

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 activities of the Kherson Regional Military Administration, other military administrations, and local self-government bodies of the Kherson region regarding the needs of internally displaced persons and the effectiveness of budget expenditures for these purposes

The Work Plan of the Temporary Special Commission of the Verkhovna Rada of Ukraine on the protection of property and non-property rights of internally displaced persons (IDPs) and other persons affected by the armed aggression of the Russian Federation against Ukraine (hereinafter referred to as the Commission) included measures of parliamentary control over compliance with the current legislation and the justification, efficiency, and appropriateness of decisions made by state and local authorities regarding the protection of the rights of IDPs and others affected by Russian aggression, as well as the analysis and evaluation of the efficiency of budget execution in regions and settlements that are temporarily occupied or located in combat zones, and by state and local authorities relocated from these territories, specifically regarding the effectiveness and appropriateness of expenditures aimed at meeting the needs of IDPs.

The primary tasks of the regional military administrations under martial law include creating appropriate conditions for the comfortable stay of IDPs in the region, which includes measures to provide housing, medical, educational, and social protection, assistance in employment, legal support, and informing IDPs about their rights and responsibilities, as well as meeting other needs.

To verify activities related to meeting the needs of IDPs, including the appropriateness and effectiveness of budget expenditures and analyzing housing provision for IDPs, the Commission, by letter dated July 9, 2024, No. 04-82/6-2024/152565, requested the Kherson Regional Military Administration to provide information for preparing for the Commission's meeting, including on the amounts of expenditures in 2023 and the first quarter of 2024 for all programs related to supporting IDPs in the region, the situation with ensuring the region's drinking water supply, the readiness of educational institutions for the new school year, and the equipment and modernization of shelters, among other things.

The Kherson Regional Military Administration, by letter dated July 31, 2024, No. 01-01-16-8053/0/24/27, informed the Commission that the administration's

primary task is to ensure proper living conditions for the residents of the Kherson region, as well as to implement state guarantees defined by Ukrainian laws under martial law. Considering information received from the administrations of settlements, districts, and territorial communities in the de-occupied part of the Kherson region, the Commission was informed that as of July 22, 2024, 44,665 IDPs are registered with the social protection authorities of district administrations and city executive committees in the region.

Regarding the resolution of the housing problem for IDPs, including the arrangement of temporary housing, it was reported that to provide temporary housing for IDPs in Kherson, the following facilities are in operation: privately-owned establishments like LLC "TRIOSTROY" based on the "Raziote Richelieu Kherson" hotel, serving as temporary housing for IDPs, and intermediate evacuation points located in dormitories of educational institutions: State Educational Institutions "Kherson Higher Vocational School of Service and Design" and "Higher Vocational School No. 2," as well as the State Vocational Technical School "Kherson Vocational Lyceum of Communication and Printing." As of July 25, 2024, 88 people, including 62 with IDP status, are housed in these three temporary accommodation points, with 239 places still available. The dormitory buildings have suffered damage from shelling and require repairs and cannot be fully utilized.

Additionally, the Development Program for the Kherson region for 2024-2027, approved by the order of the head of the regional military administration dated December 19, 2023, No. 873 (subparagraph 4.3), provides for the implementation of the project *"Providing support to internally displaced and evacuated persons by organizing the installation of a temporary modular town complex (with the development of a scheme and estimate) in the village of Kyselivka, Kherson district, Kherson region"* with a total amount of 15.2 million UAH, of which 9.9 million UAH has already been spent from the Kherson regional budget. This modular town consists of 4 modules, 84 residential rooms designed to accommodate 336 people. The installation of the modular town has been completed, and the resettlement phase is beginning.

The Commission was also informed that the audit results identified, among other things, land plots that could be used for housing construction for IDPs (*0.5 ha in the village of Velyka Oleksandrivka on Yarmarkova Street, 1.03 ha in the village of Novovorontsovska on Chumatska Street, in the village of Kalynivske and the village of Krasnolubets on the territory of the Kalynivka territorial community, and two land plots of 0.30 ha each within the village of Nova Kamianka on Travneva and Zelena Streets*) and objects where internally displaced persons could be accommodated (*the building of the bath-laundry complex with a total area of 1,334 sq. m in the village of Velyka Oleksandrivka on Svobody Street, 94, the unfinished apartment building for 30 apartments, and the building of the municipal enterprise "Vysokopil Central District Hospital" for 45 apartments on the territory of the Vysokopil territorial community*).

However, no work on the restoration and arrangement of temporary housing has been carried out. Due to reduced revenues to local community budgets, funding for

these programs is not provided. Work is being done to attract sponsorship to develop design and estimate documentation and, in the future, to reconstruct and arrange the available objects where internally displaced persons could be accommodated.

To support and provide comprehensive assistance to the residents of the Kherson region who have been forced to leave their homes, the regional military administration, together with military administrations of settlements, has organized the operation of humanitarian hubs in Kryvyi Rih, Mykolaiv, Kyiv, and Dnipro. The financing of rented premises where the hubs are located is provided by the occupied communities of the Kherson region, with the rent being 1 UAH per month.

At the same time, according to information received from the Odesa State Military Administration, 36,000 IDPs from the Kherson region have relocated to the Odesa region, but unfortunately, no humanitarian hub for IDPs from the Kherson Regional Military Administration has been established in the Odesa region.

Considering the large number of residents of the Kherson region who have moved to other safer regions, the Kherson Regional Military Administration needs to make greater efforts to meet their needs and protect their rights.

The Commission notes that to prevent a technogenic emergency, according to the order of the Cabinet of Ministers of Ukraine dated June 6, 2023, No. 498-r *"On the allocation of funds from the reserve fund of the state budget to the Dnipropetrovsk, Zaporizhzhia, Mykolaiv, and Kherson regional state administrations for measures to ensure the transportation of drinking water for the needs of these regions,"* 103.3 million UAH was allocated to the Kherson Regional Military Administration for measures to ensure the transportation of drinking water for the needs of the region – Kherson region. The Kherson Regional State Administration was instructed to approve the list of expenses related to the implementation of the relevant measures within three days, in coordination with the Ministry of Economy and the Ministry of Finance, and to submit a report on the use of the funds allocated by this order by December 28, 2023. However, only 16.3 million UAH was used, and the unused funds – 87 million UAH – were returned to the budget.

By the order of the Cabinet of Ministers of Ukraine dated October 6, 2023, No. 900 *"On the allocation of funds from the reserve fund of the state budget to the Kherson Regional State Administration for measures to eliminate the consequences of the technogenic emergency that arose due to the Russian Federation's destruction of the Kakhovka hydroelectric power station dam,"* due to the technogenic emergency that occurred in the Kherson region as a result of the Russian Federation's destruction of the Kakhovka hydroelectric power station dam, 187 million UAH was allocated to the Kherson Regional State Administration (for the Kherson Regional Military Administration). However, the Kherson Regional Military Administration informed the Commission that these funds were not used.

In 2023, 103 civil protection shelter facilities were repaired and brought to readiness at the expense of funds from the state, regional, and local budgets for a total of 224 million UAH.

As part of the implementation of population protection in 2024, the administration plans to: construct 7 shelters/radiation protection shelters; bring 110

protective structures to readiness (20 of which will be financed from the regional budget and 90 from local budgets); purchase and install about 100 primary modular shelters (street shelters) to be installed in places of people gathering.

In total, funds amounting to UAH 216 million have been allocated from regional and local budgets for restoration work on protective structures in 2024. Additionally, UAH 189 million from the state budget has been allocated for the construction of four protective structures in educational institutions and UAH 162 million for the construction of three protective structures in healthcare facilities. Since the beginning of the year, urban planning documentation, including civil protection engineering measures, has been developed and approved for 26 sites at regional and local levels. Overall, since the de-occupation, 151 civil protection structures have been repaired and made ready, including 48 this year, with restoration work ongoing at 43 other sites.

According to the Cabinet of Ministers of Ukraine Resolution No. 419 of April 28, 2023, *"Some Issues of Providing Subventions from the State Budget to Local Budgets for the Arrangement of Safe Conditions in Institutions Providing General Secondary Education,"* and the Cabinet of Ministers of Ukraine Order No. 496-p of June 4, 2024, UAH 168 million has been allocated to Kherson Oblast for the construction of three shelters and the capital repair of one shelter in general secondary education institutions.

The organization of the educational process depends on the security situation in each settlement. Indicators of a school's readiness for the academic year under martial law, from the perspective of participant safety, include the mandatory presence of a shelter in the institution.

By the Cabinet of Ministers of Ukraine Order No. 534-p of June 16, 2023, *"On Allocating Funds from the Fund for Eliminating the Consequences of Armed Aggression,"* UAH 196 million was allocated to the Kherson Regional Military Administration for the implementation of relevant projects (facilities, measures), of which UAH 103 million remains unused. The administration cites the lengthy process of project documentation development and procurement as the reason.

The Commission noted the extremely low percentage of allocated and provided budget funds used by the Kherson Regional Military Administration and its subdivisions. Understanding the security challenges, the Commission points out that this also results in a low level of basic needs satisfaction for internally displaced persons (IDPs) and other residents of Kherson Oblast affected by Russian aggression.

Specifically, over 83% of the funds allocated to the Kherson Regional Military Administration (UAH 345 million out of the UAH 412 million allocated) under the Cabinet of Ministers of Ukraine Resolution No. 608 of June 16, 2023, *"On Approving the Procedure and Conditions for Providing Subventions from the State Budget to Local Budgets for Designing, Restoring, Constructing, Modernizing, Arranging, and Repairing Public Facilities, Social Infrastructure, Cultural Heritage, Housing, and Other Facilities Affecting Public Life,"* have not yet been utilized.

The Commission once again drew attention to the unacceptable situation of initiating and then halting reconstruction projects in settlements, as happened with the

Experimental Project for the Restoration of Settlements in Five Regions of Ukraine, which included the village of Posad-Pokrovske in the Chornobaivka Territorial Community of Kherson Oblast, under the Cabinet of Ministers of Ukraine Resolution No. 382 of April 25, 2023, *"On Implementing an Experimental Project for the Restoration of Settlements Affected by the Armed Aggression of the Russian Federation."*

Ukrainians who lost their homes and became participants in this experimental project have not seen full reconstruction but have lost the opportunity to apply for and receive compensation for housing destroyed by Russian aggression under the e-Recovery program, which is unacceptable.

Regarding measures to support people affected by the war in the de-occupied part of Kherson Oblast and internally displaced persons (IDPs) from Kherson Oblast who have moved to other regions of Ukraine, the Kherson Regional State Military Administration reported that 17 institutions providing social services to the population are operating in the de-occupied territory of the region, including seven territorial centers for social services (providing social services) and ten social service centers (13 of them located in rural areas and four in cities). The activities of these institutions are aimed at ensuring a comprehensive approach to solving issues related to providing various social assistance to the region's population. In particular, during 2024, these institutions identified and served 11,000 citizens in the region who required social services.

The Commission also deemed it necessary to monitor the appropriateness, expediency, and efficiency of spending state financial resources from local budgets and to conduct a state financial audit of the budget of Zaporizhzhia Oblast.

At the Commission's meeting, the issue of possible illegal actions by officials of the Bilozerka Military Administration in Kherson Oblast during the restoration of damaged citizens' housing was raised.

The Commission also discussed the need for compensation for destroyed housing in temporarily occupied territories and the possibilities and prospects for compensation payments for those who refuse to keep intact housing that remains in occupation.

On June 4, 2024, the Verkhovna Rada of Ukraine adopted in the first reading a draft law No. 11161, which provides for compensation for destroyed or damaged real estate located in areas of active hostilities before their cessation or in temporarily occupied territories. It also establishes the recognition of real estate located in active combat zones or temporarily occupied areas and damaged as destroyed, with the corresponding right to receive legally established compensation under the e-Recovery program.

Given the immense social significance of this proposal and the need for further consultations with Ukraine's international partners regarding the expansion of the compensation program for housing lost by Ukrainian citizens in temporarily occupied territories, the Commission initiated the identification by regional military administrations, whose territories are partially occupied or where active hostilities are ongoing, of the approximate scope of possible compensation for Ukrainians whose

housing has been destroyed (damaged) or who are ready to refuse intact housing in temporarily occupied territories, as well as the collection of information on the number of such affected individuals.

Based on the review of the issue in question, the Commission has **d e c i d e d**:

1. To take note of the information provided by the Kherson Regional Military Administration and the city military administrations of Kherson region.

2. To recommend that the Kherson Regional Military Administration increase the share of expenditures from the regional budget and the budgets of territorial communities in the Kherson region to meet the needs of internally displaced persons, particularly concerning the issue of housing.

3. To propose that the State Audit Service of Ukraine conduct a state financial audit of the budgets of the Kherson region and the Kherson Territorial Community for the period from January 1, 2022, to the first half of 2024 (June 30, 2024), and to report the results to the Commission.

4. To suggest that the Kherson Regional Military Administration organize the collection, evaluation, and summarization of information on:

- 1) The number of Ukrainian citizens whose homes were destroyed or damaged by Russian aggression in temporarily occupied territories and areas of hostilities within the administrative borders of the Kherson region;
- 2) The estimated amount of damage caused by the destruction or damage of housing due to Russian aggression in temporarily occupied territories and areas of hostilities within the administrative borders of the Kherson region;
- 3) The number of Ukrainian citizens who, according to official and other sources, have intact housing in the temporarily occupied territories within the administrative borders of the Kherson region;
- 4) The estimated value of intact housing in the temporarily occupied territories within the administrative borders of the Kherson region, owned by Ukrainian citizens;
- 5) The estimated value of intact housing in the temporarily occupied territories within the administrative borders of the Kherson region, whose owners wish to receive compensation

for such housing provided they legally relinquish ownership to the state of Ukraine if such a possibility arises and necessary financial resources are available.

5. To recommend that the Kherson Regional Military Administration, in light of selective and unsystematic approaches to financing the restoration of objects damaged by Russian aggression in the Kherson region, consider developing and approving a regional program aimed at restoring damaged housing in the region, funded by the regional and other local budgets to ensure decent living conditions for residents. This program should include various types of support for affected individuals, such as installing or replacing windows, repairing roofs, replacing pipelines, etc.

6. Given the incomplete implementation of measures aimed at providing water supply to the population following the destruction of the Kakhovka HPP, to address the Prime Minister of Ukraine with a proposal to analyze the state of water supply, including through the construction of artesian wells and other types of operational wells within the Kherson region, with subsequent provision of funding.

7. To address the Prime Minister of Ukraine with a request to analyze the state of implementation of the provisions of the Cabinet of Ministers of Ukraine's Resolution No. 206 *"Some Issues Regarding the Payment for Housing and Communal Services During Martial Law"* dated March 5, 2022, regarding the prohibition of termination or suspension of housing and communal services due to non-payment or partial payment, accrual and collection of various types of penalties, fines, interest, and collection of debts for housing and communal services accumulated after February 24, 2022, on temporarily occupied territories and areas included in the list of territories where hostilities are ongoing or have occurred, as per the order of the Ministry of Reintegration of Temporarily Occupied Territories.

8. To address the Prime Minister of Ukraine with a proposal to ensure the inspection of damaged and destroyed houses, suburban homes, and garden cooperatives, including those located within the Kherson region, by amending the Cabinet of Ministers of Ukraine's Resolution No. 381 *"On Approving the Procedure for Compensation for the Restoration of Certain Categories of Real Estate Damaged as a Result of Hostilities, Terrorist Acts, Sabotage, Caused by the Armed Aggression of the Russian Federation, Using the Public Electronic Service 'eRecovery,'"* dated April 21, 2023, to allow for the absence of a cadastral number of land plots and/or street names.

9. To propose that the Kherson City Military Administration ensure the continuous operation of the Commission for the consideration of applications from internally displaced persons for the assignment of monetary compensation.

10. To address the Office of the Prosecutor General for information regarding the investigation of possible illegal actions by officials of the Bilozerka Military Administration of Kherson region during the restoration of citizens' damaged housing in the Bilozerka Territorial Community of Kherson region.

11. To suggest that the Kherson Regional Military Administration and the Kherson City Military Administration create a Hub for the protection of rights and support of internally displaced persons who have left the Kherson region and reside in the city of Odesa.

12. To send the Commission's decision to the Prime Minister of Ukraine, the Head of the State Audit Service of Ukraine, the Head of the Kherson Regional Military Administration, and the Head of the Kherson City Military Administration, with a request to report back to the Commission by September 20, 2024, on the results of implementing this decision.

Chairman of the Commission

P. Frolov

Secretary of the Commission

S. Velmozhnyi