

# Ukraine - Country of Origin Information Report

## SITUATION OF HUMAN RIGHTS AFTER THE OUTBREAK OF THE RUSSIAN INVASION (FEBRUARY – SEPTEMBER 2022)

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**Jesuit Refugee Service Romania.** In its capacity as a humanitarian, non-governmental, independent, non-profit, apolitical, democratic association, JRS Romania aims to defend, support, and promote fundamental human rights, especially those of refugees. At the same time, considering the defense, support, and promotion of fundamental human rights, as well as the continuous need to adapt to the dynamic changes within society, JRS Romania contributes to the prevention and relief of suffering in all forms.

**Terre des hommes Foundation** has been active in Romania continuously since 1992, contributing to the improvement of the child protection system and to the reform of social assistance. Tdh's mission is to improve the child protection system and one of its priorities is to support the migrant children who are affected by migration, the prevention of unsafe migration of children and young foreigners and ensure access to fundamental rights for minors affected by migration.

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## Note on Report

The current Country of Origin Information Report has been compiled in accordance with EASO Country of Origin Information Report Methodology. All sources used are reference sources collected from international reports, press articles and specific war crimes investigations reports.

The purpose of this report is to provide general information with regards to Human Rights, Humanitarian and Security Situation in Ukraine, covering the period from late February 2022 to early September 2022. The information compiled in this report can be used by all practitioners within the asylum procedure in Romania. However, this report does not analyze the merits of granting a form of protection in Romania.

All information presented within the current report has been carefully analyzed and verified. This report does not claim to be an exhaustive one; therefore, if a significant event or situation has not been presented in the current work, this does not mean that the event or situation did not happen.

The way of presenting information within this report is citation, used in accordance with EASO COI Writing and Referencing Guide. The main outcome of the report is to organize large amounts of information in a focused, clear, well-sourced and fact-based report in order to support the rendering of asylum decisions.

The information presented in the current report do not necessarily reflect the official position of Jesuit Refugee Service Romania or of its project implementing partner, Terre des Hommes Romania.

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## TABLE OF CONTENTS

### Note

#### 1. Introduction

##### 1.1 Figures and Facts

##### 1.2 Demographics of Ukraine

#### 2. General Security and Humanitarian Situation

##### 2.1 The attack of Donetsk Regional Academic Drama Theatre from Mariupol

##### 2.2. The Battle of Bucha

#### 3. Human and Humanitarian Rights Violations

##### 3.1 Legal Framework

##### 3.2. Right to Life

##### 3.3. Prohibition of Torture and Inhumane Degrading Treatment

##### 3.4. Deportations

#### 4. The Situation of Minors

##### 4.1. Access to Education during War Time

#### 5. International Response to the Ukrainian Refugee Crisis

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## 1. Introduction

### 1.1 Figures and Facts

On 24 February 2022, the Russian Federation launched a wide-scale attack against its neighbor, Ukraine, violating article 2(4) of the United Nations Charter that requires U.N. member states to *'refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state'*.<sup>1</sup> Several months before the escalation of the conflict, the Russian Federation deployed military forces along the Ukrainian border, amassing up to 190,000 troops and their equipment; while on 22 February 2022 recognized the self-proclaimed Donetsk People's Republic and Luhansk People's Republic as independent states.<sup>2</sup>

The full-scale Russian invasion of Ukraine led to the largest humanitarian catastrophe since World War Two and has resulted in countless and severe breaches of international humanitarian and human rights law, including war crimes and crimes against humanity. The Russian military operations have deliberately targeted civilians who have been subjected to bombings and air strikes in densely populated cities or have been abused, tortured, raped and executed by Russian forces.<sup>3</sup> As a result of indiscriminate and disproportionate attacks that caused civilian casualties and the destruction of civilian infrastructure, by mid-September 2022, **nearly one third of Ukrainians has been forced to leave their homes, 7,278,696 Ukrainian refugees have been recorded across Europe and 6,975,000 IDPs (Internally Displaced People) have been recorded in Ukraine.**<sup>4</sup>

According to OHCHR (The Office of the UN High Commissioner for Human Rights), **between 24 February 2022 and 11 September 2022 there have been 14,248 civilian**

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<sup>1</sup> United Nations Charter, Article 2, Paragraph 4

<sup>2</sup> UNHCR, "UNHCR Position on Returns to Ukraine", March 2022, <https://www.refworld.org/docid/621de9894.html>, accessed on 17 September 2022.

<sup>3</sup> Council of Europe, Committee on Migration, Refugees and Displaced Persons, "Humanitarian Consequences and Internal and External Migration in Connection with the Aggression of the Russian Federation against Ukraine", 06 June 2022, <https://pace.coe.int/en/files/29849>, accessed on 17 September 2022.

<sup>4</sup> UNHCR Regional Bureau for Europe, "Ukraine Situation Flash Update #30", 16 September 2022, <https://reliefweb.int/report/ukraine/ukraine-situation-flash-update-30-16-september-2022>, accessed on 17 September 2022.

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**casualties: 15,827 killed** (2,270 men, 1,559 women, 153 girls, and 187 boys, as well as 35 children and 1,623 adults whose sex is yet unknown) **and 8,421 injured** (1,770 men, 1,289 women, 182 girls, and 250 boys, as well as 215 children and 4,715 adults whose sex is yet unknown).<sup>5</sup> Moreover, from 14,248 civilian casualties, 8,034 have been registered in Donetsk and Luhansk oblasts.<sup>6</sup>

In terms of education, the situation in Ukraine is particularly worrying, 30% of Ukrainian children being directly impacted by the war and being unable to return to school. Since February 2022, thousands of schools in Ukraine have been destroyed or damaged by targeted attacks committed by the Russian forces.<sup>7</sup> **More than 5,7 million school-aged children have been affected since the start of the war**, due to forced displacement or closure of the educational facilities.<sup>8</sup> Ongoing exposure to conflict and life-threatening attacks have severely impacted the children's ability to learn, leading to psychological stress, trauma, and school dropout.

The conflict in Ukraine is disproportionately affecting women and girls from marginalized groups, as recent reports show. Even before the war started in February 2022, there were estimated 2.9 million people in Ukraine already in need of humanitarian assistance, most of them being women and girls; and 1.5 million people displaced within Ukraine, due to previous conflict in the Eastern Ukraine.<sup>9</sup> While the risk of GBV (Gender Based Violence) increases as a result of ongoing displacement and military presence, the access to reproductive and sexual health and rights (SRHR) is severely impacted by the use of explosive weapons in densely populated areas targeting hospitals and health

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<sup>5</sup> OHCHR, "Ukraine: Civilian Casualty Update", 12 September 2022, <https://ukraine.un.org/en/198828-ukraine-civilian-casualties-11-september-2022>, accessed on 17 September 2022.

<sup>6</sup> Ibid.

<sup>7</sup> OCHA, "Ukraine Situation Report", 14 September 2022, <https://reports.unocha.org/en/country/ukraine/>, accessed on 17 September 2022.

<sup>8</sup> Ibid.

<sup>9</sup> UN Women and Care International, "Rapid Gender Analysis of Ukraine", 4 May 2022, <https://www.unwomen.org/sites/default/files/2022-05/Rapid-Gender-Analysis-of-Ukraine-en.pdf>, accessed on 18 September 2022.

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facilities.<sup>10</sup> Moreover, growing evidence of the use of sexual violence as a weapon of war emerged after the retreat of the Russian forces. **As of 3 June 2022, 124 cases of alleged acts of conflict-related sexual violence have been reported to the OHCHR** (the Office of the UN High Commissioner for Human Rights), mostly against women and girls.<sup>11</sup> The situation of transgender women in Ukraine also raises concerns, as reportedly transgender women with male documents have been prohibited to leave Ukraine under the emergency order requiring men between 18-60 years old to stay in the country.<sup>12</sup>

## 1.2 Demographics of Ukraine

According to the statistics published by the State Statistics Service of Ukraine on the 1<sup>st</sup> of January 2022, Ukraine's population is 41,130,432 people, excluding the temporarily occupied territories of the Autonomous Republic of Crimea, and the city of Sevastopol.<sup>13</sup> The Ukrainian census from 2001 reveals that its ethnic composition looks as follows: Ukrainian 77.8%, Russian 17.3%, Belarusian 0.6%, Moldovan 0.5%, Crimean Tatar 0.5%, Bulgarian 0.4%, Hungarian 0.3%, Romanian 0.3%, Polish 0.3%, Jewish 0.2%, other 1.8%.<sup>14</sup> According to the same census, there are 47,587 Roma living in Ukraine. However, according to unofficial estimates of international and public organizations, the Roma population in Ukraine ranges from 200,000 to 400,000 people.<sup>15</sup> The age structure looks as follows: 0-14 years: 16.16%, 15-24 years: 9.28%, 25-54 years:

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<sup>10</sup> Working Group on Women, Peace and Security, "Gender Analysis of the Situation in Ukraine", April 2022, <https://www.womenpeacesecurity.org/wp-content/uploads/Gender-Analysis-of-the-Situation-in-Ukraine-April-2022.pdf>, accessed on 18 September 2022.

<sup>11</sup> UN Security Council, "Sexual Violence 'Most Hidden Crime' being Committed against Ukrainians, Civil Society Representative Tells Security Council", 6 June 2022, <https://reliefweb.int/report/ukraine/sexual-violence-most-hidden-crime-being-committed-against-ukrainians-civil-society-representative-tells-security-council-0>, accessed on 18 September 2022.

<sup>12</sup> Ibid.

<sup>13</sup> State's Statistics Service of Ukraine, 2 January 2022, [https://www.ukrstat.gov.ua/operativ/operativ2007/ds/nas\\_rik/nas\\_e/nas\\_rik\\_e.html](https://www.ukrstat.gov.ua/operativ/operativ2007/ds/nas_rik/nas_e/nas_rik_e.html), accessed on 23 September 2022.

<sup>14</sup> The World Factbook, Ukraine, 20 September 2022, <https://www.cia.gov/the-world-factbook/countries/ukraine/>, accessed on 23 September 2022.

<sup>15</sup> European Council, "Discussing the Post 2020 Roma Strategy in Ukraine", 23 May 2020, [https://www.coe.int/en/web/kyiv/national-minorities/-/asset\\_publisher/i6ydYw6liGNc/content/discussion-of-the-future-roma-strategy-in-ukraine?inheritRedirect=false](https://www.coe.int/en/web/kyiv/national-minorities/-/asset_publisher/i6ydYw6liGNc/content/discussion-of-the-future-roma-strategy-in-ukraine?inheritRedirect=false), accessed on 23 September 2022.

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43.66%, 55-64 years: 13.87%, 65 years and over: 17.03%. Life expectancy at birth is male: 68.8 years and female: 78.39 years.<sup>16</sup>

The only official language in Ukraine is Ukrainian spoken by 67.5% of the population. Other regional languages spoken are Russian (29.6%), Hungarian, Romanian, Crimean Tatar (2.9%). Two thirds of the population is Christian Orthodox, while the Muslim and Jewish adherents each compose less than 1% of the total population.<sup>17</sup>

## 2. General Security and Humanitarian Situation

The Russian invasion of Ukraine launched on February 24, 2022, was announced by Vladimir Putin as a “special military operation” to “demilitarize” and “denazify” Ukraine.<sup>18</sup> Following the Russian President’s statement, missiles and airstrikes were hitting Ukrainian territory, followed by land forces deployment from multiple directions, including Belarus. It was the second time Russia had openly invaded sovereign territory of Ukraine since the 2014 illegal occupation and annexation of Crimea. Undermining the Minsk Accords which were endorsed by a UN Security Council Resolution, and which were recognizing Donbass as part of Ukraine; Russian forces illegally crossed Ukrainian borders and started bombing military targets starting with early morning of 24 February 2022.

Following the initial invasion from the northern front from Belarus towards Kyiv, from the north-eastern front towards Kharkiv, from the southern front through Crimea and from the south-eastern front through Luhansk and Donetsk, Russian forces steadily took control over major cities, including Mariupol, Chernihiv, Kharkiv and northern territory of Kyiv. It became clear that the main objective of the Russian forces was taking major cities and densely populated areas, due to military operations such as using heavy

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<sup>16</sup> The World Factbook, Ukraine, 20 September 2022, <https://www.cia.gov/the-world-factbook/countries/ukraine/>, accessed on 23 September 2022.

<sup>17</sup> Ibid.

<sup>18</sup> Aljazeera, “No other option”: Excerpts of Putin’s speech declaring war”, 24 February 2022, <https://www.aljazeera.com/news/2022/2/24/putins-speech-declaring-war-on-ukraine-translated-excerpts>, accessed on 17 September 2022.

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artillery shells, rockets, and missiles in residential areas, targeting civilian infrastructures.<sup>19</sup>

On 8 April 2022, Russian Federation launched an offensive attack in eastern Ukraine, following the unsuccessful attempt to seize the capital, Kyiv. By May, the Russian forces took control of the city of Mariupol, the strategic south-eastern port from Azov Sea. The brutal siege of Mariupol caused a massive humanitarian crisis, increasing allegations of war crimes and IHL violations against Russia with the air strike on a theater and the bombing of a maternity hospital, both civilian objectives.

In mid-August, escalating tensions in the southern front, at the Zaporizhzhia nuclear plant spurred international fears of a nuclear disaster. The Zaporizhzhia facility, the largest nuclear plant in Europe and the 10<sup>th</sup> in the world, has been seized since the beginning of the invasion, in late February. Fighting in the territory surrounding the nuclear facility has raised concerns regarding its safe operation, as shelling of the plant's switchyard has already led to a major city blackout in Enerhodar.<sup>20</sup>

In early September 2022, the Ukrainian forces made significant advances in the northeast front and carried out a strong southern counteroffensive, taking back substantial parts of territories in the Kharkiv region. As a result of Ukraine's latest victories from early September, Vladimir Putin announced a partial mobilization of 300,000 men, spurring anti-mobilization protests in Moscow and the arrest of hundreds of Russian protesters.<sup>21</sup> Moreover, officials in the Russian occupied areas of Donetsk, Luhansk, Zaporizhzhia and Kherson announced and carried out illegal annexation referendums in the four regions, reportedly forcing people to vote "under a gun barrel."<sup>22</sup>

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<sup>19</sup> OHCHR, "Situation of Human Rights in Ukraine in the Context of the Armed Attack by the Russian Federation, 24 February – 15 May 2022", 29 June 2022, <https://www.ohchr.org/sites/default/files/documents/countries/ua/2022-06-29/2022-06-UkraineArmedAttack-EN.pdf>, accessed on 18 September 2022.

<sup>20</sup> Global Conflict Tracker, "Conflict in Ukraine", 12 September 2022, <https://www.cfr.org/global-conflict-tracker/conflict/conflict-ukraine>, accessed on 27 September 2022.

<sup>21</sup> Vox, "Russia's Mobilization won't Fix its Military Problems", 25 September 2022, <https://www.vox.com/2022/9/25/23370489/russia-military-mobilization-ukraine-war-putin>, accessed on 27 September 2022.

<sup>22</sup> Washington Post, "With Kalashnikov Rifles, Russia Drives the Staged Vote in Ukraine", 24 September 2022, <https://www.washingtonpost.com/world/2022/09/24/ukraine-putin-referendums/>, accessed on 27 September 2022.

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## 2.1. The attack of Donetsk Regional Academic Drama Theatre from Mariupol

Mariupol, situated in Donetsk Oblast, in south-eastern Ukraine, on the northern coast of the Sea of Azov, was sheltering nearly half a million people before the current conflict. Mariupol was considered by the Russian Federation a strategic region, giving them uninterrupted land access between Russia and Crimea and access to the Sea of Azov. The city of Mariupol was under siege between 3 March 2022 and 20 May 2022, when the Ukrainian forces surrendered. Although residents have been evacuated either to government controlled areas or to the Russian Federation, there were 200,000 people, according to OHCHR estimates, who remained in the city by the end of March without any access to humanitarian aid.<sup>23</sup> The city has been intensely shelled, resulting in huge number of civilian casualties and the destruction of residential houses and health infrastructure; 62% of the territory of the city having been severely impacted or destroyed.<sup>24</sup> The mayor of Mariupol, Vadym Boichenko, estimated on 11 April 2022 that at least 20,000 civilians have been killed.<sup>25</sup>

On the 10<sup>th</sup> day of the siege, the city had no access to water, gas, electricity and Internet; while occupying Russian forces were blocking any entrance or exit from the city, restricting the delivery of water, food and medicines to the entrapped residents. Civilians affected by the heavy shelling of the city, being unable to safely flee the city, took refuge in shelters, basements or in one of the largest communal shelter - in the Donetsk Regional Academic Drama Theater in the center of Mariupol, which served as a hub for distribution of water, medicines, food, and information regarding the evacuation corridors. As rumors regarding the establishment of a humanitarian

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<sup>23</sup> OHCHR, "Situation of Human Rights in Ukraine in the Context of the Armed Attack by the Russian Federation, 24 February – 15 May 2022"; 29 June 2022, <https://www.ohchr.org/sites/default/files/documents/countries/ua/2022-06-29/2022-06-UkraineArmedAttack-EN.pdf>, accessed on 18 September 2022.

<sup>24</sup> Ibid.

<sup>25</sup> Al Jazeera, "Ukraine war last updates: '20,000 civilians killed in Mariupol'", <https://www.aljazeera.com/news/2022/4/11/three-killed-in-russian-attacks-ukraine-donetsk-liveblog>, 11 April 2022, accessed on 24 September 2022.

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evacuation corridor starting with the theater premise were spreading on the 5<sup>th</sup> of March, many people, perhaps several thousands, gathered at the theater.<sup>26</sup>

The attack on the theater carried out by the Russian fighter aircraft occurred on 16 March 2022. Amnesty International reports that 500 kg bombs struck close to each other and detonated at the same time, while hundreds of civilians were in or around the theatre. The theater was known as a civilian shelter, while the civilian activity at the theater, the absence of any military presence inside or near the theater and the lack of any military objective in the proximity of the theater suggest that Russian forces intentionally targeted the attack on the theater. Moreover, 3 days prior to the attack, the word “CHILDREN” was written on the ground outside the theater in Russian letters large enough to be seen by aircraft.<sup>27</sup>

The attack resulted in hundreds of civilians being wounded and dozens killed. Although initial reports of the Mariupol city council estimated 300 deaths, Amnesty International investigation accounted for dozens of civilian casualties.<sup>28</sup> The same report firmly holds the Russian Federation criminally accountable for violating the International Humanitarian Law by intentionally and unlawfully targeting a civilian object and by causing serious human suffering, loss of civilian life and damage to a civilian infrastructure.

## 2.2. The Battle of Bucha

As the Russian ground forces marched south from Belarus following the initial military strategy to encircle Kyiv, they entered Bucha on 27 February 2022 and took control of the city on 5 March 2022. Bucha is a city situated in Kyiv Oblast, 25 km west of Kyiv, bordering the cities of Irpin and Hostomel and hosting around 37,000 inhabitants before the Russian massacre. The Russian control of Bucha lasted until 31 March 2022 when

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<sup>26</sup> Amnesty International, “Children’ – The Attack on the Donetsk Regional Drama Theatre in Mariupol, Ukraine”, 30 June 2022, <https://www.amnesty.org/en/documents/eur50/5713/2022/en/>, accessed on 24 September 2022.

<sup>27</sup> Ibid.

<sup>28</sup> Ibid.

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Russian troops retreated, uncovering unlawful atrocities, killings of civilians, extra juridical executions after rape and torture and mass graves.

During the battle, Bucha was heavily bombarded by the Russian artillery and Ukrainian artillery and air force responded by using rocket, artillery bombardments and airstrikes. Due to constant bombardment of the city, the civilians took shelter in basements and were unable to access humanitarian aid. As the Russian forces advanced in the city, they took control of the main highways and electrical stations, heavily affecting the civilians' access to electricity. Moreover, the Ukrainian government warned Bucha residents in early March not to evacuate the city because the evacuation buses were part of Russian strategy to use civilian evacuation convoys to Kyiv as human shields to allow the Russian forces' march to Kyiv.<sup>29</sup>

In early April, after the withdrawal of Russian ground forces from Kyiv oblast, evidence showing numerous unlawful killings and war crimes committed by the Russian Federation emerged. Washington Post has found evidence of torture, mutilation, beheading, dismemberment, and incineration of corpses.<sup>30</sup> Amnesty International conducted an independent investigation collecting testimonies from 45 people who witnessed killing of their relatives and neighbors from the Russian soldiers, as well as from 39 people who witnessed air strikes that hit large apartment buildings in Bucha and the neighboring cities and villages under Russian control in Kyiv oblast. The report found compelling evidence of Russian war crimes committed in February and March in towns and villages north-west of Kyiv.

***“We were staying in the basement most of the time, only going to our apartments to charge our phones, take naps, and use the bathroom; we could not go out in the street because there was a risk of being shot at by Russian soldiers. Even in the courtyard it was not safe to be outside when the soldiers were around.*”**

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<sup>29</sup> Ukrinform, "Окупанти хочуть використати дітей та жінок з Бучі як "живий щит", 27 February 2022, <https://www.ukrinform.ua/rubric-ato/3414876-okupanti-hocut-vikoristati-ditej-ta-zinok-z-buci-ak-zivij-sit.htm>, accessed on 25 September 2022.

<sup>30</sup> Washington Post, "In Bucha, the Scope of Russian barbarity is Coming into Focus", 6 April 2022, <https://www.washingtonpost.com/world/2022/04/06/bucha-barbarism-atrocities-russian-soldiers/>, accessed on 25 September 2022.

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***On 4 or 5 March — I cannot remember exactly which day — shortly before curfew, at around 4:30 to 4:45pm, my brother went out to the courtyard to smoke. He and a 15-year-old neighbor stood by the corner of the building near the basement entrance facing Yablunska Street. When they saw some Russian soldiers approach from Yablunska Street they retreated into the courtyard. The boy ran into the basement and my brother sat on the second highest step of the basement stairs smoking. Soldiers came around the corner of the building into the courtyard and shot him several times in the neck, chest, and face. One of the soldiers called out “Volodya” and another soldier approached and checked Dmytro’s pulse. He was dead. He had died on the spot. ``<sup>31</sup>***

***“It was afternoon, just before lunch, about 2:30 to 3pm. A young soldier came to the basement and asked for our phones. I asked him if he wanted us to put all our phones in a bag and he pointed his rifle at me. He was very aggressive. He collected all the phones and gave them to Leonid and told him to carry the phones and walk in front of him. Leonid obeyed and took the phones and as he was walking up the stairs, we heard two or three shots and after a few minutes we heard a big bang also coming from the stairs. We stayed in the basement and could not go to the stairs to look as we were afraid, we would be shot too. We waited for a while and then went to look and found Leonid dead, slumped in the middle of the stairs in a pool of blood. Part of his head was missing, and bones were sticking out of his leg. The injuries were huge, not gunshots. They must have been from the grenade.”<sup>32</sup>***

Russian forces occupied civilian apartments and schools, searching from door to door and forcing residents to leave their houses in what they claimed to be a “hunt for

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<sup>31</sup> Op Cit. Amnesty International, “He’s not Coming Back” – War Crimes in Northwest Areas of Kyiv Oblast”, May 2022, p. 7, <https://www.amnesty.org/en/documents/eur50/5561/2022/en/>, accessed on 25 September 2022.

<sup>32</sup> Ibid, p. 9.

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Nazis”<sup>33</sup>. In multiple residential areas, they interrogated residents, searched for weapons, detained, and shot indiscriminately people who have ventured outside from their basements in search for food, water, or who were burying the bodies of their relatives. Human Rights Watch interviewed funeral workers whose testimonies account for evidence of bodies with tied hands showing sign of torture during the time of the occupation. Serhii Matiuk, a funeral home worker from Bucha, testified he collected at least 200 bodies of men, women and children lying on the sidewalk or in cars in the streets of Bucha.<sup>34</sup> A senior Ukrainian police officer declared that Ukrainian authorities have identified 900 Ukrainian bodies on the streets of Bucha who have been killed by the Russian forces, Human Rights Watch reports.<sup>35</sup> On 16 May, BBC reports that over 1,000 civilian bodies have been discovered in the Bucha region, with over 650 people being shot in unlawful executions.<sup>36</sup>

### 3. Human and Humanitarian Rights Violations

Amnesty International accounts in a public report from May 2022 that since the beginning of the war, there have been registered and opened criminal proceedings by the judicial authorities of Ukraine of more than 9,602 cases of suspected violations of international humanitarian laws and war crimes, not including the violations taking place in areas inaccessible to Ukrainian authorities such as Mariupol or Severodonetsk.<sup>37</sup> The Russian aggression towards Ukraine has prompted to a wide range of human rights violations of both civilians and combatants, including unlawful killings and summary executions, arbitrary detention and enforced disappearance, torture and ill-treatment and conflict-related sexual violence.

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<sup>33</sup> Human Rights Watch, “Ukraine: Russian Forces’ Trial of Death in Bucha”, 21 April 2022, <https://www.hrw.org/news/2022/04/21/ukraine-russian-forces-trial-death-bucha>, accessed on 25 September 2022.

<sup>34</sup> Ibid.

<sup>35</sup> Ibid.

<sup>36</sup> BBC, “Ukraine: The Children’s Camp that Became an Execution Ground”, 16 May 2022, <https://www.bbc.com/news/world-europe-61442387>, accessed on 25 September 2022.

<sup>37</sup> Amnesty International, “High Level Secretary General Mission to Ukraine: End of Mission Statement”, 20 May 2022, <https://www.amnesty.org/en/wp-content/uploads/2022/05/EUR5056342022ENGLISH.pdf>, accessed on 17 September 2022.

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### 3.1 Legal Framework

The current armed conflict in Ukraine is governed by the International Humanitarian Law (IHL) foreseen primarily in the four Geneva Conventions of 1949 and Additional Protocol I of 1977 to which both Ukraine and the Russian Federation are parties. The Russian Federation and Ukraine are also bound by international human rights treaties, having both ratified the Convention against Torture, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Rights of the Child, the Convention on the Elimination of All Forms of Discrimination against Women, the International Protocol on Civic and Political Rights and the Convention on the Rights of Persons with Disabilities. As recognized by the United Nations treaties and by the International Court of Justice, international human rights law continues to apply during armed conflict.

### 3.2. Right to Life

Deprivation of the right to life enshrined in Article 6 of the International Covenant on Civil and Political Rights<sup>38</sup>, when committed as a systematic attack against civilian population, with the knowledge of the attack amounts to a crime against humanity. Deprivation of life can be carried out in compliance with International Humanitarian Law, through derogation from the European Convention of Human Rights:

***“In time of war or other public emergency threatening the life of the nation any High Contracting Party may take measures derogating from its obligations under this Convention to the extent strictly required by the exigencies of the situation, provided that such measures are not inconsistent with its other obligations under international law.”***<sup>39</sup>

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<sup>38</sup> International Covenant on Civil and Political Rights, part III, Article 6, 16 December 1966

<sup>39</sup> European Convention of Human Rights, Article 15 (1) (2), 1950,

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Although some instances of deaths among the military personnel may be lawful under International Humanitarian Law, extrajudicial killings, summary executions and arbitrary killings of civilian population constitute the most serious violations of the right to life. According to OHCHR (The Office of the UN High Commissioner for Human Rights), **between 24 February 2022 and 11 September 2022 there have been recorded 14,248 civilian casualties: 15,827 killed** (2,270 men, 1,559 women, 153 girls, and 187 boys, as well as 35 children and 1,623 adults whose sex is yet unknown) **and 8,421 injured** (1,770 men, 1,289 women, 182 girls, and 250 boys, as well as 215 children and 4,715 adults whose sex is yet unknown).<sup>40</sup>

The Organization for Security and Co-operation in Europe (OSCE) has received by April 2022 numerous reports regarding killings of civilians by the Russian forces that uncover features of extrajudicial killings. On 7 March 2022, the head of the local government and 2 volunteers from Gostomel village in the Kyiv region have been shot by the Russian soldiers while delivering food and aid to the locals.<sup>41</sup> 10 persons have been shot by the Russian forces while standing in the queue to get bread in the town of Chernihiv.<sup>42</sup> On 5 March 2022, a 37-year-old man has been killed after being subjected to public spanking while exposed to a “pillar of shame” by the Russian forces, due to alleged alcohol abuse and theft.<sup>43</sup> In another incident, on 19 March 2022, an old woman was shot dead and her husband injured while riding bicycles to the local hospital in Trostyanets in the Sumy region.<sup>44</sup> All these instances investigated by the OSCE are not explained by any military necessity, amounting to extrajudicial killings of civilians.

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<sup>40</sup> OHCHR, “Ukraine: Civilian Casualty Update, 12 September 2022”, <https://ukraine.un.org/en/198828-ukraine-civilian-casualties-11-september-2022>, accessed on 17 September 2022.

<sup>41</sup> OSCE, “Report on Violations of International Humanitarian and Human Rights Law, War Crimes and Crimes against Humanity. Committed in Ukraine since 24 February 2022, 13 April 2022, p. 55, <https://www.osce.org/files/f/documents/f/a/515868.pdf>, accessed on 26 September 2022.

<sup>42</sup> Ibid.

<sup>43</sup> Ibid.

<sup>44</sup> Ibid.

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### 3.3. Prohibition of Torture and Inhumane Degrading Treatment

The prohibition of torture and other inhuman or degrading treatment is one of the few absolute rights from which no derogation, even in times of conflict, is possible. The World Organization against Torture (OMCT) has published a report concerning cases of arbitrary detention, disappearances, torture and ill-treatment against local authorities, activists, journalists and veterans of military operations in Eastern Ukraine, notably in the Temporary Detention Centre of Kherson and in Melitopol.

The evidence investigated by the OMCT shows that many civilians detained in Kherson have been subjected to beatings, mock executions in which Russian soldiers shot guns above their heads and severe deprivation of healthcare, medicine, food or water.<sup>45</sup> In another case investigated by the OMCT, the Russian military forcefully took the participants of a peaceful pro-Ukrainian rally in the city of Melitopol, Zaporizhzhia region, to a forest near-by and humiliated them by forcing them to wash their faces with Brilliant Green dye solution which irritates the skin and causes visual disturbances.<sup>46</sup>

OHCHR documented several cases of enforced disappearance, ill-treatment and torture in Crimea and reports 234 arbitrary arrests (211 men, 20 women and 3 children) since 24 February 2022, including journalists, activists in Crimean Solidarity, participants in public peaceful demonstrations or people who shared their opinions on social media regarding the political situation, which were deemed “extremist”.<sup>47</sup> In one such case, following early morning house-raids, the Russian law enforcement officers in Crimea detained 3 Ukrainian citizens by taking them into an unknown location, without providing them access to lawyers and torturing them through electrocution, physical violence and threats of sexual violence.<sup>48</sup>

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<sup>45</sup> OMCT, “Ukraine. Concerns over the Abduction and Torture of Civilians in Territories under Russian Control”, 29 March 2022, <https://www.omct.org/en/resources/statements/ukraine-concern-over-the-abduction-and-torture-of-civilians-in-territories-under-russian-control>, accessed on 26 September 2022.

<sup>46</sup> Ibid.

<sup>47</sup> UN General Assembly, “Situation of the Human Rights in the Temporarily Occupied Autonomous Republic of Crimea and the City of Sevastopol, Ukraine, 25 July 2022, p. 16, <https://reliefweb.int/report/ukraine/situation-human-rights-temporarily-occupied-autonomous-republic-crimea-and-city-sevastopol-ukraine-report-secretary-general-ahrc5065advance-edited-version>, accessed on 26 September 2022.

<sup>48</sup> Ibid

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### 3.4. Deportations

Parties to an international conflict are forbidden from forcibly transferring or deporting the civilian population of an occupied territory, under the laws of war and the Geneva Conventions. Since the start of Russia's full-scale invasion of Ukraine in February 2022, Russian and Russian-affiliated officials have been forcibly transferring Ukrainian civilians to the Russian Federation, amounting to serious violations of the laws of war, namely war crimes and potentially crimes against humanity. According to the Human Rights Ombudsperson of the Ukrainian Parliament, more than 400,000 Ukrainian civilians have been deported to Russia.<sup>49</sup> On June 20, Ukraine's deputy prime minister claimed that 1.2 million Ukrainians have been forcibly taken to Russia, including 240,000 children.<sup>50</sup> Russia denied all the accusations of forcibly transferring civilians from Ukraine to Russian territories, claiming they offered a safe humanitarian evacuation to those who voluntarily wanted to take refuge in Russia.<sup>51</sup>

Human Rights Watch has documented the forcible transfer of Ukrainians from Mariupol and Kharkiv regions to Russia and Russian-occupied areas of Ukraine. According to the report published in September 2022, the transfers to Russia were organized in a mass manner, while upon arrival to Russia, civilians are taken to filtration camps where they are unlawfully screened, detained and interrogated.<sup>52</sup>

In the case of Mariupol, Human Rights Watch noted the Russian forces have started forcing residents to undergo a security "filtration" process before the transfer to Russia, during which they collected civilians' biometric data including fingerprints and photos of their faces, while they questioned them regarding their political views and their ties with

<sup>49</sup> Shona Murray, "More than 400,000 Ukrainians forcibly displaced to Russia, claims Ukraine's Ombudswoman", Euronews, 20 March 2022, <https://www.euronews.com/my-europe/2022/03/30/more-than-400-000-ukrainians-forcibly-displaced-to-russia-claims-ukraine-s-ombudswoman>, accessed on 26 September 2022.

<sup>50</sup> "Russia's Genocide of Ukrainians Must not Go Unpunished", ECR Group, 15 September 2022, [https://ecrgroup.eu/article/russias\\_genocide\\_of\\_ukrainians\\_must\\_not\\_go\\_unpunished#:~:text=In%20late%20June%2C%20Ukrainia%20Deputy,are%20detained%2C%20searched%20and%20interrogated](https://ecrgroup.eu/article/russias_genocide_of_ukrainians_must_not_go_unpunished#:~:text=In%20late%20June%2C%20Ukrainia%20Deputy,are%20detained%2C%20searched%20and%20interrogated)., accessed on 26 September 2022.

<sup>51</sup> "Ukraine accuses Russia of forcibly deporting over 210,000 children", Reuters, May 13 2022, <https://www.reuters.com/world/europe/ukraine-accuses-russia-forcibly-deporting-over-210000-children-2022-05-13/>, accessed on 26 September 2022.

<sup>52</sup> Human Rights Watch, "Filtration and the Crime of Forcibly Transferring Ukrainian Civilians to Russia", September 2022, <https://www.hrw.org/report/2022/09/01/we-had-no-choice/filtration-and-crime-forcibly-transferring-ukrainian-civilians>, accessed on 26 September 2022.

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the Ukrainian army.<sup>53</sup> Russian soldiers often rounded up people from the streets, homes and shelters and forcibly put them on buses without revealing their destination and transferred them to Russian-controlled villages to undergo filtration. In several cases documented by the Human Rights Watch, Russian forces lied to civilians, by telling them they would be taken to Ukrainian-controlled territories: “***But they lied to us and fooled us. They took us to Nikolske and on to Taganrog without giving us another choice***”.<sup>54</sup> Irina, a woman interviewed by the Human Rights Watch in April 2022 stated: “***Of course we would have used the opportunity to go to Ukraine if we could have, for sure. But we had no choice, no possibility to go there.***”<sup>55</sup> Victor, another man interviewed by the Human Rights Watch said that the Russian soldiers pushed him and his neighbor to go to Russia: “***Soldiers came to my home and told me I had to leave. I said ‘No, I don’t want to. Why should I leave?’ They said to me, ‘You lived under us so if the Ukrainian army comes, they will punish you. You will be executed.***”<sup>56</sup>

The filtration process undergone by the Russian forces have been coercive; civilians have not been asked for consent when requested to provide personal data, such as biometrics and have not been given any reason why the data was being collected. Moreover, there are grounds of concern that civilians detained after the filtration process are facing torture and ill-treatment in detention. Victims interviewed by the UN Human Rights Monitoring Mission in Ukraine reported that they were “***tied and blindfolded for several days; beaten; subjected to mock executions; threatened with sexual violence; put in a closed metal box; forced to sing and shout glorifying slogans; provided with no or scarce food or water; and held in overcrowded rooms with no sanitation***”.<sup>57</sup>

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<sup>53</sup> Ibid, p. 22.

<sup>54</sup> Ibid, p 28.

<sup>55</sup> Ibid, p. 46.

<sup>56</sup> Ibid, p 60.

<sup>57</sup> OHCHR, “Situation on Human Rights in Ukraine in the Context of the Armed Attack by the Russian Federation. 24 February – 15 May 2022”, 29 June 2022, <https://www.ohchr.org/sites/default/files/documents/countries/ua/2022-06-29/2022-06-UkraineArmedAttack-EN.pdf>, accessed on 27 September 2022.

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Once transferred to Russia, the Ukrainian civilians were sent to temporary placement centers for refugees or instructed to go by themselves with buses or trains to regions further away from the border. Several people who stayed at the temporary placement centers in Russia reported that Russian investigators put pressure on them to officially admit they have suffered or witnessed war crimes carried out by the Ukrainian forces.<sup>58</sup> Moreover, activists reported that Ukrainian citizens staying in the Russian temporary centers have been pushed to file official requests for temporary asylum in Russia.

#### **4. The Situation of Minors**

According to a report issued by UNICEF in June 2022, more than 2,200,000 children have been forced to flee the country, the vast majority of them being accompanied by their mother.<sup>59</sup> The governments, international organizations and NGOs from the neighboring country that host the most numerous communities of Ukrainian refugees (Poland, Moldavia, Romania and Slovakia) and also those who are present in Ukraine, prepared protection and humanitarian intervention strategies in accordance with the specific needs of this group: organization of awareness campaigns about human trafficking at the border points from the very beginning of war, ensuring safe accommodation, medical and psychological assistance, tailored-made material support (hygienic products for small children and teenage girls, etc), opening playgrounds for children, ensuring internet connection and access to electronic devices in order to enable online schooling.

The Save the Children Organization estimated in March 2022, that 100,000 institutionalized children living in orphanages and institutions in Ukraine are at risk of being left behind or being permanently separated from family members as the war continues. Also Save the Children underlined that Ukraine has one of the highest rates of institutional care in Europe, with about 1.3% of all children living in some form of

<sup>58</sup> Human Rights Watch, "Filtration and the Crime of Forcibly Transferring Ukrainian Civilians to Russia", September 2022, p. 62, <https://www.hrw.org/report/2022/09/01/we-had-no-choice/filtration-and-crime-forcibly-transferring-ukrainian-civilians>, accessed on 26 September 2022.

<sup>59</sup> UNICEF, "100 Days of War in Ukraine Have Left 5.2 Million Children in Need of Humanitarian Assistance", 31 May 2022, <https://www.unicef.org/press-releases/one-hundred-days-war-ukraine-have-left-52-million-children-need-humanitarian>, accessed on 25 September 2022.

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residential care facility. Many of these children remain trapped in institutions as more cities and civilian infrastructure come under attack.<sup>60</sup>

With regards to the civilian fatalities among children, in Ukraine, at least 942 children have been killed or injured out of which 356 children killed and 586 injured.<sup>61</sup>

In the “Romania’s Response to The Humanitarian Refugee Crisis” report, published on 21 April 2022, the Government of Romania presents the situation of unaccompanied minors fleeing the war in Ukraine to Romania. According to the report, since the start of the war, 2,353 unaccompanied minors from Ukraine have been sheltered in Romania, out of which 258 are included in the special protection system from Romania.<sup>62</sup>

#### 4.1. Access to Education during War Time

According to the Ministry of Education and Science from Ukraine, on 1<sup>st</sup> September 2022, 27% of the Ukrainian schools resumed face-to-face learning, 43% distance learning and 30% mixed modality (face-to-face and distance learning). Most of the internally displaced children continue to study remotely in their host institutions, while only some of the internally displaced children study in person in the new places of residence.<sup>63</sup> Likewise, many Ukrainian children do not have access to the internet or computers in the specially designated centers for internally displaced persons, thus lacking access to online courses.

In Poland, the local NGOs noted with concern the difficulties faced by the Ukrainian children who do not attend Polish schools. To secure access to education for 50,000 Ukrainian pupils, the “Nasz Wybór ” organization of Ukrainian Diaspora managed to

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<sup>60</sup> Save the Children, “Ukraine: Children Without Caregivers Risk Being Forgotten”, 14 March 2022, <https://www.savethechildren.net/news/ukraine-children-without-caregivers-risk-being-forgotten>, accessed on 25 September 2022.

<sup>61</sup> Save the Children, “At Least 16% of Children Killed in Six Months of War in Ukraine Aged Under 5”, 22 August 2022, <https://reliefweb.int/report/ukraine/least-16-children-killed-six-months-war-ukraine-aged-under-5>, accessed on 25 September 2022.

<sup>62</sup> The Romanian Prime Minister Bureau, “Romania’s Response to The Humanitarian Refugee Crisis”, 21 April 2022, [https://gov.ro/fisiere/pagini\\_fisiere/21.04.2022\\_-\\_R%C4%82SPUNSUL\\_ROM%C3%82NIEI\\_LA\\_CRIZA\\_UMANITAR%C4%82\\_A\\_REFUGIA%C8%9AILOR.pdf](https://gov.ro/fisiere/pagini_fisiere/21.04.2022_-_R%C4%82SPUNSUL_ROM%C3%82NIEI_LA_CRIZA_UMANITAR%C4%82_A_REFUGIA%C8%9AILOR.pdf), accessed on 23 September 2022.

<sup>63</sup> OCHA, “Ukraine. Situation Report”, 21 September 2022, <https://reports.unocha.org/en/country/ukraine/>, accessed on 22 September 2022.

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open a school for Ukrainian children with 11 classes following the Ukrainian system for 270 pupils.<sup>64</sup> The school is financed by Save the Children Organization.

In Romania, according to the Government Ordinance no. 3.363/10.03.2022 regarding the procedure of children's school enrollment, Ukrainian children who have fled the war and are on Romanian territory have the right to attend Romanian schools.<sup>65</sup> Another available option for Ukrainian children is to enroll to local Ukrainian school facilities financed by NGOs, such as "Mihai Viteazul" high school from Bucharest, supported by UNICEF and JRS Romania, or the "Unity School" in Bucharest, supported by local Foundation for Social Innovations – Queen Mary.

## 5. International Response to the Ukrainian Refugee Crisis

The international response to the full-scale invasion of Ukraine by the Russian Federation has exceeded expectations, with the mobilization of the 27 countries of the European Union and other states and many International Organizations.

Right at the borders of Ukraine, the first aid came through the efforts of civilians and NGOs from neighboring countries, providing basic needs products such as medical assistance (first aid kits, medicines, medical equipment, hospital supplies, bandages, surgical gowns), housing supplements (pillows, blankets, mattresses and bags), food, personal hygiene items and clothing. "***The first to come to the border to receive their Ukrainian neighbors were individuals, including members of the Ukrainian Diaspora, even in the face of non-governmental organizations and the authorities.***"<sup>66</sup>

UNHCR, in cooperation with UNICEF, has played a crucial role in providing humanitarian assistance on the borders of Ukraine's neighboring countries with the Blue

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<sup>64</sup> Council of Europe, Committee on Migration, Refugees and Displaced Persons, "Humanitarian Consequences and Internal and External Migration in Connection with the Aggression of the Russian Federation against Ukraine", 06 June 2022, <https://pace.coe.int/en/files/29849>, accessed on 24 September 2022.

<sup>65</sup> The Romanian Ministry of Education, Ordinance no. 3.363/10.03.2022, [https://www.edu.ro/sites/default/files/fi%C8%99iere/Legislatie/2022/3363\\_2022.pdf](https://www.edu.ro/sites/default/files/fi%C8%99iere/Legislatie/2022/3363_2022.pdf), accessed on 25 September 2022.

<sup>66</sup> Council of Europe, Committee on Migration, Refugees and Displaced Persons, "Humanitarian Consequences and Internal and External Migration in Connection with the Aggression of the Russian Federation against Ukraine", 06 June 2022, <https://pace.coe.int/en/files/29849>, accessed on 17 September 2022.

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Dots family protection support centers. There, protection, social and counseling services are found, where the main aim is to improve the accessibility and standardization of the services of the different partners on site.<sup>67</sup>

For its part, the European Union, to promote the emergency protection of Ukrainian citizens, invoked the never used Temporary Protection Directive of 2001 which was activated on March 4, 2022. Since then, EU member states have transposed it and incorporated the implementation decision into their national legislation. Temporary protection is considered one way to provide immediate protection from refoulement and basic receiving standards such as access to accommodation, labor market, social and health services, education, and banking services within the Member States. Temporary protection has been effectively used by the Member States as an emergency response to a large-scale movement of forcibly displaced Ukrainians within the EU.<sup>68</sup> Moreover, this mechanism allows temporary residence anywhere in the EU, which can be extended for up to three years.

Poland and Hungary - two EU countries which have vehemently opposed measures to assist asylum seekers in the past - have supported these measures, opening the door for those who have fled Ukraine. The United States has also significantly politicized aid for Ukrainians living in the country, granting Temporary Protected Status; pledged to take in 100,000 Ukrainians, and provided considerable economic aid to Ukraine and its neighbors.<sup>69</sup>

To optimize and coordinate interventions, taking awareness of the need of people fleeing war, the United Nations Office for the Coordination of Humanitarian Affairs (OCHA) and UNHCR are responsible for the action plan "Ukraine Flash Appeal" and the "Regional Refugee Response Plan", respectively, being responsible for collecting, analyzing and disseminating data that is an essential element for governments of

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<sup>67</sup> Ibid.

<sup>68</sup> UNHCR, "The EU Protection Directive in Practice 2022", 16 June 2022, <https://reliefweb.int/report/world/eu-temporary-protection-directive-practice-2022>, accessed on 27 September 2022.

<sup>69</sup> Jaya Ramji-Nogales, "Ukrainians in Flight: Politics, Race, and Regional Solutions", Cambridge University Press, 23 May 2022, <https://www.cambridge.org/core/journals/american-journal-of-international-law/article/ukrainians-in-flight-politics-race-and-regional-solutions/C87406C3E0ACEDF557C77955BF84D378>, accessed on 27 September 2022.

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neighboring countries. In addition, working groups have been created, with the participation of various organizations, international and national, working at regional and national levels, such as the Information Management Working Group, Money Working Group, Protection Working Group, Protection from Sexual Exploitation and Abuse Working Group, Anti-Trafficking Task Force.

In terms of Romania's response to the crisis, one of the social measures taken to assist Ukrainian refugees was the creation of the 50/20 Program, by EMERGENCY ORDINANCE no. 15 of February 27, 2022, in order to make it possible for Ukrainians to find long-term housing. The program provides 50 lei for housing and 20 lei for food per day per person. In addition, money programs from the Red Cross, the UNHCR and various NGOs are of great importance in helping these people in their daily lives, as well as medical aid and the creation of projects to integrate them into society.

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