

ANALYTICAL REPORT

**EUROPEAN INTEGRATION OF UKRAINE:
NEW INSTRUMENTS AND INCENTIVES TO
ENSURE THE RIGHTS AND OPPORTUNITIES
OF INTERNALLY DISPLACED PERSONS
AND RESIDENTS OF THE TEMPORARILY
OCCUPIED TERRITORIES OF UKRAINE**



European integration of Ukraine: new instruments and incentives to ensure the rights and opportunities of internally displaced persons and residents of the temporarily occupied territories of Ukraine. Analytical report. - O. Kliuzhev, D. Deputat - Edited by D. Svyrydova, A. Lunova; Human Rights Centre ZMINA – Kyiv, 2025. – 48 pp

The analytical report, “European integration of Ukraine: New instruments and incentives to ensure the rights and opportunities of internally displaced persons and residents of the temporarily occupied territories of Ukraine”, highlights the status of consideration of priorities for ensuring the rights and freedoms of internally displaced persons and Ukrainian citizens living in the temporarily occupied territories of Ukraine in Ukraine’s negotiations with the EU. The report provides an overview of key EU documents and practices on enlargement that could directly or indirectly contribute to overcoming the consequences of Russia’s armed aggression against Ukraine. The authors of the report analyse whether the EU’s foreign policy strategy on democracy, which is aimed at all of the Union’s partners, can serve as a supporting instrument for Ukraine’s negotiation process with the EU and contribute to the fulfilment of relevant commitments. This analytical report will be beneficial for representatives of the Ukrainian government, European Union institutions, Ukrainian MPs, and experts from civil society organisations. The recommendations provided in the report can serve as a basis for further inclusive dialogue on how to ensure that the rights and interests of internally displaced persons and residents of the temporarily occupied territories are effectively taken into account during Ukraine’s integration with the EU.

Authors:

Oleksandr Kliuzhev, Expert on democratic development, electoral processes and European integration processes, with many years of experience working in non-governmental and international organisations

Diana Deputat, Legal Analyst of the Human Rights Centre ZMINA

Editors:

Daria Svyrydova, Lawyer, Partner of AZONES Law Firm

Alena Lunova, Advocacy Director of the Human Rights Centre ZMINA

Supported by:



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LIST OF ABBREVIATIONS

EC – European Commission

ECtHR – European Court of Human Rights

EP – European Parliament

EU – European Union

ICC – International Criminal Court

IDPs – Internally displaced persons

IHL – International humanitarian law

RF – Russian Federation

TOT – Temporarily occupied territory

INTRODUCTION

The European Council's decision in June 2022 to grant Ukraine European Union (hereinafter – EU) membership candidate status and to open negotiations with it in December 2023 has given new impetus to the EU's Enlargement Policy and created new opportunities to strengthen democracy, human rights, the rule of law and accelerate reforms in a country facing full-scale aggression from the Russian Federation (hereinafter – RF).

By providing unprecedented assistance to Ukraine, the EU has effectively taken on a leading role in stabilising the situation on the European continent. Moreover, at the level of official documents, EU membership is defined as “a *geostrategic investment in a strong, stable and united Europe based on shared values and goals*”¹ and is seen as a powerful instrument promoting transformation, security, prosperity and stability in Europe².

However, at the time of writing this report, it remains unclear whether both sides of the integration process – Ukraine and the EU – will be able to effectively take advantage of the opportunities available and maintain mutual interest in filling integration with real content in the medium and long term. This applies not only to the process of meeting the formal criteria for EU membership. First and foremost, it concerns the use of the negotiation process to respond to and overcome the unprecedented challenges caused by Russian aggression, particularly in the area of protecting the rights and freedoms of internally displaced persons (hereinafter – IDPs) and residents of the temporarily occupied territories (hereinafter – TOT) of Ukraine. We believe that this issue arises sporadically in the process of Ukraine's European integration and needs to be addressed more systematically.

Although the EU has never faced problems on a scale similar to those resulting from Russia's ongoing war against Ukraine in the context of the current and previous waves of enlargement, it has internal values and obligations to help overcome the consequences of armed aggression and restore justice, rights and freedoms to those affected³. In particular, the EU's founding treaties emphasise that the Union is based on “the values of respect for human dignity, freedom, democracy, equality, the rule of law and human rights, including the rights of persons belonging to national minorities”⁴. Applying this approach to Ukraine's European integration process will help restore justice for the victims of unprovoked aggression and support Ukraine in overcoming its consequences⁵.

1 European Commission, “Communication on EU Enlargement Policy” COM (2023) 690 final, 8 November 2023. URL: https://enlargement.ec.europa.eu/document/download/cc71d42b-6c07-4deb-9069-5ca2082d166d_en?filename=COM_2023_690%20Communication%20on%20EU%20Enlargement%20Policy_and_Annex.pdf

2 Ibid.

3 Ibid.

4 Consolidated Version of the Treaty on European Union (TEU) [2012] OJ C 326/13, art. 2. URL: https://eur-lex.europa.eu/resource.html?uri=cellar:2bf140bf-a3f8-4ab2-b506-fd71826e6da6.0023.02/DOC_18format=PDF; Charter of Fundamental Rights of the European Union [2012] OJ C 326/391. URL: <https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:12012P/TXT>

5 Charter of Fundamental Rights of the European Union [2012] OJ C 326/391. URL: <https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:12012P/TXT>

Ukraine's commitment to overcoming the consequences of Russian aggression based on EU values is grounded, in particular, on the Copenhagen criteria⁶ and other strategic documents on enlargement. Since, on the basis of public consensus, Ukraine has defined European integration as its strategic course at the constitutional level, its main task in this process is to improve the lives of all social groups, none of which should feel left out of this process.

In view of this, one of the key challenges for further integration between Ukraine and the EU is to ensure the sustained motivation of the Ukrainian state and society to carry out reforms based on responsible consideration of the interests of all social groups, including those most affected by Russian aggression. To this end, the European Union must also position Ukraine as a key element of its own stability and security, as well as an integral part of the successful implementation of the EU's global strategy for promoting the rule of law, democracy and the protection of human rights⁷.

This report is an invitation to Ukrainian and European governmental and non-governmental institutions to engage in a joint discussion on how to provide effective incentives for the realisation of the rights and interests of internally displaced persons and residents of the temporarily occupied territories. Since increased attention to these groups is in the interests of stability, security and development for both sides of the negotiations, Ukraine's European integration process should guarantee a positive impact on all key groups in the candidate country. The report emphasises that this task must be achieved without creating new formal obstacles to the progress of the negotiation process between Ukraine and the EU.

6 European Union, "Accession criteria (Copenhagen criteria)" (EUR-Lex). URL: <https://eur-lex.europa.eu/EN/legal-content/glossary/accession-criteria-copenhagen-criteria.html>

7 European Commission and High Representative of the Union for Foreign Affairs and Security Policy, "EU Action Plan on Human Rights and Democracy (2020–2024)" JOIN(2020) 5 final, 25 March 2020, extended until 2027 by Council Conclusions of 27 May 2024. URL: https://www.eeas.europa.eu/sites/default/files/documents/2024/Action-Plan-EN_2020-2027.pdf

RESEARCH METHODOLOGY

In this analytical report, experts from the Human Rights Centre ZMINA analyse how the issue of protecting the rights and freedoms of residents of the temporarily occupied territories of Ukraine and internally displaced persons is reflected in the EU Enlargement Policy, instruments and strategic documents that exist as part of the negotiation process between Ukraine and the European Union. The study also highlights how the EU's global instruments applicable to all partners of the Union, financial instruments, existing coordination platforms, institutional mechanisms and EU migration policy reinforce the need for greater inclusion of issues related to the protection of the rights of IDPs and residents of the TOT of Ukraine in the European integration agenda.

The aim of the study is to analyse how the process of European integration and the European Union's Enlargement Policy can contribute to overcoming the consequences of Russian aggression in Ukraine in terms of internal displacement and respect for the rights and freedoms of residents of the temporarily occupied territories of Ukraine.

Research objectives:

- to determine the current state of consideration of the issues of internal displacement and temporary occupation of certain territories of Ukraine within the framework of Ukraine's pre-accession negotiations with the EU;
- to examine the experience of taking into account in the EU Enlargement Policy the issue of overcoming the consequences of armed conflicts, and how it has influenced the negotiation process with candidate countries for EU accession (as well as potential candidates for accession and countries that have already joined the EU);
- to analyse and identify opportunities for using global EU instruments applicable to all its partners, financial instruments and other mechanisms to improve the effectiveness of the process of overcoming the consequences of Russian aggression in Ukraine in the field of respecting the rights and freedoms of internally displaced persons and residents of temporarily occupied territories;
- to develop recommendations on the proper consideration of the issues of internal displacement and the rights and freedoms of residents of temporarily occupied territories in the process of fulfilling Ukraine's European integration commitments.

The research methodology includes:

- analysis of primary sources, including official documents of the European Union, Ukraine, EU candidate countries, scientific articles and analytical materials, statistical materials, etc.;

- conducting in-depth interviews in August-October 2025 with six experts using a semi-structured scenario, who represented public administration and/or the non-governmental sector in other EU candidate countries, at the level of European institutions or European academic communities. The experts were selected based on a preliminary analysis of their involvement in the implementation of the EU Enlargement Policy and a study of the characteristics of the European integration process in societies with experience of conflict. The results of the interviews were used in the study in a generalised, non-personalised form. ZMINA would like to thank all the experts for their valuable contribution to the formation of the key positions of this report and the verification of the working hypotheses of the study.



Chapter 1 – *“The European Union as a promoter of democracy, human rights and transitional justice: general approaches and instruments relevant to overcoming the consequences of Russian aggression”* examines the correlation between the EU’s role as a promoter of human rights and the extensive system of instruments that reinforce it, as well as opportunities for improving the level of protection of the rights of IDPs and residents of the temporarily occupied territories of Ukraine. It analyses how the EU’s global instruments, which apply to all its partners, financial instruments, existing coordination platforms and institutional mechanisms can strengthen the arguments for greater inclusion of issues related to the protection of the rights of IDPs and residents of the temporarily occupied territories of Ukraine in the European integration agenda and positively influence Ukraine’s domestic policy.



Chapter 2 – *“Ukraine’s European integration agenda and the temporarily occupied territories: from gaps to opportunities”* highlights the extent to which the issues of internal displacement and occupation are taken into account in the key instruments of Ukraine’s negotiation process with the EU, including the negotiating framework, European Commission reports published as part of the annual Enlargement Package, Ukraine Facility and the Rule of Law Roadmap. It also proposes a mechanism for strengthening the integration of these issues into the European integration agenda. The report also outlines key issues regarding the implementation of the rights of IDPs and residents of the temporarily occupied territories of Ukraine, which, according to the authors of the report, could be integrated into the negotiation process. In addition, the chapter contains a recommendation to create a dialogue platform called “EU-UA Human Rights Protection” – a permanent and institutionally established mechanism for interaction between the Ukrainian Parliament Commissioner for Human Rights and leading national human rights organisations, with EU institutions that shape policy in the field of human rights and democracy, can contribute to improving the effectiveness of relevant national policies.



Chapter 3 – *“EU Enlargement Policy and global challenges: how addressing the issues of IDPs and residents of the temporarily occupied territories of Ukraine can strengthen Europe”* follows on from Chapter 1, which identified gaps in EU Enlargement Policy regarding the possibility of including issues related to overcoming Russian aggression, and Chapter 2, which focused on the scale of problems faced by residents of the TOT and IDPs. presents a number of arguments for the need to include these issues in the existing EU Enlargement Policy. Among the arguments presented in Chapter 3 is, in particular, that addressing these issues within the negotiation process is a guarantee of long-term stability in the region, will contribute to reducing internal tensions in Ukraine, will prevent uncontrolled external migration, will contribute to Ukraine’s economic stabilisation, etc.



Chapter 4 – *“European integration as an incentive to overcome the consequences of conflicts and human rights issues: practices of other candidate countries”* is devoted to analysing the EU’s experience in conflict and post-conflict resolution through the application of its Enlargement Policy. It analyses the peculiarities of overcoming the consequences of armed conflicts within the framework of Croatia’s integration and raises this issue within the framework of the European integration path of the current candidate countries for EU membership and Kosovo. The chapter emphasises the need to find new mechanisms for the EU to include the protection of the rights of internally displaced persons and residents of the temporarily occupied territories in Ukraine’s European integration process. This logic is based on the fact that the scale of the problems caused by Russia’s aggression in Ukraine is unprecedented for the EU.



Chapter 5 – *“European Union migration policy: focus on the root causes of migration and its relevance for Ukraine”* analyses the link between the implementation of EU migration and asylum policy and the resolution of issues faced by internally displaced persons and residents of the temporarily occupied territories of Ukraine. Additionally, it highlights the positive impact of integrating the issue of the temporarily occupied territories into the European integration agenda, which will be reflected in the development of legal channels for mobility, education and employment.

SUMMARY

Ukraine's European integration is taking place under the extraordinary circumstances of full-scale aggression by the Russian Federation, with our country simultaneously fighting for its freedom and independence and shaping its future within the European Union. In this context, accession to the EU is not merely a technical process of bringing Ukrainian legislation into line with European standards. Integration with the EU should be seen as an important mechanism and, at the same time, an incentive to restore justice, strengthen trust between the state and its citizens, overcome the consequences of Russian aggression and strengthen social unity. That is why it is important that the rights and needs of IDPs and residents of the temporarily occupied territories of Ukraine, who are an important part of Ukrainian society, are properly taken into account in this process. These social groups are also part of the answer to how to ensure a stable and inclusive process of rebuilding the country.

The priorities of internally displaced persons and residents of the TOT of Ukraine are already present in certain European integration instruments: in the European Commission's enlargement reports, the Ukraine Facility Plan, and the Roadmaps on the rule of law and the functioning of democratic institutions. However, their reflection in documents that are strategic for the official negotiation process remains fragmentary. The study emphasises that the systematic inclusion of the rights of IDPs and residents of the temporarily occupied territories of Ukraine in the process of Ukraine's integration with the EU is critically necessary: it should simultaneously strengthen the response to humanitarian challenges; promote the real integration of the entire population into the EU, not just part of it (this will allow all social groups to benefit from the positive aspects of this process and defend their legitimate interests); and demonstrate Ukraine's compliance with the Copenhagen criteria on the stability of democratic institutions and respect for human rights. Protecting those affected by the war is a direct indicator of the state's ability to ensure the rule of law throughout its territory.

For the European Union, this issue has a dual significance. Firstly, it is part of the EU's humanitarian leadership, which has now taken on the role of global promoter of human rights and democracy following the US's withdrawal from its leading role as the leader of the free world. Secondly, it is directly linked to the security of the Union itself: the successful integration and reintegration of Ukrainian citizens reduces the risks of social tension in Europe, uncontrolled migration and socio-economic and demographic crises that have the potential to affect the stability of the entire European space. By supporting Ukraine in addressing issues related to the protection and enforcement of the rights and legitimate interests of internally displaced persons from the temporarily occupied territories, the EU is investing in its own security and stability.

The acceleration of the various countries' progress within the European integration process after the start of the full-scale invasion became the EU's geostrategic response to threats to European peace and democracy. Therefore, ensuring the rights and legitimate interests of internally displaced persons and residents of the temporarily occupied territories

of Ukraine will strengthen Ukraine's capacity to be a full-fledged part of the EU's political, economic, and security space.

The European Union's updated migration policy aims to tackle the root causes of forced displacement, rather than merely responding to its consequences. It brings together issues of human rights, security, sustainable development, integration and the return of people to their homes. This is fully in line with Ukraine's needs: access to EU financial and institutional instruments can help strengthen state policy on IDPs and residents of the temporarily occupied territories of Ukraine, restore communities after de-occupation, and preserve human capital within the country. Ukraine must therefore ensure that the rights of citizens affected by the war are an integral part of the integration process. This involves using all the EU enlargement mechanisms already available in the areas of the rule of law, democracy and human rights.

It is imperative to use global EU instruments in the field of protecting the rights of victims of Russian aggression, such as the mandate of the EU Special Representative for Human Rights. To enhance the effectiveness of these instruments, Ukraine and the EU must adopt a radically different approach to cooperation within the enlargement process: candidate countries should already be perceived as an integral part of the dialogue at Union level and involved in key discussions at EU level, while their civil societies should be involved in the processes of shaping European policy on human rights protection and ensuring the rule of law. The transition to such an approach will make it possible to create new mechanisms and strengthen existing ones for the exchange of objective information on human rights issues, as well as to jointly develop solutions at the EU and Ukrainian levels on issues related to the stability, social cohesion and security of the European continent.

Strengthening the role of human rights organisations and the Ukrainian Parliament Commissioner for Human Rights in establishing regular information exchange and strategic dialogue with the EU in the field of human rights should be seen as an important additional instrument to support the official negotiation process. Such an auxiliary mechanism should help Ukraine and the EU to objectively assess the overall state of human rights in Ukraine and serve as a guarantee that issues related to the rights of internally displaced persons and residents of the temporarily occupied territories of Ukraine are not limited to fragmentary references in the negotiation process. Such exchange of information and direct dialogue will ensure early identification and resolution of problems before they could potentially become an obstacle to progress within the official negotiation process between Ukraine and the EU. This mechanism will enable the interests of all Ukrainian citizens, including those most affected by the Russian Federation's aggression, to be taken into account in the process of European integration and will have a positive impact on the lives of the entire population of the country.

CHAPTER 1.

THE EUROPEAN UNION AS A PROMOTER OF DEMOCRACY, HUMAN RIGHTS, TRANSITIONAL JUSTICE AND CRISIS MANAGEMENT: GENERAL EU APPROACHES AND THE CONTEXT OF THE TEMPORARILY OCCUPIED TERRITORIES

In today's context, the European Union is one of the major global actors that consistently pursues policies aimed at upholding the rule of law, democracy, and the protection of human rights. This consistency is reflected not only in the founding treaties underpinning the functioning of the Union, but also in its engagement with all partners. It is also evident in the EU's enlargement policy, where issues of post-conflict settlement and transitional justice have been gaining increasing prominence.

However, within the current discussions on the accession of candidate countries to the EU, the Union is facing a growing number of challenges, including the modalities for integrating countries affected by ongoing armed conflict and/or with a significant share of their territory under occupation. From a human rights perspective, these challenges primarily concern the protection of the rights of those affected by aggression, in particular internally displaced persons and residents of temporarily occupied territories.

Given the absence of prior EU experience in responding to challenges comparable in scale to those caused by the Russian Federation's aggression against Ukraine, the question arises as to the extent to which EU-adopted policies, strategic documents, guidelines, action plans, financial instruments, and other mechanisms take into account the specific Ukrainian context of large-scale internal displacement and prolonged occupation. Equally important is how these instruments may positively influence the EU–Ukraine accession negotiations.

Within the framework of the pre-accession negotiations between Ukraine and the EU, there is no dedicated track addressing priorities related to the protection of the rights and freedoms of internally displaced persons and residents of Ukraine's TOT. Nevertheless, given the EU's self-positioning as a driving force in the protection of human rights, there is a system of strategic documents, coordination platforms, and financial instruments that directly or indirectly relate to issues highly relevant to the Ukrainian context, including forced displacement, occupation, accountability for international crimes, the reintegration of territories and affected populations etc.

For Ukraine, these global EU instruments have a dual significance. Firstly, Ukraine is unlikely to successfully conclude accession negotiations unless it already demonstrates leadership in implementing the EU's external policy objectives in the areas of democracy, the rule of law, and human rights. Secondly, EU global instruments applicable to all partners may

serve as an effective complement to the accession negotiation framework. In areas where the negotiation framework does not cover all issues or where its expansion may entail the risk of unjustified political blockage of Ukraine's European integration process (as is currently the case with internal displacement and occupation) these instruments can ensure flexibility and sustainability of the integration process.

This chapter will analyse the key EU instruments and mechanisms relevant to Ukraine in overcoming the consequences of Russian aggression, protecting the rights of IDPs and residents of the TOT of Ukraine, as well as their potential impact on Ukraine's domestic policy.

The European Union was initially formed as an economic union focused on the common market and economic growth. Human rights were not a priority at the time, as the main emphasis was on free trade. It later became clear that the EU could not develop without a political and legal foundation, and it was the practice of the European Court of Justice⁸ in the 1960s that laid the groundwork for the establishment of democratic values in EU law and politics.

The Maastricht Treaty of 1993 was an important milestone in the development of the European Union⁹, as it was then that democracy, the rule of law and human rights were defined as key areas of its foreign policy. The 1997 Treaty of Amsterdam¹⁰ enshrined these principles as the basis for the Union's existence, and the 2009 Treaty of Lisbon¹¹ gave the Charter of Fundamental Rights¹² binding legal force. In particular, as defined in Articles 2 and 21 of the Treaty of Lisbon¹³, the EU's actions are based on the principles of democracy, the rule of law, respect for human dignity, equality and solidarity. The Union seeks to promote these values within and outside Europe, supporting peace, security and development as the basis for its existence and international activities.

The Enlargement Policy has demonstrated the EU's powerful influence on candidate countries, which, under pressure from the prospect of membership, have implemented political reforms, strengthened the independence of the judiciary and developed mechanisms for the protection of human rights. For Ukraine, the European Union's experience in promoting democracy and human rights is particularly important as it shows that these values are not a secondary element of integration, but form the very basis of the EU itself. In the current conditions of war, Ukraine risks, for objective reasons, focusing solely on security, pushing democratic standards into the background. However, it is precisely European integration

8 Court of Justice of the European Union. *Home – Court of Justice of the European Union (CJEU)*. URL: https://curia.europa.eu/jcms/jcms/j_6/en/

9 Official Journal of the European Communities, *Treaty on European Union (Maastricht Treaty)*, signed 7 February 1992, entered into force 1 November 1993. URL: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:11992M/TXT>

10 Official Journal of the European Communities, *Treaty of Amsterdam amending the Treaty on European Union, the Treaties establishing the European Communities and certain related acts*, signed 2 October 1997, entered into force 1 May 1999. URL: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:11997D/TXT>

11 Official Journal of the European Union, *Treaty of Lisbon amending the Treaty on European Union and the Treaty establishing the European Community*, signed 13 December 2007, entered into force 1 December 2009. URL: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:12007L/TXT>

12 Official Journal of the European Union, *Charter of Fundamental Rights of the European Union*, 2012/C 326/02. URL: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:12012P/TXT>

13 Official Journal of the European Union, *Treaty of Lisbon amending the Treaty on European Union and the Treaty establishing the European Community*, signed 13 December 2007, entered into force 1 December 2009. URL: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:12007L/TXT>

that requires maintaining a balance: strengthening democratic institutions even in wartime, ensuring the rule of law, fighting corruption and guaranteeing citizens' rights. This approach not only brings Ukraine closer to the EU, but also makes its democratic stability an integral part of European security.

The “Shared Vision, Common Action: A Stronger Europe – A Global Strategy” (2016)¹⁴ defines the EU's vision of its role in the world, combining its interests with the key values of democracy, human rights and the rule of law. The document emphasises that security and stability are impossible without respect for these principles, and that adherence to them is the basis for international trust in the Union¹⁵. The EU sees itself not only as a political or economic actor, but as a global partner in strengthening justice, inclusive governance and international law.

This document is of direct relevance to Ukraine, as it explicitly states the need to strengthen the resilience of the EU's eastern neighbours and to defend the territorial integrity and democratic choices of the countries in the region. The European Union sees supporting democracy, human rights, and institutional stability as a strategic investment in its own security and a key instrument for responding to challenges caused by Russia's aggression and crises on the EU's southern and eastern flanks¹⁶.

The **Strategic Agenda 2024-2029**¹⁷ sets out the EU's main priorities for the new institutional cycle, focusing on unity, strategic autonomy and the ability to respond to global challenges. The document emphasises that Russia's aggression against Ukraine is an attack on democratic Europe, and therefore the EU will continue to support Ukraine in defending its independence, rebuilding and achieving a just peace¹⁸. The European Union seeks to strengthen its role as an influential global actor by aligning its internal and external policies around common goals of security, stability, the rule of law and international cooperation.

At present, the European Union has developed and is implementing a whole range of instruments to promote democratic values and human rights on the global stage.

The **EU Strategic Framework and Action Plan on Human Rights and Democracy (2012)**¹⁹ became a key document defining human rights and democracy as the fundamental principles of the European Union's entire foreign policy. The document was adopted in response to global challenges and attempts to question the universality of human rights, confirming the EU's political will to support freedom, democracy and the rule of law. The Strategy emphasises that peace, development and security are only possible if human rights are respected²⁰. The EU has committed itself to promoting civil, political, social, economic

14 European External Action Service, *Shared Vision, Common Action: A Stronger Europe – A Global Strategy for the European Union's Foreign and Security Policy* (June 2016). URL: https://www.eeas.europa.eu/sites/default/files/eugs_review_web_0.pdf

15 Ibid., p. 15

16 Ibid.

17 European Council. *Strategic Agenda 2024–2029*. Brussels, 27 June 2024. URL: <https://www.consilium.europa.eu/en/meetings/european-council/2024/06/27/>

18 Ibid., p. 4

19 Council of the EU. *EU Strategic Framework and Action Plan on Human Rights and Democracy*. – Decision of the Council of the European Union, Luxembourg, 25 June 2012. – 24 p. URL: https://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/en/foraff/131181.pdf

20 Ibid., p. 1

and cultural rights, with a particular focus on freedom of expression, freedom of religion, combating discrimination, protecting women, children, minorities and migrants, and supporting human rights defenders and the International Criminal Court (hereinafter – ICC).

The Action Plan accompanying the Strategy detailed specific mechanisms: the development of local human rights strategies for third countries, the use of recommendations from election observation missions, the integration of human rights into development, trade and security policies, and the development of approaches to transitional justice and the protection of vulnerable groups. In this way, the document initiated a practical and measurable approach to promoting human rights, strengthened cooperation with the UN, the Council of Europe and the OSCE, and made human rights an integral criterion in the EU's political dialogue with third countries.

The **EU Action Plan on Human Rights and Democracy 2020–2027**²¹ is a key policy document that sets out the European Union's priorities and approaches to promoting and protecting human rights and democracy around the world. Originally adopted for the period 2020–2024, it was extended until 2027 to align with the EU's multiannual financial framework for 2021–2027, allowing its implementation to be directly linked to financial instruments, in particular the Neighbourhood, Development and International Cooperation Instrument – Europe in the World (The Neighbourhood, Development and International Cooperation Instrument – Global Europe, (NDICI – Global Europe))²². The plan aims to strengthen the EU's global leadership in the field of human rights and democracy and responds to contemporary challenges: the rise of authoritarianism, armed conflicts, the shrinking space for civil society, the spread of disinformation, and the risks associated with new technologies and climate change.

The document is structured around five strategic areas: protecting and empowering every individual, building sustainable, inclusive and democratic societies, promoting a global system for human rights and democracy through multilateral and regional mechanisms, ensuring that digital technology development complies with human rights standards, and coordinating the efforts of the EU, Member States, institutions and civil society. Particular emphasis is placed on combating all forms of discrimination, supporting human rights defenders, strengthening the rule of law, independent media and electoral processes, and integrating gender equality and the rights of women and girls as a cross-cutting priority.

Annual monitoring in the form of the **EU Report on Human Rights and Democracy in the World** is another crucial element. In particular, in its 2024 Report²³ the European Union emphasised that only 29% of the world's population currently lives in liberal democracies, while disinformation, attacks on the media, human rights defenders and gender equality are on the rise. The EU stressed that peace is only possible through justice, the rule of law and accountability, including support for the International Criminal Court and the principles of

21 EU. EU Action Plan on Human Rights and Democracy 2020–2027 // Joint Communication, JOIN(2020) 5 final. – Brussels, 25 March 2020. – PDF, 34 p. URL: https://www.eeas.europa.eu/sites/default/files/documents/2024/Action-Plan-EN_2020-2027.pdf

22 Regulation (EU) 2021/947 of the European Parliament and of the Council establishing the Neighbourhood, Development and International Cooperation Instrument “Global Europe”. URL: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32021R0947&qid=1694611521351>

23 European External Action Service. (2025). Annual Report 2024 on Human Rights and Democracy in the World. URL: https://www.eeas.europa.eu/eeas/2024-annual-report-human-rights-and-democracy-world_en

the Rome Statute. The report pays particular attention to Russia's war against Ukraine, the forced deportation of Ukrainian children and human rights violations in the occupied territories of Ukraine, as well as the crises in Haiti, Sudan, Congo, Afghanistan, Myanmar and the Middle East. In 2024, designated as an "election year", the EU focused on election observation, support for democratic institutions, media and human rights defenders. An important financial instrument was the Neighbourhood, Development and International Cooperation Instrument - Europe in the World, with a budget of almost €80 billion until 2027. The EU Action Plan on Human Rights and Democracy, extended until 2027, confirmed the Union's role as a leading global defender of human rights and democracy.

The mandate of **the EU Special Representative for Human Rights**, to which the Council of the EU appointed Kaja Ollongren until 28 February 2026, defines key tasks in the field of promoting and protecting human rights worldwide. It is based on the Treaty on European Union, the Charter of Fundamental Rights of the EU, the EU Strategic Documents on Human Rights and Democracy, and the EU Action Plan on Human Rights and Democracy²⁴. The primary political objectives of the mandate are to strengthen the EU's effectiveness and visibility in global human rights protection, develop a positive narrative on human rights, and deepen cooperation and political dialogue with third countries, civil society, business and international organisations. An important task is to contribute to the strengthening of democracy, the rule of law, good governance and respect for fundamental freedoms, as well as to ensure the consistency of the EU's actions in the field of human rights in all areas of its external policy.

To achieve these objectives, the mandate sets out practical tasks: promoting the implementation of EU strategic documents and action plans on human rights, introducing guidelines and instruments in this area; supporting EU positions on compliance with international humanitarian law; promoting the development of international criminal justice, in particular through support for the International Criminal Court; engaging in dialogue with third countries, international organisations and civil society to form a single, strong European voice; ensuring the coherence of EU policies and actions in the field of human rights, as well as close coordination with Member States to strengthen European positions at the global level.

An important component of EU human rights policy is **a series of thematic guidelines**²⁵, adopted at the ministerial level as a demonstration of the political commitment of the Union and its Member States. From the first **EU Recommendations on the Death Penalty** in 1998²⁶ to the updated document on Children and Armed Conflict in 2024, the EU has consistently developed such guidelines. They are a practical instrument that helps EU officials respond to violations, support victims of violence, combat impunity and promote human rights in foreign policy daily. In particular, the Council of the European Union has adopted

24 European External Action Service. EU Special Representative for Human Rights – mandate, objectives, activities. – Brussels, European External Action Service, [no date]. URL: https://www.eeas.europa.eu/eeas/eu-special-representative-human-rights_en#100639

25 EU Human Rights Guidelines. – Available on the website of the European External Action Service (EEAS). URL: https://www.eeas.europa.eu/eeas/eu-human-rights-guidelines_en

26 Council of the European Union. (1998). *EU Guidelines on the Death Penalty*. EEAS. URL: https://www.eeas.europa.eu/sites/default/files/08_hr_guidelines_death_penalty_en.pdf

updated **Guidelines on Children and Armed Conflict**²⁷, confirming that the protection and respect of children's rights is one of the main objectives of the EU's internal and external policies. The document is consistent with UN Security Council resolutions and identifies six grave violations against children in conflict, including killing, recruitment, abduction, sexual violence, attacks on schools and hospitals, and obstruction of humanitarian aid²⁸. The EU has expressed particular concern about Russia's war crimes against Ukraine, in particular the deportation of Ukrainian children²⁹. The EU is committed to strengthening cooperation with the UN, supporting the protection, education and reintegration of children, implementing the UN Convention on the Rights of the Child and supporting initiatives such as the Paris Principles and the Safe Schools Declaration. The EU Guidelines on Children and Armed Conflict are particularly relevant to Ukraine, as they directly address Russia's crimes, including illegal deportations, forced displacement, and attacks on schools and hospitals³⁰. Their inclusion in the EU strategy strengthens Ukraine's international legal position and supports efforts towards justice and reintegration.

In its strategic documents, the EU emphasises an integrated approach to humanitarian aid, development and peace, which combines responding to immediate needs with building sustainable support systems. It covers investment in social protection, education in crises, housing, healthcare and child-focused justice.

These approaches are particularly important for Ukraine, as they address the needs of children from occupied territories and internally displaced persons in the areas of housing, education, health care, psychosocial support and access to justice. The EU emphasises the urgent need for access to basic services and sustainable funding for social protection, school reconstruction and the reintegration of children returning from deportation. This is not only a European standard, but also a practical guideline for Ukraine in creating a system to protect children affected by the war.

The EU Guidelines on Promoting Compliance with International Humanitarian Law (IHL)³¹ set out instruments for promoting respect for the rules of war and the protection of civilians. They are based on the Hague Rules of 1907³², the Geneva Conventions of 1949³³ and the Additional Protocols of 1977³⁴, which protect the wounded, sick, prisoners of war and ci-

27 EU. Guidelines on Children and Armed Conflict (updated 2024). URL: <https://www.eeas.europa.eu/sites/default/files/documents/2024/EEAS-EU-Guidelines-CAAC v5.pdf>

28 Ibid., Paragraph 3.

29 European Parliament. (2025, May 8). *Return of Ukrainian children forcibly transferred and deported by Russia*. URL: <https://www.europarl.europa.eu/delegations/en/return-of-ukrainian-children-forcibly-tr/product-details/20250508DPU40021>

30 Declaration on Safe Schools. An intergovernmental political commitment to protect students, teachers, schools and higher education institutions from the worst effects of armed conflict. URL: https://www.regjeringen.no/globalassets/departementene/ud/vedlegg/utvikling/safe_schools_declaration.pdf

31 EU. Guidelines on Promoting Compliance with International Humanitarian Law (IHL). URL: <https://eur-lex.europa.eu/EN/legal-content/summary/eu-guidelines-on-the-promotion-of-compliance-with-international-humanitarian-law.html>

32 IV Convention on the Laws and Customs of War on Land and its Annex: Regulations concerning the Laws and Customs of War on Land. URL: https://zakon.rada.gov.ua/laws/show/995_222#Text

33 Convention relative to the Protection of Civilian Persons in Time of War. URL: https://zakon.rada.gov.ua/laws/show/995_154#Text

34 Additional Protocol to the Geneva Conventions of 12 August 1949, relating to the protection of victims of international armed conflicts (Protocol I), of 8 June 1977. URL: https://zakon.rada.gov.ua/laws/show/995_199#Text; Additional Protocol to the Geneva Conventions of 12 August 1949, relating to the protection of victims of non-international armed conflicts (Protocol II), of 8 June 1977. URL: https://zakon.rada.gov.ua/laws/show/995_200

vilians and restrict the methods and means of warfare. Failure to adhere to these principles exacerbates humanitarian crises and complicates conflict resolution.

The EU uses a wide range of instruments: monitoring and assessment of situations, political dialogue with third countries, public statements and demarches, sanctions against violators, cooperation with the UN and the International Committee of the Red Cross, and integration of international humanitarian law (IHL) norms into the mandates of crisis missions. Separate support is given to the International Criminal Court and the requirement for national prosecution for war crimes. Training in IHL for the military and law enforcement agencies is of great importance, as is its consideration and observance in arms export control procedures.

These principles are particularly important for Ukraine. The EU's guiding principles on compliance with international humanitarian law are an important benchmark for Ukraine's domestic policy: the implementation of conventions into national legislation, systematic training of the military, investigation of crimes and the guarantee of individual responsibility demonstrate Ukraine's compliance with EU standards.

Thus, these principles serve as a dual instrument for Ukraine: external pressure on the aggressor state and internal confirmation of the European integration course. They strengthen the protection of citizens, legitimise the issue of the TOT and provide additional arguments in the European integration process.

The European Union has also developed a strategic framework on forced displacement, confirming that Ukraine's success in overcoming the consequences of Russian aggression is linked to the EU's global strategy. In its **conclusions on forced displacement and development**³⁵ the Council of the EU emphasises that this problem must be addressed in a comprehensive manner, taking into account people's needs and based on human rights. Humanitarian aid must be combined with long-term development support and political dialogue.³⁶ The EU stresses that refugees and internally displaced persons must have access to work, education and basic services, and that legal systems must promote their self-sufficiency.³⁷ Particular attention is paid to the protection of women, children, young people and people with disabilities, and education is seen as the key to long-term integration.³⁸ The EU's approach combines humanitarian, political and development measures, based on the principle of "leaving no one behind".³⁹ For Ukraine, it provides a framework for combining emergency assistance with the recovery and sustainable development of communities hosting displaced persons.

The updated **EU Guidelines on Human Rights Dialogues** with Partners reaffirm⁴⁰, that human rights remain a fundamental value and a key objective of EU foreign policy. Dialogues

35 Council of the EU. Council conclusions on the EU approach to forced displacement and sustainable development. – URL: <https://www.consilium.europa.eu/en/press/press-releases/2016/05/12/conclusions-on-forced-displacement-and-development/pdf/>

36 Ibid., paragraph 4.

37 Ibid.

38 Ibid.

39 Ibid., paragraph 6

40 EU. EU Guidelines on Human Rights Dialogues with Third Countries. – URL: https://www.eeas.europa.eu/sites/default/files/human_rights_dialogue_guidelines.pdf

are one of the main instruments for implementing the EU Action Plan on Human Rights and Democracy (2020-2027), which aims to strengthen the political weight and practical effectiveness of the Union's external action.

As of 2021, the EU has conducted about 60 dialogues and consultations in various formats, ranging from subcommittees under association agreements to political dialogues with key partners (the US, Canada, Japan, and candidate countries), as noted in the document. Regardless of the model, their common goal is to consolidate human rights in bilateral and multilateral relations and to coordinate actions with the UN and other international organisations.

The guiding principles stipulate that dialogues should not be a formality, but an effective instrument of cooperation that complements political initiatives, assistance programmes and election monitoring. They aim to strengthen the rule of law, protect vulnerable groups and prevent conflicts. They should be conducted systematically, with the involvement of civil society and transparent reporting of results. Such dialogues create space for identifying crisis risks and coordinating reforms.

The EU has identified the fight against discrimination as one of its strategic priorities and has adopted **EU Guidelines on Non-Discrimination in External Action**⁴¹.

The document defines discrimination as any unjustified difference in treatment of a person or group, covering a wide range of characteristics from race and gender to social status or political views.⁴² The EU promotes the principle of non-discrimination in its external policy, integrating it into dialogues, agreements and assistance programmes, and responds to serious violations through statements, demarches and monitoring of courts. The document pays particular attention to data collection and support for civil society, representing vulnerable groups. For Ukraine, this document is an important guideline for shaping reintegration policy and restoring the rights of citizens from the occupied territories based on equality and non-discrimination.

The EU Guidelines on Violence against Women and Girls are an important instrument for protecting human rights and promoting democracy on the global stage⁴³. The document affirms the EU's political will to make women's rights a priority in foreign policy, focusing on preventing violence, protecting victims and holding perpetrators accountable.⁴⁴ Violence against women is seen as a global human rights violation that undermines democracy and development, and overcoming it is linked to the fulfilment of international obligations, including the UN Convention on the Elimination of All Forms of Discrimination against Women and the Rome Statute.

41 EU Guidelines on Non-Discrimination in External Action // European External Action Service. – Brussels, 2019. URL: <https://www.eeas.europa.eu>

42 Ibid, p. 4.

43 EU. EU Guidelines on Violence against Women and Girls and Combating All Forms of Discrimination against Them. – European External Action Service (EEAS). – Brussels, 2018. – PDF, 14 p. URL: https://www.eeas.europa.eu/sites/default/files/03_hr_guidelines_discrimination_en_0.pdf

44 Ibid., p. 3.

NDICI Global Europe (Neighbourhood, Development and International Cooperation Instrument)⁴⁵ is the main financial instrument for the European Union's external action for 2021–2027, with a budget of over €79 billion⁴⁶. The document defines three main areas: geographical (approximately €60 billion for countries in the Eastern and Southern Neighbourhood, Africa, Asia and Latin America), thematic (€6.36 billion to support democracy, human rights, civil society, conflict prevention and global challenges such as migration, education and gender equality) and rapid response (€3.18 billion for crisis prevention, stability support and resilience building of partners).⁴⁷ For Ukraine, this instrument can be a strategic source of support for reforms, reconstruction, human rights protection and the integration of deoccupied territories.

The European Union, declaring in its founding documents the goal of strengthening peace, values and the well-being of citizens, is gradually strengthening its own approach to transitional justice. Key areas include cooperation with the International Criminal Court and tribunals, sharing practices for prosecuting the most serious crimes, assisting states in overcoming the legacy of totalitarianism, and providing financial support for truth, reparations and civil society engagement mechanisms. The EU and its Member States remain key political and financial supporters of the ICC and special tribunals, while emphasising the leading role of national courts in prosecuting criminals.

The Common Security and Defence Policy missions and EU Special Representatives have made and continue to make a significant contribution, as do the financial support instruments that fund projects in post-conflict countries from the Balkans to Africa and Latin America⁴⁸.

The EU Strategic Framework on Transitional Justice was adopted by the Council of the European Union on 16 November 2015 in the form of Council Conclusions on support for transitional justice, together with a specific EU's Policy Framework on support to transitional justice⁴⁹. The adoption of the transitional justice framework became part of the implementation of the EU Action Plan on Human Rights and Democracy for 2015–2019⁵⁰ and consolidated the UN approach combining criminal justice, truth, reparations and institutional reforms. The EU considers this area a priority for candidate countries, particularly in terms of protecting victims of conflict, refugees and internally displaced persons, demanding guarantees that such crimes will not be repeated. Monitoring of implementation is carried out

45 Regulation (EU) 2021/947 of the European Parliament and of the Council of 9 June 2021 establishing the Neighbourhood, Development and International Cooperation Instrument – Global Europe, amending and repealing Decision No 466/2014/EU of the European Parliament and of the Council and repealing Regulation (EU) 2017/1601 of the European Parliament and of the Council and Council Regulation (EC, Euratom) No 480/2009 (Text with EEA relevance). URL: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32021R0947&qid=1694611521351>

46 EU. Neighbourhood, Development and International Cooperation Instrument (NDICI – Global Europe): Factsheet, June 2021. – European Commission, Directorate-General for International Partnerships (DG INTPA). – Brussels, 9 June 2021. – PDF, 4 p. URL: https://international-partnerships.ec.europa.eu/document/download/0996d6c5-01b6-4fc4-a237-84f2d9fb9fb1_en

47 Ibid., p. 2

48 Istrefi, R. (2017). *European Union support and transitional justice processes in Kosovo*. Continuity and Change in European Governance, *EUROPOLITY*, Vol. 11, No. 2, pp. 137–146. URL: https://europolity.eu/wp-content/uploads/2017/12/Istrefi_11_2_2017.pdf

49 Council of the European Union. Council conclusions on EU support for transitional justice, 16 November 2015. URL: <https://data.consilium.europa.eu/doc/document/ST-13576-2015-INIT/en/pdf>

50 EU Action Plan on Human Rights and Democracy. URL: https://www.consilium.europa.eu/media/30003/web_en_actionplanhumanrights.pdf

by the European External Action Service and the European Commission (hereinafter – EC), focusing on combating impunity for international crimes. The EU’s strategic framework on transitional justice stipulates that this area is a priority for candidate countries.⁵¹ Chapter V of the document defines measures for its implementation, among which a special place is given to Enlargement Policy. Paragraph 7 emphasises that all candidates must demonstrate a genuine commitment to the principles of transitional justice by overcoming obstacles to achieving justice, in particular by guaranteeing the rights of victims, refugees and internally displaced persons, and by ensuring that past conflicts do not recur⁵². Thus, the issues of socio-economic protection of IDPs and residents of the temporarily occupied territories of Ukraine and respect for their fundamental rights are considered not as additional, but in fact as mandatory conditions for EU membership.

The implementation of the framework requires the European External Action Service and the European Commission, in cooperation with Member States, to monitor and provide recommendations through political dialogue before accession and annual progress reports. The issue of transitional justice should be raised at an early stage of negotiations within the political criteria of Chapter 23, with a focus on combating impunity for war crimes, crimes against humanity and genocide, as well as on guarantees of respect for the rights of victims and displaced persons. These requirements have already been applied in the cases of Serbia and Montenegro, even in the absence of active armed conflict. For Ukraine, which is negotiating accession amid ongoing aggression, these issues are even more important. Postponing them could significantly slow down the pace of European integration, while early integration of transitional justice into the negotiation process would avoid delays and strengthen the prospects for membership.

The EU’s experience in transitional justice in the former Yugoslavia has shown that European integration can be a powerful incentive for fulfilling international obligations. The most striking example is Croatia, which resumed accession negotiations after demonstrating full cooperation with the International Criminal Tribunal for the former Yugoslavia, confirming the effectiveness of the EU conditionality. At the same time, focusing solely on cooperation with the tribunal without developing national mechanisms for truth, reparations and dialogue left deep social divisions and mistrust of justice.

On 25 October 2023, the African Union (AU) and the European Union (EU) officially launched a three-year **Initiative for Transitional Justice in Africa** (ITJA)⁵³, aimed at supporting AU member states in implementing the African Union Transitional Justice Policy (AUTJP) at the national level. The project is being implemented by a consortium led by the International Center for Transitional Justice (ICTJ) in partnership with the African Transitional Justice Legacy Fund (ATJLF) and the Center for the Study of Violence and Reconciliation (CSVR), and is funded by the EU in the amount of €5 million.⁵⁴

51 Ibid., p. 42

52 Ibid., p. 4

53 African Foreign Policy Service. (2023, 25 October). *African Union–European Union Initiative for Transitional Justice in Africa launched* [Press release]. URL: <https://aupaps.org/uploads/press-release-au-eu-tj-initiative-final-oct.25.10.2023-clean-copy-1-.pdf>

54 Joint press release. The African Union and the European Union are launching a joint initiative to promote the implementation of Africa’s Continental Transitional Justice Policy through a consortium led by the ICTJ. - URL: <https://www.ictj.org/initiative-for-transitional-justice-in-africa>

The African Union Transitional Justice Policy, adopted in 2019, provides a continental framework for the establishment of fair and inclusive transitional justice mechanisms aimed at restoring the dignity of victims, guaranteeing their rights and strengthening peace and reconciliation. By funding this initiative, the EU is integrating transitional justice into its own democracy and security support policies. The Union's involvement provides technical and financial assistance, develops the capacity of national institutions and engages civil society in the process of restoring justice.

The European Union has thus developed a broad range of strategic, financial and co-ordination instruments that strengthen its role as a global promoter of the rule of law, democracy and human rights.

It is important for Ukraine to determine how these mechanisms can be used to properly address issues related to internally displaced persons and residents of the temporarily occupied territories in the negotiation process. Despite the existence of relevant developments in Ukraine, the state has not yet sufficiently integrated them into the European integration track. For example, the Interdepartmental Commission on the Application of International Humanitarian Law⁵⁵ could become an important instrument for Ukraine's integration into the EU's global strategy and thus strengthen its position in negotiations with the EU, but its potential is not being fully utilised to assist in shaping policy towards affected populations, including IDPs and residents of the temporarily occupied territories. Similarly, conceptual documents on transitional justice developed within government working groups and expert formats at the level of the Permanent Mission of the President of Ukraine in the Autonomous Republic of Crimea remain unadopted, which prevents Ukraine from demonstrating to the European Union its own vision of systemic protection of the rights of people affected by the war and its compliance with the EU's strategic framework in the field of the rule of law and human rights. Using the example of current EU mechanisms in other regions, it is also crucial to examine whether introducing similar mechanisms in Ukraine is feasible and appropriate.

⁵⁵ Cabinet of Ministers of Ukraine. (2017, 26 April). Resolution No. 329 "On the Interdepartmental Commission on the Application and Implementation of International Humanitarian Law in Ukraine". URL: <https://zakon.rada.gov.ua/laws/show/329-2017-%D0%BF#Text>

CHAPTER 2.

UKRAINE'S EUROPEAN INTEGRATION AGENDA AND THE TEMPORARILY OCCUPIED TERRITORIES: FROM GAPS TO OPPORTUNITIES

Ukraine's path to the European Union is unfolding under unprecedented conditions: the candidate country is conducting accession negotiations amid ongoing full-scale Russian aggression. European integration within this path is positioned not only as a process of technical alignment of national legislation with the EU acquis and institutional development, but also as a way to improve the lives of the entire society of the candidate country. This raises questions about whether the interests of some of Ukraine's most vulnerable population groups, including IDPs and residents of the TOT of Ukraine, are being taken into account. The issue at stake is the potential limits of including in the European integration priorities the protection of the fundamental rights and freedoms of such persons, combating discrimination based on territorial origin, access to social guarantees, education, medical care, etc., in the territory controlled by the Government of Ukraine.

This chapter analyses the status of inclusion of the issues of internal displacement and occupation in the pre-accession negotiation process between Ukraine and the EU, proposes a mechanism for strengthening the integration of these issues into the European integration agenda, and describes the functioning of the EU-UA Human Rights Protection Dialogue Platform recommended by the authors of the report.

Although currently no document imposing obligations on Ukraine within the framework of the negotiation process with the EU provides for a specific list of requirements regarding the observance of the rights of IDPs and residents of the temporarily occupied territories of Ukraine, the need to ensure their inclusiveness stems both from the position of international institutions that set relevant standards in the field of human rights protection and from the general requirements for human rights protection set out in Negotiating Chapters 23 "Justice and Fundamental Rights" and 24 "Justice, Freedom and Security"⁵⁶.

Thus, the Commissioner for Human Rights of the Council of Europe, Michael O'Flaherty, in his **Memorandum on human rights elements for peace in Ukraine**, noted that "*any peace agreement must be compatible with Ukraine's human rights obligations in the process of its accession to the EU*"⁵⁷. The Commissioner emphasises that "*peace negotiations must lay the foundations for post-conflict reconstruction that will support Ukraine's long-term goals of protecting human rights and integrating into the EU*"⁵⁸. This leads to the conclusion that, ac-

⁵⁶ Cabinet of Ministers of Ukraine. (2024). *Roadmap for the Rule of Law*. URL: https://eu-ua.kmu.gov.ua/wp-content/uploads/UA_Dorozhnya_karta_z_pytan_verhovenstva_prava_2.pdf

⁵⁷ Council of Europe, Memorandum on Human Rights Elements for Peace in Ukraine by Michael O'Flaherty, Commissioner for Human Rights (Strasbourg: Council of Europe, 2024), para. 63. URL: <https://rm.coe.int/memorandum-on-human-rights-elements-for-peace-in-ukraine-by-michael-o-/1680b678ec>.

⁵⁸ Ibid.

cording to Michael O’Flaherty, Ukraine’s European integration process de facto includes the issue of protecting the rights of residents of the temporarily occupied territories of Ukraine, since the territory inhabited by the Ukrainian population is an integral aspect of the peace negotiations.

Analysing the main document governing Ukraine’s negotiation process with the EU – **the negotiating framework**⁵⁹ – we see that none of the negotiation chapters directly stipulates requirements to ensure the rights of residents of the temporarily occupied territories of Ukraine. However, the negotiating framework states that “*the enlargement process is a geostrategic investment in peace, security, stability and prosperity*”⁶⁰. Accordingly, for the proper implementation of this “investment”, large migration movements and significant social problems must be resolved before the end of negotiations, which indirectly indicates the need to immediately address priorities related to the protection of the rights of IDPs and residents of the temporarily occupied territories of Ukraine.

Moreover, the negotiating framework envisages an important role for the “Fundamentals” cluster, which includes Chapters 23 and 24, as this cluster opens first and closes last, and also sets the overall pace and progress of the negotiation process. As of 1 November 2025, none of Ukraine’s clusters had been opened, and therefore it is impossible to analyse the inclusion of issues related to the protection of the rights of persons living in Russian-occupied territories.

Nevertheless, the absence of formally established clusters does not mean that the issues of the TOT of Ukraine and IDPs are falling outside the scope of European integration. The most relevant source for analysing the EU’s consideration of the situation of IDPs and residents of Ukraine’s TOT is **the annual reports of the European Commission** (EC), published as part of the annual **Enlargement Package**. This instrument highlights the extent to which the resolution of issues related to the protection of the rights of these categories of the population affects Ukraine’s fulfilment of its obligations within the framework of European integration. In its 2023 report on Ukraine, the EC partially outlined the issue of human rights protection in the occupied territories. The following problems were highlighted: the inability to ensure the security of courts and access to justice in areas of active hostilities and in the temporarily occupied territories of Ukraine,⁶¹ the forced displacement and deportation of at least 19,000 Ukrainian children⁶², the Russification of children in camps, the simplified granting of Russian citizenship for the illegal adoption of Ukrainian children,⁶³ systematic destruction of Ukrainian identity through the integration of the occupied territories into the Russian education system⁶⁴. However, at that time, the report did not contain any specific requirements for Ukraine regarding the protection of the rights of IDPs or residents of the temporarily occupied territories.

59 Council of the European Union, *General EU Position: Opening Statement for the Intergovernmental Conference on the Accession of the Republic of Moldova to the EU* (Luxembourg, 25 June 2024). URL: <https://www.consilium.europa.eu/media/451lqaal/ad00011en24.pdf>

60 Ibid, paragraph 6.

61 European Commission, *Ukraine 2023 Report (Staff Working Document accompanying the Communication on EU Enlargement Policy)*, SWD (2023) 699 final (Brussels: European Commission, 8 November 2023), 29. URL: https://enlargement.ec.europa.eu/document/download/bb61ea6d-dda6-4117-9347-a7191ecef3f_en

62 Ibid, p. 50.

63 Ibid.

64 Ibid, p. 54.

The European Parliament has adopted a series of resolutions emphasising both the scale of the humanitarian consequences of Russian aggression⁶⁵ and the role of the EU Enlargement Policy in strengthening peace and security in Europe. In its documents, the EP explicitly states that *“in view of Russia’s war against Ukraine and the growing Russian threat to peace and stability in Europe, a strengthened Enlargement Policy remains an important EU policy instrument for protecting and promoting peace, security, stability, cooperation and democratic values on the European continent”*⁶⁶.

The large-scale negative consequences of Russian aggression have been confirmed in several decisions by **the European Court of Human Rights**, which examined violations of the rights of Ukrainian citizens in the temporarily occupied territories. The scale of violations of the rights and freedoms of Ukrainian citizens, as proven at the ECtHR⁶⁷ level, creates momentum for integrating issues related to ensuring the rights of residents of the temporarily occupied territories of Ukraine into the broader framework of reforms in the areas of the rule of law, human rights and democratic governance.

In its 2024 report on Ukraine, the EC highlighted the insufficient budgetary funding for social services for IDPs, problems with re-registration to receive assistance, and obligations to provide housing⁶⁸. The only substantive requirements set out by the EC in this report, which relate to IDPs and residents of the temporarily occupied territories of Ukraine, concerned the need to update the National Human Rights Strategy, completing the development and implementation of state policy on the restoration of authority and reintegration of the population of the occupied territories to *“ensure that during the reintegration of territories currently outside government control, close attention is paid to the protection of fundamental rights”*⁶⁹.

In its 2025 report on Ukraine, the EC emphasised that for Ukraine, *“the protection of citizens from the occupied territories and internally displaced persons must remain a priority”*⁷⁰. In this context, Ukraine needs to finalise and implement a strategy for restoring authority and reintegrating the population in the temporarily occupied territories of Ukraine with a view to further reintegrating areas that are currently outside the government’s control⁷¹. At the same time, the EC noted the need for efforts to promote social cohesion and respect for the rights of Ukrainian citizens living under Russian occupation.

65 European Parliament. (2025, 9 July). *Resolution of 9 July 2025 on the human cost of Russia’s war against Ukraine and the urgent need to end Russian aggression: the situation of illegally detained civilians and prisoners of war, and the continued bombing of civilians* (P10_TA(2025)0160). URL: https://www.europarl.europa.eu/doceo/document/TA-10-2025-0160_EN.html

66 European Parliament. (2023, December 13). *Resolution of 13 December 2023 on 30 years of Copenhagen criteria – giving further impetus to EU Enlargement Policy* (P9_TA(2023)0471). URL: https://www.europarl.europa.eu/doceo/document/TA-9-2023-0471_EN.html

67 CASE OF UKRAINE v. RUSSIA (RE CRIMEA), 25.06.2024. URL: <https://hudoc.echr.coe.int/ukr?i=001-235139>
CASE OF UKRAINE AND THE NETHERLANDS v. RUSSIA, 09.07.2025. URL: <https://hudoc.echr.coe.int/eng?i=001-244292>

68 European Commission, *Ukraine 2024 Report* (Staff Working Document accompanying the Communication on EU Enlargement Policy), SWD (2024) 699 final (Brussels: European Commission, 30 October 2024), 37. URL: https://enlargement.ec.europa.eu/document/download/1924a044-b30f-48a2-99c1-50edeac14da1_en?filename=Ukraine%20Report%202024.pdf

69 Ibid., p.43.

70 Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions (2025 Communication on EU Enlargement Policy). URL: https://enlargement.ec.europa.eu/document/download/17115494-8122-4d10-8a06-2cf275eecd7_en?filename=ukraine-report-2025.pdf

71 Ibid., p. 41.

The 2025 report on Ukraine also noted that, given the changes in citizenship legislation, Ukraine needs to pay more attention to the rights of citizens in the occupied territories who were forced to accept Russian citizenship (especially children born during the occupation)⁷². The EC noted that providing quality education for all children, especially those near the front line and in the temporarily occupied territories, remains a difficult task⁷³.

An important financial instrument for supporting Ukraine is **the Ukraine Facility**⁷⁴ – programme for the period 2024-2027 that provides for the allocation of up to €50 billion in EU funding to Ukraine to support the state budget, stimulate investment and implement reforms in three different areas: basic reforms, economic reforms and key sectors⁷⁵. However, this instrument only partially addresses the issue of ensuring the rights of internally displaced persons. Thus, Part 1 of Article 3 of the Regulation on the establishment of the Ukraine Facility includes among its objectives “*overcoming the social, economic and environmental consequences of Russian aggression... in particular by creating social and economic conditions for the return of internally displaced persons and persons under temporary protection*”⁷⁶. Part II of this article sets out specific objectives, including “*improving and strengthening social security systems and their accessibility, in particular for certain groups such as ... internally displaced persons ... members of minorities, young people and older persons, as well as other persons in vulnerable situations*”⁷⁷. Since no more specific objectives or means are specified in the Regulation, it can be concluded that the EU considers Ukraine to be responsible for establishing an effective system for protecting social rights and providing social guarantees to vulnerable groups of the population, such as IDPs.

Another key aspect of the negotiation process that may affect the level of protection and enforcement of the rights of IDPs and the TOT in Ukraine is the EU’s requirement to approve a **Roadmap for the Rule of Law**. This Roadmap, which was approved by the Government in May 2025, takes into account some of the problems associated with the consequences of armed aggression. In particular, the document provides for the implementation of a pilot social assistance project called “money follows the person” for elderly IDPs and persons with disabilities;⁷⁸ the development of an action plan for the implementation of the national human rights strategy, which will improve “*the protection and enforcement of the rights of persons living in the territory of Ukraine temporarily occupied by the Russian Federation and in territories where hostilities are (were) taking place, as well as the rights of internally displaced persons*”⁷⁹; informational reintegration of the population of deoccupied territories;⁸⁰ and development of a methodology for monitoring the rights of persons belonging

72 Ibid., pp. 48–49.

73 Ibid.

74 Regulation (EU) 2024/792 of the European Parliament and of the Council of 29 February 2024 establishing a Mechanism for supporting Ukraine. URL: <https://eur-lex.europa.eu/eli/reg/2024/792/oj/eng>

75 Ukraine Facility. European Union financial support programme for Ukraine. URL: <https://www.ukrainefacility.me.gov.ua/>

76 Regulation (EU) 2024/792 of the European Parliament and of the Council of 29 February 2024 establishing a Mechanism for supporting Ukraine. URL: <https://eur-lex.europa.eu/eli/reg/2024/792/oj/eng>

77 Regulation (EU) 2024/792 of the European Parliament and of the Council of 29 February 2024 establishing a Mechanism for supporting Ukraine. URL: <https://eur-lex.europa.eu/eli/reg/2024/792/oj/eng>

78 Cabinet of Ministers of Ukraine, *Roadmap for the Rule of Law* (Kyiv: Government of Ukraine, May 2025), 78. URL: https://eu-ua.kmu.gov.ua/wp-content/uploads/UA_Dorozhnyia_karta_z_pytan_verhovenstva_prava_2.pdf

79 Ibid., p. 45.

80 Ibid., p. 62.

to national minorities (communities) in deoccupied territories⁸¹. However, the provisions of the Roadmap do not cover a significant number of pressing issues and do not contain instruments for assessing real progress in improving the level of protection and enforcement of the rights of IDPs and residents of the temporarily occupied territories of Ukraine. They also do not cover many areas which, for example, were outlined by civil society organisations in the Shadow Report to Chapter 23 “Justice and Fundamental Rights” of the European Commission’s Report on Ukraine in 2023⁸² and the Shadow Report to Chapter 23 “Justice and Fundamental Rights” and Chapter 24 “Justice, Freedom and Security” of the European Commission’s Report on Ukraine in 2024⁸³. Since the Roadmap for the Rule of Law indirectly addresses occupation and internal migration, the “gaps” in addressing these issues can be closed in the criteria for compliance with the requirements of Chapters 23 and 24.

Thus, the instruments described above, within the framework of negotiations between Ukraine and the EU, already partially integrate issues related to IDPs and the TOT into the EU accession process. However, such a fragmented approach to certain issues is not sufficient to effectively resolve the existing problems. Therefore, we see a need for the EU to analyse and take into account the issue of protecting the rights of IDPs and residents of the TOT of Ukraine in greater depth and to formulate specific recommendations to Ukraine, emphasising that these issues are an integral part of the negotiation process. It is in such circumstances that the EU will ensure a real geopolitical investment in peace, security, stability and prosperity, as it will help Ukraine to resolve existing and potential problems, which will increase the level of rule of law both in the candidate country and in the Union as a whole.

Through European integration, Ukraine can more effectively address the complex set of issues related to internal displacement, the consequences of Russian occupation and armed aggression in general. This concerns not only the humanitarian dimension, but also the restoration of trust in the authorities in the de-occupied territories, the implementation of lustration policies in accordance with democratic standards, and the harmonisation of their actions with European principles of good governance. The European integration process could be conducive to the implementation of transitional justice in Ukraine, which consists of creating and supporting mechanisms to prevent impunity for the most serious crimes, compensate for damage and restore rights, develop policies of remembrance and guarantees of non-repetition, etc.

As part of the increased focus on IDPs and residents of the temporarily occupied territories of Ukraine, special attention should be paid to **documents issued in the temporarily occupied territories**: Ukraine must determine the legal administrative procedure for taking into account the information contained in these documents. Currently, only a judicial procedure has been established for taking into account information on civil status acts (birth, death, registration, divorce) that took place during the occupation. In 2025, a procedure was also established for recognising educational qualifications obtained in the temporarily occu-

81 Ibid., p. 81.

82 Shadow report on Chapter 23 “Justice and Fundamental Rights” of the European Commission’s report on Ukraine in 2023. URL: <https://zmina.ua/publication/tinovyj-zvit-do-rozdilu-23-pravosuddya-ta-fundamentalni-prava-zvitu-yevropejskoyi-komisiyi-shhodo-ukrayiny-u-2023-roczii/>

83 Shadow report on Chapter 23 “Justice and Fundamental Rights” and Chapter 24 “Justice, Freedom and Security” of the European Commission’s report on Ukraine’s progress within the European Union Enlargement Package in 2024. URL: <https://zmina.ua/wp-content/uploads/sites/2/2025/10/shadow-report-2025-ua-2.pdf>

pied territories of Ukraine⁸⁴. However, there are still no mechanisms for using information from other documents, such as health records, documents confirming property rights, documents certifying damage to property in the temporarily occupied territories of Ukraine, etc.

Resolving this issue may affect the functioning of the Register of Damages for Ukraine⁸⁵ and the future compensation mechanism for their reimbursement. Thus, it is important to determine the mechanism for using information from documents issued in the temporarily occupied territories of Ukraine that confirm property rights. There is no information in the State Register of Real Rights to Immovable Property about a significant part of the property located in the temporarily occupied territories of Ukraine. This means that in the event of destruction or damage to such property, claims to the Register of Damages may be made on the basis of documents issued in the occupied territories of Ukraine, which are not recognised by Ukraine.

At the same time, Ukraine must ensure freedom of movement, access to education and social protection for all citizens, regardless of their place of residence or origin. The EU will be interested in creating transparent mechanisms for verifying educational documents and for implementing other social rights of persons from the TOT of Ukraine.

Particular attention should be paid to the risks of statelessness arising from the prolonged occupation of part of Ukraine's territory. Some residents of the TOT do not have valid Ukrainian documents and, since 2022, have been trying massively to leave for EU countries, where their status is difficult to confirm; if Ukraine joins the EU, such flows could grow to hundreds of thousands of people. The situation could potentially be complicated by the inability to extend or obtain Ukrainian documents at consulates for men of conscription age, which increases the risk of forming a group of persons with an undefined legal status. In the context of ensuring the stability of migration processes, the state, in partnership with EU institutions, must also develop solutions for pension provision and the restoration of social rights for IDPs and residents of the temporarily occupied territories of Ukraine.

The European Commission and Ukraine should have a direct interest in providing comprehensive support to internally displaced persons and residents of the temporarily occupied territories of Ukraine, as this policy reflects Ukraine's real capacity to ensure non-discriminatory treatment, political, social and economic integration, and access to rights for all citizens.

Thus, the full-scale war unleashed by the Russian Federation creates unprecedented challenges in the field of human rights, which require accurate, professional and systematic consideration at the level of the EU and Ukraine. Currently, human rights issues are not sufficiently reflected in the Ukraine-EU pre-accession negotiations, and certain problems, which are inevitable in the context of armed aggression, may be exploited in bad faith or politicised by opponents of Ukraine's European integration.

84 Resolution of the Cabinet of Ministers of Ukraine "On Approval of the Procedure for Recognition of Learning Outcomes Achieved in the Temporarily Occupied Territory of Ukraine at the Levels of Vocational (Vocational and Technical), Pre-Higher Professional, and Higher Education". URL: <https://zakon.rada.gov.ua/laws/show/871-2025-%D0%BF#Text>

85 Register of Damage Caused by the Aggression of the Russian Federation against Ukraine (RD4U). (n.d.). Official website. Council of Europe. URL: <https://www.rd4u.coe.int/uk/>

Thus, it is advisable to consider creating the EU-UA Human Rights Protection Platform, a permanent and institutionally established mechanism for interaction between the Ukrainian Parliament Commissioner for Human Rights and leading national human rights organisations with EU institutions that shape policy in the field of human rights and democracy. The key task of such a platform should be not only to monitor the overall situation regarding the observance, protection and implementation of human rights, but also, above all, to systematically highlight the situation regarding the protection of the rights and interests of internally displaced persons and residents of temporarily occupied territories (for example, regarding access to social services, medical care, pensions, etc.). Thanks to this platform, Ukraine will be able to provide regular, objective and balanced information to its European partners about the real state of human rights compliance, explain the context of identified problems promptly, and propose solutions for them, while preventing the emergence of excessive barriers in the negotiation process.

The platform will promote the inclusion of Ukraine and the specific Ukrainian context, namely the issues of internal displacement and occupation, in the agenda of strategic European discussions and decision-making processes, even before Ukraine joins the EU. This approach is consistent with the logic of Enlargement Policy: the candidate country is already considered an integral part of the future Union and influences the formation of common European approaches to the protection of human rights in conditions of war and post-conflict recovery. This will also increase confidence in assessments of the situation in Ukraine, as they will be based on a coordinated position between the independent institution of the Ukrainian Parliament Commissioner for Human Rights and civil society, which will contribute to their legitimacy and impartiality.

The creation of the platform is expected to ensure consistency, predictability and proactivity in the field of human rights on the European integration track:

- The EU and Ukraine will have timely access to reliable and balanced information;
- The risks of misunderstandings or politicisation of assessments will be reduced; potential problems will be identified and resolved before they affect the negotiations.
- Ukraine's participation in EU mechanisms will become broader now, and national human rights organisations and the Office of the Commissioner will strengthen their institutional ties with the EU on human rights issues.

In our opinion, the EU-UA Human Rights Protection Platform, in cooperation with the Ukrainian Parliament Commissioner for Human Rights and national human rights organisations, could become a strategically important instrument for supporting the Ukraine-EU negotiation process. It will ensure that issues related to the protection of the rights of internally displaced persons and residents of the temporarily occupied territories of Ukraine are not limited to occasional mentions in the negotiation process, but are resolved, allowing all citizens of Ukraine, including those most affected by the war, to see the positive results of the EU integration process.

CHAPTER 3.

EU ENLARGEMENT POLICY AND GLOBAL CHALLENGES: HOW ADDRESSING THE ISSUES OF IDPS AND RESIDENTS OF THE TOT OF UKRAINE CAN STRENGTHEN EUROPE

Russia's aggression against Ukraine has reinforced the understanding of the EU Enlargement Policy as a geostrategic instrument that promotes stability, peace and development across the European continent. The European Commission's Communication on EU Enlargement Policy for 2023 explicitly stated that the prospect of EU membership is a key factor in transformation, strengthening Europe's collective security and socio-economic well-being.⁸⁶ Enlargement policy is crucial for promoting reconciliation and stability on the European continent⁸⁷. Thus, Russia's full-scale invasion of Ukraine has brought an end to the long-standing "pause" in the implementation of the EU's Enlargement Policy, while changes in the EU's security paradigm have the potential to intensify the process of admitting new member states⁸⁸. This chapter examines how the rethinking of the EU Enlargement Policy as a geostrategic instrument necessitates the systematic inclusion of issues related to the protection of the rights of internally displaced persons and residents of the temporarily occupied territories of Ukraine in the European integration agenda.

In its 2023 Granada Declaration, the European Council emphasised that enlargement is a driving force for improving the economic and social conditions of European citizens, reducing disparities between countries and strengthening the values on which the EU is founded. The Declaration called on candidate countries to step up their own reforms, particularly in the area of the rule of law, acting in accordance with the merit-based approach and with the support of the EU. At the same time, the EU itself undertook to strengthen its own internal foundations and carry out the necessary reforms to define its long-term ambitions, the ways to achieve them, and to respond to key questions regarding priorities, policies, and capacity to act⁸⁹.

The EU's support for Ukraine in its fight against Russia puts its Enlargement Policy in a unique position compared to previous waves of enlargement. This is primarily due to the EU's commitments to promote peace in Ukraine, strengthen its security guarantees and support its recovery, which potentially means greater involvement of European institutions in the process of internal transformation in Ukraine.

⁸⁶ European Commission. *Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions: 2023 Communication on EU Enlargement Policy* (COM(2023) 690 final). Brussels, 8 November 2023. URL: <https://surli.cc/afnmuh>

⁸⁷ Ibid

⁸⁸ P. Ekman, B. Lundqvist, A. Michalski, L. Oxelheim *European Integration in a Time of War: Can the EU Gear Up to Face Unprecedented Internal and External Challenges?* In: . Ekman, B. Lundqvist, A. Michalski, L. Oxelheim (ed.). *The Depth and Size of the European Union in a Time of War*. Cham: Palgrave Macmillan, 2025, pp. 1-21.

⁸⁹ The European Council. 2023. *The Granada Declaration*. Press release, 6 October 2023. URL: <https://www.consilium.europa.eu/en/press/press-releases/2023/10/06/granada-declaration/>

The direct link between the EU Enlargement Policy and the stability and security of Ukraine and Europe as a whole reinforces the importance of ensuring the rights and freedoms of internally displaced persons and Ukrainian citizens in the temporarily occupied territories. The success of state policy in these areas will undoubtedly influence the stability of the situation in Ukraine, its potential for restoring territorial communities, overcoming the demographic crisis and the crisis in the labour market, etc. In turn, the stability and recovery of Ukraine are in the strategic interest of the EU.

Based on the results of the study, the authors identified a number of arguments that support the European Union's interest in strengthening measures to ensure the rights and freedoms of internally displaced persons and residents of the temporarily occupied territories of Ukraine.

- The EU considers Ukraine to be part of a common security space, therefore addressing the consequences of the war, in particular the integration of IDPs and the reintegration of residents of the temporarily occupied territories of Ukraine, is a prerequisite for long-term stability in the region.
- The consequences of mass internal displacement and barriers to accessing basic services for residents of the temporarily occupied territories of Ukraine, loss of trust in the state or feelings of injustice on the part of these social groups, may create fertile ground for internal tensions in Ukraine, and the EU is interested in preventing this⁹⁰.
- The EU is interested in avoiding uncontrolled external migration from Ukraine due to the lack of conditions for the return and integration of people.

The EU's long-term migration strategy involves addressing the causes of migration, which highlights the need to remove obstacles to the exercise of the legitimate rights and interests of IDPs and residents of the temporarily occupied territories of Ukraine. For example, transparent and effective mechanisms for providing residents of the temporarily occupied territories with state-issued documents can be seen as Ukraine's contribution to the implementation of the European Union's migration strategy.

- Ensuring the rights and legitimate interests of internally displaced persons, and to a certain extent also residents of the temporarily occupied territories, will potentially contribute to Ukraine's economic stabilisation, provided that they remain in the national labour market and actively participate in the country's recovery processes.

This approach is fully consistent with the European Union's geostrategic interests, which are aimed at supporting sustainable development and security in the region.

An equally compelling argument in favour of EU involvement in addressing the problems of internally displaced persons and residents of the temporarily occupied territories of Ukraine is that this activity fits organically into the strategic framework of the European Union's foreign policy, which is aimed at promoting the rule of law, democracy and human rights on the global stage, and not only meets the criteria for candidate countries (see Chapter 4 on the EU Global Strategy).

90 Grand C., Kobzova J., Popescu N. Preventing the next war: A European plan for Ukraine. Policy Brief, European Council on Foreign Relations, 20 June 2025. URL: <https://ecfr.eu/publication/preventing-the-next-war-a-european-plan-for-ukraine/>

Even before the decision by the administration of US President Donald Trump to suspend humanitarian aid, the European Union had consistently claimed a leading role in this area and had effectively become the global leader in providing humanitarian support following the adoption of this decision⁹¹. In this context, EU assistance to internally displaced persons and residents of the temporarily occupied territories of Ukraine is already considered and will continue to be assessed as a manifestation of the Union's leadership in providing humanitarian aid.

On the other hand, Ukraine's commitment to addressing the problems of IDPs and residents of the TOT within the framework of the European integration process stems both from its practical national interests and from the need to meet certain criteria for membership in the European Union. Ukraine's practical interest in considering these categories of its own population as part of the negotiation process with the EU will help to attract external assistance to address their problems.

At the same time, the issue of IDPs and residents of the temporarily occupied territories is part of the process of implementing the Copenhagen criteria, based on which a state's readiness to join the EU is determined. The Copenhagen criteria stipulate that a country can only become a member of the European Union if it has a stable democratic system and institutions that ensure the rule of law, human rights and the protection of minorities; has a viable market economy capable of withstanding competition within the EU; and can fulfil all the obligations of membership, i.e. to implement European rules, standards and policies and share the objectives of political, economic and monetary union⁹². The protection of the rights and interests of IDPs and residents of the temporarily occupied territories of Ukraine corresponds, at a minimum, to the first criterion concerning the rule of law, human rights and the protection of minorities.

⁹¹ European Union. (n.d.). *Humanitarian aid and civil protection: European humanitarian values in action*. URL: https://european-union.europa.eu/priorities-and-actions/actions-topic/humanitarian-aid-and-civil-protection_en

⁹² European Council. (1993, June 21-22). Presidency conclusions: Copenhagen European Council. URL: https://www.europarl.europa.eu/enlargement/ec/cop_en.htm

CHAPTER 4.

EUROPEAN INTEGRATION AS AN INCENTIVE TO OVERCOME THE CONSEQUENCES OF CONFLICTS AND HUMAN RIGHTS ISSUES: PRACTICES OF OTHER CANDIDATE COUNTRIES

Despite the absence of separate chapters devoted to overcoming the consequences of conflicts among the negotiating clusters, the process of European integration played a key role both in the implementation of political transformations and in the settlement of conflicts in countries applying for membership in the European Union. This chapter analyses how the EU has used its Enlargement Policy to encourage the resolution of the consequences of armed conflicts in the context of Croatia's integration, and continues to use it for EU candidate countries and Kosovo. It also highlights the need to include the protection of the rights of IDPs and residents of the TOT as one of the aspects of overcoming the consequences of armed aggression. The chapter emphasises the need to integrate these issues into the European integration process in a format that differs from the EU's previous experience, given the specific features of the Ukrainian context outlined below.

The European Union's serious concerns in the areas of fundamental rights and the rule of law, in particular the independence of the judiciary, are usually reflected in the negotiating framework, national roadmaps, and EU reports within the annual Enlargement Package. In countries that had experienced armed conflict, the process of resolving such conflicts was considered a separate focus of attention for the EU. However, ignoring issues of justice, fairness, accountability for international crimes and disregard for the rights of victims was seen as a significant obstacle to integration into the European Union. As a rule, the European Union incorporates relevant requirements into political, legal and institutional criteria.

Through open communication, the European Union emphasises that the enlargement process itself is a geostrategic instrument. In 2023, however, the European Commission communicated that partners must strongly and unconditionally share and promote EU values. At the same time, alignment with the EU's common foreign and security policy is now a more important signal than ever before of shared values and strategic orientation in the new geopolitical context.

The experience of candidate countries shows that the European Union has gradually developed a practical approach to enlargement in the context of armed conflicts and post-conflict processes.

A telling example for Ukraine is the experience of **Croatia**, which, during negotiations on accession to the European Union, faced demands to reform its judicial system and ensure

cooperation with the International Criminal Tribunal for the former Yugoslavia⁹³. The EU insisted not only on the transfer of defendants and documentation to the tribunal, but also on the prosecution of war crimes in national courts, including the prosecution of its own military personnel when they were found to have committed crimes. This provoked strong public opposition, but Croatia complied with these demands, recognising that the rule of law and accountability for crimes were essential conditions for progress towards EU membership.

Another example is **Albania**. This country had no experience of war on its own territory, but faced the consequences of regional crises, particularly during the war in Kosovo, as a result of which Albania hosted hundreds of thousands of refugees. This shaped the EU's expectations regarding its role in humanitarian response and regional cooperation. Brussels separately assessed Albania's steps in overcoming the legacy of the communist regime, investigating political repression and ensuring access to archives. This became part of the requirements in the field of human rights and transitional justice.

In **North Macedonia**, the key element of the negotiations was the implementation of the Ohrid Framework Agreement⁹⁴, which laid the foundation for inter-ethnic reconciliation, decentralisation and language rights. The EU viewed it as an indicator of the country's ability to ensure inclusive governance and prevent the recurrence of conflicts. Particular attention was paid to education reforms and the integration of conflict participants, which were intended to promote long-term social stability.

In the case of **Turkey**, the EU clearly defined for the first time the link between armed conflict, human rights and accession to the Union⁹⁵. EC reports documented problems faced by internally displaced persons, the need for compensation, cultural rights of minorities, and responsibility for violations⁹⁶. The demand for a comprehensive policy on IDPs and justice for victims became a permanent condition of the negotiation process. This experience shaped the current logic of the EU, where fundamental rights and accountability must be ensured first, followed by integration.

Georgia, which suffered from Russian aggression, consistently demonstrated the gradual integration of its humanitarian and social consequences into broader development policy. The EU monitored the implementation of programmes for the resettlement of IDPs, access to social services and housing, and the protection of the rights of people remaining in the occupied regions. Humanitarian policy was not treated as a separate area, but was considered part of good governance.

All these examples show that the EU's approach has evolved from reacting to conflicts to systematically taking their consequences into account in accession negotiations. For Ukraine, this means that issues such as restoring the rights of those affected by the war, re-

93 European Commission. (2012, June). *Communication from the Commission to the European Parliament and the Council – Croatia 2012 Progress Report (COM (2012) 0601 final)*. URL: <https://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM%3A2012%3A0601%3AFIN%3AEN%3AHTML>

94 Framework Agreement (Ohrid Agreement). (2001, August 13). UN Peacemaker. URL: <https://peacemaker.un.org/en/node/9364>

95 Fraczek, S., Huszka, B., & Körtvélyesi, Z. (2016, 30 April). *The role of human rights in the EU's external action in the Western Balkans and Turkey: FRAME Deliverable 6.2*. Leuven Centre for Global Governance Studies. URL: <https://fp7-frame.eu/wp-content/uploads/2016/09/Deliverable-6.2.pdf>

96 European Commission, Directorate-General for Neighbourhood and Enlargement Negotiations. (2024, October 30). *Türkiye 2024 Report*. EUR Lex. URL: <https://surl.li/fglxv>

integration and support for internally displaced persons can become a natural part of the European integration process.

Bosnia and Herzegovina remained a de facto divided country after the 1992-1995 war, and the European Union focused on implementing the Dayton Accords as a basis for stability. The conditions for integration concerned reforming the constitutional system, strengthening state institutions, ensuring equality among citizens, and the functioning of joint authorities. The EU paid particular attention to protecting the rights of internally displaced persons, rebuilding housing, access to justice and combating impunity for past crimes. These issues were seen as necessary for political stability and gradual progress towards membership.

After the 1998-1999 conflict, **Kosovo** remained in the EU's spotlight due to its complex relations with Serbia and ongoing inter-ethnic tensions. The EU made further progress conditional on ongoing dialogue between Belgrade and Pristina and security guarantees for the Serbian community. Issues of justice, the effectiveness of the EULEX mission (EU Rule of Law Mission in Kosovo)⁹⁷ and the protection of the rights of internally displaced persons were of great importance in the negotiations. For the EU, the example of Kosovo became a way to test how political agreements, security measures and conflict resolution could be integrated into a single process of European integration.

Although the EU negotiating framework for **the Republic of Moldova**⁹⁸ and key Moldovan strategic documents on European integration do not contain a separate chapter on the Transnistrian region, this issue regularly appears in the European Commission's enlargement reports and remains part of the political dialogue on the conditions and parameters of Moldova's future EU membership.

The European Commission's 2025 Enlargement Report contains the following positions on the conflict in the Transnistrian region⁹⁹:

- The EU has declared its commitment to supporting a comprehensive, peaceful and sustainable settlement of the Transnistrian conflict, based on the sovereignty and territorial integrity of the Republic of Moldova within its internationally recognised borders.
- It is emphasised that the deep and comprehensive free trade area, which is part of the Association Agreement between the European Union and partner countries, covers the entire territory of the Republic of Moldova.
- The Report notes that the legislative framework of the Republic of Moldova still does not contain a specific mechanism for providing assistance to residents of the Transnistrian region who are subjected to human rights violations, while the human rights situation in the region remains problematic.

⁹⁷ European Union. (2008, February 4). *Council Joint Action 2008/124/CFSP on the European Union Rule of Law Mission in Kosovo (EULEX Kosovo)*. Official Journal of the European Union, L 42, 92-98. URL: <https://eur-lex.europa.eu/EN/legal-content/summary/eu-mission-in-kosovo-upholding-the-rule-of-law.html>

⁹⁸ EU negotiating framework for the Republic of Moldova. URL: <https://www.consilium.europa.eu/media/451lqaal/ad00011en24.pdf>

⁹⁹ Communication from the European Commission to the European Parliament, the Council of the European Union, the European Economic and Social Committee and the Committee of the Regions on the European Union's Enlargement Policy. URL: https://enlargement.ec.europa.eu/document/download/23fa6af0-89b3-4532-a3d9-d1638727d14c_en?filename=moldova-report-2025.pdf

- It was noted that amendments to the Criminal Code, which criminalised “separatism” in 2023, remain in force and may negatively impact freedom of expression and freedom of association, the principle of non-discrimination, and the settlement of the Transnistrian conflict.
- The Report emphasises that Moldova continues to support EU measures and documents in the field of conflict prevention, but its own capacity in this area remains limited. Moldova is recommended to maintain and continue the implementation of the measures provided for in its National Action Plan for the implementation of UN Security Council Resolution 1325 “Women, Peace and Security” beyond 2027.

The reference to this UN Security Council Resolution demonstrates the European Commission's desire to emphasise the issue of conflict resolution in Moldova, as it covers a large part of its consequences and post-conflict stabilisation.

UN Security Council Resolution 1325 “Women, Peace and Security” covers the following areas of activity: ensuring the full and equal participation of women and men in decision-making at all levels, including in peace negotiations, peace-building, reintegration and reconciliation activities, as well as participation in elections (both as candidates and voters) and socio-political activities; preventing gender-based violence, including by holding those responsible for violations of international law accountable, ensuring women's participation in preventing the outbreak, spread and recurrence of violent conflicts, as well as addressing their root causes, in particular through disarmament, combating all forms of exploitation, supporting peace initiatives and conflict resolution processes; protecting the rights and taking into account the needs of victims in conflict situations and after their end, in particular protection from various forms of violence and persecution (during protracted conflicts, the risks of trafficking in human beings, sexual violence and rape increase, particularly for women and girls); taking into account the specific needs of women and girls, including vulnerable groups (in particular refugees, internally displaced persons, women who have suffered gender-based violence and conflict-related sexual violence), as well as women combatants and women veterans when providing health care, psychological and humanitarian assistance, ensuring women's participation in economic recovery and transitional justice in conflict and post-conflict situations. It should be noted that Ukraine has been implementing a corresponding National Action Plan on the implementation of United Nations Security Council Resolution 1325 on “Women, Peace and Security” through 2025¹⁰⁰.

In 2025, political discussions intensified at the EU level and in the Republic of Moldova on ways to integrate the country into the Union amid the conflict in the Transnistria region, where Russian troops are stationed. In November this year, European Commissioner for Enlargement Marta Kos stated that the EU considers the Republic of Moldova to be a unitary and integral state and supports the integration of the Transnistrian region in order to prevent it from becoming an obstacle to the EU accession process¹⁰¹. She emphasised that the Euro-

100 On approval of the National Action Plan for the implementation of UN Security Council Resolution 1325 “Women, Peace and Security” for the period until 2020. URL: <https://zakon.rada.gov.ua/laws/show/113-2016-%D1%80#Text>

101 Commissioner for Enlargement Marta Kos: “We will find a solution for the Transnistrian region in the accession process”. URL: <https://radiomoldova.md/p/63256/comisara-pentru-extindere-marta-kos--vom-gasi-solutii-pentru-regiunea-transnistreana-in-procesul-de-aderare->

pean Union had been able to find solutions to many problems in different countries, and she was convinced that this could also be done in relation to the Transnistrian region. According to her, the EU would determine a solution in such a way that it would not become an obstacle to your country's accession to the European Union. However, political discussions between Moldova and the EU, as well as within the country, are unfolding around two scenarios. The first scenario envisages the Republic of Moldova joining the EU as a single state, including Transnistria. Chişinău strategically considers this model to be optimal, but the presence of Russian troops in the Transnistrian region, which creates serious political and security risks, complicates the implementation of this approach. The second scenario envisages Moldova's de facto accession to the EU within the territories controlled by Chişinău, postponing the integration of the Transnistrian region to a later stage. This approach would allow progress towards European integration without being tied to a rapid resolution of the conflict. In this way, the EU will raise the issue of the conflict in the Transnistrian region in its negotiations with the Republic of Moldova, but will remain flexible regarding the formats for taking the situation in the region into account in the overall process of the country's integration.

Cyprus is the only precedent in the EU where a state became a member of the Union without exercising full sovereignty over its entire territory. In 1998, Cyprus formally joined the process of negotiations on accession to the European Union. At the end of 1999, the European Council sent a clear signal: a political compromise between the parties to the conflict was desirable and encouraged, but failure to reach it should not in itself block the decision on the country's accession to the European Union¹⁰².

Against the backdrop of Cyprus's growing chances of successful European integration, efforts to find a model for its reunification have intensified significantly. These negotiations culminated in a plan proposed under the auspices of the UN, which envisaged the transformation of the island into a federal state with two communities, based on the model of federations. In April 2004, this approach was put to an island-wide vote. The Turkish Cypriot community expressed its support for the plan (65% in favour), while the majority of Greek Cypriots voted against it (76% against)¹⁰³.

Despite joining in 2004, the island remains divided, and EU law has been suspended in the north (in the territory of the "Turkish Republic of Northern Cyprus", which is only recognised by Turkey). This experience shows that a lack of territorial integrity is not an automatic obstacle to membership.

However, despite the importance of the Cyprus "territorial precedent" for Ukraine, Moldova and Georgia, which have temporarily occupied territories, no direct analogy can be drawn between them and the situation in Cyprus.

Firstly, Turkey's role in the Cyprus case is fundamentally different from Russia's aggression against Ukraine, Georgia and Moldova. Despite the freezing of negotiations on EU accession, Turkey remains a candidate country and has never been considered a threat to the Union's security.

102 Conclusions Presidency of the European Council, Helsinki, 10–11 December 1999. URL: https://www.europarl.europa.eu/summits/hel1_en.htm

103 Referendum in Cyprus. URL: https://www.europarl.europa.eu/doceo/document/E-5-2004-1444_EN.html

Secondly, the European Union has financial and other mechanisms to influence the development of the part of Cyprus controlled by Turkey. According to EU plans, in 2028-2034, aid to the Turkish Cypriot community will amount to €438 million¹⁰⁴. With the help of financial instruments, the EU is balancing the development of the two parts of the island, aligning their development and strengthening ties between them. In contrast, in the case of the temporarily occupied territories of Ukraine and Georgia, their de facto integration into European space is impossible. The situation is somewhat different in the Transnistrian region of Moldova, which enjoys some of the benefits of the European integration process. Thus, the experience of the Republic of Cyprus' accession to the EU is quite controversial in the Ukrainian context. On the one hand, the division of Cyprus was not considered by the EU as a serious obstacle to its integration into the Union. On the other hand, the scale of threats to the stability and security of the EU that could arise from the Cyprus conflict is difficult to compare with the level of threats associated with Russian aggression against Ukraine, Georgia and Moldova, which may influence the EU's reasoning regarding the consideration of the aspect of the temporarily occupied territories during the integration of these countries.

Given previous experience of formally or indirectly including conflict resolution tasks in the negotiation process, Ukraine should consider internal displacement and the protection of the rights of residents of the temporarily occupied territories as a natural part of the European integration process, using EU support and instruments to this end.

¹⁰⁴ The European Union's multiannual financial framework for 2028–2034. URL: <https://data.consilium.europa.eu/doc/document/ST-11690-2025-INIT/en/pdf>

CHAPTER 5.

EUROPEAN UNION MIGRATION POLICY: FOCUS ON THE ROOT CAUSES OF MIGRATION AND ITS RELEVANCE FOR UKRAINE

Migration policy and the challenges of its implementation are a politically sensitive and complex issue within EU Member States and at the level of EU-wide institutions. Ukraine's chances of avoiding political obstacles to the successful completion of the negotiation process will depend on its ability to effectively adapt to the EU's updated migration and asylum policy. The Roadmap for the Rule of Law contains a number of commitments on the adaptation of Ukraine's migration legislation to EU law. However, the Roadmap does not contain any provisions linking the issues of internal displacement and the temporarily occupied territories with the strengthening of migration policy. The issue of protecting the rights of IDPs and residents of the temporarily occupied territories of Ukraine is directly linked to the success of the EU's migration policy. This is particularly important now that the European Union is considering changing the current mechanism for granting temporary protection to Ukrainians and moving to other national forms of legal status for them in member states.

This chapter examines how the EU's migration and asylum policy, which focuses on addressing the root causes of migration, can serve as a framework for highlighting and prioritising the issues of internally displaced persons and residents of the temporarily occupied territories of Ukraine in the negotiation process with the EU.

Taking into account the issues of internal displacement and residents of the temporarily occupied territories of Ukraine in the context of European migration policy is directly in line with the principles and approaches set out in the New Pact on Migration and Asylum¹⁰⁵. The European Union emphasises that a sustainable migration management system cannot be established without addressing the structural causes of forced displacement, including conflicts, human rights violations and economic instability. Ukraine today is a unique example of a country that is simultaneously a source, a transit country and a potential leader in overcoming these causes. Integrating issues related to internally displaced persons and improving the situation of residents of the temporarily occupied territories into the negotiation process with the European Union on migration issues will strengthen mutual interest in improving the situation of these two social groups.

The Pact on Migration and Asylum, adopted by the European Commission in 2020, is a strategic framework for establishing a balanced and sustainable migration management system in the EU¹⁰⁶. The central element of the Pact is the recognition of the need to address

105 European Commission. (2020, September 23). *Communication on a New Pact on Migration and Asylum* (COM 2020 609 final). EUR-Lex. URL: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A52020DC0609>

106 European Commission. (2020, 23 September). *Communication to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions – A New Pact on Migration and Asylum* (COM(2020) 609 final). URL: eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex:52020DC0609

not only the consequences but also the root causes of migration: demographic and economic imbalances, conflicts, human rights violations, climate change, poverty and inequality.¹⁰⁷ The EU emphasises that only by addressing these factors in the countries of origin can pressure on the external borders be reduced.

To achieve this, the Pact provided for deeper cooperation with third countries, combining migration policy with development, security and investment. In particular, this involved combating human trafficking and illegal migration, supporting refugees in countries of origin and transit, developing legal migration channels, creating economic opportunities for young people, overcoming gender discrimination and strengthening governance systems. The EU has stated its desire for partnerships with Africa, the Western Balkans and other regions to become a key instrument in preventing new migration crises.¹⁰⁸

Thus, the Pact has formed a comprehensive approach: combining humanity and responsibility within the EU with systematic work outside it to ensure that migration is safe, controlled and becomes a positive factor for the development of both Europe and the countries of origin.

In 2024, the EU updated and approved **the New Pact on Migration and Asylum**¹⁰⁹, which is currently being implemented through a Common Implementation Plan covering ten key areas, including a single Eurodac information system (biometric database)¹¹⁰, external border management, asylum procedures, return, solidarity and integration. The document combines improvements to internal procedures and joint responsibility among EU countries with efforts to address the causes that force people to migrate.¹¹¹ These include war, inequality, social instability, and human trafficking in countries of origin.¹¹² The pact provides for partnerships with other countries, the development of safe and legal migration routes, and investment in stability and human rights. Its aim is not only to respond to migration crises, but also to prevent them by strengthening border protection, respect for human rights and the fair distribution of responsibility among EU countries.¹¹³

The document **Common Implementation Plan for the Pact on Migration and Asylum** {SWD(2024) 251} is a practical roadmap adopted by the European Commission in 2024 for the implementation of the renewed Pact on Migration and Asylum¹¹⁴. It sets out a series of measures to establish a comprehensive migration and asylum management system by 2026, covering 10 key areas – from modernising the Eurodac database and managing external borders to effective return procedures, solidarity, integration and building resilience to crises. Particular emphasis is placed on addressing the root causes of migration through partner-

107 Ibid.

108 Ibid.

109 European Commission. *New Pact on Migration and Asylum*. Directorate-General for Migration and Home Affairs. URL: https://home-affairs.ec.europa.eu/policies/migration-and-asylum/pact-migration-and-asylum_en

110 European Union. *Council Regulation (EC) No 2725/2000 of 11 December 2000 concerning the establishment of "Eurodac" for the comparison of fingerprints for the effective application of the Dublin Convention*. Official Journal of the European Communities L 316, 15 December 2000. URL: <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32000R2725&from=EN>

111 Ibid.

112 Ibid.

113 Ibid.

114 European Commission. *Common Implementation Plan for the Pact on Migration and Asylum*. COM(2024) 251 final; {SWD(2024) 251 final}. URL: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:52024DC025>

ships with third countries, combating organised migrant smuggling networks, developing legal mobility channels, labour partnerships and creating new opportunities for legal migration.¹¹⁵ This includes investing in strengthening the capacity of countries of origin and transit, supporting employment, education and vocational training, and ensuring fair working conditions and preventing “brain drain”.¹¹⁶ Thus, the plan is not limited to managing migrant flows within the EU, but offers a broader strategy to reduce pressure on European borders and ensure a balanced and humane migration policy by addressing the structural causes of forced migration.

In the **Strategic Agenda 2024–2029**¹¹⁷, adopted by the European Council on 27 June 2024, the EU clearly emphasises that an effective migration policy must be based not only on border control and the return of migrants, but also on addressing the root causes of irregular migration. To this end, it provides for the development of comprehensive partnerships with migrants’ countries of origin and transit countries, aimed at reducing the structural factors of forced displacement, poverty, instability, armed conflict and human rights violations. The document emphasises that it is precisely the work on root causes, combined with the development of legal channels for mobility and employment opportunities, that should ensure a long-term reduction in pressure on European borders and become a humane alternative to dangerous irregular migration routes.

The European Commission’s Communication “Global Approach to Migration and Mobility” (COM/2011/0743 final)¹¹⁸ outlines the EU’s updated external policy framework on migration, which is based on partnership with third countries and a comprehensive approach to all aspects of migration. The document identifies four key areas: organising and facilitating legal migration and mobility, preventing and reducing illegal migration and trafficking in human beings, promoting international protection and developing the external dimension of asylum policy, and maximising development through migration and mobility.¹¹⁹

Particular emphasis is placed on addressing the root causes of migration: supporting socio-economic development in countries of origin, expanding opportunities for legal employment, education and vocational training, combating “brain drain”, and strengthening social protection systems and workers’ rights.¹²⁰ The documents emphasise that migration should be seen not only as a challenge to security and border management, but also as a driver of development, requiring the integration of migration policy with development, trade, education and employment policies.¹²¹ Thus, the EU strategy aims to ensure mutually beneficial cooperation with partner countries, reduce irregular migration flows and create conditions for stability, security and sustainable development by addressing the structural causes of forced migration.

115 Ibid.

116 Ibid.

117 European Council. *Strategic Agenda 2024-2029*. Council of the European Union. URL: <https://www.consilium.europa.eu/en/european-council/strategic-agenda-2024-2029/>

118 European Commission. *Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions — The Global Approach to Migration and Mobility* (COM (2011) 743 final). URL: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:52011DC0743>

119 Ibid.

120 Ibid.

121 Ibid.

Thus, the European Union's work on the root causes of migration is based on a comprehensive approach that combines development, economic and security instruments in co-operation with countries of origin and transit. To a certain extent, these instruments can serve as justification for Ukraine as to why the EU should do its utmost to help solve the problems of internally displaced persons and residents of the temporarily occupied territories of Ukraine. For example, through mechanisms such as **the European Emergency Trust Fund for Africa (EUTF)**¹²², the EU has funded programmes to support economic development, job creation, strengthening of state institutions and combating illegal migration and human trafficking, considering poverty, conflict and instability as the main factors of forced displacement.

A new phase of this approach is being implemented through **the Neighbourhood, Development and International Cooperation Instrument (Global Europe)**¹²³, which allows migration issues to be integrated into broader development and partnership policies. At the same time, the EU supports Talent Partnerships, which open up legal channels for labour mobility, combining the needs of EU labour markets with the development of human capital in partner countries, and implements tailored partnerships that take into account the specific challenges of certain countries and cover issues such as readmission, border control, education, vocational training and socio-economic development. Thus, the EU's strategy is aimed not only at managing migrant flows within the Union, but also at addressing the structural causes of forced migration to reduce pressure on European borders while supporting stability and development in countries of origin.

Ukraine is already a country of origin and transit for significant migration flows, and the full-scale war has contributed to the emergence of millions of internally displaced persons and refugees in EU Member States. That is why it is important for the European Union that cooperation with Ukraine includes addressing the root causes of migration: overcoming the consequences of war, protecting the rights of IDPs and residents of the temporarily occupied territories of Ukraine, guaranteeing social integration and security, and rebuilding the economy.

The European Union is interested in addressing issues related to the protection of the rights of residents of the temporarily occupied territories of Ukraine, as they are one of the key sources of migration challenges for the entire region. The ongoing war, destruction of infrastructure, human rights violations, including deportation and forced displacement of civilians, forced mobilisation or persecution in Russian-occupied territories, are creating massive waves of forced migration and displacement of persons. If these root causes are not properly addressed, the EU risks facing new crises ranging from increased flows of refugees and asylum seekers to social tensions in member states and an increased risk of illegal migration. That is why work on the issue of the TOT is consistent with the logic of the Pact on Migration and Asylum and EU strategic documents, which provide for addressing the structural causes of migration in countries of origin.

122 European Union. *Emergency Trust Fund for Africa (EUTF for Africa)*. Directorate-General for International Partnerships. URL: https://trust-fund-for-africa.europa.eu/homepage_en

123 European Commission. *Global Europe: Neighbourhood, Development and International Cooperation Instrument (NDICI – Global Europe)*. Directorate-General for International Partnerships. URL: https://international-partnerships.ec.europa.eu/funding-and-technical-assistance/funding-instruments/global-europe-neighbourhood-development-and-international-cooperation-instrument_en

For Ukraine, integrating the issue of internally displaced persons into European migration policy means receiving not only political support, but also concrete instruments: investments in reconstruction, social integration of internally displaced persons, development of legal channels for mobility, education and employment. This will also ensure the return of citizens to the deoccupied territories, prevent the outflow of workers against the backdrop of an acute demographic crisis, and create conditions for the restoration and protection of the rights of those affected by Russian aggression.

Thus, for the EU, addressing issues related to the protection of the rights of residents of the temporarily occupied territories of Ukraine contributes to reducing the pressure of migration flows and strengthening regional stability, while for Ukraine, it provides additional opportunities to overcome the consequences of Russian aggression, particularly in the areas of internal displacement and the restoration and protection of the rights of victims.

CONCLUSIONS

- The conducted study revealed an urgent need to pay greater attention to issues related to the protection of the rights and freedoms of internally displaced persons and residents of the temporarily occupied territories of Ukraine in the European integration process, adhering to the principle that this process should benefit all social groups and correspond to their interests.
- An analysis of the fundamental principles of the EU, respect for human rights, human dignity and equality, and the prohibition of discrimination, reveals the need to fully take into account the tasks of removing barriers to the realisation of the rights and freedoms of internally displaced persons and citizens of Ukraine in the temporarily occupied territories in the negotiation process. A merit-based approach means that progress towards EU membership depends on guarantees of equal rights for all citizens, including those whose rights have been violated as a result of the war.
- In view of Ukraine's strategic course towards accession to the European Union and its geopolitical position in the context of the war with Russia, Ukrainian public authorities openly prioritise legislative and practical initiatives aimed at fulfilling European integration commitments. In practice, this means that initiatives included in the European integration agenda have a much better chance of being supported and implemented than those that remain outside it.
- The existing instruments of Ukraine's pre-accession negotiations with the EU, in particular the government's Rule of Law Roadmap, do not sufficiently address the issue of internal displacement and the impact of the temporary occupation on the realisation of the rights and freedoms of Ukrainian citizens. Although certain provisions of these documents contain direct or indirect obligations of the state regarding internally displaced persons and the rights and freedoms of residents of the temporarily occupied territories of Ukraine, they remain unsystematically reflected in the European integration process.
- According to the EU negotiating framework for Ukraine, comments, proposals and reservations regarding national plans and commitments within the integration process are entirely legitimate, as the document provides for the active participation of civil society as a necessary condition for the long-term success of the implementation of European integration commitments.
- The study shows that, within the process of integrating candidate countries into the European Union, there is no previous experience of overcoming the consequences of armed aggression that could be considered comparable to the scale and nature of the challenges facing Ukraine. Post-conflict settlement efforts were not part of the EU's overall Enlargement Policy, but were seen as an important prerequisite for the successful conclusion of accession negotiations. The European Union had experience of post-conflict settlement in the Western Balkans, seeking to mitigate the conse-

quences of numerous border and ethnic conflicts in the region. This experience was reflected in the Stabilisation and Association Process, which exists exclusively for the countries of the Western Balkans, as well as the creation of additional requirements (the so-called Copenhagen plus criteria¹²⁴) regarding regional cooperation and the security situation, cooperation with the International Tribunal for the former Yugoslavia, and the return of refugees. The EU also supported separate mechanisms aimed at the rights and interests of internally displaced persons in divided Cyprus. However, overall, the Enlargement Policy remained separate from conflict-recovery processes in candidate countries and functioned as a parallel track that influenced the pace at which certain states approached EU membership.

- Russia's war against Ukraine has created an unprecedented challenge for the European Union's Enlargement Policy. Despite the absence of formal restrictions on the accession of a state, part of whose territory is under temporary occupation, as well as a state that is involved in an international armed conflict, in the case of Ukraine, the EU has taken on unique commitments to achieve peace and rebuild the country.
- Ukraine is seen as one of the key factors for security, stability and development on the European continent. That is why the EU and Ukraine need to develop mutually beneficial instruments within the integration process to achieve lasting peace, strengthen security and create conditions for development. These instruments do not necessarily have to be an official part of the EU Enlargement Policy, but they must take into account the issues of internal displacement and the consequences of temporary occupation, and provide for mechanisms to strengthen the protection of the rights and legitimate interests of IDPs and residents of the temporarily occupied territories of Ukraine. Moreover, the development of such instruments in the future will contribute to the safe and harmonious enlargement of the EU, as there are other states (e.g. Georgia) besides Ukraine where the factors of occupation and internal displacement have a significant impact on the process of the country's accession to the Union.
- Effectively addressing issues related to protecting the rights and interests of IDPs and residents of the temporarily occupied territories of Ukraine will contribute to the implementation of the European Union's own priority policies, including its updated migration strategy, as well as European-wide approaches in the areas of labour market, security and crime prevention, etc. Overall, giving proper attention to the problems of internally displaced persons and residents of temporarily occupied territories of Ukraine within the framework of European integration measures is in line with the EU's traditional focus on addressing the root causes of challenges in the countries where they arise.
- Overcoming the consequences of Russian aggression for internally displaced persons and residents of temporarily occupied territories of Ukraine is fully in line with the priorities of the EU's global strategy for all its partners, which is reflected, in particular, in the EU Action Plan on Human Rights and Democracy for 2020-2027. Ukraine's

124 Policy Department, Directorate-General for External Policies, "The Western Balkans and EU Enlargement: lessons learned, ways forward and prospects ahead". 2015. URL: [https://www.europarl.europa.eu/RegData/etudes/IDAN/2015/534999/EXPO_IDA\(2015\)534999_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/IDAN/2015/534999/EXPO_IDA(2015)534999_EN.pdf)

leadership in implementing the EU's global strategy even before accession could have a significant positive impact on improving the protection of its population's rights and on Ukraine's integration with the EU.

- The creation of a new formal instrument or mechanism within the framework of pre-accession negotiations between Ukraine and the EU that would integrate the issues of internal displacement and/or the realisation of the rights of residents of temporarily occupied territories may be inappropriate, given the lack of similar experience in the history of the EU's enlargement and the risk of additional barriers to the unjustified political blocking of Ukraine's European integration process.
- The study demonstrated the need to pay greater attention to the issue of internal displacement and to ensuring and implementing the rights and freedoms of residents of the temporarily occupied territories within the existing instruments of Ukraine-EU pre-accession negotiations, primarily at the level of the Rule of Law Roadmap. At the same time, in order to intensify efforts to overcome the consequences of Russian aggression, it is necessary to significantly strengthen the use of global EU instruments that are not officially part of the negotiation process but can be an effective complement to it. Such global EU instruments should, first and foremost, motivate both sides to objectively assess the situation in the field of internal displacement; ensure and implement the rights and freedoms of residents of the temporarily occupied territories; and seek effective solutions to the problems identified.

KEY RECOMMENDATIONS

- Ensure systematic consideration of priorities for protecting the rights of internally displaced persons and residents of temporarily occupied territories of Ukraine within the existing instruments of pre-accession negotiations, in particular at the level of the Rule of Law Roadmap approved by the Government of Ukraine, by integrating this issue into existing priorities and areas of work. Internal decisions and policies regarding IDPs and residents of the temporarily occupied territories of Ukraine should be consistent with the content and objectives of pre-accession negotiations with the European Union and comply with EU values.
- Ensure broad integration of EU global instruments in the areas of the rule of law, human rights, democracy and transitional justice, with negotiation mechanisms to ensure an objective assessment of the status of the rights of internally displaced persons and residents of the temporarily occupied territories and the development of necessary decisions without creating a separate track in the negotiation process. In particular, the mandate of the European Union Special Representative for Human Rights, who implements its global strategy in the areas of the rule of law, democracy and human rights, could be considered a priority mechanism. The European Network of National Human Rights Institutions (ENNHRI) could also become a priority instrument.
- Strengthen the capacity of the Ukrainian Parliament Commissioner for Human Rights, particularly at the legislative level, to act as an independent and self-sufficient entity within the European integration process, assessing the state of compliance with the rights of internally displaced persons and residents of the temporarily occupied territories. This will ensure objective, independent and balanced information for both the Ukrainian and European sides.
- Ensure constant contact and exchange of information between the European Commission, other EU institutions and civil society institutions in Ukraine on the status of the formation and implementation of state policies on the internal displacement of rights and freedoms of residents of the temporarily occupied territories.
- Consider creating the EU-UA Human Rights Protection Platform as a permanent and institutionally established mechanism for interaction between the Ukrainian Parliament Commissioner for Human Rights and leading national human rights organisations with EU institutions in the field of human rights and democracy. The key task of such a platform should be, in particular, to systematically highlight the situation regarding the protection of the rights and interests of internally displaced persons and residents of the temporarily occupied territories. It will ensure that the problems identified in this area are effectively addressed, allowing all citizens of Ukraine, including those most affected by the war, to see the positive results of the EU integration process.
- Significantly strengthen the representation of Ukrainian human rights organisations and the Ukrainian Parliament Commissioner for Human Rights in European-wide discussions on human rights issues.

