

TEMPORARY SPECIAL COMMISSION

on the protection of property and non-property rights of internally displaced persons and other persons affected by the armed aggression of the Russian Federation against Ukraine

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DECISION

On the registration of affected persons and the recording of damages as a prerequisite for the introduction of mechanisms for support and payment of reparations for damage caused by Russian aggression against Ukraine

Ukraine has faced unprecedented aggression, resulting in an extremely large number of affected Ukrainians.

The Ministry of Social Policy of Ukraine has reported that since 2022, the number of displaced or repeatedly displaced persons has reached 3.5 million (and since 2014 - 4.9 million people). Also, 3.5 million people have been displaced to EU and North American countries. From 1.2 million to 2.4 million have been displaced to the aggressor country.

Over 18 months of war, the number of disabled persons has increased from 6.7 to 7.4 percent of the population (by 300 thousand people). According to RDNA experts, about 58% of disabled persons report the need for financial assistance, and 20% require employment services.

More than 4,000 children have lost parental care and been placed with relatives. 19,500 children have been deported, 1,259 children have been injured, 535 children have died, and 13 children have been victims of sexual violence (and these are only officially confirmed facts).

More than 10% of the total housing stock has been damaged or destroyed as a result of armed aggression, and about 2 million people have been left homeless. As of December 31, 2023, the total cost of damage to the housing sector is estimated at \$55.9 billion. 20,700 people have lost their breadwinners due to the war.

Total expenditures on citizen support in 2023 amounted to nearly 900 billion UAH or 13.7% of GDP. This is a significant increase compared to the pre-war year of 2021 when they accounted for 12.5% of GDP. This increase is largely due to the necessity of supporting our citizens due to the consequences of the war.

Support for those affected by Russian aggression should begin immediately from the moment any information about such a person is recorded.

However, Ukraine still lacks a proper mechanism at the national level for recording the damage, particularly to life and health (personal non-property rights) caused by the unlawful Russian aggression, in the form of a single database where information from all state registers (systems) is collected.

Creating a single database should address some problematic issues, including recording damage caused specifically by war to health, as there are currently cases where authorities and/or doctors do not record the facts of a person affected by war because there are no legal grounds. РАДА РАДА

Another problematic issue is the failure to record cases where death or prolonged illness is linked to the lack of access to basic medical services or the death of a person in occupied territories where Ukrainian authorities do not exercise their powers.

Furthermore, there is a problem related to the number and diversity of national electronic databases and registers used for processing data on damages caused by Russian aggression against Ukraine, due to their asynchrony, including the State Register of Property damaged and destroyed as a result of hostilities, terrorist acts, sabotage caused by armed aggression of the Russian Federation against Ukraine (hereinafter - the Register of damaged and destroyed property), the Unified information database on internally displaced persons, the Unified register of persons for whom the fact of deprivation of personal liberty due to armed aggression against Ukraine is established, the Unified register of missing persons under special circumstances, and so on. РАДА РАДА РАДА

Temporary Special Commission of the Verkhovna Rada of Ukraine on the Protection of Property and Non-Property Rights of Internally Displaced and Other Persons Affected by the Armed Aggression of the Russian Federation against Ukraine (hereinafter - the Commission) notes that part of the aforementioned problematic issues can be addressed by **the government draft Law "On the Registration of Persons Whose Lives and Health Have Been Damaged as a Result of the Armed Aggression of the Russian Federation against Ukraine"** (registered No. 10256 dated November 13, 2023), which provides for the establishment of a State Register of Persons Affected by the Armed Aggression of the Russian Federation against Ukraine, **or another regulatory act that regulates this issue.**

This must enable Ukraine to record the damage (losses) inflicted on persons affected by the armed aggression against Ukraine since 2014, as the current international compensation mechanism only allows for the recording of damage (losses) caused after February 24, 2022. РАДА РАДА

However, the Commission considers the introduction of only the recording of the damage and relevant evidence as insufficient. Ukraine should continue to implement mechanisms of state assistance and support programs for persons most affected by the armed aggression against Ukraine, including persons who have suffered serious injuries, torture, parents who have lost children, etc., with subsequent compensation of relevant expenses by the state of Ukraine as an aggressor within the framework of the international compensation mechanism. РАДА

RA The maximum synchronization of data in the national database (register) for recording inflicted damage with the International Register of Losses and the harmonization of requirements for the evidentiary base for relevant categories of inflicted losses, application forms, etc., is the main requirement for the national database (register).

As it is known, the International Register of Losses was established by the Resolution of the Committee of Ministers of the Council of Europe dated May 12, 2023. On November 8, 2023, the Verkhovna Rada of Ukraine adopted the Law of Ukraine *"On Ukraine's Accession to the Extended Partial Agreement on the Register of Losses Caused by the Aggression of the Russian Federation against Ukraine"*.

This International Register is designed to account for all admissible claims for compensation for losses or damage caused by Russian aggression, as well as the evidence underlying such claims. The International Register will operate exclusively with electronic documents and will work on a secure digital platform for receiving, processing, and classifying applications and evidence. The requirements for applying to the International Register include the infliction of losses, losses, or damage on the territory of Ukraine within its internationally recognized borders, including territorial waters, starting from February 24, 2022, as well as a causal link with the unlawful actions of the Russian Federation against Ukraine.

Thus, the main task of the International Register of Losses is to receive and process applications and related evidence. This will include categorizing, classifying, and systematizing these applications based on various criteria. The procedures for submitting, processing, and entering applications will be regulated by various rules and provisions that are currently under development.

The International Register of Losses is the key and only international tool for recording damage caused by the full-scale invasion of the Russian Federation into Ukraine since February 24, 2022, and the first component of the compensation mechanism aimed at ensuring full, fair, and effective reparations for victims of war.

The International Register of Losses will accept applications from individuals, businesses, and the state of Ukraine regarding more than 40 categories of damage, including loss of life, physical injuries, torture and sexual violence, forced deportation, property loss, and other economic damage, as well as damage to historical and cultural heritage and the environment.

The International Register of Losses will start its work in stages. Starting from April 2, 2024, applications are being accepted in one category - damage or destruction of residential real estate.

At the moment, the opportunity to submit applications to the International Register of Losses will be available to those who have applied with a statement about damaged or destroyed property under the "eVidnovlennia" program, recorded damage in the Register of destroyed and damaged property and received an inspection report from local authorities. It is expected that soon every owner of destroyed housing - including those in temporarily occupied territories - will be able to apply.

It is expected that other categories will be launched approximately within a year, but many of them - especially categories of applications from persons most affected by the war, as well as applications related to the damage or destruction of critical infrastructure objects of Ukraine - may open earlier.

At the same time, by the decree of the Cabinet of Ministers of Ukraine dated December 01, 2023, No. 1107 *"On Ensuring the Development of Technical Requirements for the Creation of Software and Transfer of Rights to Use Technical*

Requirements for the Creation of Software of the Register of Losses Caused by the Aggression of the Russian Federation against Ukraine" the Ministry of Justice and the Ministry of Digital Transformation were tasked with ensuring the development of technical requirements for the creation of software (international) for the Register of Losses Caused by the Aggression of the Russian Federation against Ukraine. The Ministry of Digital Transformation was also instructed to provide, within 4 months, the technical capability to submit applications for compensation for losses, damages, or harm to the Register of Losses through the Unified State Web Portal of Electronic Services, including using the mobile application of the Diia Portal.

The Commission also noted that the Register of Damaged and Destroyed Property was established in accordance with the Law of Ukraine "*On Compensation for Damage and Destruction of Certain Categories of Real Estate Objects as a Result of Hostilities, Terrorist Acts, 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, Terrorist Acts, Sabotage Caused by the Armed Aggression of the Russian Federation against Ukraine*" as a single state information and communication system intended for collecting, accumulating, accounting, processing, storing, and protecting information (documents) on movable and immovable property damaged and destroyed as a result of hostilities, terrorist acts, sabotage caused by the armed aggression of the Russian Federation against Ukraine, persons whose property has been damaged or destroyed, material damage (including losses) caused by the damage and destruction of such property, compensation for the damage and destruction of such property, financing the restoration of damaged and destroyed property, etc.

At the same time, there is no national system for accounting and recording losses caused by Russian aggression to legal entities of Ukraine, as well as losses caused by the destruction (damage) of certain categories of movable property, which creates threats of losing certain evidence and deteriorating the prospects of compensation for such losses within the framework of the international compensation mechanism.

As a result of the consideration of the aforementioned issue, the Commission has **decided:**

1. To recognize the urgent need for the formation of a consolidated national database management system or a single register (database) of affected persons, whose non-property rights were violated in connection with the Russian armed aggression against Ukraine, based on the following principles:

- coherence, complementarity, compatibility, and automated data exchange with existing state registers (information resources, databases) containing information about various categories of persons affected by the armed aggression against Ukraine;

РАДА - synchronization with the Register of Losses caused by the aggression of the Russian Federation against Ukraine as the first component of the future international compensation mechanism, which provides, but is not limited to, coordinated requirements for the evidentiary base for relevant categories of inflicted losses,

applications that can be submitted to the International Register of Losses caused by the aggression of the Russian Federation against Ukraine;

- priority provision of accounting for affected persons who have suffered damage to life and health due to the Russian armed aggression against Ukraine; formation for this purpose by the Office of the Prosecutor General of the Register of Victims of War Crimes, as well as ensuring by the Government of Ukraine the collection and recording of information about civilian victims who have suffered damage to life and health due to armed aggression against Ukraine but for various reasons do not have the status of victims in criminal proceedings, accordingly, there is no evidence of the harm caused by them, collected in criminal procedural order;

- ensuring the recording of damage (losses) caused to persons affected by the armed aggression against Ukraine starting from 2014;

- further implementation of mechanisms of state aid and support programs for persons most affected by the armed aggression against Ukraine by established priorities and stages of providing such assistance, implementation of support measures with subsequent compensation of relevant expenses by the state of Ukraine as an aggressor within the framework of the international compensation mechanism;

- accounting for expenditures of the state and local budgets, and social funds, related to the provision of assistance and implementation of support programs for persons affected by the Russian armed aggression against Ukraine.

2. To expedite the consideration of the draft Law of Ukraine "On Accounting for Persons Whose Lives and Health Have Been Damaged as a Result of the Armed Aggression of the Russian Federation against Ukraine" (registration No. 10256 dated November 13, 2023), its approval in the first reading, and substantial revision before the second reading, taking into account the above principles, as well as the recommendations of international and national human rights organizations.

To propose, as a temporary solution pending the completion of the consideration of the aforementioned draft law, to consider the possibility of creating a unified system for accounting for non-property damage to people's rights based on a resolution of the Cabinet of Ministers of Ukraine on the implementation of an experimental project.

3. To urgently propose to the Ministry of Health of Ukraine to introduce the registration of mine-blast injuries and other health damage suffered by citizens of Ukraine and other civilian persons who apply to medical institutions of Ukraine in connection with the armed aggression against Ukraine.

4. To address the Cabinet of Ministers of Ukraine with a proposal to introduce a national system for accounting and recording losses caused by Russian aggression to legal entities of Ukraine, as well as losses caused by the destruction (damage) of certain categories of movable property, including considering the possibility of developing a corresponding classifier of movable property and entering relevant information into the Register of Damaged and Destroyed Property.

5. To request the Ministry of Justice of Ukraine and the Ministry of Digital Transformation of Ukraine to provide a written report on the status of the launch of the International Register of Losses in Ukraine as part of the international compensation mechanism and the implementation of the decree of the Cabinet of Ministers of Ukraine dated December 01, 2023, No. 1107-p *"On Ensuring the Development of Technical Requirements for the Creation of Software and Transfer of Rights to Use Technical Requirements for the Creation of Software of the Register of Losses Caused by the Aggression of the Russian Federation against Ukraine."*

6. The decision of the Commission to be sent to the Cabinet of Ministers of Ukraine, the Office of the Prosecutor General of Ukraine, the Ministry of Justice of Ukraine, the Ministry of Social Policy of Ukraine, the Ministry of Health of Ukraine, and the Ministry of Digital Transformation of Ukraine.

Chairman of the Commission

P. Frolov

Secretary of the Commission

S. Velmozhnyi

