

# ENNHRI Statement on the need for long-term solutions based on respect for human rights and regional solidarity to support those fleeing Ukraine

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NHRIs are key actors in advising governments, parliaments, and other national and regional actors on how to put human rights at the centre of legislation and policies for the reception, protection, and integration of all individuals fleeing Ukraine.

The immediate response to the displacement from Ukraine has demonstrated that a human rights-based approach towards migration and those fleeing war and persecution is not only possible, but necessary. ENNHRI calls for a long-term, sustainable response across Europe, rooted in solidarity and respect for human rights.

## Background:

Over six million people [have fled Ukraine](#) since 24 February 2022 to seek protection across Europe, and more than seven million have been [internally displaced](#) to find safety. The armed attack on Ukraine by the Russian Federation has led to major casualties among the civilian population, destruction of critical infrastructure and facilities, and the devastation of the overall humanitarian and human rights situation in Ukraine.

Despite significant efforts across Europe to respond to the immediate needs of those fleeing Ukraine, NHRIs continue to identify [pressing human rights concerns](#) that need to be addressed. They have relied on their broad human rights mandate to [respond to these challenges](#), such as by issuing recommendations on reception and access to protection, providing individuals information on their rights, monitoring conditions in temporary facilities, and submitting opinions on related legal and policy proposals.

Through ENNHRI, European NHRIs have worked together to respond to new concerns after the armed attack on Ukraine, including through [statements](#) and peer exchange. Also, an ENNHRI delegation [visited](#) the Ukrainian-Polish border in March 2022 to observe the unfolding human rights situation and to provide support to the Ukrainian NHRI. In June 2022, [another delegation](#) met with civil society organizations and with the Polish NHRI to take stock of the numerous human rights issues they are encountering.

Based on the findings and recommendations of European NHRIs, ENNHRI calls on national authorities to tackle urgent concerns in relation to the human rights protection of all those fleeing Ukraine, and to devise and implement, through a human rights-based approach, long-term strategies for their integration.

### **Recommendations on addressing urgent human rights concerns and tackling discrimination:**

NGOs and individuals across Europe have shown extraordinary support and solidarity towards those fleeing Ukraine and were at the forefront of the response, providing water and food, temporary accommodation, and relevant information. Some [national](#) and [local authorities](#) have also shown leadership in swiftly putting in place reception facilities, registration protocols, and provision of emergency social support to vulnerable people. At the regional level, the [activation](#) of the European Union (EU) Temporary Protection Directive, and related [Operational Guidelines](#) and [other initiatives](#) by the European Commission, have contributed to faster and stronger protection in the EU.

However, since the outbreak of the war, NHRIs in the region also [identified](#) serious shortcomings in the protection of the human rights of those fleeing Ukraine. These include problems with access to water, food, and medical care; inconsistent access to temporary protection; risks and needs associated with gender-based violence and children's rights; lack of adequate and safe accommodation; danger of human trafficking and exploitation; gaps in the access to public services in host countries; and insufficient information on their rights. Similar concerns were raised by a variety of other actors, such as the [United Nations](#), [Council of Europe](#), [OSCE](#), [IOM](#), and [NGOs](#) across Europe.

Discrimination and violence at borders targeting minorities and third country nationals were also [reported](#) from the outset, for instance against Roma, and persons of colour. ENNHRI is appalled that marginalised groups face a comparatively enhanced risk of death, violence, and lack of access to protection when fleeing the war.

**ENNHRI calls on European states to ensure that all those fleeing Ukraine, regardless of their nationality, race, ethnic origin, religion, sexual orientation, gender identity, or any other characteristic can seek protection and access relevant procedures and services.**

### **Recommendations on responding to long-term needs and challenges:**

Regrettably, the current state of the war and the human rights [situation](#) in Ukraine indicate that the armed conflict and its devastating effects will endure, leading to further displacement and the impossibility for many people to return to their homes.

**ENNHRI recommends that public authorities devise and implement more sustainable responses, ensure financial support to civil society organisations and other relevant actors, and provide stronger guidelines on public policies and legislation that will ensure the long-term inclusion and protection of human rights of those fleeing Ukraine.**

European NHRIs and other HRDs, particularly in countries neighbouring Ukraine, have raised concerns of a 'solidarity fatigue' and the lack of sustainability of actions that were put in place soon after 24 February 2022, be it due to limited resources or insufficient coordination. In fact, many policies that supported those fleeing Ukraine – for instance allowing for free public transportation or train journeys – were short-lived. Financial aid in many countries has also been halted or reduced. Additionally, infrastructure at borders providing humanitarian and other support has diminished in many countries, contributing to longer wait times and worsening conditions for those fleeing Ukraine.

The human rights challenges and public authorities' ability to respond to them vary across Europe, depending on factors such as the rate of requests for protection, the extent of existing challenges faced by the local population, and the economic capacity of host countries. However, some common emerging concerns have been identified, which ultimately hinder the inclusion of those fleeing Ukraine into host societies. These issues particularly impact marginalised groups or individuals in a vulnerable situation, as the challenges they face are further exacerbated by discrimination and a lack of equal opportunities across Europe.

First, the lack of appropriate housing and rising living costs in the region have put many families and individuals fleeing Ukraine at risk of homelessness or have forced them to rely on temporary or unsuitable accommodation. Second, registration and access to education for children has been a challenge in many countries, as short-term solutions were not followed by sustainable integration provisions and sufficient consideration of the best interest of the child concerned. The need to account for differences between Ukrainian education and qualification systems and those of host countries is another challenge in this process. Third, in many countries access to public services such as healthcare, and psychological and social support was further stretched. Access to trauma-informed care is also particularly important in the context of collecting information for accountability mechanisms and supporting individuals' access to justice. Fourth, despite being granted the immediate right to work in most European countries, in practice people fleeing Ukraine have faced increased risk of labour exploitation as well as issues in accessing the labour market, for instance due to linguistic issues, high unemployment rates in host countries, or discrimination. These challenges have been further compounded by delays in registration and provision of documents which have hampered individuals' access to their rights.

Another challenge is the increased secondary movements of those fleeing Ukraine from one European country to another, for instance to reunite with family or to pursue employment or studies. As some of these aspects are not uniformly regulated across Europe, they could impact on individuals' legal status and prospects for integration. As much as possible, ENNHRI believes states should devise policies that acknowledge and respect the autonomy of people fleeing Ukraine.

**ENNHRI calls on national authorities to anticipate emerging human rights issues in this context and to be proactive in preventing and addressing those that risk being exacerbated in the medium- and long-term. While civil society organisations have attempted to fill important gaps, ENNHRI argues that ultimately it is the duty of national authorities, with the support of regional and international organizations, to ensure that public policies are put in place. ENNHRI recommends that states facilitate and provide access to funds for CSOs when they take up the role of or provide effective support to public services.**

Regional solidarity is needed to ensure the appropriate inclusion of people fleeing Ukraine, thus enabling them to contribute to host communities and to live with dignity and autonomy. Countries hosting a large number of people fleeing Ukraine should be supported by other countries, as well as regional and international organisations, through financial, logistical, resettlement and other assistance. Cooperation is also particularly important to tackle concerns related to family reunification, risk of human trafficking, and safe movement across Europe.

National and regional authorities should rely on the monitoring, reporting, and expert advice of European NHRIs and other Human Rights Defenders (HRDs) to urgently address the issues above. As noted in the Council of Europe Committee of Minister [Recommendation 2021/1](#), "Member States should ensure that NHRIs enjoy adequate access to information and to policy makers and legislators, including timely consultations on the human rights implications of draft legislation and policy strategies", they "should implement the recommendations of NHRIs" and ensure their effective follow-up in a timely fashion.

**Therefore, ENNHRI calls on all actors to support the work of NHRIs, in particular the Ukrainian NHRI and NHRIs in neighbouring countries, and to work with them constructively in this field.**

The work of [NHRIs in situations of conflict](#) is ever more important, as they are key actors in the national system of checks and balances and contribute to access to justice for victims of human rights violations. ENNHRI has a role to play in facilitating cooperation between the Ukrainian NHRI and NHRIs across Europe, in particular those in neighbouring countries, as this can contribute to identifying and tackling common issues and developing joint recommendations to national and regional authorities.

## Recommendations on revising the future European approach on asylum and migration:

While ENNHRI welcomes the overwhelmingly positive response and efforts to support those fleeing the war in Ukraine, we have observed the often discriminatory treatment of other individuals seeking international protection or crossing external borders across Europe.

As raised in ENNHRI's [recent report](#), violations of the human rights of migrants at borders are a persistent issue in Europe and there is a climate of impunity. While the situation at different European border is not homogenous, deficiencies in accountability can be [observed](#) across Europe. The response to the displacement from Ukraine does not erase [existing shortcomings](#) in respect for migrants' human rights identified in many European countries, yet it does show that new migration, asylum, and border policies centred on human rights and access to protection are not only desirable, but also can be implemented in practice.

**ENNHRI recommends European states sustain and expand their commitment to granting international protection, implementing programmes for inclusion and social protection of migrants, and promoting solidarity for those fleeing conflict and persecution. A human rights-centred approach to migration should apply to all individuals, regardless of where they come from, their status, and how they reached Europe.**

Building on their expertise and experience, NHRIs stand ready to support governments and European bodies to restore effective protection frameworks for refugees and migrants and re-align them with international human rights obligations. This may be achieved by engaging in more structured collaborations, regular exchanges, and consultations on draft laws with European NHRIs. The response to forced migration from Ukraine should also inform negotiations at the EU and national levels on policy and legislation on migration, asylum, and borders.

1 September 2022