed conflict. Member States coordinated their responses, both at national level on the basis of guidelines proposed by the European Commission and, in a complementary manner, at EU level. Consequently, a draft political position of the Council, which makes particular reference to the applicable European and international instruments that are capable of ensuring an effective framework for taking care of Ukrainian refugee children, is under discussion. This position will encourage Member States to strengthen their cross-border cooperation in the interests of children and provide them with the services and care they need free of charge.

Following on from the debate at the previous EPSCO Council on 14 March, the Presidency is proposing a fresh exchange of views on the various practices initiated at national level to safeguard the social rights of refugees from Ukraine and promote their full integration into society.

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<sup>10</sup> 21/22.

In this context, ministers are invited to respond to the following questions:

- What concrete actions have been taken in your country in line with the social measures set out in the Temporary Protection Directive to facilitate the reception of refugees from Ukraine, particularly women and children?
- How can the integration of refugees, particularly women, into the labour market of the host Member States be encouraged and the social rights of refugees protected?
- What other initiatives could be envisaged to promote the social integration of the most vulnerable refugees?