

Temporary special commission of the Verkhovna Rada of Ukraine 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

**Analytical report on  
Implementation of the provisions of the Law of Ukraine  
"On Ensuring the Rights and Freedoms of Internally  
Displaced Persons"**

Kyiv  
2024

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## Introduction

In 2014, for the first time since its independence, Ukraine faced internal displacement as a result of the armed aggression of the Russian Federation (hereinafter referred to as the RF). As a result of the negative effects of the armed conflict, temporary occupation, as well as widespread violence and human rights violations in the Autonomous Republic of Crimea and the city of Sevastopol, and in certain districts of Donetsk and Luhansk region, about 1.5 million people became internally displaced (IDPs). Their actual number could be different.

In accordance with Recommendation 2006 (6) of the Committee of Ministers of the Council of Europe to member states on internally displaced persons<sup>1</sup>, the UN Guiding Principles on Internal Displacement (hereinafter - the Guiding Principles)<sup>2</sup>, IDPs should not be discriminated against because of their displacement, and the state should take appropriate and effective measures to ensure equal treatment of IDPs and other citizens. In October 2014, the Law of Ukraine "On Ensuring the Rights and Freedoms of Internally Displaced Persons" (hereinafter - the Law) was adopted to fulfil international obligations and as a result of the need to systematically regulate issues related to the protection of IDPs' rights and freedoms<sup>3</sup>.

The law is a fundamental legal document that establishes guarantees for the observance of the rights, freedoms and legitimate interests of IDPs.

The Law consists of 20 articles, including final and transitional provisions, which have been amended several times.

Russia's full-scale invasion in February 2022 caused the number of IDPs to increase at least threefold. As of the end of June 2024, 4.6 million IDPs were officially registered by<sup>4</sup>. This increase in IDPs has exacerbated the problems that were not properly addressed and created new ones. Some of the challenges were identified in the Resolution 2448 (2022) of the Parliamentary Assembly of the Council of Europe "Humanitarian consequences and internal and external displacement in connection with the aggression of the Russian Federation against Ukraine"<sup>5</sup>.

The development and submission of amendments to the Law, taking into account the current situation, was determined as a task of the Operational Action Plan for the implementation in 2023-2025 of the State Policy Strategy on Internal Displacement for the period up to 2025 (hereinafter referred to as the State Policy Strategy on IDPs)<sup>6</sup>. On 14 August 2023, the Ministry of Reintegration of the Temporarily Occupied Territories (hereinafter referred to as the Ministry of Reintegration) established a

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<sup>1</sup>Recommendation Rec (2006) 6 of the Committee of Ministers of the Council of Europe to member states on internally displaced persons. URL: <https://rm.coe.int/16806b5ab1>

<sup>2</sup>Guiding Principles on Internal Displacement. URL: <https://www.ohchr.org/sites/default/files/Documents/Issues/IDPersons/GPUkrainian.pdf>.

<sup>3</sup>On ensuring the rights and freedoms of internally displaced persons: Law of Ukraine of 20 October 2014, No. 1706-VII. URL: <https://zakon.rada.gov.ua/laws/show/1706-18#Text>.

<sup>4</sup>According to the data of the Information and Computing Centre of the Ministry of Social Policy of Ukraine. URL: <https://www.ioc.gov.ua/dashboardVpo/>

<sup>5</sup>Humanitarian consequences and internal and external migration in connection with the aggression of the Russian Federation against Ukraine. URL: [https://pace.coe.int/en/files/30077/html#\\_TOC\\_d75e328](https://pace.coe.int/en/files/30077/html#_TOC_d75e328)

<sup>6</sup>On approval of the Strategy of State Policy on Internal Displacement for the period up to 2025 and approval of the operational plan of measures for its implementation in 2023-2025: Order of the Cabinet of Ministers of Ukraine of 7 April 2023 No. 312-p. URL: <https://zakon.rada.gov.ua/laws/show/312-2023-p#Text>.

working group to draft amendments to the Law of Ukraine "On Ensuring the Rights and Freedoms of Internally Displaced Persons", which included members of the Ukrainian Parliament, representatives of central executive authorities, regional military administrations, and NGOs. Following 10 meetings of the working group, draft amendments to the Law were prepared. As of June 2024, the Cabinet of Ministers of Ukraine (CMU) had not submitted the document to the Verkhovna Rada of Ukraine (VRU).

The Temporary Special Commission of the Verkhovna Rada of Ukraine 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 (hereinafter referred to as the Commission), taking into account the proposals set out in previous periods, as well as the practice of implementing the Law, sets the goal of developing draft amendments to the Law.

**The tasks set for the development of this analytical material:**

- to assess the overall state of implementation of the Law and its relevance to the challenges posed by the full-scale armed aggression;
- to determine the compliance of the Law with the main international documents in the field, primarily the Guiding Principles;
- assess the compliance of bylaws with the provisions of the Law in the main areas of regulation;
- to study the draft laws submitted to the Verkhovna Rada of Ukraine that provide for amendments to the Law or amendments to other laws and relate to the fundamental rights and guarantees of IDPs.

In preparing the document, in addition to bylaws and international documents, the court practice and analytical materials prepared by international and national non-governmental organisations were evaluated.

The document contains two main substantive sections, as well as conclusions and recommendations.

The results will be used by the Commission in its activities to amend the Law to ensure the rights and guarantees of IDPs in the current situation.

## **1. General overview of the Law and its implementation**

The law was adopted after the start of the armed aggression against Ukraine, on 20 October 2014, as a response to address the urgent issues of registration and livelihoods of IDPs and their families, and to simplify the procedure for temporary registration. At that time, the document also identified the need to improve the procedure and reduce the time limits for consideration of applications for registration, re-registration, extension of social benefits for IDPs, provision of social and medical services; creation of legal preconditions for the development of special comprehensive state programmes; creation and maintenance of a unified register and database; provision of information on places of settlement and employment opportunities; ensuring the functioning of the system of social and pension guarantees by the state, as well as It should be noted that the text of the document was developed on the basis of the proposed draft by the Kharkiv Human Rights Group (a non-governmental

organisation), after amendments to its original version were made by the Ministry of Justice of Ukraine and further involvement of the UN High Commissioner for Refugees, the Organisation for Security and Cooperation in Europe, the State Migration Service, representatives of non-governmental organisations, etc.

The law consists of 20 articles, including final and transitional provisions. The provisions of the articles cover the concept of IDPs, guarantees of observance of their rights and freedoms, registration and cancellation of IDP registration certificates, and the functioning of a unified IDP information database. The law includes articles that define the basic rights of IDPs (to obtain documents, employment, pensions, voting rights, etc.), as well as the powers of state and local authorities and their interaction, cooperation and funding in this area. By way of amendment, the Law was supplemented with articles defining certain guarantees for IDPs, including their exemption from the negative consequences of defaulting on monetary obligations under credit and loan agreements.

**The law adopted to ensure the observance of fundamental rights and guarantees for IDPs must be in line with international instruments.** For example, the Guiding Principles define the rights and guarantees of appropriate protection for IDPs at any stage of displacement. They protect against unjustified displacement, offer a framework for protection and assistance during displacement, and define guarantees of safe return, resettlement and reintegration. Although the Guiding Principles are not a binding document, since 1998 (the date of their official introduction) they have been recommended to governments, other competent authorities, intergovernmental and non-governmental organisations in their work with IDPs. In this analytical report, the provisions of the Law in the main areas are considered in their compliance with the Guiding Principles. We can state that the Law does not in all parts comply with and/or take into account the principles defined in this document.

Consideration should be given to Recommendation Rec (2006) 6 of the Committee of Ministers of the Council of Europe to member states on internally displaced persons of 5 April 2006<sup>7</sup>. Among them:

- Prohibition of discrimination on the basis of internal displacement and the obligation of the state to take appropriate and effective measures to ensure equal treatment of IDPs.
- Providing assistance to the most vulnerable groups of the population, protecting IDPs and their rights, and ensuring that humanitarian aid is delivered to them as a matter of priority.
- Taking appropriate measures to, on the one hand, prevent actions that may violate IDPs' right to life, bodily integrity, liberty and security, and, on the other hand, to effectively investigate possible violations of these rights, especially in relation to the organisation and arrangement of IDP camps, which requires security measures in view of the civilian nature of the camps.
- Quick and easy restoration/receipt of civil documentation necessary for the effective exercise of their rights.
- Protection of property rights.

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<sup>7</sup>Recommendation Rec (2006) 6 of the Committee of Ministers of the Council of Europe to member states on internally displaced persons of 5 April 2006: <https://rm.coe.int/16806b5ab1>

- Implementation of the right to vote.
- Providing legal assistance.
- The right to voluntary, safe and dignified return to one's own home or place of habitual residence or resettlement in another part of the country.
- Ensure conditions for proper and sustainable integration of IDPs after their displacement.

The Parliamentary Assembly of the Council of Europe in its Resolution 2028 (2015) "Humanitarian situation: Ukrainian refugees and displaced persons"<sup>8</sup>, inter alia, calls on the relevant Ukrainian authorities to fully comply with international standards as set out in the Guiding Principles on Internal Displacement, as well as to continue to implement the Law on the Rights and Freedoms of IDPs and to ensure that the relevant framework legislation is complete, coherent and transparent, taking into account the views of relevant international organisations and civil society.

**The Law has been amended 22 times.** After the start of the full-scale Russian invasion, the Law was amended seven times:

- The Law [No. 2220-IX of 21.04.2024](#) provided for the possibility to terminate an employment contract (other type of employment) due to the impossibility of continuing work unilaterally at the request of an IDP submitted to the employment centre (see Section 3.4 for more details);
- Law [No. 2417-IX dated 18.07.2022](#) brought certain provisions in line with the Law of Ukraine "On Ensuring the Rights and Freedoms of Citizens and the Legal Regime in the Temporarily Occupied Territory of Ukraine" in terms of defining the temporarily occupied territory and specifics of loan agreements;
- Law [No. 2438-IX of 19.07.2022](#) provides for the free provision of information on IDPs from the Unified Information Database to the central executive body implementing the state policy in the field of statistics for statistical purposes;
- Law [No. 2622-IX of 21.09.2022](#) stipulates that an employer located in the uncontrolled territory or for whom there is no information about the place of residence with whom the employment contract was terminated at the person's initiative must be notified within 7 calendar days after the de-occupation (unblocking) of the relevant territory;
- Law [No. 3022-IX of 10.04.2023](#) enshrines the obligation of local administrations to ensure the reception of citizens and provide them with free primary legal aid on the issue of IDP registration;
- Law [No. 3054-IX of 11.04.2023](#) amended Article 6 of the Law, which defines the right of IDPs to receive identity documents confirming their citizenship of Ukraine or documents confirming their special status, in a new version (see Section 3.3 for more details)
- The Law [No. 3446-IX of 08.11.2023](#) defines the powers of local governments to form appropriate housing funds for temporary accommodation (for more details, see Section 3.10), as well as the right to free temporary accommodation

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<sup>8</sup>Resolution 2028 (2015) of the Parliamentary Assembly of the Council of Europe "Humanitarian situation: Ukrainian refugees and displaced persons". URL: [http://w1.c1.rada.gov.ua/pls/mpz2/docs/2004\\_rez\\_2028\(2015\).htm](http://w1.c1.rada.gov.ua/pls/mpz2/docs/2004_rez_2028(2015).htm)

(subject to payment of utility bills) without any time limit for the period of martial law and for six months after its termination.

**<sup>9</sup>The Verkhovna Rada of Ukraine is currently considering 14 draft laws** that would amend the Law directly, and another 1 draft law would amend other laws related to the rights and freedoms of IDPs. A detailed list of the draft laws (their registration number, title, initiators), as well as the main committee, the essence of the draft law and the provisions of the Law to which amendments are proposed, and its passage are provided in **Annex 1**.

Four of these draft laws were adopted as a basis. Among them are draft laws No. [11028](#) and No. [11281](#), which were developed and supported by the Commission. Some of the draft laws do not have a financial justification or define the regulation already defined by bylaws.

**The implementation of the Law in some areas is being carried out in a way that distorts its meaning.** First of all, it concerns the provision of social protection (see Section 3.5 for more details) and pension payments (see Section 3.6 for more details), where in practice there is a dependence on the IDP registration certificate, and procedures not provided for by the Law have been introduced (e.g. random checks, identification through JSC "Oschadbank").

There is a difference between the approaches to IDPs registered before and after the full-scale invasion. The Ukrainian Parliament Commissioner for Human Rights also draws attention to this issue in her Special Report on the observance of the rights of persons affected by the armed aggression of the Russian Federation against Ukraine for the period 24 February - 31 October 2022<sup>10</sup>.

At the same time, certain procedural aspects (e.g., registration of IDPs) are too detailed and not relevant to the current situation (e.g., currently, registration is provided for in a digital format).

**Ensuring the rights and freedoms of IDPs is directly related to the legal regulation of the temporarily occupied territories.** As of July 2024, the Russian Federation illegally extended its legislation to all temporarily occupied territories of Ukraine and ensured that all documents were issued in accordance with its legislation. At the same time, according to Article 9 of the Law of Ukraine "On Ensuring Rights and Freedoms and Legal Regime in the Temporarily Occupied Territory of Ukraine"<sup>11</sup>, any act (decision, document) issued by illegal authorities and/or persons in the TOT of Ukraine is invalid and does not create legal consequences, except for documents confirming the fact of birth, death, registration (dissolution) of marriage of a person in the TOT. However, even according to the defined list, there is no extrajudicial administrative procedure for obtaining the relevant state-issued documents. This

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<sup>9</sup>As of 20 July 2024.

<sup>10</sup>Special Report of the Ukrainian Parliament Commissioner for Human Rights on the observance of the rights of persons affected by the armed aggression of the Russian Federation against Ukraine for the period 24 February - 31 October 2022. URL: <https://tinyurl.com/4hezmm74>

<sup>11</sup>On ensuring the rights and freedoms of citizens and the legal regime in the temporarily occupied territory of Ukraine: Law of Ukraine of 15 April 2014, No. 1207-VII. URL: <https://zakon.rada.gov.ua/laws/show/1207-18#Text>.



directly affects the timeframe for obtaining documents (see Section 3.3 for more details) and, as a result, access to the labour market (see Section 3.4 for more details) or continuing education (see Section 3.8 for more details).

At the same time, amendments to the final provisions of the Law of Ukraine "On Compulsory State Pension Insurance"<sup>12</sup> introduced the application of separate procedures to "persons who moved to the territory controlled by Ukraine during the temporary occupation of the territories". This approach requires coordination in terms of guarantees of the rights and freedoms of IDPs and prevention of discrimination based on their place of origin.

**The Law needs to take into account changes that have taken place in other areas.** The provisions of the Law still use the term "registration of residence", despite the fact that the law provides for "registration/declaration of residence"; the definition of "mark of registration of residence", despite the fact that the only document confirming information about a person's place of residence (stay) or information about the absence of such information is an extract from the register of the territorial community, etc. There have been changes in other areas as well.

**The law defines certain rights and guarantees for IDPs without taking into account the specifics of different stages of displacement.** The Guiding Principles are aimed at meeting the needs of IDPs, defining their rights and guarantees necessary to protect them from forced displacement, providing protection and assistance during displacement, as well as during return or resettlement and reintegration. This includes all stages of displacement.

The State Policy Strategy on IDPs (unlike the previous one, which focused on integration) defines comprehensive and effective mechanisms of state response to challenges that arise from the moment a person decides to move, during his/her social adaptation and integration in the host community, as well as in case of voluntary return to the place of origin and reintegration. At the same time, the Law does not define the framework of state policy and the powers of executive authorities and local self-government bodies at such stages (the current version mainly refers to ensuring rights after displacement), which directly affects the formation and implementation of long-term solutions.

At the level of the law, the key is to enshrine an approach (and define terms) whereby adaptation and integration of IDPs are aimed at reducing the negative consequences of internal displacement. In particular, by minimising the dependence of access to services, rights and freedoms on the availability of an IDP registration certificate. Creation of conditions and implementation of policies under which additional guarantees and benefits are not necessary at all or are of a temporary, limited nature for certain groups of IDPs. Understanding the achievement of this goal depends on ensuring the assessment of the level of such integration.

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<sup>12</sup>On Amendments to Certain Laws of Ukraine Regarding the Calculation of Insurance Period and Pension Benefits: Law of Ukraine of 25 April 2024 No. 3674-IX. URL: <https://zakon.rada.gov.ua/laws/show/3674-IX#top>.



**The law requires that the needs of IDPs be assessed.** The exercise of IDP rights and the benefits and guarantees provided for requires an understanding of the needs of IDPs. Currently, the state only has data collected during the initial registration of an IDP. The State Policy Strategy on IDPs envisages the task of introducing a mechanism for collecting data and assessing the needs of IDPs in order to meet them in the future, taking into account the criteria of vulnerability. The implementation of such a measure was envisaged in 2023, but was not ensured. The possibility of allowing IDPs to formulate their needs in a personal account in the Unified Information Database on Internally Displaced Persons was discussed.

By its decision of 10 April 2024, the Commission addressed the Prime Minister of Ukraine with a proposal to take measures to approve the criteria for assessing the satisfaction of the needs of internally displaced persons, which was made as a result of the review of the implementation of the State Policy Strategy on IDPs. The approach to taking into account the assessment of the needs and degree of integration of IDPs when paying accommodation allowances is set out in the draft Law on Amendments to the Law of Ukraine "On Ensuring the Rights and Freedoms of Internally Displaced Persons" regarding the payment of accommodation allowances (registration number [10382](#)), which was developed by MPs who are members of the Commission.

The assessment should be introduced on a periodic basis, at least in the main areas of life.

**The defined powers of the authorities and local self-government bodies should correspond to actual needs.** Articles 10 and 11 of the Law provide for a description of the powers of the Cabinet of Ministers of Ukraine, central and local executive authorities, and local self-government bodies to ensure the rights and freedoms of IDPs. At the same time, the powers of the Ministry for Reintegration of the Temporarily Occupied Territories of Ukraine (hereinafter referred to as the Ministry of Reintegration) as a key body in ensuring the rights of IDPs are not defined.

The Commission's decision of 11.01.2024<sup>13</sup>, among other things, proposed that the Prime Minister of Ukraine designate a central executive body responsible for the formation and implementation of state policy in the following areas: development of a Strategy for providing housing for internally displaced persons, creation of temporary housing funds for internally displaced persons, conducting a systematic audit and inventory of all potentially habitable premises in Ukraine, establishing a

In addition, the Law requires defining the powers of regional state (military) administrations, in particular in the area of housing, expanding the powers of local governments (taking into account changes during the period of martial law), and taking into account changes in the subordination of certain authorities (primarily, the subordination of the State Employment Service to the Ministry of Economy of Ukraine).

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<sup>13</sup>Decision of 11 January 2024 "On the state of implementation by ministries and other central executive authorities of the Operational Action Plan for the implementation in 2023-2025 of the State Policy Strategy on Internal Displacement for the period up to 2025, approved by the Cabinet of Ministers of Ukraine on 07 April 2023 No. 312-p". URL: <https://www.rada.gov.ua/uploads/documents/75151.pdf>

**The law needs to be specified in terms of humanitarian assistance and cooperation with international and national organisations.** The Guidelines contain a separate section on humanitarian assistance provided to IDPs. It should be borne in mind that such cooperation can only go beyond humanitarian assistance and be aimed at finding and ensuring sustainable solutions.

**The need for the law to take into account the interests of all population groups.** According to the Guiding Principles, certain categories of IDPs, such as children, especially unaccompanied minors, pregnant women, mothers with young children, women heads of households, persons with disabilities and older persons, are entitled to the protection and assistance they need, as well as to treatment that takes into account their specific needs.

The National Strategy for Creating a Barrier-Free Space in Ukraine until 2030<sup>14</sup> envisages the creation of an unhindered environment for all groups of the population, ensuring equal opportunities for everyone to exercise their rights and receive services on an equal footing with others through the integration of physical, information, digital, social and civil, economic and educational barrier-free environment into all areas of public policy.

The Law stipulates that a citizen of retirement age, a person with a disability, a child with a disability and another person in difficult life circumstances who is registered as an IDP is entitled to social services in accordance with the legislation of Ukraine at the place of registration of the actual place of residence of such IDP. The Law also provides for the provision of rehabilitation aids, rehabilitation services, and the possibility of free temporary accommodation, which can be extended from six months.

According to the Unified Information and Computing Centre of the Ministry of Social Policy,<sup>15</sup> 7,811 persons with disabilities of group I, 3,466 with disabilities of group II, 5,2989 with disabilities of group III and 8,003 children with disabilities are registered as IDPs. At the same time, 108,022 persons with disabilities are reported (no explanation is provided for this figure).

Регіон	Багатодітна сім'я	Батьки-одиначки	Безробітний	Військова жінка	Дитина без супроводу	Дитина до 18 років	Дитина, позбавлена батьківського піклування	Дитина-особа з інвалідністю	Дитина-сирота	Інвалідність I група	Інвалідність II група	Інвалідність III група	Кількість сімей	Недієздатна особа	Одержувач соціальної допомоги	Опекун, не є перевіреним особою	Особа з інвалідністю	Особа з хронічними захворюваннями
Чернівецька	110	8	1 759	9	17	16 925	20	145	10	158	479	803	51 522	15	814	8	1 578	
Чернівецька	194	20	1 409	21	8	23 438	135	221	38	137	622	868	53 178	33	631	7	1 397	
Черкаська	124	9	2 942	19	14	36 678	52	301	60	302	1 310	1 577	99 150	35	2 063	21	2 681	
Хмельницька	242	21	2 857	33	14	34 689	60	301	34	231	944	1 336	89 257	49	1 624	15	2 294	
Херсонська	39	5	1 399	14	2	7 922	13	49	4	46	157	313	36 101	10	371	1	737	
Харківська	402	121	21 757	105	35	97 305	174	624	99	636	4 358	5 779	424 276	125	5 197	15	15 839	
Тернопільська	72	12	2 594	30	13	19 730	50	153	24	138	477	669	49 018	56	1 294	6	1 295	
Сумська	185	61	4 294	9	7	22 323	25	204	22	231	861	1 375	68 475	134	1 376	6	2 115	
Севастополь	0	0	0	0	0	11	0	0	0	0	0	0	28	0	0	0	0	
Рівненська	54	7	1 399	21	3	12 623	25	107	16	94	339	512	33 141	114	499	2	1 084	
Полтавська	245	8	3 286	24	5	39 207	58	645	46	361	2 141	3 265	143 176	42	1 551	4	4 607	
Одеська	192	36	7 368	39	26	54 809	36	438	27	440	1 879	2 856	158 910	26	2 810	13	3 214	
Миколаївська	238	8	2 941	25	29	32 809	27	247	18	224	641	1 040	92 486	23	1 440	4	1 263	
Львівська	226	28	8 703	45	12	58 445	62	581	45	549	1 967	2 679	155 449	78	2 462	6	3 614	
Луганська	20	19	3 855	2	2	19 600	0	66	0	112	422	603	245 947	0	7 355	23	6 616	
Кіровоградська	158	3	1 094	11	12	20 964	31	190	24	246	874	1 598	60 950	41	516	22	1 691	
Київська	244	34	7 568	28	10	58 472	89	503	37	345	1 736	2 432	193 721	54	2 591	13	5 884	
Київ	130	21	4 229	36	5	75 588	44	517	31	614	2 916	4 719	330 568	25	1 541	12	6 892	
Івано-Франківська	136	20	4 686	32	9	34 109	57	228	49	156	624	760	82 986	27	1 303	4	2 330	
Закарпатська	573	40	1 127	22	3	45 873	35	342	21	467	1 527	2 891	177 219	96	554	3	5 731	
Закарпатська	202	50	4 029	69	41	40 830	62	328	32	193	897	1 112	69 746	39	1 764	1	2 027	
Житомирська	122	13	2 613	21	10	23 156	29	179	23	178	798	1 058	63 437	33	1 212	15	2 049	
Донецька	169	72	23 307	16	22	56 577	4	362	13	589	2 019	4 040	482 651	33	14 120	11	16 855	
Дніпропетровська	563	104	4 490	51	16	96 553	164	842	105	923	3 742	8 235	349 359	79	3 940	29	10 564	
Волинська	98	16	834	14	8	12 648	29	122	18	127	498	648	32 543	12	468	2	810	
Вінницька	379	20	4 321	42	43	41 720	69	308	34	314	1 238	1 810	106 793	76	1 902	11	2 855	
Автономна Республіка Крим	0	0	0	0	0	20	0	0	0	0	0	0	31	0	0	0	0	
Усього	5 107	757	124 861	738	366	983 024	1 350	8 003	830	7 811	33 466	52 989	3 669 318	1 255	59 398	254	108 022	

<sup>14</sup>On approval of the National Strategy for the Creation of Barrier-Free Space in Ukraine until 2030: Order of the Cabinet of Ministers of Ukraine of 14 April 2021 No. 366-p. URL: <https://zakon.rada.gov.ua/laws/show/366-2021-p#Text>.

<sup>15</sup>As of 19 July 2024, according to the information available at <https://www.ioc.gov.ua/dashboardVpo/>

The picture shows statistical information from the Unified Information and Computing Centre of the Ministry of Social Policy. The rightmost column with the numbers reflects data on "people with disabilities".

For its part, the Law does not fully provide for the consideration of the needs of IDPs with disabilities and other groups with reduced mobility, including information in accessible formats, assessment of their needs, assistance in accessing services, etc.

Taking into account statistical information and understanding the needs of certain groups is necessary when formulating and implementing a comprehensive state policy. For example, when making a decision on accommodation/provision of housing, all the necessary infrastructure should be available, which, among other things, must meet the accessibility requirements - kindergartens, schools, hospitals, and retirement homes. Continuing education at the new place of residence requires an understanding of the available number of inclusive classes and places in them in the community, accessibility of shelters for children with disabilities, the work of inclusive resource centres (number, working hours, list of services, etc.) and their services, etc.

**The law needs to take into account the gender dimension.** The general approach is to take into account different capacities, needs, and vulnerabilities to the challenges of internal displacement. A study conducted by the Kharkiv Regional Foundation "Civic Alternative" in 2020<sup>16</sup> identified the main areas of vulnerability of women and girls in the context of forced displacement:

- Increased risk of sexual and other gender-based violence during displacement itself;
- Lack of gender-sensitive medical, psychological, social, etc. services;
- Pregnancy (actual and potential);
- Increased risk of sexual and other gender-based violence in the host community, often associated with economic vulnerability;
- Lack of stable social ties, protection from family and friends;
- increased risk of human trafficking;
- psychological trauma and isolation;
- limited access to livelihoods;
- Insufficient assistance in situations of forced displacement often leads to women neglecting their health, preferring to take care of the health and well-being of their children and husbands.

The current version of the Law only stipulates the need to ensure fair distribution of international humanitarian, charitable, technical and any other non-refundable assistance to IDPs, taking into account the needs of persons with disabilities, **women** and children, single parents, pensioners and the elderly.

At the same time, the Law should cover, or at least enshrine, the prerequisites for overcoming the challenges that internally displaced women actually face, the impact of internal displacement on the situation of women in Ukraine, as well as the biggest challenges faced by communities in IDP issues, and the role of internally displaced women in local decision-making .<sup>17</sup>

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<sup>16</sup>The gender dimension of internal displacement: international experience and the situation in Ukraine. URL: <https://rm.coe.int/pub-alter-gender-vimir/16809f2b03>.

<sup>17</sup>Based on the research "Women as Internally Displaced Persons in the Context of War", conducted by experts of the JurFem Analytical Centre with the technical support of UN Women Ukraine / UN Women in

The guidelines state that special efforts should be made to involve IDPs in the planning and implementation of resettlement, to ensure the full participation of women in the planning and allocation of basic resources, and to ensure the full and equal participation of women and girls in education programmes.

Further analysis of the impact of internal displacement on women and men is necessary to effectively incorporate this experience into local policies, remedies and business practices.

Thus, the Law needs to be improved in view of the changes in recent years and aspects that were not taken into account or prioritised in previous stages. The following sections of the document identify the aspects that need to be addressed in terms of the fundamental rights and guarantees of internally displaced persons.

## **2. Ensuring the implementation of the Law's provisions by area**

### **2.1. Definition of internally displaced persons, their rights and guarantees**

**Article 1 of the Law** defines an IDP as a citizen of Ukraine, a foreigner or a stateless person who is legally residing in Ukraine and has the right to permanent residence in Ukraine, who was forced to leave or abandon their place of residence as a result of or in order to avoid the negative consequences of armed conflict, temporary occupation, widespread violence, human rights violations and natural or man-made emergencies.

According to the Guiding Principles, IDPs are persons or groups of persons who have been forced to flee their homes or habitual places of residence, in particular as a result of or to avoid the negative effects of armed conflict, widespread violence, human rights violations, natural or man-made emergencies, and who have not crossed internationally recognised state borders.

Thus, **the term defined by Ukrainian law does not apply:**

- 1) A wide range of people are affected by internal displacement. There are risks that an IDP will not be recognised as a person who is recognised as a refugee or a person in need of complementary protection and who is on the territory of Ukraine;
- 2) Both permanent and temporary residence in Ukraine can be considered as habitual residence;
- 3) The list of circumstances that cause displacement can be much wider. For example, another factor that can lead to internal displacement is displacement caused by industrial development, which results in the resettlement of people. After the de-occupation of the territories, there may be resettlement caused by reconstruction. With this in mind, it is important to keep the list of causes of displacement open;
- 4) The main difference between internal displacement and refugees and asylum seekers is movement within internationally recognised borders. This uncertainty creates a risk of abuse, in particular, the possibility of defining IDPs as those who have moved outside the state.

It should also be taken into account that internal displacement can also be caused by local events (e.g. shelling of certain territories, natural disasters, etc.). Paragraph 1 of Part 2 of Article 1 stipulates that the circumstances of displacement are considered to be generally known and not requiring proof if information about them is contained in official reports (communications) of the United Nations High Commissioner for Human Rights, the Organisation for Security and Cooperation in Europe, the International Committee of the Red Cross and Red Crescent, the Ukrainian Parliament Commissioner for Human Rights, posted on the websites of these organisations, or if the authorised state bodies have made a decision on such circumstances. However, such decisions may not be made in relation to certain local events. As a result, the local nature of the problem, together with the relatively small number of displaced persons,

may allow state authorities to avoid recognising persons as displaced and ignore the solution of their problems.

This inconsistency has a practical dimension. According to the Resolution of the Cabinet of Ministers of Ukraine "On Registration of Internally Displaced Persons" of 1 October 2014, No. 509 (hereinafter - CMU Resolution No. 509)<sup>18</sup>, persons whose residential premises were destroyed or damaged (to the extent of uninhabitable) as a result of the armed aggression of the Russian Federation, as evidenced by the relevant act of inspection of the technical condition of the residential premises (house, apartment), are entitled to an IDP certificate. This provision does not contain a mandatory condition that such persons have left their place of residence from such destroyed housing, or that the owners of such housing were living in it at the time of the events, nor does it provide for the right to obtain a certificate for other persons who lived in such housing, such as minor children, the spouse of the owner of the housing, etc.

According to **Article 2 of the Law**, Ukraine shall take all possible measures envisaged by the Constitution and laws of Ukraine, international treaties ratified by the Verkhovna Rada of Ukraine to prevent the emergence of preconditions for forced internal displacement of persons, protect and respect the rights and freedoms of IDPs, and create conditions for the voluntary return of such persons to their abandoned place of residence or integration at a new place of residence in Ukraine.

The issue of evacuations from dangerous areas, as well as the promotion of adaptation in response to the challenges posed by the full-scale invasion, are reflected in the State Policy Strategy on IDPs. However, such guarantees are not properly reflected in the text of the Law.

According to **Article 3 of the Law**, a citizen of Ukraine, a foreigner or a stateless person who is legally residing in Ukraine and has the right to permanent residence in Ukraine under the circumstances specified in Article 1 of the Law, has the right to protection against forced internal displacement or forced return to the place of residence left behind.

The text of the Law also uses the term "forced" in its synonymous sense. It should be borne in mind that the prohibition of coercion cannot be absolute. According to the Guiding Principles, the prohibition of arbitrary displacement applies to transfers:

- caused by apartheid policies, "ethnic cleansing" or similar measures that have the purpose or effect of altering the ethnic, religious or racial composition of the affected population;
- during armed conflicts, except when resettlement is caused by the need to protect civilians or for urgent military reasons;
- in cases of large-scale development projects that are not justified in terms of the undeniable and priority interests of the population;
- during disasters, except when resettlement is for reasons of their safety and health;
- which is used as a collective punishment.

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<sup>18</sup>On registration of internally displaced persons: Resolution of the Cabinet of Ministers of Ukraine of 1 October 2014, No. 509. URL: <https://zakon.rada.gov.ua/laws/show/509-2014-n#Text>.



Urgent danger or developmental interests may justify displacement against the will of the individual. It is important that such displacement meets three elements: legality, legitimate aim and proportionality. It is their compliance that deprives the decision or actions of the authorities to relocate of signs of arbitrariness and makes it permissible even in the absence of consent. As a result of the armed aggression, the State of Ukraine applies this principle in practice when deciding on the mandatory evacuation of the population. Article 33(2)(1) of the Civil Protection Code of Ukraine<sup>19</sup> provides for mandatory evacuation, but does not define it. According to the Resolution of the Cabinet of Ministers of Ukraine "On Approval of the Procedure for Evacuation in the Event of a Threat or Occurrence of Emergency Situations, approved on 30 October 2013, No. 841"<sup>20</sup>, depending on the situation during the emergency, general or partial evacuation of the population is carried out, either temporarily or permanently. In order to protect children in the zone of military operations and armed conflicts under martial law, regional military administrations, in agreement with the military command authorities on the relevant territory and the Coordination Headquarters for the Compulsory Evacuation of the Population under martial law, may decide to conduct a compulsory evacuation of children with their parents, persons in loco parentis or other legal representatives from a separate settlement in the area where hostilities are taking place.

International organisations further point out that such a decision should be made in accordance with a defined procedure and provide for the payment of compensation to displaced persons along with the possibility of appealing decisions. Payment of compensation, including non-pecuniary damage, which can be regarded as a start-up support at a new place of residence, should be provided in all cases of forced (involuntary) displacement. At the state level, only a mechanism for expenditures and use of funds to meet the needs of persons evacuated from settlements located in areas of military (hostilities) to safe areas is provided for, in accordance with the Resolution of the Cabinet of Ministers of Ukraine "Some issues of using funds to meet the needs of evacuees and persons living in de-occupied settlements" of 21 October 2022, No. 1195<sup>21</sup>. Financial support is also provided by international organisations. As of the end of June 2024, proper coordination, including to avoid duplication, was not ensured in the implementation of payments.

It should also be taken into account that there are cases where people decide to return to the areas they left due to insufficient support measures, such as the reduction or cancellation of financial support. Although such returns may not be the result of a deliberate policy of coercion, the decision of such IDPs cannot be considered voluntary. In this regard, a detailed assessment of the reasons for return and a response to them, including through the introduction of support measures or the elimination of discrimination, is necessary.

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<sup>19</sup>Code of Civil Protection of Ukraine of 2 October 2012, No. 5403-VI. URL: [https://zakononline.com.ua/documents/show/338492\\_709675](https://zakononline.com.ua/documents/show/338492_709675).

<sup>20</sup>On Approval of the Procedure for Evacuation in Case of Threat or Occurrence of Emergency Situations: Resolution of the Cabinet of Ministers of Ukraine of 30 October 2013, No. 841. URL: <https://zakon.rada.gov.ua/laws/show/841-2013-n#top>.

<sup>21</sup>Some issues of using funds to meet the needs of evacuees and persons living in de-occupied settlements: Resolution of the Cabinet of Ministers of Ukraine of 21 October 2022 No. 1195. URL: <https://zakon.rada.gov.ua/laws/show/1195-2022-n#Text>.



None of the draft laws registered after the full-scale invasion provide for changes to the definition of a person as an internally displaced person or the procedure for their registration.

## **2.2. Registration of internally displaced persons**

**Article 4 of the Law** stipulates that the fact of internal displacement is confirmed by a certificate of registration, which is obtained by applying to the structural unit for social protection of the population of district and district in Kyiv state administrations, executive bodies of city, district in cities (if established) councils at the place of residence. The Law stipulates that the grounds for IDP registration are residence in the territory affected by the negative consequences of the armed conflict, temporary occupation, widespread violence, human rights violations and natural or man-made emergencies. The law also defines procedural issues of obtaining a certificate (application form, application procedure, specifics for certain groups, such as students, and specifics in the absence of documents confirming residence at the abandoned place).

**At the same time, the Law:**

- 1) does not define the purpose of IDP registration. Identifying a person as an IDP does not confer any special legal status in the sense that refugee status does. This fact does not preclude the possibility of administrative measures, such as registration at the national level, to identify persons who have been displaced and need special assistance. At the same time, the absence of such registration does not deprive IDPs of the rights and freedoms they have under human rights and humanitarian law. The minimum necessary elements of state regulation (including for the implementation of programmes and measures) are the introduction of a mechanism for collecting data on IDPs with confidentiality measures. In accordance with the provisions of the Law, the Unified Information Database on IDPs (hereinafter referred to as the Database) was created to keep track of IDPs. According to the Resolution of the Cabinet of Ministers of Ukraine "On Approval of the Procedure for Creation, Maintenance and Access to the Information of the Unified Information Database on Internally Displaced Persons" of 22 September 2016, No. 646<sup>22</sup>, the database includes data on housing, social, medical, educational and other needs of IDPs, the state of their provision, as well as information on education, employment, ownership of housing, etc. Thus, the database should be the source of data on IDPs. In practice, however, data on IDPs' needs is not used and the information is not updated. Moreover, it should be taken into account that information should be collected on all IDPs regardless of the duration of their displacement. The Commission's decision of 10 April 2024 suggested that the Prime Minister of Ukraine should expand the functionality of the database in terms of integrating it with other databases and state registers (resources) containing information on IDPs,

<sup>22</sup>On Approval of the Procedure for Creating, Maintaining and Accessing Information from the Unified Information Database on Internally Displaced Persons: Resolution of the Cabinet of Ministers of Ukraine of 22 September 2016, No. 646. URL: <https://zakon.rada.gov.ua/laws/show/646-2016-n#Text>.

improving its software, creating an IDP e-office, recording their needs, ensuring access to it for all actors responsible for the formation and implementation of state policy on IDPs, and filling the database with all necessary data (indicators). The Ministry of Social Policy, in turn, was asked to consider the possibility of systematising and digitalising data on financial and humanitarian assistance received by IDPs, including the possibility of introducing appropriate amendments to the Procedure for creating, maintaining and accessing the database.

- 2) The IDP registration certificate creates conditions for making the exercise of rights dependent on its availability. The certificate was introduced in 2014, before the adoption of the Law, and was defined as the only confirmation of the fact that a person has been displaced. At the same time, the general approach led to the fact that the exercise of certain rights and freedoms of persons whose place of registration is in the temporarily occupied territory (TOT) was carried out on the basis of an IDP registration certificate. That is why some people who actually resided in the TOT received the certificate. Mostly, it was about access to pensions (for more details, see "Pension provision"), paperwork, etc. After the full-scale invasion, during the period of martial law, some services are provided on the basis of the principle of extraterritoriality, and certain procedures were adopted to minimise such dependence. However, there are still cases of refusals to provide services, such as banking and pensions, in case of failure to provide an IDP registration certificate. This mainly concerns persons who moved before 24 February 2022, but this trend is also evident for other IDPs over time.
- 3) contains unjustified detail that should be defined at the subordinate level. After the full-scale invasion, the impossibility of obtaining an IDP registration certificate if the applicant does not have an identity document was regulated by CMU Resolution No. 509. Thus, in the absence of an identity document confirming Ukrainian citizenship or an identity document confirming a special status when applying for registration during martial law, the applicant must present an eDocument or other document generated through the Diia mobile application, or a certificate of submission of documents for the issuance of a passport of a citizen of Ukraine. Thus, the bylaws go beyond the scope of the Law, which is justified given the importance of ensuring the interests of individuals.
- 4) does not take into account changes in legislation and the digitalisation of services provided by the state. In particular, it provides that the certificate is issued on the day of application in case of confirmation of residence in the territory from which the displacement is carried out, if there is a mark of registration of residence in the territory of the administrative-territorial unit in the passport document. However, starting from 01 December 2021, the mark of registered residence is not affixed to the identity document and citizenship, and the document in the form of an ID card does not provide for such a possibility at all. At the end of April 2022, the possibility of registering as an IDP through the Diia mobile application became available, which is also not provided for by the Law.

Appeals to the courts to challenge the refusal to register as an IDP are not widespread. The cases mainly concern documentary evidence of the place of residence at the time of the circumstances (temporary occupation, hostilities, etc.) that caused the displacement, including confirmation by documents issued by the occupation administration, the scope of the documents provided, and the presence of a different registration/declaration of residence from the one used for the displacement. Such violations are not related to the implementation of the Law.

It should also be taken into account that in practice, an IDP certificate can be issued to a child born to an IDP family, including if one of the parents is an IDP, after displacement. This is stipulated by paragraph 6 of the CMU Resolution No. 509. This approach was the result of the Government's actions in the first stages of internal displacement, starting in 2014, which made access to services (e.g. access to pre-school and school education) dependent on an IDP registration certificate. This violates the key condition for recognition as an IDP - displacement itself. As a result, it may lead to the "inheritance" of an IDP certificate. At the same time, the issue of persons who were absent from the place of displacement, for example, who went abroad under a contract and cannot return, is not properly regulated. Although the Law does not explicitly exclude the possibility of recognising them as IDPs, this issue has been resolved at the subordinate level only in relation to students.

**Article 12 of the Law** defines the grounds for cancellation of the certificate of registration of an internally displaced person and entering information about it into the Unified Information Database on Internally Displaced Persons. In total, five grounds for cancellation are defined, and the procedure for making the relevant decision, including in the case of returning to the abandoned place of residence, is set out.

At the same time, the provisions of the Law regarding the cancellation of the IDP registration certificate

**in connection with the submission of an application for refusal of the certificate:**

- 1) do not reflect the voluntary will of the person. In this case, the decision to cancel the certificate must be made by the head of the structural unit for social protection of the population at the place of residence of the person and must be provided to the IDP within three days from the date of such a decision. In addition to the fact that the current version does not define deregistration, it also does not provide for a time limit within which such a decision must be made, which effectively makes a person dependent on the will of an official, despite his or her own expression of will. The current procedure also does not provide for the possibility of applying for cancellation of the certificate to an authorised body of the applicant's choice. For example, in case No. [640/17750/22](#), the plaintiff, upon returning to his permanent place of residence, was denied cancellation of his certificate and recommended to apply for registration as an IDP in another region. This position of the defendant was justified by paragraph 3 of part two of Article 9 of the Law, which stipulates that in case of voluntary return to the abandoned permanent place of residence, an IDP is obliged to notify the structural unit for social protection of the population of district, district in Kyiv

state administrations, executive bodies of city, district in cities (if established) councils at the place of receipt of the certificate no later than three days before the day of departure. It should be noted that there is a discrepancy in this matter with the by-laws, which provide for the application in this case within three days after returning to the abandoned permanent place of residence;

**in connection with a criminal offence:**

- 2) do not comply with the principle of legal certainty and the presumption of innocence in the relevant part. Thus, clause 1 of part 2 provides for the cancellation of the IDP registration certificate in case of "committing a criminal offence", which is only a fact and does not determine the established responsibility of a particular person in accordance with the procedure;
- 3) the list of criminal offences for which the cancellation of the IDP registration certificate is envisaged is selective and does not correlate with the list of crimes defined in Section I "Crimes against the foundations of national security of Ukraine" of the Special Part of the Criminal Code of Ukraine (hereinafter - CCU). Thus, it is unclear why the Law defines such a criminal offence as "encroachment on the territorial integrity and inviolability of Ukraine", but does not define "treason". Also, the addition of such new elements of criminal offences to the CCU as collaboration, aiding the aggressor state, unauthorised dissemination of information on the sending, movement of weapons, armaments and ammunition to Ukraine, movement, movement or deployment of the Armed Forces of Ukraine or other military formations formed in accordance with the laws of Ukraine, committed under martial law or a state of emergency, are not taken into account;

**in connection with the return to the abandoned place of permanent residence:**

- 4) it is necessary to revise the timeframe that gives reasonable grounds to believe that a person has returned to the abandoned/left place of residence and has done so voluntarily. It is assumed that the information that gives reasonable grounds to believe that an IDP has returned to the abandoned place of permanent residence is data obtained from state registers, as well as through data exchange with various entities. At the same time, the Law does not provide for the procedure for providing information or verification of the accuracy of data provided by NGOs and other legal entities and individuals providing assistance to IDPs;

**in connection with moving abroad for permanent residence:**

- 5) does not take into account the grounds for Ukrainians' stay abroad that arose after Russia's full-scale invasion of Ukraine. More than 6.5 million Ukrainians are abroad, of which 4.1 million are in European Union member states, which provide for staying on the basis of temporary protection. This ground is not a permanent residence permit and does not require applying to a territorial unit of the State Migration Service, deregistering the place of residence and putting appropriate marks (or entering relevant information into a contactless electronic

medium) in passport documents. The proportion of IDPs who subsequently moved abroad is unknown. The vast majority of them may not have applied for the certificate to be cancelled. The reason for this may be both the need for the certificate to access services, such as banking, and a low level of awareness of the possibility of cancellation at their own request. The latter has its own difficulties due to the service in the mobile application "Diia" (not all persons are users), unregulated application by means of telecommunication, in particular, by mail, etc.

None of the draft laws registered after the full-scale invasion envisaged changes to the IDP registration procedure.

### **2.3 Obtaining documents and registering your place of residence**

**Article 6 of the Law** provides for the right of IDPs to receive identity documents confirming their citizenship of Ukraine or documents confirming their special status. The provisions of the Law in this part determine the place of application, as well as the entry of information on the registered/declared place of residence of IDPs in the TOT.

The latest amendments to this article were made on the basis of the Law of Ukraine "On Amendments to Certain Laws of Ukraine on Certain Issues of Issuing Identity Documents and Confirmation of Citizenship of Ukraine, Identity Documents and Confirmation of Special Status, as well as Entering Information on Registered or Declared Place of Residence in the Territory of Ukraine Temporarily Occupied by the Russian Federation and in the Territories Where Military Operations are (Were) Conducted"<sup>23</sup> and entered into force on 2 June 2023. Among other things, the issue of entering data on the registered or declared place of residence of a child, which for the period of temporary occupation of the territory of Ukraine by the Russian Federation, as well as for the period of classification of territorial communities as territories where hostilities are (were) conducted in accordance with the procedure established by the CMU, is the place of residence of his or her parents or other legal representatives or one of them with whom the child lives, was regulated.

It should be noted that the Resolution of the Cabinet of Ministers of Ukraine "On Approval of the Sample Form, Technical Description and Procedure for Issuance, Issuance, Exchange, Transfer, Withdrawal, Return to the State, Invalidation and Destruction of the Passport of a Citizen of Ukraine" of 25 March 2015 No. 302<sup>24</sup> was supplemented in October 2022 with a section that provides for the specifics of identification and issuance of a passport during martial law or quarantine, including the implementation of the identification procedure via video conferencing.

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<sup>23</sup>On Amendments to Certain Laws of Ukraine on Certain Issues of Issuance of Identity Documents and Confirmation of Citizenship of Ukraine, Identity Documents and Confirmation of Special Status, as well as Entering Information on Registered or Declared Place of Residence in the Territory of Ukraine Temporarily Occupied by the Russian Federation and in the Territories Where Military Operations are (Were) Conducted: Law of Ukraine of 11 April 2023, No. 3054-IX. URL: <https://zakon.rada.gov.ua/laws/show/3054-20#n16>.

<sup>24</sup>On Approval of the Sample Form, Technical Description and Procedure for Registration, Issuance, Exchange, Transfer, Withdrawal, Return to the State, Invalidation and Destruction of the Passport of a Citizen of Ukraine: Resolution of the Cabinet of Ministers of Ukraine of 25 March 2015, No. 302. URL: <https://zakon.rada.gov.ua/laws/show/302-2015-n?find=1&text=свідки#Text>.

Establishing such conditions exclusively for the period of martial law or quarantine is not justified and is required on a permanent basis.

The Guiding Principles state that everyone, wherever they are, has the right to recognition of their legal personality. It is noted that authorities should facilitate the issuance of new documents or the replacement of documents lost during displacement, without imposing any unreasonable conditions, such as a requirement to return to the place of permanent residence to obtain these or other necessary documents. The issue of documents should be considered in a much broader sense.

After the outbreak of armed aggression against Ukraine in 2014, the issue of state registration of civil status acts that took place in the TOT (including births and deaths) became particularly acute. More than 200,000 children born between 2015 and 2022 in the TOT of Crimea and Sevastopol, as well as certain territories of Donetsk and Luhansk oblasts, do not have birth certificates. In Resolution 2198 (2018) "Humanitarian consequences of the war in Ukraine"<sup>25</sup>, the Parliamentary Assembly of the Council of Europe called on Ukraine to introduce administrative procedures for Ukrainian citizens living in TOT to restore their civil documentation. The establishment of such a procedure is directly related to the ability to obtain IDP documents in a timely manner. This issue became particularly acute after the outbreak of full-scale armed aggression against Ukraine and restrictions on the departure of Ukrainians from the TOT. As a result, undocumented persons face obstacles in accessing education, medical and social protection, etc.

The Verkhovna Rada Committee on Legal Policy is currently considering a draft law on amendments to certain legislative acts of Ukraine regarding the peculiarities of state registration of civil status acts that took place in the territory of Ukraine temporarily occupied by the Russian Federation and outside Ukraine (reg. no. 9069 - available here: <https://itd.rada.gov.ua/billInfo/Bills/Card/41464>).

The draft law was submitted by the Cabinet of Ministers of Ukraine.

The amendments propose to regulate the possibility of administrative recognition and confirmation of civil status acts that took place in the TOT. Thus, a medical document confirming the fact of birth or death, or a document issued by the occupation administration confirming the registration of an individual's birth, origin, marriage, divorce, or death in such territory may be submitted to the state civil registration authorities. A simplified procedure is also envisaged for consideration of the issue of establishing the facts of marriage or divorce that took place in the TOT in a separate proceeding. Applicants in these cases may be interested parties, i.e. persons (or their family members) whose rights, obligations or legitimate interests are affected by the establishment of the relevant fact, or their representatives. At the same time, the draft law provides for the possibility of state registration of civil status acts performed in foreign countries in respect of Ukrainian citizens. Registration may also be carried out on the basis of notifications from the competent authorities of foreign countries with which Ukraine has entered into relevant agreements.

<sup>25</sup>Resolution 2198 (2018) Humanitarian consequences of the war in Ukraine, Parliamentary Assembly of the Council of Europe. URL: <https://rm.coe.int/-2198-2018-/1680785d74>



National and international experts were involved in the drafting of the law and will continue to support it.

It is relevant to note that the Parliamentary Assembly of the Council of Europe Resolution 2562 (2024) "Urgent call to Europe and its partners: provide immediate and durable political solutions to support displaced persons in Ukraine"<sup>26</sup> states that free legal aid for access to identity documents and civil documentation should be a priority in the future, to enable displaced persons to access their rights, support and services. This goal should be reflected in the measures implemented by central and local authorities, international and national NGOs.

The Draft Law on Amendments to Certain Legislative Acts of Ukraine on the Implementation of the Rights of Internally Displaced Persons (Reg. No. [10405](#)) is currently under consideration by the Parliament. The draft law provides for the exemption of IDPs from paying customs duties and fees for the provision of administrative services for the issuance of a passport of a citizen of Ukraine in case of loss (damage), as well as from administrative fees for declaring/registering a place of residence and withdrawing from the declared/registered place of residence.

## 2.4. Employment

According to **Article 7 of the Law**, the right to employment is exercised in accordance with the legislation of Ukraine. The re-registration of unemployed persons who were subsequently registered as IDPs is carried out by the State Employment Service at the place of actual residence of the person in accordance with the procedure established by the Cabinet of Ministers of Ukraine.

On 21 April 2022, the Law was amended to provide for the right to terminate an employment contract (if termination is not possible) unilaterally. This can be done by submitting an application to the employment centre at the place of residence addressed to the employer to terminate the employment contract. The date of termination will be the day following the submission of the application. The Employment Centre will notify the employer, the Pension Fund and the State Tax Service. Prior to the full-scale invasion, it was required to send a notarised statement by registered mail to the last known address of the employer or (in the absence of postal service) to submit an application to the Employment Centre. Such changes are a significant improvement for IDPs, as they do not require additional financial costs and the need to interact with a wide range of state authorities.

According to the Guiding Principles, IDPs shall not be discriminated against as a result of their displacement in the exercise of their right to freely seek employment and engage in economic activity. Access to educational and vocational training facilities should also be ensured.

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<sup>26</sup>Resolution 2562 (2024) of the Parliamentary Assembly of the Council of Europe "Urgent call to Europe and its partners: provide immediate and durable political solutions to support displaced persons in Ukraine". URL: <https://pace.coe.int/en/files/33695/html>.



Thus, the Law provides for employment requirements and even establishes procedural aspects of exercising this right.

At the same time, the need to take comprehensive measures to promote employment should be taken into account. According to statistics, as of the end of June 2024, more than 2 million of the 4.7 million IDPs were of working age, of whom 128,000 were in need of employment and 26,500 were receiving unemployment benefits. While in 2023, on average, about 4,000 IDPs applied to employment centres every month, in 2024 their number increased: in February - to 11,000, and in March - to 15,000. Such trends are directly related to the possibility of receiving financial assistance (see Section 3.5).

State bodies directly responsible for employment and social security should introduce further measures to address the specific challenges faced by IDPs. IDPs have access to all services and facilities aimed at facilitating employment in their new place of residence: job search, career guidance services, education vouchers, grants for starting or developing their own business, etc. There are also incentive programmes for employers to hire IDPs, including compensation to employers for hiring IDPs. However, despite the implemented solutions, IDPs continue to face a number of difficulties, as evidenced by the results of focus group studies<sup>27</sup> :

- IDPs who held positions in public sector enterprises, institutions and organisations are often not dismissed, but their income is significantly reduced due to their inactivity, and assistance in securing employment is not always provided;
- IDPs of pre-retirement age are refused employment by employers because of their approaching retirement;
- prejudices of employers related to the dismissal of persons in connection with the return of IDPs to their place of residence;
- lack of work in certain regions, in particular, rural areas;
- lack of work according to the available qualifications and work experience.

It should also be taken into account that some IDPs refuse to be officially employed due to mobilisation.

The Ministry of Reintegration is developing a draft Strategy for Promoting Employment of Internally Displaced Persons and Persons Who Left Ukraine as a Result of the Armed Aggression of the Russian Federation and Return to Ukraine - for the period up to 2027, and an operational action plan for its implementation. The goal of this Strategy is to create conditions for successful adaptation and integration of IDPs into host communities, society and the labour market by improving the legislative framework, ensuring access to jobs, developing professional skills, supporting entrepreneurship and access to social services. The measures include, in particular, the removal of legal obstacles to the resumption of entrepreneurship at a new place of residence (the application of part 2 of Article 13 of the Law of Ukraine "On Ensuring the Rights and Freedoms of Citizens and the Legal Regime in the Temporarily Occupied Territory of Ukraine" to individual entrepreneurs from among IDPs), as well as the recognition of force majeure for individual entrepreneurs who relocated from the TOT and the development of a mechanism for exemption from fines, penalties and

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<sup>27</sup> Do IDPs integrate into new communities? Results of focus group research. URL: <https://www.vplyv.org.ua/archives/7691>

fees for defaulting on loans issued under the "F Thus, some of the related issues relate to the legal regulation of TOT (see Section 1 for more details).

The Parliament is currently considering a draft law on amendments to the Law of Ukraine "On Compulsory State Social Insurance in Case of Unemployment" (Reg. No. [11129](#)). The draft law is aimed at regulating certain issues of unemployment benefits for IDPs of pre-retirement age (one year before reaching the relevant age) in the absence of supporting documents on the insurance record during the period of martial law in Ukraine.

## 2.5. Social protection and financial assistance

In accordance **with Article 7(2) and (3) of the Law**, Ukraine is taking all possible measures to resolve problems related to social protection, including the restoration of all social benefits to IDPs. A citizen of retirement age, a person with a disability, a child with a disability and another person in difficult life circumstances who is registered as an IDP is entitled to social services in accordance with the legislation of Ukraine at the place of registration of the actual place of residence of such IDP.

In addition, **Article 9 of the Law** defines the right of IDPs to receive social and administrative services at the place of residence.

The Guiding Principles do not set out specific approaches to ensuring the social rights of IDPs, other than access to social assistance when necessary. At the same time, the European Social Charter (Revised)<sup>28</sup> defines the obligation of states to ensure that any person in need who is unable to obtain sufficient means by his own efforts or from other sources, in particular through social security assistance, is provided with adequate assistance and, in case of illness, with the care required by his state of health, to provide that everyone may receive from the appropriate public or private services such advice and personal assistance as may be necessary to The document also provides for specific obligations in relation to older persons, persons with disabilities, children, migrant workers and members of their families. For older persons, States undertake, either directly or in co-operation with public or private organisations, to take or encourage appropriate measures to promote the social integration of older persons, in particular by providing the necessary resources, information on access to services and facilities, and the accommodation and health care necessary to meet their needs.

The Parliamentary Assembly of the Council of Europe in its Recommendation 1877 (2009) "Europe's forgotten people: protecting the human rights of people displaced for long periods of time"<sup>29</sup> on the protection of IDPs' rights calls on participating States to find durable solutions with IDPs, in particular, to develop social security systems, including social housing programmes, and to provide social security and pension rights (where applicable).

Thus, the Law provides IDPs with guarantees for social protection and introduces measures to further develop the system. The State Policy Strategy on IDPs envisages

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<sup>28</sup>The European Social Charter (revised). URL: [https://zakon.rada.gov.ua/laws/show/994\\_062#Text](https://zakon.rada.gov.ua/laws/show/994_062#Text).

<sup>29</sup>Europe's forgotten people: protecting the human rights of persons displaced for long periods of time: Recommendation 1877 (2009) of the Parliamentary Assembly of the Council of Europe of 24 June 2009. URL: <https://rm.coe.int/16806b5ab0>.

the introduction of "comprehensive and effective mechanisms of state response", including in the area of social protection of IDPs as the main tool for overcoming the consequences of internal displacement.

It is relevant to note that the Strategy for the Integration of Internally Displaced Persons and the Implementation of Medium-Term Solutions on Internal Displacement until 2024<sup>30</sup> (approved on 28 October 2021 before the full-scale invasion) stipulated that social protection of IDPs depends on the availability of an IDP registration certificate, even in cases when the payments are not related to internal displacement, and the existing (at that time) system of assignment (renewal) and control over social payments to IDPs creates an additional burden caused by the need to select an authorised bank for servicing, undergo additional identification procedures, etc. This statement was made as a result of previous decisions of the Government, in particular, the adoption in November 2014 of Resolution No. 637 "On the Implementation of Social Payments to Internally Displaced Persons"<sup>31</sup> (hereinafter - CMU Resolution No. 637). According to this Resolution, the appointment and continuation of pensions (monthly lifetime allowance), lifetime state scholarships, all types of social assistance and compensation, material support, provision of social services, subsidies and benefits at the expense of the state budget and funds of compulsory state social insurance to IDPs are carried out at the place of registration of such persons, which is confirmed by a certificate of registration of IDPs. In 2016, it was established that payments could only be received through JSC "Oshchadbank", which required physical identification (every 6 months) and issued payment cards, which are also pension certificates, with graphic and electronic information about the holder and his/her electronic digital signature. In case of failure to pass the physical identification, the current account transactions will be suspended. After the full-scale intrusion, physical identification was ensured by personally visiting an Oschadbank branch or a body of the Pension Fund of Ukraine (hereinafter referred to as the PFU), authorisation by means of a remote qualified electronic signature "Diia.Signature" ("Diia ID") on the PFU's electronic services web portal (<https://portal.pfu.gov.ua>) or via video conferencing, and in case of staying abroad - obtaining a certificate of the fact that the person is alive from a foreign diplomatic mission of Ukraine and providing these documents to the PFU body where the person is registered (via the PFU web portal or by mail).

It is important to note that these requirements did not apply to IDPs who moved for the first time after 24.02.2022.

The Government's decisions, especially after the full-scale invasion, on the procedure for registering IDPs and providing various types of assistance, immediately provided for the possibility of receiving these services online. In particular, this refers to the Diia portal and mobile application.

Thus, it should be noted that the by-laws in the field of social protection are inadequate, creating artificial obstacles to access to the rights guaranteed by the state for certain groups of IDPs.

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<sup>30</sup> On approval of the Strategy for the Integration of Internally Displaced Persons and Implementation of Medium-Term Solutions on Internal Displacement for the Period up to 2024: Order of the Cabinet of Ministers of Ukraine of 28 October 2021 No. 1364-r. URL: <https://zakon.rada.gov.ua/laws/show/1364-2021-p#top>.

<sup>31</sup> On social payments to internally displaced persons: Resolution of the Cabinet of Ministers of Ukraine of 5 November 2014, No. 637. URL: <https://zakon.rada.gov.ua/laws/show/637-2014-n#Text>.

According to the Order of the Ministry of Social Policy of 23.06.2020 No. 429 "On Approval of the Classifier of Social Services"<sup>32</sup>, IDPs are recipients of the social service "014.0 Social Integration and Reintegration", which provides assistance in processing documents, assistance in obtaining registration of residence/stay, assistance in obtaining housing, employment, etc., correction of psychological state and behaviour in everyday life, provision of psychological support, assistance in strengthening/restoring family and socially useful ties, assistance in organising and operating self-help groups, assistance in obtaining translation services, learning the state language, assistance in establishing links with national and cultural groups. The content and scope of social services for each recipient is determined individually and depends on their needs. IDPs can also apply for other social services, and in connection with the damage caused to them by hostilities, armed conflict, temporary occupation, they can receive the social service "012.0 Emergency (crisis) intervention", "005.0 Provision of asylum", "013.0 Social adaptation".

In the context of circumstances caused or contributed to by internal displacement, social services are of key importance. Further monitoring of the quality of social services, which are key for IDPs, is needed.

In October 2014, the Government of Ukraine introduced<sup>33</sup> a monthly targeted assistance to IDPs to cover living expenses, including housing and utility bills. The amount of this assistance depended on whether the person was able to work (for children, pensioners, people with disabilities, the amount of assistance was higher (from UAH 1000), for people of working age - UAH 442). It should be emphasised that since the introduction of this type of social assistance in 2014, its amount has not been increased. This assistance was paid to IDPs on formal grounds and did not take into account the needs or real property status of the family. At the same time, in 2022, the state budget allocated UAH 3.05 billion for its payment.

After the start of the full-scale armed aggression, an accommodation allowance was introduced<sup>34</sup>. The amount is UAH 3,000 for people with disabilities and children, and UAH 2,000 for other people. The budget for payments in 2023 was UAH 86.1 billion, and in 2024 - UAH 57.6 billion. The amount of assistance does not take into account inflation. However, as in 2014, this assistance was initially paid to all IDPs in a fixed amount without an assessment of their needs. Subsequently, the procedure for receiving assistance has been subject to repeated changes. In particular, the amendments of August 2023 established new criteria and conditions for the allocation of payments based on property status, length of stay abroad, etc. Starting from 1 March 2024 payments of the accommodation allowance were automatically extended for another 6 months only for certain categories of IDPs: pensioners whose pension as of

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<sup>32</sup>On approval of the Classifier of Social Services: Order of the Ministry of Social Policy of Ukraine of 23 June 2020 No. 429. URL: <https://zakon.rada.gov.ua/laws/show/z0643-20#Text>.

<sup>33</sup>On the provision of monthly targeted assistance to internally displaced persons to cover living expenses, including housing and communal services: Resolution of the Cabinet of Ministers of Ukraine of 1 October 2014, No. 505. URL: <https://zakon.rada.gov.ua/laws/show/505-2014-%D0%BF#Text>.

<sup>34</sup>Some issues of payment of accommodation allowance to internally displaced persons: Resolution of the Cabinet of Ministers of Ukraine of 20 March 2022 No. 332. URL: <https://zakon.rada.gov.ua/laws/show/332-2022-n#Text>.



1 January 2024 did not exceed UAH 9,444 (4 subsistence minimums for persons who lost their ability to work), persons with disabilities of Group I or II, children with disabilities under the age of 18, seriously ill children, orphans and children deprived of parental care, persons among them under the age of 23, as well as two foster parents and foster parents. All other categories of IDPs had to submit a new application for the extension of payments for a second 6-month period. Appointments were made if the criteria were met.

According to a preliminary estimate provided by the Ministry of Social Policy<sup>35</sup> on 26 April 2024, out of around 2.5 million IDPs receiving IDP cash assistance until 29 February 2024, as of 1 March, around 1.5-1.7 million IDPs from vulnerable categories will be eligible for the extension of IDP assistance (around 540,000 for automatic extension and around 1-1.2 million after submitting an application for extension). Almost 800,000-1 million IDPs of working age who do not belong to vulnerable categories will not receive assistance from 1 March.

The Ministry of Social Policy emphasises that the current mechanism for allocating IDP payments combines support for those in need with tools to encourage IDPs of working age to find employment. By the end of 2023, only 40% of able-bodied IDPs receiving payments were employed. 60 per cent of IDPs were not officially employed and did not have their own sources of income.

The PIC, in its decision of 10 April 2024, stressed the categorical unacceptability of the rapid, almost 4-fold reduction in the number of IDPs receiving accommodation allowances and the reduction in the amount of assistance in 2024 by 22.3% as a result of unjustified and controversial decisions of the Cabinet of Ministers to amend the Procedure for Providing Accommodation Allowances to Internally Displaced Persons, approved by the Resolution of the Cabinet of Ministers of Ukraine No. 332 of 20 March 2022, as well as the inadmissibility of plans to deprive millions of IDPs of such payments, which is in direct contradiction to the statement of the President of Ukraine of 19 December 2023 on the preservation of assistance payments to IDPs. The PIC also appealed to the Prime Minister of Ukraine with a proposal to take measures to approve criteria for assessing the satisfaction of IDPs' needs and the degree of their integration into new communities.

It is the undifferentiated approach to IDP payments, which do not depend on needs assessment and assessment of the level of integration in the community, that non-governmental human rights organisations<sup>36</sup> identified as the main reasons for the Government's actions aimed at reducing payments. The approaches to providing accommodation payments to IDPs should be reviewed and should be based on an

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<sup>35</sup>Overview of findings of the Protection Cluster Monitoring Tool on the impact of changes in payments of IDP allowance - April 2024. URL: [https://reliefweb.int/report/ukraine/update-changes-payment-idp-allowance-cmu-resolution-332-enuk?\\_gl=1\\*wz6euj\\*\\_ga\\*MTY0Nzg1MTgxOC4xNzA4OTM0MDI2\\*\\_ga\\_E60ZNX2F68\\*MTcxODYzNDM4OS45NS4wLjE3MTg2MzQzODkuNjAuMC4w](https://reliefweb.int/report/ukraine/update-changes-payment-idp-allowance-cmu-resolution-332-enuk?_gl=1*wz6euj*_ga*MTY0Nzg1MTgxOC4xNzA4OTM0MDI2*_ga_E60ZNX2F68*MTcxODYzNDM4OS45NS4wLjE3MTg2MzQzODkuNjAuMC4w)

<sup>36</sup>10 priority steps in the field of human rights protection in the context of large-scale armed aggression for 2023, prepared by the Coalition of organisations working to protect the rights of victims of armed aggression against Ukraine, of which it is a member: NGO "Public Holding "GROUP OF INFLUENCE" Human Rights Centre ZMINA Charitable Organisation "Right to Protection" Charitable Foundation "Vostok SOS" NGO "CrimeaSOS" Crimean Human Rights Group NGO "Donbas-SOS" Charitable Foundation "Stabilisation Support Services". URL: <https://www.vplyv.org.ua/archives/7335>

assessment. **The law, in turn, should contain clear provisions on the need to assess the degree of integration.**

The Parliament is considering the draft Law on Amendments to the Law of Ukraine "On Ensuring the Rights and Freedoms of Internally Displaced Persons" regarding the payment of accommodation allowance based on the assessment of the needs and degree of integration of an internally displaced person at the place of his or her actual residence (registration number [10382](#)). The draft law stipulates that IDPs shall be allocated and paid a monthly living allowance. Its amount, procedure and duration of payments are established by the Cabinet of Ministers of Ukraine, taking into account the needs and assessment of the degree of integration of the internally displaced person at the place of his/her actual residence.

The current version of the Law does not contain provisions for the payment of financial assistance to IDPs. At the same time, an analysis of data on urgent needs in communities<sup>37</sup> shows that the majority of participants (approximately 67%) identified the need for financial assistance as the most pressing need in the community, which may indicate several factors, such as low wages in communities, insufficient financial assistance from the state and/or humanitarian organisations. IDPs remain one of the most vulnerable groups. The main protection risk reported by IDPs<sup>38</sup> who were affected by the change in benefit policy (i.e. had to apply for an extension or were no longer eligible) was the inability to meet basic needs. For those who are no longer eligible for cash assistance, this risk is further exacerbated. The second risk is eviction from rented accommodation. The most frequent actions taken by IDPs after a refusal are to seek legal assistance, take no action, apply for inclusion in another humanitarian cash assistance programme, look for work, or rent inferior housing. There is also a risk of returning to dangerous areas or TOT. As a result, international partners note a justified need to increase the targets and funding of relevant targeted humanitarian shelter activities, such as rental assistance. At the same time, it is key to have a clear exit strategy related to rental assistance for targeted individuals. The need to include financial assistance to ensure access to housing, including social housing, as part of a long-term support programme for IDPs residing in Ukraine is outlined in Resolution 2562 (2024) of the Parliamentary Assembly of the Council of Europe "Urgent call to Europe and its partners: provide immediate and durable political solutions to support displaced persons in Ukraine"<sup>39</sup> (for more information, see Section 3.10: Housing).

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<sup>37</sup>The community assessment to identify problems of access to education, healthcare, housing, cases of gender-based violence and the needs of the most vulnerable categories of the population was conducted within the framework of the Access project by the monitoring team of the Right to Protection CF. The data was collected from 30 October 2023 to 30 April 2024 in Mykolaiv, Sumy, Kharkiv and Dnipro regions using a structured survey. The total number of respondents who took part in the survey is 476 people. URL: <https://reliefweb.int/report/ukraine/protection-assessment-hromadas-enuk>

<sup>38</sup>The survey was conducted in April 2024 by 38 Protection Cluster partners who joined the monitoring, interviewing 3,031 IDPs who sought their advice on the continuation of their IDP cash assistance payments in 440 communities in all regions of the country.

<sup>39</sup>An urgent call to Europe and its partners: envisioning immediate and long-term policy solutions in support of the displaced people of Ukraine. URL: <https://pace.coe.int/en/files/33695/html>.

Humanitarian assistance, including multi-purpose cash assistance, including emergency cash assistance, provided by international organisations to the most vulnerable categories of the population to cover basic needs, should be noted separately. Unlike the fixed amount of the living allowance, the amount of the multipurpose cash assistance is subject to change and is based on the humanitarian minimum consumer basket, which is linked to significant price increases. Currently, for example, the assistance provided by UNHCR<sup>40</sup> is UAH 3,600 per month per household member for 3 months. Such support is provided by different organisations, for example, in 2022, UNICEF in Ukraine provided<sup>41</sup> multipurpose cash assistance to 225,000 households, supporting about 1,060,000 people. Most families received a payment of UAH 33,300.

It should be noted that there is some coordination with the state authorities and international organisations. For example, the conference "Cash Assistance for Internally Displaced Persons"<sup>42</sup> resulted in a joint statement, as a declaration of intent, between the Chairman of the Commission Pavel Frolov and the Co-Chair of the Working Group on Cash Assistance in Ukraine Marga Ledo, which proposes that the Ukrainian authorities and international partners further consolidate efforts for fruitful cooperation, mobilisation and expansion of resources to provide cash assistance to internally displaced persons. Among other things, it stipulates the need to take all appropriate measures to avoid cases of absence and/or duplication of financial assistance, promoting equitable distribution of resources; to assist international partners providing financial assistance to IDPs in accordance with international humanitarian law and Ukrainian legislation in achieving their goals by providing information and administrative support.

At the same time, some organisations have experience of cooperation with international partners. For example, UNHCR works with the Ministry of Social Policy under a joint Memorandum of Understanding to identify and refer older persons from among IDPs and the population affected by hostilities to receive multipurpose cash assistance from UNHCR. The Ministry of Social Policy verifies and selects beneficiaries from among those who apply through <https://aid.edopomoga.gov.ua/> and submits to UNHCR lists of older IDPs and conflict-affected persons.

It should be noted that the **Law contains only certain provisions** (mainly in terms of the powers of the authorities and the provisions on international cooperation) on **the provision and distribution of humanitarian aid**. At the same time, the Guiding Principles define a separate section on the principles relating to humanitarian assistance (see Section 1 for more details).

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<sup>40</sup>How to receive financial assistance from UNHCR: Official information. URL:

<https://r2p.org.ua/page/rozshyreno-kryteriyi-lyudej-shho-mozhut-otrymaty-dopomogu-vid-uvkb-oon>

<sup>41</sup>UNICEF's Jointly Cash Assistance Programme for Ukrainians. URL: <https://www.unicef.org/ukraine/spilno-cash-transfers>.

<sup>42</sup>The conference "Financial Assistance to Internally Displaced Persons" was held on 17 June 2024 at the initiative of the Temporary Special Commission of the Verkhovna Rada of Ukraine 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 (hereinafter - the Commission), with the support of the USAID Rada: Next Generation Programme.



It is currently under consideration by the Parliament:

- Draft Law on Amendments to the Law of Ukraine "On Ensuring the Rights and Freedoms of Internally Displaced Persons" to guarantee the rights of internally displaced persons to receive accommodation allowance (registration number [9653](#)).
- Draft Law on Amendments to the Law of Ukraine "On Ensuring the Rights and Freedoms of Internally Displaced Persons" to ensure the right of internally displaced persons to housing and the right of children of internally displaced persons to receive housing allowance until they reach the age of 18 (registration number [11112](#)).

## 2.6 Pension provision

In accordance with **Article 7(1) of the Law**, pension provision for a registered internally displaced person is carried out in accordance with the legislation of Ukraine.

The Guiding Principles do not establish separate approaches to ensuring the right to a pension for IDPs. There is no separate regulation in the European Social Charter or the European Convention on Human Rights. At the same time, the European Court of Human Rights has determined in a number of cases that pensions can be considered property within the meaning of Article 1 of Protocol I of the European Convention on Human Rights.

Although the Law does not directly contain provisions that may lead to violations of IDPs' rights to pensions, the following should be taken into account:

- The bylaws adopted since 2014 have created different approaches to pension payments to victims of armed aggression: residents of the territories that were occupied before 24.02.2022 (and who were not registered as IDPs), residents of the territories that were occupied after the full-scale invasion, IDPs who were registered before 24.02.2022 and who: a) are on the government-controlled territory of Ukraine; b) are on the TOT; c) are abroad, as well as IDPs who were registered after 24.02.2022. Although the overall policy in this area has become more favourable in recent years, persons who were registered as IDPs before the full-scale invasion continue to be subject to the requirements to receive pensions exclusively through JSC Oschadbank, the need to undergo physical identification (semi-annually), the application of a separate procedure for the payment of arrears, etc. In addition, IDPs registered before 24 February 2022 will have their pensions terminated if they travel abroad and cancel their IDP registration certificate at their own request. At the same time, the provision of CMU Resolution No. 637, which provides that IDP pensioners who were registered before 24 February 2022 and who have undergone physical identification may be transferred to general pension payment conditions, is not working in practice;
- the adopted related legislative acts create legal uncertainty. For example, the Law of Ukraine "On Amendments to Certain Laws of Ukraine on Settlement of the Issue of Calculation of Insurance Period and Pension Provision", in particular, deals with such concepts as "citizens who moved to the territory controlled by Ukraine during the temporary occupation of the territories" and

establishes separate regulation. Given that such persons may be IDPs, this may create at least some ambiguity in the application of the regulation.

The Law of Ukraine "On Amendments to Certain Laws of Ukraine Regarding the Settlement of the Calculation of Insurance Period and Pension Provision" (No. [3674-IX](#)) was adopted on 25 April 2024.

The purpose of the Law is to regulate the calculation of the pensionable service record of persons who worked outside Ukraine in connection with the denunciation of agreements with the member states of the Commonwealth of Independent States. In addition, the regulation addresses the issue of physical identification and payment of pensions to Ukrainian citizens who reside in the TOT or moved to the territory controlled by Ukraine during the temporary occupation of the territories. This issue is most acute for people who left the TOT of the AR of Crimea and Sevastopol, as such citizens can receive pensions for all years after the occupation only after a court case.

In particular, the Law of Ukraine "On Compulsory State Pension Insurance" was amended to provide for the payment of pensions to Ukrainian citizens who reside in the TOT of Ukraine or who moved to the territory controlled by Ukraine during the temporary occupation of the territories. However, only on condition that such pensioners do not receive pensions from the Russian pension authorities. If there is no exchange of information between the pension authorities of Ukraine and the Russian Federation, this is confirmed by a notification of the Pension Fund in the person's application for appointment, renewal and continuation of pension payment.

At the same time, the periods of employment of Ukrainian citizens in the territory of the Russian Federation are effectively excluded from the insurance period of Ukrainian citizens in the period from 13 March 1992 to 1 January 2023 on the basis of the Agreement on Guarantees of the Rights of Citizens of the Commonwealth of Independent States in the Field of Pensions of 13 March 1992, which was terminated by Ukraine on 1 January 2023.

In the future, the bylaws cannot require IDPs who have moved and are on the government-controlled territory of Ukraine or abroad (except for the territory of the Russian Federation and the Republic of Belarus) to inform the Pension Fund of the non-receipt of pensions from the Russian Federation pension authorities before these changes come into force. The mere fact of registration/declaration of residence in the TOT cannot be the basis for creating additional conditions for receiving pensions. There should also be a mechanism for situations when a person who has moved to the territory controlled by the Government of Ukraine cannot refuse payments assigned by the Russian pension authorities in the TOT (the lack of a procedure (including remote); refusal of the Russian pension authorities to terminate payments, etc. should be taken into account).

The Law of Ukraine "On Amendments to the Law of Ukraine "On Compulsory State Pension Insurance" regarding the Granting of Pensions to Persons Residing in the Temporarily Occupied Territory or in the Territory Where Military Operations

are Conducted" ([No. 2981-IX](#)), which entered into force on 15 April 2023, also applies to persons residing in the TOT.

The Amendments provide that, temporarily, during the period of martial law in Ukraine and within three months after its termination or cancellation, a pension is granted to persons who reside/have resided in the territory of Ukraine temporarily occupied by the Russian Federation and/or in the territory where hostilities are (were) conducted, regardless of the date of application (provided that such application was made during the period of martial law in Ukraine and within three months after its termination or cancellation).

- court practice confirms systemic violations in ensuring the right of internally displaced persons to a pension, in particular, the dependence of payments on an IDP registration certificate.

For example, in case No. [240/18693/21](#), the Court determined that the plaintiff had changed her place of permanent residence and registration, which is located in the territory controlled by Ukraine. The case file does not contain any evidence of the plaintiff's desire to have an IDP certificate, and therefore her right to receive a pension on a general basis cannot be made dependent on the availability (or not) of the relevant certificate.

In case No. [520/34901/23](#), in which the payment of a pension to the plaintiff was terminated on the grounds of cancellation of the IDP certificate, the Court notes that the right to a pension and its receipt cannot be linked to the place of residence of a person. The legal relationship between the state and a person, which provides for mutual rights and obligations, is confirmed by the fact of acquisition of citizenship. Freedom of movement and free choice of place of residence is guaranteed by Article 33 of the Constitution of Ukraine to everyone who is legally on the territory of Ukraine. The above legal position was expressed by the Grand Chamber of the Supreme Court in its Resolution of 04.09.2018 in case No. 805/402/18.

It should be emphasised that in the decision of the Supreme Court in the exemplary case on termination of pension payment to an internally displaced person of 03.05.2018 in case No. 805/402/18<sup>43</sup>, the Court analysed in detail the definition of an internally displaced person and concluded that the definition of an internally displaced person does not coincide with and cannot replace any of the constitutional and legal statuses of a person enshrined in the Constitution of Ukraine, and is not a separate constitutional and legal status of a person. However, registration as an IDP allows state authorities to take into account the special needs of the person. Such special needs include access to adequate housing and legal aid, access to special state programmes, including targeted programmes for internally displaced persons, etc. Obviously, internal displacement provides a person with special, additional rights (or "other rights" as stated in Article 9 of Law No. 1706-VII), without narrowing the scope of constitutional rights and freedoms and creating additional guarantees for their implementation (paras. 50, 51).

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<sup>43</sup>Decision of the Supreme Court of 03.05.2018 No. Pz/9901/20/18 (No. 805/402/18) on termination of pension payment to an internally displaced person. URL: [https://supreme.court.gov.ua/supreme/pro\\_sud/zrazkova-sprava/zs\\_9901\\_20\\_18](https://supreme.court.gov.ua/supreme/pro_sud/zrazkova-sprava/zs_9901_20_18)

The Parliament is considering draft laws No. [7311](#), No. [7311-1](#), No. [7311-2](#) on amendments to [the Tax Code of Ukraine](#) and other laws of Ukraine regarding certain taxes and fees during martial law and the state of emergency.

The amendments propose to supplement the Law of Ukraine "On Compulsory State Pension Insurance" with clause 14<sup>10</sup>, which provides that for the period of martial law in Ukraine and within 180 calendar days after its termination, pensions of IDPs who do not have documents and/or for whom there is no information on periods of insurance experience, employment, are granted on the basis of information available in state registers and information systems or databases, in particular, the state register of individuals taxpayers; the unified state register of

It is advisable to separate the amendments from the general set of initiatives of the above-mentioned drafts by supplementing the draft with provisions that the amount of pension calculated in accordance with this data can be recalculated from the date of its appointment, if the relevant documents are provided in the future. Also, the proposed changes should be extended to all types of financial support, insurance payments and social services, and not limited to pensions. This would bring the proposal into line with Article 7(11)(1) of the Law.

## **2.7. Medical and psychological assistance**

Among **other rights**, the Law defines the right of IDPs to receive necessary medical care in state and municipal healthcare facilities, as well as to be provided with medicines in cases and in accordance with the procedure established by law. Registered IDPs have the right to be provided with technical and other rehabilitation equipment and to receive rehabilitation services in accordance with the law at their place of residence.

It is determined that the Ministry of Health of Ukraine (hereinafter referred to as the Ministry of Health) ensures the organisation of medical care and medical services, implementation of comprehensive measures on sanitary and epidemiological safety of the population and quarantine measures at the place of actual stay of IDPs. Local state administrations, within the limits of their powers, ensure the provision of medical and psychological assistance to IDPs, if necessary, and placement of elderly citizens and persons with disabilities who resided in residential institutions and facilities on the territory in similar institutions and facilities at the place of actual stay of such persons.

According to the Guiding Principles, regardless of the circumstances and without discrimination, competent authorities should provide and ensure safe access to essential health services and rehabilitation for IDPs. All injured and sick IDPs and persons with disabilities among them shall be provided with the fullest and most timely medical care and assistance possible. If necessary, IDPs are provided with access to psychological and social assistance services. It is noted that special attention should be paid to the health care needs of women, including access to women's health care facilities and services, such as reproductive health centres, as well as the provision of appropriate counselling services to victims of sexual and other forms of violence.

**Thus, at the level of the law:**

- the provision of technical and other rehabilitation equipment and rehabilitation services still depends on the person's registration as an IDP. In practice, IDPs face the inability to receive the necessary services or facilities, their required quality/type due to the absence (including a weak system of rehabilitation facilities, lack of proper specialists, etc.) at the place of displacement;
- There are no guarantees of the right of IDPs to health improvement. Some communities facilitate the rehabilitation of IDP children, in particular given the vulnerability of some of them, by prioritising such support;
- there are no guarantees to ensure access to psychological assistance. IDPs can receive psychological assistance within the framework of such social services as "002.1 Crisis counselling telephone - for families of VAW", "012.0 Emergency (crisis) intervention" and "013.0 Social adaptation - persons who suffered damage due to fire, natural disaster, catastrophe, hostilities, terrorist act, armed conflict, temporary occupation", "014.0 Social integration and reintegration - for IDPs". It should be taken into account that the nature of the provision of these services depends on the community that procures such services. In practice, assistance is provided by non-governmental organisations, municipal institutions established in the community, and depends on budgetary allocations, which are insufficient. In 12 cities, there are Centres for Assistance to Survivors<sup>44</sup>, which are state institutions established by the Government of Ukraine where people who have fled the area of active hostilities and/or TOT can receive comprehensive social and psychological support in one place. Such initiatives are sporadic. A comprehensive state programme to provide psychological assistance to victims, including internally displaced persons, has not been developed. The State Policy Strategy on IDPs envisages the task of creating conditions for psychological assistance and rehabilitation of internally displaced persons, including children, through the development and implementation of local programmes of psychological assistance, and the organisation of systematic psychological assistance in places of compact settlement of such persons.

It should be noted that, according to the Order of the Ministry of Health of Ukraine "Some Issues of Primary Healthcare Provision under Martial Law" of 17.03.2022 No. 496<sup>45</sup>, primary healthcare providers (PHC) must ensure that IDPs receive emergency medical care and that they and their children are vaccinated in accordance with the Vaccination Schedule without requiring such patients to have a declaration of choice of a primary healthcare provider. IDPs have the right to receive free medicines under the "Affordable Medicines" programme.

However, the general state of the medical system (insufficient number of institutions, specialists, excessive workload and insufficient funding) complicates IDPs' access to medical services. This is particularly acute for IDPs who are elderly or disabled, who may face, among other things, a lack of accommodation in special

<sup>44</sup>Centres of assistance to the rescued. URL: <https://www.help-platform.in.ua/czentry-dopomogy-vryatovanyam/>

<sup>45</sup>Some issues of primary healthcare provision under martial law: Order of the Ministry of Health of 17 March 2022 No. 496. URL: <https://moz.gov.ua/uk/decrees/nakaz-moz-ukraini-vid-17032022--496-dejaki-pitannja-nadannja-pervinnoi-medichnoi-dopomogi-v-umovah-voennogo-stanu>



healthcare facilities, and the inability to confirm their disability (due to lack of documents or electronic records).

As of the end of June 2024, no draft law registered after the full-scale invasion provides for amendments to the Law on IDPs' access to medical services and psychological assistance.

## 2.8. The right to education

**Article 6 of** the Law stipulates that a registered 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 procedure for funding from the state budget is established by the Cabinet of Ministers of Ukraine.

Children from among IDPs or children with the status of a child affected by hostilities and armed conflicts who study in pre-school, general education, vocational and technical educational institutions, regardless of their subordination, type and form of ownership, are provided with free meals in accordance with the procedure established by the Cabinet of Ministers of Ukraine.

**Article 9 of** the Law defines, among other rights, the placement of children in pre-school and general education institutions.

According to **Article 11 of the Law**, local self-government bodies, within the limits of their powers, ensure the placement of children in pre-school and general education institutions of communal ownership.

The Guiding Principles state that the right to education, which is a human right for everyone, should be ensured for IDPs by free and compulsory primary education. Cultural identity, language and religion should be respected in the process of education.

Thus, at the national level, there **are no grounds to assert that the provisions of the Law do not comply with international standards** and that the right of IDPs to education is generally violated.

It should be emphasised that after the introduction of martial law, the Ministry of Education and Science of Ukraine (hereinafter - MES) adopted a number of by-laws regulating access to pre-school and general secondary education for IDP children:

- By the letter "On the enrolment of children from among internally displaced persons to preschool educational institutions" of 17 March 2022, No. 1/3475-22<sup>46</sup>, the Ministry of Education and Science requested that special attention be paid to the enrolment of preschool children from among IDPs in educational institutions, in accordance with the decisions of territorial communities, in order to respond quickly to the needs of the youngest citizens of Ukraine.
- According to the Order of the Ministry of Education and Science of Ukraine "On Some Issues of Organisation of General Secondary Education and the

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<sup>46</sup>On some issues of organising general secondary education and the educational process under martial law in Ukraine: Order of the Ministry of Education and Science of 28 September 2022 No. 274. URL: <https://mon.gov.ua/npa/pro-deyaki-pitannya-organizaciyi-zdobuttya-zagalnoyi-serednoyi-osviti-ta-osvithogo-procesu-v-umovah-voyennogo-stanu-v-ukrayini>.

Educational Process under Martial Law" of 28 March 2022, No. 274<sup>47</sup> (hereinafter - Order of the Ministry of Education and Science No. 274), educational authorities and educational institutions were required to ensure and organise the enrolment of general secondary education students who were forced to change their place of study and/or residence (stay) and reside (stay) in Ukraine or abroad, to educational institutions upon application (scanned copy or photocopy) of one of the parents, guardian, other legal representative, relative of the applicant or by an adult applicant in any other way (at the applicant's choice). No other documents are required. The Order also stipulates that general secondary education is available to students in any form that can be provided by an educational institution and is the safest for them. It is noted that, unlike before the introduction of martial law, a certificate of IDP registration is not required for enrolment in an educational institution.

- The Order of the Ministry of Education and Science "On Approval of the Procedure for Enrolment, Expulsion and Transfer of Students to State and Communal Educational Institutions for Complete General Secondary Education" of 16.04.2018, No. 367<sup>48</sup> stipulates that children or one of their parents who have a certificate of IDP registration and who do not have a copy of the child's birth certificate/identity document (the original of the relevant document must be provided when submitting a copy) and/or the original or copy of the relevant educational document (if any) are enrolled in an educational institution without submitting the above documents. It is determined that in the absence of a child's birth certificate, the head of the educational institution is obliged to immediately inform the guardianship and custody authority at the child's place of residence or the location of the educational institution to facilitate its issuance.

According to the latest information from the Ministry of Education and Science, as of 22 January 2024, the number of IDP students was 289,949, of whom 119,880 continued their online education in general secondary education institutions at their previous place of residence. This statistics is dynamic and reflects the trend of IDP children continuing their education in a distance format in educational institutions that have been displaced.

However, in mid-May 2024, the Ministry of Education and Science sent a draft Order "On Approval of the Procedure and Conditions for Obtaining General Secondary Education in State and Communal General Secondary Education Institutions under Martial Law in Ukraine" to stakeholders. The draft stipulates, among other things, that in order for IDPs to continue receiving general secondary education in a distance form in educational institutions outside their place of actual residence as IDPs, they must provide confirmation (certificate) of the child's expulsion from or non-enrolment in the

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<sup>47</sup>On some issues of organising general secondary education and the educational process under martial law in Ukraine: Order of the Ministry of Education and Science of 28 September 2022 No. 274. URL: <https://mon.gov.ua/npa/pro-deyaki-pitannya-organizaciyi-zdobuttya-zagalnoyi-serednoyi-osviti-ta-osvithogo-procesu-v-umovah-voyennogo-stanu-v-ukrayini>.

<sup>48</sup>On approval of the Procedure for enrolment, expulsion and transfer of students to state and municipal educational institutions for complete general secondary education: Order of the Ministry of Education and Science of Ukraine of 16 April 2018, No. 367. URL: <https://zakon.rada.gov.ua/laws/show/z0564-18#top>.



place of actual residence. Such a certificate will be issued if the educational institution does not have places for placement, or does not provide or has ceased to provide education in full-time, mixed forms at the appropriate level, or the educational activities of such educational institutions have been suspended. In case of failure to provide such written confirmation (certificate), IDP students must be expelled from the institutions where they studied or transferred to the place of actual residence as IDPs. It is noted that the information that a student is an IDP is obtained using the means of the software and hardware complex "Automated Information Complex of Educational Management". Thus, the Ministry of Education and Science, by its decision, stipulates that the education of an IDP child should take place in a full-time, mixed form at the place of his or her actual residence.

Human rights organisations in their appeal<sup>49</sup> regarding the risks of restricting access to education for children and young people living in the temporarily occupied territory as a result of the implementation of certain decisions of the Ministry of Education and Science of Ukraine, pointed to violations of the law in this regard. For example, part 1 of Article 6 of the Law of Ukraine "On Education"<sup>50</sup> provides for freedom in choosing the types, forms and pace of education, educational programme, educational institution, and other subjects of educational activity. Part 2 of Article 55 provides for the right of parents to choose an educational institution, educational programme, type and form of education for their children. This approach also contradicts the Order of the Ministry of Education and Science No. 274, which defines general secondary education for students in any form.

The Commission's decision of 24 July 2024 declared the provisions of the Order of the Ministry of Education and Science of Ukraine of 13.06.2024 No. 850 "On Approval of the Procedure and Conditions for Obtaining General Secondary Education in Municipal General Secondary Education Institutions under Martial Law in Ukraine" generally unacceptable and emphasised the need to hold mandatory consultations with the public, the expert community, local governments, educators, and other stakeholders on draft legal acts relating to constitutional rights, freedoms, and

In view of the above and in accordance with practice, **the following difficulties in access to education for IDP children can be identified:**

- The CMU and the MES have not approved the procedures for the recognition of educational results obtained in the TOT, in accordance with Article 40-1 of the Law of Ukraine "On Education", which imposes a corresponding obligation on them. As a result, some IDPs face restrictions on continuing their education after moving from the TOT;
- priority enrolment in the 1st grade is given to children whose place of residence is confirmed in the territory of the educational institution. At the same time, children whose parents are IDPs may not have a registered/declared place of residence (or may be TOT). As a result, this requirement pushes parents to apply for an IDP registration certificate for their child, even if the child was born after

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<sup>49</sup>Appeal on the risks of restricting access to education for children and young people living in the temporarily occupied territory as a result of the implementation of certain decisions of the Ministry of Education and Science of Ukraine. URL: <https://www.vplyv.org.ua/archives/9176>

<sup>50</sup><https://zakon.rada.gov.ua/laws/show/2145-19#Text>

their displacement. In view of this, it seems necessary to determine the priority in accordance with the confirmed, including the place of residence of the parents or one of them from among the IDPs, indicated in the IDP registration certificate;

- the requirement to study full-time or in a mixed form at the place of residence of an IDP child may be contrary to his/her interests. In addition to the above, in accordance with clause 13-2 of the Resolution of the Cabinet of Ministers of Ukraine "Some Issues of Payment of Accommodation Allowance to Internally Displaced Persons" dated 20 March 2022 No. 332<sup>51</sup>, starting from 01 September 2024, the accommodation allowance will not be granted for the next six-month period if the family includes a child who continues to study online in case of full-time, mixed form of education. Thus, recipients of the accommodation allowance will need to transfer their child to a displaced school if he or she is studying remotely. There is no information campaign on this issue;
- focus group studies conducted by<sup>52</sup> show that IDPs may face a lack of specialised educational institutions or classes similar to their previous place of study (e.g. advanced mathematics, inability to learn a foreign language); educational institutions may be remote from their places of residence and may not meet accessibility requirements. This is an additional challenge for IDPs, especially children.

Also,

- IDP children (after being displaced as a result of evacuation, leaving the TOT, returning as a result of their illegal transfer to the territory of the Russian Federation, etc.) may need psychological assistance, rehabilitation and comprehensive adaptation, support to overcome educational losses and gaps. Such comprehensive support is not properly provided;
- Provision of free meals to both IDP children and children with the status of a child affected by hostilities and armed conflicts may be difficult due to their funding from local budgets, which is particularly burdensome for communities suffering from the consequences of armed aggression. Provision of benefits and guarantees to children affected by hostilities and armed conflicts should be subject to separate regulation.

As of the end of June 2024, no draft law registered after the full-scale invasion provides for changes to IDPs' access to education.

## 2.9. Civil rights

**Article 8 of the Law** stipulates that IDPs exercise their right to vote in the elections of the President of Ukraine, people's deputies of Ukraine, local elections and referendums in accordance with the procedure established by law.

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<sup>51</sup>Some issues of payment of accommodation allowance to internally displaced persons: Resolution of the Cabinet of Ministers of Ukraine of 20 March 2022 No. 332. URL: <https://zakon.rada.gov.ua/laws/show/332-2022-n#Text>.

<sup>52</sup>Bureaucracy, humanitarian aid and lack of communication. Results of focus group research. URL: <https://www.vplyv.org.ua/archives/7403>

According to the Guiding Principles, IDPs, whether residing in camps or not, shall not be discriminated against as a result of their displacement in the exercise of the following rights: the right to freedom of assembly and to participate on an equal basis in community affairs; the right to vote and to participate in public and community affairs, including the right to access the means necessary to exercise this right.

Thus, the Law regulates only one component - elections - and **does not take into account the possibility of IDPs' participation in decision-making at the local level.**

For a long period of time, IDPs have faced limited access to local democracy tools and, accordingly, influence on local policy-making on issues related to this population group. For example, the Civil Society Hubs Network in its study determined that IDPs may have restrictions on their right to participate in general meetings, self-organisation bodies, as well as to use the tools of electronic petitions, public hearings, local initiatives, and participatory budgeting. This is due to their availability exclusively to community members. In some communities, IDPs are members of advisory bodies, including IDP Councils, which were recommended to be established at the Councils of Ministers of the Autonomous Republic of Crimea, regional, Kyiv and Sevastopol city, district state (military) administrations, and local self-government bodies, in accordance with the CMU Resolution "On Approval of the Model Regulation on the Council on Internally Displaced Persons" of 4 August 2023 No. 812<sup>53</sup>. Details on the activities of the IDP Councils are available in the Analytical Report "Activities of the Councils on Internally Displaced Persons"<sup>54</sup>.

On 9 May 2024, the Verkhovna Rada of Ukraine supported the Law of Ukraine "On Amendments to Certain Laws of Ukraine on Democracy at the Local Self-Government Level" (Reg. No. 7283) by 317 votes<sup>55</sup>. The amendments define a community resident as a citizen of Ukraine who has declared or registered their place of residence in the territorial community, or if their actual place of residence/stay can be confirmed by an IDP registration certificate. As of the end of June 2024, the law was awaiting the President's signature.

It should be noted that the provisions of this article of the Law are set out in the version of 19 December 2019 as a result of the adoption of the Electoral Code of Ukraine. The final and transitional provisions of the Electoral Code amended the Law of Ukraine "On the State Register of Voters", in particular, in terms of determining the electoral address. The legislative provision on changing the electoral address restored justice and constitutional rights of citizens, which until now had been levelled by reference to the registered place of residence. Thus, upon a voter's motivated request, a voter's electoral address may be determined differently from the one determined in accordance with the registered place of residence. About 100,000 citizens, despite the limited time, changed their electoral address<sup>56</sup> to participate in the 2020 local elections. For its part, the organisation and conduct of elections after the end of martial law will

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<sup>53</sup>On approval of the Model Regulation on the Council for Internally Displaced Persons: Resolution of the Cabinet of Ministers of Ukraine of 4 August 2023, No. 812. URL: <https://zakon.rada.gov.ua/laws/show/812-2023-n#Text>.

<sup>54</sup>On the activities of the Councils for Internally Displaced Persons in Odesa region: Analytical report. URL: <https://www.rada.gov.ua/uploads/documents/75353.pdf>

<sup>55</sup>The draft law card is available here. URL: <https://itd.rada.gov.ua/billInfo/Bills/Card/39362>

<sup>56</sup>Local elections under new rules: about 100 thousand citizens changed their voting addresses. URL: <https://www.vplyv.org.ua/archives/5297>

require special attention to the participation of IDPs. Some preparatory work is already underway by stakeholders, including the Central Election Commission.

As of the end of June 2024, no draft law registered after the full-scale invasion provides for amendments to ensure the civil rights of IDPs.

## 2.10 Housing rights

Among **other rights**, the **Law** defines the right of IDPs to create appropriate conditions for their permanent or temporary residence, to pay for utilities, electricity, heat and natural gas in places of compact settlement of internally displaced persons (prefabricated module towns, dormitories, health camps, rest homes, sanatoriums, boarding houses, hotels, etc.) at the relevant tariffs established for such services and goods for the population, as well as to ensure that state executive authorities, local self-government bodies and other public authorities provide

According to the Law, local administrations, within the limits of their powers, provide IDPs with temporary use of residential premises or social housing suitable for living, provided that these persons pay the cost of housing and communal services in accordance with the law, and provide housing to family-type orphanages that have been forced or have left their place of residence.

In turn, local governments, within their powers, form housing funds intended for temporary residence of internally displaced persons, including through the purchase (acquisition), lease, construction of new housing, reconstruction of houses and dormitories, transfer of non-residential premises to residential premises, transfer of housing to communal or state ownership, overhaul of housing facilities (supplemented by Law No. 3446-IX of 08.11.2023), inform local state administrations about possible places and conditions for temporary residence of internally displaced persons.

At the same time, **Article 17 of the Law provides** for assistance in providing IDPs with loans for the purchase of land, purchase and construction of housing. This implies the formation of regional long-term programmes for preferential lending (including mortgage lending) for the construction or purchase of housing by a wide range of stakeholders. The legal mechanisms for refinancing construction costs or repayment of interest on loans are to be developed by the Cabinet of Ministers of Ukraine jointly with the National Bank of Ukraine.

According to the Guiding Principles, regardless of circumstances and without discrimination, competent authorities should provide and ensure safe access to basic shelter and housing for IDPs. Despite the existence of provisions for the provision of housing for IDPs, **the Law at the same time**

- 1) does not enshrine IDPs' right to housing in a separate article of the Law. Periodic reports on intentions conducted by UNHCR systematically identify IDPs' access to adequate housing as the second most important challenge after security. For this reason, shelter reconstruction and other housing assistance is one of the core elements of the humanitarian response for those affected, including IDPs.

Analysis of data on urgent needs in communities<sup>57</sup> confirms the priority of ensuring this right. The majority, 64% of respondents, indicated the lack of sufficient housing, 45% of respondents noted the problem of poor condition/quality of housing, and 33% of respondents noted the problem of affordability of housing for vulnerable groups, 30% of respondents face excessive rents, which may make it impossible to access rental housing.

- 2) tools to facilitate access to affordable and adequate housing are extremely limited. Despite positive trends: temporary accommodation facilities have been created and are functioning, including for transit accommodation, the Shelter programme (which provides compensation for accommodation of IDPs in private households) has been implemented, compensation for housing and utility costs of facilities housing IDPs is provided, and the total number of social and temporary housing funds is increasing, implementation of a number of credit and investment programmes (eHousing, the State Youth Housing Programme) continues, and compensation for destroyed/damaged housing as a result of armed aggression has begun, as the problem of lack of sufficient housing remains the most pressing. To this end, the Commission's decision of 16 February 2024 on the need to regulate the issue of conducting a systematic audit and an object-by-object inventory of all potentially habitable premises in Ukraine of all forms of ownership that can be used to solve the problem of providing housing for IDPs in a regulatory act of the Verkhovna Rada of Ukraine is extremely relevant. Taking into account the Working Group's recommendations on ways to solve the problem of housing for internally displaced persons, the Draft Law on Amendments to Certain Laws of Ukraine on Ensuring Housing Rights of Internally Displaced Persons (registration number [11281](#)) was registered.

On 17.07.2024, the Parliament adopted as a basis the Draft Law on Amendments to Certain Laws of Ukraine on Ensuring Housing Rights of Internally Displaced Persons (registration number [11281](#)).

The project proposes:

- to provide for an all-Ukrainian inventory (survey) of state-owned, communal and, with the consent of the owner, private real estate that can be used to provide housing for internally displaced persons;
- the Law provides for the creation of an Information Database of real estate objects for the residence of internally displaced persons, which will ensure the collection, accumulation, protection, accounting, display, processing, and provision of information on state, municipal and, at the request of the owner, private property;
- The information in such a database should be made public in the form of a

<sup>57</sup> The community assessment to identify problems of access to education, healthcare, housing, cases of gender-based violence and the needs of the most vulnerable categories of the population was conducted within the DOSTUP project by the monitoring team of the Right to Protection CF. The data was collected from 30 October 2023 to 30 April 2024 in Mykolaiv, Sumy, Kharkiv and Dnipro regions using a structured survey. The total number of respondents who took part in the survey is 476 people. URL: <https://reliefweb.int/report/ukraine/protection-assessment-hromadas-enuk>



publicly available interactive map and provide open access to information, the possibility of applying for accommodation in such facilities, and attracting resources (including international assistance) for funding;

- Coordination Commissions at regional and Kyiv city state (military) administrations and Regional Survey Commissions at district state (military) administrations should be established to conduct site inspections and fill the Information Database.

Among other things, the draft law proposes to provide that during martial law and for three years after its termination or cancellation, the property of educational institutions of various specialisations and types (vocational, vocational-technical, pre-school, higher education, etc.) that is not used for its intended purpose for 12 consecutive months shall be leased for the accommodation of internally displaced persons in accordance with the procedure established by the Cabinet of Ministers of Ukraine.

It also provides for the obligation of the Cabinet of Ministers of Ukraine to establish preferential terms for calculating rent for state and municipal property to provide accommodation for IDPs for the following tenants: state and municipal enterprises; public and charitable organisations.

The EU's Ukraine facility programme, which provides for a number of reforms that will lay the foundation for further economic recovery and development and Ukraine's integration into the European Union, is also subject to consideration. Economic reforms aimed at strengthening human capital include the expansion and creation of new social housing programmes. The Ministry of Reintegration continues to work on the development of the State Policy Strategy on Ensuring Housing Rights of Certain Categories of Internally Displaced Persons in Ukraine for the period up to 2027, which provides for, in addition to improving legislation on the use of educational facilities to ensure housing rights of IDPs, improving the mechanism for forming a housing stock intended for temporary residence of IDPs by way of purchase, creating a legal framework for social lease of housing to ensure housing rights of internally displaced persons, establishing a

The Draft Law on Amendments to the Law of Ukraine "On Ensuring the Rights and Freedoms of Internally Displaced Persons" regarding the establishment of preferential terms of rent for certain categories (registration number [11070](#)) proposes preferential terms for tenants - local governments, utilities, institutions and organisations financed from the budgets of temporarily occupied territorial communities and/or territorial communities where military operations are taking place - to pay rent for immovable state property:

- for the construction of dormitories for temporary residence of IDPs whose housing was destroyed and/or located in the occupied territorial communities and/or territorial communities where hostilities are taking place;
- to accommodate local government employees;
- to locate centres for providing assistance (charitable, humanitarian, etc.) to residents of the relevant territorial community who have left their place of

residence due to armed aggression.

The Draft Law on Amendments to the Law of Ukraine "On Ensuring the Rights and Freedoms of Internally Displaced Persons" to ensure the right of internally displaced persons to housing and the right of children of internally displaced persons to receive housing allowance until they reach the age of 18 (registration number [11112](#)), among other things, proposes to provide for the right of IDPs to housing through the implementation of state and local programmes, in particular, the provision of social housing and temporary housing, the provision of preferential loans for the purchase of housing, as well as the provision of a The temporary housing fund should be formed by local self-government bodies or civil-military administrations. They will also keep records of IDPs in need of such housing. The procedure for providing IDPs with housing from the fund, as well as the procedure for its formation, should be determined by the Government.

- 3) does not define the prerequisites for coordination of efforts at all levels, including through the definition of the powers of state authorities and local self-government bodies. The current version of the Law defines fragmented powers of local administrations and local self-government bodies. The distribution of powers at the level of central executive authorities remains unclear, including the role of the Ministry of Reintegration, which is currently implementing a number of housing programmes aimed at ensuring the housing rights of IDPs (see Section 1 for more details). Further discussion is also needed to determine the conditions and procedure for providing IDPs with housing objects purchased in host communities at the expense of the communities whose territories are temporarily occupied. According to Article 60(9) of the Law of Ukraine "On Local Self-Government in Ukraine", village, town and city councils have the right to own communal property outside their respective administrative units. At the same time, the acquisition of residential property within the meaning of the Housing Code of Ukraine on the territory of host communities cannot be considered effective, as there is no procedure for the distribution of such premises other than that established by the housing legislation of Ukraine.

The Draft Law on Amendments to the Law of Ukraine "On Ensuring the Rights and Freedoms of Internally Displaced Persons" regarding certain measures to provide housing for internally displaced persons (registration number [10235](#)) proposes to empower local self-government bodies to:

- approving the procedure for transferring ownership of ownerless real estate suitable for IDPs, including through housing certificates;
- compiling a list of ownerless real estate identified and received into communal ownership that needs repair and can be transferred to IDPs after reconstruction and/or repair.

The Law should also take into account the provision of "adequate living conditions" and the avoidance of the risk of unjustified eviction. That is, the provision of housing to persons living in the housing:

- legal security of residence, especially in the form of protection against forced eviction;
- availability of timely and appropriate quality utilities and infrastructure (water, electricity, heating);
- affordable living costs that do not compromise other basic needs;
- sufficient space and physical security, and accessibility;
- infrastructure, including access to employment opportunities, healthcare services, educational institutions, and social facilities.

The law does not address the issue of restitution or compensation for destroyed or damaged housing.

The Draft Law on Amendments to Certain Laws of Ukraine on the Priority Right of Certain Categories of Internally Displaced Persons to Receive Compensation for Destroyed Real Estate (registration number [11028](#)) is currently under consideration by the Parliament. It provides for the priority right to compensation for destroyed real estate of IDPs who:

- have reached retirement age;
- have a dependent child under the age of six;
- have two minor children as dependents;
- have a dependent child with a disability;
- are raising a child under the age of 14 without one of their spouses;
- are persons with disabilities of group III.

On 17.07.2024, the draft law was adopted as a basis with the provisions revised in accordance with Part 1 of Article 116 and with a reduction in the time limit for preparation for the second reading.

The right of IDPs to receive compensation for damaged or destroyed real estate is also enshrined in the Draft Law on Amendments to the Law of Ukraine "On Ensuring the Rights and Freedoms of Internally Displaced Persons" to ensure the exercise of the right of internally displaced persons to housing and the right of children of internally displaced persons to receive housing allowance until they reach the age of 18 (registration number [11112](#)).

There are also some draft laws under consideration by the Parliament:

- draft law on amendments to the Law of Ukraine "On Ensuring the Rights and Freedoms of Internally Displaced Persons" to ensure the rights of registered internally displaced persons to receive free utilities and free temporary accommodation during martial law (registration number [7507](#)). It proposes to exempt IDPs from paying for housing and communal services in places of their compact settlement for the period of martial law, and to lift restrictions on the six-month period of free temporary residence.

- Draft Law on Amendments to the Criminal Code of Ukraine on Introduction of Liability for Abuse in the Field of Formation and Use of Social Housing Fund (registration No. [8249](#)). Among other things, it proposes to establish that the social housing fund shall include the following: housing that was part of the intestate estate (property of the deceased that has not been inherited by heirs, in particular, in the absence of heirs); housing that is ownerless property; housing received by the territorial community under life maintenance agreements. Two new categories are added to the categories of citizens entitled to receive social housing on a priority basis: families and single mothers/fathers from among IDPs with two or more minor children; citizens whose housing was destroyed or damaged to the point of being uninhabitable as a result of the military aggression of the Russian Federation.

## 2.11 Freedom of movement

The law does not define any guarantees to ensure the freedom of movement of IDPs, except for provisions on protection against forced internal displacement or forced return to the place of origin, as well as the creation of conditions for voluntary return of IDPs to the place of origin, and integration at a new place of residence in Ukraine (for more information, see Section 3.1). IDPs are subject to the requirements of the Law of Ukraine "On Freedom of Movement and Free Choice of Residence in Ukraine"<sup>58</sup>.

In addition to the above, the Guidelines also prohibit the detention or forced placement of IDPs in camps as a means of ensuring the right to personal liberty and security of IDPs. Each IDP also has the right to freedom of movement and freedom to choose their place of residence. Additionally, it is stated that IDPs have the right to seek safe living conditions in another part of the country; to leave their country; and to seek asylum in another country.

In practice, IDPs **may face obstacles to or failure to ensure the right** to personal liberty and security due to the unpredictability of state support measures.

Prior to the full-scale invasion, IDPs faced difficulties crossing the contact line with TOT in Donetsk and Luhansk regions or the administrative border with TOT in the Autonomous Republic of Crimea and Sevastopol, and moving goods. For example, there was a mandatory requirement to have an electronic pass, which took 10 days to issue; to move hand luggage and baggage across the contact line no more than once a day, etc.

At the same time, the state must guarantee the right of all IDPs to make a voluntary and informed choice between return and integration, as well as to introduce special measures to ensure the safety of return and stay of IDPs, including access to public services. Some of these obligations are defined in the State Policy Strategy on IDPs.

The issue of ensuring the right to freedom of movement and free choice of residence in Ukraine is closely related to the issue of residence registration. According

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<sup>58</sup> <https://zakon.rada.gov.ua/laws/show/1382-15#Text>

to the Law of Ukraine "On the Provision of Public (Electronic Public) Services for Declaration and Registration of Residence in Ukraine"<sup>59</sup> (as amended on 11.04.2023), persons whose place of residence is registered or declared in housing located in the TOT, as well as in the territories where hostilities are (were) conducted, may declare or register their place of residence without deregistering their previous place of residence. The registered or declared place of residence of a child during such a period is the registered or declared place of residence of his/her parents or other legal representatives or one of them with whom the child lives. It should be borne in mind that IDPs continue to face difficulties in declaring or registering their place of residence at their new place of residence. The IDP registration certificate is considered as a confirmation of the actual place of residence.

As of the end of June 2024, a draft law ([registration number 8020](#)) is being considered by the Parliament, which proposes to grant IDPs the right to free travel throughout Ukraine by all types of urban passenger transport during the period of martial law: suburban and intercity buses, public motor vehicles in rural areas, and rail transport, including intra-district and interregional railways.

[The conclusion of the STEU of the VRU](#) contains many significant comments, including the emergence of state obligations to transport enterprises in the event that state regulated prices for goods and services are set below the economically justified level. The absence of compensation costs incurred by local governments as a result of decisions of public authorities. Lack of regulations aimed specifically at socially vulnerable groups of the population.

## 2.12 Other rights

Other rights are defined in a separate Article 9. "Other rights of internally displaced persons and their obligations" **of the Law**. In addition to housing rights (for more details see Section 3.10), the right to medical care (for more details see Section 3.7), education (for more details see Section 3.8), the right to family unity and assistance in finding and reuniting family members who have lost contact as a result of internal displacement; safe living and health conditions, reliable information about threats to life and health in the territory of their abandoned place of residence, as well as the place of their temporary settlement; the state of infrastructure and the environment; ensuring their rights and freedoms, state registration of civil status acts, making changes to civil status acts, their renewal and cancellation at the place of residence, as well as The Law also defines other rights defined by the Constitution and laws of Ukraine. Thus, the list of rights is not limited.

At the same time, the Law in this part:

- 1) establishes guarantees, not rights, with specific features of their provision. This includes, for example, civil registration services, which, according to the law, are provided at the place of residence. At the same time, the Law does not define specific provisions on IDP property. The Guiding Principles state that no one

<sup>59</sup>On the provision of public (electronic public) services for the declaration and registration of residence in Ukraine: Law of Ukraine of 5 November 2021 No. 1871-IX. URL: <https://zakon.rada.gov.ua/laws/show/1871-20#top>.



shall be arbitrarily deprived of property and possessions. The property and possessions of internally displaced persons shall be protected in all circumstances, and the relevant authorities have the duty and responsibility to assist returned and/or resettled IDPs in recovering their property and possessions that they left behind or that were taken from them after their displacement;

- 2) does not specify the right to legal aid. Although the Law does not exclude this right, its specification will help to ensure the exercise of the special rights of IDPs guaranteed by the Law, and facilitate the use of all forms of legal protection by IDPs (including the filing of a constitutional complaint).

On 03 August 2023, the Law of Ukraine "On Amendments to Certain Legislative Acts of Ukraine on Simplifying Access to Free Legal Aid" No. 3022-IX of 10 April 2023 will come into force<sup>60</sup>. The amendments were aimed at resolving problematic issues in obtaining free legal aid, in particular in connection with martial law.

According to the new version of Article 14 of the Law of Ukraine "On Free Legal Aid", the right to free secondary legal aid is granted to, among others, the following:

- IDPs - for all types of legal services (no changes in this part);
- persons who have applied for registration as internally displaced persons. Applications are limited to issues related to appealing against a decision to refuse to obtain an IDP registration certificate or issues related to establishing facts of legal significance in relation to such persons. (Prior to the current amendments, this category of individuals included only Ukrainian citizens. The amendments expanded the scope to include foreigners or stateless persons who are legally present on the territory of Ukraine and have the right to permanent residence in Ukraine).

The draft for the first reading included changes to the provision of legal services to IDPs, as provided for in paragraphs 2 and 3 of part two of Article 13 of this Law, on issues related to the protection of their rights as defined by the Law of Ukraine "On Ensuring the Rights and Freedoms of Internally Displaced Persons". When preparing the draft for the second reading, the provisions on restrictions on the type of services and categories of cases were excluded based on the provisions of Article 22 of the Constitution of Ukraine, which prohibits narrowing the content and scope of existing rights and freedoms of Ukrainian citizens when adopting new laws or amending existing laws.

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<sup>60</sup>On Amendments to Certain Legislative Acts of Ukraine on Simplifying Access to Free Legal Aid: Law of Ukraine of 10 April 2023 No. 3022-IX. URL: <https://zakon.rada.gov.ua/laws/show/3022-IX#top>.

## Conclusions and recommendations

The Law of Ukraine "On Ensuring the Rights and Freedoms of Internally Displaced Persons", adopted in 2014 as a response to the first wave of internal displacement, was intended to guarantee human rights in full in accordance with international standards and the state's positive obligations in this area. However, an analysis of the Law's provisions shows incomplete compliance.

In this regard, international institutions (including the Council of Europe) have called on the relevant Ukrainian authorities to fully comply with international standards and to continue its implementation so that the relevant framework legislation is complete, coherent and transparent.

The law has undergone seven revisions since 24 February 2022. Another 14 draft laws amending various parts of the Law are currently under consideration by the Parliament. Among them, draft laws No. [11028](#) and No. [11281](#) were developed by the Commission and supported in the first reading. These trends indicate the need for comprehensive amendments to the Law and are the demands of the times.

Through the introduction of amendments, it is necessary to ensure that all IDPs are able to enjoy the full scope of constitutional rights and freedoms regardless of the fact of their registration as IDPs, allowing the establishment of additional requirements and obligations only in cases and to the extent that are conditioned by the use of additional (special) benefits and are necessary to prevent their abuse of the right to such benefits. The legal regulation of TOT and other affected populations, as well as changes that have taken place in related areas over the past 10 years, should also be taken into account. It is necessary to:

- Bringing the titles of articles in line with their content.
- Expanding the definition of "internally displaced persons" in terms of the circumstances that led to internal displacement, as well as a broad list of persons who may be identified by the state as such.
- To consolidate such terms as "abandoned place of residence", "adaptation", "integration", "reintegration", "place of temporary residence", etc.
- Provide for the purpose of registering a person as an IDP without unnecessary detail on procedural aspects, as well as transparent, time- and condition-appropriate procedures for cancelling the certificate. Among other things, it should provide for the cancellation of the certificate if a person is convicted of criminal offences under Section I "Crimes against the foundations of national security of Ukraine" of the Special Part of the Criminal Code of Ukraine; exclude grounds for cancellation due to prolonged absence from the place of residence in the territory controlled by the Government of Ukraine, while simultaneously defining the grounds for going abroad (without defining "permanent residence", taking into account the possibility of staying under temporary protection).
- Ensure that IDPs' needs are assessed at different stages of displacement. It is based on their results that decisions can be made on the scope of additional guarantees for IDPs, such as financial assistance. Systematic and regularly updated information should be entered into the Unified IDP Information Database to ensure the purpose of its collection. Such a database should not be

used as a tool for controlling IDPs and should be accessible to those responsible for the development and implementation of state policy on IDPs.

- Assistance in providing IDPs with documents, including through the implementation of administrative procedures for documents issued by the occupation authorities and on which a person's ability to exercise their rights depends, such as birth certificates; ensuring the recognition of educational results obtained in the TOT.
- Identification of state support measures at all stages of internal displacement with a specific focus on preventing forced displacement (including the possibility of a decision on mandatory evacuation based on a three-part assessment) or return.
- Enshrine the powers of the Ministry of Reintegration as the central executive body responsible for the formation and implementation of state policy on IDPs and citizens of Ukraine. The powers of other executive authorities and local self-government bodies, including those aimed at providing housing for IDPs, should be reviewed.
- Defining guarantees for the provision of humanitarian aid and expanding the nature of cooperation with national and international non-governmental organisations.
- Ensure that social and pension payments to IDPs are made on a general basis at the place of their actual residence. The procedures defined in 2024 for the implementation of the grounds for pension payments to persons displaced from the TOT and applicable to IDPs need to be coordinated, including in terms of rulemaking. It is necessary to exclude conditions that may lead to discrimination based on the place of origin or even the time of displacement.
- Provision of provisions relating to guarantees of housing rights, including regulation of IDPs' compact settlements, identification of objects suitable for IDPs' accommodation, and clarification of the powers of public authorities.
- Enshrine guarantees for access to psychological assistance, health improvement, and rehabilitation, regardless of the person's location.
- Ensuring the right to education in the forms and manner of the student's choice, as well as their parents (legal representatives), and excluding the dependence of the priority right to enrolment on the child's own IDP certificate, taking measures to support them psycho-emotionally and overcome educational gaps and losses.
- Consideration of the possibility of IDPs' participation in decision-making at the local level, not only in elections and referendums. The provisions of the Law should also reflect measures aimed at people with disabilities and other groups with limited mobility, and define the role of women.
- Specifying the guarantees for IDPs, as well as defining the right to legal aid and property rights.

When preparing comprehensive changes, draft laws that provide for amendments to the Law of Ukraine "On Ensuring the Rights and Freedoms of Internally Displaced Persons" or provide for amendments to other laws and relate to the rights and freedoms of IDPs should be taken into account.



**Annex 1.** Draft laws that provide for amendments to the Law of Ukraine "On ensuring the rights and freedoms of internally displaced persons" or provide for amendments to other laws and relate to the rights and freedoms of IDPs

<b>№</b>	<b>Title.</b>	<b>Initiators</b>	<b>Main Committee</b>	<b>The essence of the draft law and the provisions of the Law to which the amendments are proposed</b>	<b>Passage</b>
<a href="#">7231</a>	Draft Law on Amendments to Certain Legislative Acts of Ukraine on Reintegration and Restoration of Children's Rights	People's deputies: Halyna Tretiakova, R.O. Horbenko, H.A. Vatsak, Y.L. Klymenko, S.A. Minko, A.V. Kostiukh and others	Committee of the Verkhovna Rada of Ukraine on Humanitarian and Information Policy	<p>The draft law regulates the creation, filling and maintenance of the Unified State Register of Children in Need of Reintegration and Restoration of Rights by the central executive body that ensures the formation and implementation of state policy on family and children. It also proposes definitions of the following terms: child affected by hostilities and armed conflicts, reintegration and restoration of children's rights by amending the law on child protection.</p> <p>Article 4-1 of the Law is proposed to be supplemented with part 3 as follows: "For the purpose of reintegration and restoration of children's rights, as well as their registration, information on children affected by internal displacement shall be entered exclusively into the Unified State</p>	14.04.2022 adopted as a basis



				Register of Children in Need of Reintegration and Restoration of their Rights in accordance with the Procedure established by the Cabinet of Ministers of Ukraine."	
7507	Draft Law on Amendments to the Law of Ukraine "On Ensuring the Rights and Freedoms of Internally Displaced Persons" to ensure the rights of registered internally displaced persons to receive free utilities and free temporary accommodation during martial law	People's deputies: Neklyudov V. M., Tkachenko M. M., Horbenko R. O., Klochko A. A. and others	Committee of the Verkhovna Rada of Ukraine on Human Rights, De-occupation and Reintegration of the Temporarily Occupied Territories in Donetsk and Luhansk Regions and the Autonomous Republic of Crimea, the City of Sevastopol, National Minorities and Interethnic Relations	<p>The draft law proposes to exempt IDPs from paying for housing and communal services in places of temporary residence for the period of martial law and to lift restrictions on the duration of accommodation.</p> <p>The government should provide for a procedure for providing compensation for housing and communal services to owners (balance sheet holders) of property used for compact settlement of IDPs</p> <p>Amendments are proposed to Articles 9, 9-1 of the Law</p>	On 19.07.2022, the Committee's conclusion on the consideration of
8020	Draft Law on Amendments to the Law of Ukraine "On Ensuring the Rights and Freedoms of Internally Displaced Persons" to	People's deputies: Prykhodko N. I., Yatsyk Y. H., Lukashev O. A., Moroz V. V. and	Committee of the Verkhovna Rada of Ukraine on Human Rights, De-occupation and Reintegration of the Temporarily Occupied Territories of Ukraine, National Minorities and	<p>The draft law proposes to provide IDPs with the right to travel free of charge throughout Ukraine by all types of public transport for the period of martial law. Local executive authorities and local self-government bodies are responsible for ensuring this right</p>	<p>On 04.11.2022, the Committee's opinion on the review was submitted.</p> <p>Included in the agenda for consideration at plenary sessions</p>

	introduce free travel for internally displaced persons for the period of martial law	others	Interethnic Relations	Amendments are proposed to Articles 11 and 20 of the Law	
<a href="#">8249</a>	Draft Law on Amendments to the Criminal Code of Ukraine to Introduce Liability for Abuse in the Formation and Use of Social Housing	People's deputies: Hryvko S.D.	Verkhovna Rada Committee on Law Enforcement	The draft law proposes to establish that the social housing stock shall include the following: housing that was part of the intestate estate (property of the deceased that has not been inherited by heirs, in particular in the absence of heirs); housing that is ownerless; housing received by the territorial community under life maintenance agreements. The draft law also proposes to expand the list of categories of citizens entitled to receive social housing on a priority basis to include families and single mothers/fathers from among IDPs with two or more minor children; citizens whose housing was destroyed or damaged to the point of being uninhabitable as a result of Russia's military aggression. At the same time, it is planned to add criminal liability for abuses in the formation and use of social housing stock. The most serious abuses will be punishable by imprisonment for up to 6 years with a fine of up to UAH	It is being worked out in the committee. 02.12.2022 provided for review

				510,000	
				No amendments to the Law are proposed. The definition of IDPs is proposed by amendments to the Law of Ukraine "On the Social Housing Fund"	
9653	Draft Law on Amendments to the Law of Ukraine "On Ensuring the Rights and Freedoms of Internally Displaced Persons" to Guarantee the Rights of Internally Displaced Persons to the Payment of Accommodation Allowance	People's deputies: Yurchenko O. M., Kovalev O. I., Hnatenko V. S.	Committee of the Verkhovna Rada of Ukraine on Human Rights, De-occupation and Reintegration of the Temporarily Occupied Territories of Ukraine, National Minorities and Interethnic Relations	<p>The draft law proposes to establish the purpose of the accommodation allowance, define the categories of recipients and the individual fixed amount of the allowance per person, the procedure for its appointment and the grounds for termination</p> <p>It is proposed to supplement the Law with Article 7-1. Ensuring the exercise of the rights of registered internally displaced persons to receive accommodation allowance</p>	<p>It is being worked out in the committee.</p> <p>29.08.2023 provided for review</p>
10017	Draft Law on Amendments to Certain Legislative Acts of Ukraine on Compulsory State Social Insurance	Cabinet of Ministers of Ukraine	Committee of the Verkhovna Rada of Ukraine on Social Policy and Protection of Veterans' Rights	The draft law proposes that insurance payments will be made to IDPs from the temporarily occupied territories (TOT) if they have the necessary documents confirming their right to such payments. In the absence of such documents, they will be paid on the basis of data obtained from various databases and registers in the minimum amount (set by the Pension	25.04.2024 the draft law was adopted as a basis

				<p>Fund of Ukraine). Upon receipt of the documents, the following will be recalculated</p> <p>Amendments are proposed to Article 7 of the Law. In the Final and Transitional Provisions of the Law of Ukraine "On Compulsory State Social Insurance", it is proposed to define that the specifics of social insurance payments to IDPs and insured persons abroad who are entitled to insurance payments are determined by the Cabinet of Ministers of Ukraine</p>	
10059	Draft Law on Amendments to the Law of Ukraine "On Ensuring the Rights and Freedoms of Internally Displaced Persons" to Facilitate Socialisation and Adaptation of Internally Displaced Persons in Host Territorial Communities	People's deputies: Prihodko N. I., Lukashev O. A., Yatsyk Y. G, Yakovenko E., Burmich A., Mazurashu G., Shvets S.	Committee of the Verkhovna Rada of Ukraine on Human Rights, De-occupation and Reintegration of the Temporarily Occupied Territories of Ukraine, National Minorities and Interethnic Relations	<p>The amendments instruct the Government to adopt a state targeted programme for the socialisation and integration of IDPs. Such a programme must include measures for the social adaptation of IDPs and their integration (in the social, housing, educational, employment and healthcare sectors, etc.) Expenditures will be financed from the state and local budgets, as well as other funds in a manner not prohibited by law</p> <p>Amendments are proposed to Article 7 of the Law</p>	The Verkhovna Rada Committee on Human Rights, De-occupation and Reintegration of the Temporarily Occupied Territories of Ukraine, National Minorities and Interethnic Relations issued a conclusion rejecting the draft law.
10235	Draft Law on Amendments to the	People's deputies:	Committee of the Verkhovna Rada of Ukraine on Human	The draft law proposes to empower local governments to:	In early February 2024, the draft law was included in the agenda for

	Law of Ukraine "On Ensuring the Rights and Freedoms of Internally Displaced Persons" regarding certain measures to provide housing for internally displaced persons	Hnatenko V.S., Lukashev O.A., Moroz V.V.	Rights, De-occupation and Reintegration of the Temporarily Occupied Territories of Ukraine, National Minorities and Interethnic Relations	<ul style="list-style-type: none"> <li>• approving the procedure for transferring ownership of ownerless real estate suitable for IDPs, including through housing certificates;</li> <li>• compiling a list of identified and received into communal ownership of ownerless real estate that needs repair and can be transferred to IDPs after reconstruction and/or repair</li> </ul> <p>Proposed amendments to Article 20 Final and Transitional Provisions</p>	<p>consideration at plenary sessions</p> <p>On 09.01.2024, the conclusion of the Main Committee on the revision of the</p>
10382	Draft Law on Amendments to the Law of Ukraine "On Ensuring the Rights and Freedoms of Internally Displaced Persons" regarding the payment of accommodation allowance based on the assessment of the needs and degree of integration of an internally displaced person at the place of his/her actual residence	People's deputies: Frolov P. V., Tkachenko M. M., Horbenko R. O., Neklyudov V. M., Kozyr S. V. and others	Committee of the Verkhovna Rada of Ukraine on Human Rights, De-occupation and Reintegration of the Temporarily Occupied Territories of Ukraine, National Minorities and Interethnic Relations	<p>The draft law proposes:</p> <ul style="list-style-type: none"> <li>• set the minimum amount of accommodation allowance at UAH 3,000 for persons with disabilities and children and UAH 2,000 for other persons;</li> <li>• establish the period of receipt of the accommodation allowance during martial law or until the needs are met. The procedure for the same assessment should be determined by the Government;</li> <li>• Establish an exclusive list of grounds for non-assignment or termination of assistance payments. These include deregistration, return to the abandoned place of residence, staying abroad, availability of housing (at least 25 square</li> </ul>	<p>On 12.02.2024, the Main Committee issued a conclusion on the need to take as a basis for consideration in the first reading</p>



				metres per family) or receiving compensation for damaged or destroyed housing, etc.  The Law proposes to supplement Article 9-3 and amend Article 20 Final and Transitional Provisions	
10405	Draft Law on Amendments to Certain Legislative Acts of Ukraine on the Implementation of the Rights of Internally Displaced Persons	People's deputies: Moroz V. V., Hnatenko V. S.	Committee of the Verkhovna Rada of Ukraine on Human Rights, De-occupation and Reintegration of the Temporarily Occupied Territories of Ukraine, National Minorities and Interethnic Relations	<p>The draft law proposes:</p> <ul style="list-style-type: none"> <li>●to include IDPs in the category of employees who have a preferential right to remain in their jobs in case of redundancy due to changes in the organisation of production and labour;</li> <li>●to exempt IDPs from paying fees and charges for administrative services for the issuance of a passport of a citizen of Ukraine in case of loss (damage);</li> <li>●to exempt IDPs from administrative fees for declaring/registering a place of residence and removing them from the declared/registered place of residence</li> </ul> <p>It is proposed to amend Article 9 of the Law</p>	On 03.04.2024, the Committee's conclusion on the consideration of
11028	Draft Law on Amendments to Certain Laws of Ukraine on the	Members of Parliament: Frolov P. V., Tkachenko M.	Committee of the Verkhovna Rada of Ukraine on Economic Development	The draft law provides for the priority right to receive compensation for destroyed real estate to certain categories of IDPs, namely those who have reached	On 17.07.2024, the draft law was adopted as a basis with the revision of provisions in accordance with Part 1 of Article 116 and with a

	Priority Right of Certain Categories of Internally Displaced Persons to Receive Compensation for Destroyed Real Estate	M., Voitsekhivsky i V. O., Horbenko R. O. and others		<p>retirement age; have a dependent child under the age of six or two minor children or a child with a disability; are raising a child under the age of 14 without one of their spouses; or are persons with a disability of group III</p> <p>Article 9 of the Law is supplemented with the following provision: "The categories of internally displaced persons defined in paragraph 5 of part one of Article 9 of 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' have a priority right to receive compensation for destroyed objects</p>	reduction in the period of preparation for the second reading
<a href="#">11070</a>	Draft Law on Amendments to the Law of Ukraine "On Ensuring the Rights and Freedoms of	People's deputies: H. I. Yanchenko, S. V. Kuzminykh,	Committee of the Verkhovna Rada of Ukraine on Human Rights, De-occupation and Reintegration of the Temporarily Occupied	The draft law proposes to empower the Government to establish preferential terms for calculating rent for state property for certain categories of tenants during martial law and 36 months after	On 21.05.2024, the Committee's conclusion on rejection was given

	Internally Displaced Persons" to establish preferential rental conditions for certain categories	M. V. Nikitina, V. Y. Virastiuk, M. V. Bezuhla and others	Territories of Ukraine, National Minorities and Interethnic Relations	<p>its termination. Such preferential terms will apply to tenants - local governments, utilities, institutions and organisations financed from the budgets of temporarily occupied territorial communities and/or territorial communities where hostilities are taking place and will extend (if supported) to the payment of rent for immovable state property:</p> <ul style="list-style-type: none"> <li>●for the construction of dormitories for temporary accommodation of IDPs whose housing was destroyed and/or located in the occupied territorial communities and/or territorial communities where hostilities are taking place;</li> <li>●to accommodate local government employees;</li> <li>●to locate centres for providing assistance (charitable, humanitarian, etc.) to residents of the respective territorial community who have left their place of residence due to armed aggression</li> </ul> <p>Proposed amendments to Article 20 Final and Transitional Provisions of the Law</p>	
11112	Draft Law on Amendments to the Law of Ukraine "On	People's deputies: O. Honcharenko,	Committee of the Verkhovna Rada of Ukraine on Human Rights, De-occupation and	The draft law proposes to grant IDPs the right to formulate their needs in a personal account in the Unified IDP	26.03.2024 provided for review

	<p>Ensuring the Rights and Freedoms of Internally Displaced Persons" to ensure the right of internally displaced persons to housing and the right of children of internally displaced persons to receive housing allowance until they reach the age of 18</p>	<p>M. Tsymbaliuk, I. Nikorak.</p>	<p>Reintegration of the Temporarily Occupied Territories of Ukraine, National Minorities and Interethnic Relations</p>	<p>Information Database, to establish the right of IDPs to receive compensation for damaged or destroyed real estate, and to provide for the right of IDPs to housing through the implementation of state and local programmes, including the provision of social housing and temporary housing, the provision of preferential loans for the purchase of housing, the possibility of buying out housing that is the subject of financial leasing, etc. It is also proposed to establish the payment of housing allowance to IDPs under the age of 18 for the entire period of martial law. The allowance is to be appointed and paid in the amount of the subsistence minimum for a child of the relevant age. The procedure for its payment is to be approved by the Government</p> <p>The amendments are proposed to Articles 4-1, 7, 9 and to supplement them with Articles 9-3 "Ensuring the exercise of the rights of children of internally displaced persons to receive a living allowance until they reach the age of 18", 9-4 "Ensuring the exercise of the right of internally displaced persons to housing"</p>	
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<a href="#">11281</a>	Draft Law on Amendments to Certain Laws of Ukraine on Ensuring Housing Rights of Internally Displaced Persons	People's deputies: P.V. Frolov, M.M. Tkachenko, R.O. Horbenko, S.V. Kozyr, V.O. Voitsekhivskyi, V.M. Neklyudov, O.O. Arseniuk, S.A. Velmozhnyi, M.Y. Volynets, O.M. Yurchenko, I.F. Molotok, P.V. Pavlish, M.R. Velichkovych.	Committee of the Verkhovna Rada of Ukraine on Human Rights, De-occupation and Reintegration of the Temporarily Occupied Territories of Ukraine, National Minorities and Interethnic Relations	<p>The draft law proposes to conduct an all-Ukrainian inventory (survey) of real estate objects of state, municipal and, with the consent of the owner, private ownership that can be used to provide IDPs with housing, to create an information database of real estate objects for IDPs, its use, to establish Coordination Commissions at regional, Kyiv city state (military) administrations and Regional Survey Commissions at district state (military) administrations for</p> <p>The Law is proposed to be supplemented by a new Article 4-2 "Information database of real estate objects for the residence of internally displaced persons"</p>	17.07.2024 adopted as a basis with a reduction of the preparation period
<a href="#">11413</a>	Draft Law on Amendments to the Law of Ukraine "On Ensuring the Rights and Freedoms of Internally Displaced Persons" to ensure the exercise of the	People's deputies: Hnatenko V.S., Moroz V.V.	Committee of the Verkhovna Rada of Ukraine on Human Rights, De-occupation and Reintegration of the Temporarily Occupied Territories of Ukraine, National Minorities and Interethnic Relations	<p>The purpose of the draft law is to ensure the exercise of the rights of registered IDPs to receive social benefits regardless of the fact of registration of their place of residence/stay.</p> <p>It is envisaged to establish that a change of permanent or actual place of residence/stay, regardless of the fact of</p>	19.07.2024 submitted to the Committee for consideration

	rights of registered internally displaced persons to receive social benefits regardless of the fact of registration of their place of residence/stay			<p>registration of the place of residence/stay of citizens of retirement age, persons with disabilities, children with disabilities and other persons in difficult life circumstances who are registered as internally displaced persons, cannot be a ground for termination of social payments in accordance with the legislation of Ukraine</p> <p>Amendments are proposed to Article 7 of the Law</p>	
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