

Crisis in Ukraine: Humanitarian and Human Rights Imperatives

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Cover Photo Caption: Ukrainian refugees get on the train to Warsaw, at the Przemyśl railway station, near the Polish-Ukrainian border, on March 7, 2022. © Louisa Gouliamaki/AFP via Getty Images.

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Summary and Recommendations

Summary

The Refugees International Investigation

From March 2 through March 9, 2022, a Refugees International (RI) team traveled to Poland in the wake of the renewed Russian invasion of Ukraine. The team traveled some 600 miles in eastern Poland, visiting border crossings and reception areas in cities hosting people who had fled Ukraine. They met with refugees; members of Polish civil society; and United Nations, U.S. government, and Polish officials.

The Ukraine Crisis

As a result of the Russian invasion, Ukraine is in a human rights and humanitarian crisis. About [6.48 million people](#) are estimated to be displaced within the borders of Ukraine, and [more than 3.3 million](#) people have fled Ukraine, becoming refugees. The vast majority of refugees are women and children, who are at particular risk of trafficking, sexual exploitation, and gender-based violence. More than 2 million of the refugees are in Poland.

The Global Response

The speed and breadth of the international response to the crisis has been unprecedented and generous, with the European Union, the United States, and other donor governments contributing generously to aid efforts. The EU is providing legal status and protections to people who have sought or are seeking refuge from the war in EU countries. A very welcome development, it stands in sharp contrast to European responses to refugee flight from outside the continent—but should be the norm.

Refugees in Poland (And Elsewhere in the Region)

The generous refugee response mobilized in Poland is impressive and heartwarming. Volunteers have largely been the backbone of the effort, with provincial governments (*voivodeships*) offering varying levels of support—and in many respects playing catch up. In Poland and other receiving countries, the UN, EU, and other donors must support governments and civil society to meet refugees' reception and integration needs in the immediate and longer term. These include safe accommodation, medical and mental healthcare, and access to education and employment. An effective response will be grounded in local civil society organizations, investing in their capacity to scale existing services. Swiftly developing government initiatives to responsibly collect and share information about aid efforts within and across borders is necessary to strengthen protections and avoid trafficking, exploitation, and other rights abuses in the region.

Unfortunately, non-Ukrainians—in particular Black and brown individuals—who have fled Ukraine have faced greater obstacles in reception and integration, with problems emerging on both sides of borders. The Office of the United Nations High Commissioner for Refugees (UNHCR), the EU, and other leaders have publicly urged that everyone fleeing Ukraine be allowed into the EU, regardless of race or nationality.

The Humanitarian Crisis within Ukraine's Borders

Even as States take on the responsibility of welcoming refugees fleeing Ukraine—a challenge Europe can manage—they must give urgent attention to what is emerging as a far more formidable challenge: the humanitarian emergency within Ukraine. Conflict, and especially the Russian bombardment of civilian institutions and inability of civilians to flee in safety, has created an overwhelming internal crisis, exacerbating an already dire situation. Moreover, several factors suggest that the situation will become even more desperate. In particular, as the Russian military's offensive has become frustrated, it is laying siege to population centers and creating enormous suffering.

War Crimes and Crimes Against Humanity in Ukraine

Refugees International is persuaded that the Russian military and the Russian government are responsible for war crimes and crimes against humanity in Ukraine. They must end such abuses and must be held accountable for a broad range of widespread, indiscriminate, and what clearly appear to be cruel, deliberate, and unprovoked attacks against civilians in Ukraine and against civilian institutions.

Recommendations

Ending the Conflict:

- The Russian government must halt its offensive and withdraw all its troops from Ukraine. In the absence of such Russian withdrawal, Refugees International makes the following recommendations:

Refuge and Protection Outside Ukraine:

- The UN Secretary General and interested governments—including the government of China—must press Russian President Vladimir Putin to guarantee Ukrainian civilians' safe passage to more secure areas within Ukraine and to countries that will offer genuine protection for those seeking to flee Ukraine. Countries bordering Ukraine should continue providing unencumbered access to territory.
- EU Member States must swiftly implement the EU Temporary Protection Directive in an inclusive way to provide safety and support for all those who need protection.
- Governments in countries receiving refugees must prioritize registration procedures that collect data disaggregated by age, gender, origin, and other factors, and should take advantage of available EU funding and resources to effectively share responsibility for refugee reception with a view towards integration. This includes sustaining a community-based reception model and avoiding refugee camps.
- Governments and organizations, informed by refugees themselves, should design and implement programming tailored to the specific needs of the people fleeing Ukraine, who are largely women and children. This should include transitional cash and cash-for-work programs, trafficking and gender-based violence prevention, and access to mental health-care and childcare. Continuous monitoring can help ensure the response adapts to meet changing needs. The UN and European governments should provide adequate resources

and coordination support, as necessary, to sustain a response that benefits refugees and their host communities.

- The United States and other donor countries should direct significant financial support to the governments of refugee-receiving countries bordering Ukraine, in accordance with their level of need. Donors should work with national governments to ensure that aid is provided to NGOs and officials working at local levels in each of these countries.
- The UN Secretary General, the U.S. Secretary of State, EU leaders, and European governments should press Poland and other nations bordering Ukraine to ensure that non-Ukrainian nationals are treated fairly and without discrimination, including in accessing safe territory and adequate reception conditions, and receiving protection and integration support if unable to return to their countries of origin.
- As part of an international responsibility-sharing effort, U.S. President Joe Biden should immediately announce that he will authorize, on an emergency basis, the resettlement of at least 100,000 Ukrainian refugees over the next two years.

Humanitarian Assistance Within the Borders of Ukraine:

- The U.S. Agency for International Development (USAID), the EU through its Civil Protection Mechanism, and the UN Office for the Coordination of Humanitarian Affairs (OCHA) must accelerate efforts to develop an assistance support infrastructure in Ukraine. Donor governments must commit to sustain the generous levels of support that will be necessary and prioritize delivering aid through local organizations in Ukraine or in the region.
- Humanitarian aid should respond to civilians' needs for immediate relief, including food, water, safe shelter, and medical care (including medical evacuations), and prioritize cash-based assistance wherever practical. Aid should also support early recovery efforts.
- Armed forces should guarantee safe and unimpeded access to civilians in need for humanitarian actors to deliver life-saving aid. This includes establishing and preserving safe humanitarian corridors for the movement of goods and people.

Accountability for Abuses of International Humanitarian Law (The Laws of Armed Conflict):

- The Prosecutor of the International Criminal Court (ICC) should intensify the investigation relating to war crimes and crimes against humanity, which has been supported by a number of governments.
- The United States government should publicly support the ICC effort.

Introduction and Methodology

From March 2 through March 9, 2022, a Refugees International (RI) team traveled to Poland in the wake of a renewed Russian invasion of Ukraine. The team included RI president Eric Schwartz, Advocate for Europe Daphne Panayotatos, and Special Assistant to the President Irla Atanda.

The team began the trip in Warsaw, meeting with U.S. Ambassador to Poland Mark Brzezinski. From there, they traveled some 600 miles through eastern Poland, visiting four border crossing points and several reception centers along the Poland-Ukraine border. They traveled to Przemyśl, Rzeszow, and the Medyka border crossing, and to the eastern city of Lublin and the border crossings at Hrebenne and Dorohusk. The RI team met with several UN agency representatives, members of national and international non-governmental organizations (NGOs), numerous volunteers, local Polish government officials, and Ukrainian women who had fled the war. The team continued its research after its return. This report reflects Refugees International's observations and findings on the evolving situation.

Historical Background

Ukraine gained independence from the then-Soviet Union in 1991, becoming the second largest country in Europe. With some 44 million citizens, it is also among the most populous. Geographically and politically, Ukraine finds itself between Russia to the east and the European Union to the west. Two critical historical events in recent history reflect that tension. In the 2005 "Orange Revolution," [protestors initially succeeded](#) in preventing Russia-backed candidate Viktor Yanukovich from assuming office after allegations that he had stolen the election. A pro-western rival, Viktor Yushchenko, won a subsequent vote but failed to meet voters' expectations for economic reforms and greater European integration in the term that followed. In 2010, Yanukovich returned and won the presidency. However, popular support for EU integration had not waned, and protests again broke out in 2013 after Yanukovich [suspended concrete steps](#) towards EU accession. Thus began the Maidan Revolution, a popular uprising that resulted in the ouster of the Yanukovich government in February 2014. The Ukrainian parliament appointed interim leaders with a clear mandate to pursue closer ties with Europe.

Within days of the interim government's appointment, Russia invaded and annexed Ukraine's Crimean Peninsula, ostensibly to protect the region's sizeable Russian population. The next month saw a Russian-backed separatist rebellion in the eastern Donbas regions of Donetsk and Luhansk. In 2015, the [Minsk Agreements](#) brought an unstable peace along an established 427 kilometer "contact line" that both sides argue has been [repeatedly violated](#). The war had [dire humanitarian consequences](#). By February 2022, ongoing violence had killed around [14,000 people](#), displaced nearly [1.5 million people within Ukraine's borders](#), and left [2.9 million others](#) in need of humanitarian aid.

Since Ukrainian President Volodymyr Zelensky's election in 2019, Ukraine has continued its orientation towards the west. In November 2021, Russian President Vladimir Putin began amassing troops at Russia's border with Ukraine, [triggering fears](#) of further invasion in Ukraine's east. Amid escalating tensions and troop movements, Russia [demanded western assurances](#) that the North Atlantic Treaty Organization (NATO) would never admit Ukraine. NATO [would not commit](#)



[to excluding Ukraine in principle even if membership was not feasible](#). Months of diplomatic talks, [sanctions](#), and [warnings of an impending invasion](#), came to the fore in February 2022. On February 21, President Putin [announced he was recognizing the independence](#) of Donetsk and Luhansk and ordered military troops into the separatist regions for so-called peacekeeping purposes. Days later, on February 24, Russia began a [full-scale invasion](#), attacking Ukraine from the north, south, and east.

War Against Ukraine: Affected Populations & Early Displacement Trends

According to a UN Office for the Coordination of Humanitarian Affairs (OCHA) [Humanitarian Needs Overview \(HNO\)](#) published in February 2022, there were already 2.9 million people in need of humanitarian aid in Ukraine prior to the recent escalation of conflict. Of this population, 1.6 million people lived in non-government-controlled areas (NGCAs) in the eastern Donbas region and more than 1.4 million were internally displaced.¹ The UN estimated that 54 percent of people in need of assistance were women, 30 percent were elderly, 13 percent were children, and 13 percent had disabilities. As a Russian invasion grew increasingly likely, Refugees International [warned](#) it would exacerbate an already dire humanitarian crisis.

Indeed, as of March 18, 2022, [6.48 million people were estimated to be displaced internally](#) within Ukraine, compared to 1.46 million registered internally displaced people (IDPs) in February 2022. Most people moved to western cities, particularly in the [region of Lviv](#). By March 18, 2022, [more than 3.3 million people](#) had also sought refuge outside Ukraine. Most who moved in the first days after the invasion came from Ukraine's western regions, but people from areas farther east had begun to arrive by the third week of the invasion. With Ukrainian men between 18 and 60 years of age [required to remain](#) in the country to fight, women and children make up about 90 percent of people who have left the country. Roughly half of these refugees are [children under the age of 18](#), many unaccompanied by guardians. People with underlying health conditions making them susceptible to injury and illness, including COVID-19, who have difficulty with mobility, or who depend on pensions or state aid to meet their basic needs also face acute challenges in displacement.

The majority of refugees—more than 2 million people as of March 18, 2022—had sought refuge in Poland. Most people enter by car, bus, or foot at one of [eight border crossing points](#) along the country's southeastern border. The most frequently used is [Medyka](#). Many others arrive at the [Przemyśl rail station](#). In addition, hundreds of thousands of people have fled to neighboring Moldova and to fellow EU States Romania, Hungary, and Slovakia. More than 184,000 people have gone to Russia and about 2,500 to Belarus. As UN High Commissioner for Refugees Filippo Grandi [noted](#), this overall movement amounts to the fastest growing refugee crisis in Europe since World War II.

¹ Since the conflict between the separatist armed forces of the People's Republic of Luhansk and the People's Republic of Donetsk began in 2014, the line of contact in eastern Ukraine has separated Ukrainian government-controlled areas (GCAs) from non-government-controlled areas (NGCAs).



Photo Caption: Woman holds a Ukrainian flag for protest in support of Ukraine near the Russian Embassy on February 26, 2022 in Turin, Italy. © Stefano Guidi/Getty Images.

Europe and the World React: The Initial Humanitarian Response

The speed and breadth of the international response to the crisis has been unprecedented. The very day Russia began its invasion, the UN allocated [\\$20 million from its Central Emergency Response Fund \(CERF\)](#) to “immediately scale up life-saving humanitarian assistance and protection to civilians in Ukraine.” Days later, on March 1, 2022, it launched [coordinated emergency appeals](#) for a combined \$1.7 billion. An [OCHA Flash Appeal](#) for \$1.14 billion aims to assist 6 million people inside Ukraine over an initial three-month period, while an inter-agency [Regional Refugee Response Plan \(RRP\)](#) seeks an initial \$550.6 million to help Poland, Moldova, Hungary, Romania, Slovakia, and other countries in the region provide essential aid and services to refugees. The UN’s assessments estimate that 12 million people inside Ukraine and more than 4 million refugees outside Ukraine will need relief and protection for what will likely be a protracted period. By the end of the Flash Appeal launch event, \$1.5 billion had been pledged for the humanitarian appeals—“among the fastest and most generous responses a humanitarian flash appeal has ever received,” according to a UN Spokesperson. By mid-March, the Flash Appeal was [funded at greater than 35 percent](#).

The European Union and its Member States have provided significant amounts of aid. Commission [President Ursula von der Leyen announced](#) €500 million from the EU budget would provide aid inside Ukraine and in neighboring countries hosting refugees. As of mid-March 2022, €93 million in humanitarian aid, including €85 million for Ukraine and €8 million for Moldova, had been disbursed. In addition, through the largest-ever activation of the EU Civil Protection Mechanism in response to an emergency, 107 million relief items were delivered inside Ukraine and to Moldova, Poland, and Slovakia. The EU also fast-tracked disbursement of [€600 million in emergency macro-financial assistance](#) (MFA) to Ukraine, the first installment under Ukraine’s new €1.2 billion emergency MFA program.

The EU’s policy response has also been dramatic in its speed and generosity. On March 2, 2022, the Commission issued [operational guidelines](#) to help border guards in frontline states manage arrivals at the borders. Ukrainian nationals already enjoyed visa-free travel for up to 90 days in the EU, and EU States committed to keeping their borders open. The Commission went further by encouraging States, for example, to relax border checks; adopt more flexible entry conditions for non-EU nationals, including non-Ukrainians; and allow passage through temporary, unofficial border crossing points. Simplifying entry procedures aimed to address concerns over [long waits at borders](#) and facilitate people’s access to safety. The EU also deployed extra staff from Frontex, the EU Border and Coast Guard Agency, to EU-Ukraine and Moldova-Ukraine borders to help manage the movement of people.

In perhaps the most significant move, the European Union agreed unanimously to activate for the first time the [Temporary Protection Directive](#) (TPD). The TPD grants a clear legal status for those fleeing the war in Ukraine, establishing a common, [minimum standard of protection](#) across EU Member States. It guarantees access to welfare support, housing, healthcare, employment, and education for at least a year and up to three years through registration for residence rather than submission of an asylum claim—an often complicated and lengthy process. The [TPD applies, at a minimum](#), to Ukrainian nationals who were residing in Ukraine on February 24, 2022, and have been displaced because of the conflict, as well as people who were residing in Ukraine with refugee or equivalent protective status before February 24, 2022. Moreover, non-Ukrainian or

third-country nationals (TCNs) residing in Ukraine on the basis of a permanent residence permit and who are unable to return to their country of origin in safe and durable conditions must either receive protection under the TPD or under a comparable national protection scheme. Member States have discretion to extend the TPD's scope beyond these criteria and should apply it in a most inclusive manner.

The willingness of EU States to keep borders open and ease refugees' integration is a critical and welcome development. But it is important to note—and to emphasize—that these measures stand in sharp contrast to Europe's response to other humanitarian crises that led—or were even just expected to lead—displaced people to seek refuge in Europe. As U.S. and NATO troops prepared to withdraw from Afghanistan in September 2021, some European leaders began [fearmongering](#) about a [repeat of the “2015 refugee crisis,”](#) using everything from [financial aid](#) to [border fences](#) to keep Afghan refugees out. Their warnings never materialized, as there has been no large-scale movement of Afghans to EU borders since the Taliban takeover of Afghanistan.

An even more poignant comparison is the very recent response of Poland itself, and of Latvia and Lithuania, to the arrival of mostly Iraqi and Afghan asylum seekers through the Belarusian border. After [threatening](#) to “flood” the EU with drugs and “illegal migrants” in retaliation for sanctions, the administration of Belarusian leader Alexander Lukashenko allegedly [facilitated foreigners' travel](#) to Belarus and to its EU borders, urging them across. Poland responded not by protecting the people [manipulated for political purposes](#), but by [detaining them](#) and violently [pushing them back](#) from EU territory; closing its border and [building fences](#) and [walls](#); [blocking humanitarian workers](#) and journalists from helping stranded asylum seekers or covering the situation at the border; and adopting legislation to deny access to asylum. The European Commission endorsed this approach by proposing, as recently as December 2021, [new asylum and return measures](#) allowing Poland, Latvia, and Lithuania to temporarily derogate from standard asylum procedures in response to the “emergency” at their borders with Belarus—a [disproportionate response](#) to the arrival of several thousand people that undermined the international protection regime.

Indeed, Poland and Ukraine's other EU neighbors—Hungary, the Czech Republic, and Slovakia—are [known for longstanding, hardline policies](#) against receiving migrants and refugees. Some Polish people with whom Refugees International spoke echoed the problematic sentiment [re-portedly](#) expressed by Poland's deputy interior minister that Ukrainians are “real refugees” more deserving of help. But others in Poland were disturbed by the stark contrast, even as they celebrated the welcome given to Ukrainians. A volunteer in Dorohusk said, “Look at the response to the situation at the Belarus border—[the government] actually built a wall and let people die in the forest... And now we're giving [Ukrainian refugees] everything.” Another refugee advocate pointed more explicitly to a “racist double-standard” in the treatment of non-white refugees. Both emphasized the point was not to deny Ukrainians a warm reception, but to extend that response to all individuals needing protection. They also worried about what Poland's usual attitude towards migrants and refugees means for the sustainability of the current response. As in other contexts, from Greece to Colombia, “compassion fatigue” is likely to set in in Poland and other host countries throughout Europe.

Meanwhile, the United States, as of March 11, 2022, had committed more than [\\$106.5 million in humanitarian funding](#) for the Ukraine response in fiscal year 2022.² On March 15, President Joe

2 This includes \$80,904,375 for the U.S. Agency for International Development's Bureau of Humanitarian Assistance (USAID/BHA) and \$25,600,000 for the U.S. Department of State's Bureau of Population, Refugees, and Migration (State/PRM).



Photo Caption: Ukrainian refugees disembark from a train that arrived at the Przemyśl train station from Ukraine. © Attila Husejnow/SOPA Images/LightRocket via Getty Images.

Biden signed a large spending bill into law that includes a [\\$13.6 billion package](#) of military and humanitarian aid to Ukraine.³ The U.S. Agency for International Development (USAID) activated a Disaster Assistance Response Team (DART) on February 24 to lead the humanitarian response in Ukraine, and the U.S. Department of Homeland Security announced the [designation of Ukraine for Temporary Protected Status](#) for 18 months. The latter only protects “Ukrainian nationals and those of no nationality who last habitually resided in Ukraine,” and who have continuously resided in the United States since March 1, 2022, from being forced to return to Ukraine. The Biden administration is [reportedly considering expediting resettlement](#) for Ukrainian refugees with ties to the United States, including family living there, but this has yet to be confirmed.

Needs and Priorities in Poland and Other Countries of Refuge

Poland being the primary country of first arrival for people fleeing Ukraine, the situation there provides a useful illustration of the needs of the refugee population and the steps host countries must take to respond. In Poland, the initial response has focused on ensuring people fleeing Ukraine can secure their basic needs, including safe accommodations. NGOs, local officials, and individual volunteers rapidly mobilized to collect and distribute donated items, including food, clothing, blankets, and hygiene products. Medical workers administer first aid, while volunteers share information about available accommodation and transportation for those looking to travel beyond border areas. Such aid is readily available immediately upon crossing the border, in tents set up by aid workers and volunteers; at major transport centers, like the rail station in Przemyśl; and in nearby, makeshift reception centers. These have been set up in converted shopping centers, municipal schools, and out-of-use buildings along the border, at the initiative of local officials or private citizens.

Refugees are offered temporary refuge—most people stay for just a few hours or one night before moving on. According to [surveys conducted by REACH](#), many of those first to leave Ukraine had family or friends already in Poland or elsewhere in Europe with whom they were going to stay. Those without intended destinations have taken advantage of offers from volunteers coming from around Poland and Europe. In Przemyśl, Refugees International met a group of young Czech people offering rides back to the Czech Republic; a Finnish city council member organizing bus transportation to Helsinki; and a young German realtor who had secured paid, furnished rooms for Ukrainians in Germany. At reception sites and in online forums, volunteers help match offers and needs, hoping to prevent overcrowding around the border. Despite these efforts, several of the reception sites Refugees International visited were already close to or beyond capacity.

Moreover, many Ukrainians have expressed a desire to stay in Poland, and even close to the border. Several women shared the sentiment of Nadia, a young woman the RI team met in Dorohusk: “If not for my children, I would not have left Ukraine.” They hope and expect to return to Ukraine quickly, so hesitate to travel to unfamiliar countries farther away. But if refugees continue to arrive at a rapid pace and make Poland their final destination, the country’s accommodation capacity may soon be exhausted. For now, officials are relying on the generosity of volunteer host families,

3 This includes about \$6.5 billion in military aid; more than \$4 billion in humanitarian aid for people internally displaced inside Ukraine and refugees who have fled; and \$1.8 billion in economic aid in Ukraine and neighboring countries.



Photo Caption: Women who fled the war in Ukraine carry their babies after crossing the Polish-Ukrainian border on March 07, 2022 in Kroszno, Poland. © Omar Marques/Getty Images.

hotel and hostel vacancies, and referrals to NGO-run shelters. The result has been a decentralized, community-based reception model—an important alternative to refugee camps.

People fleeing Ukraine also need immediate access to medical and mental healthcare. As violence escalates and access to basic needs, including food and medicines, dwindles inside Ukraine, more of those able to flee may have injuries or ailments that require first aid or more serious care. In crowded reception centers that Refugees International visited, very few people wore masks to prevent the spread of COVID-19. Humanitarian workers admitted it was not top of mind—one site manager told Refugees International it was as if, “COVID ended on February 24—the war came and COVID went away.” Even still, aid workers acknowledged the health risks. With only [35 percent of Ukrainians being fully vaccinated](#) against the virus, receiving countries will have to integrate refugees into their public health policies to ensure their access to preventive care and treatment.

A significant need thus far unmet is mental healthcare. Asked to share their stories, Ukrainian women with whom Refugees International spoke relayed the frightening scenes of war they had fled just days before, the trauma clearly still fresh. Nevertheless, one INGO volunteer in Dorohusk said, “The mothers pretend everything is fine so as not to scare their children.” Those who did seek out psychological support would have had a difficult time finding it at reception sites by the border. Moreover, UN and NGO representatives warned that their staff and volunteers also need mental health support. Rapid burnout threatens to undermine the sustainability of the response, as exhaustion and secondary trauma drain those leading it.

Although many Ukrainians hope their displacement will be brief, it may well be protracted. Policy-makers must therefore take the long view in designing and implementing a response that facilitates Ukrainians’ integration into their host communities. Already, community-based reception and application of the TPD provide the right foundation—regularizing displaced individuals’ status and enabling their access to education and employment respects their agency and promotes self-reliance and social cohesion. But more support will be needed. Early access to language courses, recognition of foreign degrees and professional licenses, and engagement with the private sector can facilitate refugees’ integration into Poland’s schools and labor market. In interviews, stakeholders repeatedly noted the large number of single-female-headed households also makes access to childcare a priority. Importantly, the European Commission aims to make more funding available to Member States to finance such integration programs by [extending the implementation period](#) for certain funds in the 2014-2020 budget and adopting the new [Cohesion’s Action for Refugees in Europe \(CARE\)](#). Poland and other EU countries, including those that do not border Ukraine but are willing to host refugees from there, should quickly take advantage of this to scale up services and programs.

Ultimately, however, the arrival of millions of refugees in Poland is likely to strain its social and economic systems. The United Nations Children’s Fund (UNICEF) and UNHCR representatives warned that Polish schools lack the capacity to rapidly integrate so many new students. In the short-term, Ukrainian children have access to many remote learning tools that enable continued learning on the Ukrainian curriculum—which many families prefer. But Poland will have to expand capacity so children can transition to formal education in their host countries.

At the same time, adopting a regional solution is key to easing pressure on countries of first arrival like Poland. Although this was the obvious lesson from the reception crisis of 2015-2016, EU States have failed to adopt a coherent, regional approach to share responsibility for protec-



Photo Caption: A Ukrainian family arrives at the railway station in Przemyśl, Poland. © Dominika Zarzycka/SOPA Images/LightRocket via Getty Images.

tion—until now. Beyond activating the TPD, the European Commission is establishing a “[Solidarity Platform](#)” for Member States to exchange information about reception capacity and thus identify the need for support before capacity is exhausted. This could be used to coordinate transfers of refugees between Member States as well as from outside the EU, as in the case of 250 refugees who [traveled from Moldova to Romania](#), where they could be better accommodated.

It will inevitably take time for Member States to pass and implement domestic legislation applying TPD; for policymakers and NGOs to develop and scale integration support; and for people newly displaced to settle and find work. Cash assistance schemes are critical to bridging this gap. Because financial precarity can leave individuals—[especially women and children](#)—vulnerable to trafficking and exploitation, giving people a source of income mitigates protection risks. Refugees International is encouraged that the Polish government, working with UNHCR through NGOs, is already piloting an initial, emergency unrestricted cash program for which the majority of people who fled Ukraine will be eligible. In addition, several NGOs with which Refugees International met said they planned to implement cash-for-work programs.

The Refugee Response in the Region

Each country hosting refugees from Ukraine will face a slightly different challenge and have varying capacity to respond. Moldova, for example, is not an EU Member State and so cannot rely on the same financial and technical capacity support EU institutions can offer Hungary, Poland, Romania, Slovakia, and other countries in the region. However, an assessment of the initial response in Poland offers important lessons for how it and other host countries can strengthen their responses and mitigate potential challenges.

Undeniably, the generous response mobilized in Poland is impressive and heartwarming. But unless it is coordinated and professionalized, rooted in Polish civil society with the support of the international community, it risks being unsustainable and unscalable and creating unintended protection risks. Robert, the *de facto* site manager at a reception center in Medyka, told the RI team, “We need help. We need more capacity and logistics support from people who do this kind of thing professionally.” A core group of 10-15 volunteers were doing their best to field calls, connect people to resources, and distribute the array of donated goods they had received. But they were already drained one week into the effort, he said. This sentiment was shared by workers all along the border, who were clearly overwhelmed by the scale of the challenge and eager for reinforcement.

Indeed, volunteers have largely been the backbone of the effort thus far, with provincial governments (*voivodeships*) offering varying levels of support—and in many respects playing catch up. The large makeshift reception center set up in an abandoned shopping mall in Przemyśl, for example, began as a private effort to take over the empty building and offer refugees an indoor place to rest and recuperate before continuing their journey. A local man who owns an event and advertising company secured approval to use the space, notified the city of his plans, then began mobilizing others to contribute donations and services.

The city of Lublin stands out as one place where the municipal government is deeply involved in what appears to be a relatively coherent, coordinated response. On February 24, 2022, local NGOs, together with the city of Lublin, established the [Lublin Social Committee to Aid Ukraine](#).



Photo Caption: Fabric in the colors of the Ukrainian flag hangs outside the building of the Centre for Culture, where the Lublin Social Committee to Aid Ukraine operates in the city of Lublin, Poland. © Irla Atanda/Refugees International.

[The Committee runs a 24-hour hotline and](#) an aid hub to provide arriving refugees information and services, including housing, food, legal assistance, and psychological and medical support. Thousands of volunteers, including Ukrainian residents of Lublin, are involved.

But the complicated relationship between national, provincial, and municipal governments throughout Poland explains a notable variation in responses throughout the country. Local municipal governments have independence and their own budgets. *Voivodeships* responsible for refugee reception often delegate duties to these bodies on behalf of the national government—without necessarily providing corresponding funding to implement them. Moreover, the national government and *voivodeships* are largely led by more conservative, nationalistic parties, while municipal authorities have been more willing to receive migrants and refugees. In 2015 and 2021, for example, locals in Lublin were prepared to host refugees from Syria and coming from Belarus, respectively, but national government policies blocking access to asylum denied them the opportunity to help. Differences exist between these layers of government and across regions.

Some humanitarian workers had feared the existing tensions between the national government and UN might also undermine essential cooperation. UN leaders [had condemned](#) Poland's treatment of migrants and refugees at the Belarus border. Moreover, some experts told Refugees International the central government might hesitate to let UNHCR play a leading role in the response because officials do not want Poland to be seen as a country of refugees and for fear it would suggest the government is unable to handle the situation. However, representatives of several UN agencies told Refugees International that their relationship with the government was positive. There was general optimism that Polish authorities are committed to implementing an adequate response for all people fleeing Ukraine, and a recognition that the UN's role is to support and not supplant the government. In turn, they emphasized that the key to an effective response is to provide the government with the tools to scale its capacity.

Similarly, all stakeholders called for a response grounded in local organizations. Poland has a robust civil society, with many NGOs experienced in humanitarian action and working with refugees and migrants. In Lublin, NGOs like the [Homo Faber Association](#) that had organized to assist people at the Poland-Belarus border in 2021 naturally remobilized to provide relief to Ukrainians. Emergency response organizations like [Polish Humanitarian Action](#) (Polska Akcja Humanitarna, PAH) and [Polish Center for International Aid](#) (Fundacja Polskie Centrum Pomocy Międzynarodowej, PCPM) are experienced in humanitarian settings around the world—including in Ukraine—and have expanded their efforts to deliver aid to refugees in Poland (as well as people still in Ukraine). Several stakeholders acknowledged that the response thus far had been somewhat “messy,” and likely would be for some time—the speed and scale of displacement presents an unprecedented challenge for NGOs, and many are unfamiliar with the language and processes of the UN system. But policymakers, NGO representatives, and UN officials all emphasized the solution is to empower local leadership by investing in these organizations' ability to build such capacity and scale.

UN coordination processes are necessary to organize such a large, well-resourced response, but agencies say they are conscious of the potential distortion they can create. A UNICEF representative, for example, noted the simple fact of conducting multistakeholder meetings in English, rather than in Polish, would exclude some groups. A program manager with an NGO that is already a UN implementing partner said some peers in other organizations needed help understanding UN funding mechanisms and coordination structures. But these obstacles are not insurmountable. The nascent RRP will thus be implemented through about 60 organizations ranging



Photo Caption: Container of donated items for refugees and rescued animals from Ukraine at the Medyka reception center in Poland. © Irla Atanda/Refugees International.

from large UN agencies to small, locally rooted Polish NGOs. The latter, a UNHCR representative noted, are particularly well suited to promoting social cohesion work, “opening the door of welcome” to people fleeing Ukraine. The UN’s goal is, rightly, for a national actor to lead each sector response—only if no local actor has adequate capacity will an international NGO be selected. “Localization will be a key tenet of the [Refugee Response Plan] in Poland and is where we hope the donor attention will be focused,” the UNHCR representative told Refugees International. Some felt the recent rush of INGOs into Poland to conduct assessments and propose programming has been unnecessary, as local actors already close to the situation are capable of these activities. Certainly, there is a supporting role for INGOs to play in helping local organizations develop and scale their capabilities and expertise. But, said one officer of a UN agency, “We want to avoid a piling in of [outside] organizations” and duplication of efforts. The role of the UN and international community should be “to build up, not take away” from existing efforts.

UN officials also noted that the Polish government has resources to fund the response nationally and through the financial backing of the EU. However, new regional mechanisms like the proposed Solidarity Platform will take time to implement. The value of the RRP then is to rapidly mobilize urgent funding and establish some structure to the response, bridging the gap until other mechanisms kick in.

This structure is also necessary to strengthen the grassroots reception efforts at the borders and establish critical safeguards for people fleeing Ukraine. The response is not only under-resourced, as previously described, but unregulated and uncoordinated. At best, this creates what one UN worker characterized as a level of “amateurism” that causes inefficiency. The German realtor Refugees International met in Przemyśl expressed frustration at having been redirected three times and still not knowing where to set out his donations. At worst, it presents significant protection risks.

In the rush to mobilize and crowdsource these efforts, authorities did not have the time or capacity to impose a transparent system of registration and monitoring to track who is offering and accepting aid at reception sites. This has quickly led to [concerns about the risk of human trafficking](#), exploitation, and other abuse, to which women and children are particularly vulnerable. The situation, said a UNICEF officer, is “a trafficker’s dream.” Indeed, NGOs told Refugees International they were already receiving calls from Ukrainian women wary of offers they had received for jobs or accommodation. Local authorities report [suspicious activity](#) in border areas and child advocates have raised the alarm about hundreds of unaccompanied Ukrainian children who are [unaccounted for](#). Some local authorities have begun rolling out registration processes to vet, or at least track, those offering help. Even volunteers told Refugees International they were conscious of the risk and testing out their own tracking processes. But the efforts remain *ad hoc* and inconsistent across border points within Poland and will need to be further linked with efforts across the region. Refugees International was encouraged to hear from UN officials that Polish authorities are keenly aware of the trafficking risk and committed to combatting it. In the meantime, keeping borders open; facilitating refugees’ access to a regular status that allows them to work under the TPD; providing refugees’ information about their rights and available resources; and implementing transitional cash assistance programs are critical to reducing the vulnerabilities that make people susceptible to exploitation and entrapment.

The challenge in Poland and other host countries will be to embrace and reinforce the impressive, well-intentioned volunteerism while protecting displaced individuals’ rights and wellbeing. A more structured response with adequate oversight will also be essential to sustain, scale, and



Photo Caption: Ukrainian refugees at the Przemyśl reception center awaiting transportation to cities beyond the border. © Irla Atanda/Refugees International.

adapt the efforts. As in all displacement crises, the first refugees to flee Ukraine were largely people living close to the border, with financial means, and friends and family already abroad with whom they could stay. These individuals are not only likely to have fewer humanitarian and financial needs, but likely to more easily integrate into their host communities. Already, however, the profile of people leaving Ukraine is changing. “This is the front end of another wave of challenges, triggered by real violence. Something’s happening,” warned a U.S. military officer involved in coordinating the humanitarian response. Stakeholders need the capacity to continuously monitor and rapidly adjust to meet refugees’ changing needs. This includes initial aid at reception and more tailored integration support.

Non-Ukrainians—in particular Black and brown individuals—who flee Ukraine also face greater obstacles in reception and integration. According to [IOM estimates](#), there were more than 470,000 third country nationals in Ukraine in February 2022, including [tens of thousands of international students](#), primarily from India, Morocco, Azerbaijan, Turkmenistan, and Nigeria. As they joined those seeking to leave Ukraine, [reports of discrimination](#) immediately emerged on both sides of the border. In Ukraine, individuals have reported being blocked from boarding trains leaving the country as Ukrainians are given priority. At the border, they have reported facing ill-treatment and harassment by Polish border guards and long waits in sub-par conditions. Authorities said the issue was with documentation, as non-Ukrainians do not necessarily enjoy the same visa-free travel that Ukrainians do. They said these individuals thus faced “extra scrutiny,” but were not actually turned around and sent back to Ukraine. However, once inside Poland, non-Ukrainians have also reported being made to pay for transportation and other services that Ukrainians are currently receiving for free.

One volunteer told Refugees International she had seen young, non-Ukrainian men blocked from collecting relief items at refugee reception centers. She noted that because non-Ukrainian men did not face the same restrictions on leaving as Ukrainian men did, non-Ukrainians account disproportionately for the men among refugees. Fleeing beside what are often single, Ukrainian mothers, the young men’s needs have been dismissed or deprioritized.

UN officials, the EU, and other leaders have publicly urged that everyone fleeing Ukraine be allowed into the EU, regardless of race or nationality. As described, the EU has required Member States to apply TPD or an alternative form of protection to third-country nationals who fled Ukraine and cannot safely return to their countries of origin. But States have rather broad discretion to implement this policy. Polish authorities have insisted publicly that they are allowing everyone into Poland, and some agency representatives have said non-Ukrainians now report having an easy time getting through the border. Still, individuals’ experiences are inconsistent, and some continue reporting mistreatment. Racial discrimination may also worsen as “empathy fatigue” sets in—possibly sooner for non-Ukrainians than for Ukrainians—and integration for those who do remain in Poland will likely be more difficult.

The Humanitarian Crisis Within Ukraine

Obstacles to an Effective Response

Even as States take on the responsibility of welcoming refugees fleeing Ukraine—a challenge Europe can manage—they must give urgent attention to what is emerging as a far more formidable



Photo Caption: Ukrainian refugees, recently arrived at the Medyka border crossing, make their way on foot to the nearby reception center. © Irla Atanda/Refugees International.

challenge: the dire humanitarian emergency within Ukraine. Conflict, and especially the Russian military's bombardment of civilian institutions and inability of civilians to flee or remain in safety, has created an overwhelming internal crisis.

The international humanitarian requirements and response within Ukraine over time will depend on several possible scenarios. The Russian invasion and ensuing conflict could, in one manner or another, continue over several months or more. The parties could reach a settlement, which would lead in turn to significant and substantial reconstruction challenges. Or Russian forces could come to occupy Ukraine's capital and much of the country—and possibly confront ongoing resistance from the Government and people of Ukraine.

In the March 1 [Flash Appeal](#) (designed to address three months of need within the country), UN officials clearly appeared to anticipate the first scenario—of ongoing conflict. The Appeal projected that about 18 million people could be impacted by the emergency. It aims to reach some 6 million people in Ukraine expected to have the most urgent humanitarian needs, including 2.1 million internally displaced people. In its [March 18 update](#), OCHA estimated that in addition to the nearly one-quarter of the population that has already been displaced internally or abroad, about 12 million people are “stranded in affected areas or unable to leave due to heightened security risks, destruction of bridges and roads, as well as lack of resources or information on where to find safety and accommodation.”

Several factors suggest the dire predictions reflected in the Flash Appeal are fully justified and may in fact be conservative. First, as the offensive of the Russian military has become frustrated, it has resorted to [a tactic](#) of surrounding and laying siege to urban population centers. This terrible instrument of warfare is creating enormous suffering. Individuals are [increasingly](#) cut off from key basic services, including water, electricity, and communications. Russian military attacks on health facilities are also compounding misery. On March 17, the Director General of the World Health Organization (WHO) stated that that [“WHO had verified 43 attacks on health care, with 12 people killed and 34 injured, including health workers.”](#) Finally, efforts to establish safe corridors for safe passage of civilians from conflict affected areas have been [impeded by ongoing insecurity](#).

Indeed, humanitarians have called for the establishment of safe corridors to permit civilians unimpeded opportunity to safely escape areas of conflict. The UN Emergency Relief Coordinator, Martin Griffiths, [declared](#) on March 7 that “millions of lives have been shattered,” and that cooperation was critical “to ensure civilian protection and the maintenance of safe corridors for people wanting to escape the violence and those delivering the aid.” To be sure, such corridors are [fraught](#) with [risk](#). The concept can be cynically manipulated, [as was the case when](#) Russian President Putin offered Ukrainians the opportunity to flee to Russia or its ally Belarus from the cities of Kyiv and Kharkiv. And of course, there have been [credible reports](#) of the continued Russian targeting of civilians as they have sought to flee Ukraine.

As this report was being prepared for publication, there were several accounts of some apparent progress on safe corridors. A March 19 [Associated Press](#) report indicated that President Zelensky had indicated in an address the previous day that more than 9,000 people were able to depart the city of Mariupol in the past day and that more than 180,000 people had been able to flee through corridors that had been agreed upon with the Russians. Accessed on March 20, the [website](#) of the Ukrainian president included an announcement from Deputy Prime Minister Iryna Vereshchuk, indicating that, as of March 20, seven humanitarian corridors had been agreed upon

to evacuate residents and to send aid. At least some *general* locations (e.g., Kyiv and Mariupol) described in each account were identical.

As of March 17, [an estimated 6.5 million people](#) had been displaced within the borders of Ukraine—a figure that has continued to rise. On March 16, an [OCHA](#) update offered a grim accounting of internal conditions. Focusing only on the previous day or two, the update included reports that several villages near the city of Odessa had been shelled and that residential apartment buildings in Kyiv had been attacked, leaving a number of people dead. In southern Ukraine, oblast officials in Khersonska reported that some 31,000 people were without water or electricity, and more than 20,000 were without natural gas. Moreover, the Ministry of Energy reported that nearly 1 million Ukrainians were without access to electricity country-wide. The OCHA update also indicated that hundreds of thousands of people in the city of Mariupol remained trapped in the city, without access to critical and life-sustaining supplies.

While donor governments have made clear they will generously support the relief effort anticipated in the Flash Appeal, the real challenges will relate to access to communities to deliver aid and the ability of communities to flee areas of active conflict. Moreover, the task for the UN and humanitarian partners is not only to rebuild humanitarian response structures within eastern Ukraine that have been damaged or destroyed, but to scale-up the response across the entire country. In Poland, OCHA reported its presence in Ukraine prior to the recent escalation was in eastern areas. The USAID presence similarly was focused in the eastern part of the country, in both government controlled areas (GCAs) and non-government controlled areas (NGCAs). According to one USAID official who spoke to Refugees International in Poland, aid providers will have to galvanize efforts to respond to destruction that has taken place more quickly than even in conflict-affected areas of Syria.

The task of creating a new, country-wide structure for humanitarian response would be formidable under any circumstances. It is made more complex not only by continued Russian attacks on civilians and civilian institutions, but by the fact that many agencies will be operating in insecure—and to at least some extent—unfamiliar environments.

The Emerging Structure for Response

At the time of Refugees International’s travel in Poland, in early March OCHA remained part of a country-wide coordination structure for which UNHCR was in the process of assuming responsibility for the refugee outflows for Ukraine. At the same time, the UN’s Emergency Relief Coordinator was indicating that the OCHA-supported Inter-Agency Standing Committee (IASC) had agreed “to activate humanitarian system-wide Scale-Up protocols” for Ukraine. [These protocols](#) represent a humanitarian system-wide “all hands on deck” mobilization—and, in fact, many of the measures identified in these protocols, such as the development of a Flash Appeal, had already been implemented.

The Secretary General appointed Amin Awad, a UN official with long-time experience at UNHCR, to serve as the UN Crisis Coordinator for Ukraine. He has overall responsibility for the UN response in-country, including of the humanitarian system (under the overall leadership of the UN’s Emergency Relief Coordinator based at UN Headquarters). In short, he is the most senior UN official within Ukraine, both in the GCAs and NGCAs.

The UN Resident and Humanitarian Coordinator, Osnat Lubrani, who has been present in Ukraine since mid-2018, will continue to serve in that role and support the Crisis Coordinator. In addition, the UN has appointed a Deputy Humanitarian Coordinator, for Ukraine, Markus Werne.

On the ground in Ukraine, the UN and humanitarian partners are developing country-wide response strategies, with an area-based coordination model to occur at the oblast (administrative divisional) level, in which focal points—either from the UN system or from NGOs, depending on which has the strongest area presence—will be supported by the country-based cluster system. The government of Ukraine has reportedly established a coordination center for humanitarian and social affairs that will liaise with international organizations and NGOs, and its Cabinet of Ministers will also engage with donors, diplomatic missions, and international organizations on coordination of humanitarian assistance.

It is not yet possible for Refugees International to provide an overall assessment of international efforts to provide humanitarian aid and support to Ukrainian national authorities. Reports that are emerging from the field indicate that a range of providers, in areas such as [health](#), [shelter](#), and [education](#), have been actively engaged in an array of efforts to offer emergency assistance and services. Importantly, a Ukraine Cash Working Group (CWG) established in 2016 and co-chaired by OCHA and ACTED has also been strengthened. Responding to affected people's preferences, the HCT will use multi-purpose cash as a preferred/default modality wherever operationally possible to scale up assistance. An OCHA official emphasized to the RI team the importance of continuing to work through local NGOs as implementing partners.

[In recent days, OCHA reported](#) that on March 18, the first UN-organized convoy arrived in the northeastern city of Sumy. It carried medical supplies, water, ready-to-eat meals, and canned food for 35,000 people. It also included repair equipment for water systems that would enhance access to water for about 50,000 people. The convoy included items from the NGO People in Need, as well as from several UN agencies.

In any event, efforts to deliver aid will continue to be subject to significant [obstacles](#), including ongoing hostilities that prevent free movement of service providers and supplies. This underscores the most significant imperative for effective humanitarian aid effort within Ukraine: the need to ensure effective and ongoing humanitarian access, an objective that will only be possible through engagement with local organizations that have experience on the ground.

War Crimes and Crimes Against Humanity in Ukraine

Refugees International is persuaded that the Russian military and the Russian government are responsible for war crimes and crimes against humanity in Ukraine.⁴ The Russian government and military leaders must be held accountable for a broad range of widespread, indiscriminate, and what clearly appear to be cruel, deliberate, and unprovoked attacks against civilians and civilian institutions in Ukraine.

4 The Russian government is also clearly responsible for the crime of aggression, and there has been discussion about how the government could be held accountable for that crime. But that is beyond the scope of this report. See Scheffer, *Can Russia be held accountable for war crimes in Ukraine?* Council on Foreign Relations, March 17, 2022, at <https://www.cfr.org/article/can-russia-be-held-accountable-war-crimes-ukraine>.



Photo Caption: Houses destroyed as a result of shelling by the Russian army in Bucha, Kyiv Region, northern Ukraine. © Vasyl Molchan/Ukrinform/Future Publishing via Getty Images.

Background: The Laws of War

Civilian suffering is a tragic cost of armed conflict. And civilian deaths during conflict, while deeply regrettable, do not in and of themselves constitute violations of international humanitarian law—that is the law of armed conflict. But there is a broad array of legal requirements regarding the protection of civilians in armed conflict that the Russian military and its civilian leadership, and especially President Putin, are obliged to follow—and which they have wantonly disregarded.

In particular, there are the Geneva Conventions of 1949, and the Fourth Geneva Convention relative to the Protection of Civilian Persons in Times of War, informed by [centuries of practice, discussion among governments, and development of accepted norms around armed conflict](#). The Fourth Geneva Convention contains prohibitions on indiscriminate and targeted attacks against civilians and civilian institutions, violations of which constitute war crimes. The principle of [proportionality](#), reflected in Article 51(5)(b) of the First Protocol (1977) to the Conventions, prohibits attacks “which may be expected to cause incidental loss of civilian life, injury to civilians, damage to civilian objects, or a combination thereof, which would be excessive in relation to the concrete and direct military advantage anticipated.” While most experts would acknowledge the difficulty of defining what loss of civilian life might be excessive relative to a military objective, there is no question that targeting or terrorizing civilian populations for the purpose of forcing political leaders to submit to demands for surrender is not only grotesque, but also a gross abuse of the laws of warfare.

As party to the four Geneva Conventions and the first two Protocols to the Conventions, Russia must uphold the protections they lay out. Beyond that, relevant treaty provisions regarding indiscriminate and targeted attacks against civilians are broadly accepted as [customary international humanitarian law, and thus “applicable to all parties to a conflict, regardless of whether or not they have ratified the treaties containing the same or similar rules.”](#)

More recently, the [Rome Statute of the International Criminal Court](#) (ICC), a treaty adopted at a United Nations conference of States in July 1998, draws on prior treaties and evolving norms to provide definitions of both war crimes and crimes against humanity.

Article 8 of the Rome Statute provides an extensive definition/examples of acts that constitute war crimes and which appear relevant to reported Russian military activity in Ukraine, including, among other abuses, the extensive destruction and appropriation of property, not justified by military necessity and carried out unlawfully and wantonly; the intentional direction of attacks against the civilian population or individual civilians not taking direct part in hostilities, or against civilian objects; the intentional launching of an attack knowing that it will cause incidental loss of life or injury to civilians or damage to civilian objects or widespread, long-term and severe damage to the natural environment which would be clearly excessive in relation to the concrete and direct overall military advantage anticipated; the attack or bombardment of towns, villages, dwellings or buildings which are undefended and which are not military objectives; and the use of asphyxiating, poisonous or other gases, and all analogous liquids, materials or devices.

Article 7 of the Rome Statute defines “crime against humanity” as actions committed as part of a widespread or systematic attack directed against any civilian population, with knowledge of the attack, and to include, among other abuses, murder, forced displacement by expulsion or other coercive actions, the intentional infliction of conditions of life calculated to bring about the destruction of part of a population; and other inhumane acts of a similar character intentionally causing great suffering, or serious injury to body or to mental or physical health.

The ICC Case and Ukraine

Although it has the legal authority to bring Russian leaders to trial and render judgment, the practical ability of the ICC to secure and enforce criminal accountability is admittedly most uncertain. Nonetheless, the ICC and its prosecutor are playing a key role in underscoring the importance of respect for the basic rights of civilians at risk in Ukraine.

Under Article 12(2) of the ICC Statute, the Court may exercise jurisdiction if the State on whose territory the suspected violation takes place is a party to the treaty. Neither the government of Russia nor the government of Ukraine is a party to the Rome Statute. However, Article 12(3) provides that any government may accept the jurisdiction of the Court for court investigation and prosecution of particular acts that have taken place on its territory. That is precisely what the government of Ukraine did in 2014 and again in 2015 in calling for an examination of Russian actions surrounding the occupation of Crimea. In 2014, Ukraine recognized the Court's jurisdiction "[for the purpose of identifying, prosecuting, and judging the authors and accomplices of acts committed on the territory of Ukraine within the period 21 November 2013 - 22 February 2014.](#)" In 2015, Ukraine's then-foreign minister, Pavlo Klimkin, sent another formal communication to the ICC, declaring that Ukraine was accepting Court jurisdiction with respect to "[acts committed on the territory of Ukraine since 20 February 2014.](#)"

Based on the authority conferred by this latter declaration, and driven by "increasing concern [...] over the events unfolding in Ukraine," ICC prosecutor Karim A.A. Khan [announced](#) on February 28, 2022, that he would indeed commence an investigation:

.... I am satisfied that there is a reasonable basis to believe that both alleged war crimes and crimes against humanity have been committed in Ukraine in relation to the events already assessed during the preliminary examination by the Office. Given the expansion of the conflict in recent days, it is my intention that this investigation will also encompass any new alleged crimes falling within the jurisdiction of my Office that are committed by any party to the conflict on any part of the territory of Ukraine.

On March 2, the government of the United Kingdom [announced](#) that it, along with nearly 40 other states, had referred to the ICC the matter of Russian war crimes in Ukraine, with the objective of expediting the prosecutor's investigation. Also on March 2, the ICC prosecutor [indicated](#) explicitly that he was also prepared to investigate whether genocide had taken place. This crime, also defined in the Rome Statute, includes killing and a range of other abusive acts "committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group."

The Facts: Russian Violations of the Laws of War

Refugees International's research trip to Poland, conducted days into this conflict, was not intended as a formal human rights investigation. Nonetheless, the reports received by the RI team in a relatively small number of conversations over six days, all with Ukrainian women, offered strong indications of war crimes and crimes against humanity by the Russian government and military. At Dorohusk, east of the city of Lublin, one woman, Nadia, showed a photo of her children's school after it had been completely destroyed. Zoya, another woman in Dorohusk, spoke of friends who were shot and killed in their cars while trying to flee. A third woman, Natalia, said she fled Ukraine with her mother and young son. Speaking to the RI team in the

southeastern city of Rzeszow, she described hiding with her child in the bathroom of her home as the residential building next to hers was bombed.

These anecdotal accounts come on top of a dramatically expanding body of information from a wide variety of sources that raise serious and substantial concerns about abuses of international law. A non-exhaustive list includes the following.

On February 24, 2022, a Russian ballistic missile carrying a cluster munition [struck a hospital just outside of Vuhledar](#), a town in the Donetsk region, killing four civilians and injuring another ten, six of them healthcare workers. In condemning the attack, the arms director of Human Rights Watch, Steve Goose, said that “Russian forces should stop using cluster munitions and end unlawful attacks with weapons that indiscriminately kill and maim.”

On March 1, the [United Nations Office of the High Commissioner for Human Rights \(OHCHR\) issued a significant report](#) on civilian casualties in Ukraine that had taken place just on February 28, 2022. The anodyne nature of the language used does not conceal the gravity of the issue—

....

In total, from 4am on 24 February 2022, when the Russian Federation’s military action against Ukraine started, until 12 midnight on 28 February 2022, [OHCHR] recorded 550 civilian casualties in Ukraine: 142 killed (22 men, 19 women, 4 boys, 3 girls, as well as 6 children and 88 adults whose sex is yet unknown) and 408 injured (36 men, 25 women, 6 girls, 2 boys, as well as 18 children and 321 adults whose sex is yet unknown).

....

Most of these casualties were caused by the use of explosive weapons with a wide impact area...including shelling from heavy artillery and MLRS, and air strikes.

....

OHCHR believes that real figures are considerably higher, especially in Government-controlled territory and especially in recent days, as the receipt of information from some locations where intensive hostilities have been going on was delayed and many reports were still pending corroboration.

On March 9, Amnesty International reported that [47 civilians](#) were killed on March 3 when Russian airstrikes hit two schools and several apartment blocks in Chernihiv. At least eight of these aerial bombs were not guided and did not have targets. Joanne Mariner, Amnesty’s Crisis Response Director, described the Russian action as “a merciless, indiscriminate attack on people as they went about their daily business in their homes, streets and shops.”

Also on March 9, a [suspected Russian airstrike severely damaged a maternity hospital](#) in the city of Mariupol, killing several people and injuring others. Also in Mariupol, on March 16, the Russian military reportedly [struck](#) a theatre that was sheltering residents. Mariupol’s city council reportedly [declared](#) that the Russian military had “deliberately and cynically destroyed” the theatre, noting that a “plane dropped a bomb on a building where hundreds of peaceful Mariupol residents were hiding.”

As of early March, the UN’s interagency Ukraine Protection Cluster [reported](#) that “[c]ivilian infrastructure and civilian housing across the country continue to be attacked by heavy missiles and airstrikes *in breach of International Humanitarian Law* [emphasis added].” For an official body established under the UN humanitarian architecture and operating globally under the leadership of the UN High Commissioner for Refugees to effectively assert that the Russian military is responsible for war crimes impacting civilian populations is significant.

[OCHA Ukraine](#), citing OHCHR, has [reported that](#) as of March 18, civilian casualties had reached 2,149, including the killing of 816 people. OHCHR again indicated that the real figures are likely much higher—just in Mariupol, the besieged city in southeastern Ukraine, officials had reported that more than 2,350 civilians had died.

Conclusion

The humanitarian challenges confronting people in Ukraine and refugees displaced to countries in the region are alarming and demanding. As the situation in Ukraine continues to unfold, governments, UN agencies, and civil society must work together to sustain a generous response. It is critical that the rights and protection of civilians fleeing Ukraine and those who remain within its borders are upheld.



Photo Caption: A couple hugs after finding their relatives waiting for them in Medyka, Poland after crossing the Ukraine border. © Attila Husejnow/SOPA Images/LightRocket via Getty Images.

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About Refugees International

Refugees International advocates for lifesaving assistance, human rights, and protection for displaced people and promotes solutions to displacement crises around the world. We do not accept any government or UN funding, ensuring the independence and credibility of our work.

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