

**Progress of Implementation of the Recommendations Given in
the Special Report of the Commissioner for Human Rights of the Verkhovna Rada of Ukraine on
Observance of the Rights of Persons Affected by the Armed Aggression of the Russian Federation
against Ukraine***

for the period from 24 February to 31 October 2022

Following the results of the monitoring during December 2022–September 2023

Summary

The full-scale aggression of the Russian Federation against Ukraine, which began on 24 February 2022, became a factor of global upheavals and challenges not only for Ukraine, but also for all of humanity, and the scale of human rights violations, as well as the open disregard of the international humanitarian law by the Russian Federation, which has been observed so far, astounded the whole world.

In these difficult times, seeking ways to restore violated rights and prevent such violations, with the support of the Council of Europe, a study was conducted to analyse the compliance with human rights, as well as cases of violations of the rights of victims, which is based, *inter alia*, on the materials of the Office of the Commissioner for Human Rights of the Verkhovna Rada of Ukraine and the information provided by ministries and other central executive authorities, state enterprises, national non-governmental human rights organisations, as well as on the reports of international organisations.

The results of the study later led to **the Special Report of the Commissioner of the Verkhovna Rada of Ukraine on the Observance of the Rights of Persons Affected by the Armed Aggression of the Russian Federation against Ukraine**, covering the period from 24 February 2022 to 31 October 2022.



* An assessment report has been developed with the support of the Council of Europe Project "Strengthening judicial and non-judicial remedies for the human rights protection of the war-affected people in Ukraine" at the request of the Ukrainian Parliament Commissioner for Human Rights.

The opinions expressed in the report are the full responsibility of the authors and do not necessarily reflect the official policy of the Council of Europe.

The Special Report included 5 main sections on the observance of the rights and freedoms of the relevant categories of civilians affected by the armed aggression, namely:

- 1) Protection of the rights of internally displaced persons;
- 2) Observance of rights and freedoms of citizens living in the temporarily occupied territories;
- 3) Violations of international humanitarian law and human rights during hostilities;
- 4) Rights of citizens who have left Ukraine;
- 5) Deportation and forced displacement of persons to the Russian Federation and temporarily occupied territories

Following the study, 53 recommendations were made to state authorities.

In order to determine the effectiveness of the response to the identified problems, the Commissioner's Office monitored the implementation of the recommendations provided in the Special Report by the competent state authorities. The final document includes a detailed analysis of the implementation of the recommendations provided in the Special Report during the period of December 2022–September 2023.

The monitoring confirmed that the authorities are actively working on the implementation of recommendations aimed at solving/addressing certain problems identified during the systematic analysis of the observance of the rights of citizens affected by the armed aggression of the Russian Federation against Ukraine. According to the substantive and quantitative analysis, 68% of the recommendations of the Special Report of the Commissioner have been implemented, and almost 30% of the recommendations are being implemented.

Ensuring the implementation of recommendations by the authorities contributes to the improvement of legal protection of persons affected by the war in Ukraine and to the introduction of support programmes and compensation mechanisms at the national level.

For instance, the introduction (adoption) of the following important instruments by the authorities and/or the following measures they have taken may be seen as positive steps towards safeguarding the rights of persons affected by the armed aggression against Ukraine:

1) The Verkhovna Rada adopted Law of Ukraine No. 2923-IX. "On Compensation for Damage and Destruction of Certain Categories of Real Property as a Result of Hostilities, Acts of Terrorism and Sabotage Caused by the Armed Aggression of the Russian Federation against Ukraine, and the State Register of Property Damaged and Destroyed as a Result of Hostilities, Acts of Terrorism and Sabotage Caused by the Armed Aggression of the Russian Federation against Ukraine" dated 23 February 2023. This Law, for the first time in the 9 years of the war, defined the legislative framework for providing compensation by the state for the damage and destruction of certain categories of immovable property as a result of the military aggression of the Russian Federation. Furthermore, the Government adopted Resolution No. 381 "On Approval of the Procedure for Providing Compensation for the Restoration of Certain Categories of Real Property Damaged as a Result of Hostilities, Acts of Terrorism and Sabotage Caused by the Armed Aggression of the Russian Federation Using the eVidnovlennia Electronic Public Service" dated 21 April 2023 and Resolution No. 600 "On Approval of the Procedure for Providing Compensation for Destroyed Real Property" dated 30 May 2023 and their implementation has begun, which laid the foundation for the national mechanism for providing compensation for damaged and destroyed residential infrastructure.

2) The Verkhovna Rada adopted in principle the Draft Law "On Amendments to Certain Laws of Ukraine Regarding the Proportional Calculation of Insurance Length for Persons Who Worked Outside of Ukraine" (Reg. No. 9453 dated 3 July 2023), introduced by the Cabinet of Ministers of Ukraine, which

proposes, *inter alia*, to set forth the conditions for renewal and payment of pensions for IDPs from the Autonomous Republic of Crimea and the city of Sevastopol based on applications without providing supporting documents regarding non-receipt of a pension from the Russian Federation;

3) The Verkhovna Rada adopted in the first reading the Draft Law “On Amendments to Certain Laws of Ukraine Regarding the Recognition of Education Results of Persons Living in the Temporarily Occupied Territory of Ukraine” (Reg. No. 9591) aimed at ensuring unhindered exercise of rights to citizens of Ukraine living in the TOT for continuing education by restoring the mechanism of attestation for recognition of grades;

4) The Cabinet of Ministers adopted Resolution No. 930 “Some Issues of Functioning of Temporary Accommodation Places for Internally Displaced Persons” dated 1 September 2023, which, *inter alia*, introduced the procedure for the functioning of temporary accommodation places and the minimum necessary requirements thereto to ensure the livelihood of IDPs;

5) the Strategy of State Policy on Internal Displacement until 2025 and the Action Plan for the Implementation of the Strategy of State Policy on Internal Displacement until 2025 were approved by the Resolution of the Cabinet of Ministers No. 312-r dated 7 April 2023. The Strategy is aimed at responding to new challenges in ensuring and protecting the rights of IDPs at all stages of displacement caused by the full-scale invasion of the Russian Federation;

6) The Cabinet of Ministers has prepared the Draft Law of Ukraine “On Amendments to Certain Legislative Acts of Ukraine Regarding the State Registration of Civil Status Acts Issued in the Territory of Ukraine Temporarily Occupied by the Russian Federation and Outside of Ukraine” and submitted it to the Verkhovna Rada for consideration as a legislative initiative (Reg. No. 9069 dated 28 February 2023). In particular, the Draft Law provides for establishing the facts of birth and death without going to court.

7) The State Migration Service ensured adding more standalone divisions of the SE Dokument abroad. So far, there are 11 standalone divisions of the SE Dokument in the cities of Warsaw, Kraków, Gdańsk, Wrocław, Republic of Poland; Istanbul, Republic of Türkiye; Prague, Czech Republic; Bratislava, Slovak Republic; Berlin and Cologne, Federal Republic of Germany; Valencia and Madrid, Kingdom of Spain.

In addition, a significant part of the recommendations is being implemented, and their implementation will lay the groundwork for the introduction of effective mechanisms for ensuring the rights and freedoms of persons affected by the armed aggression against Ukraine, including the adoption and implementation of amendments to a number of laws of Ukraine.

There is a need to take further effective measures by the Verkhovna Rada, the Cabinet of Ministers, the Ministry for Reintegration of the Temporarily Occupied Territories of Ukraine and the Ministry of Digital Transformation of Ukraine to ensure the full implementation of the recommendations provided. In particular, the following is required:

1) Approval of the State Target Programme for Providing Housing to IDPs;

2) Legal regulation of payment of compensations for damage and destruction of certain categories of real property located in the territories that had been temporarily occupied until 24 February 2022. The appropriate mechanism can be introduced, *inter alia*, by remote recording of destruction and damage to real property;

3) introduction of additional functionality for IDPs on the Diia Portal, including in its mobile application, to facilitate the following: submission of an information report on property that had been damaged and destroyed until 24 February 2022; registration of cash assistance for the residence of IDPs for persons with disabilities.

However, the only unfulfilled recommendation of the Special Report remains the recommendation for the Cabinet of Ministers to develop a draft law on the legal status of persons affected by the armed aggression against Ukraine and their social guarantees, including the definition of “a person affected by the armed aggression against Ukraine” and categorisation of persons affected by the armed aggression of the Russian Federation, which would determine the redress mechanism, including restitution, compensation, rehabilitation and satisfaction. The Draft Law of Ukraine “On Registering of Victims with Loss of Life and Health-related Impairments Caused by the Armed Aggression of the Russian Federation against Ukraine” developed by the Ministry of Social Policy of Ukraine aims to determine the legal and institutional framework for the creation and operation of the State Register of Persons Affected by the Armed Aggression of the Russian Federation against Ukraine and does not provide for the formation of a comprehensive national reparation mechanism.

In general, a positive assessment of the progress in implementation of the recommendations of the Special Report suggests that the dynamics of the development and approval of draft laws and other regulations as well as their practical application contribute to the gradual safeguarding and protection of the rights of persons affected by the armed aggression of the Russian Federation against Ukraine.