

# THE WAR IN UKRAINE — FUNDAMENTAL RIGHTS IMPLICATIONS WITHIN THE EU

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# Foreword

Russia's military invasion of Ukraine has shaken the world. The extent of human loss and suffering is immense, and the risk of further deterioration very real.

Three months into the conflict, the numbers of displaced people are already the highest since the Second World War. Millions of women, children and elderly have fled their homes, while their fathers, husbands and sons continue to fight the aggressor.

This has serious implications for many fundamental rights within the EU. These range from the respect of social and economic rights of displaced persons enjoying protection in the EU, fighting patterns of discrimination and hate speech, to tackling disinformation and safeguarding full respect for the rule of law.

We have witnessed tremendous support and solidarity for people in flight. Now we need to ensure that the welcome stays warm and does not create tensions in our societies.

The European Union has reacted quickly and in great solidarity in activating the EU Temporary Protection Directive, which allows Ukrainians to settle in the EU. Over 2.3 million of people have applied for this. They now have the right to work, travel and access services across the EU. The challenge is to guarantee they can enjoy these rights in practice, while the rights of local populations remain respected.

Human trafficking and sexual exploitation also require urgent attention. With so many unvetted volunteers, private drivers and spontaneous job offers, the risk of trafficking and exploitation is extremely high.

Similarly worrying are the reports of discrimination against Roma. Everyone in their diversity deserves to be treated equally and with full respect of human rights.

The Fundamental Rights Agency (FRA) – with our mandate and our resources – will play its part in confronting these multidimensional challenges. This is the first of a series of bulletins that will map the war's fundamental rights implications in the EU. It will support policymakers in finding rights-based solutions to the challenges the conflict poses in the EU.

Having spent time in Sarajevo during its siege and in other war zones around the world, I have seen the unspeakable horrors experienced by children, women and men who are under attack. Indeed, for those who survive the trauma is lifelong.

In any war, it is the least powerful who suffer the most. And it is my hope that the protection of the human rights of such people will stay at the heart of Europe's responses to the war in Ukraine.

**Michael O'Flaherty**  
*Director*

## Acronyms and abbreviations

<b>CoE</b>	Council of Europe
<b>EU</b>	European Union
<b>EUAA</b>	European Union Asylum Agency
<b>FRA</b>	European Union Agency for Fundamental Rights
<b>ICMPD</b>	International Centre for Migration Policy Development
<b>IOM</b>	International Organization for Migration
<b>OHCHR</b>	Office of the High Commissioner for Human Rights (UN)
<b>ODIHR</b>	Office for Democratic Institutions and Human Rights (OSCE)
<b>OSCE</b>	Organization for Security and Co-operation in Europe
<b>UN</b>	United Nations
<b>UNHCR</b>	United Nations High Commissioner for Refugees
<b>UNICEF</b>	United Nations Children's Fund

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The European Union Agency for Fundamental Rights has been regularly collecting data on asylum and migration since September 2015. This bulletin focuses on the fundamental rights situation of persons fleeing from the Russian war in Ukraine to the four neighbouring European Union (EU) Member States. It draws on findings of FRA's field missions to several land border crossing points in Hungary, Poland, Romania and Slovakia from 4 to 14 March 2022.

The countries covered are Hungary, Poland, Romania and Slovakia.

## THE COUNTRIES COVERED ARE:



## Introduction

The Russian military invasion of Ukraine began on 24 February 2022. More than **650,000 displaced persons** arrived in the European Union (EU) through Hungary, Poland, Romania and Slovakia by the beginning of March 2022. More than 5.3 million persons fled Ukraine, some 4.6 million to the EU, by the end of April 2022, according to the United Nations High Commissioner for Refugees (**UNHCR**). Over 2.9 million persons have arrived in Poland, some 800,000 in Romania, almost 500,000 in Hungary and almost 360,000 in Slovakia.

The EU has welcomed those fleeing Ukraine, proving its capacity and willingness to receive unprecedented numbers of displaced persons.

The European Union Agency for Fundamental Rights (FRA) established an internal taskforce to coordinate activities because of the human rights situation since the Russian war in Ukraine began. As a first step, FRA dispatched a team to observe the evolving situation at the EU borders with Ukraine. The team collected information and audiovisual material. The team reported daily to the agency's director and to the network for the EU mechanism for preparedness and management of crises related to migration (**Migration Preparedness and Crisis Blueprint**).

FRA reported on the evolving situation at the EU borders within one week based on this material. It also engaged in discussions with the European Commission and international organisations, informing them of the situation and FRA's recommendations. These organisations included the Council of Europe (CoE), Office of the High Commissioner for Human Rights (OHCHR), Organization for Security and Co-operation in Europe (OSCE), UNHCR and United Nations Children's Fund (UNICEF).

The Russian war against Ukraine is the gravest threat to human rights in Europe. It also has serious implications for many fundamental rights within the EU. This includes the respect of social and economic rights of displaced persons enjoying protection in the EU, as well as patterns of discrimination, hate speech and related responses. It also includes the risk of deflecting attention from existing concerns, such as persons displaced from other parts of the world, and respect for the rule of law.

FRA has put a plan of action in place to address the situation within its competencies, capacities and mandate. Over the coming months, it will look at the main human rights issues concerning the millions of persons displaced into the EU.

In this context, FRA will collect data and publish a series of bulletins. They will examine the fundamental rights impact of measures taken regarding the Russian war in Ukraine across the EU, capturing various dimensions. These bulletins will cover selected major issues based on their human rights relevance and using information Franet and other sources have collected. Issues will include the crisis' socioeconomic impact on some of society's most vulnerable people, disinformation about the war, and issues directly related to asylum, migration and borders. The information in these bulletins will support policymakers across the EU. It will ensure that measures introduced in the context of the Russian war in Ukraine are in line with human rights protection and diverse population groups' needs.

This first bulletin looks at the fundamental rights situation of all persons fleeing the Russian war in Ukraine to the four EU Member States neighbouring Ukraine. This is primarily in terms of the application of the EU **Temporary Protection Directive**. It is based on findings of FRA's field mission to Hungary, Poland, Romania and Slovakia at the beginning of March 2022. It is also based on weekly country reports prepared by Franet, the contracted research network of FRA.

### BULLETIN #1: COVERAGE AND TIMELINE

Bulletin #1 on the war in Ukraine and its fundamental rights implications within the EU focuses on the situation of persons fleeing Ukraine to the four neighbouring EU Member States- Hungary, Poland, Slovakia and Romania. It looks at the countries' initial reactions and the activation of the EU Temporary Protection Directive, covering the period 1 March until 27 April 2022.

The evidence presented is based on weekly country reports prepared by Franet, the contracted research network of the EU Agency for Fundamental Rights (FRA). It gathered information in the four countries from sources in the public domain (with hyperlinks to the references embedded in the relevant text), or provided orally or by email by institutions

and other organisations, as indicated in the bulletin's annex.

The bulletin also draws on observations from a mission by FRA staff to several land border crossing points in Hungary, Poland, Romania and Slovakia from 4 to 14 March 2022.

It contains descriptive data based on interviews and desk research, and does not include analyses or conclusions. It is made publicly available for information and transparency purposes only and does not constitute legal advice or legal opinion. The report does not necessarily reflect the views or the official position of FRA.

FRA Bulletin #2 on the war in Ukraine will be published in September 2022.

# Legal corner

The Temporary Protection Directive (**Council Directive 2001/55/EC**) applies in all EU Member States except Denmark. Denmark's **national rules** offer similar protection. The Temporary Protection Directive provides minimum standards for granting immediate and temporary protection in the event of a mass influx of displaced persons. It also provides measures promoting a balanced effort between EU Member States in receiving these persons.

The **implementing decision** established the existence of such a mass influx of displaced persons from Ukraine within the meaning of Article 5 of the Temporary Protection Directive. Annex 1 provides an overview of the key elements of relevant national implementing legislation of the four EU countries bordering Ukraine.

## Temporary protection

The EU activated temporary protection for the first time to ensure that persons fleeing the Russian war in Ukraine are provided with adequate protection. It did so by adopting **Council Implementing Decision (EU) 2022/382 of 4 March 2022** (hereafter the 'implementing decision') for persons seeking protection in the EU. All four EU Member States bordering Ukraine **transposed** the Temporary Protection Directive and **incorporated** the implementing decision into their national law.

Beneficiaries of temporary protection receive a residence permit valid for one year, with possible prolongation of up to three years. They are granted rights and benefits such as access to employment, accommodation or housing, social welfare and medical care. Children have access to education, and families have the right to reunite. Beneficiaries also have access to banking services, and can move freely in EU countries for 90 days within a 180-day period.

### Scope of temporary protection

Temporary protection applies to Ukrainian nationals and beneficiaries of international protection, including stateless persons, residing in Ukraine before 24 February 2022, Article 2 (1) of the implementing decision establishes. This also covers family members of the above.

Non-Ukrainian third-country nationals who permanently reside in Ukraine must also be protected, according to Article 2 (2) of the implementing decision. EU Member States must either apply the EU temporary protection scheme or provide adequate protection under their national law. EU Member States can also extend the scheme to other legally residing non-Ukrainian third-country nationals (Article 2 (3) of the implementing decision). This applies to those who entered the EU after 24 February 2022 and are unable to return safely to their country or region of origin.

All four EU Member States neighbouring Ukraine apply EU temporary protection to Ukrainian nationals and beneficiaries of international protection. However, their protection of non-Ukrainian third-country nationals fleeing the war varies.



Hungary's **national temporary protection** scheme entered into force on 24 February 2022, prior to the adoption of the implementing decision activating the EU temporary protection scheme. **Government Decree No. 86/2022** repealed this, incorporating the implementing decision into national law, as of 7 March 2022. Hungary's **national temporary protection** scheme entered into force on 24 February 2022, prior to the adoption of the implementing decision activating the EU temporary protection scheme. **Government Decree No. 86/2022** repealed this, incorporating the implementing decision into national law, as of 8 March 2022.

The repeal has retroactive effect. This means that those who do not fall under the mandatory personal scope of the **implementing decision** are not granted Hungarian temporary protection. That is, non-Ukrainian third-country nationals who are not beneficiaries of international protection or permanent residents and their family members do not receive protection. This is the case even if they had already applied for temporary protection and their procedure was ongoing when the new rules entered into force.

Giving retroactive effect to new rules that limit or remove rights could be unconstitutional, considering the **case law of the Hungarian Constitutional Court**. It might also violate general principles of EU law.

In addition, the new government decree narrows the personal scope of those eligible for EU temporary protection. It excludes stateless persons, and third-country nationals who have valid Ukrainian permanent residence permits and cannot safely return to their country of origin. However, those persons must be eligible for either EU temporary protection or adequate protection provided in domestic law, the implementing decision requires.

These non-Ukrainian third-country nationals are currently entitled to a certificate for temporary stay (*ideiglenes tartózkodásra jogosító igazolás*), which is valid for 30 days and renewable. It can be prolonged for another 30 days each time, up to a maximum of six months. However, it **remains unclear** whether these persons can apply for asylum within the territory after that period. These provisions cannot be considered "adequate protection", the non-governmental organisation (NGO) the **Hungarian Helsinki Committee claimed**.

Poland adopted the **Special Act on assistance to Ukrainian nationals** (hereafter the 'special act') on 12 March 2022. It originally covered only Ukrainian nationals and their spouses who came to Poland directly from Ukraine because of the ongoing war. Refugees recognised in Ukraine and stateless persons are not included in the scope.

Non-Ukrainian third-country nationals who fled Ukraine did not fall under the personal scope of the special act. They had to apply for refugee status or other forms of legal residence, such as a residence permit issued for work, if they wanted to stay in Poland.

**Two amendments to the special act** were introduced at the end of March 2022. The first removed the requirement of "directly coming from Ukraine". The requirement had been a problem for many Ukrainians coming to Poland via other EU-bordering countries, such as Hungary or Slovakia. They did so to avoid delays at Polish border crossings, but wanted to stay in Poland.

The second amendment addressed the situation of unaccompanied or separated Ukrainian children. This included those who arrived spontaneously and those who arrived as part of the ad hoc evacuation of institutional care facilities, mainly orphanages. Nearly 100,000 children, half of whom have disabilities, live in institutional care and boarding schools in Ukraine, according to **UNICEF**. For more information, see '**Situation of children**'.

## In numbers

Over 2.3 million persons fleeing Ukraine have registered for protection in the EU as of 28 April 2022, according to the **European Union Agency for Asylum**. The four EU Member States bordering Ukraine registered the following numbers of applications for temporary protection:

- Hungary **13,468 persons** as of 8 April 2022
- Poland **1,013,670 persons** as of 25 April 2022
- Romania 4,775 persons as of 10 April 2022
- Slovakia **63,000 persons** as of 8 April 2022.

Further **amendments to the special act** were approved on 8 April 2022. They introduced the possibility of lodging an application for temporary protection via an intermediary/third person. This is particularly helpful for older persons and those with serious health issues. The special act also fine-tuned support measures and childcare services for unaccompanied children.

The **Romanian government decision of 18 March 2022** incorporated the Temporary Protection Directive and the implementing decision into national law. It initially targeted Ukrainian nationals fleeing Ukraine after 24 February 2022, but was subsequently extended to Ukrainian nationals in Romania before that date. The decision follows the personal scope of the implementing decision for most other persons fleeing the war. However, it defines family members as including husbands and wives but not unmarried partners.

In **Slovakia**, the **government incorporated into national law** the implementing decision triggering the Temporary Protection Directive for persons fleeing the Russian war in Ukraine. This national legislation has been in effect since 17 March 2022. It covers the categories of persons that EU law requires.

## **Access to work, education, healthcare and housing – the legal framework**

All four EU Member States introduced rules implementing the protective provisions (Chapter III) of the Temporary Protection Directive. These provisions include beneficiaries' access to work, education, healthcare and housing.

**Local initiatives in Europe**, coordinated by Eurocity, started to help Ukrainians. For example, they helped with integration measures and by sending aid. In addition, the International Centre for Migration Policy Development (**ICMPD**) supported Ukrainians to settle in the labour market.

In **Hungary**, the **Asylum Act** and its **implementing government decree** set out the rules on beneficiaries' access to work, education and healthcare.

**Government Decree No. 121/2022** facilitates the recognition of diplomas of healthcare workers from Ukraine. **Government Decision No. 1186/2022** provides funds for 'Students at Risk', a dedicated exchange programme for Ukrainian and **selected non-EU nationals** fleeing the war to study in Hungarian higher education institutions. **Government Decision No. 1179/2022** provides funds for the education and training of students who are entitled to temporary protection. This funding is set at HUF 130,000 per month, some € 347 per month.

To support people's wellbeing and mental health, the **National Chief Veterinarian simplified** the procedure to register the companion pets of those fleeing Ukraine.

In **Poland**, persons covered by the special act are entitled to stay for up to 18 months. The right to stay is accompanied by a set of rights in accordance with the Temporary Protection Directive. These include access to healthcare, accommodation, meals, the labour market, primary and secondary education, kindergartens, nurseries and social benefits, including a one-off allowance of PLN 300.

**Romania** adopted and amended several pieces of sectorial legislation to respond to the situation and needs of persons fleeing the Russian war in Ukraine.

A **government decision established the food expenditure mechanism**. It provides support for 60 days to some 15,000 persons fleeing the Russian war in Ukraine. Another **government decision doubled the social allowances** for international protection applicants. **A government instruction provides social services to elderly persons with reduced mobility or in a situation of dependency** admitted urgently for specialised assistance and support measures.

An **order of the Ministry of Labour and Social Solidarity** introduced facilitated employment for Ukrainian nationals fleeing the Russian war in Ukraine. This uses the possibility of self-declaration for those who do not have documents proving professional qualification or work experience. Medical services, medicine, sanitary materials and medical devices may be provided to persons fleeing the Russian war in Ukraine, according to an **order of the President of the National House for Social Insurance**. This applies to those who are in possession of recognised travel documents.

An **order of the Minister of Education** recognises and grants transferable study credits for those unable to provide evidence of their studies in Ukraine.

An **emergency ordinance** provides for social protection measures for employees and support for employers. This applies to those affected by interruption of imports and exports to and from Belarus, Russia and Ukraine.

Another **emergency ordinance** governs the reimbursement of expenses. It covers up to € 4 per day per person for food, and up to € 10 per day per person for accommodation. This is available for locals hosting persons fleeing the Russian war in Ukraine in their homes.

**Legislative amendments** are under way to tighten controls on transporting and housing displaced persons from Ukraine. The parliament is discussing them under an emergency procedure.

In **Slovakia**, the National Council adopted the **Lex Ukraine** on 22 March 2022. This amends multiple laws to address the situation of displaced persons fleeing the Russian war in Ukraine. The new legislation provides for the placement of displaced persons from Ukraine in reception, humanitarian and other accommodation centres, and secures access to emergency healthcare.

In addition, it grants access to the labour market for those who have applied for temporary protection. This is coupled with relaxations concerning their conditions of employment. For example, it disapplies the complicated process governing the recognition of foreign qualifications, notably in the healthcare and education sectors.

Landlords can rent private accommodation to displaced persons from Ukraine and apply for state subsidy under the Lex Ukraine. However, **they are obliged to sign a declaration** stating that no Slovak tenants applied before renting it to displaced persons. This is to avoid discriminatory treatment and unlawful evictions. Social security contributions have also been suspended for Ukrainian nationals who resided legally in Slovakia before the war and returned to Ukraine to serve in the military.



# Fundamental rights situation at the border

## FRA ACTIVITY

FRA visited land border crossing points over 10 days at the beginning of March 2022. It visited Medyka, Przemyśl and Hrebennie in Poland (4–5 March), Vyšné Nemecké and Ublá in Slovakia (7 March 2022), Beregsurány, Tiszabecs and Záhony in Hungary (10–11 March 2022), and Sighetu and Siret in Romania (12–13 March 2022). The visits were to observe how the human rights challenges of the humanitarian crisis are being addressed.

The **key findings** report only on the situation at the time. They focus on issues regarding **reception, the risk of trafficking in human beings, passport controls** at the border check points and **next steps**.

## First arrival and registration

All four EU Member States bordering Ukraine ensured access to their territory from the beginning of the war. Those of Ukrainian nationality with a biometric passport are able to enter the Schengen zone, and **Romania, visa free for 90 days**. All other people can enter according to the humanitarian exception clause of the **Schengen Borders Code**.

At the outset of the war, people had to wait a very long time to cross the border.

In **Poland**, the wait was up to 80 hours. This was due, on the one hand, to the unprecedented numbers of arrivals and, on the other hand, to exit controls on the Ukrainian side of the border. Men aged between 18 and 60 are not allowed to leave the country because of martial law.

A lack of clear and accelerated procedures in the first weeks also caused delays. For example, in **Romania**, at one of the main border crossing points, there was only one computer to register entries, according to NGOs.

The **Temporary Protection Directive** was activated on 4 March 2022. Since then, all four **EU Member States** neighbouring Ukraine, and many other EU+ countries, have put registration procedures for temporary protection in place.

However, not all those fleeing Ukraine wish to apply for temporary protection in their countries of first arrival. For example, in **Romania**, many Ukrainians report that they do not intend to stay. Therefore, they avoid registering for temporary protection or withdraw their applications.

A total of 1,209,500 have returned to Ukraine since 28 February 2022, as of 26 April 2022, according to **UNHCR**. "This figure reflects cross-border movements, which can be pendular and does not necessarily indicate sustainable returns as the situation across Ukraine remains volatile and unpredictable." Some only go back home for a short time, Ukrainians at the Romanian border report to Franet. For example, they go to see family, sow vegetables or wash laundry, and then return to Romania.

**Hungary, Poland, Romania** and **Slovakia** have lifted coronavirus disease 2019 (COVID-19) restrictions for persons fleeing Ukraine. **Hungary, Poland** and **Slovakia** also offer COVID-19 vaccinations for persons from Ukraine.

## Information provision

Member States must provide information, including in writing, to persons eligible for temporary protection, Article 10 of the Temporary Protection Directive states. The four EU countries bordering Ukraine have significantly improved their provision of information about how to register for and receive support over the two months since the war began. Nevertheless, coordination of information provision and the fight against disinformation can still improve. In particular, provision of information and support services appears to rely heavily on volunteers in all four EU Member States.

Under **EU law**, Ukrainians holding biometric passports are visa exempt for 90 days within a 180-day period. Therefore, they do not immediately need to apply for asylum or register for support. This was not always clearly communicated at the beginning of the war.

In **Romania**, the information provided before the Temporary Protection Directive came into force was misleading. It indicated that Ukrainians should apply for international protection, or they would not be entitled to material reception

## EU activities

The European Commission published a **communication** providing operational guidelines for external border management to facilitate border crossings at the EU-Ukraine borders on 4 March 2022. The guidance is intended to assist the Member States bordering Ukraine to ensure the effective and efficient management of the border crossing of persons fleeing Ukraine. It also aims to avoid congestion at and around the borders, while maintaining a high level of security for the entire Schengen area.

conditions. This was a message from authorities, media and organisations, including UNHCR and the International Organization for Migration (IOM), which presented the misleading information on a [website](#). Some asylum applicants in [Slovakia](#) were placed in a secure reception centre in Humenné, which FRA visited.

In [Hungary](#), the [National Directorate-General for Aliens Policing](#) published a trilingual (Hungarian, Ukrainian, English) information leaflet on its website. The leaflet covers how and where people can submit their claims for temporary protection. The National Directorate-General established 24/7 collection points at the border crossing points and in the Budapest Olympic Centre Sporthall. These serve as first reception centres in Budapest, and also provide information.

The [Hungarian Helsinki Committee](#) also publishes information on its website in four languages and regularly updates it.

In [Romania](#), the [border police at Sighetu Marmatiei](#) set up a call centre to provide relevant information. The NGO Romanian National Council for Refugees also set up its own call centre. Other organisations, such as the Romanian Red Cross and Jesuit Refugee Service, provide customised individual information by phone as an alternative to the official service.

There is a lack of clear and reliable information despite these efforts, according to all NGOs consulted. Sometimes different NGOs would offer contradicting information. Potential beneficiaries misunderstand the rights offered by the EU Temporary Protection Directive, the NGOs that FRA contacted report. This leads to delays in registration.

Various partners, such as UNHCR, IOM and NGOs, have set up a [website](#) with information regarding accommodation and services.

In [Poland](#), access to information on the rules of stay and travelling to other EU countries by various means of transport was still missing at the end of March 2022, according to NGOs. As a result, many bottom-up initiatives were created to publish information useful for persons fleeing from Ukraine. This includes both Ukrainian citizens and third-country nationals. These were grassroots initiatives such as [Stand with Ukraine](#) or the [legal database of the Association for Legal Intervention](#).

In addition, there were hotlines with information on selected topics, for example legal aid. The government launched the website [#Pomagamukrainie](#) on 28 February 2022. It was intended to facilitate the coordination of support for Ukrainian nationals.

In [Slovakia](#), the NGOs League for Human Rights and Mareena created one of the first [information websites](#). The website is in Slovak, Ukrainian and English. The NGO League for Human Rights also operates a call centre providing information.

The joint initiative of NGOs, business companies and volunteers [Who will help Ukraine](#) (*Kto pomôže Ukrajinie*) created an online map. It shows where to find material aid, information, police departments, state institutions, community centres for Ukrainians and places where Ukrainian currency can be exchanged. Government [websites](#) offer information and a [tri-lingual leaflet](#). The IOM also offers a [hotline](#).

In addition, UNHCR provides information online in [Hungary](#), [Poland](#), [Romania](#) and [Slovakia](#). The [European Commission](#) also published information for persons fleeing the Russian war in Ukraine. The information is in English, Russian and Ukrainian, and includes a map with links to relevant web pages of national ministries.

In **Hungary, Poland and Romania**, shortages of interpreters persist and interpretation services rely heavily on volunteers.

In **Hungary**, persons wishing to serve as interpreters must register with the police, according to the NGO It Is Important to Me Foundation (*Fontos Nekem Alapítvány*). This is to ensure their reliability.

In **Poland**, the large number of Ukrainians arriving created demand for additional Russian- or Ukrainian-speaking volunteers. This was reported as an issue in some reception centres, such as those in Chelm.

In **Romania**, a lack of appropriate language skills led to quality issues in medical consultations. There is no common standard on the use of interpreters during psychological and medical counselling sessions, some NGOs report.

### Initial reception and coordination of support

There is an unprecedented number of persons arriving in the EU. Nevertheless, the four EU countries bordering Ukraine managed to provide sufficient capacity for initial reception from the beginning of the war. The efforts of the large diaspora of Ukrainians in the EU facilitated this. Their efforts allowed many persons arriving in the first days of the war to stay with friends or family.

In addition, the four countries bordering Ukraine had already prepared basic reception facilities before the war broke out, according to the **ICMPD**. **Poland and Romania** had proactively prepared basic reception facilities for 1 million persons each. **Hungary** had prepared these for some 600,000 persons and **Slovakia** for around 50,000.

These facilities have sufficient capacity and decent reception conditions. However, volunteers operated all EU countries' support systems. The volunteers lacked overall coordination and were consequently overwhelmed at times.



In **Hungary**, the authorities had limited capacity to coordinate the situation and provide support to new arrivals in the first three weeks of the mass influx, according to civil society organisations, including the NGO Migration Aid and the Hungarian Helsinki Committee. Hungary's strict asylum laws and policies since 2015 had weakened its relevant procedures and support systems.

The government's **Humanitarian Council** established five help centres at the Hungarian-Ukrainian border crossing points on 2 March 2022. In these centres, authorities, NGOs and volunteers provide food and drinks. They also help lodge claims for temporary protection, find accommodation, provide medical assistance and organise further travel.

The Budapest Olympic Centre Sporthall serves as a transit hub for displaced persons arriving from Ukraine since 21 March 2022. There are interpreters, food, clean showers, toilets, medical assistance and a resting area, according to **media**. Migration Aid workers help to find short- or long-term accommodation for new arrivals. A money exchange booth offers fair rates, charging a 0.3 % transaction fee for Ukrainian currency.

However, most persons still enjoy the hospitality of volunteers, as the **Hungarian Helsinki Committee** claims. This is because the authorities were not prepared to accommodate and host such large numbers of displaced persons.

In **Poland**, local government and volunteers set up reception points near borders, according to the **Helsinki Foundation for Human Rights**. The provision of food and medical supplies is reported to be sufficient. However, volunteers working at these points were often overwhelmed and exhausted, FRA observed during its visit.

In the reception centres in Chelm, the number of volunteers willing to work at night or during weekday working hours was insufficient for the number of persons arriving. There were also too few qualified medical staff.

Psychological help was lacking in most places. It would require a working knowledge of Russian and/or Ukrainian. Sanitary conditions in larger transfer facilities were also inadequate.

Moreover, the coordination of the work of the volunteers was weak. This caused logistical and organisational problems. The **government** put a humanitarian aid coordination mechanism in place to address this issue. It encourages local government, foundations, associations, other social organisations, enterprises and private persons to cooperate through a dedicated online platform.

In **Romania**, there was an initial phase of weak coordination of volunteers and other actors at the border crossing points. However, the Ministry of Internal Affairs established an **integrated coordination mechanism** for all stakeholders on 27 February 2022. As a result, the coordination of more than 150 NGOs active at border crossing points improved.

Nevertheless, there are problems accessing medical services, NGOs report. Only a small number of individuals coming from Ukraine request medical support, the **authorities report**. A total of 177 individuals were registered at hospital emergency units and almost 80 were hospitalised, as of 26 March 2022.

**Civil society initiatives** offer hotlines with free medical advice in Ukrainian. A new **integrated platform** for persons fleeing Ukraine has also been launched. It collects requests and offers for material and other types of support – for example food, hygiene products, services and volunteering – and accommodation.

Psychological assistance is needed, mainly for arrivals who have experienced trauma. The need to provide psychological support to volunteers is also a recurring concern for NGOs.

In **Slovakia**, **large-capacity centres** opened in Michalovce and Humenné on 7 March 2022, and in **Nitra** on 21 March 2022. Another centre with a capacity for 1,200 persons became operational in Žilina on 8 April 2022. The centre in Humenné closed by the end of April 2022 because of the small number of new arrivals. An additional centre that can assist up to 2,500 displaced persons a day opened in Bratislava.

In the centres, persons can register for temporary protection and social benefits covering material need. In addition to food, they also receive necessary information and access to medical, legal, psychological and social assistance. There are also children's areas in the centres.

Slovakia also created a **dedicated platform for accommodation offers** and requests. Nevertheless, localities do not have the capacity to provide the necessary assistance to persons coming from the border, cities such as Košice report. The assistance national authorities provide to the city is insufficient, according to the **Mayor of Košice**.

Housing subsidies pursuant to the **Lex Ukraine** are planned to be available only until 30 June 2022. This may discourage landlords from renting their properties to displaced persons from Ukraine, as rent is not guaranteed after this date. In some regions, hotels have announced they are unable to house displaced persons once the summer season starts, **media report**.

At EU level, the **Council of the European Union adopted a recommendation** on the conversion of hryvnia into the currency of Member States hosting persons from Ukraine.

## FRA ACTIVITY

**FRA conducted missions** to the external borders of the EU with Ukraine from 4 to 14 March 2022. The risk of trafficking in human beings from the border crossing points, transport hubs and reception points is particularly high, the agency observes. FRA notified the relevant EU and national authorities of this risk.

The high risk is because of the vulnerable profile of arrivals. They are mostly women and children. There is also a large number of unregistered persons present in these facilities. The many private drivers and unvetted volunteers, and the private job and housing offers posted in these centres, exacerbate the situation.

FRA did not see information on the risks of trafficking at several of the border crossing points visited. Authorities should strengthen efforts to provide relevant information, FRA recommends. This information should also be provided orally, using simple language without legal jargon.

## Risk of trafficking and sexual violence

Several factors increase the risk of trafficking in human beings in all four countries. This is particularly the case for women and children. They make up some 90 % of those fleeing Ukraine, according to **UNHCR**.

None of the EU countries this bulletin covers has **an obligatory central register** of drivers or those offering private accommodation to persons fleeing Ukraine at the time of reporting (April 2022).

In **Hungary**, a landlord of temporary accommodation sexually harassed a Ukrainian displaced person, police reported on 18 March 2022. It is a challenging task to check all those offering private accommodation, according to Migration Aid. Human and child trafficking networks present a serious risk, it says.

In **Poland**, some grassroots organisations offering transport support did not have the capacity to check and register all drivers, according to the Helsinki Foundation for Human Rights. In some locations, the police register drivers' licences and check vehicles. This increases the level of security. Displaced persons are not informed of how and where to report instances of suspicious behaviour or dangerous situations experienced during transport.

There are similar concerns when placing persons fleeing Ukraine in private apartments. This type of placement is usually bottom-up and community initiatives, or NGOs manage them. They rarely have the capacity for in-depth verification of persons offering accommodation. This includes verification in terms of any conviction for or history of violence, including sexual violence.

It is also worrying that many of those fleeing Ukraine use social media to seek help, according to the Helsinki Foundation for Human Rights. These persons publish sensitive information and images of themselves and their children on social media. Traffickers could exploit this information.



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In Wrocław, an apartment host raped a displaced person from Ukraine, [media report](#). The prosecutor's office is carrying out criminal proceedings.

In **Romania**, issuing identity documents for temporary protection is a slow process, according to the NGO Iasi Community Foundation. This leads to long queues in front of registration centres. This situation increases the risk of trafficking in a region where traffickers are already present, the representative of the Iasi Community Foundation reports. Long queues allow direct contact with potential victims and allow perpetrators to 'offer' support.

One suspected case of trafficking in human beings was reported to the police, FRA was informed during its visit to the mobile camp next to Siret on 13 March 2022. A Ukrainian displaced person accommodated in a monastery claims to have been sexually harassed, the [Romanian National Television reports](#). The displaced person subsequently filed a police complaint.

In **Slovakia**, people were more vulnerable to trafficking during the first weeks of the war, according to the Migration Office. This was because the police were not adequately checking those who were privately transporting displaced persons from the border crossing points. This led the National Criminal Agency to initiate investigations in several cases of suspected trafficking.

The risk of trafficking is extremely high because first responders at the borders have a low level of awareness of the risk of trafficking and of identification indicators, according to the NGO Human Rights League. This includes lack of training and awareness raising among border guards, volunteers and humanitarian aid workers. Very few have passed the training required to recognise human trafficking and to work towards its prevention. In **Poland**, there are similar concerns, the Helsinki Foundation for Human Rights reports.

**Poland, Romania and Slovakia** have taken steps to prevent trafficking.

In **Poland**, the **Ministry of the Interior and Administration** launched a helpline dedicated to victims of trafficking in human beings on 21 March 2022. Representatives of the **ministry** met with representatives of voivodeship teams, who are responsible for countering trafficking at regional level, on 28 March 2022. The aim was to exchange information, and assess the situation and trafficking risks on the ground.

In **Romania**, the National Agency Against Trafficking in Persons was sharing awareness-raising material at the mobile camp next to Siret from the beginning of the crisis. NGOs that have previously worked with victims of trafficking, such as Reaching Out, ProTECT Platform and Eliberare, are also at the borders. They provide information on trafficking indicators, how to recognise victims, and how volunteers and border guards should treat them.

In **Slovakia**, the **Ministry of the Interior** prepared information materials in Slovak and Ukrainian. Border authorities allow only a few vetted NGOs to be at the border crossing point Vyšné Nemecké, as of mid-March 2022, according to the NGO Mareena. Furthermore, only state-approved companies can provide onward transport from this border crossing point, reducing the risk of trafficking.

The **Office of the Government Plenipotentiary for Roma Communities** set up monitoring teams at external borders. They raise awareness among Roma displaced persons about the risks of human trafficking, among other tasks.

**UNICEF** called for strengthened measures to **protect children crossing from Ukraine** into neighbouring countries on 19 March 2022. This was because of the risk of trafficking.

At EU level, the European Commission published **operational guidelines on the implementation of the Temporary Protection Directive** on 18 March 2022. The guidelines include a section on trafficking in human beings. The European Commission presented a **10-point action plan** for stronger European coordination on welcoming persons fleeing the war in Ukraine on 25 March 2022.

**Europol** issued an early-warning notification concerning displaced persons arriving in the EU from Ukraine who are at risk of exploitation through trafficking in human beings, on 21 March 2022. The highest risks arise from criminals promising transport, free accommodation, employment or other forms of immediate support, according to Europol.

## Risks of discrimination

There are concerns of discrimination against **non-Ukrainian third-country nationals**; lesbian, gay, bisexual, trans, intersex (**LGBTI**) persons; the **Roma minority**; and other marginalised groups. These concerns are reported by civil society organisations and international organisations.

In **Hungary**, Migration Aid noted that Roma faced challenges finding private accommodation, as very few people will rent to them. This could be because of their ethnic origin and/or the number of members in Roma families. In the light of this, the disaster management authority transports Roma displaced persons to accommodation spots (temporary shelters). These include cultural venues and sports halls, mainly outside Budapest in small villages.

The municipality of the border town Záhony provides different qualities of service to displaced persons depending on their ethnic origin, the president of the National Association of Disadvantaged Families **alleged**. The mayor rejected the allegation, claiming that it is important for Roma to comply with the expected behavioural norms.

## FRA ACTIVITY

On International Roma Day, there were reports from civil society organisations that some Roma were left waiting for transport at border crossing points, **FRA notes** with concern. Some persons refused to sleep in the same tents or travel in the same vehicles as Roma families. Such incidents should be reported immediately to the authorities or to civil society organisations, the agency advises. These groups can help victims of discrimination lodge complaints.

In **Poland**, the **Deputy Commissioner for Human Rights** visited the border crossing point at Medyka at the end of February 2022. Non-Ukrainian third-country nationals coming from Ukraine without travel documents waited over 10 hours for identity verification in second-line checks and for a decision on their entry to Poland. This was addressed, with waiting times at second-line controls significantly reduced at the follow-up **visit on 10 March 2022**, the Deputy Commissioner notes.

In **Romania**, 32 Ukrainian displaced persons of Roma origin were not allowed to enter the room where food was distributed at the *Gara de Nord*, the main railway station in Bucharest, on 12 April 2022, an **NGO platform fighting racism reports**.

In **Slovakia**, a trans man coming from Ukraine had problems crossing the border, the NGO Saplinq reports. Slovak police officers at the border kept him for an unreasonably long time. They ridiculed him because his gender was marked as female on his passport. The police threw his passport in the bin, according to Saplinq.

In cooperation with Ukrainian organisations, the NGO **Prizma helped to create a safe place for LGBTI+ persons**, offering temporary and short-term accommodation assistance.

The **Slovak National Centre for Human Rights** prepared leaflets for victims of discrimination in accordance with the Antidiscrimination Act. The leaflets are available in English, Russian, Slovak and Ukrainian. They have information about discrimination, the forms it takes and how to proceed if a person has been a victim of discrimination.

The **Office of the Government Plenipotentiary for Roma Communities** set up monitoring teams at borders. They aim to identify and prevent events that could lead to unequal treatment of Ukrainian displaced persons of ethnic minority origin. They provide language assistance for displaced persons who speak Romani, and cooperate with relevant organisations providing humanitarian aid.



# Situation of children

## Figures and trends

Women and children make up some 90 % of those fleeing Ukraine, according to **UNICEF**. However, the exact number of children who have arrived unaccompanied (without any carer) and children of those who have arrived separated is still unknown. Separated children are those who arrive without the care of their parents, but accompanied by other relatives or carers, such as family friends.

A total of 69,572 persons were “registered as orphaned children and children deprived of parental care” as of the end of 2020, according to the **Ukrainian government’s response to the Committee on the Rights of the Child**. There were 102,000 children living in institutions as of January 2019, according to earlier information from the **Ministry of Social Policy**.

An unspecified number of these children were transferred to EU-based organisations through informal arrangements, according to information FRA received.

In **Poland**, various bodies supported the evacuation of children from institutions through NGOs and in cooperation with the Ministry of Family and Social Policy. For example, the **Happy Kids Foundation** and **SOS Children’s Villages Poland** evacuated about 1,500 children.

In **Romania**, 528 unaccompanied children entered the country on 17 March 2022, according to the **Minister of Family, Youth and Equal Opportunities**. A total of 225 of these children remain in protection centres.

In **Slovakia**, more than 100 unaccompanied children from Ukraine were identified crossing the border from 24 February to 24 March 2022, according to the Ministry of Labour, Social Affairs and Family.

## Arrivals and registration

Most persons arriving with a biometric passport were quickly let in to facilitate the flow at border crossings, according to FRA’s observations at border crossing points in all four EU countries bordering Ukraine. Some children were travelling with a parental note authorising the child to travel with other carers. Some separated and unaccompanied children were identified and referred to child protection services.

Some of the children living in institutions were transported from Ukraine in groups with the staff working in these institutions. These groups were evacuated through official channels or private initiatives. The children sometimes only transited through Hungary, Poland, Romania and Slovakia to travel to Germany, Lithuania, Spain or other EU countries.

The **CoE’s Commissioner for Human Rights** visited the borders. Border control, law enforcement and child protection authorities should strengthen the identification and registration of unaccompanied and separated children, the Commissioner recommended after their visit.

In **Poland**, the lack of any registration of children from Ukraine was a key concern of **civil society and other actors** at the beginning of the war. An **amendment** was made to the special act on assistance to Ukrainian citizens of 25 March 2022. This created a register and requires the authorities to record unaccompanied children entering Poland. This, however, applies only to children with Ukrainian citizenship.

## Bright spots

**UNHCR and UNICEF** are setting up 26 Blue Dots in six countries: Czechia, Hungary, Moldova, Poland, Romania and Slovakia. Blue Dots are centres at border crossing points or in other arrival areas. They provide immediate protection services for children, families and others with specific needs. This includes providing rest areas, food, hygienic supplies, mental health and psychosocial support, basic legal counselling, referrals to local services and other information.

Some Member States established systems that follow up the indications of the **operational guidelines of the European Commission on the implementation of the Temporary Protection Directive**, section 5 on unaccompanied children, to address registration challenges.

For example, in **Romania**, a ministerial order approved the **procedure** for cooperation between public authorities regarding the entry, registration, transit and stay of unaccompanied children, and the protection of their rights. Adults accompanying children without their parents must provide their and the child's identity details, their destination, and whether they plan to remain in Romania or are in transit, according to the procedure. The border police should always refer groups of children from institutions to child protection services, according to this procedure. This applies whether they arrive with adult carers or alone.

The Ministry of Family, Youth and Equal Opportunities, the Ministry of Education and the Ministry of Health have set up a **task force** for unaccompanied children to coordinate all those involved.

The Human Rights League has criticised the system of identification of unaccompanied children in **Slovakia**. Border guards let teenagers cross the border without being accompanied by parents or other legal guardians, it observes. They also let children cross the border accompanied by adults claiming to be their relatives but providing no proof of that, the NGO observes.

## Guardianship for unaccompanied children

Unaccompanied children must be represented by legal guardianship, an organisation that is responsible for the care and well-being of children, or any other appropriate representation, Article 16 of the **Temporary Protection Directive** requires. Member States receiving unaccompanied children from Ukraine should initiate the procedures for the appointment of guardian or legal representative as soon as possible, according to the **operational guidelines of the European Commission on the implementation of the Temporary Protection Directive**.

In **Hungary**, over 750 children arrived unaccompanied as part of a cooperation scheme between Ukrainian and Hungarian football clubs, according to information the Hungarian Helsinki Committee received. The children are accommodated in adequate facilities. However, they have not been referred to child protection services and have no temporary guardians assigned. This is because the relevant authorities have not yet registered them as unaccompanied.

In **Poland**, Ukrainian children who stay in Poland without a parent or other legal guardian must be placed in a special institution or given a temporary guardian, the **special act** provides. **Family courts** began to receive many applications for temporary guardians by mid-April 2022. Guardians must be appointed within three days, the law requires. However, the lack of interpreters to conduct the required interviews prevents their swift appointment within the deadline.

An **amendment was made to the special act** on 25 March 2022. It assigned *poviat* (regional family assistance centres) the task of providing legal, organisational and psychological assistance to temporary guardians and Ukrainian children under their care. However, temporary caregivers were deprived of the right to receive some of the social benefits provided to children accompanied by parents. This includes the **Family 500+ benefit** (social assistance programme for families with children).

Unaccompanied children arriving in **Slovakia** are under the protection of the Office of Labour, Social Affairs and Family, it states. The Ministry of Labour, Social Affairs and Family provides guardianship. Authorities do not communicate this sufficiently and do not effectively coordinate the protection of unaccompanied children, the Human Rights League claims.

# Bright spots

## Що тобі потрібно знати про тимчасовий захист

**Ця інформація стосується тебе,**

- Якщо тобі менше 18 років;
- ти укрainсь (українець) або громадянин (ка) України і тимчасово перебуваєш в Україні з 24 лютого 2022 року або після цієї дати;
- ти прийняв(-ла):
  - своєї візи;
  - з ним/юю в'їздом, з'їздом твоєї батьки.

Якщо ти вже в Україні, розглянь особливі (спеціальні) умови вступу або продовження терміну тимчасового захисту, у тому числі продовження процедури.

Твоє місце мешкання має бути тимчасовим, якщо особа не може показати інше, якщо особа або потрібна допомога.

**Пам'ятай!**

- Якщо тобі щось не зрозуміло, завжди можна запитати.
- Усі інформації, якщо ти дитина, і поданнями на вступ (виза) повинні бути оброблені та захищені.

**Що означає для тебе тимчасовий захист**

- Ти можеш народитися в ЕС, але ти будеш безсумовно захищений в Україні.
- Ти можеш отримати допомогу, щоб не платити за вступ (виза) і сплатити за проживання в Україні, якщо це буде необхідно для тебе.
- Ти можеш отримати мед. пункт, безкоштовно для проживання в Україні, якщо ти не можеш заробити.
- Ти можеш вступити до школи.
- Ти можеш грати до спорту.



**Скільки триватиме тимчасовий захист?**

До 6 лютого 2023 року. Завжди поділися ситуацією, якщо ти не можеш продовжити.

**Як виглядає процедура?**

- Представник відповідного органу надасть тобі запитання про тебе й твоє сімейство.
- Тобі потрібно показати документи, які засвідчують вашу ідентичність, імена батьків (або інших родичів).
- Ти отримаєш офіційний документ.

**Повідом представників відповідних органів**

- Якщо ти прийняв(-ла) свою(-ю) або з ним/юю в'їздом (виза) (Батьківщина).
- Ти хочеш залишитися в Україні самостійно та не платити за це.
- Ти не розумієш мову — допомогти може особа, яка розуміє твою мову.
- Ти хочеш працювати і тобі потрібна віза або віза.
- Ти хочеш, тому що хочеш працювати тобі або навчанням персоналію тебе робити те, що ти не хочеш. Ти можеш бути в небезпеці.
- Ти хочеш дізнатися про правовий статус.

**Для твоєї безпеки**

- Не ходи на роботу в авто чи інший транспортний засіб і не ходи самостійно.
- Підприємці не мають права приймати дітей до роботи.
- Варто бути обережним (включно, ідентифікація та надання послуг). Обережно використовуй документи.
- Якщо немає телефону, не давай його нікому.
- Якщо перебуваєш в небезпеці або потрібна допомога, поспіши до пункту 22 у будівлі-майні (не з'їжджай).
- Не ходи несподівано в ліс і не ходи в невідомі місця.
- Не ходи самостійно до школи, фотографуй.
- Підприємці повинні, якщо необхідно, надавати інформацію про тебе, як ти відомий, якщо ти дитина.

**Чи існують інші форми захисту?**

Так. Обговоріть варіанти з представниками відповідних органів за підтримки дорослого.

**ОЛЕКСАНДРА ДМИТРО**



The European Union Agency for Asylum has produced leaflets in child-friendly language to explain temporary protection and their rights, and provide safety tips. The leaflet is available in French, German, Hungarian, Italian, Latvian, Lithuanian, Polish, Romanian, Russian, Slovak, Spanish and Ukrainian.

## FRA ACTIVITY



FRA (2022) **Guardianship systems for unaccompanied children in the European Union** presents developments in 27 EU Member States, North Macedonia and Serbia since 2014.

Overall, although many Member States made legislative changes, national guardianship systems continue to face many challenges, the report shows. Not all children are assigned a guardian. Even when they are, the process can take too long, exposing children to various risks. These challenges will probably be exacerbated by the increased number of arrivals of unaccompanied children fleeing Ukraine.

A strong guardianship system can prevent illegal adoptions. Alleged attempts to speed up the process of adopting Ukrainian children abroad, for example in **Lithuania**, should be swiftly investigated.

A conflict should not be used as justification for expediting inter-country adoptions, or for circumventing or disregarding international standards and essential safeguards for adoptions, the **Hague Convention Permanent Bureau** states. Adoption procedures should be prohibited in a situation of armed conflict, according to the bureau.

The Ukrainian authorities have communicated with all EU Member States through the Central Authorities of the Hague Convention/Brussels IIbis. Ukrainian children should not be adopted while the conflict is ongoing, the Ukrainian authorities indicate.

In **Poland**, advertisements about “adopting orphans” from Ukraine have appeared on **social media**.

### Access to education and childcare

Member States must grant children access to the education system under the same conditions as nationals of the host state, Article 14 of the **Temporary Protection Directive** requires. The “access to education for unaccompanied minors should be facilitated as soon as possible, even where procedures for the appointment of a guardian/representative and for determining the type of care that the child is entitled to are ongoing”, **operational guidelines of the European Commission on the implementation of the Temporary Protection Directive** advise. Member States must support access to early childhood education and care under the same conditions as their own nationals and other European Union citizens, the guidelines add.

Member States have quickly responded to the educational needs of children fleeing Ukraine, through **different initiatives**.

The government of **Romania** issued an emergency ordinance on 27 February 2022 that allowed Ukrainian children to attend classes. An **order of the Ministry of Education** clarified the responsibilities and exact procedure for enrolling children in school and pre-school facilities on 11 March 2022. A total of 1,746 children were enrolled as ‘observers’ in schools and pre-schools as of 21 April 2022, according to the **Ministry of Education**. The ‘observers’ can be transformed into ‘students’ once study equivalence procedures are completed.

In **Poland**, the **special act** includes several **education measures**. These allow the transfer of additional subsidies from the state budget to local government units, and create other locations for education. They also authorise school headteachers to assign overtime for school staff, and facilitate the employment of Ukrainian citizens who speak Polish to help students who do not speak the language. In total, 160 000 children have enrolled in Polish schools, according to the **Ministry of Education**.

In addition, the Ministry of Education is working on **a regulation to ease the assessment and classification of students from Ukraine** who have not mastered Polish. Additional support in schools is provided, in principle, to Ukrainian-speaking children, although many speak Russian as a first language, **media report**. The Polish **ombudsman also pointed out** that children from Ukraine who have entered the eighth grade of primary school will have to take the ordinary eighth-grade exam to graduate. This applies without exception, and regardless of language competence.

The Minister for Finance in **Hungary** must rearrange funds in the 2022 state budget to support the enrolment of persons of compulsory school age entitled to

temporary protection, a [government decision](#) of 23 March 2022 states. All public schools received a letter from the Ministry of Human Capacities instructing them to admit all children granted temporary protection, media [report](#). However, no methodical help or detailed instructions on how to teach children from Ukraine has been provided, according to concerned NGOs.

There are concerns about whether schools are ready to accept students who do not speak Hungarian, the NGO Hungarian Association for Migrants (*Menedék Migránsokat Segítő Egyesület*) reports. Roma children arriving from Ukraine who cannot speak Ukrainian and were not enrolled in public education at home are the biggest concern, the association states.

In **Slovakia**, around 7,000 Ukrainian children were enrolled by mid-March 2022. The highest numbers are in Bratislava and Košice. Foreigners have the right to access education, under paragraph 146 of [Act 245/2008 on education and upbringing](#). This affects one third of all children granted [temporary protection in Slovakia](#) aged between 3 and 18.

Children fleeing Ukraine face numerous barriers to accessing primary education, according to the Association of Teachers. These are due to lack of state coordination, lack of information for parents, insufficient language courses and very limited capacities in pre-school in general. The limited capacity affects Slovak children too.

Children with temporary protection do not fall under compulsory schooling, according to the [Ministry of Education](#). Compulsory schooling is tied to permanent residence in Slovakia. Ukrainian children are not officially admitted to school, but only enrolled, as children can only be officially admitted if they have permanent residence status. As a result, schools do not receive the usual per capita financing, but a one-off payment of € 200 per child.

Schools are obliged to enrol children fleeing Ukraine only if there is free capacity. However, there is a lack of capacity in secondary schools. Currently, [the admission process to secondary schools](#) is open, but Ukrainian students cannot join this process. Ukrainian children can be enrolled in secondary schools with vacancies after the enrolment of Slovak students, in June 2022.

## Bright spots

The Office of the Ukrainian Parliament Commissioner for Human Rights prepared an information guide for parents, children and teachers. The guide is on current web resources and portals that provide Ukrainian children with the opportunity to continue their distance learning using Ukrainian resources.

For more information, see [Educational Resources for Ukrainian Children](#) (Ukrainian) and [Educational Resources for Ukrainian Children](#) (English translation).

## Outlook

The unprecedented number of people fleeing the Russian war in Ukraine put the reception and asylum systems of the EU Member States bordering Ukraine to the test. None of them has a long-standing record in receiving large numbers of third-country nationals. Nevertheless, the first wave of arrivals of displaced persons fleeing the war was, overall, well managed. This was achieved with the extraordinary support of civil society, volunteers, the private sector, and national and local governments.

Still, this welcoming response stands in contrast to reactions to displaced persons coming to the EU from other parts of the world. At the Polish–Belarussian border, for example, displaced persons are still violently pushed back, according to the [CoE](#). Volunteers risk imprisonment when helping them, according to [Human Rights Watch](#). Persons fleeing conflict and war should be welcomed and their requests for international protection examined irrespective of nationality, ethnicity or country of origin.

The quick activation of the EU Temporary Protection Directive helps Ukrainians settle and integrate. It does so because they immediately gain the right to work and to access services, without having to go through lengthy asylum procedures. In addition, they are allowed to move freely within the EU. This will help them to connect with family and friends, and to find work or education opportunities.

This is only the beginning. Member States now face a massive task to make these rights a reality. In addition, the public's opinion may not stay as favourable when the local population feels that integrating displaced persons into schools and the labour market affects their own rights and benefits. Integration needs to shift from grassroots and ad hoc efforts to a long-term and government-supported approach for it to be sustainable.

Persons fleeing Ukraine do not only stay in the neighbouring countries. On average, almost 300,000 persons from Ukraine apply for temporary protection in an EU country, Norway or Switzerland every week, according to the [EU Agency for Asylum](#). About 2.3 million have registered for this status to date. Receiving and integrating these unprecedented numbers of displaced persons are a key challenge for the whole EU.

FRA will publish additional bulletins on EU Member States' responses to the situation of those fleeing the war in Ukraine in the coming months. The bulletins will focus on particular fundamental rights challenges and promising practices.

## Annex 1 – National legislation implementing the EU Temporary Protection Directive in the four EU Member States bordering Ukraine

The table below gives an overview of selected aspects in national legislation implementing the EU **Temporary Protection Directive**. The categories of the overview are inspired by the European Commission's **Operational guidelines for the implementation of Council Implementing Decision 2022/382**. The guidelines are intended to help EU Member States with their most pressing initial questions when implementing the Temporary Protection Directive.

The guidelines and the table below do not (yet) cover the right to accommodation in Article 13 (1) of the directive. FRA will cover additional elements of temporary protection, such as housing, in future FRA publications.

**TABLE 1: NATIONAL LEGISLATION IMPLEMENTING THE EU TEMPORARY PROTECTION DIRECTIVE**

Country	Legal basis and entry into force of national implementing measures	Persons eligible for the EU Temporary Protection Directive	Registration of persons, including fingerprinting (Y/N)	Basic rights of persons fleeing Ukraine before the issuance of the temporary protection residence permit	Access to core rights after granting temporary protection (Y/N)	Specific support measure for unaccompanied children (Y/N)	Provision of information (Y/N)
					Access to labour market	Access to education	Access to healthcare
Hungary	<b>Asylum Act and its implementing Government Decree No. 301/2007</b> (1 January 2008)	<ul style="list-style-type: none"> <li>• UA nationals fleeing after 24 February 2022</li> <li>• Non-UA third-country nationals and stateless persons enjoying international protection in UA before 24 February 2022</li> </ul>	Y	<ul style="list-style-type: none"> <li>• Certificate for temporary stay (or residence permit issued on humanitarian ground)</li> <li>• Basic reception conditions, including placement in a dedicated reception centre, provision of food, clothing and personal hygiene materials</li> <li>• Regular subsistence benefits for applicants of temporary protection</li> <li>• Special care/support measures for vulnerable persons</li> </ul>	N*	Y	Y
	<b>Government Decree No. 86/2022</b> (8 March 2022)	<ul style="list-style-type: none"> <li>• Family members (as defined in the implementing decision) of the above</li> </ul>					
	<b>Government Decision No. 1179/2022</b> (23 March 2022)	<ul style="list-style-type: none"> <li>• Non-UA third-country nationals with permanent residence in UA before the war only receive a 'certificate for temporary stay' – valid for 30 days and subject to prolongation</li> </ul>					
	<b>Government Decree No. 121/2022</b> (29 March 2022)			<ul style="list-style-type: none"> <li>• Free access to kindergartens and schooling for children applying for temporary protection</li> <li>• Essential treatment of illnesses and emergency healthcare</li> <li>• Free transport</li> </ul>			
	<b>Government Decision No. 1186/2022</b> (29 March 2022)						

For more information, see [the National Directorate-General for Aliens Policing web page](#)

Country	Legal basis and entry into force of national implementing measures	Persons eligible for the EU Temporary Protection Directive	Registration of persons, including fingerprinting (Y/N)	Basic rights of persons fleeing Ukraine before the issuance of the temporary protection residence permit	Access to core rights after granting temporary protection (Y/N)	Specific support measure for unaccompanied children (Y/N)	Provision of information (Y/N)	
					Access to labour market	Access to education	Access to healthcare	
Poland	<p><b>Special Act on assistance to Ukrainian nationals</b> (12 March 2022)</p> <p><b>Amendments to the Special Act on assistance to Ukrainian nationals</b> (23 March 2022)</p> <p><b>Amendments to the Special Act on assistance to Ukrainian nationals</b> (23 March 2022)</p>	<p>EU temporary protection:</p> <ul style="list-style-type: none"> <li>• UA nationals fleeing after 24 February 2022</li> <li>• Non-UA third-country nationals and stateless persons enjoying international protection in UA before 24 February 2022</li> <li>• Family members (as defined in the implementing decision) of the above</li> <li>• Non-UA third-country nationals with permanent residence in UA before the war, whose return to the country of origin is unsafe</li> </ul>	Y	<ul style="list-style-type: none"> <li>• Confirmation of the legality of stay for a period of 15 days (stamp of the Border Guard in the passport) – for UA nationals without a biometric passport and those who are not visa-free</li> <li>• Placement in a dedicated reception centre</li> <li>• Basic reception conditions in the dedicated reception centres</li> <li>• Essential treatment of illnesses and emergency healthcare</li> </ul> <p>Persons eligible for the protection under the special act have a number of rights – in some respects wider than those provided for in the Temporary Protection Directive</p>	Y	Y	Y	Y
		<p>National protection scheme:</p> <ul style="list-style-type: none"> <li>• UA nationals (and their spouses) coming from UA before 24 February 2022</li> <li>• Other persons within the meaning of Article 2(1) (b)–(c) of the implementing decision can receive temporary protection under the Act on granting protection to foreigners</li> </ul>						

Country	Legal basis and entry into force of national implementing measures	Persons eligible for the EU Temporary Protection Directive	Registration of persons, including fingerprinting (Y/N)	Basic rights of persons fleeing Ukraine before the issuance of the temporary protection residence permit	Access to core rights after granting temporary protection (Y/N)	Specific support measure for unaccompanied children (Y/N)	Provision of information (Y/N)	
					Access to labour market	Access to education	Access to healthcare	
Romania	<b>Law No. 122/2006 on asylum in Romania</b> , Chapter IX, Temporary Protection (16 August 2006)	<ul style="list-style-type: none"> <li>• UA nationals (including those who arrived before 24 February 2022)</li> <li>• Non-UA third-country nationals or stateless persons enjoying any form of international protection in UA before 24 February 2022</li> </ul>	Y (without only facial image captured)	<ul style="list-style-type: none"> <li>• Provision of food, clothing, and personal hygienic materials</li> <li>• Access to healthcare and appropriate treatment through the national system of emergency and first aid</li> <li>• Free transport</li> </ul>	Y	Y**	Y	Y (also available online on the General Inspectorate for Immigration <a href="#">web page</a> )
	<b>Government Decision No. 337/2022</b> (12 March 2022)							
	<b>Government Decision No. 367/2022</b> (18 March 2022)	<ul style="list-style-type: none"> <li>• Non-UA third-country nationals or stateless persons who were permanent residents in UA before 24 February 2022</li> </ul>						
	<b>Emergency Ordinance No. 15/2022</b> (27 February 2022), as amended on <b>5 March 2022</b> , <b>7 March 2022</b> , <b>11 March 2022</b> and <b>23 March 2022</b>	<ul style="list-style-type: none"> <li>• Family members of the above as per the implementing decision (excluding unmarried partners)</li> </ul>						
	<b>Decision No. 277/2022</b> doubling allowances for applicants for international protection (27 February 2022)							
	<b>Order of the Minister of Education No. 3.325 of 2 March 2022</b> – students mobility (3 March 2022)							
	[other ministerial instructions and emergency ordinances not reproduced here]							

Country	Legal basis and entry into force of national implementing measures	Persons eligible for the EU Temporary Protection Directive	Registration of persons, including fingerprinting (Y/N)	Basic rights of persons fleeing Ukraine before the issuance of the temporary protection residence permit	Access to core rights after granting temporary protection (Y/N)			Specific support measure for unaccompanied children (Y/N)	Provision of information (Y/N)
					Access to labour market	Access to education	Access to healthcare		
Slovakia	<b>Act No. 55/2022 Coll on certain measures in relation to the situation in Ukraine</b> (25 February 2022)	<p>UA nationals and their non-UA relatives, specifically:</p> <ul style="list-style-type: none"> <li>wife/husband of a UA national</li> <li>minor children of UA nationals or minor children of their spouse</li> <li>parents of a minor child who is a UA national</li> <li>dependent members of their households</li> </ul>	Y	<ul style="list-style-type: none"> <li>Basic services provided at the border: information on temporary protection and the conditions of stay in Slovakia, emergency healthcare, food and transfer to large-capacity registration centres</li> <li>Services provided in registration centres, including emergency healthcare, psychological assistance and food</li> <li>Use of transport free of charge</li> </ul>	Y	Y	Y	Y	
	<b>Government decree on the provision of temporary refuge according to § 29 (2) of Act No. 480/2002 Coll. on asylum</b> (28 February 2022)	<p>Non-UA nationals who were granted:</p> <ul style="list-style-type: none"> <li>permanent residence in UA before 24 February 2022</li> <li>international protection in UA before 24 February 2022 and their family members residing in UA before 24 February 2022</li> </ul>							
	<b>Government decree of 17 March transposing the Council Implementing Decision</b> (16 March 2022)								
	<b>Lex Ukraine</b> (30 March 2022)								

Notes: N: No

UA: Ukraine

Y: Yes

\* Access to labour market – under the same conditions as non-EU nationals (work permit needed), with some exceptions for healthcare workers.

\*\* Access to education includes both the Romanian national education system and the possibility of continuing their schooling in the Ukrainian system.

Source: FRA, 2022

## Annex 2 – Stakeholders contacted for information

Country	Stakeholders interviewed or consulted by email
Hungary	<ul style="list-style-type: none"> <li>• Hungarian Helsinki Committee (<i>Magyar Helsinki Bizottság</i>)</li> <li>• Migration Aid</li> <li>• Hungarian Association for Migrants (<i>Menedék Migránsokat Segítő Egyesület</i>)</li> </ul>
Romania	<ul style="list-style-type: none"> <li>• Romanian National Council for Refugees (CNRR)</li> <li>• Save the Children</li> <li>• AidROM</li> <li>• Jesuit Refugee Service</li> <li>• Romanian Red Cross</li> <li>• Adventist Agency for Development, Recovery and Relief (ADRA)</li> <li>• LOGS Initiatives of Timisoara</li> <li>• Federation of Non-Governmental Organisations for the Development of Romania (FOND Romania)</li> <li>• Federation of Non-Governmental Organisations for Social Services (FONSS)</li> <li>• League for Defence of Human Rights (LADO Cluj)</li> <li>• Blondie Association (ACCEPT)</li> <li>• European Education Centre and Legal Resources (ECLER)</li> <li>• Iasi Community Foundation</li> <li>• Zi de bine Association</li> </ul>
Poland	<ul style="list-style-type: none"> <li>• Helsinki Foundation for Human Rights</li> <li>• Empowering Children Foundation (<i>Fundacja Dajemy Dzieciom Się</i>)</li> <li>• Association of Family Judges in Poland (<i>Stowarzyszenie Sędziów Rodzinnych w Polsce</i>)</li> <li>• Border Guard (<i>Straż Graniczna</i>) – on the border crossings</li> <li>• Reception point in Młyny</li> <li>• Reception point in Krowica</li> <li>• Reception point in Przemyśl</li> <li>• Reception point in Hrubieszow</li> </ul>
Slovakia	<ul style="list-style-type: none"> <li>• Mareena (consulted by FRA)</li> <li>• Slovak National Centre for Human Rights (<i>Slovenské národné stredisko pre ľudské práva</i>) (consulted by FRA)</li> <li>• Human Rights League</li> <li>• Slovak Humanitarian Council</li> <li>• Sapliňq</li> <li>• Ministry of Labour, Social Affairs and Family</li> <li>• Migration Office of the Ministry of the Interior SR</li> <li>• IOM</li> <li>• Office of the Government Plenipotentiary for Roma Communities</li> </ul>

Source: FRA, 2022



# PROMOTING AND PROTECTING YOUR FUNDAMENTAL RIGHTS ACROSS THE EU —

Russia's military invasion of Ukraine has shaken the world. Millions of women, children and elderly have fled their homes, while their fathers, husbands and sons continue to fight. EU countries have been quick to offer support, opening their borders and welcoming people fleeing the conflict. This first bulletin looks at the initial reactions in the four EU Member States neighbouring Ukraine – Hungary, Poland, Slovakia and Romania. It covers the activation of the EU Temporary Protection Directive, the high danger of human trafficking and sexual exploitation, as well as the specific challenges children face.

FRA will issue a series of bulletins on the war in Ukraine and its fundamental rights implications within the EU. These bulletins will cover selected major issues based on their fundamental rights relevance.

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