2,845 petitions to the Commissioner

66 legal and normative acts processed and proposals submitted

2 proceedings instituted by the Commissioner

108 monitoring visits made

134 acts of response and letters to the public authorities, institutions and organisations sent

Key events, challenges and tendencies

Almost 9 years ago, Ukraine faced the large-scale negative effects of the war for the first time: mass internal displacement within the country that was caused by the armed aggression and temporary occupation of the part of Ukraine's territory by the RF. Owing to the full-scale invasion of Ukraine by the RF, 2022 was the year of the largest internal displacement in Ukraine after World War II.

The effects of the armed aggression of the RF against Ukraine include considerable numbers of affected civilians, namely the ones who were forced to leave their place of residence as a result of the armed aggression against Ukraine and were displaced to safer areas in Ukraine and abroad, the persons who were deported or displaced by force as well as the population who stayed in the temporarily occupied territories or combat zones.

Thus, according to the Ministry of Social Policy, 4,851,119 IDPs were officially registered in Ukraine as of 16.01.2023. Before 24.02.2022, there had been 1,470,072 IDPs displaced since 2014. Therefore, the number of IDPs grew more than 3 times in a year.

The effects of the aggression also include considerable numbers of affected civilians. Thus, according to the UN Human Rights Monitoring Mission, as of 10.01.2023, 6,952 civilians had been killed, 11,144 civilians had been injured, almost one third of the Ukrainian population had been forced to leave their permanent residence and turned into IDPs in Ukraine or obtained temporary protection in other countries.

There are currently no reliable data on numbers of the persons living in the areas where there are (were) hostilities and in the temporarily occupied territories.

At the same time, despite the ongoing armed aggression as well as considerable numbers of persons who have been directly or indirectly injured or negatively affected by the actions of the aggressor state, the legislation still has not defined categories of persons who belong to the ones affected by the armed aggression against Ukraine, which results in lack of comprehensive approaches to their support. However, the legislation prescribes (in different manners and at different levels, which are sometimes difficult to consider sufficient) support of IDPs[1]; children affected by military actions and conflicts[2]; persons with

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disabilities as a result of the war, in case a disability is developed as a result of injuries or other bodily harm by explosive substances, ammunition and military equipment in the territory of the ATO/JFO or activities necessary to ensure defence of Ukraine, safety of the population and interests of the state in connection with the military aggression of the Russian Federation against Ukraine[3]; persons missing due to special circumstances and their family members[4]; persons who are recognised as deprived of liberty due to the armed aggression against Ukraine[5]. Still, other categories of the affected persons have been disregarded by the state.

Ensuring the rights of IDPs

Regarding the long process of registration and occasional denial of registration as an IDP and, therefore, payment of the monetary assistance

One of the reasons for petitions to the Commissioner was denial of registration as an IDP due to no registration of the place of residence in the territory from which the person was displaced. In all the cases, the petitioners are advised to challenge the decision in court. The employees of the social protection authorities mostly justify their denial with insufficient scope of confirmation documents.

The effective legislation does not prescribe the scope of necessary documents to confirm the facts of residence; it merely contains the list of documents that may prove such residence. The list is not exhaustive and includes medical, academic and job records and even photographs and videos. A decision on issue or denial of issue of the certificate is taken by the social protection authority within 15 business days at its own discretion, which may be subjective in certain cases. As a result, such persons are forced to file an action to challenge the denial of registration as an IDP in court.

The Commissioner was contacted by a woman on behalf of her elderly parents (the petitioner's father participated in liquidation of the accident at the Chernobyl NPP, and her mother was very sick). Her parents had been displaced from the AR Crimea and stayed in the territory controlled by the Government of Ukraine. In that regard, the petitioner went to get IDP certificates for her parents, but they were denied because her parents were registered in Crimea and had come to the controlled territory before 24.02.2022.

In order to respond to the petition, the Commissioner contacted the Ministry of Social Policy of Ukraine and asked to check how lawful the denial of registration as an IDP was.

Thus, following the Commissioner's response, the issue was resolved positively because the Ministry of Social Policy furnished explanations to the competent social protection authorities on recognising the AR Crimea and Sevastopol to be temporarily occupied territories in accordance with the Law of Ukraine "On Ensuring Rights and Freedoms of Citizens and Legal Regime in the Temporarily Occupied Territory of Ukraine".

In their turn, the court decisions adopted in favour of IDPs show that a marriage certificate, a copy of the declaration with the doctor providing the primary medical aid where the actual residence or stay address

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of the patient is specified, a copy of the international vaccination certificate with information on the vaccination place are the documents that certify residence in the territory from which the person is internally displaced.

Regarding problematic issues in provision of accommodation to IDPs

Given the complex humanitarian situation in the areas of active hostilities, including partial power cuts, heating, telecommunication and water supply disruptions due to damage to the critical infrastructure, the number of IDPs keeps growing, especially during the cold season.

IDPs are accommodated without limitation in compact settlements (CoS), which are not always suitable for residence. According to the UN Cluster managing the CoS, as of the end of 2022, there are at least 3,090 CoS in Ukraine, with approximately 96,102 IDPs living there: 22,306 children; 1,222 single mothers; 5,781 pensioners; 2,801 persons with disabilities. For reference: before 24.02.2022, there had been 147 CoS in Ukraine for approximately 5,878 IDPs, including 1,383 children and 1,646 elderly persons.

At the same time, with account of dynamics of CoS creation and permanent displacement of persons, neither public authority has up-to-date information on the total number of the CoS in the country, living conditions in such places, their actual addresses and numbers of people living there as well as free beds for new IDPs displaced from the combat zone.

Some of the IDPs are not going to return to their permanent place of residence they have left and will try to integrate into the new hosting territorial community so provision of accommodation and creation of adequate living conditions are a pressing need that will enable faster integration of IDPs.

The Commissioner was contacted by the IDPs residing in a CoS in the urban-type settlement of Hrytsiv, Shepetivka Raion, Khmelnytskyi Oblast regarding violation of their rights to decent living conditions. The elderly people (24 persons) mostly resided in the CoS. In particular, the residents complained that there was no heating, electric power and water at the CoS. The persons had applied to the Hrytsiv Urban-Type Settlement Council, but the officials of the respective local self-government body did not respond.

As a part of response to the petition, the Commissioner filed a request to the Khmelnytskyi Oblast Military Administration regarding observance of rights of the respective persons and resolution of those issues. Following the Commissioner's request, the local authorities took actions to equip the living premises at the Commissioner with furniture and household appliances, to redecorate toilet facilities and, by the decision of the head of the oblast military administration, to install electric generators for the CoS.

Regarding the discriminatory clause on random inspections of IDPs' places of residence

In October 2022, amendments were made[6] to the Procedure for Granting the Accommodation Assistance to Internally Displaced Persons[7]; they included without limitation a random inspection of the actual place of the IDP's residence/stay and execution of the corresponding report.

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According to the National Social Service, 48.1 thousand random inspections of the place of residence were conducted in December 2022. The inspections did not confirm the location of 28.3 thousand persons at the declared place of residence.

Following such inspection, in case an IDP is absent from the actual place of residence, he or she shall arrive at the social protection authority at the place of registration for identification within 10 calendar days. In case he or she fails to arrive, the social protection authority resolves to terminate the accommodation assistance starting from the next month.

These amendments are unjustified with account of martial law. Moreover, unlawfulness of the mechanism for inspection of the IDP's place of residence has already been established. In particular, it was held in the decision of the Kyiv District Administrative Court of 29.06.2017 in case No. 826/12123/16[8] that the clauses of the procedure[9] on inspections at the IDP's actual place of residence were unlawful and invalid.

It should be noted that the mechanism for inspections does not provide for possibility of payment of the assistance for the period when it was terminated as a result of failure to complete physical identification. The payment resumption procedure is not prescribed by normative acts as well.

At the same time, according to the Law of Ukraine "On Amending Certain Legislative Acts of Ukraine Aimed at Preventing the Occurrence and Spread of the Coronavirus Disease (COVID-19)", the following is prohibited without limitation during the quarantine or restrictions associated with the spread of the coronavirus disease (COVID-19) and for 30 days following the cancellation thereof:

- to adopt a decision to revoke a certificate of registration as an IDP based on information on long-term absence (for more than 60 days) of the person at the place of residence, which gives reasonable grounds to believe that the IDP has returned to the previous place of permanent residence;

- to control payment of social allowances to IDPs at the place of their actual residence/stay.

It should be noted that the quarantine restrictions in the territory of Ukraine have been extended until 30.04.2023 in accordance with Resolution of the Cabinet of Ministers of Ukraine No. 1236 of 09.12.2020 "On Imposing the Quarantine and Anti-Epidemic Restrictions to Prevent the Spread of the Coronavirus Disease COVID-19 Caused by the Coronavirus SARS-CoV-2." So inspections of the IDP's place of residence actually violate the prohibition of inspections during the quarantine restrictions.

Rights of the citizens residing in the TOT and areas of hostilities

Regarding forced passportisation and holding of so called 'referenda' in the temporarily occupied territory of Ukraine

The temporarily occupation of the territory of Ukraine in 2014, namely the Autonomous Republic of

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Crimea, city of Sevastopol and certain areas of Donetsk and Luhansk Oblasts, by the RF was accompanied by active imposition of Russian citizenship among the Ukrainian citizens who stayed in the temporarily occupied territories. After the launch of the full-scale invasion in 2022, **imposition of the Russian citizenship in the temporarily occupied territories** is a common thing.

The occupants use such methods as intimidation, blackmail or even violence to reach their purpose. The Ukrainian citizens in the occupied territories are not given humanitarian assistance and pensions, are not provided administrative services and are threatened to be dismissed if they do not have a Russian passport. Moreover, the occupation and control of citizens by the regular army of the enemy state creates additional psychological pressure, which makes them unable to make a free choice.

In 2022, the president of the RF signed several decrees that simplified the procedure for granting Russian citizenship to the Ukrainian citizens[10].

The Commissioner agrees with the stance of the human rights defence organisations[11] that the matter of voluntary or forced acquisition of citizenship of the aggressor state requires careful and balanced communication with account of the position of the Ukrainian citizens in the territories under temporary control by the aggressor state. At the same time, Ukraine as the state represented by the public authorities must have a coordinated stance and attitude to certain actions. Forced passportisation is illegal and is not recognised in Ukraine, is inconsistent with the principles and rules of international law and directly breaches Article 47 of the Geneva Convention Related to the Protection of Civilian Persons in Time of War (Convention IV) and Article 45 of the Hague Convention (IV) respecting the Laws and Customs of War on Land.

Another crime of the RF in the territory of Ukraine and violation of international law is **pseudo-referenda about accession to the RF conducted by the occupying army of the RF** in the temporarily occupied territories of Luhansk, Donetsk, Zaporizhzhia and Kherson Oblasts on 23 September. According to the residents of the occupied territories[12], the voting was carried out under supervision of the armed representatives of the occupying army, the staff of budget organisations could not refuse to participate, and it was also necessary to vote to get social benefits and humanitarian assistance.

It was emphasised by the Central Election Commission of Ukraine[13] that so called ‘referenda’ held from 23 to 27 September 2022 in the temporarily occupied territories of Donetsk, Luhansk, Zaporizhzhia and Kherson Oblasts were legally void and were organised by the occupational administrations as another attempt of unlawful annexation of the Ukrainian territories by the Russian Federation, so their results had no legal effects and could not be perceived and recognised either by Ukraine or the international community.

Regarding observance of the right to freedom of religion and belief, rights of national minorities (communities) and indigenous peoples

The military aggression has materially deteriorated the situation in the field of observance of the right to freedom of religion and belief, rights of national minorities (communities) and indigenous peoples affected by the military actions. In particular, according to the oblast military state administrations in the territories of which there have been active hostilities as a result of the armed aggression of the RF against Ukraine, the representatives of the existing ethnic communities and civil society organisations of a

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national and cultural nature have been forced to move to safer regions of Ukraine or abroad, and some of them continue their operations remotely.

Thus, according to the Donetsk Oblast Military State Administration, only several civil society organisations of national communities out of 81 organisations registered in the oblast demonstrate organisational activities, which remain quite limited due to objectively unfavourable conditions of existence. It is known that the premises of the Greek Cultural Centre "Meotyda" of the Mariupol Greek Association (127 Budivelnykiv Street, Mariupol) were damaged as a result of the hostilities on 15-18 March 2022 (the exact date is not known). Also, the paintings by the Greek artists from Mariupol disappeared from the premises, and it is not known what has happened to the archive materials.

Moreover, the searches in the accommodation of supporters of Jehovah's Witnesses continued in 2022, and more people were detained in the TOT of the AR Crimea and Sevastopol. The searches were conducted on 24 August, and 53-year-old Viktor Kudinov and 51-year-old Serhii Zhyhalov were arrested in Sevastopol. On 28 September, there were searches in 8 houses in the urban-type settlements of Nyzhnohirskyi and Krasnohvardiiske as well as the village of Petrivka. 50-year-old Serhii Parfenovych and 49-year-old Oleksandr Vynnychenko were detained after that. Vynnychenko was released, and Parfenovych was under home arrest after he had spent a month at the pre-trial detention facility. Around 20 searches were conducted at the Jehovah's Witnesses in and around Simferopol on 12 December. After the search, 53-year-old Dmytro Naukhatskyi was placed under home arrest. Around 40 persons have been subjected to these investigative actions.

The position of the indigenous peoples in Crimea has materially deteriorated since the launch of the armed aggression of the RF against Ukraine. Russia keeps using the territory of the peninsula as a military base. Moreover, the occupying army makes the local population join the war against Ukraine, in gross violation of international law, namely Article 51 of IV Geneva Convention.

The Commissioner and the representatives of the indigenous peoples and national minorities of Ukraine have urged the representatives of their nations in the occupied territories and in the territory of the RF to avoid mobilisation by all possible means and not to join the RF army[14].

The repressions against the Crimean Tatars in the territory of the peninsula continue. *Mejlis of the Crimean Tatar People has been declared to be an extremist organisation, and its operations are forbidden.* On 26 May 2022, the appellate instance of the illegal occupying so called 'Supreme Court of Crimea' amended the previous verdict to the human rights defender and dissident, Ukrainian politician and one of the leaders of the Crimean Tatar national movement Mustafa Dzhemilev, the Head of Mejlis of the Crimean Tatar People in 1991 to 2013, and sentenced him in his absence to 3 years of imprisonment and the fine of 20 thousand Russian roubles. Moreover, Deputy Head of Majlis Nariman Dzhelial was sentenced to 17 years of imprisonment and brothers Asan and Aziz Akhtemov — to 15 and 13 years of imprisonment in September 2022 by the occupying authorities of Crimea[15].

According to the Crimean Tatar Resource Centre, in 2022, there were 140 arrests, 95 detentions, 94 interrogations, 25 searchers of Crimean Tatars; 255 violations of the right to a fair trial, 32 violations of the right to health, 17 fines, 26 prison transfers and numerous violations of rights of the political prisoners, including the prohibition to speak the Crimean Tatar language in court, were registered. Moreover, Susanna Bezaziieva, a resident of Dzhankoi, was dismissed from school because she told her

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pupils that there were no Nazis in Ukraine, and all the Ukrainians were just defending their lands. In Sevastopol, a 60-year-old teacher of school No. 22 was dismissed for decorating the classroom with yellow and blue air balloons[16].

Violation of religious rights in Crimea is also reported. Thus, in Bakhchisarai, the Russian authorities intend to create the leisure area in the territory of the Muslim cemetery of Sauskan. In April, the 'prosecutor's office' in Dzhankoi in occupied Crimea accused Crimean Tatar Emir Medzhytov of 'unlawful missionary activity'. On 12 May, the final hearing in the case of missionary activity by imam Emir Medzhytov was conducted in the Dzhankoi Justice Court. According to the SSEP, the situation connected with the Crimean Episcopate of the Orthodox Church of Ukraine remains tense as it has been under a permanent threat of eviction from the Cathedral Church of Saint Equiapostolic Duke Vladimir and Duchess Olga in Simferopol since 2019 because of the illegal decision of the Russian occupying administration[17].

Regarding violation of religious rights of citizens

The data of the Institute for Religious Freedom (IRF) demonstrate that the Russian armed aggression against Ukraine has negatively affected different religious communities regardless of their confession[18].

Since 24 February 2022, the IRF has recorded at least 20 facts of illegal deprivation of liberty of religious figures of Ukraine of different confessions by the Russian military in the Ukrainian territories they temporarily occupied. Moreover, as the victims told the IRF, such unlawful arrests and imprisonment of religious figures were often followed by deliberately causing severe suffering, torture, attempted rape and actual threats of killing, inhuman conditions of detention, threats to kill family members etc.[19]

Moreover, prosecution of believers of different confessions in temporarily occupied Crimea grows stronger. In April, the 'Armiansk City Court' and 'Yalta City Court' started the litigation in connection with "organisation and funding of extremist activities" against the Jehovah's Witnesses[20]. The Muslims are also known to be prosecuted and accused of affiliation with Islamic organisations or propaganda of activities of the organisations that are recognised to be terrorist or extremist in Russia, but are not considered to be such under the legislation of Ukraine. The cases are heard in breach of the right to a fair trial; the main evidence presented to court is evidence furnished by anonymous witnesses (many of whom work for the Federal Security Service of the RF), pre-trial evidence by the witnesses who claim in court that they had testified under pressure, and linguistic expert examinations of the conversations between the Muslims being accused. The evidence furnished by the defence lawyer is generally disregarded by the judges[21].

In addition to the religious figures, the religious facilities have also been under attack. According to the SSEP[22], at least 270 religious facilities in 14 oblasts of Ukraine were utterly destroyed or damaged to a different extent as a result of the armed attack by the RF since 24 February to 20 September 2022. Most of the destruction occurred in the border regions where the Russian army attacked by land: most of them in Donetsk (71) and Kyiv (53) Oblasts. Although the orthodox churches were most damaged by the missile and shelling attacks, the religious facilities of many other confessions, including Muslim mosques, Jewish synagogues and their holy places, were also damaged.

Regarding violation of the rights of the Ukrainian citizens from the temporarily occupied territory of

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the AR Crimea and the city of Sevastopol to pension coverage in connection with termination of any ties with the occupying country

Although there is a simplified procedure for the payment of pensions to IDPs based on the electronic pension records, the bodies of the Pension Fund of Ukraine still request paper copies of pension records from absolutely all the pensioners registered in the temporarily occupied territory of the Autonomous Republic of Crimea and the city of Sevastopol. Since there are no ties with the occupying country, the persons who reside in and/or have been displaced from the territory of the AR Crimea and the city of Sevastopol are deprived of the right to be paid pensions. Citizens regularly submit complaints on this matter to the Commissioner.

Thus, the Commissioner was contacted by the citizen of Ukraine who was paid the social pension (in connection with the disability) and had been displaced from the village of Tabachne, Bakhchysarai Raion of the AR Crimea into Kyiv. The citizen had difficulty exercising her right to pension coverage, namely transferring her pension records from the territory of Ukraine temporarily occupied by the RF (AR Crimea), to keep getting the pension in the territory controlled by Ukraine. The woman applied to the Ministry of Social Policy, the Main Department of the Pension Fund of Ukraine in Kyiv and the Department of the Pension Fund of Ukraine in Dniprovskyi District of Kyiv many times, but the matter remained unresolved.

In order to respond to the petition, the Commissioner filed a request to the Ministry of Social Policy in order to restore the rights of citizen H. to pension coverage.

At the same time, the Ministry of Social Policy informed the Commissioner that the territorial bodies of the Pension Fund of Ukraine had sent requests to the authorised bodies of the RF for pension records of the persons living in the territory of the AR Crimea and city of Sevastopol and had submitted the application and all the necessary documents for payment of the pension in accordance with the legislation of Ukraine. However, payment of the pension to such persons would be resumed from the date of termination thereof at the previous place of residence. The Ministry of Social Policy also informed that, given the act of aggression by the RF as well as severance of diplomatic relations with the aggressor, it was impossible to send requests for pension records to the RF, which made it impossible for the territorial bodies of the Pension Fund of Ukraine to take decisions on granting (resuming) pensions in accordance with the legislation of Ukraine. Therefore, the stance of the Ministry of Social Policy was that there were no legislative grounds for paying the pension to the petitioner.

The Commissioner suggested that the PFU should adopt the mechanism for pension coverage of that category of citizens. The proposal was affirmed. Thus, the Pension Fund of Ukraine developed the draft Resolution of the CMU “On Amending Resolutions of the Ukraine No. 234 of 2 July 2014 and No. 637 of 5 November 2014”. Adoption of the corresponding legal and normative act will create preconditions for resolution of the matter.

Regarding submission of the information notice of the real estate damaged and destroyed as a result of hostilities, terrorist attacks, sabotage caused by the military aggression of the RF

Resolution of the CMU No. 380 of 26.03.2022 approved the Procedure for submitting the information notice of the real estate damaged and destroyed as a result of hostilities, terrorist attacks, sabotage caused by the military aggression of the Russian Federation. Following adoption of Resolution of the CMU

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No. 885 of 09.08.2022 on amending the Procedure, such notices regarding a number of facilities may be submitted starting from 19.02.2014.

However, the Commissioner has detected the technical defect in the procedure for notification of destroyed property via Diia Portal since it is now impossible to inform of the destruction that occurred from 19.02.2014 although it is provided for by the normative documents (in practice, it can only be done for the property destroyed after 24.02.2022).

Regarding compensation for the accommodation damaged or destroyed as a result of the armed aggression against Ukraine

The matter of compensation for the accommodation damaged or destroyed has been one of the most pressing since the beginning of the armed aggression against Ukraine in 2014.

No monetary assistance is now paid to the persons whose accommodation has been damaged or described. It should be noted that it is prescribed by Resolution of the CMU No. 380 of 26.03.2022 that the information notices submitted by natural persons in accordance with this Resolution shall be treated the same way was applications for compensation for the real estate facilities damaged and destroyed, starting from the effective date of the Law of Ukraine "On Regulating the Relations as to Compensation for the Real Estate Facilities Damaged and Destroyed as a Result of Hostilities, Terrorist Attacks, Sabotage Caused by the Armed Aggression of the RF".

In March 2022, the draft Law "On Compensation for Damaging and Destroying Certain Categories of Real Estate Facilities as a Result of Hostilities, Terrorist Attacks, Sabotage Caused by the Military Aggression of the Russian Federation" (registration No. 7198 of 24.03.2022)[23] was registered with the Verkhovna Rada of Ukraine; the Commissioner had submitted his recommendations on that draft Law to the Committee of the Verkhovna Rada of Ukraine on Economic Development regarding the need to expand the list of the property damage to or destruction of which will be compensated for, to extend the deadline for the compensation application and to expand the list of the persons eligible for such compensation.

The compensation procedure established by draft Law No. 7198 will apply to damage to and destruction of real estate facilities as a result of the armed aggression against Ukraine starting from the effective date of Decree of the President of Ukraine No. 64 of 24.02.2022 "On the Imposition of Martial Law in Ukraine". In other words, the draft Law provides for no compensation for the property destroyed before 24.02.2022. The human rights defence organisations fairly refer to this problem of inconsistent regulation[24]. The clauses of the draft Law also do not prescribe the procedure for compensating for the destroyed real estate located in the temporarily occupied territory of Ukraine.

It should be noted that the legislative mechanism for recovery of real estate items shall rely upon the advantage of restitution (reconstruction of real estate facilities) over compensation, and also consider the positive experience and obstacles to implementation of the regulatory legal and normative acts adopted by the Government of Ukraine in order to register the damaged and destroyed accommodation and property, assess losses and reconstruct the facilities damaged or destroyed as a result of the armed aggression of the RF against Ukraine.

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It should separately be noted that this draft Law applies only to the natural persons being Ukrainian citizens whereas the property that has been damaged/destroyed as a result of the armed aggression of the RF belongs not only to Ukrainians, but also foreigners and legal persons. Lack of respective regulation means that Ukraine does not fully perform its positive duties under Article 1 of Protocol 1 to the Convention for the Protection of and Fundamental Freedoms.

Regarding protection of the right to receive/re-issue documents lost

As a result of shelling, destruction of houses and apartments, fires and the need to urgently leave their accommodation, citizens may lose different documents, including their passport of a citizen of Ukraine, a foreign travel passport of a citizen of Ukraine, and other documents. Therefore, lots of citizens need to receive these documents.

For most citizens from the territories that have been affected by the armed aggression against Ukraine or occupied, payment for the form and re-issue services (especially if documents of several family members have been lost) is a considerable financial burden. However, there is no mechanism and normative regulation of release from payment for re-issue of documents for the persons from deoccupied territories who have lost them as a result of the aggressor state's actions.

Absence of identification documents that certify Ukrainian citizenship makes it difficult for such persons to get around the country and prevents them from going abroad, influences receipt of state social allowances and payments from international organisations, hinders access to humanitarian assistance programmes, and makes it impossible to be officially employed or registered with employment centres.

In order to resolve the matter, the Commissioner has contacted the MIA and the SMS to consider possible ways to solve the problem, in particular, by:

- releasing the persons from deoccupied territories (those who resided in such territories at the moment of deoccupation) from payment for the issue of a passport of a citizen of Ukraine in form of an ID card in connection with loss/damage;

- reducing the payment for issue of documents by raising funds of international organisations in order to cover such costs or by allocating the necessary amount from the state budget.

Moreover, in December 2022, the Ministry of Justice of Ukraine amended Order No. 3734/5 of 03.09.2022 in order to resolve problems associated with issue of documents on state registration of birth during the martial law. In particular, according to these amendments, during the martial law and for a year following termination or cancellation thereof, a birth certificate and/or extract from the Register of State Registration of Birth, regardless of the date of such birth, may be issued to the Ukrainian Parliament Commissioner for Human Rights in person or by proxy.

Moreover, the Verkhovna Rada of Ukraine is considering the draft Law "On Amending Article 20 of the Law of Ukraine 'On the Unified State Demographic Register and Documents Certifying Ukrainian Citizenship, Identity Documents or Documents on the Special Status' regarding Benefits to Certain Categories of Ukrainian Citizens Issued a Passport of a Citizen of Ukraine or a Foreign Travel Passport of a Citizen of Ukraine for the Period of Martial Law" (registration No. 7358 of 09.05.2022).

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Regarding no administrative procedure for registration of acts of civil status for the persons from the temporarily occupied territory (TOT)

Peculiarities of use of the documents issued in the TOT are regulated by the Law of Ukraine "On Ensuring Rights and Freedoms of Citizens and Legal Regime in the Temporarily Occupied Territory of Ukraine", according to which any act (decision, document) issued by the occupying authorities is invalid and creates no legal consequences, save for the documents on the fact of birth, death, registration (dissolution) of marriage of a person in the TOT, which are attached to the application for state registration of the respective act of civil status.

Although there is a legal rule that expressly allows using documents from the TOT for state registration of acts of civil status regarding the facts occurring in the TOT, there is now only the judicial procedure for establishing the fact of birth or death of a person in the TOT. Thus, Article 317 of the CiPCU regulates peculiarities of judicial proceedings in cases of establishment of the fact of the person's birth or death in the territory where martial law or state of emergency has been imposed or in the TOT. However, the matter of establishment of the fact of marriage or dissolution thereof in court has not been resolved.

Therefore, it is necessary to introduce the administrative (extrajudicial) procedure for establishment and registration of acts of civil status that have occurred in the temporarily occupied territories of Ukraine.

Citizen Ya. applied to the Commissioner for help in obtaining a certificate of birth of the child born in 2022 in the city of Yevpatoriia, AR Crimea.

Thus, as there was no administrative procedure for state registration of the child's birth in the TOT, the citizen had to file an action to the local court of Kyiv. However, the claim was dismissed by court due to lack of evidence of impossibility to obtain the child's birth certificate in the bodies responsible for state registration of acts of civil status.

Regarding confirmation of academic qualifications for citizens from temporarily occupied territories of Ukraine

The matter of confirmation of academic qualifications of the citizens who have obtained such qualifications in the temporarily occupied territory of Ukraine has been relevant since the beginning of the occupation in 2014.

At present, the education gained in the TOT and 'documents on the respective academic and qualification level' issued in these territories are invalid and create no legal consequences. Therefore, the persons who have obtained such documents are unable to be employed in the territory controlled by the Government of Ukraine. However, there are no mechanisms to confirm the academic qualifications obtained in the TOT, including the ones that have been occupied for a long time (the territory of the AR Crimea, city of Sevastopol, certain areas of Donetsk and Luhansk Oblasts). It should be noted that it is a matter of confirmation of academic qualifications rather than documents issued by the occupying 'authorities'. Qualifications may be confirmed via respective assessment to study the level of knowledge, skills and abilities.

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The respective Procedure for certification to recognise qualifications, academic results and periods of education in the higher education system in the TOT of Ukraine after 20 February 2014 was approved by Order of the MES No. 537 of 19.05.2016 and was in effect to confirm the qualifications obtained in the TOT of the AR Crimea and city of Sevastopol until November 2021.

At present, according to the Law of Ukraine "On Ensuring Rights and Freedoms of Citizens and Legal Regime in the Temporarily Occupied Territory of Ukraine", residents of the occupied territories of Ukraine who started to obtain higher education before the start of temporary occupation of the respective territory shall have the right to complete certification for recognition of their qualifications, academic results and periods of education. In order to ensure that this right is exercised, the Order of the MES needs to be brought in line with the legislation and cover not only the TOT of the AR Crimea and city of Sevastopol, but also other TOTs of Ukraine.

At the same time, in order to ensure exercise of the right to complete certification for recognition of their qualifications, academic results and periods of education of the persons who started to obtain higher education in the TOT after the start of temporary occupation of the respective territory, the specialised legislation needs to be amended.

The Commissioner was approached by the citizens who had obtained higher medical education in the temporarily occupied territory of Ukraine and asked to assist in recognition of their qualifications for employment.

Due to the systemic nature of the matter that needs to be regulated at the legislative level, the Commissioner has submitted relevant recommendations to the MES and MoH.

According to their stance, there are no grounds for introducing the legislative mechanism to recognise results of education (qualifications) of the persons who have obtained higher education in the TOT of Donetsk and Luhansk Oblasts.

At the same time, the MES proposes ways to resolve the matter of recognition of results of education and competencies in the field of higher education of residents of the temporarily occupied territories of certain areas of Donetsk and Luhansk Oblasts by admitting them to the universities that have been in the territory controlled by Ukraine since 2014, carry out the educational process and have the status of relocated universities. Following the assessment of the students' competencies, the higher education institutions may optimise individual academic plans.

Filtration activities, deportation and forced displacement of Ukrainian citizens

Since the first weeks of the full-scale invasion of Ukraine, the RF created the conditions (due to threat of force or coercion) under which civilians in the TOT had no other choice but to leave for/via the RF.

The Ukrainian citizens who found themselves in the territories of Ukraine seized by the RF and wished to leave for the territory controlled by Ukraine had to get through the front line, on the way to which the Russian army had set dozens of checkpoints and shelled them in most cases. The way through the

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occupied territories of Ukraine and the territory of the RF might seem more or less safe for those who had decided to leave.

Moreover, in some cases, representatives of the occupying state displaced the Ukrainian citizens, who stayed in the territories seized by the enemy, to the territory of Russia or Belarus by force under the pretext of 'evacuation'; some people were brought deeper into the TOT.

Such cases took place in the territory of Zaporizhzhia, Donetsk, Luhansk, Kharkiv and Kherson, Kyiv, Sumy and Chernihiv Oblasts, when the occupying authorities carried several thousands of the local residents into the RF under the pretext of evacuation[25]. They were mostly women and children, who were first brought to so called filtration camps where citizens were divided into "reliable" and "unreliable" ones.

It is now difficult to estimate the number of the Ukrainian citizens who have been deported or forcibly displaced within the territory of Ukraine, including the TOT. According to the National Information Bureau, the number of the persons deported to the RF and the Republic of Belarus and the persons forcibly displaced from 24.02.2022 to 01.11.2022 is 45,995 persons, including 37,855 adults and 8,140 children. However, Ukraine does not have reliable information on the exact number of the Ukrainian citizens deported into the territory of the RF or Republic of Belarus. According to the UNHCR, as of 03.10.2022, there were 2.85 million Ukrainian citizens in the territory of Russia[26].

Almost immediately after the first official notices of forced displacement or deportation of the Ukrainian citizens by the Russian military, there was evidence of how the displacement process was carried out: it was of forced nature and included so called 'filtration'. The procedure changed several times since the start of the broad-scale armed aggression against Ukraine: there were searches and examinations at checkpoints in the beginning, followed by 'filtration points' then; in the end, there were so called 'filtration camps' where they could issue a 'certificate' of successful 'filtration' or detain a person for further inquiries[27].

According to the numerous statements of those who passed the 'filtration', they were issued migration cards, taken to buses and driven to Russia. Then such people could be brought to remote cities in the territory of the RF (Taganrog, Tomsk, Rostov-on-Don, Voronezh etc.).

There is little information on what happens to those who fail the 'filtration'. It is known that the people who have failed the first or second level of 'filtration' are sent to pre-trial detention centres or prisons in the TOT. During the third 'filtration' stage, the detained are interrogated and beaten, tortured cruelly (with electric current), are not given enough food and water (5 litres of water are given for 40 people), are held in inhuman anti-sanitary conditions (40 people were held in one cell where 30 people slept and 10 stood), are not provided medical aid, and are killed.

Such actions violate without limitation Articles 3 and 8 of the Convention for the Protection of and Fundamental Freedoms, which guarantee the right not to be subjected to inhuman or degrading treatment and the right to respect for private and family life, as well as Article 2 of Protocol No. 4 to the Convention, which guarantees the right to liberty of movement and freedom to choose his residence within the territory of a State, the right to leave any country, and prohibition of expulsion of nationals.

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The Ukrainian citizens who found themselves in the territory of the RF faced considerable difficulties. In particular, it was shortage of means of subsistence, inability to exchange hryvnias or withdraw money from their bank cards; lack of clothes, personal hygiene products, medical services and medicines; inability to contact their relatives, be consulted on further stay or departure from the territory of the RF (the largest number of cases). It is one of the factors that makes the deported Ukrainian citizens 'agree' to go to remote depressive regions of the RF.

There are no legal restrictions of departure from the RF now, so the Ukrainian citizens may potentially leave for adjacent countries. However, the substantial problem for the citizens of Ukraine deported from its territory is no identity documents on Ukrainian citizenship, which prevents the Ukrainian citizens from leaving for third countries (EU countries, Georgia and others) or returning to Ukraine.

As there are no foreign diplomatic missions of Ukraine in the territory of Russia, and it is difficult to help the Ukrainian citizens who have found themselves in the territory of the aggressor state, the matter of coordination of efforts of public and private bodies is of critical importance for protection and assistance in departure of the Ukrainian citizens from the territory of the RF to safe third countries, for return of the Ukrainian citizens home.

Moreover, Ukraine has asked[28] Switzerland to assume the mandate of a protecting power for it in Russia. The respective negotiation was completed on 10 August 2022, and Switzerland agreed to represent Ukraine's interests in the RF. However, the accepting party had to give its consent to representation of Ukraine's interests by Switzerland. The RF rejected the initiative.

With account of the acute need to determine the protecting power and provide consular services to Ukrainian citizens in Russia in order to enhance control over respect for international humanitarian law in the Russian Federation, resolve the problems associated with Russia holding the Ukrainian defenders captive and protect civilians of Ukraine from prosecution by the aggressor state, the Ukrainian Parliament Commissioner for Human Rights contacted the Ministry of Foreign Affairs of Ukraine in December 2022 regarding that relevant matter and recommended to include it into the agenda of respective international institutions as fast as possible.

Deportation of children

As of 12.01.2023, according to the state Children of War Portal, 13,899 children had been deported to the RF or forcibly displaced in the TOT of Ukraine (including 9,354 children deported directly to the Russian Federation). 125 children were returned during the reporting period.

Forced displacement or deportation of persons, including children, from the occupied territory is in breach of Articles 49 and 50 of the Geneva Convention Related to the Protection of Civilian Persons in Time of War. Therefore, one of the key tasks of the Commissioner is to identify each deported child and return them to Ukraine. The Commissioner has developed the practices of returning the children who have been deported to the territory of the RF or displaced to the temporarily occupied territories of Ukraine.

At the end of July, the Commissioner was approached by the petitioner from Khmelnytskyi Oblast, who asked to help return his minor nephew from Mariupol. The boy's family lost everything after the shelling

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in that city: the missile struck their house. His mother was killed. The 16-year-old boy stayed with his old grandparents. However, the full-age sister of the teenager was deported to the territory of the RF together with her 2-year-old child. The petitioner asked to help reunite with his family and return his relatives.

The Commissioner forwarded that information to the Ministry for Reintegration of the Temporarily Occupied Territories, the National Information Bureau, the National Police of Ukraine, the Unified Centre for Searching and Releasing Captives of the SSU, and the Head of the Delegation of the International Committee of the Red Cross.

Moreover, the Commissioner took measures to designate the petitioner his nephew's guardian, which was a basis for returning the child to the legal representative from the temporarily occupied territory of Ukraine.

Another problem associated with return of the children to Ukraine is lack of reliable information on the children in Russia: their personal data, full name and birth date in the first place, whether they are in the occupied territory of Ukraine or the RF, information on the children's health, as well as no channels of communication with the children who have been forcibly displaced or deported. The main condition for the child's return is timely notification of the of the police and other competent public authorities of Ukraine of the child's disappearance or deportation by parents or other legal representatives. However, the fear of legal representatives to be punished by the occupying authorities often prevents them from informing of the child's deportation. Moreover, each child's return is essentially an *ad hoc* mechanism, an individual and complex process that has to consider the child's family ties, place of origin, family situation and so on. There are currently no tools to ensure systemic work to return the Ukrainian children into Ukraine.

Minor K., who had been deported into the territory of the RF and adopted at the beginning of the full-scale invasion of Ukraine by the RF, was returned to Ukraine with the Commissioner's help.

The boy had lived in the vicinity of Mariupol before the deportation. In 2015, the boy was injured by the mine explosion, lost his eye and had foot injuries; his face and body were injured with mine fragments.

After his native settlement had been seized by the Russian occupants, the child and many other children were first taken to Donetsk, which had been occupied since 2014, and then to Russia with the help of Mariia Lvova-Belova, the Commissioner for Children's Rights under the President of the Russian Federation. The family that adopted the boy lived in Moscow Oblast.

The documents of K. were destroyed by the 'authorities' of so called 'DNR', and a birth certificate was issued in accordance with the Russian standards.

In order to return the child to Ukraine, the Ukrainian birth certificate was re-issued with the Commissioner's help.

The passport of a citizen of Ukraine was also issued to the child with the Commissioner's support. The

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child was assigned the status of the victim of trafficking in human beings.

The matter of restitution of the child's right to adequate social protection, to living in a family and to education will be controlled by the Commissioner until it is resolved. In order to protect the rights of the child affected by the armed aggression of the RF, the respective letter was sent to the guardianship and wardship authority.

The cases of illegal adoption of the Ukrainian orphans, children deprived of parental care who have been illegally displaced to the RF are known from the mass media of the RF and webpages of the Russian top-rank officials, namely the Commissioner for Children's Rights under the President of the RF[29].

Thus, it was found out in October that 28 Ukrainian children aged 6 to 17 were taken from Oleshky in Kherson Oblast pursuant to 'order' No. 1 of 20.10.2022 of the occupying public authority "On Evacuation of Children" for so called 'rehabilitation' to the territory of Clinical Psychiatric Hospital No. 5, which was located in the territory of temporarily occupied Crimean Peninsula, in the village of Strohonivka near Simferopol. Mariia Lvova-Belova, the Commissioner for Children's Rights under the President of the RF, confirmed that fact in her Telegram channels and informed of taking 52 children from Oleshky Care Home[30].

It was also found out that on 21 October 2022 the Russian military took away 46 children under the age of 5 from the Kherson Oblast Orphanage of Kherson Oblast by ambulances to the temporarily occupied territory of Simferopol in the AR Crimea[31].

Moreover, at the beginning of July 2022, all the children from the Novopetrivske Special School in Mykolaiv Oblast, which was located in the occupied territory, were displaced deeper into the occupied territory of Kherson Oblast. There were 15 children, including 13 orphans and children deprived of parental care, in school.

It was found out from the petition of citizen L. to the Ukrainian Parliament Commissioner for Human Rights that the children from the Novopetrivske Special School in Mykolaiv Oblast were forcibly displaced to the health resort "Pearl of Russia" (Anapa, RF). The children from the facility and their accompanying persons managed to leave the territory of the RF and leave for Tbilisi, Georgia.

It is especially difficult to return the children who have no identification documents on their Ukrainian citizenship. In May 2022, the president of the RF signed a decree on the simplified procedure for granting citizenship to orphans, children deprived of parental care, incapacitated persons who were Ukrainian citizens and stayed in the temporarily occupied territories of Ukraine.[32] Moreover, in December 2022, the president of the RF signed one more decree[33] on simplification of the procedure for granting the Russian citizenship to the Ukrainian citizens who have turned 14. However, according to the legislation of Ukrainian citizens, children being Ukrainian citizens may be adopted by foreigners by consent of the central executive authority in charge of implementation of the public policy for adoption and protection of children's rights (Article 283 of the Family Code of Ukraine).

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The decree on the simplified procedure for acquisition of citizenship by orphans, children deprived of parental care enables adoption of Ukrainian children without consent of the country of their origin, as prescribed by the Ukrainian and international legislation.

However, this practice is inconsistent with the requirements of the Geneva Convention Related to the Protection of Civilian Persons in Time of War (Convention III). According to Article 50 of the above-mentioned Convention, the Occupying Power shall take all necessary steps to facilitate the identification of children and the registration of their parentage. It may not, in any case, change their personal status, nor enlist them in formations or organizations subordinate to it.

The reliable number of adoption facts, children's names as well as adoptive Russian families are unknown.

Special attention should be paid to the situation of taking the children being Ukrainian citizens from the temporarily occupied territories of Ukraine for so called 'camping' to the territory of the RF.

After Kharkiv Oblast had been deoccupied, the Commissioner found out that some children had been taken to the RF under the pretext of 'rehabilitation' during the temporary occupation of the oblast.

In order to restore the persons' rights to family reunion and with the Ombudsman's support, the children's parents were paid monetary assistance form the international charitable foundation of Caritas Ukraine. Moreover, the parents were promptly issued foreign travel passports of a citizen of Ukraine with the Commissioner's assistance and in close cooperation with the SMS; the logistics of the centralised trip of those families to the RF to pick up their children and back to Ukraine was planned together with one of the charitable organisations.

Also, 3 other children who had been illegally taken to Russia were returned to Ukraine on 20.12.2022 with the Commissioner's support.

In order to return the children deprived of parental care who had been forcibly displaced, Ukraine simplified the procedure for appointing the legal representative to the maximum extent: in particular, Resolution of the CMU No. 447 of 15.04.2022 amended the Procedure for the Activity Associated with Protection of the Child's Rights by the Guardianship and Wardship Authorities[34]. Thus, a guardian may be appointed if a child is abroad and without the child's consent.

The Coordination Council of Ukraine for the Protection and Safety of Children was established by Decree of the President of Ukraine No. 568/2022 of 08.08.2022; it deals with matters of identification, location and return of the children who have been forcibly displaced form the temporarily occupied territories of Ukraine at its meetings. The Coordination Council is chaired by the Head of the Office of the President of Ukraine. Members of this Coordination Council are also the Ukrainian Parliament Commissioner for Human Rights and the representative of the Ukrainian Parliament Commissioner for Human Rights for rights of children, families, youth and sports.

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Forced mobilisation and conscription in the temporarily occupied territories of Ukraine

Numerous facts of gross violations of international humanitarian law by the RF should include illegal mobilisation of the Ukrainian citizens in the TOT of Ukraine. Forced mobilisation of the protected Ukrainian citizens in the TOT of Ukraine is directly forbidden by the Geneva Convention Related to the Protection of Civilian Persons in Time of War of 1949. According to Article 51, the Occupying Power may not compel protected persons to serve in its armed or auxiliary forces or to undertake any work which would involve them in the obligation of taking part in military operations. Pursuant to Article 23 of the Hague Convention of 1907, it is especially forbidden to compel the nationals of the hostile party to take part in the operations of war directed against their own country.

Violation of both rules is a war crime under Articles 8(2)(a)(v) and 8(2)(b)(xv) of the Rome Statute in form of compelling to serve in the forces of a hostile Power and of compelling to take part in the operations of war directed against their own country. Such actions also constitute violation of the laws and customs of war under Article 438 of the CrCU.

The occupying authorities of the RF have carried out 13 illegal conscription campaigns for the Armed Forces of the RF in the temporarily occupied territory of the AR Crimea and city of Sevastopol since 2015: more than 31 thousand Crimeans, most of whom were probably Ukrainians, were called up for military service for the occupying power.

Before the full-scale aggression of the RF against Ukraine, which started on 24 February 2022, the mobilisation was commenced in the TOT of Donetsk and Luhansk Oblasts: the corresponding ‘decrees’ were issued on 19 February 2022 by the occupying administrations of so called ‘Donetsk People’s Republic ’ and ‘Luhansk People’s Republic’. Thus, the men aged 18 to 55 were subject to general mobilisation in occupied Luhansk Oblast pursuant to ‘decree of the head of LNR’. They were also forbidden to leave so called ‘LNR’. The civilians who were Ukrainian citizens were obviously subject to mobilisation. Even when such persons were issued a passport of the RF or so called ‘LNR’ and ‘DNR’, forcible imposition of the occupant’s citizenship creates no legal consequences (is void).

On 22 February 2022, the ‘decree of the head of DNR’ on mobilisation of the citizens born from 1995 to 2004 for military mobilisation service was issued. According to point 4 of the ‘decree’, the conscripts were sent to the reserve of the ‘command of the people’s police of DNR’ for their military mobilisation service. In March 2022, the upper age limit for the mobilisation in the occupied territories of Donetsk Oblast was raised up to 65.

Up to 90,000 residents of the occupied east of Ukraine were mobilised to the military units and subdivisions of the first and second army corps of the Southern Military District of the Armed Forces of the RF since the end of February 2022.

Conscription of the residents of the TOT of the AR Crimea, Donetsk and Luhansk Oblasts for their compulsory military service at the Armed Forces of the RF was carried out forcibly, by applying the rules and clauses of the Criminal Code and the Code on Administrative Offences of the Russian Federation against the residents of the AR Crimea who refused from (evaded) military service in the Armed Forces of the RF. Conscription for the compulsory military service and mobilisation of residents of Donetsk and Luhansk oblasts were carried out by applying physical force and threats of physical injuries.

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In its Report on Violations of International Humanitarian and Human Rights Law, War Crimes and Crimes Against Humanity Committed in Ukraine (1 April – 25 June 2022), the OSCE Office for Democratic Institutions and Human Rights noted that abducting men from the streets, their homes, and their workplaces became the new normality in occupied Donbas less than 2 weeks later, when the age limit was raised to 65. Russian authorities have made it illegal for men to leave the occupied territory, allowing any man between the age of 18 and 65 to be conscripted. In mid-April, for example, local social media groups in Donetsk highlighted how philharmonic and opera musicians, circus performers, educators, and social professionals were forcibly enlisted as "volunteers", despite having no connection to the military. The Russian mobilization in the occupied Donbas is still ongoing, although there are only non-accurate figures on how many men were conscripted for military service[35].

There are no data on the exact number of the persons who have been mobilised forcibly, but there are thousands and possibly dozens of thousands of them. According to the Main Directorate of Intelligence of the Ministry of Defence of Ukraine, it was planned to mobilise 26,000 persons from the TOT.

The occupying power has been taking all the actions for mobilisation in the TOT, where coercion is the principal tool.

Response to violations of human and civil rights

The majority of the petitions received by the Commissioner were associated with IDPs. The petitions were about violation of the petitioners' rights to monetary accommodation assistance, pensions, provision of temporary or permanent accommodation, re-issue and/or issue of documents.

Thus, numerous petitions were about delays in granting accommodation assistance to IDPs.

The Commissioner was approached by citizen I., who had been displaced from Mykolaiv to Odesa and then to Kyiv, regarding protection of his right to accommodation assistance as an IDP. The petitioner informed that he had been displaced from Odesa to Kyiv, where he was registered as an IDP, in July 2022. However, no accommodation assistance was paid to him from July to December 2022.

When he applied to the social protection authority in Obolonskyi District of Kyiv, the petitioner received the rejection and response that the social protection authority of Odesa would not send the petitioner's personal file. Moreover, according to the officers of the above-mentioned institution, 4 requests had been sent to the social protection authority of Odesa, but no response was received.

In order to respond to the petition, the Commissioner contacted the National Social Service and the Social and Family Policy Department of Odesa Oblast Military Administration. Following consideration of the Commissioner's letter, the petitioner's personal file was transferred to Kyiv, and the monetary assistance was paid to the petitioner.

With account of the persistency of that problem, the Commissioner submitted an address to the Ministry of Social Policy regarding regulation of the matter of long delays in granting accommodation assistance

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to IDPs. In response, the Ministry of Social Policy informed that it was dealing with the existing problem within the project of creation of the Unified Social Information System. The respective software was introduced into operations in December 2022.

Moreover, the Ministry of Social Policy amended the Instruction on the Procedure for Executing and Keeping Personal Files of Payees of All Types of Social Assistance approved by Order of the Ministry of Social Policy No. 345 of 19.09.2006 as well as Resolution of the CMU No. 332 of 20.03.2022 "Certain Aspects of Paying the Accommodation Assistance to Internally Displaced Persons".

In October 2022, the Commissioner started to receive numerous petitions from IDPs regarding termination of their accommodation assistance. As it was established during consideration of the petitions, one of the common reasons for such delays were numerous faults in operation of the USIS and its incompatibility with the Automated Records Processing System.

In December 2022, the Commissioner received the petitions regarding non-payment of the old-age pension for May 2022 from the citizens from Kharkiv Oblast who were paid their pensions in offices of Ukrposhta JSC.

It was established during the communication with the petitioners that the affected persons had resided in the territory of Kharkiv Oblast that was under temporary occupation in May 2022. However, after they had been displaced to the territory controlled by the Ukrainian Government, the pensioners could apply to the departments of the Pension Fund of Ukraine and offices of Ukrposhta JSC to resume payment of their pensions at their new location. Yet, the petitioners were not paid their pensions for May 2022.

Since it is a matter of the most unprotected category of the affected citizens, namely the elderly IDPs, the Commissioner immediately sent the corresponding requests to Ukrposhta JSC. It should be noted that Ukrposhta JSC took prompt necessary actions to pay pensions for May 2022. Therefore, the petitioners' rights to pension payments were restored owing to the joint coordination of actions of the Commissioner and Ukrposhta JSC.

Regarding the inability of the internally displaced pensioners who were displaced before 24.02.2022 to receive pension cards, which are also pension certificates

The Commissioner found out about the inability of the IDPs who were displaced before 24.02.2022 to receive pension cards, which were also pension certificates, because the institution that produced them had been evacuated and suspended its operations temporarily. In their turn, IDPs cannot receive a pension certificate in hard copy in accordance with the legislation. In other words, such persons have no documents confirming that they have been granted the pension.

At the same time, lack of any document on granting the pension hinders the exercise of rights and legal interests of citizens, including the right to cross the state border. Thus, persons with disabilities who have the legal right to cross the state border cannot cross it due to lack of necessary documents as they do not have a pension certificate, and the MSEC certificate was removed from the list of the documents that give the right to cross the state border in November 2022. Also, absence of documents deprives citizens of

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benefits for rides in public transport and Ukrzaliznytsia trains.

In order to resolve that issue, the Commissioner contacted the Ministry of Social Policy and suggested initiating legislative amendments in order to enable the IDPs who had received an IDP certificate before 24.02.2022 to receive a pension certificate in hard copy, or to facilitate resumption of issue of electronic pension certificates.

Thus, in order to respond to the Commissioner's address and ensure issue of pension certificates to the IDPs who have been granted a pension, the Ministry of Social Policy together with the Pension Fund of Ukraine are drafting resolution of the Cabinet of Ministers of Ukraine "Some Matters of Issue of Pension Certificates to Internally Displaced Persons".

Moreover, due to the considerable number of the IDPs' petitions regarding their inability to receive a payment card, the Ministry of Social Policy asked the Pension Fund of Ukraine to issue pension certificates in hard copy to IDPs upon their request. However, the Pension Fund of Ukraine fails to follow this recommendation.

The Commissioner was approached by citizen V., who had been registered as an IDP in Irpin since 2014, Kyiv Oblast, and was a pensioner, regarding the ability to receive the pension card being a pension certificate at the same time (hereinafter the "electronic pension certificate").

The petitioner filed numerous applications to the Pension Fund of Ukraine and Oschadbank JSC, but they were dismissed. A pension certificate in hard copy was not issued to the petitioner as well.

In order to respond to the petition, the Commissioner filed a request to the Ministry of Social Policy in order to restore the rights of citizen K. to receive the electronic pension certificate.

The Ministry of Social Policy informed the Commissioner that Oschadbank JCS was not producing electronic pension certificates temporarily for technical reasons. Therefore, the respective process of re-issue of electronic pension certificates by Oschadbank JSC was temporarily suspended. At the same time, there were no legal grounds for issuing a pension certificate in hard copy to the petitioner.

Regarding payment of utility bills by displaced persons at the place of registration

After the start of the heating season, centralised heating supply was resumed in a number of territorial communities located in the combat zone or under regular shelling, namely the ones located in Donetsk Oblast. Heating is supplied to the apartment blocks the residents of which have been evacuated or have to live in other regions of Ukraine or abroad. As a result, the IDPs have to pay for heating at the place of their actual residence in the hosting community and at the location of their accommodation. This situation creates an excessive financial burden for respective social categories.

Given the above, the Commissioner asked the Prime Minister of Ukraine to authorise the specialised ministries to initiate corresponding amendments to the legislation in order to release the persons who had been forced to leave their accommodation as a result of the armed aggression of the RF from payment of

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thermal energy supply bills if such accommodation was located in the territorial communities in the area of hostilities (combat operations) or under temporary occupation, encirclement (blocking). It was also proposed to consider covering thermal energy supply costs from the state or local budget.

Monitoring visits to check observance of rights

The employees of the Commissioner's Secretariat make regular visits to IDP compact settlements in order to monitor adequate living conditions of IDPs. Thus, monitoring visits were made from August to December 2022, and 101 CoSs for IDPs were inspected in 15 oblasts.

The CoSs located at the facilities and premises of different ownership form were covered by the monitoring visits: state-owned (22%), communal (65%) and private (13%) ones. Out of all the CoSs surveyed, 25% operate in residence halls of vocational colleges, 20% — in schools, 13% — in kindergartens, 7% — in health care facilities, and 5% — in care homes. Most residents of the CoSs have arrived from Donetsk, Luhansk, Kharkiv and Kherson Oblasts.

The IDPs living in the CoS say that the principal problem is insufficient financial support (the accommodation assistance does not cover all the expenses for their needs, especially medicines).

According to the analysis of the information provided by the CoS administration, the relevant needs of the CoSs include repairs (plumbing repairs, replacement of windows or doors, heat insulation of premises, redecoration) — 70% of the CoSs, generators — 72%, food products — 66%, personal hygiene products — 66%, non-food items (household appliances, furniture, sleeping items) — 57%.

Following the monitoring visits, the reports with respective recommendations were prepared and sent to the public authorities in order to resolve problematic issues and satisfy needs of the IDPs.

Special attention should be paid to charging housing fees from IDPs as the facilities where they reside are not aware of the procedure and conditions for receiving the compensation for the utility services when IDPs reside in buildings (premises) of state-owned, communal and private facilities during martial law.

During one of the monitoring visits by the employees of the Commissioner's Secretariat to Irpin, the persistent problem was identified in connection with granting monetary accommodation assistance to IDPs. Thus, 265 IDPs could not get monetary accommodation assistance at the new place of registration since the social protection authorities at their previous place of residence where the assistance had been granted would not transfer their personal files to the social protection authority of Irpin. In order to respond to the situation, the Commissioner's Secretariat established prompt connections with 8 oblasts from which the personal files were to be sent, and actions were taken to ensure their prompt transfer to the social protection authority of Irpin.

Recommendations

The Verkhovna Rada of Ukraine should ensure consideration and adoption of:

draft Law "On Amending Article 20 of the Law of Ukraine 'On the Unified State Demographic Register and Documents Certifying Ukrainian Citizenship, Identity Documents or Documents on the Special Status' regarding Benefits to Certain Categories of Ukrainian Citizens Issued a Passport of a Citizen of

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Ukraine or a Foreign Travel Passport of a Citizen of Ukraine for the Period of Martial Law" (registration No. 7358 of 09.05.2022).

The Cabinet of Ministers of Ukraine should:

- develop and submit to the Verkhovna Rada of Ukraine for consideration the draft law on the legal status of the persons affected by the armed aggression against Ukraine by defining the concept of the "person affected by the armed aggression against Ukraine" and categories of the persons affected by the armed aggression of the RF as well as the mechanism for compensation for the damage, including restitution, compensation, rehabilitation, satisfaction and guarantees of no recurrence;

- develop the algorithm for returning the children deported into the territory of the RF and/or Republic of Belarus into Ukraine, and develop the procedure for the mechanism of interaction between public authorities and local self-government bodies for priority activities of social protection of children after their return;

- ensure creation of the mechanism for collecting and verifying data on civilians who have been forcibly displaced into the TOT of Ukraine or deported to the RF;

The Ministry of Social Policy of Ukraine should:

- develop and submit to the Cabinet of Ministers of Ukraine for consideration the draft act on the mechanism for pension coverage of persons from the temporarily occupied territory of the AR Crimea and city of Sevastopol;

- develop and submit to the Cabinet of Ministers of Ukraine for consideration the draft resolution on amending the Procedure for Executing and Issuing a Certificate of Registration of an Internally Displaced Person approved by Resolution of the Cabinet of Ministers of Ukraine No. 509 of 01.10.2014, in order to determine the scope of necessary documents to confirm the fact of internal displacement;

- develop and submit to the Cabinet of Ministers of Ukraine for consideration the draft resolution on amending the Procedure for Granting Assistance to Internally Displaced Persons approved by Resolution of the Cabinet of Ministers of Ukraine No. 332 of 20.03.2022, as regards cancellation of the random check of the actual place of residence/stay of IDPs;

- develop and submit to the Cabinet of Ministers of Ukraine for consideration the draft resolution on enabling the IDPs who had received a registration certificate before 24.02.2022 to be issued a pension certificate in hard copy;

- develop and submit to the Cabinet of Ministers of Ukraine for consideration the Procedure for interaction of the public authorities, institutions and organisations to ensure protection and support of the children who have been forcibly displaced to the temporarily occupied territory of Ukraine or deported to the territory of the RF or Republic of Belarus, and have returned to the territory controlled by the Government of Ukraine.

The Ministry of Reintegration of Temporarily Occupied Territories of Ukraine should:

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- develop and submit to the Cabinet of Ministers of Ukraine for consideration the amendments to the Strategy for Integrating Internally Displaced Persons and Implementing Mid-Term Solutions for Internal Displacement until 2024 approved by Ordinance of the Cabinet of Ministers of Ukraine No. 1364-p of 28.10.2021, in order to update the document in connection with the need to respond to the consequences of the broad-scale armed aggression against Ukraine, or adopt the new strategy with account of the recommendations given in the Special Report of the Commissioner on the Observance of the Rights of Persons Affected by the Armed Aggression of the Russian Federation for the Period (from 24 February to 31 October 2022);

- develop and submit to the Cabinet of Ministers of Ukraine for consideration the draft act on the centralised (model) algorithm for IDPs' accommodation in CoSs, definition of the CoS and clear procedure for their operations;

- ensure engagement of international organisations and other agents into identification of the persons deported from the territories of Ukraine, including children, into the territory of the RF, and the persons forcibly displaced to the TOT, in order to make it possible to return them to the territory controlled by the Government of Ukraine or to move to safe third countries.

The Ministry for Communities and Territories Development of Ukraine, the Ministry of Reintegration of Temporarily Occupied Territories of Ukraine should:

- develop and submit to the Cabinet of Ministers of Ukraine for consideration the draft act on releasing the persons who have been forced to leave their accommodation as a result of the armed aggression against Ukraine from paying thermal energy supply bills if such accommodation is located in the territories where there are (have been) hostilities or which are temporarily occupied by the RF;

- take actions to observe the IDPs' right to housing, including in the context of construction of new housing, minor repairs of residential buildings, and overhaul or reconstruction of residential buildings;

- take actions to develop and approve the State Targeted Programme for Provision of Accommodation to IDPs.

The Ministry of Digital Transformation Ukraine, the Ministry of Reintegration of Temporarily Occupied Territories of Ukraine should take actions to modify functions at Diia Portal, including its mobile application, and add the function of:

- submission of the information notice of the property damaged and destroyed since 19.02.2014;

- assessment of current needs of IDPs and transfer of information to corresponding public authorities.

The Ministry of Education and Science of Ukraine, the Ministry of Reintegration of Temporarily Occupied Territories of Ukraine should:

- develop and submit to the Cabinet of Ministers of Ukraine for consideration the draft law on introducing the mechanism for recognition of qualifications, academic results and periods of education of graduates from the TOT of Ukraine who started to obtain higher and vocational education in the temporarily occupied territory, regardless of the date of the start of temporary occupation of the respective territory;

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- amend the Procedure for certification to recognise qualifications, academic results and periods of education in the higher education system in the TOT of Ukraine after 20.02.2014 approved by Order of the MES No. 537 of 19.05.2016, in order to bring it in line with the Law of Ukraine "On Ensuring Rights and Freedoms of Citizens and Legal Regime in the Temporarily Occupied Territory of Ukraine" and implement it.

1 Law of Ukraine "On Ensuring Rights and Freedoms of Internally Displaced Persons"

2 Law of Ukraine "On Protection of Childhood"

3 Law of Ukraine "On the Status of Veterans of War and Guarantees of Their Social Protection"

4 Law of Ukraine "On the Legal Status of Persons Missing due to Special Circumstances"

5 Law of Ukraine "On Social and Legal Protection of Persons Who Were Recognised as Deprived of Personal Liberty due to the Armed Aggression against Ukraine, and Their Family Members"

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