

SURVIVORS AT THE HEART OF TRANSITIONAL JUSTICE:

**access to guarantees for persons deprived of
their liberty and persons whose homes have been
destroyed or damaged as a result of the Russian
Federation's armed aggression against Ukraine**



SURVIVORS AT THE HEART OF TRANSITIONAL JUSTICE:

**access to guarantees for persons deprived of
their liberty and persons whose homes have been
destroyed or damaged as a result of the Russian
Federation's armed aggression against Ukraine**



2026

AUTHORS:

Olena Semorkina, UHHRU analyst, Honored Lawyer of Ukraine

Aksana Filipishyna, lawyer and UHHRU analyst, Honored Social Worker of Ukraine

Vladlena Padun, lawyer and UHHRU analyst

This publication was drawn up by the Ukrainian Helsinki Human Rights Union (UHHRU) as part of an International Organization for Migration (IOM) project, supported by the U.S. Department of State. The views expressed in the event materials are those of the author(s) and do not necessarily reflect the position of the U.S. Department of State or the IOM.

The report was published without editorial review by the Communications Department of IOM, Ukraine.



The authors would like to thank the Ministry for Communities and Territories Development of Ukraine, the Ministry of Justice of Ukraine, the Coordination Headquarters for the Treatment of Prisoners of War, the Coordination Center for Support of Victims and Witnesses under the Prosecutor General's Office, the Secretariat of the Ukrainian Parliament Commissioner for Human Rights, the Higher School of Public Administration, the Coordination Center for Legal Aid Provision, the All-Ukrainian Association of Administrative Services Centers NGO, the UHHRU's reception offices, and all those involved, who, through their work, information, statistical data, and recommendations, contributed to the preparation and implementation of this study.

Special thanks go to Nataliia Kozhyna, Executive Director of the HUMAN RIGHTS GROUP 'SICH' NGO, and Nataliia Voinova, a lawyer at the UHHRU Strategic Litigation Center and an attorney-at-law, for developing supplementary practical tools for civil servants, which are included in the Victim's Pathway that helps people to obtain compensation for destroyed or damaged housing.

**This translation is provided for informational purposes only.
The original Ukrainian version remains the official text.**

CONTENTS

LIST OF ABBREVIATIONS	4
INTRODUCTION	5
SECTION 1. METHODOLOGY OF THE STUDY	6
SECTION 2. OVERALL CONCLUSIONS	8
SECTION 3. THE GENERAL FRAMEWORK FOR TRANSITIONAL JUSTICE IN UKRAINE	9
SECTION 4. ENSURING GUARANTEES FOR SURVIVORS WHOSE HOMES HAVE BEEN DESTROYED OR DAMAGED AS A RESULT OF THE ARMED AGGRESSION BY THE RF AGAINST UKRAINE	21
4.1. International standards and approaches as analytical criteria	22
4.2. Evolution of the national reparations mechanism (2014–2026)	24
4.3. Barriers to accessing the national reparation mechanism	27
4.4. Conclusions	34
4.5. Recommendations for Overcoming Access Barriers	35
SECTION 5. EFFECTIVENESS OF EXISTING PROTOCOLS AT PROTECTING SURVIVORS DEPRIVED OF THEIR PERSONAL LIBERTY — FROM THE LEGAL FRAMEWORK FOR THE REINTEGRATION PROCESS	39
5.1. Challenges in implementing and improving legislation on the social and legal protection of individuals who have been deprived of personal liberty due to the Russian Federation’s war against Ukraine and their family members	39
5.2. The efficiency of existing procedures for decision-making on establishing that a deprivation of liberty took place: the Commission as a mechanism for access to protection	49
5.3. Rehabilitation and reintegration of survivors of deprivation of personal liberty as a result of the Russian Federation’s war against Ukraine	60
SECTION 6. GENERAL RECOMMENDATIONS	74
SECTION 7. ANNEXES	78

LIST OF ABBREVIATIONS

ATO – Anti-Terrorist Operation

FLA – Free Legal Aid

VRU – Verkhovna Rada of Ukraine

IDP – internally displaced persons

NGO – Non-Governmental Organization

SRRR – State Register of Real Property Rights

URPI – Unified Register of Pre-Trial Investigations

ECHR – European Court of Human Rights

GC – Geneva Convention

AF RF – Armed Forces of the Russian Federation

AFU – Armed Forces of Ukraine

Armed Aggression against Ukraine – the armed aggression by the Russian Federation against Ukraine

ECHR – European Convention on Human Rights

ECtHR – European Court of Human Rights

QES – Qualified Electronic Signature

CMU – Cabinet of Ministers of Ukraine

CHQ – Coordination Headquarters for the Treatment of Prisoners of War

IHL – International Humanitarian Law

IOM – International Organization for Migration

NIB – National Information Bureau

PGO – Prosecutor General's Office

LG – local government

JFO – Joint Forces Operation

RDDP – Register of Damaged and Destroyed Property

RF – Russian Federation

SSU – Security Service of Ukraine

TOT – temporarily occupied territory

UHHRU – Ukrainian Helsinki Human Rights Union

CEB – Central Executive Body

Ombudsman – Ukrainian Parliament Commissioner for Human Rights

Law No. 2010 – Law of Ukraine On Social and Legal Protection of Persons Recognized as Deprived of Personal Liberty due to the Armed Aggression Against Ukraine, and Their Family Members

Commission – Commission for Establishing the Fact of Deprivation of Personal Liberty Due to the Armed Aggression Against Ukraine

Resolution No. 1281 – Resolution of the Cabinet of Ministers of Ukraine No. 1281 of 15 November 2022 Certain Issues Regarding the Implementation of the Law of Ukraine On Social and Legal Protection of Persons Recognized as Deprived of Personal Liberty due to the Armed Aggression Against Ukraine, and Their Family Members

Resolution No. 1775 – Resolution of the Cabinet of Ministers of Ukraine No. 1775 of 24 December 2025 On Approval of the Procedure for Implementing Priority Support Measures for Civilians Affected by Deprivation of Personal Liberty due to the Armed Aggression Against Ukraine, and Amendments to Certain Resolutions of the Cabinet of Ministers of Ukraine

Resolution No. 296 – Resolution of the Cabinet of Ministers of Ukraine No. 296 of 15 March 2024 On Approval of the Procedure for Implementing Rehabilitation (Post-Isolation and Reintegration) Measures, Adaptation and Support (Assistance) Measures for Persons in Respect of Whom the Fact of Deprivation of Personal Liberty as a Result of the Armed Aggression against Ukraine Has Been Established, Following Their Release

INTRODUCTION

Since the beginning of the armed aggression against Ukraine in 2014 and the occupation of parts of Ukraine's territory, the Russian Federation has committed systematic and cynical violations of international humanitarian law and international human rights law. Russian war crimes and crimes against humanity are widespread and encompass virtually all forms of unlawful conduct against the civilian population, including the occupation of territories, deliberate destruction of infrastructure, deportation of children, and torture and unlawful deprivation of liberty of Ukrainian citizens.

The active phase of the armed conflict is ongoing, but survivors require effective protection and the restoration of their rights, as well as compensation for their losses. It is impossible to address the large-scale consequences of the war effectively without adopting a comprehensive approach. *This is why establishing an overarching transitional justice framework is a priority for the State*, as it makes it possible to balance processes aimed at holding perpetrators accountable with the tasks of establishing the truth, and providing restitution.

Within this transitional justice framework, the realization of the right to reparation for persons affected by the armed aggression against Ukraine is of particular importance.

The first pressing challenge, amid daily indiscriminate shelling, is to establish whether the national compensation mechanism is capable of providing genuine and timely guarantees to persons whose homes and property have been damaged or completely destroyed.

The second, no less critical challenge, concerns State policy on protecting rights, establishing the fact of captivity, and facilitating the subsequent reintegration of civilians who have been unlawfully deprived of their liberty. Today, citizens released from places of detention, particularly those held in the temporarily occupied territories of Ukraine or on Russian territory, face major bureaucratic obstacles. These include, in particular, unjustified refusals to establish the fact of deprivation of personal liberty, requirements to prove the 'political motives' behind their detention, and requests for documents that it was not physically possible for them to obtain due to the occupation or the fact that they were held in *incommunicado* detention.

This study aims to provide a comprehensive analysis of the general principles of transitional justice in Ukraine, focusing on the effectiveness of existing national mechanisms in providing compensation for damaged property and in protecting and reintegrating civilians released from Russian captivity.

The study seeks to identify the discrepancy between the rights of survivors, as declared, and the practical mechanisms available to exercise those rights. The ultimate goal is to transform the abstract 'right to be heard' into effective state procedures.

SECTION 1.

METHODOLOGY OF THE STUDY

To achieve the stated objective and ensure a comprehensive analysis, a combination of desk research and empirical research methods was employed between April and June 2026. Data were collected and analyzed across two key thematic areas: compensation mechanisms for damaged/destroyed property, and the protection and reintegration of civilians deprived of their personal liberty.

The research was based on the following sources of information and empirical data:

- 1. *Analysis of the legal and regulatory framework and secondary data (desk research):*** the study examined current Ukrainian legislation, international standards of transitional justice, and also the available analytical reports, articles from open sources, and studies by specialized non-governmental organizations that address the issues under consideration.
- 2. *Stakeholder survey:*** in order to collect primary data, specialized questionnaires were drawn up and distributed, each tailored to the specific characteristics of the target group for which it was intended. The survey covered three key categories of respondents:
 - **Survivors** — assessment of their direct experience of interacting with State institutions and identification of barriers;
 - **Lawyers and human rights defenders** — analysis of law enforcement practice, systemic legal conflicts, and judicial trends;
 - **Public officials** — identification of institutional and resource-related challenges faced by bodies responsible for implementing State policy.
- 3. *Analysis of official statistics and responses to requests for access to public information:*** a number of requests for public information were submitted to the Ministry for Communities and Territories Development of Ukraine, the Secretariat of the Ukrainian Parliament Commissioner for Human Rights, and the Coordination Center for Support of Victims and Witnesses, under the Prosecutor General's Office. In particular, statistical data were obtained and analyzed on the dynamics and outcomes of the work of the Commission for Establishing the Fact of Deprivation of Personal Liberty Due to the Armed Aggression Against Ukraine, as well as on the assessment of survivors' needs.
- 4. *Focus group discussions and expert discussion: three focus groups*** were held separately on the topics of destroyed property and civilian detainees on 8, 15, and 20 May 2026. An **expert discussion** entitled 'Survivors at the Heart of Transitional Justice: presentation of the interim findings of the study on access to guarantees for persons deprived of personal liberty and persons whose homes have been damaged or destroyed as a result of the RF's armed aggression against Ukraine' was also held on 23 June 2026. The discussions held as part of these activities made it possible to validate the survey findings, examine in greater depth the underlying causal links in the problems identified, and, together with experts and practitioners, develop and structure recommendations for short- and medium-term changes to the relevant State systems.
- 5. *Collection of practical information:*** practical information was collected during training sessions for public officials entitled 'The Application of Transitional Justice Mechanisms in State and Local Policies on Compensation and the Protection of Property Rights of Survivors', conducted in partnership with the Higher School of Public Administration as part of a project by the International Organization for Migration (IOM), with the support of the U.S. Department of State.

In total, 71 participants took part in the three focus groups, including 53 women and 18 men.

The expert discussion was attended by 41 participants, 32 women and 9 men.

A total of 244 people completed the questionnaire.

The participants in the events and surveys included representatives of civil society and human rights organizations, advocates, lawyers, representatives of State authorities, local governments, and survivors.

SECTION 2.

OVERALL CONCLUSIONS

Under unprecedentedly difficult circumstances, the State of Ukraine is making efforts to restore the dignity and rights of survivors. The system for supporting survivors, including the national reparation mechanism for destroyed or damaged housing, is being developed using modern digital technologies. At the same time, this mechanism does not yet fully guarantee the right to restitution of housing. Its effectiveness is constrained by excessive barriers to proving ownership of housing and by the lack of adequate personalized support for vulnerable groups of citizens. The system excludes TOT residents (although some exceptions have already been introduced) and survivors affected during the period 2014–2021 from the process of having their rights restored effectively. Its survivor-centered approach remains inadequate due to variations in the practices of local commissions and the fact that the avenues for challenging decisions are complicated and ineffective. Access to the international compensation mechanism is limited, primarily due to a lack of awareness among both survivors and public officials.

The current State support system for persons who have experienced unlawful deprivation of personal liberty as a result of the RF's armed aggression remains fragmented and does not ensure timely, equal, and continuous access for all survivors to the necessary medical, psychological, social, and legal assistance. The further development of state policy should be focused on establishing a comprehensive, people-centered rehabilitation and reintegration system, combining early support regardless of a person's status, inter-agency coordination, personalized assistance, and a leading role for territorial communities in restoring rights and supporting the social integration of survivors.

Recommendations for reviewing the legislation and practice:

■ in housing compensation policies.

In order to achieve the reparation objectives in the context of transitional justice, the State should move away from rigid administration and excessively onerous requirements for proving rights, and adopt a flexible approach focused on establishing title and the fact that the damage was caused by the realities of war. Practices that have proved successful at the community level should be scaled up. Information and methodological support for, and coordination of, local institutions by the relevant ministries should be strengthened. To overcome barriers arising from gaps in inter-agency cooperation, consideration should be given to introducing an integrated approach to ensuring guarantees for survivors.

■ in policies concerning persons unlawfully deprived of their personal liberty.

In the legislative sphere: the Ukrainian legislation should be harmonized with the principles of transitional justice. The status and needs of prisoners of war and civilians unlawfully deprived of their personal liberty must be clearly distinguished; legal 'grey areas' in relation to payments and compensation must be eliminated; and the procedure for establishing that a person experienced a deprivation of their personal liberty should be simplified.

The Commission needs to be placed on a permanent professional footing, with clearly defined standards for justifying its decisions and a transparent recruitment process. This is a necessary prerequisite for overcoming the crisis of trust and ensuring that survivors' rights are given effective protection.

In practical terms: there is a need to move away from a paper-based, bureaucratic approach towards a people-centered one. A system of long-term (multidisciplinary) monitoring of survivors' health and social integration should be introduced, rather than relying on one-off assistance following their release.

SECTION 3.

THE GENERAL FRAMEWORK FOR TRANSITIONAL JUSTICE IN UKRAINE

Ukraine's model of transitional justice is taking shape in response to two historical challenges: overcoming the legacy of **Soviet totalitarianism** and countering **the armed aggression against Ukraine**. Ukraine is evolving from ad hoc solutions towards a systemic architecture of justice based on the five pillars of transitional justice identified by the UN: Truth, Justice, Reparations, Memorialization, and Guarantees of Non-Recurrence. These pillars provide the foundation for restoring the rule of law and recognizing the dignity of survivors.^{1,2}

- **Truth:** involves establishing the circumstances surrounding mass or systematic human rights violations. This is pursued through the work of truth commissions, the declassification of archives, and the documentation of facts, enabling society to gain a comprehensive historical account of events.
- **Justice:** entails the criminal prosecution and punishment of those responsible for gross human rights violations and serious violations of international humanitarian law. This is a key instrument in combating impunity and restoring trust in legal institutions.
- **Reparations:** a set of measures, both material and symbolic, aimed at addressing the consequences of violations. These include restitution, compensation, rehabilitation, and satisfaction.
- **Memorialization:** serves as an independent fifth pillar, ensuring that the memory of victims is preserved and preventing the denial of past events. This is a means of publicly recognizing suffering and an instrument for building a culture of peace.
- **Guarantees of Non-Recurrence:** forward-looking measures that include institutional reforms (in particular, the vetting of public officials), along with changes to legislation and education, aimed at addressing the structural causes of conflict and preventing new crimes.

The aforementioned pillars encompass a catalogue of rights and guarantees for survivors that the State is obliged to ensure and protect through judicial and non-judicial mechanisms, namely:

1. The right to truth: this entails the inherent right of victims and their families to know the truth about past events involving the commission of heinous crimes, as well as the circumstances and causes that, through mass or systematic violations, led to the commission of such crimes. This is considered a vital safeguard against the recurrence of violations. Among other things, the right to truth includes the inherent right of families to know the fate of their missing relatives (or loved ones), the circumstances of their disappearance and the progress of investigations. This right has not only an individual but also a collective dimension for society as a whole, and forms part of the broader right to an effective remedy.³ In the context of the Russian Federation's use of hybrid warfare techniques against Ukraine^{4,5} the right to truth should also encompass efforts to counter disinformation and information operations.

The foundations of the right to truth were laid by the 1991 Law of Ukraine On the Rehabilitation of Victims of Political Repression in Ukraine. Later attempts to address the consequences of the totalitarian communist regime were reflected, in particular, in decisions aimed at

1 <https://digitallibrary.un.org/record/4017879?v=pdf>;

2 https://www.ohchr.org/sites/default/files/documents/issues/transitionaljustice/sg-guidance-note/2023_07_guidance_note_transitional_justice_en.pdf;

3 Ibid.;

4 https://www.president.gov.ua/documents/6852021-41069?utm_source=chatgpt.com;

5 https://zakon.rada.gov.ua/laws/main/4005-IX?utm_source=chatgpt.com#Text;

ensuring the rights of the Crimean Tatar people and national minorities who were deported and are voluntarily returning to Ukraine⁶, the establishment of the Ukrainian Institute of National Memory,⁷ and the recognition of the Holodomor of 1932–1933 as an act of genocide against the Ukrainian people.⁸ Between 2010 and 2015, the declassification⁹ of KGB archives took place, followed, from 2015 onwards, by systematic declassification. The policy of truth, alongside the policy of memorialization in Ukraine, began to take shape in a systematic manner following the Revolution of Dignity in 2014, when the Verkhovna Rada of Ukraine adopted the so-called decommunization laws¹⁰. All of these instruments may be considered both mechanisms of reparation (as measures of moral satisfaction for victims of the totalitarian communist regime and their descendants), and mechanisms of memorialization and guarantees of non-recurrence.

The implementation of the right to truth about missing persons, as well as their relatives and loved ones, began in 2018, with the adoption of the Law of Ukraine On the Legal Status of Persons Missing under Special Circumstances, which underwent a number of significant amendments after 2022. Since 2022, following the full-scale invasion, the National Information Bureau¹¹ has been established, the position of Commissioner for Persons Missing under Special Circumstances¹² has been introduced, and the Unified Register of Persons Missing under Special Circumstances has become operational. All these institutions are tasked with maintaining communication with the relatives and loved ones of missing persons, among other things.

In March 2022, the Coordination Headquarters for the Treatment of Prisoners of War began its work. Since 2024, the HQ has also been responsible for communicating with the relatives of civilians unlawfully deprived of their personal liberty, and also with the relatives of persons missing under special circumstances.¹³ A number of systemic problems are currently being identified in inter-agency coordination, the functioning of registers, and communication with the relatives and loved ones of persons missing under special circumstances.¹⁴

2. The right to justice (accountability for perpetrators): entails the right to an effective judicial remedy, a prompt and impartial investigation, and the prosecution and holding to account of those responsible. It includes non-discriminatory access to justice and compliance with standards as regards a fair trial.^{15,16}

In the context of transitional justice, particularly in situations of transition from authoritarian regimes to democracy, justice plays not only a legal role but also a symbolic one. Thus, in 2010, a court established that the Holodomor of 1932–1933 constituted an act of genocide against the Ukrainian people, identified the individuals responsible for organizing and perpetrating it (Joseph Stalin and others), and established how many victims there had been.¹⁷

6 https://zakon.rada.gov.ua/laws/main/1660-14?utm_source=chatgpt.com#Text;

7 <https://zakon.rada.gov.ua/laws/show/764-2006-%D0%BF#Text>;

8 <https://holodomormuseum.org.ua/postanova-sudu/>;

9 <https://surli.cc/pyvtku>;

10 Laws of Ukraine adopted in 2014–2015: On Purification of Government, On Restoring Confidence in the Judiciary in Ukraine, On Condemning the Communist and National Socialist (Nazi) Totalitarian Regimes in Ukraine and Prohibiting the Propaganda of Their Symbols, and On Access to the Archives of Repressive Bodies of the Communist Totalitarian Regime of 1917–1991. 'Decommunization acts' such as these were adopted predominantly in Central and Eastern European countries from the early 1990s onwards, following the onset of geopolitical processes of transition from totalitarian communist regimes, <https://www.ucipr.org.ua/publicdocs/amnesty2020.pdf>;

11 https://nib.gov.ua/?utm_source=chatgpt.com; The NIB fulfils the requirements of international humanitarian law concerning the collection of information about prisoners of war, civilians, deported persons, and those missing in action;

12 <https://zakon.rada.gov.ua/laws/show/511-2022-%D0%BF#n15>;

13 <https://koordinatsiya.gov.ua/about>;

14 <https://cedos.org.ua/shlyah-rodyn-zyklyh-bezvisty-vijskovyh-dosvid-trudnoshhi-ta-potreby/>; <https://www.ombudsman.gov.ua/storage/app/media/uploaded-files/2-22042026-0951-shchorichna-dopovid-upovnovazhenogo-2025.pdf>;

15 <https://digitallibrary.un.org/record/4017879?v=pdf>;

16 https://www.ohchr.org/sites/default/files/documents/issues/transitionaljustice/sg-guidance-note/2023_07_guidance_note_transitional_justice_en.pdf;

17 <https://holodomormuseum.org.ua/postanova-sudu/>;

Since 2014, following the beginning of the armed aggression against Ukraine, the prosecutorial authorities have gradually developed specialized capacity to investigate crimes related to the armed conflict (and subsequently to the full-scale armed aggression against Ukraine).^{18 19} After 24 February 2022, this specialization was strengthened through international technical assistance, training for prosecutors and investigators on international humanitarian law and international criminal law, the use of OSINT methods, the collection of evidence, and the investigation of war crimes. Standards for the investigating of war crimes have also been drawn up.²⁰

The Ukrainian legislation is being reviewed so that the standards and principles of international humanitarian law and international criminal law can be implemented.^{21 22}

Guarantees for the proper treatment of victims are being upheld, in particular, through the work of the Coordination Center for Support of Victims and Witnesses, under the Prosecutor General's Office.²³ At the same time, Ukraine is making separate, systematic efforts to hold the Russian Federation and its senior political and military leaders accountable in international courts.^{24,25,26}

The establishment of the Special Tribunal for the Crime of Aggression against Ukraine has been an important contribution to the development of Ukraine's model of transitional justice.

3. The right to compensation for loss and harm (reparations): the right to receive prompt, adequate, and effective reparation for harm suffered.²⁷

The first instruments for compensating for harm in the form of reparations (material and symbolic) can be considered to include the measures that support victims of political repression under the communist regime.²⁸ Subsequently, as noted above, the recognition of the 1944 deportation of the Crimean Tatars from Crimea as genocide against the Crimean Tatar people and the recognition of the Holodomor of 1932–1933 as an act of genocide against the Ukrainian people may also be regarded as symbolic reparation measures.

Since 2014, in the wake of the armed aggression against Ukraine, the State has started to make certain categories of survivors more 'visible'. In the absence of a national concept (a framework document or state policy) on transitional justice, it is currently difficult to identify the criteria by which the State has determined that these particular groups require urgent compensation for harm (immediate interim reparations). At the same time, taking the objectives of transitional justice into account, it can be argued that Ukraine is consistently providing guarantees for victims of gross violations of international human rights law (IHRL) and serious violations of international humanitarian law (IHL).

18 https://ark.gp.gov.ua/ua/news.html?_m=publications&_c=view&_t=rec&id=424728;

19 https://zmina.info/news/prokuratura-ar-krym-utrychi-zbilshyla-kilkist-obvynuvalnyh-aktiv-i-vdesyatero-kilkist-vyrokov-pidsumky-pyaty-rokiv-roboty1/?utm_source=chatgpt.com;

20 https://justgroup.com.ua/wp-content/uploads/2023/05/standart-rozsliduvannya_zagalna-chastyna.pdf?utm_source=chatgpt.com;

21 <https://zakon.rada.gov.ua/laws/show/z0704-17#Text>;

22 <https://zakon.rada.gov.ua/laws/show/4012-20#Text>;

23 <https://zakon.rada.gov.ua/laws/show/v0263905-24#Text>;

24 As of July 2026, Ukraine had initiated or supported at least 16 key international proceedings/mechanisms for holding the RF and its officials to account. If one counts only those judicial proceedings in which Ukraine is formally the applicant party against the RF, there are approximately 10 cases: 2 before the International Court of Justice, 5 inter-state applications before the ECtHR, and 2 maritime arbitration/ITLOS proceedings <https://www.icj-cij.org/case/182>;

25 <https://www.echr.coe.int/w/grand-chamber-judgment-in-an-inter-state-case-1>; <https://pca-cpa.org/fr/cases/149/>; <https://www.amnesty.org/en/latest/news/2024/06/russia-ukraine-icc-arrest-warrants-for-senior-russian-officials-a-crucial-step-towards-justice/>;

26 As of 2026, six arrest warrants related to the Situation in Ukraine had been publicly reported: Vladimir Putin — 17 March 2023; Maria Lvova-Belova — 17 March 2023; Sergei Kobylash — 5 March 2024; and others https://www.icc-cpi.int/news/situation-ukraine-icc-judges-issue-arrest-warrants-against-vladimir-vladimirovich-putin-and?utm_source=chatgpt.com;

27 The international legal standards that underpin the principles of transitional justice. The Report by the Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence. A/HRC/54/24. 2023. <https://docs.un.org/en/A/HRC/54/24>;

28 <https://zakon.rada.gov.ua/laws/show/962-12#Text>;

Thus, the following categories of survivors are, among others, visible in the Ukrainian legislation:

- survivors whose residential houses (or flats) have been destroyed or damaged as a result of an emergency situation of a military nature caused by the armed aggression;
- internally displaced persons (IDPs);
- children affected by hostilities and armed conflicts (the so-called ‘children of war’);
- persons deprived of their personal liberty as a result of the armed aggression against Ukraine;
- persons affected by conflict-related sexual violence, and others.

One of the key instruments providing access to reparation for all categories of survivors is free legal aid (primarily secondary legal aid), which is regarded as a component of rehabilitation²⁹ and a necessary prerequisite for an effective remedy.³⁰

At the international level, a compensation mechanism is being set up to document Russia’s crimes, hold Russia accountable, and provide reparation for losses and harm suffered by survivors, communities, businesses, and the Ukrainian state. The first stage of this mechanism has already been established: the Register of Damage for Ukraine.³¹ The next stage — the Claims Commission — is currently being established.³² The establishment of the Claims Commission and, subsequently, the Compensation Fund, will also depend on how effective the national compensation mechanism proves to be.

4. Memorialization (Memory)³³ Memorialization encompasses all aspects of full reparation, particularly satisfaction and guarantees of non-recurrence, as a new obligation arising from violations that have occurred.³⁴ The responsibility of states to preserve and transmit the memory of such violations stems from their duty to guarantee the inherent right of all individuals to know the truth about these violations, and their obligation to preserve relevant archives and evidence.³⁵

Building on the measures described in Section 1, The Right to Truth, the policy of remembrance has included the establishment of commemorative dates dedicated to tragic events of the past, such as the Day of Remembrance for Victims of Political Repression³⁶ and the Day of Remembrance of the Victims of the Crimean Tatar Genocide³⁷. The events surrounding the armed aggression against Ukraine are also reflected in the country’s remembrance policy.³⁸ State remembrance policy encompasses legislation, efforts to foster a culture of respect for Ukraine’s defenders and fallen civilian,³⁹ commemorative dates, memorial spaces⁴⁰, museums, digital archives, recommendations for local communities⁴¹, educational initiatives, and other measures.

29 Principle 21, <https://www.ohchr.org/en/instruments-mechanisms/instruments/basic-principles-and-guidelines-right-remedy-and-reparation>;

30 Principles 12–14, <https://www.ohchr.org/en/instruments-mechanisms/instruments/basic-principles-and-guidelines-right-remedy-and-reparation>;

31 <https://rd4u.coe.int/uk/>;

32 <https://surl.li/xdzzav>;

33 The international legal standards that underpin the principles of transitional justice. The Report by the Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence. A/HRC/54/24. 2023. <https://docs.un.org/en/A/HRC/54/24>;

34 <https://docs.un.org/en/A/HRC/45/45>;

35 A/HRC/54/24. 2023. <https://docs.un.org/en/A/HRC/54/24>;

36 <https://uinp.gov.ua/istorychnyy-kalendar/traven/19/2019-den-pamyati-zhertv-politychnyh-represiy>;

37 <https://zakon.rada.gov.ua/laws/show/792-19#Text>;

38 <https://www.facebook.com/lomako.oleksandr/posts/pfbid027an5VrgNG7mNfqstHwUUiRp5PRzbLtKaxVZwVF1vEEtLCiMVe9uHqBPUPgcZGayI>;

39 Day of Remembrance of the Defenders of Ukraine; Nationwide Minute’s Silence;

40 National Military Memorial Cemetery; local memorials;

41 https://uinp.gov.ua/memorializaciya/9-pryncypiv-memorializaciyi-yakoyu-mozhe-buty-pamyat-pro-yyynu?utm_source=chatgpt.com;

In 2025, a law established the legal framework for the state policy on the national memory of the Ukrainian people. The policy designates the Russo-Ukrainian War as the War for Ukraine's Independence.

5. Guarantees of Non-Recurrence include the right to be protected from further violations by creating a safe environment, reforming the security sector, and strengthening democratic institutions.⁴²

In the context of the war, this mechanism requires that preparations for de-occupation and reintegration processes should begin today. First and foremost, policies need to be drawn up for the de-occupation and reintegration of de-occupied territories. This includes establishing approaches to addressing and legally classifying acts of collaboration⁴³, and revisiting the policy of 'absolute criminalization' of persons working under occupation, to ensure public trust in government following de-occupation^{44,45}. To implement effective lustration processes that comply with international standards, including vetting procedures,⁴⁶ the situation in the temporarily occupied territories (TOTs) should be continuously monitored, and events related to the armed aggression against Ukraine should be documented. The reason this is particularly important is that the archives and documents of the occupation administrations will form the basis for vetting the activities of persons who held positions, performed work, or provided services in occupation administrations and other structures established by the occupying authorities.

Monitoring and documentation

Monitoring and documentation are of fundamental importance to the functioning of all transitional justice mechanisms.⁴⁷ Since 2014, violations have been documented primarily by human rights organizations⁴⁸, the media, and pre-trial investigation authorities as part of criminal proceedings. However, access to criminal case materials is restricted, and they cannot be used to the fullest possible extent for other purposes, including the development of reintegration policies. Although certain state mechanisms were in place to monitor the situation in the temporarily occupied territory, no comprehensive state system for monitoring and documenting violations of human rights and IHL had effectively been established by 2022.⁴⁹

Since 2022, a more systematic state infrastructure for documenting harm has begun to take shape. This includes the Register of Damaged and Destroyed Property⁵⁰, methodologies for

42 The international legal standards that underpin the principles of transitional justice. The Report by the Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence. A/HRC/54/24. 2023. <https://docs.un.org/en/A/HRC/54/24>;

43 <https://www.helsinki.org.ua/publications/yak-zminyty-pidkhody-do-vidpovidalnosti-za-kolaboratsiyu-dialnist-statti-pravnykiv/>;

44 <https://www.helsinki.org.ua/publications/vprovadzhennia-osvitnikh-standartiv-derzhavy-ahresora-vidpovidalnist-za-kolaboratsionizm/>;

45 https://zmina.ua/wp-content/uploads/sites/2/2026/02/steps_iii_eng_web.pdf?utm_source=chatgpt.com;

46 https://www.ohchr.org/sites/default/files/Documents/Publications/RuleoflawVettingen.pdf?utm_source=chatgpt.com;

47 <https://www.ohchr.org/en/publications/policy-and-methodological-publications/rule-law-tools-post-conflict-states-archives>;

48 <https://www.helsinki.org.ua/wp-content/uploads/2017/12/Mapalnet.pdf>; <https://khpg.org/1608814595>; <https://truth-hounds.org/about/#investigating>;

49 The activities of the Permanent Representative of the President of Ukraine in the Autonomous Republic of Crimea may be considered an exception. <https://zakon.rada.gov.ua/laws/show/117/2021#top>; <https://www.kmu.gov.ua/npas/pro-zatverdzhennya-planu-zahodiv-z-1171r>; <https://ppu.gov.ua/documents/analychno-informatsiyna-dovidka-z-pytan-ekolohichnoi-polityky-pryrodokorystuvannia-na-tot-ukrainy-v-krymu/>;

50 https://mindev.gov.ua/news/34437-uriad-zatverdiv-poriadok-vedennia-rejestru-poskodzenogo-ta-znishhenogo-maina?_cf_chl_f_tk=n4ZtnxjOIQHvi9NuOjQlbWy72cBFxEKf_obsjyynn4-1783260728-1.0.1.1-NYHLi1aw6QD5JfKYvN_r1IPeh2uEPveZGT8N7TsXRhE;

assessing damage and losses⁵¹, a mechanism for recording non-material harm⁵², electronic interoperability between state registers, the monitoring of compliance with IHL⁵³, and an electronic system for recording IHL violations, among other measures. At the same time, a significant gap remains: systematic state monitoring and documentation of the situation across all temporarily occupied territories is still incomplete, and this will complicate future de-occupation and reintegration, the restoration of survivors' rights, and the provision of guarantees of non-recurrence.

In summarizing the five pillars and five mechanisms of transitional justice, it is important to point out that reparations may be both material and symbolic. Accordingly, the concept of 'reparations' encompasses not only compensation for losses and harm, but also the right to truth and memorialization as forms of symbolic reparation, and guarantees of non-recurrence as a means of preventing future violations.⁵⁴

When assessing the implementation of international standards for transitional justice in the Ukrainian context, it is important to draw a distinction between the State's obligations to restore rights violated as a result of the war, and its social obligations towards those who require support due to vulnerabilities not related to harm inflicted on them by the war.

For example, subsistence assistance for IDPs and temporary accommodation for IDPs are not reparations, but rather humanitarian and social measures, as they do not provide full restoration of rights. By contrast, repairing damaged housing so as to restore it to its original condition, using State or local funds, constitutes reparation. A one-off payment to a person released from captivity constitutes immediate material support (interim reparation) but does not amount to full compensation for the harm suffered. At the same time, the medical and psychological assistance provided to individuals following captivity, or to those affected by CRSV, constitutes rehabilitation, which is a form of reparation. Establishing that a person has the 'status' of a survivor constitutes official recognition of their suffering and harm and may therefore be regarded as a measure aimed at satisfaction. On the basis of a person's 'status' as a survivor, the State determines the scope of the guarantees to be provided, which must comply with States' international obligations under IHL and IHRL. Criminal investigations simultaneously serve as a way of exercising both the right to truth and the right to justice (accountability for perpetrators). Guarantees of non-recurrence may include, for example, giving officials training on trauma-informed approaches and requiring central executive bodies to assess draft regulatory legal acts for compliance with the ECHR and the case-law of the ECtHR.⁵⁵

The table below contains **Information about the provision of rights and guarantees for survivors under Ukrainian legislation⁵⁶, based on international standards for transitional justice.**

51 <https://zakon.rada.gov.ua/laws/show/z1522-22#Text>;

52 <https://zakon.rada.gov.ua/laws/show/4071-20#top>;

53 <https://zakon.rada.gov.ua/laws/show/301-2024-%D0%BF#Text>;

54 Principles 19–23, <https://www.ohchr.org/en/instruments-mechanisms/instruments/basic-principles-and-guidelines-right-remedy-and-reparation>;

55 CMU Resolution No. 950 of 18 July 2007 'On Approval of the Parliamentary Procedure of the Cabinet of Ministers of Ukraine', <https://zakon.rada.gov.ua/laws/show/950-2007-%D0%BF#Text>;

56 Section 5 of the Study contains an analysis of the safeguards afforded to persons deprived of their personal liberty as a result of the armed aggression against Ukraine;

Category of survivors	Rights and guarantees under international standards for transitional justice	Key Ukrainian legislation and the rights and mechanisms it provides	Free legal aid	Responsible state authorities
Persons whose homes have been damaged or destroyed as a result of the armed aggression against Ukraine ⁵⁷	Reparations: restitution of housing, land, and property rights; compensation for material damage; restoration of safe living conditions; an effective and accessible administrative or judicial remedy. The right to truth: documentation of the fact, causes, and extent of the destruction. Satisfaction: official recognition of the harm and the responsibility of the aggressor state. Guarantees of non-recurrence: reconstruction of housing in compliance with safety, urban planning, and construction standards.	Law on Compensation No. 2923-IX ⁵⁸ determines the recipients of compensation, eligible property, forms of compensation, order of priority, institutional arrangements for exercising the right to compensation (commissions), and interaction with the RDDP. Law on Compensation No. 2923 primarily provides compensation and elements of restitution of housing conditions. However, it does not provide full reparation for all forms of material and psychological damage. CMU Resolution No. 381 of 21 April 2023 ⁵⁹ establishes the eRecovery compensation mechanism for the repair of damaged housing, including application, inspection, calculation, decision-making, a special account, and targeted use of funds. CMU Resolution No. 600 of 30 May 2023 ⁶⁰ provides for compensation for destroyed housing through a housing certificate or funds for new construction. CMU Resolution No. 473 of 19 April 2022 ⁶¹ regulates the submission of initial documentation on losses and harm. Law No. 1952-IV on State Registration of Property Rights to Immovable Property ⁶² establishes the procedure for confirming and restoring registration of ownership rights, required in order to access compensation. CMU Resolution No. 947 of 18 December 2013 ⁶³ is a historically important compensation mechanism for housing destroyed prior to 24 February 2022; although formally still in force, it is effectively no longer operational, and should be taken into account when analyzing legal relations that arose before the adoption of Law No. 2923-IX.	Everyone is entitled to free primary legal aid, including consultations, explanations of their rights, and help with applications. Ukrainian citizens who need to prove in court that they are entitled to have documents restored and to claim compensation for damaged or destroyed housing are entitled to free secondary legal aid (FSLA). This includes representation in court and preparation of procedural documents. FSLA may also be provided on other grounds, including IDP status, being a child, having a low income, or being disabled.	The authority responsible for the compensation mechanism is determined by the Government of Ukraine through provisions governing ministries and specific procedures. At the time of writing this study, the responsibilities of certain ministries were in the process of being redistributed following CMU Resolution No. 963 of 17 July 2026. The practical implementing bodies (state agencies) currently include: the ministry responsible for reconstruction and housing policy; the Ministry of Digital Transformation; the Ministry of Justice; state registrars; notaries; LGs and military administrations, as well as the commissions established by them to consider compensation matters; and the Pension Fund, in the context of specific programs.

⁵⁷ A detailed analysis of the national compensation mechanism is provided in Section 4 of the Study;

⁵⁸ <https://zakon.rada.gov.ua/laws/show/2923-20#Text>;

⁵⁹ CMU Resolution No. 381 of 21 April 2023, 'On Approval of the Procedure for Providing Compensation for the Restoration of Certain Categories of Immovable Property Damaged as a Result of Hostilities, Acts of Terrorism, and Sabotage Caused by the Armed Aggression by the Russian Federation, Using the eRecovery Electronic Public Service', <https://zakon.rada.gov.ua/laws/show/381-2023-%D0%BF#Text>;

⁶⁰ CMU Resolution No. 600 of 30 May 2023, 'On Approval of the Procedure for Providing Compensation for Destroyed Immovable Property', <https://zakon.rada.gov.ua/laws/show/600-2023-%D0%BF#Text>;

⁶¹ CMU Resolution No. 473 of 9 April 2022, 'On Approval of the Procedure for Carrying Out Urgent Works to Eliminate the Consequences of the Armed Aggression of the Russian Federation Related to Damage to Buildings and Structures', <https://zakon.rada.gov.ua/laws/show/473-2022-%D0%BF#Text>;

⁶² Law of Ukraine on State Registration of Corporeal Rights to Real Estate and Their Encumbrances., <https://zakon.rada.gov.ua/laws/show/1952-15#Text>;

⁶³ CMU Resolution No. 947 of 18 December 2013 'On Approval of the Procedure for Providing and Determining the Amount of Financial Assistance to Persons Affected by Emergency Situations and the Amount of Monetary Compensation to Persons Whose Residential Houses (or Flats) Have Been Destroyed as a Result of an Emergency Situation of a Military Nature Caused by the Armed Aggression of the Russian Federation', <https://zakon.rada.gov.ua/laws/show/947-2013-%D0%BF>;

Category of survivors	Rights and guarantees under international standards for transitional justice	Key Ukrainian legislation and the rights and mechanisms it provides	Free legal aid	Responsible state authorities
		Importantly, the legislation on housing compensation does not provide for full restitution of housing, land, and property rights. Along the survivor's pathway for obtaining compensation, rights and documents relating to housing are restored, entries in the relevant registers are reinstated, and housing is rebuilt or repaired. However, these are just some of the elements that make up the right to restitution of housing, land and property rights for displaced persons. ⁶⁴		
Internally displaced persons	Restitution: a voluntary, safe and dignified return; return of housing and property or compensation where return is impossible. Rehabilitation: housing, medical, psychological, social and legal services. Non-discrimination: equal access to documents, pensions, education, employment, voting and social rights. Participation: involvement of IDPs in the decision-making process as regards return, integration, or resettlement. Guarantees of non-recurrence: safe conditions for return, demining, restoration of infrastructure, and prevention of further displacement.	Law No. 1706-VII of 20 October 2014 ⁶⁵ establishes the status of IDP and provides for rights to documents, social payments, employment, education, healthcare, housing, family unity, voluntary return or integration. The Law provides important elements of rehabilitation, non-discrimination, and restitution, but most payments constitute social support rather than reparations. CMU Resolution No. 509 of Ukraine of 1 October 2014 ⁶⁶ sets out the procedure for registering IDPs and issuing IDP certificates. CMU Resolution No. 332 of Ukraine of 20 March 2022 ⁶⁷ sets out the procedure for providing subsistence assistance; this is social support rather than compensation for a violation of rights. CMU Resolution No. 495 of Ukraine of 29 April 2022 ⁶⁸ regulates the establishment of housing funds for temporary accommodation. This, likewise, is not reparation, as it does not restore the violated right but, rather, provides a temporary solution. CMU	IDPs have the express right to all forms of FSLA, including representation before courts and public authorities, preparation of procedural documents, and, where provided for by law, defense. Persons challenging a refusal to register them as IDPs also have a specific right to FSLA in the relevant proceedings.	Responsibility for IDP policy is distributed among various public authorities: the authority responsible for policy concerning IDPs, communities, and territories; the Ministry of Social Policy was in charge for social payments and services; the Pension Fund for the allocation and payment of certain types of assistance; the National Social Service for oversight of social services; local governments and military administrations for registration, housing, and integration; while the Ministry of Health, Ministry of Education and Science, State Employment Service, and State Migration Service were all responsible for sector-specific rights.

⁶⁴ Restitution may include the restoration of a person's ownership, lease, use, or other housing rights; the physical return of a house, flat, land, or other property; the eviction, through due process, of unlawful or temporary secondary occupants; the annulment of unlawful decisions concerning the confiscation, 'nationalization', transfer or re-registration of property; restoration of entries in land and property registers; restoration of lost or destroyed documents; restoration of rights for women, heirs, tenants, and other lawful users, and not just formal owners alone; reconstruction or repair of housing where this is necessary in order to make its actual return possible; and the provision of equivalent property or compensation where the return of the original property is no longer possible, <https://2001-2009.state.gov/documents/organization/99774.pdf>;

⁶⁵ Law of Ukraine on Ensuring the Rights and Freedoms of Internally Displaced Persons, <https://zakon.rada.gov.ua/laws/show/1706-18#Text>;

⁶⁶ CMU Resolution No. 509 of 1 October 2014 'On the Registration of Internally Displaced Persons', <https://zakon.rada.gov.ua/laws/show/509-2014-%D0%BF#Text>;

⁶⁷ П CMU Resolution No. 332 of Ukraine of 20 March 2022 'Certain Issues Concerning the Payment of Subsistence Assistance to Internally Displaced Persons', <https://zakon.rada.gov.ua/laws/show/332-2022-%D0%BF#Text>;

⁶⁸ CMU Resolution No. 495 of Ukraine of 29 April 2022 'Certain Measures for Establishing Housing Funds Intended for the Temporary Accommodation of Internally Displaced Persons', <https://zakon.rada.gov.ua/laws/show/495-2022-%D0%BF#Text>;

Category of survivors	Rights and guarantees under international standards for transitional justice	Key Ukrainian legislation and the rights and mechanisms it provides	Free legal aid	Responsible state authorities
		Resolution No. 930 of Ukraine of 1 September 2023 ⁶⁹ sets out the procedure for operating temporary accommodation facilities, along with minimum standards. This, likewise, is not reparation, as it does not restore the violated right but provides a temporary solution. Special housing and compensation programs for certain IDP groups may implement elements of restitution and compensation simultaneously.		Following CMU Resolution No. 963 of 17 July 2026, at the time of writing this Study, the responsibilities of the ministries were in the process of being redistributed.
Children affected by hostilities and armed conflicts (the so-called 'children of war')	The child's best interests, non-discrimination, the right to be heard and to participate in decisions. The right to truth: age-appropriate information about the fate of family members and the reasons for violations. Justice: child-friendly investigations and special protection for child survivors and witnesses. Reparations: physical and psychological rehabilitation, social reintegration, restoration of education, documents, family ties, and housing conditions; compensation for harm. Satisfaction and remembrance: recognition of children's experiences, without stigmatizing them. Guarantees of non-recurrence: protection from recruitment, deportation, repeated violence, indoctrination, and discrimination.	Law of Ukraine No. 2402-III 'On the Protection of Childhood' ⁷⁰ , in particular Article 30 ¹ , defines the concept of a child affected by hostilities and armed conflicts (the so-called 'status') and provides for protection, care, physical and psychological recovery, and social reintegration. CMU Resolution No. 268 of 5 April 2017 ⁷¹ establishes the procedure for granting the status of a 'child of war', including the grounds, the documents required, the competent authority, and the decision-making procedure. The 'child of war' status constitutes a form of official recognition of harm but does not provide a full package of reparations. CMU Resolution No. 547 of 1 June 2023 ⁷² expanded and clarified the grounds for obtaining the 'child of war' status following the full-scale invasion. CMU Resolution No. 585 of 1 June 2020 ⁷³ established procedures for identifying and assessing needs and providing social protection to children in difficult life circumstances. CMU Resolution No. 866 of 24 September 2008 establishes the procedures governing the work of guardianship and custody authorities, the protection of children's rights and the placement of children. The Criminal Procedure Code and specialized Barnahus procedures provide elements related to access to justice and protection against re-traumatization.	All children are entitled to all forms of FSLA, regardless of whether they have the 'child of war' status. This includes representation of their interests, preparation of procedural documents, and other services provided for by law. Thus, a 'child of war', an IDP who is a child, a child who is a victim in criminal proceedings, etc., are all entitled to FSLA.	Ministry of Social Policy; National Social Service; services for children; guardianship and custody authorities; social services centers; Ministry of Health; Ministry of Education and Science; National Police, prosecutors and courts are responsible for criminal proceedings. The decision to grant the 'child of war' status is made by the guardianship and custody authority in accordance with the procedure established by CMU Resolution No. 268.

69 CMU Resolution No. 930 of Ukraine of 1 September 2023 'Certain Issues Concerning the Operation of Temporary Accommodation Facilities for Internally Displaced Persons';

70 <https://zakon.rada.gov.ua/laws/show/2402-14#Text>;

71 CMU Resolution No. 268 of 5 April 2017, 'On Approval of the Procedure for Granting the Status of a Child Affected by Hostilities and Armed Conflicts', <https://zakon.rada.gov.ua/laws/show/268-2017-%D0%BF#Text>;

72 CMU Resolution No. 547 of 1 June 2023, 'On Amendments to the Procedure for Granting the Status of a Child Affected by Hostilities and Armed Conflicts', <https://zakon.rada.gov.ua/laws/show/547-2023-%D0%BF#Text>;

73 CMU Resolution No. 585 of 1 June 2020, 'On Ensuring Social Protection of Children in Difficult Life Circumstances', <https://zakon.rada.gov.ua/laws/show/585-2020-%D0%BF#Text>;

Category of survivors	Rights and guarantees under international standards for transitional justice	Key Ukrainian legislation and the rights and mechanisms it provides	Free legal aid	Responsible state authorities
People affected by sexual violence committed in connection with Russia's armed aggression.	Survivor-centered approach; confidentiality, safety, voluntary basis, and prevention of re-traumatization. Right to truth and justice: effective investigation, participation in proceedings, and protection of survivors and witnesses. Reparations: urgent interim reparations; compensation; medical, psychological, psychosocial, legal, and social rehabilitation; restoration of documents, housing, employment, and social status. Satisfaction: official recognition of harm, restoration of dignity and efforts to combat stigma. Guarantees of non-recurrence: accountability of perpetrators; training for investigators, prosecutors, healthcare professionals, social workers, and legal professionals; elimination of discrimination. International standards expressly require that special measures be in place for survivors of sexual violence.	Law No. 4067-IX of 20 November 2024⁷⁴ establishes the status of a survivor, including for children born as a result of CRSV, and sets out the principles of confidentiality, respect for dignity, non-discrimination, safety and voluntariness, as well as the right to information and legal, medical, psychological, and social assistance. The Law expressly defines these as a set of measures aimed at addressing urgent needs and restoring violated rights.⁷⁵ It is the first Ukrainian law to expressly use the category of 'urgent interim reparations'. However, the Law does not establish a comprehensive reparations system and, in particular, does not provide for full compensation for material and psychological damage or restitution. CMU Resolution No. 811 of 4 June 2026⁷⁶ establishes the procedure for recognizing a person as a survivor of CRSV, the procedure for granting and paying urgent interim reparations, and procedures for inter-agency cooperation. The Resolution establishes a practical mechanism for paying reparations, partially provides the right to truth, and contributes to satisfaction by officially recognizing a person's status as a survivor. It also partially guarantees non-recurrence by establishing an inter-agency response system. The procedure for applying for recognition as a survivor sets out the method of submitting applications, the list of documents, alternative means of corroborating facts, applicants' rights, and application deadlines. It thereby facilitates access to the administrative procedure. The Criminal Code and Criminal Procedure Code provide for the status of survivor, procedural rights, investigation, and the prosecution of perpetrators.	Persons recognized as CRSV survivors are entitled to free primary and free secondary legal aid in matters concerning the exercise of the guarantees provided under Law No. 4067-IX. This right also applies to persons challenging a refusal to be recognized as survivors. Survivors in criminal proceedings concerning offences against sexual freedom, torture or ill-treatment during wartime also have specific grounds for receiving FSLA. Services include representation before courts and public authorities and the preparation of procedural documents.	Ministry of Social Policy; Commission for Recognition of a Person as a Survivor; National Social Service; Ministry of Health; Ministry of Justice and the FLA system; National Police; local providers of social, medical, and psychological services. The Prosecutor General's Office is responsible for procedural supervision and coordination of investigations.

⁷⁴ Law of Ukraine No. 4067-IX of 20 November 2024 'On the Legal and Social Protection of Persons Affected by Conflict-Related Sexual Violence in Connection with the Armed Aggression of the Russian Federation against Ukraine and the Provision of Urgent Interim Reparations to Such Persons', https://zakon.rada.gov.ua/laws/main/4067-20?utm_source=chatgpt.com#Text;

⁷⁵ The implementation of Law No. 4067-IX of 20 November 2024 was significantly delayed; key secondary legislation was only adopted in 2026, leaving the Law largely declarative for almost a year, <https://surl.li/qietqk>;

⁷⁶ CMU Resolution No. 811 of 4 June 2026 'Certain Issues Concerning the Recognition of a Person as a Survivor of Conflict-Related Sexual Violence in Connection with the Armed Aggression of the Russian Federation against Ukraine and the Granting and Payment of an Urgent Monetary Payment to Such a Person', <https://zakon.rada.gov.ua/laws/show/811-2026-%D0%BF#Text>;

Category of survivors	Rights and guarantees under international standards for transitional justice	Key Ukrainian legislation and the rights and mechanisms it provides	Free legal aid	Responsible state authorities
Individuals recognized as having been deprived of their personal liberty due to the armed aggression against Ukraine, and their family members	Restitution: immediate release, restoration of liberty, documents, legal status, employment, and family life. Right to truth: establishing the person's whereabouts, the circumstances of their detention, and their fate; access to information for family members. Justice: effective investigation of unlawful deprivation of liberty, torture, and other crimes; participation of survivors in proceedings. Compensation: for material and psychological damage, loss of income and opportunities. Rehabilitation: medical, psychological, social, legal, vocational, and post-isolation support. Satisfaction: official recognition of the fact, restoration of dignity, and establishment of the truth. Guarantees of non-recurrence: investigation, accountability, and changes to security practices and treatment of survivors.	Law No. 2010-IX of 26 January 2022 ⁷⁷ sets out the process for establishing cases of deprivation of personal liberty. It also establishes a Unified Register and provides for annual and one-off state financial assistance, as well as medical, rehabilitation, psychological, social, educational, and employment support for released individuals and their families. Retention of employment, assistance with employment, and state support for education are elements of restitution and reintegration. The Law is comprehensive, but financial assistance does not amount to full compensation for all material and psychological damage. Law No. 2010-IX establishes a separate reimbursement mechanism for expenses incurred in obtaining professional legal assistance to protect the rights and legitimate interests of a person deprived of liberty. This is distinct from FSLA: it concerns the reimbursement of the cost of engaging a private lawyer under the relevant special legislation. CMU Resolution No. 1775 of 24 December 2022 ⁷⁸ establishes a mechanism for providing priority support to civilians upon their release. This support includes assessing their needs and referring them to medical, psychological, social, and legal services. CMU Resolution No. 1775 of 24 December 2025 ⁷⁹ establishes a mechanism for providing priority support to civilians following their release, assessing their needs, and referring them to medical, psychological, social, and legal services.	They are entitled to all forms of FSLA both while the deprivation of liberty is ongoing and after release, in matters relating to the protection of rights and legitimate interests violated as a result of such deprivation. Physical release is not a prerequisite for this right. However, the specific right to FSLA does not arise until the Commission has adopted a decision establishing the fact; before then, the person and their family members may use free primary legal aid or FSLA on other grounds provided for by law.	The Ministry of Communities and Territories Development of Ukraine provides organizational support to the Commission and maintains the register (now renamed). Other bodies involved include the Coordination Headquarters for the Treatment of Prisoners of War; the Ministry of Internal Affairs; the SSU; the Ministry of Defense; the Ministry of Foreign Affairs; the Ministry of Health; the Ministry of Social Policy; the Ministry of Justice and the FLA system; the Pension Fund; the National Police; the prosecution authorities; the Ukrainian Parliament Commissioner for Human Rights; and local authorities. Following CMU Resolution No. 963 of 17 July 2026, at the time of writing this Study, the responsibilities of the ministries were in the process of being redistributed.

Reparations for survivors should be provided by the aggressor state, the Russian Federation, which bears responsibility for the harm and losses caused.⁸⁰ However, Ukraine must establish national mechanisms for providing reparation and other forms of assistance to survivors of gross violations of international human rights law and serious violations of international humanitarian law^{81,82} with a view to subsequently seeking reparation from the aggressor state.⁸³

77 Law of Ukraine on Social and Legal Protection of Persons Recognized as having been Deprived of their Personal Liberty due to the Armed Aggression Against Ukraine, and Their Family Members, <https://surl.li/daakqg>;

78 CMU Resolution No. 1281 of 15 November 2022 'Certain Issues Concerning the Implementation of the Law of Ukraine on the Social and Legal Protection of Persons Recognized as having been Deprived of Personal Liberty due to the Armed Aggression Against Ukraine, and Members of Their Families', <https://zakon.rada.gov.ua/laws/show/1281-2022-%D0%BF#Text>;

79 CMU Resolution No. 1775 of 24 December 2025 'On Approval of the Procedure for Carrying Out Priority Support Measures for Civilians Affected by Deprivation of Personal Liberty due to the Armed Aggression against Ukraine and on Amendments to Certain Resolutions of the Cabinet of Ministers of Ukraine', <https://zakon.rada.gov.ua/laws/show/1775-2025-%D0%BF#Text>;

80 UN General Assembly Resolution A/RES/ES-11/5 of 14 November 2022, 'Furtherance of remedy and reparation for aggression against Ukraine' <https://digitallibrary.un.org/record/3994481?ln=ru&v=pdf>;

81 Basic Principles and Guidelines on the Right to a Remedy and Reparation for Survivors of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law, <https://surl.li/cpijho>;

82 TSee also the international standards set out in Section 4.1 of this Study;;

83 Principles 15 and 16, <https://surl.li/fszcab>;

A national transitional justice policy (or model) must be developed and adopted without delay.

A brief overview of the State's efforts to implement the international transitional justice framework demonstrates that there is a strong public demand for justice. A significant proportion of the measures adopted were initiated, developed, and advocated for by civil society organizations. That being said, the process has often been piecemeal and reactive, rather than systematic and strategic.

From a human rights-based and survivor-centered perspective, we would emphasize that decisions about which categories of survivors should be recognized, what forms of urgent interim reparations should be provided, and how these should be combined with social support measures and resource allocation, must be based on criteria that are clear, transparent, and fair. A lack of transparency in decision-making and the failure to conduct broad public consultations on draft decisions that directly affect survivors — particularly draft laws submitted to Parliament by Members of Parliament — increase social tensions, exacerbate 'competition among survivors', and create additional lines of division within society.

Work on developing transitional justice policy proposals has been under way since 2018 and has produced a number of key outcomes, including: a draft law on the principles of transitional justice developed by human rights organizations⁸⁴, the Transitional Justice Roadmap⁸⁵, a draft law on the principles of transitional justice developed by the Ukrainian Parliament Commissioner for Human Rights⁸⁶, a draft transitional justice concept (2021) prepared by the Working Group on the Reintegration of Temporarily Occupied Territories of the Commission on Legal Reform under the President of Ukraine (now dissolved), and Draft Law No. 5844, 'On the Principles of State Policy for the Transitional Period', developed by the Ministry for Reintegration of the Temporarily Occupied Territories in 2021 (the Ministry has since been dissolved).

A substantial body of work therefore already exists that could form the basis for developing a Ukrainian model for transitional justice. At the same time, the development process should involve broad consultations and dialogue, since the process of policymaking itself is also an important component of transitional justice.

Certain aspects of implementing transitional justice mechanisms fall, or have at different times fallen, within the remit of various state authorities (the Ministry of Justice of Ukraine, the Ministry for Communities and Territories Development of Ukraine, which has been renamed the Ministry for Recovery, Infrastructure and Transport of Ukraine, the Ministry of Social Policy of Ukraine, the Ministry of Internal Affairs of Ukraine, the Mission of the President of Ukraine's Representative in the Autonomous Republic of Crimea, and other institutions). None of these bodies has been designated as the lead state authority responsible for developing, coordinating, and monitoring a comprehensive transitional justice policy. As a result, individual transitional justice mechanisms have developed in isolation within different areas of state policy, meaning they could not be coordinated effectively and given sufficient complementarity, and undermining a survivor-centered approach.

Thus, the key institutional challenge to developing a transitional justice policy in Ukraine is the absence of a policy lead responsible for drawing up a comprehensive transitional justice policy, coordinating its implementation right across government, monitoring its implementation, and assessing its effectiveness.

84 <https://www.helsinki.org.ua/articles/uhspl-ta-ukrajinskyj-institut-prav-lyudyny-prezentuvaly-zakonoproekt-schodo-derzhpolityky-zahystu-prav-lyudyny-v-umovah-podolannya-naslidkiv-zbrojnoho-konfliktu/>;

85 <https://surl.li/teosfm>;

86 <https://www.helsinki.org.ua/articles/navishcho-ukraintsiam-perekhidne-pravosuddia-oleksandr-pavlichenko-pro-hlobalni-projekty-uhspl/>;

SECTION 4

ENSURING GUARANTEES FOR SURVIVORS WHOSE HOMES HAVE BEEN DESTROYED OR DAMAGED AS A RESULT OF THE ARMED AGGRESSION AGAINST UKRAINE

Research into the provision of housing for survivors in Ukraine remains highly relevant in view of several interrelated factors, namely:

- the ongoing rise in the number of homes that have been damaged and destroyed as a result of hostilities due to the armed aggression against Ukraine;⁸⁷
- the European Union's implementation of a policy aimed at the voluntary and gradual return of Ukrainian refugees to Ukraine and their sustainable reintegration by 4 March 2027.⁸⁸ As of 30 April 2026, 5,213,200 refugees from Ukraine were registered in European countries.⁸⁹ Housing is one of the key policy challenges facing Ukraine, as large-scale returns of citizens will remain unrealistic without accessible and safe housing solutions. Addressing the housing issue is therefore a strategic prerequisite for the sustainable reintegration of the population, the recovery of the labor market, and the country's post-war reconstruction;
- Ukraine's fulfilment of its international obligations to ensure effective remedies for survivors in accordance with the international framework for transitional justice, which encompasses obligations under international human rights law and international humanitarian law;^{90,91}
- demand from public officials involved in the 'survivor's pathway' for clarification of the legislation governing reparation for destroyed or damaged housing, particularly in so-called complex cases (where an applicant lacks some or all of the required documents, does not have access to digital services, or faces other circumstances that make it difficult to exercise the right to reparation). Cases like these are analyzed in this Study.⁹²

The Study examines the national reparation mechanism through the lens of the international transitional justice framework and the criteria for effective remedies available to survivors. It considers this mechanism as a means of restoring survivors' rights and dignity, rather than as an additional housing policy instrument, along the lines of the state mortgage program eOselia (eHousing), grant or humanitarian repair programs implemented by international organizations, or investment programs for the reconstruction of the housing stock. Unlike the national reparation mechanism, these programs do not provide for the transfer of housing into the private ownership of survivors

87 According to the Fifth Rapid Damage and Needs Assessment (RDNA5), published in February 2026, **approximately 14% of the country's total housing stock had been damaged or destroyed** as a result of the armed aggression. The total number of residential buildings affected exceeded **250,000**, including 210,000 private houses and 30,000 multi-apartment buildings. **Direct damage to the housing sector as of February 2026 was estimated at USD 61.1 billion**, while full recovery needs over the following 10 years were estimated at **USD 90 billion**. More than 3 million households were directly affected by the destruction, and a similar number of people have an acute need for new housing <https://documents1.worldbank.org/curated/en/099022026094036395/pdf/P514499-22f93f3a-4278-42bc-b907-db9553d12069.pdf>;

88 https://ec.europa.eu/commission/presscorner/detail/uk/ip_25_1391;

89 <https://data.unhcr.org/en/situations/ukraine>;

90 Principle 15 <https://docs.un.org/en/A/RES/60/147>;

91 Article 91 of Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol II), of 8 June 1977, <https://ihl-databases.icrc.org/en/ihl-treaties/api-1977?activeTab=>

92 The requests were collected during training sessions with public officials and education service providers conducted by the UHHRU in 2025–2026 <https://www.helsinki.org.ua/articles/robota-publichnykh-sluzhbovtiv-potrebuie-zastosuvannia-pryntsyviv-perekhidnoho-pravosuddia-10-kliuchovykh-idey-z-treninhu-dlia-treneriv/>;

or require recipients to contribute co-financing. At the same time, such programs play an important role in expanding survivors' access to housing.

4.1. International standards and approaches as analytical criteria

An analysis of international standards developed by the UN, the Council of Europe, and the European Union demonstrates that the right to housing in times of war is multifaceted and serves several interrelated functions. It is:

- **an inherent component of human dignity** and a prerequisite for a dignified life (Article 25 of the Universal Declaration of Human Rights⁹³, Article 11 of the ICESCR⁹⁴, General Comment No. 4 of the UN Committee on Economic, Social and Cultural Rights,⁹⁵ Article 34(3) of the Charter of Fundamental Rights of the EU⁹⁶);
- **a minimum humanitarian standard**, that the State is required to ensure for persons affected by war, internally displaced persons, and refugees (UN Guiding Principles on Internal Displacement, Principles 18 and 21⁹⁷, the Convention relating to the Status of Refugees,⁹⁸ General Comment No. 4 of the UN Committee on Economic, Social and Cultural Rights⁹⁹, Articles 16 and 31 of the European Social Charter¹⁰⁰);
- **a means of restoring violated rights** within the system of reparations and transitional justice, whereby housing is regarded as an object of restitution or reparation (Basic Principles and Guidelines on the Right to a Remedy and Reparation,¹⁰¹ Principle 21 of the Pinheiro Principles¹⁰²);
- **an object of property rights**, subject to effective protection and restoration (Article 8 of the ECHR¹⁰³, Article 1 of Protocol No. 1 to the ECHR¹⁰⁴, ECtHR case-law¹⁰⁵, the Pinheiro Principles¹⁰⁶).

93 https://zakon.rada.gov.ua/laws/show/995_015#Text;

94 https://zakon.rada.gov.ua/laws/show/995_042#Text;

95 <https://www.ohchr.org/en/documents/general-comments-and-recommendations/committee-economic-social-and-cultural-rights>;

96 https://fra.europa.eu/en/eu-charter/article/34-social-security-and-social-assistance?utm_source=chatgpt.com;

97 <https://www.iom.int/guiding-principles-internal-displacement>;

98 https://zakon.rada.gov.ua/laws/show/995_011#top;

99 <https://www.ohchr.org/en/documents/general-comments-and-recommendations/committee-economic-social-and-cultural-rights>;

100 https://policehumanrightsresources.org/content/uploads/1961/01/European-Social-Charter.pdf?x36399=&utm_source=chatgpt.com;

101 https://www.ohchr.org/en/instruments-mechanisms/instruments/basic-principles-and-guidelines-right-remedy-and-reparation?utm_source=chatgpt.com;

102 <https://docs.un.org/en/E/CN.4/Sub.2/2005/17>;

103 https://zakon.rada.gov.ua/laws/show/995_004#Text;

104 https://zakon.rada.gov.ua/laws/show/994_535#Text;

105 **In the ECtHR's case-law**, the concept of 'home' is not limited to premises that are lawfully possessed by a person or were lawfully constructed. It is an autonomous concept that does not depend on its classification under national law. For particular premises to qualify as a 'home', there must be sufficient and continuous links with those premises, to be determined on the basis of the facts of the case (*Prokopovich v. Russia*, 2004, no. 58255/00, § 36). Premises may constitute a 'home' even where they were owned by a municipality and the tenants living there lost their right to occupy them (*McCann v. the United Kingdom*, 2008, no. 19009/04, § 46). Loss of a home constitutes the most extreme form of interference with the right to respect for one's home (*McCann v. the United Kingdom*, 2008, no. 19009/04, § 50). In the context of reparation, the Court has emphasized that where access to property is impossible, the State is required to take alternative measures to secure property rights (*Sargsyan v. Azerbaijan*, 2015, no. 40167/06, § 234). This obligation does not depend on whether the State can be held responsible for the displacement itself. The mere fact that a State is participating in peace negotiations does not relieve it of its obligation to take concrete measures to protect the property rights of survivors, particularly where such negotiations have continued for a prolonged period (*Sargsyan v. Azerbaijan*, 2015, no. 40167/06, § 236–237). The Court has referred to PACE Resolution 1708 (2010) on solving property issues of refugees and internally displaced persons. Drawing on relevant international standards, the Resolution calls on member States to 'guarantee timely and effective redress for the loss of access and rights to housing, land and property abandoned by refugees and IDPs without regard to pending negotiations concerning the resolution of armed conflicts or the status of a particular territory'. As regards the specific measures that a State should take, the ECtHR has indicated that a property claims mechanism should be established that is readily accessible and provides procedures applying flexible standards of evidence. This should enable applicants and others in similar situations to restore their property rights and obtain reparation for the loss of those rights (*Sargsyan v. Azerbaijan*, 2015, no. 40167/06, § 238, *Chiragov and Others v. Armenia*, 2015, no. 13216/05, § 199). <https://surli.cfjszy>;

106 <https://docs.un.org/en/E/CN.4/Sub.2/2005/17>;

Drawing on UN standards and approaches, ECtHR case-law, and Council of Europe approaches, this Study uses the following *criteria for the establishment and functioning* of a national reparation mechanism for destroyed or damaged housing as its analytical framework:

- **Legal security of tenure:** legal protection of a person's tenure of housing, protecting people from forced eviction and other forms of unlawful interference.
- **Habitability:** housing that is safe and fit for habitation.
- **Availability of basic services:** access to safe water, electricity, heating, sanitation, and other essential utilities.
- **Accessibility:** taking into account the needs of persons with disabilities, older persons, and other vulnerable groups.
- **Affordability:** reparation should be sufficient to enable a person to secure adequate housing in practice without imposing an excessive financial burden.
- **Location:** access to employment, education, healthcare, and other essential services.
- **Cultural adequacy:** housing solutions should take into account the way of life and needs of the community.
- **Non-discrimination:** tenants and users of social or non-privatized housing should be entitled to participate in recovery programs regardless of whether they hold ownership rights; IDPs should have access to safe housing/shelter without discrimination; children have the right to an adequate standard of living, including housing; persons with disabilities have the right to an adequate standard of living and social protection, including access to state housing programs; discrimination against women should be prohibited, with equal access to property, housing, inheritance, and social protection.

It is also important to apply the system of *criteria for the 'effectiveness' of remedies*^{107,108}, which should ensure that a violated right is genuinely restored, rather than exist merely as a formality:

- **Accessibility:** the absence of excessive legal, financial, digital, administrative, or physical barriers^{109,110};
- **Adequacy:** the size of the reparations should correspond to the actual scale of the harm and enable the person to secure adequate housing¹¹¹;
- **Promptness:** the mechanism should operate without unjustified delays in the processing of applications and the payment of reparations.
- **Survivor-centered approach:** the procedure should take the needs of the survivor into account and avoid re-traumatizing them.

Thus, a reparation mechanism for destroyed or damaged housing (hereinafter, the reparation mechanism) should be assessed not merely in terms of the 'payment of funds', but also in terms of its ability to *restore a person's dignity, ensure that the right to adequate housing can be exercised, restore violated property rights, and guarantee an effective remedy in accordance with international standards.*

107 <https://www.corteidh.or.cr/tablas/r26214.pdf>;

108 Basic Principles and Guidelines; <https://surl.li/yubrfrm>;

109 ICCPR, Article 2(3) https://zakon.rada.gov.ua/laws/show/995_043#Text;

110 General Comment No. 31 [80], The nature of the general legal obligation imposed on States Parties to the Covenant, CCPR/C/21/Rev.1/Add.13, 2004, https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?Lang=en&symbolno=CCPR%2FC%2F21%2FRev1%2FAdd.13&utm_source=chatgpt.com;

111 https://peacemaker.un.org/en/documents/basic-principles-and-guidelines-right-remedy-and-reparation-victims-gross-violations?utm_source=chatgpt.com;

This comprehensive approach is consistent with the approach reflected in UN documents, Council of Europe practice, the case-law of the European Court of Human Rights, and the modern concept of transitional justice.

*As a survey conducted among lawyers demonstrates, **62% of respondents rated the current procedure as ‘very complicated’ or only ‘partially accessible’**, indicating that it does not meet the criteria of accessibility and simplicity.*

4.2. Evolution of the national reparation mechanism (2014–2026)

The ATO and Emergency Situation stage (2014–2021)

Until 2022 (i.e., before the full-scale invasion), the first reparation mechanism was Procedure No. 947¹¹². It provided for reparation for losses and damage suffered by survivors whose homes had been destroyed or damaged as a result of the armed aggression against Ukraine in the Donetsk and Luhansk oblasts before 2022. This reparation mechanism was based on legislation governing civil protection of the population; however, the initial versions of the Procedure approved by CMU Resolution No. 947 did not take the specific circumstances of being in a state of martial law into account¹¹³.

The distinctive features of this mechanism included the following:

- For the first time, the category of ‘survivors’ was defined at the regulatory level, making them ‘visible’ to the State. In particular, amendments to Procedure No. 947 adopted in 2019 recognized as survivors persons whose residential houses (or flats) had been destroyed as a result of an emergency situation of a military nature caused by the armed aggression against Ukraine (such survivors were eligible for financial compensation)¹¹⁴;
- The group of eligible recipients included not only owners but also lawful users (or tenants) of state- and municipally-owned housing¹¹⁵;
- The right to monetary assistance and reparation was not limited to Ukrainian citizens¹¹⁶.

Despite its importance, this first reparation mechanism had significant financial and procedural shortcomings, namely:

- Payments were severely limited: the reparations for destroyed housing were never higher than UAH 300,000, while assistance for damaged housing amounted to between three and fifteen subsistence minimums only;
- Access to reparation was further restricted by the geographical scope of the conflict, while IDPs were effectively deprived of the right to receive assistance for damaged housing if they left the town or settlement where it was located;
- The procedure created legal risks, as, for a considerable period of time, it required owners to terminate their ownership rights in the register before a final decision on the payment of reparations had been made;

112 <https://zakon.rada.gov.ua/laws/show/947-2013-%D0%BF#Text>;

113 <https://www.helsinki.org.ua/articles/kompensatsii-za-zruynovane-zhytlo-chomu-milyony-ukraintsiv-ne-mozhut-otrymaty-vidshkoduвання/>;

114 <https://zakon.rada.gov.ua/laws/show/623-2019-%D0%BF/ed20190726#n15>; the subsequent amendments distinguished between financial assistance and financial compensation, and restricted the entitlement to financial compensation to those whose homes had been recovered <https://www.helsinki.org.ua/articles/kompensatsii-za-zruynovane-zhytlo-chomu-milyony-ukraintsiv-ne-mozhut-otrymaty-vidshkoduвання/>;

115 https://r2p.org.ua/storage/documents/72f594464e66a08830e67601f3b75cb92ebc70d6_original.pdf;

116 <https://surl.li/mitwae>;

- Due to chronic underfunding and the fact that the new reparation mechanisms did not have retroactive effect, thousands of survivors from the first stage of the armed aggression are still yet to receive reparations, and are effectively caught in a 'time trap'.¹¹⁷

For example, as of the beginning of 2022, the State Budget allocated only UAH 80.8 million for reparation under Procedure No. 947. Given that the maximum payment was UAH 300,000 (regardless of the size of the destroyed housing), this was only sufficient to compensate a small proportion of survivors.¹¹⁸

The first case-law on reparations for destroyed or damaged housing began to emerge in 2015, based on the provisions of the Law of Ukraine on Combating Terrorism, which was then in force. These cases concerned claims for reparation from the State of Ukraine for housing destroyed or damaged as a result of a terrorist act. The Civil Protection Code of Ukraine also provided for various forms of assistance in the event of emergencies, including emergencies of a military nature, under the aforementioned Procedure No. 947.

Case-law in this category established the following legal position: the Law of Ukraine on Combating Terrorism and the Civil Protection Code of Ukraine do not apply to the legal relationships at issue in claims for reparation from the State of Ukraine; Ukraine is required to fulfil its positive obligations under Article 1 of Protocol No. 1 to the ECHR towards its citizens, including by adopting a specific legal act providing for the payment of reparations to the owner for damage caused to their non-residential property by a terrorist act. The conclusions of the Supreme Court in this case were subsequently applied consistently to cases concerning residential property as well.¹¹⁹

Following the amendments that were made to Procedure No. 947 in 2019, case-law also began to develop concerning challenges to decisions of the Commissions responsible for considering applications for financial compensation to survivors whose residential houses (or flats) had been destroyed as a result of an emergency situation of a military nature caused by the armed aggression against Ukraine.

At the same time, in cases where applicants sought reparation from the State of Ukraine for destroyed or damaged housing, particularly following the full-scale invasion, the courts began rejecting claims against the State of Ukraine.¹²⁰

Following the full-scale invasion, favorable case-law for survivors was eventually established in claims against the RF for reparations for damage.

With the adoption of Compensation Law No. 2923-IX¹²¹ and the relevant secondary legislation, new case-law began to develop concerning challenges to decisions of the Commissions responsible for considering applications for reparations for immovable property destroyed as a result of hostilities, terrorist acts, and acts of sabotage caused by the armed aggression against Ukraine. The establishment of such Commissions is provided for by Compensation Law No. 2923-IX.

Thus, *tens of thousands of people whose housing was affected between 2014 and 2021 have remained outside the scope of the new compensation mechanism*, as it does not have retroactive effect.

117 https://r2p.org.ua/storage/documents/72f594464e66a08830e67601f3b75cb92ebc70d6_original.pdf;

118 https://www.helsinki.org.ua/wp-content/uploads/2025/06/UKR_Kompensatsii-za-zhytlo-zruynovane-chy-poshkozhdzhene-vnaslidok-rosiysko-ukrainskoi-viyny-natsionalnyy-ta-mizhnarodnyy-vymiry-1.pdf;

119 https://www.helsinki.org.ua/wp-content/uploads/2025/02/Compensation_ukr-A4_100225.pdf;

120 Ibid.;

121 <https://zakon.rada.gov.ua/laws/show/2923-20#Text>;

The Digital Transformation stage (2022–2026)

Compensation Law No. 2923-IX provides the legal basis for the national reparation mechanism for destroyed and damaged housing. It applies exclusively to damage and destruction caused by the full-scale invasion of Ukraine on 24 February 2022 and thereafter.

Under this Law, *the following types of national reparation mechanism* are currently available:

1. Monetary compensation to restore damaged housing includes providing funds for construction materials and works, as well as reimbursing expenses for materials already purchased or repair works already completed. The mechanism for reimbursing expenses for materials already purchased and works already completed remains only partially implemented in practice. This is provided through the eRecovery program (hereinafter, Procedure No. 381)¹²². This type of compensation covers two categories: payments for minor repairs (Category A: up to UAH 200,000) and major repairs (Category B: flats **from** UAH 200,000 to UAH 350,000; private (individual) houses: **from** UAH 200,000 to UAH 500,000);
2. Compensation for destroyed housing takes the form of a housing certificate for destroyed flats, residential premises, and other units in multi-apartment buildings. A housing certificate may be used to finance the purchase of housing or the financing of (or investment in) housing construction (Procedure No. 600);¹²³
3. Compensation for a destroyed private house takes the form of funds transferred to a special-purpose account. The compensation is available for destroyed detached houses, garden cabins, or houses in the countryside and may be provided in the form of funds transferred to a current account, which must be used for the construction of a new house (Procedure No. 600);¹²⁴
4. Transfer, to the recipient of the compensation, of ownership of a replacement immovable property, restored under local recovery programs. This mechanism was added to Compensation Law No. 2923-IX in 2024. Its use depends to a significant extent on whether the corresponding local recovery programs are available¹²⁵;
5. A separate procedure for providing IDPs with compensation for damaged/destroyed immovable property governed by Procedure No. 1432.¹²⁶

The implementation status of these types of compensation, as of June 10, 2026, is as follows (according to information from the Ministry for Recovery, Infrastructure and Transport of Ukraine):

- 206,447 households have received compensation, with the overall total standing at UAH 103.9 billion;
- more than 138,000 households have received compensation for damaged housing, totaling UAH 13.6 billion. The total number of applications submitted during the three years of the program was in excess of 223,000;

¹²² The procedure for providing reparations for the restoration of damaged properties through the electronic public service eRecovery is established by the Procedure for Providing Compensation for the Restoration of Certain Categories of Immovable Property Damaged as a Result of Hostilities, Terrorist Acts, and Acts of Sabotage Caused by the Armed Aggression by the Russian Federation, Using the Electronic Public Service 'eRecovery', approved by CMU Resolution No. 381 of 21 April 2023 (hereinafter, Procedure No. 381), <https://zakon.rada.gov.ua/laws/show/381-2023-%D0%BF#Text>;

¹²³ The Procedure for Providing Compensation for Destroyed Immovable Property, approved by CMU Resolution No. 600 of 30 May 2023 <https://zakon.rada.gov.ua/laws/show/600-2023-%D0%BF#Text>;

¹²⁴ Ibid.;

¹²⁵ The Procedure for Providing Internally Displaced Persons with Compensation for Damaged/Destroyed Immovable Property as a Result of Hostilities, Terrorist Acts, and Acts of Sabotage Caused by the Armed Aggression by the Russian Federation against Ukraine, approved by CMU Resolution No. 1432 of 13 December 2024, <https://zakon.rada.gov.ua/laws/show/1432-2024-%D0%BF#Text>;

¹²⁶ https://r2p.org.ua/storage/documents/72f594464e66a08830e67601f3b75cb92ebc70d6_original.pdf?utm_source=chatgpt.com;

- for destroyed housing, almost 65,000 households have received housing certificates for the purchase of housing, worth an overall total of UAH 85.2 billion. More than 149,000 applications were submitted in this category in that three-year period. Almost 33,000 families have purchased new housing, including more than 11,000 IDP families. At the beginning of 2025, the Government separately reallocated UAH 15 billion to the compensation program for IDPs.

Payments for reconstruction on the recipient's own land, launched at the beginning of 2025, are still being made. The first instalment has been received by 810 families, and was worth a total of UAH 972.5 million. A further 372 families have received the second instalment, worth a total of UAH 476 million.

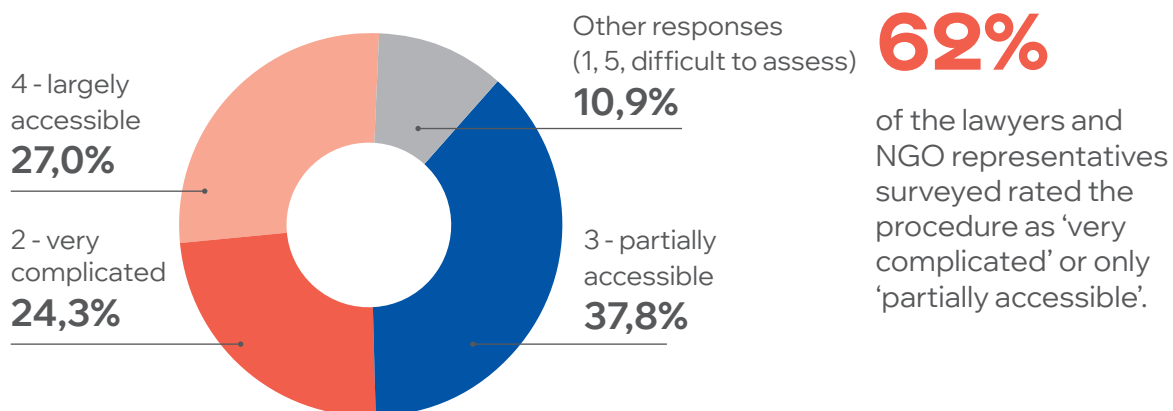
As part of the eRecovery program, a component entitled 'Housing for internally displaced persons from the temporarily occupied territories' was introduced on 1 December 2025. The first stage of the program covers IDPs who have left the temporarily occupied territories and have the status of a combatant or a person with a war-related disability. These persons may receive a housing voucher worth UAH 2 million to purchase their own housing. To date, 3,296 applications for housing voucher funding, worth a total of UAH 6.59 billion, have been approved. The number of families that have already purchased housing using a voucher is 1,858.

Overall, more than 41,000 applications have been submitted under this component of the program. More than 32,000 of them have already been approved by local commissions.¹²⁷

4.3. Barriers to accessing the national reparation mechanism

Results of the UHHRU survey.

Accessibility of procedures for applicants



Synthesizing the results of the focus group, the survey and discussions held during the training sessions for public officials made it possible for the most common systemic barriers that prevent survivors from accessing the reparation mechanism to be identified and structured, and for recommendations to be drafted on how to address them.

The systemic barriers range from the outdated paper-based system that is used for the registration of property rights, to the technical limitations of digital systems. Some of the recommendations overlap or address similar issues. Implementing these recommendations — for example, developing decision-making checklists, standard operating procedures (SOPs), and flowcharts for public officials, creating simple visual tools to quickly check an application's eligibility at the initial consultation stage, and developing templates explaining the reasons for refusals — could help address several of the gaps identified in one fell swoop.

¹²⁷ According to the Ministry for Recovery https://surl.li/yuczqu.kTqb7lo7sqvPtVw0HKSHCCks-1783176597-1.0.1.1-M0_GhkRcS_6nkSfLMG6mmp467Xf6WV_z1MbkjkQt8Bo

1. Barriers to accessing the national reparation mechanism

Systemic barriers to accessing the national reparation mechanism identified through the survey:

Category of problem	Who identified the problem	% of respondents in the respective group
Property ownership documents missing or problematic	Lawyers and NGOs	86,5%
	Public servants	53,1%
Inability to inspect the property (TOT/hostilities)	Lawyers and NGOs	86,5% / 75,7%
	Public servants	56,2% — 58%
Digital barriers (lack of digital skills, internet access, or smartphones)	Public servants	58% — 62,3%
	Lawyers and NGOs	51,4% — 54,1%
Issues relating to co-ownership and inheritance	Lawyers and NGOs	56,8% (co-ownership) / 48,6% (inheritance)
	Public servants	23,5% (co-ownership) / 16,7% (inheritance)
Complexity of legislation and differing interpretations of procedures	Public servants	54,9% (significant impact)
	Lawyers and NGOs	54,1%
Missing data in the State Register of Real Property Rights (SRRR)	Lawyers and NGOs	45,9%
	Public servants	31,5% — 37%
Difficulties in selecting the correct application category in the Register of Damage	Public servants	28,4%
Expectations of immediate payment (no understanding of how long the procedures can take)	Lawyers and NGOs	59,5%

1.1. Key Legal and Technical Barriers

- *Lack of state registration of ownership rights:* 86.5% of lawyers and 53.1% of public servants consider the absence of ownership documents, or of an entry in the State Register of Real Property Rights (SRRR), to be the main barrier. Many properties are registered only in paper archives held by the Technical Inventory Bureau (BTI), dating from before 2013. These archives have now been destroyed or are inaccessible in the TOT due to the war.
- *Difficulties related to co-ownership and inheritance:* the procedure requires the consent of all co-owners, which becomes impossible when one of them is in Russia, in another country, or is considered missing. Moreover, neither the legislation nor the functionality of the Diia portal address cases where the owner dies between the time funds are reserved and the purchase of housing.

Results of the UHHRU survey:

VULNERABLE GROUPS

Who is at risk of being left without reparation?

According to public servants

- People with limited digital skills: 58%
- Older people: 56.2%
- People without Internet access: over 50%
- People whose housing is located in the TOT or areas where active hostilities are ongoing

Lawyers and NGOs additionally identified

- Co-owners
- Heirs
- People without registered ownership rights
- Ukrainians living abroad

The most vulnerable people are those facing digital, geographical, and legal barriers simultaneously.

- *Property in the TOT and areas with active hostilities:* the current legislation (the eRecovery program) effectively prevents reparation payments for property located in the TOT because the commission cannot physically inspect it (with certain exceptions). Remote inspections conducted using satellite imagery or drones are unreliable and are often rejected by commissions due to “insufficient visual evidence.”
- *Administrative practices of the commissions:* the lack of uniform assessment criteria means that different communities may reach decisions that are diametrically opposed to one another, in otherwise identical cases of property damage. Commissions often delay the processing of applications (for more than 3.5 months) or require costly technical reports that survivors cannot afford.
- *Corruption risks:* some commissions deliberately require applicants to pay for technical inspections even though such inspections may be carried out free of charge for the applicant and financed by the local government body under Procedure No. 473)^{128, 129}.
- *Digital barriers:* more than 58% of respondents identified a lack of smartphones and insufficient mastery of the digital skills required to use Diia as barriers, particularly for older people and persons with disabilities.
- There have also been cases where ownership rights to housing were terminated before the housing certificate was issued.

1.2. Legislative Complexity and Skill Gaps

- *Layering and complexity of legislation:* laws and numerous resolutions were adopted at different times in response to evolving circumstances, resulting in a system that is difficult to understand even for professionals.
- *Frequent changes to the rules:* public officials emphasize that constant changes to the legislation have a significant impact on the speed and quality of service delivery
- *Inconsistent interpretation of legal provisions:* in the absence of uniform criteria, different communities interpret the same types of damage differently, reaching decisions that are diametrically opposed to one another in otherwise identical circumstances.

¹²⁸ Procedure for Carrying Out Urgent Works to Eliminate the Consequences of the Armed Aggression by the Russian Federation Related to Damage to Buildings and Structures, approved by CMU Resolution No. 473 of April 19, 2022, <https://zakon.rada.gov.ua/laws/show/473-2022-%D0%BF#Text>;

¹²⁹ https://biz.mlt.gov.ua/posts/229.html?utm_source=chatgpt.com;

- *Insufficient qualifications on the part of commission members:* commissions often include individuals without the relevant qualifications (for example, child welfare specialists instead of engineers), while adequate training is not provided before they begin their work.
- *Fear of liability:* the lack of clear procedures leads commissions to err on the side of caution, requiring applicants to provide additional documents that must be paid for, or issuing unjustified refusals.
- *Lack of a unified system:* there is no standardized approach to receiving applications or coordinating the work of the different commissions (those responsible for inspections and those responsible for reviewing matters concerning damaged and destroyed property).

Results of the UHHRU survey

JOINT ASSESSMENT

Systemic problems: areas of agreement

Problem	Public servants	Lawyers and NGOs
Proof of ownership	53,1%	64,9%
Collection of documents/evidence	31,5%	54,1%
Housing inspections	24,1%	54,1%
Processing times	23,5%	32,4%

The TOT and areas with active hostilities

Inability to inspect housing.

Inheritance and co-ownership

The complexity of procedures for these categories.

The more complex the case, the more critical issues of evidence and inspection become.

The participants in training sessions from one of the territorial communities located near an area with active hostilities also reported a problem whereby the consequences of shelling (air raid attacks) are given the *incorrect legal classification by National Police investigators*.

Example: participants described a situation in which a fragment of a Shahed-type UAV shot down by a Ukrainian air defense system struck a truck belonging to the Armed Forces of Ukraine (AFU) that was transporting ammunition. The resulting detonation of the ammunition damaged nearby vehicles and a building and injured several people. Investigators classified the incident as an ordinary road traffic accident. As a result, the survivors—the injured people and the owners of the damaged property—are not eligible for the relevant compensation from the State because, according to the conclusions of law enforcement officers (investigators), the damage (destruction) is not recognized as having resulted from the armed aggression against Ukraine.

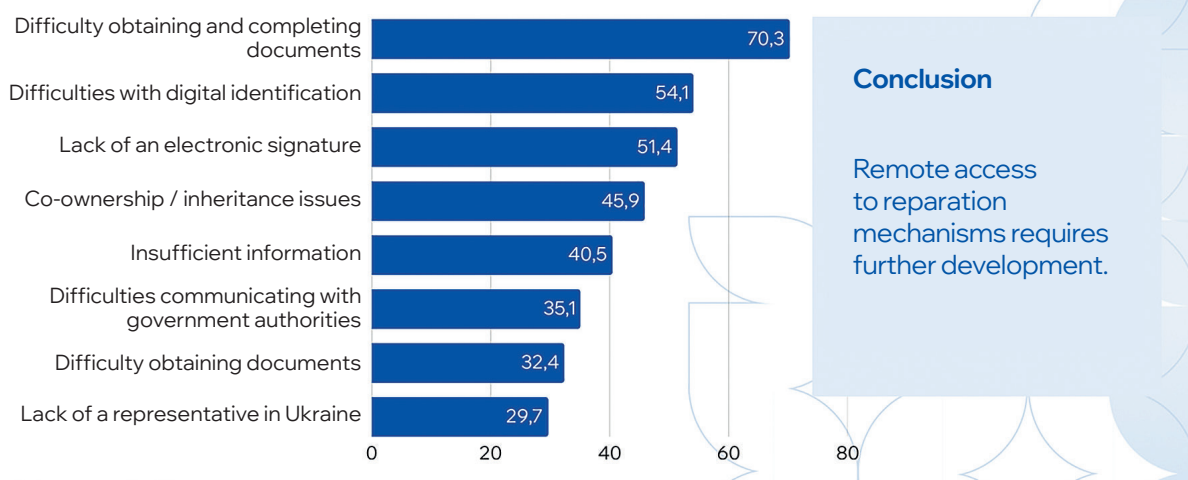
Although eligibility for reparations for destroyed or damaged housing does not currently depend on whether criminal proceedings have been initiated, such actions by investigators may create obstacles to accessing other forms of reparation that the State of Ukraine may introduce in fulfillment of its positive obligations, including within the framework of Transitional Justice processes.

1.3. Barriers to Accessing National Reparations for Ukrainians Who Were Forced to Relocate Abroad

Results of the UHHRU survey

PARTICULAR CHALLENGE

Ukrainians Abroad: Access Barriers



- *eRecovery program*: for Ukrainians living abroad, the procedure is often inaccessible due to geographical distance and digital limitations.
- *Difficulties with digital identification*: 54.1% of attorneys consider this a critical barrier. Many citizens do not have an activated Diia. Signature or a Ukrainian qualified electronic signature (QES), making it impossible for them to submit an application online.
- *Problems with representation and powers of attorney*: consular offices face enormous lines, with waiting times sometimes lasting months, as well as significant travel distances. The services provided by foreign notaries are expensive and also require an apostille and a notarized translation of the documents.
- *Systemic limitations*: in some cases, the eRecovery system rejects applications submitted by authorized representatives, requiring the owner to be physically present.
- *Errors in powers of attorney*: a common problem is that powers of attorney do not grant a sufficiently broad range of powers. For example, they may fail to specify the full list of actions that the representative is authorized to take as part of the survivor's pathway, or may incorrectly identify the person in whose name the account for receiving the reparations is to be opened (the account must be opened in the survivor's name, not the representative's).
- *Missing information in the SRRR*: if ownership was registered before 2013 (in paper BTI archives), it does not automatically appear in the Diia service. To have the relevant information entered into the register, the owner must personally contact a state registrar or act through a representative, which again requires a power of attorney.
- *Co-ownership issues*: if one of the co-owners is abroad, cannot be reached, or is unwilling to take the necessary steps, this prevents the other co-owners from obtaining reparations for the property.

2. Successful Practices

Analysis of the focus group, survey, and training results made it possible to identify a number of successful practices in housing reparations and work involving the Register of Damage. These practices have proven effective at the local level and can be scaled up in other communities.

Organizational and Management Practices at the Community Level¹³⁰:

- *Establishing rapid response centers following shelling:* successful communities set up dedicated response centers, often with the involvement of NGOs, within just a few hours after property is damaged or destroyed. At these centers, survivors can receive not only a comprehensive “road map” of the steps to follow, including psychological support, but also temporary accommodation.
- *The “one-stop shop” principle:* bringing all relevant services together in one location, including administrative service centers (CNAPs), attorneys, social protection authorities, the FLA system, local government representatives, and NGOs. This makes it possible to provide comprehensive assistance and avoid repeated and fragmented visits to different institutions.
- *Close cooperation with NGOs and donors:* communities engage NGOs and humanitarian missions (such as People in Need) to carry out minor repairs (replacing windows, doors, etc.) promptly, while the state procedure under the eRecovery program is still underway. NGOs also provide psychological support and free legal assistance to survivors, significantly facilitating access to reparations.¹³¹
- *Local reparation programs:* local governments establish their own mechanisms for partially compensating losses from local budgets. These can provide important support when state funding is insufficient or the process of obtaining reparations is delayed.

Digitalization and Technical Solutions¹³²:

- *The Diia app as the primary tool for applications:* submitting applications through Diia is considered the fastest and most convenient option (68.5% of public servants consider this stage to be the easiest for applicants to understand).
- *Automated interaction with state registers:* the system automatically retrieves information from the SRRR, minimizing human error and corruption risks when ownership rights are verified.
- *Effective technical support for the Register of Damaged and Destroyed Property (RDDP):* the technical support team promptly assists public servants in resolving technical problems and discrepancies, significantly speeding up the processing of applications.

Ensuring Accessibility for Vulnerable Groups¹³³:

- *Mobile CNAPs and outreach consultations:* providing access to services in remote

130 Based on information provided by participants during the training sessions for public servants entitled “The Application of Transitional Justice Mechanisms in State and Local Policies on Compensation and the Protection of Property Rights of Survivors,” conducted in partnership with the Higher School of Public Administration as part of a project by the International Organization for Migration (IOM), with the support of the U.S. Department of State from Bucha, Dnipro, Kyiv, Sumy, and Zdolbuniv (Rivne region);

131 Collection of Best Practices of Communities in Wartime. 2023., <https://surl.li/cduame>;

132 Based on information provided by participants in the survey (public servants, attorneys, and NGOs). Both public servants and attorneys and NGOs identified the integration of registers, submitting applications through the Diia app, and the introduction of remote inspections as positive practices;

133 Based on information provided by participants during the training sessions for public servants entitled “The Application of Transitional Justice Mechanisms in State and Local Policies on Compensation and the Protection of Property Rights of Survivors,” conducted in partnership with the Higher School of Public Administration as part of a project by the International Organization for Migration (IOM), with the support of the U.S. Department of State from Bucha, Dnipro, Kyiv, Sumy, and Zdolbuniv (Rivne region);

settlements and to people with limited mobility who do not have the necessary devices¹³⁴.

- *Social support and “social taxi” services*: arranging transportation to banks or government offices to complete the necessary paperwork, as well as providing personalized assistance to older people by social workers throughout the survivor’s pathway.
- *Co-owner consent through the Diia app*: the electronic mechanism for confirming co-owners’ consent to receive reparations significantly simplifies the process compared with notarizing paper documents.

Legal Assistance and Judicial Practice¹³⁵:

- *An active role for the FLA and human rights defenders*: attorneys assist survivors in the most complex types of cases, including inheritance, missing documents, and proof of ownership, helping to establish favorable judicial practice.
- *Expedited judicial proceedings*: there are examples of complex cases involving ownership or inheritance being resolved at a single court hearing, within one month.
- *Integrating evidence for the Register of Damage*: using inspection reports already prepared for the national eRecovery program as supporting evidence when submitting claims to the Register of Damage.

Flexibility of Reparation Mechanisms¹³⁶:

- *Giving housing certificates countrywide effect*: the ability to purchase housing in any region of Ukraine for residents whose homes have been destroyed, which promotes the social integration of IDPs and supports the construction sector.
- *Remote inspections*: the use of satellite imagery and aerial imagery captured by unmanned aerial vehicles to document destruction in areas where physical access by commissions is not possible.
- *The participants also highlighted the “Shoulder to Shoulder” project* as a successful model of interregional solidarity, under which communities in regions in the rear (in the Rivne region, for instance) help rebuild specific towns or settlements (in the Kherson region, for instance).
- *Recommendation for scaling up*: all of these practices, particularly the establishment of mobile teams and integrated assistance centers, should be incorporated into standard operating procedures (SOPs) and rolled out to communities where the work of commissions is not currently considered effective enough.

3. Access to the Register of Damage for Ukraine (RD4U)

Systemic barriers to accessing the international reparation mechanism identified through the survey:

Category of problem	Who identified the problem	% of respondents in the group
Difficulties in selecting the correct application category in the Register of Damage	Public servants	28,4%
	Lawyers and NGOs	27%
Expectations of immediate payment (no understanding of how long the procedures can take)	Lawyers and NGOs	59,5%
	Public servants	38,9%

¹³⁴ These practices were also given a positive assessment by participants in the aforementioned training sessions for public servants;

¹³⁵ Based on information provided by participants in the survey (attorneys and NGOs);

¹³⁶ These practices were also given a positive assessment by participants in the aforementioned training events for public servants and participants in the survey (attorneys and NGOs);

Problems:

- *Low level of awareness:* 68% of attorneys report that survivors are unaware that the Register of Damage exists.
- *Confusion between mechanisms:* survivors often believe that receiving reparations under the eRecovery program makes them ineligible to apply to the Register of Damage.
- *Difficulty providing evidence:* the Register of Damage imposes strict evidentiary requirements, particularly regarding photo metadata (GPS coordinates, date and time of creation). Screenshots from Telegram channels are often rejected as unverifiable evidence.
- *Technical and language barriers:* difficulties completing the application, as well as obtaining a QES or Diia.Signature for people living abroad.

Barriers to Accessing the Register of Damage for Ukrainians Who Were Forced to Relocate Abroad:

- *Technical barriers:* 51.4% of the attorneys surveyed report difficulties with digital submission and obtaining a QES or Diia. Signature for people living outside Ukraine.
- *Low level of awareness:* Ukrainians living abroad are often unaware that the Register of Damage for Ukraine exists (67.6%) or mistakenly confuse it with national reparation programs.
- *Difficulty collecting evidence:* being outside Ukraine significantly complicates the remote collection of evidence, including photos and videos with metadata, statements from neighbors, and other supporting evidence.

4.4. Conclusions

1. Ukraine has demonstrated unprecedented resilience by introducing the large-scale eRecovery digital system during the active phase of the war. This is a significant achievement, as, despite ongoing destruction and limited resources, the State has managed to create a unique direct support mechanism that enables survivors to restore their violated rights and return to a normal life.
2. *Addressing the housing issue is of strategic importance:* providing survivors with housing is not merely a humanitarian task but also a necessary precondition for the return of more than 5 million Ukrainian refugees and their sustainable reintegration in Ukraine by 2027, in line with the European Union's strategic approach to voluntary return.
3. The national reparation mechanism is only partially in line with international standards and Transitional Justice approaches. Although Ukraine has established a large-scale digital reparations mechanism, it effectively operates as a financial compensation system rather than a comprehensive housing restitution mechanism (restoring the situation that existed before the violation of the right). Limited resources prevent the full restoration of survivors' rights and human dignity.
4. The high efficiency of the digital approach is accompanied by significant barriers to access. The eRecovery program, delivered through the Diia app, has demonstrated a high level of effectiveness, reaching more than 206,000 families. At the same time, 62% of respondents consider the procedure to be "very complicated" or only partially accessible due to digital barriers, missing information in state registers, complex legal situations, and inconsistent administrative practices.

5. *A gap in the protection of survivors' rights depending on when the harm occurred:* tens of thousands of people whose housing was damaged between 2014 and 2021 have been left outside of the new reparation mechanism due to the lack of retroactive effect of the current legislation and the chronic underfunding of previous programs.
6. *Institutional problems at the local level:* public officials operate within a complex and fragmented regulatory framework and face a lack of relevant expertise (including a shortage of engineers on commissions). This results in inconsistent application of the law, delays in decision-making, and excessive caution in decision-making across different communities.
7. *Limited access to the international reparations mechanism:* there is still insufficient awareness of the Register of Damage for Ukraine among survivors (68% of respondents report that applicants are unaware of its existence), while strict requirements for digital evidence, particularly photo metadata, may significantly complicate the submission of claims and create a risk of rejection when claims are reviewed in the future.

4.5. Recommendations for Overcoming Access Barriers

1. Establish an institutional mechanism for monitoring the implementation of the national reparations mechanism. This could take the form of a working group under the relevant central executive authority or, given the frequent changes in the structure of the Government, under the Verkhovna Rada Committee on Economic Development.

The working group's tasks could include monitoring the implementation of the Law on Compensations and the types of compensations established under it; preparing proposals for legislative amendments; monitoring legislative initiatives registered with the Verkhovna Rada concerning reparations for housing and providing opinions on them; and providing methodological support to inspection commissions and CNAPs.

2. Scale up organizational and management practices that have been successful at the community level.

3. Amendments to legislation:

- *Simplify the registration of property rights:* allow information to be automatically entered into the SRRR on the basis of existing paper documents and/or information provided by local governments, without mandatory confirmation from the BTI, for people whose property is located in the TOT.
- *The "share" principle:* introduce a mechanism for paying reparations in proportion to a person's share of ownership of the property, regardless of the consent of other co-owners, particularly where those other co-owners are in the Russian Federation, are considered missing persons, or cannot be contacted.

A common recommendation among respondents is to abolish the requirement that all co-owners be registered: "...discontinue the practice whereby registration of the rights of all other co-owners of the property is a mandatory condition for one co-owner (whose right is already registered) to receive reparations."

Consider:

- Recognizing the fact that a person was evacuated from the TOT and voluntarily relinquished their ownership rights to housing located in the TOT as sufficient grounds for receiving reparations.
- Revising the approach to proving ownership of destroyed housing (or a share in destroyed housing), since, once housing has been completely destroyed, the right of ownership can no longer be exercised effectively. It would be appropriate to develop a mechanism based not

exclusively on proof of ownership, but also on the need to ensure minimum humanitarian standards, restore violated rights, and uphold the human dignity of survivors.

- *Legalize alternative forms of evidence:* establish in law the possibility of using neighbors' statements and photo and video materials containing geolocation data as admissible evidence of damage to, or destruction of, housing.
- *Inheritance of certificates:* clearly regulate the procedure for transferring to heirs the right to use an already-issued housing certificate.
- *Movable property:* consider extending the reparation mechanism to cover personal belongings and other movable property that was destroyed or damaged together with the housing.
- *Retroactive effect:* remove barriers to accessing reparations for people whose property was damaged or destroyed before February 24, 2022.
- Consider introducing an integrated ("one-stop shop") approach to restoring survivors' rights, providing the full range of state and local guarantees through a one-stop shop system. This approach should cover the survivor's pathway in its entirety—from the initial needs assessment through the provision of all guarantees established by law, including not only reparations but also other forms of support.
- In this regard, it would be appropriate to recommend that the relevant committees of the Verkhovna Rada expedite consideration of, and reconcile their positions on, draft Laws No. 10053 of September 15, 2023; No. 10404 of January 12, 2024; No. 11085 of March 14, 2024; No. 11262 of May 16, 2024; No. 11444 of July 26, 2024; No. 12071 of September 25, 2024; No. 12173 of November 1, 2024; No. 13130 of March 21, 2025; No. 13136 of March 26, 2025; No. 13381 of June 18, 2025; and No. 14352 of December 30, 2025, which propose amendments to Law No. 2923-IX on Compensations.¹³⁷

It would also be appropriate to consider addressing some of these issues by amending the regulatory legal acts of the Cabinet of Ministers of Ukraine and central executive authorities.

4. Update construction costs and the list of materials:

- Review the construction, repair, and building material cost indicators in the checklists more frequently, as they quickly become out of date due to continually rising market prices.
- *Updating the list of works and materials:* regularly update the list of repair works and building materials included in the checklists, taking into account current technologies and housing recovery practices.
- *Flexible reporting:* introduce the option of confirming the completion of minor repair works by uploading photographic evidence, without requiring detailed cost estimates for each item.

5. Revise the existing checklists for the commissions.

Overall, the main concern with the existing tools is that they are disconnected from current economic realities (particularly as regards up-to-date prices) and lack sufficient detail on the legal criteria for making final decisions. Since the current checklists do not cover a number of important categories of damage, they should be supplemented with the following new types of damage and property components:

- *Household components without damage to the main residential building:* problems currently arise when a residential building has not been damaged itself, but auxiliary structures or other important household components have been damaged. This is not always properly documented in the existing checklists.

¹³⁷ See also the recommendations of human rights organizations https://r2p.org.ua/storage/documents/ba5757f896027c67bbf1186536195cbaa697d928_original.pdf;

- *Common areas in multifamily buildings:* this includes roofs, entrances, stairwells, and windows in common areas. Situations often arise where individual apartments are undamaged but common areas have been destroyed, and owners cannot submit individual applications through eRecovery if the building does not have an association of co-owners of an apartment building (OSBB).
- *Enclosed balconies, balconies, and other structural elements of housing:* some humanitarian organizations do not restore enclosed balconies that have been damaged even though they are part of the housing. Such elements should therefore be clearly reflected in the checklists used by local governments for assessment

6. Improve administrative practices:

- *Automating verification:* establish direct data exchange between the SRRR and digital BTI archives to relieve public officials and citizens of the burden of locating paper records.
- *Mobile services:* expand the practice of mobile CNAP teams traveling to rural areas and serving people with limited mobility, as well as the practice of using mobile services and establishing integrated “hubs” in communities where all relevant services (CNAPs, legal professionals, social protection agencies) operate in a shared space.
- *One-stop-shop principle:* ensure that all institutions involved in the survivor’s pathway, from CNAPs to social protection units and the Pension Fund of Ukraine, are located in the same facility.
- *Personalized support:* for vulnerable groups (particularly older people), personalized social support is the most effective tool, rather than simply providing general explanations.

7. Introduce standardization tools (to address frequent changes in the rules and improve the qualifications of responsible officials, the following is recommended):

- *Develop decision-making and practice-unification checklists:* the existing checklists are primarily designed for physical property inspections, while there is a lack of checklists that are specifically for verifying whether an applicant and property meet the legal requirements and for making decisions on whether to award reparations. This would also help to standardize practices across communities.
- *Develop step-by-step procedures for commissions.*
- *Create evidence checklists for the Register of Damage, which would help survivors and commissions verify in advance whether an application is admissible.*
- *Approve standardized procedures for handling complex categories of cases.*
- *Develop visual road maps and “Yes/No” flowcharts for verifying application eligibility.*

8. Remove legal and administrative barriers to access for Ukrainians displaced abroad:

- *Electronic power of attorney:* introduce a mechanism in the Diia app that would allow users to give authority to a relative or representative in Ukraine, without a personal visit to a notary.
- *Expanding remote services:* simplify electronic identification and enable documents to be submitted by mail.
- *Bank accounts:* provide the ability for special accounts to be opened for IDPs residing abroad, or allow part of the funds to be transferred to foreign bank accounts to cover urgent expenses.
- *Data integration:* enable inspection reports to be automatically pulled from national systems into applications submitted to the RD4U, so that survivors do not have to collect and submit these documents again.

- *Information support:* establish a dedicated hotline for people residing abroad and draw up step-by-step procedures for arranging representation, specifying when consular certification is required and when a notarized power of attorney is sufficient.

9. Remove barriers to access to the international reparation mechanism:

- *Large-scale information campaign:* use national radio, television, and other communication channels to explain the options available through the Register of Damage, particularly to people living in rural areas.
- *Technical improvements to Diia:* introduce an electronic power of attorney mechanism that would allow relatives or representatives in Ukraine to submit applications on behalf of people residing abroad.
- *Video instructions:* create step-by-step videos, algorithms, and instructions for submitting applications under each category of the Register of Damage.
- *Data integration:* enable inspection reports prepared under the eRecovery program to be automatically used as evidence when submitting applications to the Register of Damage.
- *Access without digital technologies:* provide an option for submitting applications through CNAPs for people with limited access to digital services.

10. Expert support and capacity building for the national reparation mechanism:

- *Centralized guidance:* the relevant ministry should develop standard official methodological guidelines for communities, to reduce leeway and ensure that the legislation is interpreted consistently.
- *Developing step-by-step procedures (SOPs):* introducing SOPs and flowcharts for public servants would help standardize practices across Ukraine.
- *“Yes/No” infographics:* create simple visual tools for quickly checking application eligibility at the initial consultation stage.
- *Standardized refusal templates:* develop standardized templates that clearly explain the reason for a refusal in plain language, as well as the procedure for appealing the decision or correcting deficiencies.
- *Practical, case-based training:* conduct training based on complex, real-life cases, including inheritance, co-ownership, and property located in the TOT.
- *Creating an FAQ database:* establish a centralized, regularly updated database of answers to unusual situations encountered by commissions.
- *Peer exchange among communities:* create platforms for sharing experience between high-performing commissions and those facing challenges in their day-to-day work.

During the training sessions with public servants, participants also expressed a general need for capacity building in the format proposed by UHHRU: practical, in-person training for mixed interagency groups involving representatives of the various institutions included in the survivor’s pathway.

“No-one has brought us together since 2022. We don’t know whether we’re even doing this right,” says a training participant from a community near an active combat zone.

SECTION 5.

EFFECTIVENESS OF EXISTING PROTOCOLS AT PROTECTING SURVIVORS DEPRIVED OF THEIR PERSONAL LIBERTY – FROM THE LEGAL FRAMEWORK FOR THE REINTEGRATION PROCESS

Persons deprived of their personal liberty (prisoners of war and civilian detainees) are among the most vulnerable categories of survivors affected by the armed aggression. The nature of their trauma involves prolonged physical and psychological pressure, isolation, and a complete loss of control over their own lives.

After release, they face unique challenges, from severe medical issues to complex social and psychological reintegration.

Research into protection mechanisms for this group is critical, as standard social programs often overlook the complexity of their lived experiences.

To date, Ukraine has established a basic legislative framework, including the Law of Ukraine “On Social and Legal Protection of Persons Deprived of Personal Liberty Due to the Armed Aggression Against Ukraine”, and has set to work on this matter the relevant ministries (the Ministry of Development, the Ministry of Veterans Affairs of Ukraine, and the Ministry of Social Policy), as well as the Coordination Headquarters, which provide assistance to these categories of persons within their respective remits. However, in practice, support algorithms often remain fragmented, and interagency cooperation is not sufficiently coordinated.

At the same time, civil society organizations and volunteer groups are the first to bridge gaps in the state system, offering rapid legal aid, establishing rehabilitation programs, and providing peer-to-peer psychological support.

To assess the effectiveness of mechanisms and algorithms that protect survivors, identify key issues, and devise practical recommendations, survivors of the unlawful deprivation of personal liberty, government representatives, and public organizations participated in focus groups and questionnaires.

5.1. Challenges in implementing and improving legislation on the social and legal protection of individuals who have been deprived of their personal liberty due to the armed aggression against Ukraine and their family members

The problem of civilians being unlawfully deprived of their personal liberty due to the armed aggression by the Russian Federation against Ukraine emerged not after the full-scale invasion began in 2022, but back in the earliest stages of Russian aggression in 2014. After the occupation of the Autonomous Republic of Crimea and parts of the Donetsk and Luhansk Oblasts, the Russian occupying administrations and the armed formations under their control systematically implemented the practice of unlawful detentions of civilians, enforced disappearances, arbitrary detention in places of detention, torture, and other serious human rights violation¹³⁸.

138 <https://ukurier.gov.ua/uk/articles/civilni-zaruchniki-zhittya-pislya-polonu/>

From 2014 to 2022, Ukrainian human rights organizations, international institutions, civil society representatives, and reporters¹³⁹ repeatedly urged the state to create a special mechanism to protect civilians affected by the unlawful deprivation of personal liberty caused by Russia's armed aggression. Numerous analytical documents, appeals, and advocacy campaigns¹⁴⁰ emphasized that after release, such persons were left without adequate government support, despite the serious consequences of detention for their physical and psychological health, social adaptation, employment, and document restoration.

Although this problem had existed for eight years, Ukraine lacked a comprehensive legal mechanism, until January 2022, for defining the legal status of civilians unlawfully deprived of their personal liberty because of the armed aggression and guaranteeing them specialized government support. The lack of a relevant legislative framework de facto left a significant group of affected people outside of the targeted government policies and forced them to rely predominantly on support from their families, public organizations, and international partners.

The adoption of the ***Law of Ukraine “On the Social and Legal Protection of Persons Recognized as Deprived of Personal Liberty due to the Armed Aggression Against Ukraine, and Members of Their Families” of 26 January 2022 No. 2010-IX***¹⁴¹ (hereinafter referred to as Law No. 2010) was the first systemic step on the part of the government toward recognizing this category of affected persons and shaping mechanisms for providing them with social and legal protection. The Law laid out the procedure for establishing that a deprivation of personal liberty had taken place and provided for monetary allowances from the government, special employment guarantees, and mechanisms for obtaining medical, psychological, and social support.

At the same time, an analysis of the preconditions for adopting Law No. 2010 shows that the concept behind it was significantly shaped by the practice of unlawful detentions, which was characteristic of the period 2014–2021 (ATO/JFO). During this period, some cases of deprivation of personal liberty were linked to people being prosecuted for their pro-Ukrainian stance, public and journalistic activities, participation in the resistance movement against occupation, or other actions that were in Ukraine's interests; however, they were not limited solely to political motives.

The adoption of Law No. 2010 and its subordinate regulatory acts proved to be an important step in shaping government policies on the protection of persons who have survived unlawful deprivation of personal liberty. That said, an analysis of the applicable legislation and its practical application indicates that the resulting system remains fragmented, and its individual components are not sufficiently aligned. Consequently, access to state-guaranteed protections depends largely on navigating complex administrative procedures, whereas the primary focus of government policy should be on the needs of the survivor and the timely provision of support from the moment they are released.

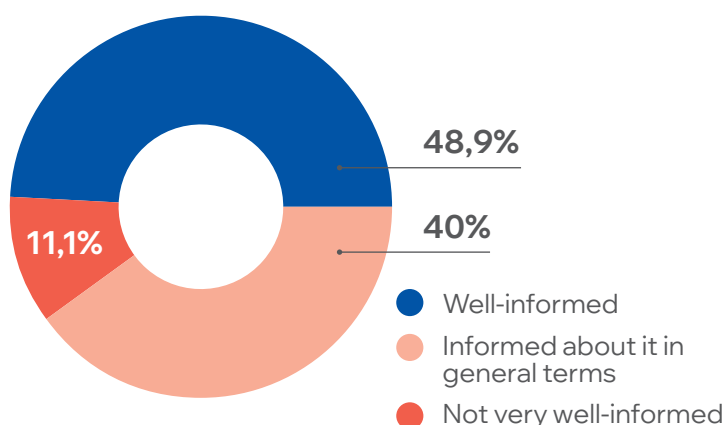
As part of the survey conducted by the Ukrainian Helsinki Human Rights Union (UHHRU) on issues related to protecting the rights of civilians unlawfully deprived of their personal liberty as a result of the armed aggression against Ukraine, we sought to assess respondents' awareness of the provisions of this Law and their understanding of their rights. Notably, almost 89% of respondents in the UHHRU survey are familiar with Law No. 2010.

139 <https://rusaggression.gov.ua/ua/pershe-zvilnennia-nezakonno-zakhoplenykh-b03e649fe9da832e34157218d763fdae.html>

140 <https://www.radiosvoboda.org/a/news-pravozakhysnuky-nazvaly-kilkist-tsyvilnykh-zaruchnykiv-v-ordlo-chyji-dani-vadalosia-vstanovyty/29658219.html>

141 <https://zakon.rada.gov.ua/laws/show/2010-20#Text>

How informed are you of Law No. 2010-IX, “On the Social and Legal Protection of Persons Recognized as Deprived of Personal Liberty due to the Armed Aggression Against Ukraine, and Members of Their Families”?



The results of the survey showed that most respondents demonstrated a sufficient level of awareness of the Law of Ukraine No. 2010-IX. In particular, 48.9% of respondents indicated that they were well-informed about its provisions, and a further 40% are aware of the content of the Law in general terms. 11% of respondents, meanwhile, reported a lack of awareness concerning this regulatory act.

The results obtained indicate that the survey participants had a fairly high level of awareness of the legislation in the field of social and legal protection of persons deprived of personal liberty due to the armed aggression against Ukraine. This provides grounds for considering the respondents' subsequent assessments and proposals as based on a proper understanding of the applicable legal regulation.

The adoption of the Law was an important step, but an analysis of its personal scope reveals key systemic restrictions.

Analysis of Article 2 of the Law of Ukraine “On the Social and Legal Protection of Persons Recognized as Deprived of Personal Liberty due to the Armed Aggression Against Ukraine” shows that the legislator adopted a rather narrow approach when defining the range of persons covered by this Law.

In particular, the right to the social and legal protection measures provided for by this Law is granted to the following categories of persons:

1. prisoners of war and other persons from among the security and defense forces of Ukraine under the protection of international humanitarian law;
2. civilians deprived of personal liberty due to their pro-Ukrainian public, political, human rights, or professional activities, or activities aimed at coercing Ukraine or other entities into certain acts or omissions;
3. foreigners and stateless persons who, at the time they underwent a deprivation of personal liberty, were serving in the Armed Forces of Ukraine or other military formations established under Ukrainian legislation;
4. family members of Ukrainian citizens recognized, in the manner defined by this Law, as having undergone a deprivation of personal liberty due to the armed aggression against Ukraine.

At the same time, it follows from the content of Article 2 that the Law **does not extend** to cover a number of other categories of persons who may also have been unlawfully deprived of their personal liberty due to the armed aggression. Firstly, this concerns *civilians detained by representatives of the aggressor state without any connection being established to pro-Ukrainian activities on their part, to their political views, or to coercion of third parties. Foreigners and stateless persons legally staying in Ukraine, residing in the temporarily occupied territories, or caught under occupation but not serving in the defense forces of Ukraine, also fall outside of the scope of the Law.*

At the same time, the practice that emerged after the Russian Federation's armed aggression shows that unlawful deprivation of personal liberty was not limited to the persecution of activists, volunteers, reporters, or local government representatives. Civilians often fell prey to arbitrary deprivation of personal liberty, without any charges being brought against them or any connection to activities benefiting Ukraine. The grounds for persecution could include a person's place of residence, family relations, professional activities, refusal to cooperate with occupation authorities, or even the mere fact that they were part of the Ukrainian civilian population in the temporarily occupied territories.

After the full-scale invasion began in February 2022, the extent of unlawful deprivation of civilians' personal liberty increased significantly. The practice of mass detentions, so-called "filtration measures," and other forms of unlawful deprivation of personal liberty was recorded across large parts of Ukraine that were, or still are, under Russian occupation. However, under the new conditions, it has become clear that the legislative framework in place does not fully reflect the true nature or scope of these violations.

This problem is particularly acute in cases involving persons who were detained without any documentary registration, held in complete isolation from the outside world (*incommunicado*), and later released or returned to territory controlled by the government of Ukraine outside of official exchange or return procedures. It is these categories that most often face difficulties in proving unlawful deprivation of personal liberty and exercising the right to state support.

As a result, persons unlawfully detained by occupation entities without any official registration, at their place of residence, on suspicion of disloyalty or as part of the aggressor state's general repressive policy, may face difficulties obtaining the required status and accessing the guarantees provided in Ukraine. Hence, the applicable legislative model in effect presages the fact that unlawful deprivation of personal liberty alone is not always sufficient grounds for obtaining government protection.

Accordingly, a key criterion for applying the guarantees stipulated by the Law is not the mere fact that unlawful deprivation of personal liberty, resulting from the armed aggression against Ukraine, took place, but rather whether the person is in one of the categories defined by the law. Such an approach creates a situation in which some survivors of unlawful deprivation of liberty in armed conflict cannot qualify for the social and legal protection provided for by this Law, indicating significant restrictions in its particular scope.

Thus, the current revision of this Law does not cover all civilians who became survivors of unlawful deprivation of personal liberty due to the armed aggression against Ukraine, but establishes a special regime only for certain categories of survivors, who are determined by the legislator based on the criterion of their status and the motives behind their persecution. As a result, Law of Ukraine No. 2010-IX does not fully comply with part one of Article 4 of the Geneva Convention Relative to the Protection of Civilian Persons in Time of War¹⁴², which extends protection to all civilians without exception, who, "*at any given moment and in any manner whatsoever, find themselves, in case of a conflict or occupation, in the hands of a Party to the conflict or Occupying Power of which they are not nationals,*" without establishing additional criteria for acquiring said status.

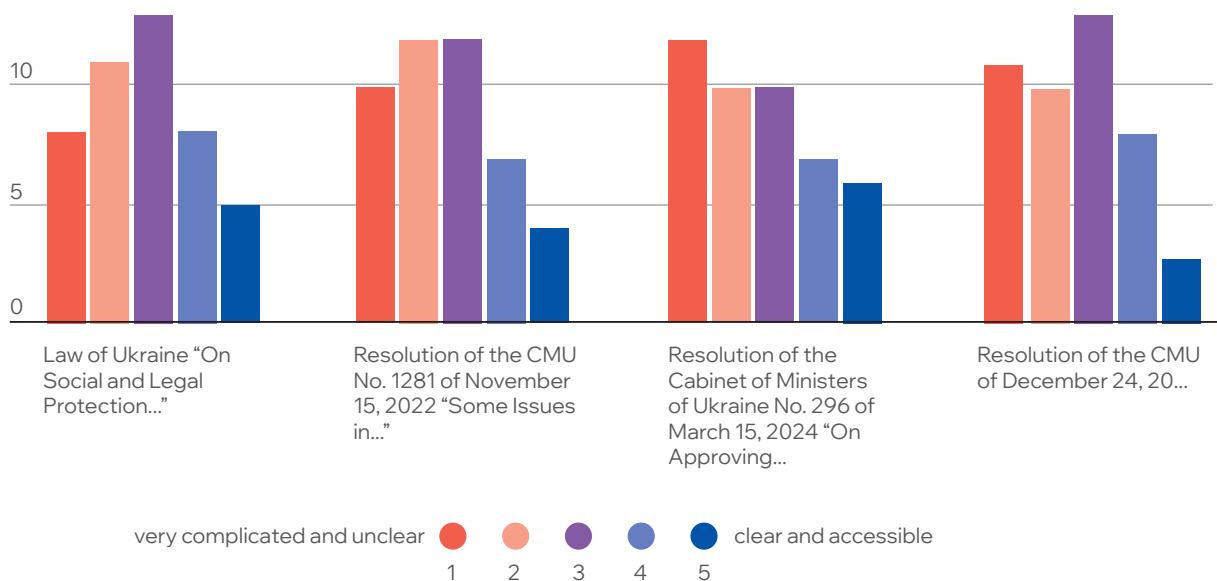
In addition to the restrictions on the personal scope of the Law, an analysis of its provisions reveals another systemic problem. Part three of Article 2 of Law No. 2010 extends its scope to the family members of persons in respect of whom a deprivation of personal liberty due to the armed aggression against Ukraine has been established. At the same time, neither Law No. 2010 nor the bylaws adopted to implement it *contain a definition of the notion "family members."* This definition is also absent from the Family Code of Ukraine, which uses broader notions of "family" without defining the category "family members."

142 https://zakon.rada.gov.ua/laws/show/995_154#Text

Instead, in Ukrainian legislation, a practice has developed of defining family members separately for each field of legal regulation, depending on the purpose and subject of the relevant law. Under these conditions, the absence of a dedicated definition of “family members” in Law 2010 creates legal uncertainty about which individuals may qualify for the rights, guarantees, and support measures it provides.

This is not the only gap in the current legislation in this field, incidentally. Generally, lawyers, experts, representatives from the government and non-government sectors, and survivors who participated in the survey noted that the dedicated regulatory acts are difficult to understand and enforce. The survey results can be found below.

Assess the overall clarity of the legislation



The survey results indicate significant difficulties in understanding and applying the provisions of Law No. 2010. Only 13 of the 45 respondents rated it as sufficiently clear and accessible for application, selecting a score of 4 (8 responses) or 5 (5 responses) on the 5-point scale. Meanwhile, most respondents (32) assessed the Law’s clarity at 1 to 3 points: 8 individuals rated it at 1, 11 rated it at 2, and 14 rated it at 3. These results indicate that the vast majority of respondents perceive the legislation as difficult to understand and apply in practice.

The data obtained indicate the possible existence of problems related to insufficient clarity in certain legislative provisions, ambiguity in the criteria for applying the Law, and complexity in the procedures it provides, which may in turn affect the efficiency of the exercise of the rights of persons affected by the unlawful deprivation of personal liberty.

Similar trends are reflected in the by-laws of regulatory acts adopted to enforce Law No. 2010. The survey results indicate that most respondents face difficulties with understanding and practical application

- Resolution No. 1281 was assessed as sufficiently clear and accessible by only 11 of the 45 respondents (scores of 4–5: 4 responses; score of 5: 4 responses). Instead, 34 respondents rated it from 1 to 3 points: 10 gave it 1, 12 gave it 2, and 12 more gave it 3.
- Resolution No. 296: only 13 respondents considered it sufficiently clear (score of 4: 7 responses, score of 5: 6 responses), while 32 respondents rated its clarity from 1 to 3 points (12, 10, and 10 responses, respectively).

- Only 11 respondents rated Resolution No. 1775 highly on the clarity criterion (score of 4: 8 responses; score of 5: 3 responses), while 34 respondents reported difficulty understanding its provisions (score of 1: 11 responses; score of 2: 10 responses; score of 3: 13 responses).

Hence, the survey results demonstrate a systemic perception problem not only with the basic Law No. 2010, but also with the bylaws regulating the procedure for establishing that deprivation of personal liberty took place, providing support, and conducting reintegration measures.

The prevalence of low scores across all three resolutions points to the need to improve statutory regulation by clarifying legal structures, simplifying procedures, and ensuring greater accessibility in the legislation for its direct users and professionals working with survivors.

Despite the fundamental importance of shaping the legislative framework, the application of Law No. 2010 and the regulatory acts adopted in order to enforce it revealed a series of systemic problems.

Resolution of the Cabinet of Ministers of Ukraine No. 1281 of November 15, 2022¹⁴³ (hereinafter referred to as CMU Resolution No. 1281) governed the activities of the Commission for Establishing the Fact of Deprivation of Personal Liberty Due to the Armed Aggression Against Ukraine and set out the procedure for implementing certain provisions of the Law.

The task of establishing that a deprivation of personal liberty due to the armed aggression against Ukraine occurred is performed by the designated Commission, operating under the central executive body (the Ministry of Communities and Territories Development of Ukraine). The Commission is authorized to consider applications, adopt decisions on whether or not to confirm that such a deprivation occurred, determine the status of family members of survivors, and analyze how the relevant legislation is applied in practice. Having a decision from the Commission is a necessary precondition for exercising the right to social and legal guarantees from the government.

At the same time, an analysis of the provisions of Resolution No. 1281 and their application reveals a series of institutional shortcomings in the Commission's work, particularly as regards confirming that a deprivation of personal liberty took place.

What aspects of the legislation are most problematic?



143 <https://zakon.rada.gov.ua/laws/show/1281-2022-n#Text>

When asked which aspects of the legislation in this area were the most complex, 84.4% of respondents chose the “complex procedure for confirming status,” making it the most common answer. This issue is crucial because, without the corresponding decision, a person cannot access the social and legal guarantees provided by the state.

A more detailed analysis of the Commission's activities and the problematic issues emerging in its work is laid out in the next section of this research.

Resolution of the Cabinet of Ministers of Ukraine No. 296 of March 15, 2024¹⁴⁴ (hereinafter referred to as Resolution No. 296) approved the Procedure for Implementing Rehabilitation (Post-Isolation and Reintegration) Measures, Adaptation and Support (Assistance) Measures for Persons in Respect of Whom the Fact of Deprivation of Personal Liberty as a Result of the Armed Aggression against Ukraine Has Been Established, Following Their Release. However, the specified measures for civilians may only be applied after the Commission adopts a decision establishing that a deprivation of personal liberty occurred in accordance with this Procedure.

In addition to access to guarantees of socialization, reintegration, and recovery, people who have received the relevant status face another systemic challenge: a lack of proper inter-agency coordination. Despite the fact that many government authorities are involved in implementing government policy, there is still not enough regulation of the interaction between them. Participants in the expert discussions also highlighted the absence of a one-stop-shop mechanism that would enable a person, after release, to receive the required set of services without having to contact numerous government institutions. The lack of an integrated approach leads to procedures being duplicated, time being wasted, and an additional burden being placed on people who have already been through severe traumatic experiences.

Problems coordinating social protection bodies, the healthcare system, law-enforcement authorities, documentation agencies, and other entities result in a service provision that is fragmented. The imbalance is felt particularly acutely in regions that are a long way away from the capital. Local governments, local executive bodies, and entities at various levels of subordination lack sufficient experience, knowledge, or skills to work with this category of survivors. The complexity of the legislation and the involvement of numerous stakeholders, who do not interact with one another at the appropriate level, only deepen the gap between survivors and the system that protects their rights.

Recognizing separate gaps in ensuring access to government guarantees, lawmakers attempted to introduce a separate response mechanism by adopting the **Resolution of the Cabinet of Ministers of Ukraine No. 1775 of December 24, 2025¹⁴⁵ (hereinafter referred to as Resolution No. 1775)**, which provides that priority measures may be conducted to support civilians immediately after their release.

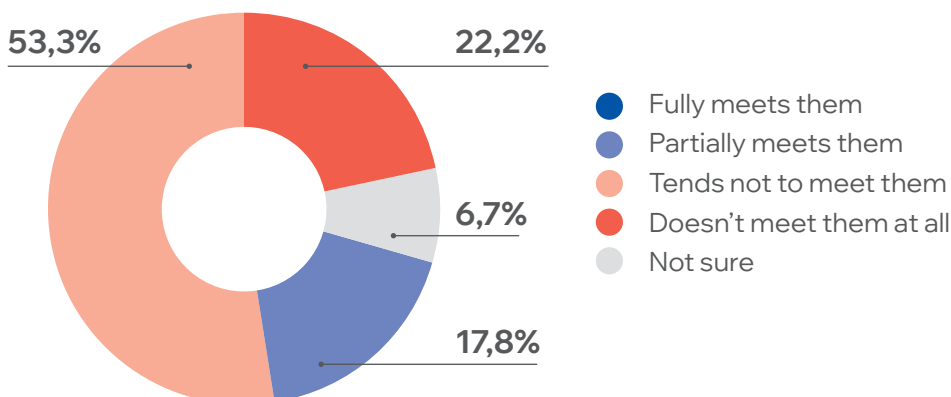
The adoption of Resolution No. 1775 did not, however, resolve the core issue of civilian access to government support. Instead of expanding the scope of the Law of Ukraine “On the Social and Legal Protection of Persons Recognized as Deprived of Personal Liberty due to the Armed Aggression Against Ukraine, and Members of Their Families” or improving the procedure for establishing each instance of deprivation of liberty, a separate administrative mechanism was introduced, which functions in parallel with the existing one.

Though the Resolution was enacted in January 2026, the mechanism for its implementation was not yet fully operational when this research was being prepared, meaning that civilians were prevented from receiving rapid support upon release.

144 <https://zakon.rada.gov.ua/laws/show/296-2024-n#Text>

145 <https://zakon.rada.gov.ua/laws/show/1775-2025-n#Text>

Does the applicable legislation meet the actual needs of persons deprived of personal liberty, regardless of whether the fact of the deprivation, or the person's status, has been established?



One of the most systemic problems is the absence of a single, synchronized state register of persons deprived of their personal liberty due to the armed aggression against Ukraine. Information about cases of unlawful deprivation of personal liberty may be contained both in the Unified Register of Pre-Trial Investigations (URPI), in the form of criminal proceedings, and in the registers of the National Information Bureau (NIB) and other information systems. The absence of such a tool not only complicates the shaping of government policy and the planning of support measures, but also creates difficulties in terms of coordination among the authorities. The fact is that the state does not have a consolidated information system that would allow it to receive up-to-date data on the categories of survivors, their stages of return, and the services they have received.

Meanwhile, the survey results indicate that the respondents did not think much of the ability of the current legislation to ensure adequate protection for persons deprived of personal liberty due to the RF's armed aggression, regardless of whether the relevant status has been established.

None of the respondents believe that the current legislation fully meets the actual needs of such persons. Only 17.8% of respondents (8 individuals) said that the legislation partially meets their actual needs. Instead, the vast majority of respondents gave a negative assessment: 53.3% (24 individuals) believe that the legislation tends not to meet the needs of survivors, and 22.2% (10 individuals) are convinced that it does not meet those needs at all. Only 6.7% of respondents (3 individuals) were unable to provide a clear answer one way or the other.

The results demonstrate a significant gap between the current regulatory framework and the practical needs of individuals who have survived unlawful deprivation of personal liberty. It is telling that, overall, 75.5% of respondents believe that the legislation fails, either entirely or largely, to provide an adequate response to the challenges survivors face after release.

Such assessments are in line with the conclusions of expert discussions regarding the overly narrow scope of Law No. 2010, the complexity of procedures for establishing that a deprivation of personal liberty took place, the lack of a comprehensive approach to the rehabilitation and reintegration of individuals who have been released, and the fact that there is insufficient inter-agency coordination. This may point to the need for a more thoroughgoing review of the current legislation, so as to better align it with the real needs of survivors of unlawful deprivation of liberty.

In addition, one systemic problem with the current model of social and legal protection for survivors of unlawful deprivation of personal liberty is the lack of a single, central authority responsible for shaping and implementing government policy in this field. Individual powers are divided among different government authorities, but despite this, none of those bodies

ensures comprehensive coordination, legislative development, or monitoring of the survivor support system's efficacy.

Currently, it is the Ministry of Communities and Territories Development of Ukraine that has authority to shape policy in this field; however, this authority is not aligned with the core objectives or scope of this body's powers, as its area of government policy focuses on regional development, local governance, and territorial development. Under such conditions, assigning the function of shaping and coordinating policy in the field of supporting civilians who survived deprivation of personal liberty appears to be institutionally inappropriate, and does not ensure that government policy is systemic, as it ought to be.

As a result, government policy remains fragmented, and interaction between agencies is not effective enough. This makes it harder for survivors to access guaranteed support measures, leads to procedures being duplicated, results in the lack of a unified approach to social support, and places the burden of interacting with several government bodies on the person concerned.

In view of this, determining which central executive body or other authorized entity is to be responsible for shaping and implementing government policy on protecting civilians who survived unlawful deprivation of personal liberty must become one of the strategic areas of focus for improving the legislation. It is expedient for its core functions to be: coordinating interaction between agencies, shaping a unified practice for applying the legislation, maintaining the register of survivors, and ensuring the development and implementation of comprehensive social support after release.

In the human rights community, particularly in the analytical work of the Sich Human Rights Protection Group¹⁴⁶, it is argued that the current practice for considering applications to establish that a deprivation of personal liberty took place is, effectively, not far short of the criminal standard of proof, i.e., "beyond reasonable doubt," and requires direct evidence of detention, with supporting documents.

Such an approach fails to take into account the specifics of armed conflict or the objective inaccessibility of evidence when the person was in temporarily occupied territory or under the control of the aggressor state.

These conclusions are consistent with the international case law of the European Court of Human Rights (ECtHR), under which, in cases involving deprivation of liberty and the disappearance of persons, it is admissible to establish facts on the basis of indirect evidence, contextual circumstances, and the principle of adverse inferences, all taken together, if the information is under the control of the state.

According to experts from the Sich Human Rights Protection Group¹⁴⁶, under such conditions, it is justified to apply the "balance of probabilities" *standard, according to which* a fact is deemed proven if it is more likely that it happened than that it did not.

We support this view and believe that, in addition to the above, it must be taken into account that persons staying in the temporarily occupied territories, concerning whom there are signs of disappearance, remain citizens of Ukraine (that is, the legal connection between the individual and the state remains). Therefore, the state has an increased positive obligation to ensure that their rights are protected.

These points, taken together, support the idea that a simplified approach to proof should be applied, focused on assessing all the circumstances of the case in the round, rather than on the formal availability of direct evidence.

Thus, despite the considerable progress made in forming the legislative framework after 2022, the current system of social and legal protection for persons deprived of personal

¹⁴⁶ <https://sich-pravo.org/doslidzhennia-shcho-ne-tak-iz-zakhystom-tsyvilnykh-iaki-projshly-rosijsku-nevoliu/>

liberty due to the armed aggression against Ukraine still faces a number of conceptual and practical challenges. The resolving of these challenges requires not only that separate procedures be improved, but also *a rethink of the overall model of government policy in this area, taking into account the changing nature of Russian aggression, the real needs of survivors, and international standards for the protection of human rights and the rights of survivors of armed conflicts.*

Conclusions:

1. The analysis shows that, after 2022, Ukraine established a legal basis for supporting individuals unlawfully deprived of personal liberty; however, it remains fragmented and incomplete, as comprehensive legal regulation has been lacking for a long time (since 2014).
2. The current model for implementing government guarantees is too formalized: access to support depends on having one's status established, rather than on the fact of having been released, and this narrows eligibility for people who actually need support.
3. Despite the fact that regulation has been expanded through bylaws, the system remains fragmented, complex, and overloaded from an administrative perspective, with duplicated procedures and insufficient effectiveness.
4. Expert assessments confirm these systemic issues, in particular the complexity of procedures, the limited accessibility of government support mechanisms, and the system's failure to meet the actual needs of survivors.
5. One key reason for these shortcomings is the absence of a single dedicated body; this results in poor coordination, the lack of a unified state register, and limited systemic support for persons after release.

The further development of the policy requires a transition to a human-centered model, where the right to support arises from the moment of release, as well as the development and adoption of a comprehensive legislative act for the systemic regulation of this field.

Proposals for improving the legislation:

Short-term perspective

1. make amendments to Law of Ukraine No. 2010, to expand its scope and remove any ambiguous interpretation of the criteria for establishing whether a deprivation of liberty took place;
2. improve the legislation by establishing an indicative list of documents and evidence, introducing a mechanism for correcting deficiencies in documents submitted, requiring that an adequate rationale be given for the Commission's decisions, standardizing the time-frames for considering applications, and eliminating the possibility of a decision not being adopted due to Commission members abstaining from voting;
3. ensure that the Commission's general practice is promulgated, so as to create a unified approach to the application of the legislation and make its decision-making more predictable.

Medium-term perspective

1. enshrine into law the one-stop-shop principle and the mechanism of comprehensive social support (case management) for persons after release;

2. ensure that a security package of priority support can be provided immediately after release, without the need to wait for completion of the procedure to establish that a deprivation of personal liberty occurred;
3. improve the mechanism for inter-agency interaction and information exchange between government bodies;
4. integrate survivors of unlawful deprivation of personal liberty into the general system of social protection for individuals in difficult life circumstances, while providing specialized guarantees that take the consequences of the lived experience into account.

Strategic perspective

Given the systemic nature of the existing problems, the long-term improvement of the legislation must envisage the development of an integral government policy in this field, something that could be achieved by:

1. determining which central executive body or other authorized entity is to be responsible for developing and implementing government policy in the field of protecting civilian survivors of unlawful deprivation of personal liberty;
2. creating a unified state register of such persons while ensuring that information is exchanged effectively between authorized bodies;
3. comprehensively reviewing Law of Ukraine No. 2010 or developing a new basic legislative act that would ensure unified approaches to determining categories of survivors, their legal status, the system of government guarantees, rehabilitation, social support, and inter-agency coordination;
4. introducing a human-centered model of government policy, under which access to basic support measures will be ensured from the moment the individual is released, rather than after the administrative procedure for establishing the relevant status has been completed.

5.2. The efficiency of existing procedures for decision-making on establishing that a deprivation of liberty took place: the Commission as a mechanism for access to protection

Access to state support for any category of citizens, especially persons affected by the armed aggression (internally displaced persons, children, owners of damaged or destroyed property, etc.), is regulated by law. This process requires mandatory verification procedures: the required set of documents must be submitted, then reviewed, and a decision taken on whether to grant status, and assign monetary allowances, benefits, or social services.

The stages specified are necessary in order to verify individuals' legal status, ensure that support is targeted, and prevent fraud and misuse of budget funds. Depending on the scope and type of support, separate procedures and document lists are established for each category of persons.

For civilians unlawfully deprived of personal liberty due to the Russian Federation's armed aggression against Ukraine, a key way to access government protection, rehabilitation, and social guarantees is through the procedure of having this fact established by the designated Commission. This is the Commission for Establishing the Fact of Deprivation of Personal Liberty Due to the Armed Aggression Against Ukraine (hereinafter referred to as the Commission). It operates under Law of Ukraine No. 2010¹⁴⁷ and the Regulation approved by the Resolution of the Cabinet of Ministers of Ukraine No. 1281 of November 15, 2022

147 <https://zakon.rada.gov.ua/laws/show/2010-20#Text>

“Certain Issues Concerning the Implementation of the Law of Ukraine on the Social and Legal Protection of Persons Recognized as Deprived of Personal Liberty due to the Armed Aggression Against Ukraine, and Members of Their Families”¹⁴⁸ (hereinafter referred to as Resolution No. 1281).

The role of this body is of fundamental importance, both in terms of the legal and social protection of tens of thousands of survivors and in the context of transitional justice. After all, the Commission’s decision is not just a formal legal mechanism but an important tool for symbolically recognizing lived experience, restoring dignity, and bringing back a sense of fairness.

Under part five of Article 3 of Law No. 2010, the Commission is tasked with:

1. reviewing applications and materials (certificates, information, other documents) regarding the establishment of the fact that a deprivation of personal liberty took place due to the armed aggression against Ukraine, and regarding the recognizing of a person as a family member of an individual deprived of personal liberty due to the armed aggression against Ukraine;
2. deciding on whether to recognize a person as having been deprived of personal liberty due to the armed aggression against Ukraine, to recognize a person as a family member of a person recognized as deprived of personal liberty due to the armed aggression against Ukraine, or to decide, if applicable, not to confirm that a deprivation of personal liberty due to the armed aggression against Ukraine took place;
3. analyzing the practical application of the laws on the social and legal protection of persons recognized as having been deprived of personal liberty due to the armed aggression against Ukraine.

Currently, open sources contain no information about an analysis of how Law No. 2010 has been applied since its adoption, which may indicate that the tasks assigned to the Commission have not been fully completed.

The absence of results of analysis in the public domain indicates that the Commission has likely failed to perform its immediate functions under part five of Article 3 of this Law. It means the public has limited access to information about the state of social and legal protections for survivors and indicates a low level of transparency in the government body’s activities.

Shaping the composition of the Commission and the transparency of its activities

Under paragraph 18 of the Commission’s Regulation, organizational, information, and logistical support for the Commission’s activities is provided by the Ministry of Communities and Territories Development of Ukraine.

Powers concerning the organizational, information, and logistical support for the Commission’s activities were transferred to the Ministry of Communities and Territories Development of Ukraine in 2025 under Resolution of the Cabinet of Ministers of Ukraine No. 35 of January 14, 2025 “On Amending Certain Resolutions of the Cabinet of Ministers of Ukraine Concerning the Activities of the Ministry of Communities and Territories Development.”

In response to a request from the Ukrainian Helsinki Human Rights Union, the Ministry of Communities and Territories Development of Ukraine stated in letter No. 11592/7/10-26 of May 5, 2026 (*Annex 1 to Section 5*) that the current composition of the Commission was approved by Order of the Ministry of Development No. 182 of February 7, 2025 (*Annex 2 to Section 5*), from among representatives of government authorities and public associations, as determined under Article 3 of Law No. 2010.

148 <https://zakon.rada.gov.ua/laws/show/1281-2022-%D0%BF#Text>

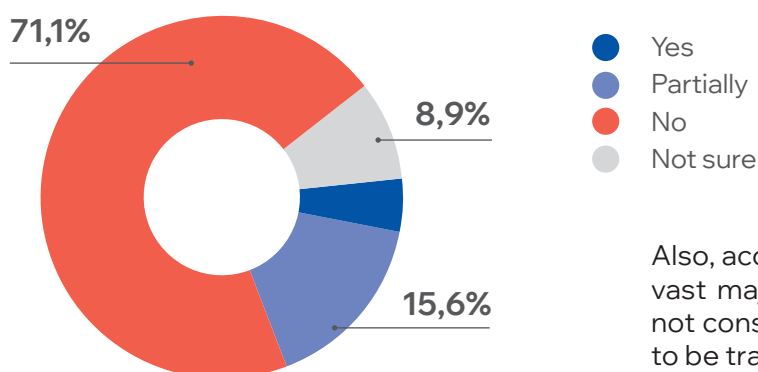
Currently, the Commission is composed of: the Deputy Minister of the Ministry of Communities and Territories Development of Ukraine (Commission Chair); a representative of the Joint Center for Coordination of Search and Liberation of Persons Unlawfully Deprived of Liberty as a Result of Aggression against Ukraine of the Security Service of Ukraine (Deputy Chair of the Commission); the Chair of the Board of the Crimean Human Rights Group NGO (Commission Secretary); a representative of the Office of the President of Ukraine; representatives of the Ministry of Social Policy of Ukraine, and state enforcement service bodies of the Ministry of Justice of Ukraine; the Secretariat of the Commissioner for Persons Missing Under Special Circumstances of the Ministry of Internal Affairs of Ukraine; the Permanent Representative of the President in the Autonomous Republic of Crimea; the Ministry of Foreign Affairs of Ukraine; the Office of the Prosecutor General; the Ministry of Health of Ukraine; the Ukrainian Parliament Commissioner for Human Rights; the Ministry of Defense of Ukraine; the Foreign Intelligence Service of Ukraine, as well as representatives of the “Union of Participants, Veterans, and Persons with Disabilities as a Result of War” NGO, “Blue Bird” NGO, Mejlis of the Crimean Tatar People, and the “Media Initiative for Human Rights” NGO.

In the expert community, questions about the Commission’s composition, including the representation of public organizations within it, remain a subject of debate.

In its letter No. 11592/7/10-26 of May 5, 2026 (Annex 1 to Section 5), the Ministry of Development noted that representatives of public associations shall be included in the Commission based on proposals for candidates received by the Ministry. The said letter only specifies the basis for including representatives (receipt of a proposal); however, it does not outline the communication procedure: whether it takes the form of an open announcement or of targeted requests sent to specific organizations. Such regulatory and procedural “blindsiding” undermines the principle of equal access, limits public participation, and raises reasonable doubts about the transparency and impartiality of the process of forming the Commission, under Law No. 2010.

During the focus group discussions, various views were expressed regarding the expediency of public organizations being involved in the work of this collegial body. Some experts believe that civil society representatives may carry out independent monitoring and public oversight more effectively outside of the Commission’s decision-making process. At the same time, another group of discussion participants believes that public organizations may continue to be represented in the Commission’s work, but that this representation needs to be improved, specifically by establishing a clear procedure for selecting public candidates and introducing periodic rotation for this part of the Commission’s membership.

Are the Commission’s activities sufficiently transparent?



Also, according to the survey results, the vast majority of respondents (71.1%) do not consider the Commission’s activities to be transparent.

Such an indicator — 71.1% of respondents rate the transparency of the Commission’s work negatively — clearly shows that the procedural opacity inherent in the Commission’s formation process has eroded public trust in its activities. The Commission is currently viewed not as an independent arbitrator or a forum for dialogue, but as a closed entity operating amid legal uncertainty and limited access to information.

To remedy the situation and restore trust in the implementation of the provisions of Law No. 2010, it is necessary to enshrine into law an obligation on the part of the Ministry of Development to publish open announcements on the admission of candidates to the Commission, and to introduce public monitoring tools and reporting on the Commission's ongoing activities.

Consideration of applications and decision-making

Under the legislation, the Commission considers applications to have it established that a deprivation of personal liberty took place in relation to both civilians and service members.

Despite the significant numbers of people who are survivors of a deprivation of personal liberty due to the armed aggression by the RF against Ukraine, the Commission is not a permanent body. Commission meetings take place quarterly. Its members contribute to this work pro bono, in addition to fulfilling their responsibilities at their primary place of employment. Moreover, the legislation does not set qualification requirements for members of the Commission, such as specialized training or work experience. The specified circumstances inevitably affect both the workload of the Commission's members and the quality of their decision-making.

Thus, according to data from the Ministry of Development (*Annex 1 to Section 5*) on the number of appeals considered by the Commission for Establishing the Fact of Deprivation of Personal Liberty Due to the Armed Aggression Against Ukraine, the Commission reviewed 4,364 applications in 2025 and another 1,357 applications in 2026 (as of April 30) during a single session.

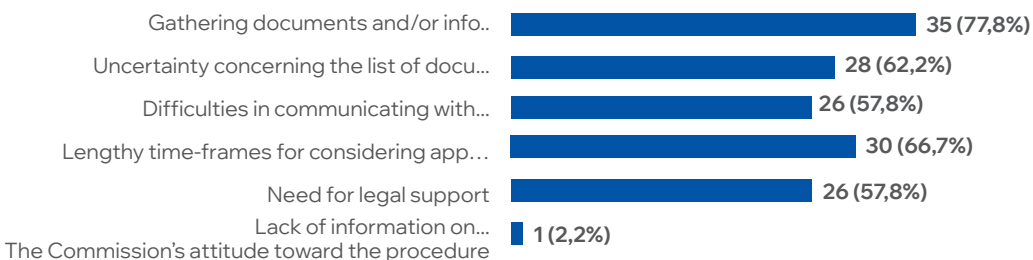
Notably, some applications may be reviewed by the Commission over the course of several meetings, because additional information needs to be gathered and processed.

However, in response to UHHRU's request for information broken down by categories of individuals (service members/civilians) and applicants' sex (male/female), the Ministry of Development stated that it did not maintain a separate register of applications reviewed by the Commission based on these indicators.

In addition to the institutional aspects of the Commission's activities, there are also considerable difficulties in establishing that a deprivation of liberty took place. The application review process depends largely on the availability of evidence, which is not defined by the legislation and is often objectively unavailable to applicants in situations of occupation or prolonged detention. Persons held in isolation usually lack detention documents, cannot obtain official confirmation from the occupation authorities, and are often deprived of the opportunity to bring in sufficient witnesses to corroborate the circumstances of their detention.

Over 90% of survey respondents experienced challenges submitting their applications and having them considered by the Commission. Of these, 60% reported considerable difficulties, and 31.1% reported moderate difficulties. Only 4% of respondents found that there were no difficulties at all or only insignificant ones.

What difficulties, specifically?

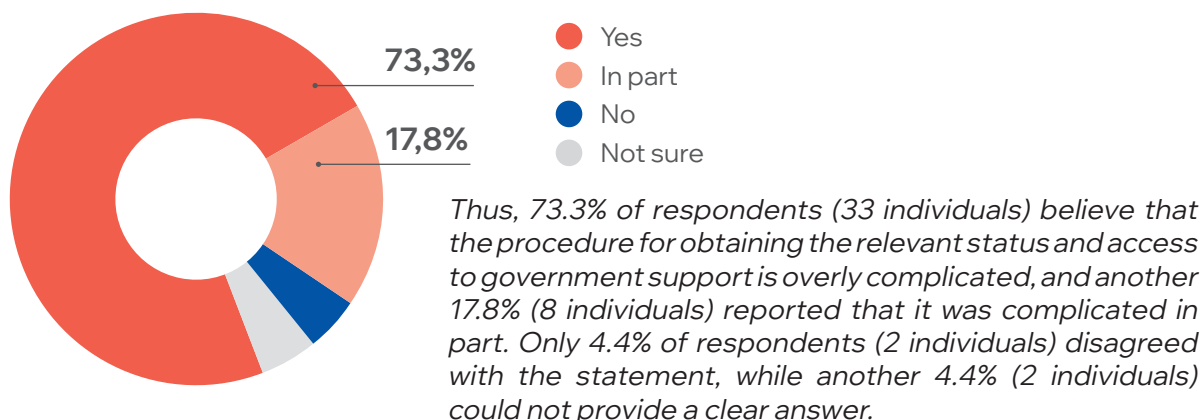


Most often, difficulties arise during the collection of documents or information confirming the aggressor state's deprivation of personal liberty (77.8%), as well as from uncertainty

about which documents or information may be used to confirm the relevant fact (62.2%). In addition, respondents highlighted the lengthy amount of time the Commission takes to consider applications (66.7%). Moreover, 57.8% of respondents reported difficulties communicating with the authorities and a need for legal support when submitting applications and collecting documents and information.

Following expert discussions and the survey, the vast majority of participants noted that the procedure for obtaining the status of a person in respect of whom a deprivation of personal liberty due to the armed aggression against Ukraine has been established, as well as the related government support measures, is perceived by most respondents as overly complicated.

Is the procedure for obtaining the status and support overly complicated?

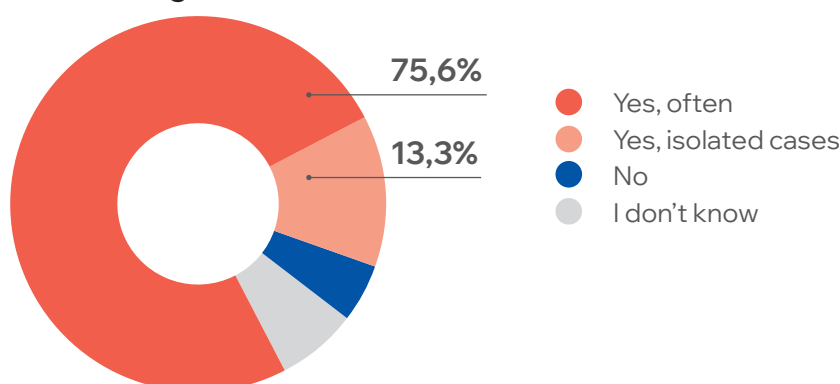


At the same time, it is worth noting that the vast majority of applications by civilians to establish that a deprivation of personal liberty took place end with a negative decision. According to data from the Association of Relatives of Political Prisoners of the Kremlin, the Commission for Establishing the Fact of Deprivation of Personal Liberty Due to the Armed Aggression Against Ukraine received 4,757 applications for review in 2025. Following the review, 3,691 positive decisions were adopted, of which only 250 concerned civilians. In 2025, the rejection rate among civilian applicants reached 81%¹⁴⁹.

Hence, despite the fact that an (albeit imperfect) system for supporting persons deprived of their personal liberty exists, most civilians remain outside of it because it is impossible to obtain a positive decision from the Commission establishing that a deprivation of personal liberty took place.

This is also confirmed by the results of the survey conducted as part of this research.

Have you or anyone you know encountered refusals in having the relevant status recognized?



¹⁴⁹ <https://www.relativespp.org/article/4-z-5-civilnih-yaki-perezhili-rosiyske-uvyaznennya-rizikuyut-otrimati-vidmovu-u-viznanni-ta-dopomozi-derzhavi>

Mostly, this is because proving a deprivation of personal liberty largely depends on the information that is available to state authorities, whilst the applicants themselves often have no way of providing additional evidence to support their position. At the same time, the absence of clearly defined standards for assessing evidence and information, a detailed list of admissible information sources, and proper rationales for decisions refusing to confirm that a deprivation of personal liberty took place creates a risk that differing approaches will be used for similar kinds of cases.

A separate area that needs improvement is the procedure for the Commission's adoption of decisions. The current model allows for situations in which a decision is not made because individual members of the Commission abstain from voting. According to experts, this procedure adds another barrier for people seeking to establish that a deprivation of personal liberty took place, and should be reviewed at the regulatory level.

Among the key issues, experts also cite the lack of an effective mechanism for contesting the Commission's decisions on the merits, insufficient regulation of the procedures governing its activities and the accountability of its members, the fact that it is possible to abstain from voting, and the fact that meetings are not held with any regularity. In practice, this causes lengthy time-frames for the consideration of applications, due to insufficient transparency in decision-making procedures and the complexity of clarifying the reasons for refusing to establish that a deprivation of personal liberty occurred.

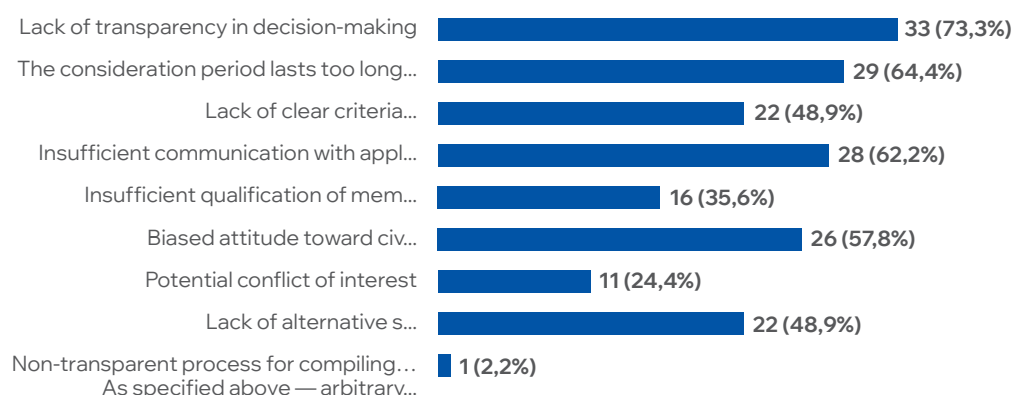
Thus, the Commission's human rights practice demonstrates a significant procedural imbalance, whereby the applicant is the party with the least protection, because they are unable to collect the required evidence from government bodies on their own. The situation is made worse by the flawed voting rules, under which Commission members have the right to abstain; this sometimes means that no decision whatsoever can be adopted. The irregular scheduling of meetings, insufficient transparency, and the lack of clearly defined accountability mechanisms for the Commission's members lead to unjustified delays in reviewing applications and may negatively affect citizens' rights to a fair and reasoned review of their applications.

Main problems in the Commission's work and assessment of its activities

The problems in the Commission's work — from how its composition is shaped to how it makes decisions — inevitably cause dissatisfaction among survivors and human rights activists and affect how this body's activities are assessed.

Based on the results of the survey conducted by the UHHRU as part of this research, the main problems in the Commission's operation identified by respondents are shown in the diagram.

Main problems in the Commission's operation:

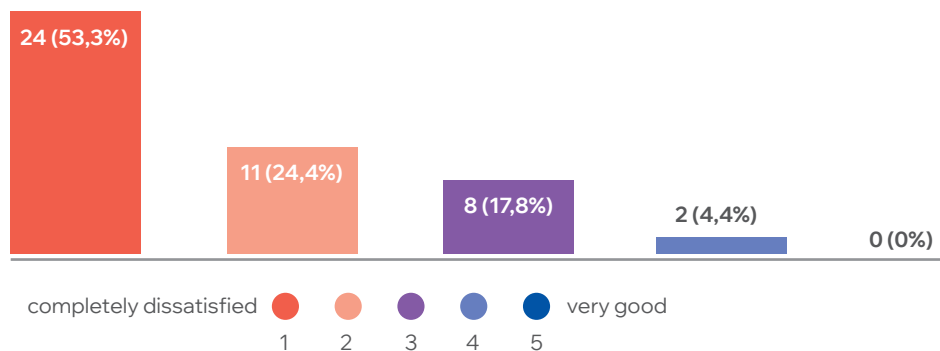


Participants in the focus groups and survey consider the lack of transparency in decision-making to be the biggest problem. 73.3% of respondents reported this. The fact that the consideration period is too long also raises concern. This was reported as the main problem by 64.4% of respondents.

Some other problems cited by respondents included the lack of communication with the applicants (62.2%), a biased attitude toward civilian survivors of unlawful deprivation of personal liberty (57.8%), as well as the lack of clear criteria for selecting Commission members and the lack of alternatives to court proceedings as a way to contest the Commission's decisions (48.9% of respondents each).

The responses to the question: "How do you assess the work of the Commission for Establishing the Fact of Deprivation of Personal Liberty Due to Armed Aggression Against Ukraine under the Ministry for Communities and Territories Development?" (on a five-point scale from 1 to 5, where 1 means completely dissatisfied with the Commission's work, and 5 means a very good evaluation of its work) were distributed as follows:

How do you assess the work of the Commission within the Ministry of Communities and Territories Development?



Thus, the dissatisfaction with the Commission's work recorded in the study (over 53% of respondents rated its activity with the lowest score of 1) indicates a significant loss of trust in this mechanism among survivors and the human rights community. The combination of issues, ranging from insufficient transparency (**73.3%**) and the length of the application review process (**64.4%**) to perceptions of biased attitudes toward civilians (**57.8%**), indicates the need for comprehensive institutional and regulatory reform of the Commission's activities. **Without addressing these shortcomings, the Commission's effectiveness at carrying out the functions assigned to it will remain limited, thereby undermining the exercise of survivors' rights to government social and legal protection.**

The need to reform the Commission's work and possible functioning models

The systemic nature of the issues above — from the heavy institutional workload to the low assessment of the Commission's activities in the sociological survey results — leads to the clear conclusion that the Commission needs comprehensive reform rather than isolated changes.

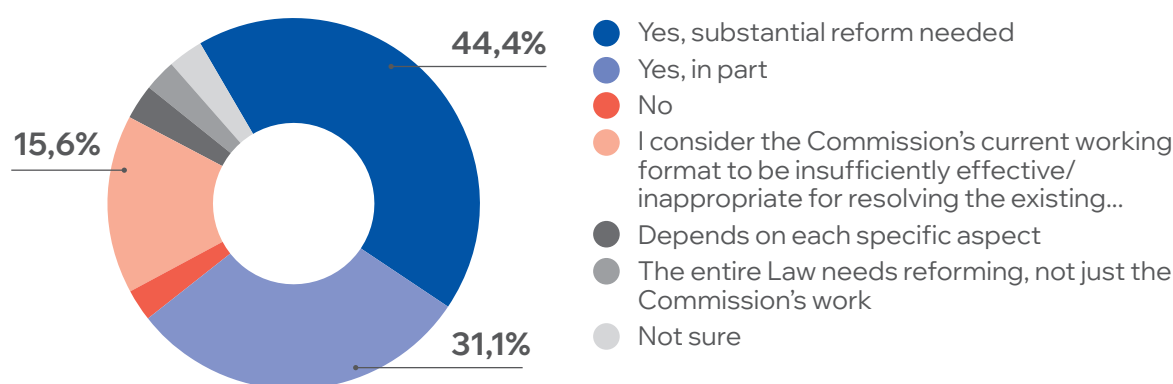
Rationale for the need for reform:

- **Institutional restrictions:** the current model does not ensure timely, high-quality consideration of a large number of applications, since the Commission is not a permanent body, its members perform their functions in parallel with their professional activities, and meetings are held only quarterly. Under such conditions, the organizational model does not fully correspond to the scale of the challenges posed by mass cases of unlawful deprivation of personal liberty due to the armed aggression against Ukraine.

- **Procedural shortcomings:** the lack of clear rules for evaluating evidence, and of a defined list of admissible sources of information, the fact that it is possible for a Commission member to abstain from voting, and the failure to provide a sufficient rationale in individual decisions considerably complicate applicants' ability to have their applications considered in a fair and predictable manner.
- **Crisis of trust:** the survey results show that the public have a low level of trust in the Commission's activities. Specifically, none of the respondents gave it the highest score, whereas more than half gave it the lowest score. This may indicate a need to review both the Commission's organizational model and the procedures for exercising its powers.

The questionnaire participants also shared their views on reforming the Commission:

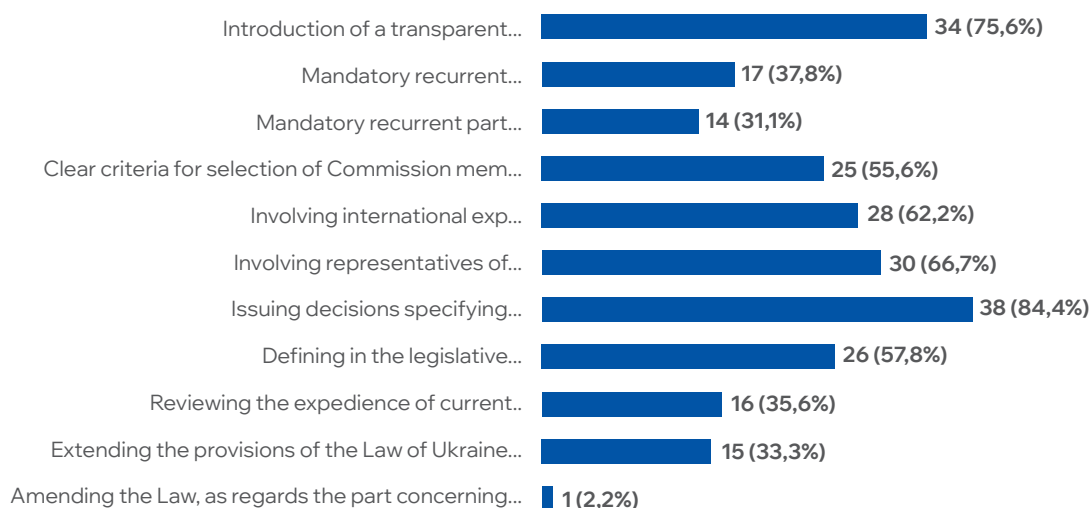
Does the Commission need reforming?



Most respondents (75.5%) believe that the Commission's work requires considerable or partial reform (44.4% and 31.1% of respondents, respectively).

The results of the questionnaire survey indicate the areas in which changes to the Commission's work are necessary.

What changes do you support?



The indicators recorded show overwhelming support within the human rights community for key areas of reform of the Commission. The respondents' expectations focus primarily

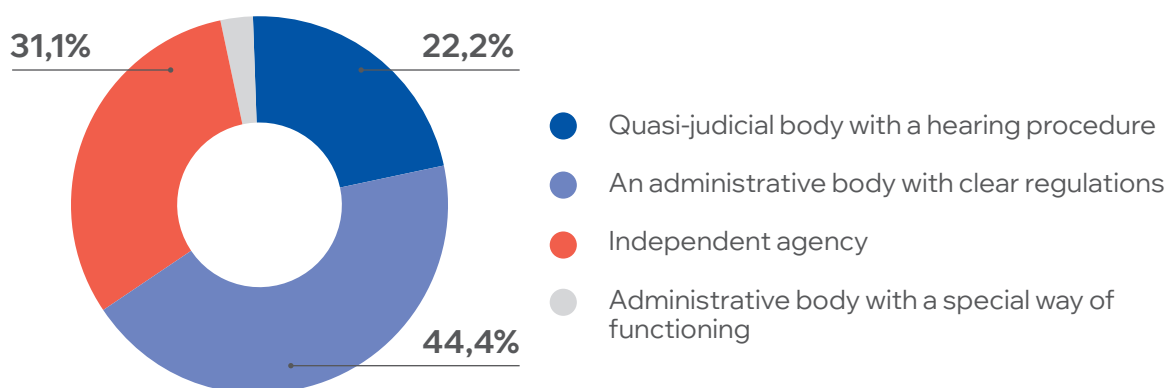
on introducing mandatory justifications for decisions to refuse applications (**84.4%**) and ensuring that the process for selecting members of the Commission from among the public is transparent and competitive (**75.6%**). The above data indicate the urgent need to amend Law No. 2010 and the Ministry of Development's bylaws, so that the Commission's activities are more transparent and predictable, and more closely aligned with good governance principles.

Reform of the Commission must not be limited to cosmetic changes but must be based on two fundamental principles: **justification (motivation) of its decisions** and **transparency in its composition**. The respondents' request for reasoned decisions (**84.4%**) and for the legislative enshrinement of their structure (**57.8%**) shows that applicants face a deficit of legal certainty.

At the same time, the high level of support for competitive selection (**75.6%**) and for involving public organizations in the Commission's work in an advisory capacity (**66.7%**) points to demand among the public for the revising of its current operating model and for greater openness in its decision-making procedures. Of particular note is the fact that one-third of respondents (**33.3%**) see extending the provisions of the Law of Ukraine "On Administrative Procedures" to cover the Commission's work as a systemic solution to the problem. This is indicative of the professional community's request that the Commission operate under clear, predictable administrative procedures, aligned with European standards.

As possible alternative models for how the body responsible for establishing deprivations of personal liberty as a result of the armed aggression against Ukraine could function, focus group participants and respondents in the questionnaire survey proposed the following options: a quasi-judicial body with a hearing procedure, an administrative body with clear regulations, or an independent agency.

What model of functioning do you consider would be the most effective for the Commission?



Thus, the expert community broadly supports reforming the Commission's current model of activities and professionalizing it. At the same time, experts' views as to which institutional model would be best were divided into three main approaches:

- **Administrative model (44.4%)** — the functioning of a clearly regulated administrative body, including the application of the provisions of the Law of Ukraine "On Administrative Procedures."
- **Independent institution (31.1%)** — removing the Commission from departmental subordination and creating a separate, independent agency.
- **Quasi-judicial model (22.2%)** — empowering the body to conduct full hearing procedures, including the possibility of hearing the parties.

Summing up, we can generally conclude that, to overcome the institutional crisis and strengthen the position of the expert community and beneficiaries, it is recommended that **the current format of the Commission, as a temporary collegial body working pro bono, be abandoned**, and that it be reformed based on the following concept:

1. Institutional status (professionalization):

Transfer the Commission's activities, or its working apparatus, to a **permanent professional and paid basis**. Commission members must perform this activity as their primary professional activity. This will address the problem of the excessive workload, and enable meetings to be held regularly (several times a week rather than quarterly).

2. Procedural toolkit:

At the legislative level, clearly define the Commission as an authority that is **fully covered by the Law of Ukraine "On Administrative Procedures."** This will make it possible, without creating an additional special regulatory regulation, to:

- compel the Commission to provide detailed reasoning for each decision to refuse an application;
- ensure that the applicant has the opportunity to be heard before any unfavorable decision is made;
- introduce a clear and understandable mechanism for pre-trial appeals.

3. Consideration procedure (elements of the quasi-judicial body):

Introduce a mandatory procedure for **written or oral hearings**, especially via video conferencing, in cases where the Commission intends to refuse an application or where the case is contentious. The applicant must have the right to provide explanations, either personally or through a representative, before the final vote.

4. Staff policy:

Legally establish a **transparent, competitive selection** process for appointing representatives of human rights NGOs to the Commission, with clear qualification criteria, including experience in international humanitarian law and/or human rights protection. Introduce mandatory partial rotation of the Commission's membership every two years to help prevent professional burnout and bias.

Conclusions:

1. The lack of transparency during the formation of the Commission has reduced public trust in its activities. The Commission is currently viewed not as an independent arbitrator or a forum for dialogue, but as a closed entity operating amid legal uncertainty and limited access to information.
2. The complete absence of public information about the Commission's performance of its key task — analyzing law enforcement practice — makes it impossible to assess the effectiveness of Law No. 2010 objectively. This suggests that the public are not satisfactorily kept informed about the results of the Commission's activities, or that the Commission is failing to perform the duties legally assigned to it.
3. The Commission's current organizational structure is inefficient and does not correspond to the volume of applications made. Attempting to get 1,357 applications reviewed in a single meeting, by persons working pro bono, undermines the quality of the legal protection for survivors. Furthermore, the complete lack of statistical breakdowns of applicants' data by category and sex in the Ministry for Communities and Territories Development's databases confirms that the state lacks accurate analytics on the profile

of survivors. This makes the social protection system blind to the specific needs of various groups, particularly civilian detainees and women.

4. Despite the existing support system for persons deprived of personal liberty, most civilians remain outside of its scope because it is impossible to obtain a positive decision from the Commission establishing that a deprivation of personal liberty took place.
5. The lack of clearly defined standards for evaluating evidence and information, of a detailed list of admissible information sources, and of a duty to properly justify decisions to refuse to establish that a deprivation of personal liberty took place, creates a risk of inconsistent approaches when reviewing similar cases.
6. The Commission's current procedural rules create significant systemic risks to the protection of survivors' rights. The lack of clear standards for evaluating evidence, the absence of any obligation to justify refusals, and the practice of "abstaining from voting" create a basis for subjectivism, a lack of transparency, and legal uncertainty (in particular, inconsistent approaches to similar cases). Furthermore, placing the burden of proof on applicants, who lack access to restricted state registries, and not having an effective mechanism for appealing decisions on the merits, turns the procedure into an additional administrative barrier that delays case review and undermines trust in this institution.
7. Instead of cosmetic changes, the Commission needs to be put on a permanent, professional footing, with clearly defined standards for substantiating decisions and open staff selection. This will become a necessary prerequisite for overcoming the critical crisis of trust in the Commission and ensuring real protection of survivors' rights.

Proposals

Short-term perspective

1. To enhance the transparency of the Commission's activities and restore trust in the implementation of Law No. 2010, it is advisable to require the Ministry for Communities and Territories Development, by law, to publish open calls for candidates for the Commission. It is also important to introduce tools for public monitoring of its activities and regular reporting.
2. Require that every decision refusing to establish that a deprivation of personal liberty occurred include detailed reasoning and clear grounds for the refusal, including the factual and legal bases for the decision.
3. Exclude from the Regulation on the Commission the possibility for Commission members to abstain from voting when adopting final decisions on the merits. Members of the Commission must vote only "for" or "against," with the right to set out a dissenting opinion in writing.

Medium-term perspective

1. Establish time-limits, in law, for reviewing an application from the moment it is registered, and set a mandatory minimum frequency for the Commission's meetings (for example, at least twice a month instead of once a quarter).
2. Introduce a mechanism for «freezing» the application in cases of technical or formal deficiencies. Stipulate a clear time-limit (e.g., up to 10 business days) for rectifying the issue and submitting any additional documents, while preserving the date of the initial application, to safeguard the applicant's right to receive payments or benefits from the time of the first appeal.
3. Establish, at the regulatory level, a right on the part of the applicant or their legal representative to participate in the Commission's meetings, including by video conference, and establish the procedure for this. Ensure that when the initial review

takes place, the person is able to participate upon request. However, if the application is reconsidered after a revision, or if there is contradictory data, giving the person or their representative a hearing is mandatory.

4. Develop and formally establish clear standards for evaluating evidence and information, define and approve a comprehensive list of admissible sources of information, and introduce a principle under which the duty to request documents and information from other government authorities rests with the Commission or the working body of the Ministry for Communities and Territories Development.
5. Establish a clear, transparent, and effective pre-trial (civil law) procedure for appealing the Commission's decisions, in particular by creating an appeal or expert board, and clearly regulate disciplinary and/or other liability for Commission members in cases of systematic violations of application review deadlines or failure to perform the duties assigned to them.
6. Amend Law No. 2010 so that it provides that, when determining whether a deprivation of personal liberty took place, the Commission may take into account and assess information contained in documents issued by bodies or institutions in the temporarily occupied territories of Ukraine or by the bodies of the aggressor state. Establish that the consideration of such documents is conducted solely in order to protect human rights and does not imply recognition of the legality or legitimacy of the respective bodies, in line with the approach set out in the International Court of Justice's so-called "Namibia exception".

Strategic perspective

1. At the legislative level, clearly define the Commission as an authority whose activities are fully covered by the Law of Ukraine "On Administrative Procedures."
2. Establish the Commission as a permanent, professional, and paid body, ensuring the functioning of a dedicated secretariat, sufficient staffing, and regular meetings.

5.3. Rehabilitation and reintegration of survivors of deprivation of personal liberty as a result of the armed aggression against Ukraine

The processes of rehabilitation and reintegration of individuals deprived of personal liberty are essential for the recovery of survivors of war crimes and other international crimes. Currently, mechanisms of government support are in place for those who have survived a deprivation of liberty attributable to the armed aggression against Ukraine. The practical implementation of them, however, is marked by a fragmented structure and complex institutional interaction, and this significantly complicates survivors' access to guaranteed government support. Overall, the existing support system does not meet the actual needs of civilian detainees.

One of the key problems is that ***most government guarantees and services become available only after the fact that a deprivation of personal liberty*** occurred has been established under the legislation. Yet the first days and weeks after release are critical to a person's recovery, as they require immediate medical, psychological, legal, and social support, help recovering documents, temporary housing, and assistance with the other basic needs of daily life.

Under such conditions, before the procedure to establish that a person has been deprived

of personal liberty is completed, people are often forced to search for information on their own about their rights, the services available, and the bodies authorized to provide them. Such a situation not only complicates access to government support but also creates a risk of wasted time during the period when support is most needed.

In this context, one must agree with the position of the NGO “Association of Relatives of Political Prisoners of the Kremlin” concerning the fact that

“The primary support package should depend above all on the status procedures, since, in the initial days or weeks, the person may not be ready to gather evidence or go through complex administrative processes, and any delay in support increases the risk of a deterioration in their condition and poor social adaptation.” This position is in direct alignment with international models of minimum universal access to urgent support for survivors of grave human rights violations, including torture»¹⁵⁰.

Special attention should be paid to the **differences in access to government support, depending on how the person returned to the territory controlled by the government of Ukraine**. Persons released through official exchange procedures usually come under the direct attention of government authorities (SSU, the Coordination Headquarters for the Treatment of Prisoners of War, the Ombudsman’s Office, etc.) and receive initial information support and assistance. In contrast, **people who returned independently or outside of the exchange procedures are often left outside of the government’s information and response system**.

A considerable share of such persons, when returning to Ukraine after a prolonged stay in conditions of isolation and the information vacuum created by the aggressor state, do not have information about their rights, the available mechanisms of government support, the procedure for establishing that they underwent a deprivation of personal liberty, or the steps for obtaining the services required. **The lack** of defined entry points in the support system and of a clearly defined **awareness-raising mechanism** means that survivors may go for a long time without proper support, or even go unnoticed by the relevant authorities. In practice, public and international organizations play a significant role in informing such persons about their rights and access to government support.

That being said, the problem lies not only in the insufficient awareness of released persons. In most cases, they return to relatives, acquaintances, or territorial communities where they plan to live for some time. For this reason, the appropriate level of awareness about existing support mechanisms must also be ensured among representatives of local governments, centers for the provision of administrative services, social protection bodies, healthcare facilities, and other actors who may become the first point of contact for the released person. This would help to guide the person, ensure they are referred to the relevant authorities, and minimize the risk of losing access to government support.

In addition, **civilian citizens of Ukraine who, after release, decide not to return to territory controlled by the Government of Ukraine but instead to live in another state, remain outside of the system of state guarantees**. Such a choice may be driven, in particular, by a lack of information about the support provided by Ukraine and by fears shaped by enemy propaganda narratives. Even though these persons are survivors of an international crime, access to most of the support mechanisms envisaged is conditional, territorially, on staying in Ukraine, and this significantly limits their ability to receive the support they require.

Moreover, neither the current legislation nor the existing system of government support **takes into account the needs of civilian foreigners and stateless persons who were legally staying in Ukraine and were deprived of their personal liberty by representatives of the aggressor state**. Despite the fact that such people are survivors of violations of international humanitarian law and international human rights law, the special support

¹⁵⁰ <https://www.relativespp.org/analytic/analitichniy-zvit-pislya-nezakonnogo-pozbavlennya-svobodiv-vid-vizhivannya-do-vidnovlennya>

mechanisms provided under Ukrainian legislation are primarily intended for citizens of Ukraine. This creates a risk of unequal access to government support depending on a survivor's citizenship or place of stay after release.

During the further development of the government's rehabilitation and reintegration policy, it is advisable to be guided not only by the person's citizenship or place of residence after release, but above all by the fact that they were harmed as a result of the RF's internationally unlawful actions.

The issue of access to government guarantees **for persons in respect of whom the Commission for Establishing the Fact of Deprivation of Personal Liberty has decided not to establish this fact requires special attention**. Resolution No. 1775 was intended to establish a mechanism for priority support for this category of persons. Yet the results of the study show that, at the time it was prepared, this mechanism had not yet achieved full operational status, and therefore it cannot be regarded as an effective tool for ensuring timely support.

Along with this, it is advisable to consider this issue more broadly, rather than only in the context of people who received a negative decision from the Commission. After returning to territory controlled by the government of Ukraine, a person does not automatically gain access to most government guarantees, and must undergo a procedure to establish that a deprivation of personal liberty occurred. Only after it is completed is the person granted access to the support measures envisaged by the legislation. If this fact is not established, the person must have recourse to the alternative mechanism provided for by Resolution No. 1775, which is currently being implemented in practice.

As a result, an interval of time emerges between the person's return and the moment they actually receive government support, during which they may be left without adequate assistance, despite the clear need for medical, psychological, social, and legal support. Such an approach shows the need to establish a system whereby basic support measures are provided to a person from the moment of their return, regardless of how long administrative procedures to establish facts of deprivation of personal liberty take.

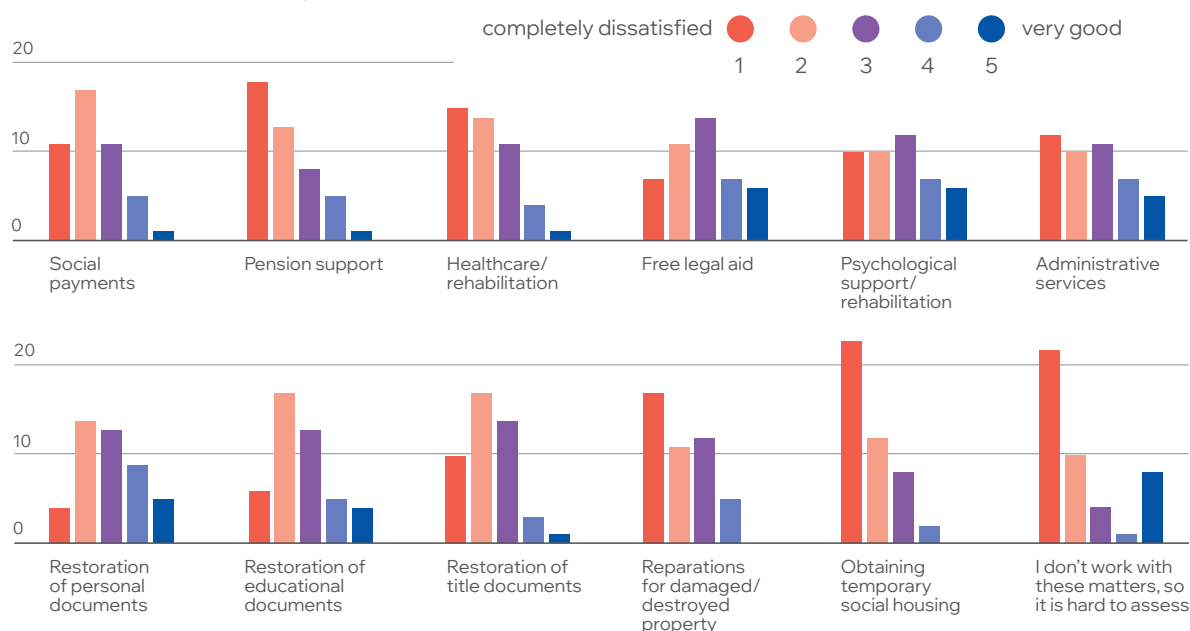
One of the most pressing needs identified immediately after return was the **inadequate provision of housing**, as reported by the participants in the focus group discussion. A considerable share of civilians returns from temporarily occupied territories or the aggressor state without having accommodation in territory controlled by the Government of Ukraine. In the best-case scenario, they may temporarily live with relatives or acquaintances, although far from all of them have this opportunity. In view of this, participants emphasized that the state and local governments must be prepared to provide these people with temporary housing and develop effective mechanisms for working with public and charitable organizations, which may offer them at least temporary shelter until the housing issue is resolved.

A separate problem identified by the study participants was the **lack of a unified support system for released persons**. A considerable number of government authorities, local governments, state institutions, law enforcement authorities, and international and public organizations are involved in their rehabilitation and reintegration. Each of these actors performs separate functions, within its own remit or beyond it. However, the lack of a single coordinator and a clear mechanism for inter-agency interaction often leads to duplication of some processes or, conversely, to gaps in the provision of support. Under such conditions, some issues are often addressed manually, with active support from the Secretariat of the Verkhovna Rada Commissioner for Human Rights, which takes on a coordinating role beyond its primary responsibilities.

The respondents' assessment of the practical accessibility of government guarantees shows that the way they are implemented remains quite complicated. For most of the support measures provided by law, assessments indicate that they are complex or impossible to obtain in practice. At the same time, certain guarantees are considered more readily accessible, particularly psychological assistance, free legal aid, and the restoration of personal and educational documents.

Conversely, the survey participants identified guarantees related to housing provision and property rights as the most problematic areas. Specifically, respondents reported significant difficulties restoring documents that confirm ownership rights, obtaining reparations for damaged or destroyed property, and securing social or temporary housing. Such a distribution of responses shows that the biggest gaps in the practical implementation of state policy concern precisely those guarantees that are critical to the long-term recovery, social stabilization, and reintegration of survivors.

Assess how realistic it is, in practice, for a civilian survivor of deprivation of personal liberty to obtain the guarantees listed below.

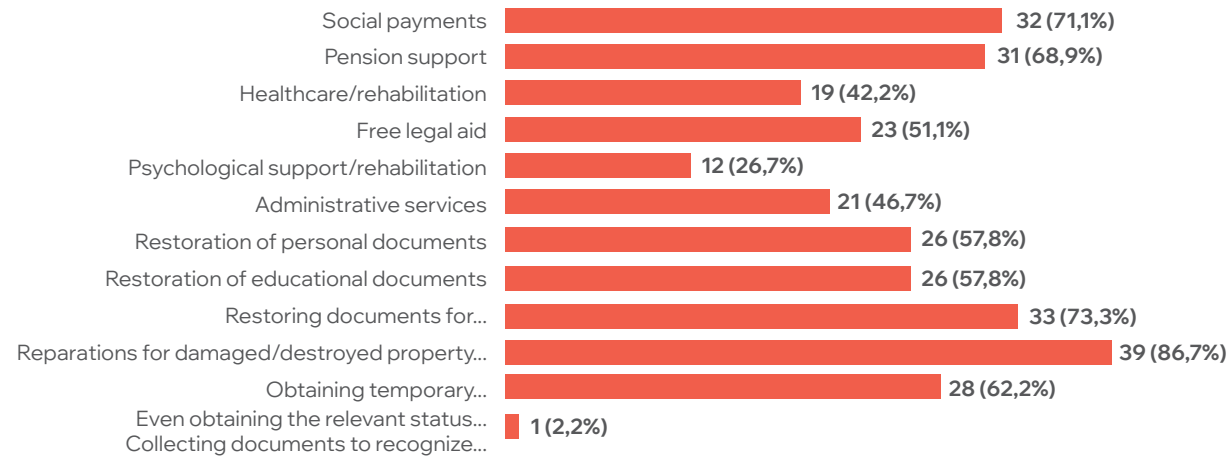


Survey results indicate that, in practice, professional legal support is required to obtain most government-provided services and support measures for individuals whose deprivation of personal liberty has been established. Regardless of the type of assistance, many respondents noted that obtaining the relevant services on their own is difficult or impossible without getting a lawyer or attorney involved. This shows how excessively complex the existing administrative procedures are and confirms that there is a need to simplify them and provide systemic legal support to survivors. Thus, the process of recovery and reintegration for a person who has been deprived of personal liberty, following their release, cannot be fully implemented without proper legal support — from collecting documents confirming the deprivation of personal liberty to obtaining reparations for destroyed housing.

Under such conditions, a person who needs to restore identity, title, or educational documents, resolve issues related to receiving medical services, meeting tax obligations, employment, and other vital matters, is forced to interact with each body separately. At the same time, there is no unified support or coordination mechanism to simplify administrative procedures, reduce red tape, and ensure effective communication with officials, who do not always have sufficient knowledge of the specifics of working with survivors of unlawful deprivation of personal liberty.

To assess how state authorities interact with civilians affected by deprivation of personal liberty, experts were invited, as part of an anonymous survey, to evaluate how often key elements of a human-centered approach were applied, with a focus on the needs of civilians who have survived unlawful deprivation of personal liberty. The survey results showed that most of these practices are not systemic and, according to respondents' estimates, are either largely not applied or applied only occasionally. Here's a visualization of the responses.

Specify the services that require legal aid, such as support from a lawyer or attorney:

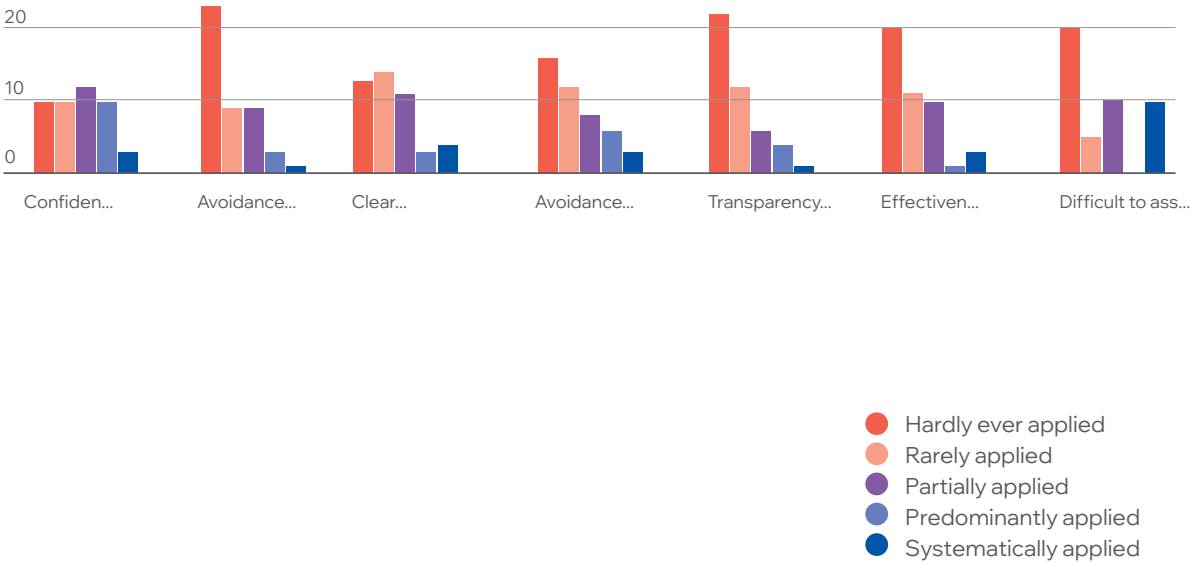


Experts considered **avoiding re-traumatization** to be the most critical practice. This practice is considered by 23 respondents to be hardly ever applied, and by another 9 to be rarely applied. Only three respondents said it is predominantly applied, and just one said it is applied systematically. This suggests that the authorities do not use a trauma-informed approach when interacting with survivors.

A similar pattern is seen in the transparency and predictability of administrative procedures. Twenty-two experts noted that the provision of clear information on deadlines, review stages, and the reasons for decisions is hardly ever applied, while another 12 said it is rarely applied. Only 4 respondents believe this practice is predominantly applied, and only one survey participant described it as systemic.

The provision of effective support to survivors by state authorities and local governments during reintegration and socialization was also rated negatively. Twenty respondents said it was hardly ever provided, and 11 said it was rarely provided. Meanwhile, only one expert selected the option “Predominantly applied,” and three selected “Systematically applied.” This suggests that no established mechanisms exist to provide individual support after release.

How often does the following happen in the interaction between the authorities and civilian survivors of the deprivation of personal liberty:



Slightly less critical, but still predominantly negative, are the assessments of the practice of avoiding humiliation and unnecessary administrative barriers. Sixteen experts believe this practice is hardly ever applied; 12 say it is applied rarely, 6 say it is applied predominantly, and 3 say it is applied systematically.

Regarding the provision of clear and complete information, the results do not show that positive practice is established here, either. Thirteen respondents reported that it is hardly ever applied, 14 said it is applied rarely, and 11 said it is applied partially, while only 3 and 4, respectively, indicated that it is applied predominantly or systematically. Thus, a significant share of affected individuals does not receive complete information about their rights, the support mechanisms available, or the next steps.

Relatively speaking, the best — though still far from positive — ratings were given to the practice of ensuring confidentiality and sensitivity in information about survivors. That said, even here, only three experts believe this practice is predominantly applied, and only three respondents said it was applied systematically. The majority of respondents (32 individuals) rated it as hardly ever applied, rarely applied, or only partially applied.

Overall, the survey results show that positive interactions between authorities and civilian survivors of unlawful deprivation of personal liberty have not yet become systemic. Particularly problematic are the following: preventing re-traumatization, ensuring transparency in administrative procedures, and providing individual support for survivors. This shows that a formal, administrative approach currently dominates over a human-centered approach to providing support, and confirms the need to institutionalize trauma-informed standards, unified interaction protocols, and a service-oriented approach in the work of state bodies.

To assess how the Procedure for Conducting Priority Support Measures for Civilian Survivors of Deprivation of Personal Liberty Due to the Armed Aggression against Ukraine, approved by Resolution No. 1775, is being implemented in practice, information requests were sent to the Secretariat of the Ukrainian Parliament Commissioner for Human Rights, the Ukrainian National Center for Peacebuilding, and the Coordination Center for Support of Victims and Witnesses under the Prosecutor General's Office.

An analysis of the responses indicates that all three entities have begun implementing their assigned functions. At the same time, the level of institutional readiness and the content of the measures implemented differ significantly.

	Coordination Center for Support of Victims and Witnesses under the Prosecutor General's Office	Secretariat of the Ukrainian Parliament Commissioner for Human Rights	Ukrainian National Center for Peacebuilding
Regulatory basis for activity	paragraph one of part 7	subparagraph 1 of part 6	
	Procedure for Conducting Priority Support Measures for Civilian Survivors of Deprivation of Personal Liberty Due to the Armed Aggression against Ukraine, approved by CMU Resolution No. 1775 of December 24, 2025		

Regulatory basis for immediate implementation	Orders of the Prosecutor General No. 103 of April 11, 2023 "On the Organization of the Work of the Prosecutor's Offices on Issues of Supporting Survivors and Witnesses of War and Other International Crimes," No. 263 of October 28, 2024 "On the Organization of the Activities of the Prosecutor's Offices on Issues of Supporting Survivors and Witnesses," Regulations on the Coordination Center, approved by Order of the Prosecutor General No. 210 of July 24, 2025.	No internal regulatory or organizational documents were adopted within the Secretariat's remit.	Algorithm for the provision of services and support for released civilians who were deprived of personal liberty as a result of the armed aggression against Ukraine, approved by the decision of the Council of the Coordination Headquarters for the Treatment of Prisoners of War dated October 1, 2025.
Has the implementation of Resolution No. 1775 begun	Yes	Yes	Yes
Divisions responsible	Coordination center and departments for organizing support for survivors and witnesses in 9 regional prosecutor's offices	It is provided by the Department for Monitoring the Observance of Rights in the Defense Sector and the Rights of Veterans and Military Personnel, Prisoners of War and Members of Their Families, specifically through the Division for Ensuring the Rights of Ukrainian Citizens Residing Abroad and in Temporarily Occupied Territories, within the Directorate for Observance of the Rights of Persons Deprived of Liberty as a Result of the Armed Aggression against Ukraine and Missing Persons.	All structural divisions are involved in the implementation

Content of activities within the framework of Resolution No. 175	Providing consultation and practical assistance in preparing the documents needed to obtain government support. Ensuring that survivors are referred for free legal aid, rehabilitation and treatment, psychological support, and access to social services, in accordance with the needs they are identified as having.	The primary needs of released civilians are being clarified, their current contact details are being updated, and the need for, in particular, the restoration of lost or destroyed documents, the provision of temporary housing, receipt of psychological and legal support, the undergoing of rehabilitation measures, and the resolving of other issues related to the restoration of their rights is being undertaken.	Needs assessment together with the Commissioner's Secretariat
Cooperation between	local governments, free legal aid providers, healthcare facilities, social services, psychological services, public organizations	Forwarding information to the relevant authorities	Not detailed
The number of needs assessments	126	27 (for the period from January 1, 2026 to the date on which the response was drawn up)	Not reported
The number of individuals supported	408	Not specified	Not specified
Extent to which functions correspond to the main functional purpose of the body (analytical assessment)	The activity corresponds to the function of supporting survivors in the criminal process and the existing institutional model. However, it is temporary and lasts only for the duration of the criminal proceedings.	Social support is not a core function; its main purpose is to support the Commissioner's work in exercising parliamentary control over observance of human and civil rights and freedoms	The main activity is implementing policies in peace-building and social cohesion, rather than managing individual cases of released persons

The most detailed response came from the Coordination Center for Victim and Witness Support of the Prosecutor General's Office (Annex 3 to Section 5). Although prosecutors are bound by legislative restrictions on disclosing information from pre-trial investigations, the Coordination Center's response was the most detailed and substantive one. It indicates that there is an established system for assessing needs, supporting survivors, and coordinating the provision of the necessary support. Currently, the Coordination Center can be considered an institution that effectively performs case management functions for survivors in the relevant criminal proceedings, albeit only for a limited period — the duration of those proceedings¹⁵¹.

By contrast, the responses from the Secretariat of the Ukrainian Parliament Commissioner for Human Rights (Annex 4 to Section 5) and the Ukrainian National Peacebuilding Center (Annex 5 to Section 5) are much less detailed. The Commissioner's Secretariat reported that there were no separate internal documents governing the exercise of the new powers,

¹⁵¹ Under the Regulation on the Coordination Center, approved by Order of the Prosecutor General No. 210 of July 24, 2025: <https://ips.ligazakon.net/document/GP25027>

while the Ukrainian National Peacebuilding Center referred only in general terms to the relevant Algorithm, without specifying the procedure for implementing it.

The responses received also raise questions about whether the assigned functions comply with the legally defined tasks of these institutions. Providing individual social support, assessing needs, and managing cases is not one of the basic functions of either the Secretariat of the Commissioner, whose main purpose is to ensure parliamentary oversight of compliance with human and civil rights and freedoms¹⁵², or the Ukrainian National Peacebuilding Center, which serves as the National Information Bureau and is responsible for gathering and preserving information about Ukrainian prisoners of war, civilian detainees, and the dead, as well as searching for missing persons.

Thus, the analysis of the implementation of Resolution No. 1775 confirms the focus group's findings. Currently, needs assessment functions are spread across several institutions, some of which are not well suited to them given their functional purpose. At the same time, the absence of a single standardized needs assessment mechanism and adequate organizational support creates risks of duplicated functions, fragmented accountability, and uneven access to state support for released persons.

In addition, special attention is needed for the institutional model used to implement Resolution No. 1775. In accordance with the first paragraph of part 5 of the Procedure, the Ministry of Social Policy of Ukraine ensures coordination of priority measures to support civilians. At the same time, responsibility for developing state policy in this area is entrusted to the Ministry of Communities and Territories Development of Ukraine.

Under such conditions, the functions of policy development, coordination, and direct implementation are divided among different actors. In addition, the Secretariat of the Ukrainian Parliament Commissioner for Human Rights (upon agreement), the Ukrainian National Peacebuilding Center, and the Coordination Center for Support of Victims and Witnesses under the Prosecutor General's Office are responsible for conducting needs assessments and organizing support.

With a model like this, no single actor is identified as being responsible for the system's overall functioning. It remains unclear who is responsible for ensuring uniform needs-assessment standards, monitoring the quality of the support provided, coordinating interaction among all the bodies involved, analyzing how effectively government policy is implemented, and bearing responsibility for achieving the results defined. The fact is that the individual parts of the system operate in parallel to one another, without a proper mechanism for management, accountability, or control.

The aforementioned issues show that the current model of government support is built mainly around the administrative procedure for establishing that instances of deprivation of personal liberty took place, whereas the affected person's actual needs arise much earlier and do not depend on the completion of the relevant status-granting procedures. In this regard, the further development of state policy should be oriented toward building a multi-tiered support system that combines universal social protection mechanisms for all survivors with additional special guarantees for individuals in respect of whom a deprivation of personal liberty has been established.

One possible direction such a reform could take could be to ***integrate survivors of unlawful deprivation of personal liberty into the general social protection system, through mechanisms that support persons going through difficult life circumstances***. Such an approach would ensure access to basic social services, an assessment of individual needs, social support, and other support measures immediately upon a person's return, regardless of whether they have undergone the procedure to establish that a deprivation of personal liberty occurred and regardless of the outcome of its consideration.

¹⁵² Articles 1 and 10 of the Law of Ukraine "On the Ukrainian Parliament Commissioner for Human Rights" <https://zakon.rada.gov.ua/laws/show/776/97-%D0%B2%D1%80#Text>

There is already a regulatory foundation for this approach. Thus, under subparagraph «l» of paragraph 15 of part one of Article 1 of the Law of Ukraine “On Social Services”¹⁵³, one of the factors that may place a person in difficult life circumstances is deprivation of personal liberty as a result of the armed aggression against Ukraine. Thus, the legislation on social services already recognizes civilians who survived unlawful deprivation of personal liberty as people who may need comprehensive government support, regardless of whether they undergo a special procedure to have the relevant fact established.

Under such conditions, it seems appropriate to use existing social protection mechanisms by developing a state standard for social services for persons who have survived unlawful deprivation of personal freedom, or by adapting current state standards for social services to address their specific needs. This would ensure prompt assessment of individual needs, social support, coordination in providing the necessary services, and access to basic support measures from the moment of the person’s return.

This approach also aligns with the proposals made by the focus group participants, who stressed the need to introduce a basic package of priority support to be provided immediately upon release, regardless of whether the procedure for establishing that a deprivation of personal liberty occurred has been completed. According to the participants, such a package should include primary social, psychological, and legal support; an assessment of individual needs; social support; and one-time financial support, which could be based on the registration of the relevant criminal proceedings. Separately, the expedience of broader involvement at this stage by public organizations, as providers of social services, was emphasized.

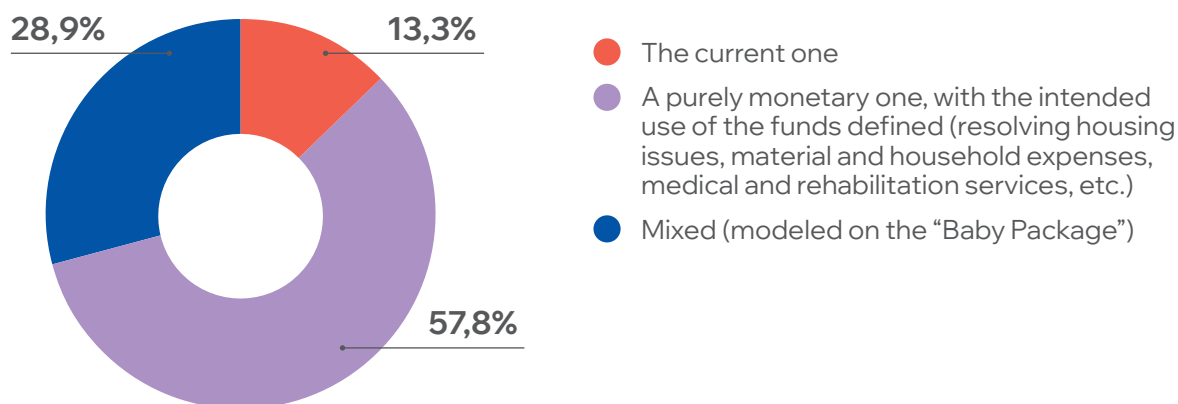
At the same time, establishing that a person has been deprived of personal liberty should not lose its legal significance; on the contrary, it should open up access to special government support measures aimed at the comprehensive rehabilitation and reintegration of survivors of international crimes. Thus, a person’s status should be regarded not as a prerequisite for receiving basic support, but as a legal basis for providing additional guarantees and special forms of support.

One possible element of a special support system could be a mechanism for targeted financial assistance, designed to cover the individual needs of persons whose deprivation of personal liberty has been established. Such an approach would provide the requisite flexibility in government support, while maintaining control over its targeted use. Depending on their needs and life circumstances, a person may use the funds received to address housing issues, pay for medical, rehabilitation, or psychological services, acquire education, receive professional adaptation, or cover other priority expenses defined by law. Such a mechanism would combine targeted state support with the option to tailor it to the survivor’s actual needs.

The survey participants were generally in favor of the idea of providing targeted monetary assistance to such individuals. Almost 58% of respondents chose targeted monetary assistance.

The introduction of such a mechanism would make it possible to combine government guarantees of support for survivors with consideration of their individual needs. The provision of targeted monetary assistance, with clearly defined areas for its use, would ensure greater flexibility in the support system, allow individuals to independently determine priority areas for recovery based on their life circumstances, and contribute to a more effective and rational use of budget funds by directing them toward the recipient’s actual needs. At the same time, this would promote competition among providers of the relevant services, improve their quality, and ensure more efficient use of budget funds, since funding would actually be directed based on the service recipient’s choice.

153 <https://zakon.rada.gov.ua/laws/show/2671-19#Text>

What reparation model for a survivor would you choose?

Given the difficulty of implementing the model favored by respondents, one of the possible compromise solutions could be the so-called “mixed” compensation model, which would be analogous to the “baby package.”

At the same time, the effectiveness of the support models proposed depends not only on regulation at the national level but also on the ability to ensure their practical implementation at the survivor’s place of residence. For this reason, it is advisable to give territorial communities a key role in the rehabilitation and reintegration process, as this is where individuals actually rebuild their lives after release.

The territorial community should be seen not only as a provider of individual social services, but also as the main coordinator of the reintegration process. At the community level, an individual’s needs should be assessed and social, medical, psychological, and administrative services provided, along with assistance in resolving temporary or permanent housing and employment issues, referrals to specialized institutions, and coordination with state bodies, healthcare institutions, educational institutions, and public organizations. This approach is aligned with the modern model for integrated provision of social services, where key decisions are made as close to the person as possible and based on their real needs.

That said, implementing such a model requires adequate provision of resources for territorial communities. The state should provide mechanisms for targeted funding of relevant powers, specifically through subventions or other inter-budgetary transfers. This will allow communities to secure the human resources necessary, develop a network of social services, and provide an appropriate level of support for survivors of unlawful deprivation of personal liberty.

Something that could serve as an important tool for implementing such a model is the case management mechanism, already envisaged in the Law of Ukraine “On Social Services.” For survivors of unlawful deprivation of personal liberty, it is advisable to adapt this mechanism to provide an inter-agency cooperation model, since their rehabilitation requires the simultaneous involvement of both social sector actors and healthcare facilities, social protection bodies, administrative service centers, law enforcement agencies, employment services, local governments, and other institutions. In practice, this can be implemented in accordance with the one-stop-shop principle, where each person is assigned a responsible specialist (case manager) who assesses needs, develops an individual support plan, coordinates the interaction of all the actors involved, and supports the person until the main stage of rehabilitation is complete and the maximum possible level of independence is achieved.

This model is particularly important because a significant proportion of released individuals do not stay in large cities upon their return; instead, they return to or move to territorial communities, where they truly begin a new stage of their lives. That is why employees of local governments, the social protection system, administrative service centers, healthcare facilities, and other entities that may be the first point of contact for a survivor must have good knowledge of the specifics of working with persons who have experienced unlawful deprivation of personal liberty, the principles of a trauma-informed approach, government support mechanisms, and algorithms for inter-agency cooperation. In this regard, one area of focus for state policy should be the systematic training and advanced training of the corresponding specialists.

Conclusions

1. An analysis of the legislation and its application shows that the current system of state support does not ensure timely access to the necessary assistance for civilians who survived unlawful deprivation of personal liberty. Most of the state guarantees relate to the procedure for establishing the deprivation of personal liberty, whereas the need for medical, psychological, social, and legal support arises immediately after release.
2. The existing government support mechanisms do not adequately cover all categories of survivors. The greatest difficulties arise for persons who returned outside of the official exchange procedures, are awaiting the Commission's decision, have been refused recognition of the fact that a deprivation of personal liberty occurred, are outside of Ukraine, or are not citizens of Ukraine.
3. Despite the adoption of Resolution No. 1775, the issue of access to basic support remains unresolved. In addition, an analysis of its implementation indicates a lack of coordination among the powers of the actors responsible for assessing needs and organizing assistance, making it difficult to create a holistic support system.
4. Legislation in the field of social services already provides the legal basis for integrating persons who have survived unlawful deprivation of personal liberty into the general social protection system, since such deprivation is defined as a factor that may lead to difficult life circumstances. Yet this mechanism's potential is not actually being used to provide prompt support to victims.
5. One of the main systemic problems remains the absence of a single coordinator for the rehabilitation and reintegration process. The survivor has to interact independently with numerous state authorities, local government bodies, and other entities, and this increases the administrative burden, makes access to services more difficult, and raises the risk of re-traumatization.
6. The rehabilitation and reintegration of survivors of unlawful deprivation of personal liberty need to be moved from a fragmented system of separate support measures to a comprehensive, human-centered model. This model should combine basic social support regardless of a person's status, special guarantees once it has been established that a deprivation of personal liberty took place, personalized rehabilitation mechanisms, inter-agency case management, and a leading role for territorial communities in coordinating the recovery process.

Proposals

Short-term perspective

1. Ensure that the support mechanism for persons in respect of whom a deprivation of personal liberty has not been established by the Commission is fully functional in practice, as provided for by Resolution No. 1775, in particular by developing uniform coordination procedures among all the actors responsible for assessing needs and arranging assistance.
2. Introduce a basic package of primary support, to be provided to a person immediately upon release, regardless of the procedure for establishing that a deprivation of personal liberty occurred, including primary social, psychological, and legal support, a needs assessment, social support and one-off financial support based on the registered criminal proceedings.
3. Devise unified routing pathways for referring survivors among state authorities, local government bodies, and providers of social services, and provide informational support after release.
4. Introduce systematic training for employees of state authorities, local government bodies, administrative service centers, healthcare facilities, and other entities on how to interact with persons who have survived an unlawful deprivation of personal liberty, based on a trauma-informed approach.

Medium-term perspective

1. Integrate survivors of unlawful deprivation of personal liberty into the social protection system through support mechanisms for persons in difficult life circumstances, ensuring they have access to basic social services regardless of whether they are going through status procedures.
2. Draw up a separate state standard for social services for survivors of unlawful deprivation of personal liberty, or adapt the existing state standards for social services to take their needs into account.
3. Introduce an inter-agency case management model that ensures personalized support for survivors and coordinates the work of all the entities involved in their rehabilitation and reintegration process.
4. Strengthen the institutional capacity of territorial communities by introducing state funding mechanisms for rehabilitation and reintegration measures for survivors, particularly in the provision of housing, social services, and social support.

Strategic perspective

1. Build a two-tier model of government support in which basic social protection measures are provided to all survivors of unlawful deprivation of personal liberty, regardless of whether the relevant instance has been established, while special status serves as the basis for receiving additional guarantees aimed at comprehensive rehabilitation and reintegration.
2. Introduce a personalized government support mechanism for persons in respect of whom a deprivation of personal liberty has been established, with the option to choose between receiving a set of state-organized services and using a monetary equivalent to independently obtain the relevant services from state-designated providers.

3. Construct a human-centered model for government policy in rehabilitation and reintegration, based on continuity of support, personalized support, inter-agency cooperation, a leading role for territorial communities in coordinating the recovery process, and minimizing re-traumatization of survivors.

SECTION 6.

GENERAL RECOMMENDATIONS

REGARDING SECTION 4. ENSURING GUARANTEES FOR SURVIVORS WHOSE HOMES HAVE BEEN DESTROYED OR DAMAGED AS A RESULT OF THE ARMED AGGRESSION AGAINST UKRAINE

To the Verkhovna Rada of Ukraine:

- 1 To designate an authorized state body from among the existing ministries as the policy lead, responsible for developing the comprehensive transitional justice policy, and for organizing inter-agency coordination, monitoring the policy's implementation, and evaluating its effectiveness.
- 2 To establish a parliamentary mechanism for monitoring the implementation of the reparations policy that will, in particular, assess legislative effectiveness, analyze problems in its application, prepare proposals for improvement, and provide methodological support to assessment commissions and other institutions involved in the survivor's pathway.
- 3 To remove legislative barriers to survivors' access to reparations for damaged or destroyed housing, in particular:
 - extend the reparations mechanism introduced by Law of Ukraine No. 2923-IX to cover people whose housing was damaged before February 24, 2022;
 - simplify the process of confirming ownership and allow the use of alternative evidence;
 - address the problems of reparations for co-owners, the inheritance of housing certificates, and reparations for movable property;
 - consider providing reparations for housing left behind in temporarily occupied territories, using special mechanisms to confirm the loss.
- 4 To consider the possibility and benefits of introducing an integrated one-stop-shop approach for survivors, so as to restore their rights and dignity, ensuring access to reparations, and to social, administrative, legal, medical, and other government guarantees through a single route.
- 5 Accelerate the consideration of draft laws aimed at improving Law No. 2923-IX on reparations.

To the Cabinet of Ministers of Ukraine and central executive bodies:

- 1 1. To improve the regulatory framework for the national reparations mechanism by amending the bylaws and ensuring they are applied in a uniform manner.
- 2 2. To implement and continuously review uniform standards for providing services to survivors, including:
 - standard operating procedures (SOP);
 - step-by-step work algorithms;
 - decision-making checklists;
 - typical routes of survivors;
 - unified forms of clarifications and refusals.

- 3 To improve digital interaction between state registers by ensuring automatic exchange of information between the State Register of Property Rights, the Bureau of Technical Inventory, the Register of Damaged Property, other information systems, and the Register of Damages for Ukraine.
- 4 To update the methodological documents, in particular:
 - construction cost indicators;
 - examination checklists;
 - list of repair work and materials;
 - damage assessment methods.
- 5 To ensure that reparation mechanisms are available, including for Ukrainians living abroad, by developing remote services, digital powers of attorney, informational support, and simpler digital interaction.
- 6 To strengthen informational support for the international reparations mechanism (the Register of Damage for Ukraine) through information campaigns, video instructions, integration of national data, and advisory support.
- 7 To introduce systematic training for public servants, including practice-oriented sessions, analysis of complex cases, dissemination of successful practices, centralized methodological recommendations, and constant updates to the database of standard decisions.

To local governments:

- 1 To expand the use of community practices that have proved successful for organizing the work of reparations commissions, inter-agency coordination, and support for survivors.
- 2 To promote the introduction of an integrated routing pathway for the survivors, ensuring inter-agency cooperation between administrative service centers (ASCs), social protection bodies, examination commissions, the free legal aid system, and other services based on the one-stop-shop principle.
- 3 To standardize administrative practices in communities by using checklists, decision-making algorithms, and consistent methods for assessing damaged property.
- 4 To expand access to administrative services, in particular by developing mobile ASCs, outreach services, personal support for vulnerable groups in the population, and integrated consultation centers.
- 5 To strengthen public information support by providing clear explanations, visual guides, consultations on the national compensation mechanism, and the Register of Damage for Ukraine.

RELATING TO SECTION 5. EFFECTIVENESS OF EXISTING PROTOCOLS AT PROTECTING SURVIVORS DEPRIVED OF THEIR PERSONAL LIBERTY — FROM THE LEGAL FRAMEWORK FOR THE REINTEGRATION PROCESS

To the Verkhovna Rada of Ukraine:

- 1 To improve legislative regulation in the field of protecting the rights of survivors of unlawful deprivation of personal liberty as a result of the armed aggression against Ukraine, in particular by improving Law of Ukraine No. 2010-IX (or adopting a new law)

with the aim of:

- eliminating oversights in the law and ambiguous interpretations of the criteria for determining whether an unlawful deprivation of personal liberty took place, remove the political component, expand the range of persons entitled to government support, and ensure there is legal certainty in the procedures for providing government support;
 - determine that the Commission for Establishing the Fact of Deprivation of Personal Liberty as a Result of the Armed Aggression Against Ukraine is an authority exercising administrative powers, whose activities are fully subject to the Law of Ukraine “On Administrative Procedures”;
 - change the Commission’s status from that of a temporary advisory body to that of a permanent body (or authorized working apparatus), operating on a professional, paid basis, with competitive selection of its members, who shall include representatives of NGO’s;
 - introduce the “Namibia exception” to evidence gathering, thereby enabling the Commission to consider and assess information from documents issued in temporarily occupied territories or by bodies of the Russian Federation, solely for the purpose of protecting human rights, without recognizing the legitimacy of the occupation authorities;
 - enshrine in law the principle of official clarification of circumstances, under which it is the Commission, rather than the applicant, that is responsible for requesting evidence and information from other state authorities and special services;
 - create a pre-trial (civil law) appeal mechanism for the Commission’s decisions on the merits, for example, by establishing a separate Appeals Board or Expert Council.
- 2 To create the legislative framework for a comprehensive government support system that ensures continuity of assistance, rehabilitation, reintegration, and social support for persons regardless of status procedures, in particular by integrating said persons into the social protection system and implementing the one-stop-shop principle.
- 3 To provide the legislative preconditions for effective inter-agency coordination, information exchange, and the functioning of an integrated state system of support for survivors.

To the Cabinet of Ministers of Ukraine and central executive bodies:

- 1 To ensure the systematic review and publication of an analysis of how legislation on the social and legal protection of survivors is applied (fulfilment of paragraph 3, part 5, Article 3 of Law No. 2010-IX).
- 2 To ensure the implementation of a coherent, coordinated government policy to support survivors of unlawful deprivation of personal liberty, with a clear division of powers between authorized bodies and effective inter-agency coordination (in particular, through the creation of a special central executive body).
- 3 To improve the mechanisms for implementing government support, particularly by ensuring transparency and consistency in administrative procedures, ensuring access to primary assistance after release, developing social support, and implementing rehabilitation measures tailored to the individual needs of survivors.
- 4 To ensure the development of unified approaches to providing assistance, building the social services system, and training professionals who work with survivors, based on human-centered and trauma-informed approaches.

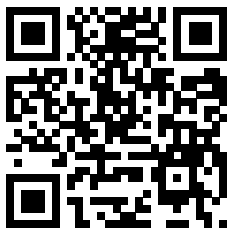
- 5** To take measures to improve the work of the Commission for Establishing the Fact of Deprivation of Personal Liberty as a Result of the Armed Aggression against Ukraine, by:
- introducing comprehensive statistical tracking of reviewed applications, disaggregated by categories of survivors (civilians/service members), to inform targeted protection policies and service provision.
 - enshrining in the regulations time limits for reviewing applications from survivors, from the moment they are registered;
 - abolishing the ability of Commission members to “abstain” from voting when making a decision;
 - approving clear standards for evaluating evidence, a detailed and open list of admissible sources of information, and the introduction of a requirement for a detailed written justification for every decision refusing to establish that unlawful deprivation of personal liberty occurred;
 - introducing a procedure for “freezing an application” so that formal or technical shortcomings in a survivor’s application can be eliminated within a specified period, while preserving the date of the initial application to safeguard the right to social payments;
 - regulating the right of the applicant, or their representative, to participate in Commission meetings (in particular via video conferencing), and the procedure for this, and making such a hearing mandatory when there is a risk of a negative decision or when contradictory data are present;
 - introducing open announcements for recruiting candidates from the public to serve on the Commission;
 - introducing quarterly public monitoring and reporting on the Commission’s activities and the status of the implementation of Law No. 2010-IX;
 - establishing operational electronic communication channels and information exchange with the Security Service of Ukraine (SSU), the Prosecutor General’s Office, the Coordination Headquarters, and other bodies, so that corroborating information can be received more quickly in response to the Commission’s requests.

To local governments:

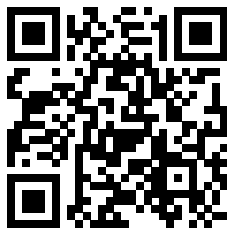
- 1** To ensure access to comprehensive support for survivors of unlawful deprivation of personal liberty, including social, psychological, legal, and other services, in line with the needs of the survivors.
- 2** To develop mechanisms for comprehensive social support and coordinate the provision of support at the level of territorial communities, in cooperation with state authorities and providers of social services.
- 3** To strengthen the institutional capacity of territorial communities to support the rehabilitation, reintegration, and social adaptation of survivors of unlawful deprivation of personal liberty, in particular by providing housing, social, and other services, etc.
- 4** To ensure that employees who interact with survivors of unlawful deprivation of personal liberty receive training and professional development that uses human-centric and trauma-informed approaches.

SECTION 7.
ANNEXES

ANNEXES
TO SECTION 4



ANNEXES
TO SECTION 5



[illegible]

