

**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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July 24, 2024

**DECISION**

**On the implementation of the right to education for internally displaced persons and Ukrainian children and youth residing in temporarily occupied territories of Ukraine**

The right to education is one of the fundamental socio-cultural human rights aimed at ensuring equality and promoting the development of human potential. Article 53 of the Constitution of Ukraine stipulates that *"everyone has the right to education. Complete general secondary education is compulsory. The state ensures the availability and free provision of preschool, complete general secondary, vocational-technical, higher education in state and communal educational institutions; the development of preschool, complete general secondary, extracurricular, vocational-technical, higher and postgraduate education, various forms of learning; the provision of state scholarships and benefits to pupils and students."*

Access to education is regulated by the laws of Ukraine *"On Education," "On Preschool Education," "On Complete General Secondary Education," "On Extracurricular Education," "On Vocational-Technical Education," and "On Higher Education."*

Article 6 of the Law of Ukraine *"On Ensuring the Rights and Freedoms of Internally Displaced Persons"* states that a registered internally displaced person (IDP) has the right to continue obtaining a certain level of education in other regions of Ukraine at the expense of the state budget or other sources of funding.

The Law of Ukraine *"On Ensuring the Rights and Freedoms of Citizens and the Legal Regime in the Temporarily Occupied Territory of Ukraine"* further defines that citizens of Ukraine residing in the temporarily occupied territory (TOT) have the right to obtain or continue obtaining education at a certain level according to the legislation in other regions of Ukraine at the expense of the state and/or local budget with the provision of accommodation in a dormitory during the period of study, and they have the right to recognition of the results of education obtained in such territories.

Thus, ensuring access to education for the affected population is a separate priority of the state and, accordingly, should be the focus of the activities of executive authorities and local self-government bodies.

The full-scale military invasion of Russia into Ukraine has had a significant negative impact on the organization of the educational process due to the destruction

of educational institutions, displacement of students and educational staff, resource shortages, and forced distance learning.

The Ministry of Education and Science of Ukraine (MES) reported in a letter dated 22.07.2024 № 1/12972-24 that, according to operational data from the departments (offices) of education and science of regional and Kyiv city state (military) administrations, as of the end of the 2023/2024 academic year, 7,361 general secondary education institutions (GSEIs) provide educational services in the usual (in-person) mode, 2,412 provide services remotely, and 2,819 in a mixed mode; 930 GSEIs are located in the TOT, of which 356 GSEIs conduct the educational process; 8,986 GSEIs provide educational services to IDPs.

In GSEIs, the combination of different forms of education leads to the functioning of classes where some students study in-person, while others (students who are abroad or in Ukraine but not at the school's location) study remotely.

This organization of the educational process requires teachers to work with different categories of students without considering the specifics of an individual learning format adapted to each child. Teachers must master and implement new approaches to the educational process, which inevitably leads to an increase in unpaid workload for educators. Additionally, there is a need for technical support for education that combines in-person and distance forms.

To ensure the unity of state policy regarding the attainment of complete general secondary education by children who are in Ukraine, including in the TOT, or abroad due to the full-scale Russian invasion, to ensure equal access to education, and to create conditions for retaining students and teachers within the influence of the Ukrainian education system, the MES issued and submitted for state registration Order № 850 *"On Approval of the Procedure and Conditions for Obtaining General Secondary Education in Communal Institutions of General Secondary Education under Martial Law in Ukraine"* (Order № 850). Among other things, it stipulated that the education of IDP children residing in localities with an in-person learning format should occur in in-person or mixed formats at their actual place of residence.

This position caused a negative reaction from the public, members of parliament, the educational community, regional administrations, and communities affected by the Russian armed aggression against Ukraine. Concerns were raised about the potential dismissal of a significant number of educators due to the reduction in the network of educational institutions due to an insufficient number of students, the possible loss of access to Ukrainian education for children residing in the TOT, and the potential violations of Ukrainian legislation concerning the freedom to choose types, forms, and pace of education, educational programs, educational institutions, and other educational activities.

In response to the negative public reaction, the MES is taking measures to ensure access to quality education for every child based on an established working group.

According to statistical reports, the number of students from IDP families was 52,308 at the beginning of the 2021/2022 academic year, 167,301 in the 2022/2023 academic year, and 201,411 in the 2023/2024 academic year.

As of early 2024, the number of students from IDP families was about 290,000, of whom about 120,000 continued online education in GSEIs from their previous place of residence.

As of June 1, 2024, there are 54,119 students in the TOT receiving educational services in GSEIs.

The primary condition in organizing the educational process for children from the TOT is ensuring the safety of these children. For students residing in the TOT, distance education or one of the individual forms of education (family, external) is provided.

As a result of military actions and forced displacement, many participants in the educational process have suffered psychological trauma of varying degrees and require continuous psychological support and assistance.

In the 2023/2024 academic year, the total number of appeals to psychological service staff was 5,612,328, including 1,919,937 appeals from parents of students, 1,709,847 from educators, 1,573,146 from students, and 409,398 from other interested parties.

At the meeting of the 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), the Ministry of Education and Science of Ukraine (MES) emphasized the necessity of maintaining a focus on online education. This includes the creation of professional online schools based on those that have been most successful in implementing online education, ensuring they are equipped with the appropriate technical tools.

On the educational platform *"All-Ukrainian Online School"* (<https://lms.e-school.net.ua/>), video lessons and other interactive materials are available, providing access to school education for students according to the state standards of Ukraine. However, its further development requires special attention with the urgent filling of materials for all educational programs, topics, subjects, and classes.

To ensure access to education for children from the TOT, educational centers "Crimea-Ukraine" and "Donbas-Ukraine" were established in 2016. Admission through them is carried out without external independent evaluation/national multi-subject test, based on an educational declaration and entrance exams. Since 2020, admission has been available to any higher education institution, not just relocated ones.

According to the MES, in 2016, 1,008 individuals from the TOT of Donetsk and Luhansk regions, the Autonomous Republic of Crimea, and Sevastopol were admitted, 1,550 in 2017, 1,776 in 2018, 1,865 in 2019, 2,026 in 2020, and 2,083 in 2021. In 2022, 7,018 children from all TOT were admitted, and 6,516 in 2023. Unfortunately, the number of entrants from the TOT constitutes only 1.7% of the total number of students admitted to the "bachelor" educational level in 2023, requiring further response measures from the state.

There is still a lack of quality and accessible information about the admission procedure to higher education institutions (HEIs) for children from the TOT, as

confirmed by surveys of students from the TOT and monitoring visits to the educational centers "Crimea-Ukraine" and "Donbas-Ukraine" by representatives of the Verkhovna Rada of Ukraine Commissioner for Human Rights together with the Civic Education Center "Almenda."

Entrants from the TOT continue to have difficulties traveling to territory controlled by Ukraine and need more time to process state-standard documents.

In 2022, the possibility of admission through remote interviews or creative contests was introduced. However, *the Procedure for admission to higher, professional pre-higher, and professional (vocational-technical) education for persons residing in territories where it is impossible to ensure the implementation of the standards of education of Ukraine and/or a stable educational process*, approved by the MES Order dated 01.03.2021 №271, requires the mandatory submission of original documents (except for external independent evaluation certificates) to the admissions committee within 3 months after the start of education, with subsequent expulsion of the respective student in case of non-compliance with this requirement.

The Law of Ukraine *"On Amendments to the Law of Ukraine 'On Higher Education' Regarding the Peculiarities of Admission to Higher Education Institutions of Persons from the Temporarily Occupied Territories of the Autonomous Republic of Crimea and Sevastopol, Donetsk and Luhansk Regions"* provided for the right to free education with a scholarship provision (in the amount of 3 subsistence minimums for able-bodied persons) in HEI preparatory courses. In 2021, the Ministry of Reintegration launched such a preparatory course program, but for the third year in a row, the preparatory courses have not been conducted, and the funds allocated for the implementation of the budget program have been redistributed to other programs, which is unacceptable.

The restoration of education in de-occupied territories is one of the most important tasks facing Ukraine. It is not just about rebuilding destroyed buildings, but also about providing quality and accessible education that meets the needs of the modern world. Successful restoration of education will be a key factor in rebuilding Ukraine and creating a better future for its people. The MES has developed a draft resolution of the Cabinet of Ministers of Ukraine *"On Approval of the Concept for the Restoration of Education in De-occupied Territories and Approval of the Action Plan for its Implementation,"* which includes key measures for restoring the Ukrainian education system in de-occupied territories, creating a safe educational environment, ensuring the Ukrainian educational process, and an action plan for implementing this Concept.

At the Commission meeting, among other things, it was also noted that it is appropriate to ensure the continuity of the educational process, restore education as quickly as possible after the de-occupation of territories, strengthen the MES to ensure the realization of the right to education for the affected, provide psychological assistance and adaptation to support students and teachers affected by the armed aggression of the Russian Federation against Ukraine, and more.

Based on the results of the consideration of this issue, the Commission has **d e c i d e d**:

1. To take note of the information provided by the Ministry of Education and Science.

2. To recognize the provisions of the order of the Ministry of Education and Science of Ukraine dated June 13, 2024, No. 850 *"On Approval of the Procedure and Conditions for Obtaining General Secondary Education in Municipal Institutions of General Secondary Education under Martial Law in Ukraine"* as generally unacceptable and to emphasize the necessity of conducting mandatory consultations with the public, expert community, local authorities, educators, and other interested parties on draft regulatory acts that concern the constitutional rights, freedoms, duties, and vital interests of citizens.

3. To propose to the Prime Minister of Ukraine to take measures regarding:

3.1) The urgent filling of the distance learning web platform "All-Ukrainian Online School" with video lessons and other interactive materials for obtaining education in all educational programs, topics, subjects, and for all classes;

3.2) Ensuring the continuity of the educational process in the temporarily occupied territories of Ukraine in accordance with Ukrainian standards, as well as the restoration of the Ukrainian education system in de-occupied territories and the reintegration of participants in the educational process;

3.3) Strengthening the Ministry of Education and Science of Ukraine to ensure the realization of the right to education for children affected by the armed aggression of the Russian Federation against Ukraine, particularly internally displaced persons, children, and youth living in temporarily occupied and de-occupied territories.

4. To address the Ministry of Education and Science of Ukraine regarding the intensification of work on the admission of children and youth from temporarily occupied territories to higher/professional pre-higher education, particularly in terms of:

4.1) Ensuring the timely (no later than January 1 of the admission year) annual approval of Admission Procedures for obtaining higher/professional pre-higher education to enable the implementation of an effective communication campaign and to extend the deadline for submitting original documents (except for external independent evaluation certificates) to the admissions committee of higher/professional pre-higher education institutions due to the lack of direct and safe transportation links with the temporarily occupied territories of Ukraine and the lengthy process of obtaining the necessary documents for admission;

4.2) Conducting a comprehensive nationwide information campaign on the admission procedure for children from temporarily occupied territories;

4.3) Providing material-technical, methodological, and informational support to the educational centers "Crimea-Ukraine" and "Donbas-Ukraine," as

well as providing coordination support for the prompt resolution of issues that arise in educational centers during the admission campaign.

5. To propose to the Ministry of Education and Science of Ukraine to enhance efforts to ensure the acquisition of general secondary education by internally displaced students and children residing in temporarily occupied territories, including by:

5.1) Recognizing the results of education and periods of study in temporarily occupied territories to create appropriate conditions for continuing education at the relevant level or obtaining the corresponding document of established standard in the Ukrainian education system, as provided by Article 40-1 of the Law of Ukraine "On Education";

5.2) Organizing the educational process in various accessible forms according to the needs and choice of the student (their parents), including through distance learning, distance learning with a Ukrainian studies component, individual form, etc.;

5.3) Developing and distributing methodological and educational materials, including for initial online diagnostic testing, online lessons for all classes and subjects, taking into account the peculiarities of education for children in temporarily occupied territories, especially those under occupation since 2014;

5.4) Providing psychological assistance and adaptation support to students and teachers affected by the armed aggression of the Russian Federation against Ukraine;

5.5) Involving educators from general secondary education institutions who were displaced due to temporary occupation in ensuring the education of children from temporarily occupied territories in their chosen forms.

6. To address the Ministry for Reintegration of the Temporarily Occupied Territories of Ukraine with an initiative to organize and conduct free training for youth from temporarily occupied territories of Ukraine with scholarship support in preparatory courses of higher education institutions, followed by continued education in these institutions.

7. To propose to the Ministry of Education and Science of Ukraine, together with the Ministry of Internal Affairs of Ukraine, to develop recommendations for ensuring the safe organization of offline learning, including logistics, and to direct these recommendations to regional military administrations.

8. To send the decision of the Commission to the Prime Minister of Ukraine, the Vice Prime Minister - Minister for Reintegration of the Temporarily Occupied Territories of Ukraine, and the Minister of Education and Science of Ukraine.

**Chairman of the Commission**

**P. Frolov**

**Secretary of the Commission**

**S. Velmozhnyi**