

# Legislative Update

UNHCR update on displacement-related legislation | April 2020

## Adopted Legislation

- Legal response to the COVID-19 outbreak in Ukraine (multiple acts)
- Financial support to housing solutions for IDPs

## Other developments

- Amendments to 2020 State Budget
- Draft Governmental Programme for 2020-2025
- Supreme Court decision on compensation for property destroyed in relation to the hostilities in the east

## Draft Legislation

- Freedom of movement during the outbreak of dangerous diseases
- Amendments to IDP-related legislation
- Protection measures for foreigners and stateless persons

## Adopted Legislation

### Legal response to the COVID-19 outbreak in Ukraine

In April 2020, Ukraine adopted additional legal measures in response to the COVID-19 outbreak. In comparison to those adopted in March, these measures are more restrictive, aimed at minimizing social contacts. The measures related to isolation are primarily applicable to individuals suspected to be infected with COVID-19 or who have been in contact with a person infected with COVID-19, as well as those who returned from abroad or from the non-governmental controlled areas (NGCA) of the Donetsk and Luhansk oblasts or Crimea. Some measures were further specified in the relevant Government Resolutions and are described below.

### **Additional restrictive measures**

On 2 April the Cabinet of Ministers adopted its [Resolution #255](#)<sup>1</sup> introducing additional restrictive measures to be in force until 11 May<sup>2</sup>. The Resolution prohibited:

- presence in public places (e.g. supermarkets, pharmacies, post offices) without a facial mask (handmade included) or a respirator;
- visiting parks, leisure areas, forests except for walking pets (by one person) and business need;
- attending sport areas and children playgrounds,
- attending educational facilities and
- conducting any mass events except when necessary for the functioning of the state and local authorities. In such case all participants should wear face masks.

<sup>1</sup> The full text available online (in Ukrainian): <https://www.kmu.gov.ua/npas/pro-vnesennya-zmin-do-postanovi-kabinetu-ministriv-ukrm020420ayini-vid-11-bereznya-2020-r-211>

<sup>2</sup> The full text available online (in Ukrainian): <https://www.kmu.gov.ua/npas/pro-vnesennya-zmin-do-deyakih-aktiv-kabinetu-ministriv-t220420>

Maximum two persons can walk together except for cases justified by business needs and children accompaniment. Children under 14 cannot be outside without an accompanying adult. Cafes, restaurants, leisure centres, gyms remain closed. Supermarkets and food shops, gas stations, pharmacies and stores selling IT equipment and gadgets (phones, smartphones, laptops) continue working with prevention measures in place (such as respiratory etiquette, handwashing and sanitizing, as well as physical distancing). The number of persons allowed to enter shops depends on the surface with max. 1 person per 10 meters.

### **Freedom of movement**

The [Resolution #255](#) requires people to carry an ID (passport or driving license) at all times when outside. Public transport is closed for all except health care workers and those supporting core state services, utility supply, transport and critical infrastructure. To enter public transport, people should wear a mask and demonstrate a special ticket confirming their right to use public transport during the quarantine period. Private and corporate vehicles are allowed to move freely. Metro in Kyiv, Kharkiv and Dnipro remains closed until further notice. The Ministry for Transport may allow internal railway connection on special occasions. The Ministry for Foreign Affairs (MFA) and the State Border Guard Service may allow international railway trip shall the need arise.

On 24 April the Government adopted [two technical Regulations](#) on entering/exiting government-controlled area (GCA) of Ukraine. By its Regulation #439-p<sup>3</sup>, the Government prolonged until 11 May the temporary limitations to crossing Ukraine's international border. The Regulation #440-p<sup>4</sup> prolonged the same limitations for the same period with regard to the administrative border with Crimea with the exceptions being allowed "on humanitarian grounds" (e.g. family unity, death of a close relative, health issues etc.)<sup>5</sup>. Crossing the line of contact (LoC) in the east remains closed<sup>6</sup>.

### **Self-isolation and observation**

To complement the restrictive measures described above, Ukraine introduced two additional regimes (self-isolation and observation) for individuals suspected to be infected with COVID-19.

First, the [Governmental Resolution #255](#) introduced a general framework of self-isolation regime and set out criteria to identify people who must stay in self-isolation. These are the individuals who have been in contact with persons infected or suspected to be infected with Covid-19 (apart from situations when protective measures have been used). Self-isolation is required from people above 60 years of age. Infected individuals who show mild symptoms and do not need treatment in hospitals must stay at home as well. Persons in self-isolation are requested to indicate the address where they will self-isolate and to provide information regularly on their health condition. This information must be reflected in a special mobile application. The National Police, the National Guard, state enterprises under the Ministry of Health and local authorities may control how individuals in self-isolation comply with the imposed restrictions.

Second, the [Governmental Resolution #262](#)<sup>7</sup> of 8 April specifies the observation regime. The Resolution applies to all persons entering Ukraine from abroad, NGCA or Crimea. It is not applicable to diplomatic and consular corps, staff of international organizations and their family members. The MFA and the Ministry of Infrastructure inform the oblast state administrations on the approximate number of persons crossing the state border daily.

<sup>3</sup> The full text available online (in Ukrainian): <https://www.kmu.gov.ua/npas/pro-vnesennya-zmini-do-rozporiyad-a439-r>

<sup>4</sup> The full text available online (in Ukrainian): <https://www.kmu.gov.ua/npas/pro-vnesennya-zmini-do-rozporiyadz-a440r>

<sup>5</sup> Please see more details in UNHCR March Legislative Update

<sup>6</sup> Please see more details on Joint Forces Operation (JFO) webpage available online (in Ukrainian): <https://www.facebook.com/pressjfo.news>

<sup>7</sup> The full text available online (in Ukrainian): <https://www.kmu.gov.ua/npas/pro-vnesennya-zmin-do-postanovi-ka-a262>

The oblast state administrations are in charge of defining the observation sites. The Ministry of Interior, the National Police and the National Guard are responsible for maintaining public order during the transfer of persons to observation facilities. The oblast state administrations must ensure availability of ambulances near the border crossing points and cover the transportation costs for transferring persons to observation sites. People in observation do not pay accommodation costs but have to cover food. After two weeks in observation, people cover transportation costs to their destination themselves. It is important that those who undergo observation are properly informed about their rights and obligations.

On 13 April the Parliament adopted its [Law #555-IX](#)<sup>8</sup> introducing on a legislative level a framework of rules concerning observation and provides for the exchange of information on potential COVID-19 infection cases in Ukraine.

The law defines “self-isolation”, “an observation site” and “observation”. The main difference between self-isolation and observation is in the level of imposed restrictions. Persons who have to remain in self-isolation are choosing the location where they will self-isolate (with no right to leave). When in observation, a person is placed in a certain facility to be under medical supervision.

The law also defines the term “a territory under quarantine”: in case of an outbreak, local authorities may adopt measures related to one or several settlements/areas/parts of cities. If a person wants to leave the territory under quarantine before the quarantine measures are lifted, (s)he should receive a special authorization allowing him/her to leave the quarantined zone during the incubation period (14 days). It is not totally clear who and how one would assess whether the health status of a person would justify the possibility to leave the quarantined territory.

After self-isolation/observation, individuals are entitled to an official sick leave and the respective social benefits (which is relevant only for those who are officially employed).

Transitional provisions allow personal data processing and inter-agency sharing without agreement of the persons concerned with regard to the health status, the place of self-isolation/hospitalization, and other personal data: surname, name, patronymic, date of birth, place of residence, work/study place. There are no restrictions to this provision. The only safeguard is in the statement that the data shall be used only for “reasons related to the quarantine measures”. These data should be depersonalized or deleted during 30 days after the quarantine measures are lifted.

### **Restricted access to facilities providing shelter and assistance:**

The [Resolution #255](#) prohibited visits to facilities providing palliative care and social protection to children, elderly, persons with disabilities and other vulnerable categories of the population (apart for emergency workers, including health and fire workers). For UNHCR’s persons of concern this is important, since some IDPs were placed and still reside in geriatric facilities (for example, in Mykolaiv and Odesa regions). Visiting temporary accommodation centres (TACs) for refugees and migrant custody centres (MCC) for irregular migrants is also prohibited, except for legal aid providers.

### **Protection-related provisions**

On 8 April, the Government adopted [two Resolutions](#) aimed at strengthening the protection of social rights of IDPs and vulnerable categories of population, who may also possess an IDP certificate.

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<sup>8</sup>

The [Resolution #264](#)<sup>9</sup> complements the Government Resolutions #211<sup>10</sup> and #255. It specifies the provision of social assistance during the quarantine.

Assistance to low income households, single mothers, children with dire health conditions as well as targeted assistance for IDPs and social pensions<sup>11</sup> shall be automatically prolonged for the period of quarantine measures and one month after they are lifted. This means that people will not have to come or in any other way apply to social protection departments (DoSP) for the prolongation of their social payments. However, after the quarantine measures are lifted, the DoSPs will verify and recalculate the amounts paid. In case of overpayment, the beneficiaries will have to return the excessive amounts. In case of underpayment, additional sums will be allocated to the respective beneficiaries.

Applications for newly assigned social assistance (including for persons with disabilities, children with disabilities, social pensions or unemployment assistance) may be sent to the DoSPs by regular mail. This also applies to sending information on the change of personal circumstances which serve as a ground for the assignment of any type of financial assistance.

The [Resolution #266](#)<sup>12</sup> specifies the provision of social benefits to IDPs during the quarantine period:

In case the six-months period for which the targeted assistance was assigned expires during the quarantine period or during the 30 days after, it will be automatically prolonged for another six-months period. This is also applicable to all other types of social benefits paid to IDPs.

The stay in NGCA or in Crimea during the quarantine period or 30 days after will not be counted towards the 60 days' term set in the Law on IDP Protection as the timeframe after which an IDP certificate could be revoked. Therefore, during this period no IDP certificate can be cancelled on the ground of a person's absence on the controlled territory, and no suspension of IDP targeted assistance or other social benefits and pensions shall take place. The money shall be automatically transferred to the IDPs bank accounts.

In its [Resolutions 293](#)<sup>13</sup> and [297](#)<sup>14</sup> adopted on 22 April, the Government allocated a single-time assistance of 1,000 UAH to persons with disabilities, children with disabilities, and recipients of social pensions. IDPs are also entitled to this assistance which was calculated in April and should be transferred to beneficiaries by "Ukrposhta" before 25 June.

### Housing programs for IDPs

On 22 April, the Government adopted its [Regulation #436-p](#)<sup>15</sup>, approving the draft agreement between the Cabinet of Ministers of Ukraine and the Government of Germany on financial cooperation aimed at finding housing solutions for IDPs. The concrete modalities of implementation have not been adopted yet.

This agreement is of extreme importance in the existing situation. The amendments to the 2020 State Budget adopted in response to the COVID-19 outbreak in Ukraine have terminated the funding for the affordable housing program until the end of 2020. The funds for other state-funded and co-funded housing programs have been decreased.

<sup>9</sup> The full text available online (in Ukrainian): <https://www.kmu.gov.ua/npas/deyaki-pitannya-nadannya-derzhavnoyi-socialnoyi-dopomogi-i080420-264>

<sup>10</sup> It is initial framework for measures on combatting COVID-19 outbreak described in detail in UNHCR March Legislative Update

<sup>11</sup> Social pensions are paid to individuals who reached pension age but have not paid enough of pension-related payment to the social protection fund. Such individuals receive a minimum pension

<sup>12</sup> The full text available online (in Ukrainian): [https://zakon.rada.gov.ua/laws/show/266-2020-%D0%BF?fbclid=IwAR0cK3P89c1Q-yji\\_U5xwylLipoqA3skWG1z06bN8BSkDvgttCH2xKMx0TCQ](https://zakon.rada.gov.ua/laws/show/266-2020-%D0%BF?fbclid=IwAR0cK3P89c1Q-yji_U5xwylLipoqA3skWG1z06bN8BSkDvgttCH2xKMx0TCQ)

<sup>13</sup> The full text available online (in Ukrainian): <https://www.kmu.gov.ua/npas/pro-vnesennya-zmin-do-postanov-ka-a293>

<sup>14</sup> The full text available online (in Ukrainian): <https://www.kmu.gov.ua/npas/pro-vnesennya-zmini-do-punktu-5-p-a297>

<sup>15</sup> The full text available online (in Ukrainian): <https://www.kmu.gov.ua/npas/pro-pidpisannya-ugodi-mizh-kabineto-a436r>

## Draft legislation

### Freedom of movement during the outbreak of dangerous diseases

On 10 April, the Government registered in Parliament the [draft law #3321](#)<sup>16</sup> suggesting freedom of movement regulations during the quarantine. The Cabinet of Ministers of Ukraine will have a right to temporarily prohibit entering/exiting Ukraine to foreigners/vehicles from states where outbreaks of dangerous infectious diseases happened and to temporarily prohibit citizens of Ukraine to leave its territory. The draft is not Covid-19-specific. No safeguards are suggested as to the limitations to take the decision on prohibition of movement across the national border, as well as no exceptions are stipulated in the text of the draft law. This draft law exceeds the principle of proportionality and does not clearly state the legitimate purpose for the suggested limitation. Therefore, there is a risk for it being in contradiction with international human rights standards. For UNHCR's persons of concern, asylum seekers may fall victims of ungrounded limitations.

Additionally, the draft law further widens the applicability of the self-isolation and observation regimes to situations of any "dangerous infectious diseases". The draft suggests that any person returning from a country where an outbreak of dangerous diseases has been recorded would be considered as "potentially infected" and would be required to self-isolate or be placed under observation. Since there is no legal certainty about the types of "dangerous diseases", this may lead to arbitrariness in the decision-making process with regard to persons returning from abroad and thus potentially leading to human rights abuses.

### Amendments to IDP-related legislation

On 21 April, MPs registered in Parliament the [draft law #3365](#)<sup>17</sup> introducing an "IDP status" to the Law on IDPs and the Law on the "Crimea" Free Economic Zone. It is suggested that a person who experienced internal displacement shall be granted the "IDP status" confirmed by an IDP certificate. In case the IDP certificate is revoked, a person will lose his/her "IDP status". The draft also suggests exempting IDPs from paying mortgage loans for property located in the Autonomous Republic of Crimea and the city of Sevastopol, Ukraine, temporarily occupied by the Russian Federation (Crimea).

The introduction of a "status" for situations of internal displacement is in contradiction with international law provisions. Unlike refugees crossing international border, IDPs remain citizens of their country of origin and are entitled to protection and assistance on that basis alone. States therefore should not create a system whereby IDPs can enjoy their rights only after having been granted a legal status that could also be refused or revoked. From the perspective of international law, displacement is a factual situation that triggers certain legal consequences. It contains nothing like an "IDP status" that can be enjoyed only after having been formally granted to an individual. Instead, an IDP certificate serves the purpose of identifying IDPs for providing targeted state assistance. Since internal displacement in Ukraine has lasted for more than five years, it is time to work towards durable solutions and ending displacement rather than introducing additional a "legal status" for labelling internal displacement.

### Protection measures for foreigners and stateless persons

On 24 April, MPs registered in Parliament the [draft law #3387](#)<sup>18</sup> "On Granting Protection to Foreigners and Stateless Persons" that suggests a set of measures aimed at enhancing the procedures on granting different forms of international protection for foreigners and stateless persons in Ukraine, most notably the refugee and the complementary protection status. The draft law also includes a procedure for granting asylum by the

<sup>16</sup> The full text available online (in Ukrainian): [http://w1.c1.rada.gov.ua/pls/zweb2/webproc4\\_1?pf3511=68558](http://w1.c1.rada.gov.ua/pls/zweb2/webproc4_1?pf3511=68558)

<sup>17</sup> The full text available online (in Ukrainian): [http://w1.c1.rada.gov.ua/pls/zweb2/webproc4\\_1?pf3511=68629](http://w1.c1.rada.gov.ua/pls/zweb2/webproc4_1?pf3511=68629)

<sup>18</sup> The full text available online (in Ukrainian): [http://w1.c1.rada.gov.ua/pls/zweb2/webproc4\\_1?pf3511=68661](http://w1.c1.rada.gov.ua/pls/zweb2/webproc4_1?pf3511=68661)

President of Ukraine. This law would replace the current Law on Refugees and Persons in need of Complementary and Temporary Protection from 2011<sup>19</sup>.

UNHCR and its partners have been closely working with the State Migration Service of Ukraine (SMS) at the initial stage of the development of this draft law in 2019. As part of this cooperation, UNHCR issued official UNHCR Comments on the Draft Law of Ukraine<sup>20</sup>, which were made public in January 2020. This official UNHCR position praised some of the novelties of the draft law, but also highlighted many remaining shortcomings. However, in its version registered with the Parliament, the draft law #3387 introduced a number of new provisions which have not been discussed with UNHCR and its partners, including some that UNHCR considers as deteriorating the asylum system in Ukraine. UNHCR also notes that several progressive provisions which have been praised by UNHCR in its official Comments, such as the status of an ID document granted to the asylum-seeker certificate or safeguards to ensure access to protection from pre-trial detention facilities, have been removed from the new version of the text. UNHCR shared some initial observations with the Chair of the Parliamentary Human Rights Committee and is working on compiling its detailed concerns on the draft in order to officially share them with the SMS and the Parliament. UNHCR also requested the Parliamentary Human Rights Committee to postpone the consideration of that version of the draft law until UNHCR provides its more detailed observations on the text. In parallel, UNHCR is conducting working discussions with the SMS, which will be the main state body responsible for the implementation of the law. UNHCR and its partners reiterated their readiness to participate in the Committee's or other meetings dedicated to the consideration of the draft law.

## Other developments

### Amendments to the 2020 State Budget

On 13 April, the Parliament adopted the [draft law #3279-d](#)<sup>21</sup> introducing amendments to the Law on the State Budget. The set of amendments was needed following the introduction of specific measures related to the COVID-19 outbreak in its territory. The relevant law #553-IX<sup>22</sup> was promulgated on 22 April.

Major expenses related to UNHCR's areas of interest are reflected below (in thousand UAH):

Public body / budget program	2020 initial	2020 amended	comment
<i>Ministry for Veterans Affairs, Temporarily Occupied Territories and Internally Displaced Persons (MinVetTOT), further splitted into two ministries, the Ministry for Veterans Affairs and the Ministry for Reintegration of Temporarily Occupied Territories (MinRe)</i>	534 081, 7	128 615, 5 (MinRe)	Only a quarter of the initial budget remained
Subvention from the state budget to local budgets to support conflict-affected areas in Eastern Ukraine	20 000,0	20 000,0	
Mine-risk education	5 000,0	5 000,0	
Subventions to local budgets to finance the "Housing for IDPs" project	485 000,0	485 000,0	This is considered as good sign for the local housing programs
Financial compensation for housing destroyed during military emergency	40 200,0	20 000,0	Half of the initial budget remained

<sup>19</sup> The full text available online (in Ukrainian): <https://zakon.rada.gov.ua/laws/show/3671-17>

<sup>20</sup> UNHCR Comments on the Draft Law of Ukraine on Granting Protection to Foreigners and Stateless Persons, January 2020, available at: <https://www.refworld.org/docid/5e60ec1c4.html>

<sup>21</sup> The full text available online (in Ukrainian): [http://w1.c1.rada.gov.ua/pls/zweb2/webproc4\\_1?pf3511=68570](http://w1.c1.rada.gov.ua/pls/zweb2/webproc4_1?pf3511=68570)

<sup>22</sup> The full text available online (in Ukrainian): <https://zakon.rada.gov.ua/laws/show/553-IX>

Subventions to local budgets for housing for displaced ATO/JFO participants with disabilities	248 445,0	This budget line is absent	No changes occurred
<i>Ministry of Social Policy of Ukraine (MoSP)</i>	293 402 945,7	312 907 779,8	Increase by 20 bln UAH (~7%)
Monthly targeted assistance to IDPs	3 042 568,6	This budget line is absent	No changes in financing
Financial measures to protect children, families, women from the most vulnerable categories of population	-	84 809,6	Support will be extended
Subsidies for housing/dwelling and communal services	47 569 807,5	39 329 479,0	Subsidies will be lowered
Financing of accommodation of Formerly Deported People (Crimean Tatars)	20 000,0	This budget line is empty	No allocation remained
<i>Ministry of Education and Science of Ukraine</i>	44 603 115,7	42 760 372, 3	Decrease by ~4%
<i>Ministry of Health of Ukraine</i>	98 183 290,5	114 550 207, 7	Increase by ~17% (most likely will be dedicated to increase salaries of medical personnel)
<i>Ministry of Justice of Ukraine</i>	14 341 937,5	13 883 132, 2	Slight decrease by ~3%
Free Legal Aid Coordination Centers	821 914,1	820 753, 7	Slight decrease by less than ~0.5%
Financing services and expenses of advocates of FLA	385 184, 0	This budget line is absent	No changes in financing
<i>Ministry for Development of Communities and Territories (former Ministry of Regional Development)</i>	2 484 771,7	621 723, 2	Total budget decrease by ~75%
Subvention from the state budget to local budgets for the implementation of cross-border cooperation projects	-	This budget line is absent	No changes in financing
Subvention from the state budget to local budgets for the formation of the infrastructure of the amalgamated territorial communities	2 100 000,0	This budget line is empty	No allocations to amalgamated communities
Subvention from the state budget to local budgets for the implementation of projects under the Extraordinary Financing Program of Restoring Ukraine (nationwide expenditures)	1 275 000,0	This budget line is absent	No changes in financing
Support for affordable housing program	100 000,0	This budget line is empty	No funding for the 50/50 program
State Fund for Regional Development	7 500 000,0	4 900 000, 0	Decrease by ~35%. Regional programs for infrastructural development are financed from this line
<i>Ministry of Defence of Ukraine</i>	117 509 257,8	This budget line is absent	No changes in financing
<i>State Emergency Service</i>	15 375 162,9	15 374 373, 3	
<i>State Migration Service</i>	3 987 090,5	This budget line is absent	No changes in financing
<i>Administration of the State Border Guard Service</i>	12 768 326,7	12 968 326, 7	Slight increase by 200 mln
<i>State Security Service</i>	12 165 891,9	This budget line is absent	No changes in financing
<i>Office of the Ombudsperson</i>	153 894,4	124 671,4	Decrease by almost 20%
Financing the National Prevention Mechanism (prevention of tortures and degrading treatment) by the Office of the Ombudsperson	2525,0	1567,0	Decrease by 38% (less monitoring visits will be conducted)
Donetsk oblast state administration	363 052, 9	373 909, 6	Slight increase
Luhansk oblast state administration	278 956,5	278 839, 4	Almost no change
Kherson oblast state administration	234 551,3	263 212,9	Slight increase

The above table illustrates several important developments. Splitting of the MinVetTOT into the Ministry for Veterans Affairs and the Ministry of Reintegration has resulted in assigning a quarter of the initial budget to the

Ministry of Reintegration. This will have a significant impact on the adoption of measures to protect conflict-affected population. The funding allocated for the compensation for housing destroyed during the military emergency is decreased by 50%. The subventions to the local budgets to finance the “Housing for IDPs” project remain unchanged which is supportive for launching the local housing programs. The funding for the “affordable housing” program is terminated until the end of 2020. The number of monitoring visits to be conducted under the National Prevention Mechanism is decreased by approximately 38%. An approximately 35% decrease of the funding for the State Fund for Regional Development will negatively impact the regional programs for infrastructural development.

### [Draft Governmental Programme for 2020-2025](#)

On 13 April, the Government registered its [draft Programme for 2020-2025](#)<sup>23</sup> on the Parliamentary website. On 30 April, it was reviewed by the relevant Parliamentary Committee for Economic Development, which recommended its further elaboration in early May<sup>24</sup>.

The current draft illustrates the generalized nature of Government plans. On the positive side, it shares the Sustainable Development Goals (SDG) principle, referring to the importance of the “leaving no one behind” principle in its introduction. Simultaneously, conflict-related issues are addressed in an extended modality: the safe reintegration of the temporarily occupied territories<sup>25</sup> is mentioned among four key goals but the steps for the effective reintegration of those territories are not further specified. IDPs are mentioned only once among the categories of Ukrainian citizens affected by the armed aggression of the Russian Federation<sup>26</sup> and in need of social support. Other categories listed include political prisoners, prisoners of war (PoW), the civilian population and their family members. However, separate attention is paid to the Donetsk and Luhansk oblasts which includes infrastructure improvement and the transformation of the structure of the economy. Housing programs, including for affordable housing, are also under the “regional development” section.

If adopted, the Governmental Programme should be complemented by an Action Plan that will detail concrete measures for each governmental strategic goal, including for supporting IDPs and conflict-affected population and introducing measurable indicators allowing to assess the factual outcome.

### [Supreme Court decision on compensation for property destroyed in relation to the hostilities in the east](#)

On 25 March 2020, the Supreme Court of Ukraine has issued its [Decision](#) in the case<sup>27</sup> regarding compensation from the Government for damages caused by an act of terrorism. In January 2015, the applicant’s house was destroyed by ordnances. A commission examined the level of destruction and recognized it as inevitable. The applicant referred to the court claiming a compensation according to the Civil Protection Code<sup>28</sup>, the Law on combatting terrorism<sup>29</sup> and the Protocol 1 to the European Convention on Human Rights (ECHR). The requested amount of compensation was 1 156 356,50 UAH. The applicant’s claim was rejected in the lower instance courts. The applicant appealed the decisions of the lower-instance courts and reached the Supreme Court.

<sup>23</sup> The full text available online (in Ukrainian): [http://w1.c1.rada.gov.ua/pls/zweb2/webproc4\\_1?pf3511=68573](http://w1.c1.rada.gov.ua/pls/zweb2/webproc4_1?pf3511=68573)

<sup>24</sup> The news available online (in Ukrainian): <https://yur-gazeta.com/golovna/komitet-vru-rekomendue-radi-vidpraviti-na-doopracyuvannya-programu-diyalnosti-kabminu.html>

<sup>25</sup> This terminology is quoted from the official legal act and does not reflect UNHCR’s position

<sup>26</sup> This terminology is quoted from the official legal act and does not reflect UNHCR’s position

<sup>27</sup> The full text is available online (in Ukrainian): <http://reyestr.court.gov.ua/Review/88575153>

<sup>28</sup> The state falls under obligation to compensate damages regardless of its guilt

<sup>29</sup> Damages caused by act of terrorism shall be compensated by State Budget funds



The Supreme Court decided that the applicant is entitled to compensation due to the state's failure to elaborate the relevant compensation mechanism as a protection measure of the property right. Ukraine is now obliged to compensate for the damaged housing under Protocol 1 to the ECHR. There is no clear mechanism on the payment of compensations though. Therefore, the Court assigned 100,000 UAH of compensation from the State Budget of Ukraine, which is much lower than an applicant requested. However, the decision is final and cannot be disputed in Ukraine.

**CONTACTS****E-MAIL: [UKRKI@UNHCR.ORG](mailto:UKRKI@UNHCR.ORG), TEL: +38 044 288-9710****LINKS**UNHCR Ukraine: [www.unhcr.org.ua/en](http://www.unhcr.org.ua/en) - Twitter: [www.twitter.com/UNHCRUkraine](https://www.twitter.com/UNHCRUkraine)Facebook: [www.facebook.com/UNHCRKyiv](https://www.facebook.com/UNHCRKyiv) - Flickr: [www.flickr.com/photos/unhcr\\_ukraine](https://www.flickr.com/photos/unhcr_ukraine)