



From social protection to reparations for Ukraine:

Lessons learned from the case of civilian detainees under Russia's armed aggression

Anton Alokhin, Mae Thompson, Volodymyr Shcherbachenko



Cover photo:
Alina Kapatsyna sits in a house in Dnipro, Ukraine, 6 January 2023. Her 45-year-old mother, Vita Hannyh, was forcibly disappeared from her house in eastern Ukraine in April 2022.
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Eastern Ukrainian Centre for Civic Initiatives

The Eastern Ukrainian Centre for Civic Initiatives (EUCCI) is a non-governmental human rights organization (NGO) established in 2003 in Luhansk, Ukraine. Since the beginning of the Russian aggression in Eastern Ukraine and Crimea in 2014, the Centre has been documenting cases of gross human rights violations and war crimes. The NGO provides legal assistance to victims and stimulates public dialogue on issues critical to restoring peace and justice.

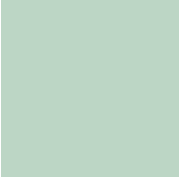
Ceasefire Centre for Civilian Rights

The Ceasefire Centre for Civilian Rights is an international initiative to develop civilian-led monitoring of violations of international humanitarian law or human rights in armed conflict; to secure accountability and reparation for violations; and to develop the practice of civilian rights. Ceasefire is registered as a charity and a company limited by guarantee under English law; charity no. 1160083; company no. 9069133.

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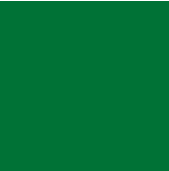
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Abbreviations

CMU	Cabinet of Ministers of Ukraine
CPC of Ukraine	Criminal Procedure Code of Ukraine
CRSV	Conflict-related sexual violence
DPR	Donetsk People's Republic
ECHR	European Convention on Human Rights
EUCCI/Centre	Eastern Ukrainian Centre for Civic Initiatives
Fact-Finding Commission/the Commission	Commission on Deprivation of Personal Liberty as a Result of Armed Aggression against Ukraine under the Ministry of Reintegration of the Temporarily Occupied Territories of Ukraine (under the Ministry of Development of Communities and Territories of Ukraine as of 16.01.2025)
ICC	International Criminal Court
ICCPR	International Covenant on Civil and Political Rights
ICJ	International Court of Justice
ICRC	International Committee of the Red Cross
IDP	Internally displaced person
IHL	International humanitarian law
MoD	Ministry of Defence of Ukraine
Ministry of Development	Ministry of Development of Communities and Territories of Ukraine
Ministry of Reintegration	Ministry of Reintegration of the Temporarily Occupied Territories of Ukraine
NGO	Non-governmental organization
OHCHR	Office of the United Nations High Commissioner for Human Rights
SE 'Ukrainian National Centre for Peacebuilding'/NIB	State Enterprise 'Ukrainian National Centre for Peacebuilding', which performs the functions of the National Information Bureau in accordance with the Geneva Conventions on the Treatment of Prisoners of War and on the Protection of the Civilian Population in Time of War of 12 August 1949
SSU	Security Service of Ukraine
UN Basic Principles	United Nations Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law
URPTI	Unified Register of Pre-Trial Investigations
USRCD	Unified State Register of Court Decisions
VRU	Verkhovna Rada of Ukraine



Authors' foreword

Recently, there has been increasing discussion about reparations for Ukraine in the public sphere. Ukraine's successful resistance to armed aggression, the preservation of its independence, and the unprecedented financial and diplomatic assistance from the international community have made the prospect of receiving reparations quite realistic. Relevant work is already under way at the international diplomatic level.

The types and amounts of reparations will primarily depend on the outcome of the armed conflict. However, even while the conflict's end is still distant, it is important to discuss reparations. Since 2014, the Eastern Ukrainian Centre for Civic Initiatives (EUCCI), as a human rights organization, has systematically worked with civilians who were arbitrarily deprived of their personal liberty by the aggressor state, its bodies, and formations, particularly self-proclaimed entities in the temporarily occupied territories of Ukraine. Now, together with the Ceasefire Centre for Civilian Rights, we have set ourselves the goal of identifying the existing shortcomings in state assistance mechanisms, using the personal experiences of the affected individuals, to advocate for improvements to these mechanisms, and to gather the victims' perspectives on future reparations.

In our observations, there is currently a lack of research based primarily on the experiences and views of the victims themselves, rather than those of researchers or experts.

In this report, the reader will find a general overview of the legislation on the social protection of civilians deprived of personal liberty during the conflict. The report will illustrate when and under what circumstances the idea of providing assistance to this category of affected individuals arose and the transformations that have occurred over time.¹

A significant portion of the report is devoted to analysing the provisions of the Law of Ukraine, 'On Social and Legal Protection of Persons Deprived of Personal Liberty as a Result of Armed Aggression Against Ukraine, and Their Family Members' (hereinafter referred to as Law No. 2010-IX), as well as the work of the specialized commission under the Ministry of Reintegration. The administrative fact-finding procedure is currently a mandatory prerequisite for receiving any social protection at the national level.²

We also took into account the Law of Ukraine 'On the Legal and Social Protection of Survivors of Sexual Violence Related to the Armed Aggression of the Russian Federation Against Ukraine, and on Providing Them with Urgent Interim Reparations,' adopted by the Verkhovna Rada in November 2024.

1 In this study, the terms "civilians," "civilian persons," and "civilian prisoners" refer to individuals who, according to the norms of international humanitarian law (IHL), are not part of the personnel of the Armed Forces of Ukraine.

2 Law of Ukraine dated 26 January 2022, No. 2010-IX, [On Social and Legal Protection of Persons Deprived of Personal Liberty as a Result of Armed Aggression Against Ukraine, and Their Family Members](#), Verkhovna Rada of Ukraine (VRU).

We discuss the Ukrainian state registers containing information on victims, as well as the recently launched Register of Damage for Ukraine. We analyse the effectiveness of the types of social protection available in Ukraine for affected individuals (e.g. state financial assistance).

This report would not be complete without an overview of the state of reparations in international law.

However, we consider the most important chapter of the report to be the victims' own ideas and expectations regarding reparations. Both the authors of the report and public experts who work in the field of assistance to released persons, as well as the affected individuals themselves, share a common opinion about the need for significant improvements to the relevant state support programmes. Both the authors of the report and the participants in the research are united in the view that, ultimately, the main burden of future reparations should fall on the Russian Federation as the aggressor country.

The views of the research participants regarding the guarantees of non-repetition of the crimes committed, and the possibilities for ensuring such guarantees, vary somewhat. It is clear that the world is currently only at the beginning of the search for these guarantees. Moreover, the war itself is still ongoing, and the aggressor country is in no hurry to accept responsibility for its actions. According to the testimonies of the participants in the interviews and focus groups we conducted, many of them considered the issue of future reparations for the first time during these discussions.

It is natural that we, the authors of the study, do not agree with all the ideas expressed during the interviews and focus groups regarding reparations (particularly concerning the so-called guarantees of non-repetition). We must acknowledge that some of these ideas do not align with the concepts of reparations generally recognized in international law, and some seem impossible to implement. However, there are many proposals that should certainly be implemented.

Since one of the goals of this report is to convey the voices of those directly affected by war crimes resulting from the armed aggression of the Russian Federation, we believe it is important to present the opinions expressed by the study participants in all their diversity. The quotes are therefore presented with minimal editorial changes.

We do this because we believe that the path to balanced and effective decisions regarding the restoration of peace and justice lies in a frank exchange of opinions and a joint search for optimal solutions. Such a public discussion must include the ideas and aspirations of those who have been directly affected by this war. For this reason, a significant part of the report is dedicated to highlighting the experiences and perspectives of those who directly survived captivity, as well as their relatives.

3 Law of Ukraine dated 20 November 2024, No. 4067-IX, 'On the Legal and Social Protection of Survivors of Sexual Violence Related to the Armed Aggression of the Russian Federation Against Ukraine, and on Providing Them with Urgent Interim Reparations', VRU.



Acknowledgements

The creation of this analytical report would not have been possible without the participation of Ukrainian civilians who survived captivity and agreed to share their painful experiences, their vision of future reparations, and their thoughts on how the state assistance system should function for individuals released from captivity, with the Eastern Ukrainian Centre for Civic Initiatives (EUCCI). We are extremely grateful to each of you for your time, openness, strength, and willingness to share your experiences.

We would also like to express our gratitude to the former and current members of the Commission for Establishing the Fact of Deprivation of Personal Liberty as a Result of Russia's Armed Aggression against Ukraine, who shared their experiences and insights regarding the research topic: Ihor Koteliants (Union of Relatives of Political Prisoners of the Kremlin NGO), Natalia Melnyk (Blue Bird NGO), Olha Skrypnyk (Crimean Human Rights Group NGO), as well as Karyna Malakhova-Diachuk, Head of the Civilians in Captivity NGO. Given the insufficient transparency in the Commission's work, your expert opinions are invaluable in the effort to improve the operations of this collegial body, which serves as a crucial tool for restoring justice to the tens of thousands of Ukrainian citizens who were illegally imprisoned.

We would also like to thank colleagues from human rights organizations who participated in the focus group organized as part of this study. While the format of this event does not allow for the disclosure of individual participants' names, we would like to acknowledge the organizations actively working to help Ukrainian civilians who were illegally imprisoned: the Smile Charitable Fund, the Right to Protection Charitable Fund, Blue Bird NGO, Educational Human Rights House Chernihiv NGO, Civilians in Captivity NGO, Centre for Civil Liberties NGO, Centre for Legal Solutions NGO, Ukrainian Foundation for Public Health International Charitable Fund. We appreciate your time, effort, and expertise, and we believe that the basis for many positive changes in this country is the cooperation of public organizations.

We are sincerely grateful to the Ceasefire Centre for Civilian Rights for proposing to implement this project, and for the support and cooperation provided.

Eastern Ukrainian Centre for Civic Initiatives



Executive summary

“I am in a state of limbo. I am nobody and nowhere”

The mother of a captured civilian who is considered missing.

More than a decade after the start of Russia’s armed aggression against Ukraine, the right to reparation for civilians harmed in the conflict remains unfulfilled. The challenges have increased hugely since the full-scale invasion that began on 24 February 2022, together with the number of civilians affected. But under international law, a state responsible for an internationally wrongful act must make full reparation.

The right to reparations for Ukraine must remain a priority for the international community, including the UN and the Council of Europe (CoE). Key to realizing that right is the principle that the perpetrator must pay. Some progress has already been made. The UN General Assembly has condemned Russian aggression, the CoE has established an international Register of Damage for Ukraine, and discussions are advancing on the creation of a claims Commission. However, while Russian financial assets remain frozen in many jurisdictions, the drive to make Russia pay for reparations continues to stall.

In the complex task of administering reparations for affected civilians, the role of the national government is central. Here, Ukraine has already developed considerable experience in providing social security to civilians who were arbitrarily detained in areas under Russian occupation. This report analyses in detail Ukraine’s existing efforts to provide compensation and rehabilitation to former detainees and highlights the lessons learned.

The effective development and deployment of reparations schemes, whether at international or national level, will depend on actively listening to the voices of civilians who have suffered harm, including those highlighted in this report. Only by acting on the expressed needs and views of affected civilians, and learning the lessons of past practice, can Ukraine and the international community together develop a vision for inclusive and effective reparations on the scale required.

Arbitrary detention of civilians

Systematic arbitrary deprivation of liberty of thousands of civilians in areas of Russian occupation or control has occurred since 2014. With the large-scale invasion of 24 February 2022, the extent of this phenomenon increased dramatically, also accompanied by enforced disappearances. The UN Office of the High Commissioner for Human Rights (OHCHR) has stated that many civilians were detained based on their possible political views or legitimate exercise of freedom of expression, including local government officials, community activists, humanitarian aid volunteers and informal community leaders, such as teachers and priests, as well as people who peacefully protested against the Russian

occupation in public spaces or on social media. The use of torture or inhuman treatment against detainees was commonplace.

Social protection for former detainees

Despite the fact that the armed aggression of the Russian Federation has been ongoing since 2014, the system of social protection for released persons was only established at the beginning of 2018 and applied to a relatively limited group of civilians. While the state has made consistent progress in providing social assistance to the military since 2014, fewer effective steps have been taken to assist civilian prisoners.

Law No. 2010-IX, which currently serves as the legal framework for the social protection of released persons, was adopted in January 2022 and does not account for the realities of the full-scale war that began the following month.

The social protection system has been primarily focused on civilians released through official exchanges (those conducted with direct state involvement or as a result of interstate negotiations). Civilians who have been released from detention since 2014, outside official exchange procedures, largely remain without social protection. They primarily face bureaucratic hurdles in proving the fact of, and reasons for, their deprivation of liberty.

The Fact-Finding Commission under the Ministry for Reintegration is responsible for the procedure of establishing the fact that a person has been deprived of personal liberty as a result of armed aggression against Ukraine. Without officially establishing this fact, individuals cannot access specialized state social protection. While the development of this procedure between 2018 and 2024 marked an important step towards creating an effective mechanism to verify applicants seeking social protection and assistance, victims and human rights defenders continue to report numerous complaints regarding the process.

One of the key problems is the Commission's failure to provide reasons for refusals to confirm the fact of a person's detention. Instead of presuming the good faith of applicants, the Commission places the burden of proof entirely on applicants to demonstrate they were deprived of personal liberty as a result of armed aggression against Ukraine, and that they belong to one of the categories defined in the law. Other criticisms include the unbalanced composition of the Commission, the non-transparent mechanism for appointing representatives of public organizations, poor communication with applicants, excessive secrecy surrounding its activities and the lengthy process for reviewing applications. Nonetheless, individual members of the Commission, as well as the Commission as a whole, have made considerable efforts to ensure it operates as effectively as possible under martial law conditions.

Among the various forms of social protection currently available in Ukraine, state financial assistance remains the most substantial. It is accessible to certain categories of detainees and their family members. The amount, set in the national currency at UAH 100,000 (approximately USD 2,500), has not been revised since 2018, and it no longer reflects the current cost of goods and services. Despite this, financial assistance remains the most desirable form of social protection for victims, as it allows them to address their immediate needs, at least partially, independently and quickly. Where former detainees

and family members did receive financial assistance, albeit with delays, they reported that it had a positive impact on their lives.

Although civilian detainees released through official exchanges did receive temporary housing for a number of weeks, other state guarantees for former detainees regarding temporary housing, the realization of labour rights, employment rights, pension provisions, compulsory state social insurance and the right to education, remain rights on paper and have unfortunately had minimal impact on the lives of released individuals.

Future reform

The ongoing armed aggression against Ukraine is likely to lead to new waves of civilians being detained. A halt in hostilities should result in the release of those currently held by the aggressor state. All these individuals will need state assistance in the future. Thus, whether in the framework of social protection (provided by the government of Ukraine), or reparations (paid for by Russia or through the international community) the issue of assistance for this category of civilians will remain relevant in Ukraine for a long time. However, without urgent improvement, the existing regulatory framework, particularly Law No. 2010-IX, and state aid practices, will not be able to fully meet even the basic needs of the affected individuals and their families.

There is a particular need to plan for the integration and/or streamlining of different registers of affected civilians, including the Unified Register of Persons Deprived of Personal Liberty as a Result of Armed Aggression against Ukraine, the Unified Register of Pre-Trial Investigations, the proposed new State Register of Individuals Affected as a Result of the Armed Aggression of the Russian Federation against Ukraine and the CoE Register of Damage for Ukraine.

Survivors of conflict-related sexual violence and other vulnerable former detainees

Despite the scale of conflict-related sexual violence (CRSV), those affected by this form of violence still do not receive adequate support from the state. Law No. 2010-IX does not specifically address sexual violence or its consequences.

The issue of providing urgent interim reparations for this category of victims is still primarily addressed by international actors, while Ukrainian state institutions largely limit their role to advisory and regulatory functions, particularly regarding the distribution of funds allocated for the technical implementation of assistance programmes for CRSV survivors.

The procedure for supporting detainees also fails to take into account the specific circumstances of children (persons under 18 years old) and the particular forms that the deprivation of children's personal liberty can take in the temporarily occupied territories or within the territory of the aggressor state.

Medical and rehabilitation assistance, intended for civilians released from captivity (in practice, a limited number of those officially recognized by the Commission under the Ministry of Reintegration), has not met the expectations of the victims. There is a lack of

specialized state medical care programmes for released individuals, insensitivity from medical personnel, and no long-term health monitoring of victims post-release. Additionally, there is an almost complete absence of sanatorium and resort treatment, and the quality of medical services in state and communal clinics is unsatisfactory. The significant number of civilians who have been incarcerated for extended periods often suffer from serious dental issues, a fact well known to all aid actors. However, since 2014, the state has not introduced free dental care for released persons (such as treatment or prosthetics). Volunteers and NGOs continue to cover the cost of dental care or arrange for free services through private clinics.

The perspective of former detainees on reparations

Civilians who have suffered harm during the war view future reparations not only as receiving financial compensation for themselves or others with similar experiences. For many, reparations are synonymous with 'restoration of justice' and represent an expectation of substantial social and political changes both in international affairs and within Ukraine.

The types of final reparations will primarily depend on the outcome of the armed conflict. However, it is already clear that satisfaction is as important to victims as restitution, compensation or rehabilitation, and must necessarily complement these.

To meet the immediate and long-term needs of victims, and to satisfy their rights, Ukrainian authorities, with international support, should develop and implement an effective national compensation or provisional reparations framework for civilian harm, including deprivation of liberty. This framework should be holistic, victim-centred, inclusive and effectively utilize existing registers of victims and damages.

Recommendations

While the financing of reparations should remain the primary responsibility of the Russian Federation as the aggressor state, in the administration and delivery of reparations to civilians who have suffered harm the role of the government of Ukraine and the international community will be central. This report recommends:

To the international community:

- Continue to develop and support legal pathways to hold Russia, its senior officials and military personnel accountable for aggression against Ukraine, other international crimes committed in Ukraine and resulting civilian harm, including through the International Criminal Court (ICC).
- Make reparations for civilian harm one of the priorities in the repurposing or reallocation of seized Russian assets, including Russian state assets, and in any internationally sponsored agreement or settlement regarding the conflict.
- Continue to support the government of Ukraine in designing and implementing a victim-centred national framework for administering reparations, through the provision of resources, technical assistance, funding and expertise. Make long-term commitments and secure sustainable funding to support reparations for Ukraine.

- Facilitate victim participation and oversight, and promote the meaningful engagement of affected civilians and Ukrainian civil society in decision-making processes regarding reparations.

To the government of Ukraine:

- Improve the regulatory framework for providing social protection to persons deprived of personal liberty as a result of Russia's aggression against Ukraine, including by amending Law No. 2010-IX, in order to:
 - strengthen the Fact-Finding Commission by making it more representative, transparent and accessible
 - enable inter-ministry coordination to facilitate the efficient verification of information in relation to claims submitted
 - give reasons where there is a refusal to establish the fact of detention and enable applicants to be heard at Commission meetings
 - make the fact-finding procedure available to all residents of Ukraine, to Ukrainians abroad or who remain in occupied territory, and take account of the unique situation of detained children
 - review the level of state financial assistance for former detainees, including the possibility of monthly assistance, to keep pace with rising prices
 - improve practical access for former detainees to state assistance in the fields of housing, employment, pensions and, in particular, medical and rehabilitation assistance, including dental care.
- To mitigate the risks of re-traumatization and secondary victimization, consider implementing a reduced burden of proof for survivors of sexual violence and/or deprivation of liberty in any future compensation or reparations programme.
- Conduct a comprehensive needs assessment of the population of civilians affected in the conflict to identify and map ongoing needs, ensure the inclusion of minorities and marginalized groups, including persons with disabilities and members of ethnic and religious minorities, and develop a coordinated strategy for addressing those needs across relevant ministries.
- Coordinate and streamline the process of maintaining different Ukrainian registers of affected civilians and also manage their integration, as appropriate, with the CoE Register of Damage for Ukraine so as to avoid duplication of effort, placing an unnecessary bureaucratic burden on victims and raising unrealistic expectations.
- Ensure the inclusive participation of civilians who have been harmed in the conflict in the planning and delivery of future reparation mechanisms, including their views regarding satisfaction and guarantees of non-repetition.

Introduction

Russia's armed aggression against Ukraine began on 20 February 2014 with the well-known events on the Crimean Peninsula, which resulted in the occupation of the Autonomous Republic of Crimea. During the initial phase of the aggression, personnel from certain Russian armed formations did not display any identification marks. The second phase of armed aggression against Ukraine began in April 2014, when illegal armed groups, controlled, directed, and financed by the Russian Federation, declared the establishment of the 'Donetsk People's Republic' (on 7 April 2014) and the 'Luhansk People's Republic' (on 27 April 2014).⁴

The large-scale and open invasion of Russia's armed forces into Ukraine on 24 February 2022 marked a new phase of the armed aggression, ongoing since 2014.

One of the consequences of the armed aggression by the Russian Federation was the temporary occupation of a significant part of Ukraine's territory. At various times, the Autonomous Republic of Crimea, parts of the Donetsk, Zaporizhzhia, Kherson, Kharkiv, Mykolaiv, Sumy, Chernihiv, Kyiv and Zhytomyr regions, as well as nearly the entire Luhansk region, were or continue to be under occupation.

Since 24 February 2022, martial law has been in effect across Ukraine and remains so at the time this study is published.⁵ This report also considers the context of martial law when evaluating the actions (or inaction) of authorities and formulating recommendations.

International humanitarian law (IHL) contains extensive regulations concerning occupation and the protection of civilians, which apply during international armed conflict.⁶ On 1 March 2022, the European Court of Human Rights (Case No. 11055/22), in accordance with Rule 39 of the Rules of Court, instructed the government of Russia to refrain from military attacks on civilians and civilian objects in Ukraine, including residential buildings, ambulances, and other civilian protected facilities, such as schools and hospitals.

The UN General Assembly Resolution 'Aggression against Ukraine', A/RES/ES-11/1, dated 2 March 2022, recognized that Russia had committed aggression against Ukraine, violating fundamental UN norms. This resolution demanded that the Russian Federation cease its armed aggression against Ukraine, including the occupation of Crimea and Donbas, and immediately, completely and unconditionally withdraw all its armed forces from Ukraine's internationally recognized borders.

4 Statement of the VRU, 'On Repelling the Armed Aggression of the Russian Federation and Overcoming its Consequences', approved by VRU Resolution No. 337-VIII on 21 April 2015, VRU.

5 Law of Ukraine dated 24 February 2022, No. 2102-IX, approved the Decree of the President of Ukraine, 'On the Introduction of Martial Law in Ukraine'.

6 Fourth Hague Convention on the Laws and Customs of War on Land (Annex: Regulations on the Laws and Customs of War on Land, dated 18 October 1907, or the Hague Regulations of 1907), the Geneva Convention for the Protection of Civilian Persons in Time of War dated 12 August 1949, and the Additional Protocol dated 8 June 1977 to the Geneva Conventions dated 12 August 1949 (Protocol I).

The persecution in the occupied territories of public activists, public figures, journalists, and ordinary citizens who opposed the occupation has become common knowledge. This is confirmed by various documents from Ukrainian authorities, as well as reports from reputable international governmental and non-governmental organizations (NGOs).

For example:

- a) 'the following crimes took place in occupied Crimea and Eastern Ukraine: imprisonment, abduction, or other cruel deprivation of physical liberty, and violations of fundamental norms of international law, forcible displacement of populations, persecution of any identifiable group or community for political, racial, ethnic, cultural, religious, or other motives incompatible with international law' (Statement of the Verkhovna Rada of Ukraine [VRU] 'On repelling the armed aggression of the Russian Federation and overcoming its consequences').⁷
- b) 'Since 24 February 2022, a large number of Ukrainian civilians have been detained by the Russian Federation in areas of Ukraine under its control or occupation.... The OHCHR documented 864 individual cases (against 763 men, 94 women, and 7 boys) of arbitrary detention by the Russian Federation from 24 February 2022 to 23 May 2023, many of which were also accompanied by enforced disappearances.... The OHCHR documented the detention of 260 civilians (209 men and 51 women) by the Russian Federation, based on their possible political views or legitimate exercise of freedom of expression. These included local government officials, community activists, humanitarian aid volunteers, and informal community leaders, such as teachers and priests.... They also imprisoned individuals with pro-Ukrainian views or those associated with Ukrainian political parties, including people who peacefully protested against the Russian occupation in public spaces or on social media. Others were detained for possessing patriotic literature, Ukrainian state symbols, or for having tattoos deemed "patriotic".⁸

However, even now, many outside Ukraine struggle to understand why Russian security forces detain civilians in the occupied territories, and whether this is truly in the context of an armed conflict, or merely for alleged ordinary (so-called domestic) offences.

Systematic deprivation of liberty of civilians in the occupied territories has occurred since the earliest days of the occupation of Ukrainian territories in 2014. Deprivation of liberty broadly refers to restricting a person's freedom, often without due legal process, and can take multiple forms. Arbitrary detention involves holding individuals without lawful cause, commonly due to perceived opposition, while enforced disappearances involve abductions where authorities conceal the person's fate or location. Political prisoners are civilians detained for expressing opposition, while hostages are held to exert pressure on other parties or coerce specific actions. Each of these acts represents a serious violation of human rights and IHL. In our view, based on extensive research into the matter, these actions were part of the aggressor country's systematic strategy and/or policy to prevent and suppress any resistance to the occupation, and may therefore

7 Statement of the VRU, No. 337-VIII, 21 April 2015.

8 OHCHR, 'Detention of civilians in the context of the armed attack of the Russian Federation on Ukraine, 24 February 2022 – 23 May 2023', June 2023, paras 2, 5, 6, 52.

amount to crimes against humanity and war crimes under Articles 7 and 8 of the Rome Statute.⁹ With the large-scale invasion of 24 February 2022, the extent of this phenomenon increased dramatically.

Since declaring independence in 1991, Ukraine has pursued a multifaceted policy of peaceful coexistence with all neighbouring states. It has not participated in any armed conflicts. Instead, Ukraine actively engaged in disarmament programmes, including, but not limited to, relinquishing nuclear weapons in 1994, joining the 1968 Treaty on the Non-Proliferation of Nuclear Weapons, and receiving so-called security guarantees under the 1994 Budapest Memorandum.

Therefore, in 2014, Ukraine was unprepared for an armed conflict with Russia. In addition to addressing national security and defence, including deterring and repelling armed aggression, the state also faced the issue of prisoner exchanges and the subsequent social protection of released individuals. While the state managed to address the social protection needs of combatants released from captivity, largely due to existing legislation on the social protection of service personnel and their families, it was completely unprepared to provide effective support to civilians deprived of liberty.

After their release, civilians were left to manage their suffering largely on their own, with help coming mainly from volunteers and NGOs. This situation persisted for four years until at least January 2018, when the Ukrainian government adopted Resolution No. 38, 'Some Issues of Social Support of Persons Who Were Illegally Deprived of Personal Liberty' (hereinafter, Resolution No. 38).¹⁰

After their release, civilians were left alone with their problems and needs

The history of exchanges between Ukraine and the Russian Federation (including the so-called 'Donetsk People's Republic' (DPR) and 'Luhansk People's Republic') can be conventionally divided into four periods: (1) the active period from 2014 to 2016, which

saw a large number of informal exchanges; (2) a 'quiet' period from 2016 to 2017, culminating in the 'major' exchange on 27 December 2017; (3) the period from 2018 to 24 February 2022, characterized by ongoing exchanges and significant politicization of the process; and (4) the period from 24 February 2022 (the large-scale invasion) to the present, during which prisoner-of-war exchanges have been the primary focus.¹¹ Throughout each of the aforementioned periods, civilians, in addition to combatants, were among those released.

EUCCI acknowledges the efforts made by the state, through the Ministry of Reintegration and other authorities, to provide social protection to released individuals under the extremely challenging conditions of martial law. At the same time, the objective state of affairs, along with the dissatisfaction of a significant portion of released civilians with state policy in this area, has prompted us to publicly address the issue. This study essentially serves as a set of recommendations to the authorities for improving this aspect of state

9 Rome Statute, Art. 7(1)(e), (f) and (i), Art. 8(2)(a)(ii) and (vii).

10 Resolution of the Cabinet of Ministers of Ukraine (CMU) dated 31 January 2018, No. 38, 'Some Issues of Social Support of Persons who Were Illegally Deprived of Personal Liberty', VRU.

11 Udovenko, A., 'Chronology of prisoner exchanges: 2014–2022', Luhansk, EUCCI, 15 May 2020.

policy, in accordance with the right to submit such recommendations guaranteed by the Constitution of Ukraine and the law 'On Citizens' Appeals'.

The authors of this report hope that the recommendations put forward will be taken into account by the relevant authorities in their future work.

Methodology

Purpose and focus

To review and identify existing shortcomings in the mechanisms of state assistance to civilians who were deprived of personal liberty as a result of armed aggression against Ukraine, with the aim of advocating for improvements to these mechanisms; to gather the opinions of victims regarding future reparations.

Tasks

- Review Ukrainian legislation on the social protection of civilians deprived of personal liberty as a result of armed aggression against Ukraine and the procedure for establishing the fact of a civilian's deprivation of personal liberty;
- Review available state assistance to such civilians, including existing programmes, mechanisms, statuses, and social guarantees;
- Identify the typical needs and expectations of released individuals;
- Propose ideas for improving state aid in the context of the new phase of Russia's armed aggression (beginning 24 February 2022);
- Collect, analyse, and publicize victims' views on reparations.

Methods and sources of the report

- 1) Analysis of Ukrainian legislation on social protection of civilians deprived of personal liberty;
- 2) Content analysis of open information sources regarding the issues facing both detained and released civilians (interviews, social media posts);
- 3) Collection and analysis of information from secondary sources relevant to the study;
- 4) Semi-structured interviews with civilians released from detention, as well as with relatives of detained individuals, conducted between November 2023 and May 2024. Thirteen respondents (5 women and 8 men) participated in the interviews. For the interviews, EUCCI invited persons released from captivity with whom the organization had or was able to establish contact, and who were willing to participate in the survey. These persons may have previously received free legal aid from EUCCI or the Centre has documented crimes committed against them. When inviting respondents to participate in the survey, EUCCI primarily addressed those individuals who had significant and diverse experience of trying to address their social, medical, and legal needs after release. EUCCI aimed to ensure gender balance and representation of those who had been in detention both before and after 24 February 2022. Preference in the survey was given to those respondents who were detained and/or released after the large-scale invasion of Russia in order to obtain sufficient information about the current state of the research issues. Eight out of 13 such respondents were interviewed (including 4 women and 4 men).

Additionally, we analysed materials from semi-structured interviews conducted by EUCCI between 2014 and 2024 (over 500 interviews), as well as materials from a focus group conducted by the Centre in December 2021. Although the content of these interviews differed slightly from those conducted specifically for this study (due to varying questionnaires), relevant information on the challenges faced by former civilian prisoners after their release, and their perspectives on post-war justice, was incorporated.

- 5) Semi-structured interviews with five representatives of Ukrainian NGOs (4 women and 1 man). All NGOs whose representatives were invited for interviews provide various forms of assistance (humanitarian, legal, psychological, etc.) to civilians who were deprived of their liberty and their families. The interviewees themselves are professionals with extensive personal experience in the field. Three of the interviewed respondents and the organizations they represent have been working with the issue of persons released from captivity for over 10 years. These three respondents have experience of working in the Commission for Establishing the Fact of Deprivation of Personal Liberty as a Result of Russia's Armed Aggression against Ukraine.

Two of the organizations whose representatives were interviewed are associations of victims and their relatives, and are well aware of the issues being researched. All five NGOs work with victims throughout Ukraine. Four of the five NGOs are based in Kyiv and the fifth is in western Ukraine and is an operational partner of a UN agency, operating primarily as a shelter and rehabilitation centre for victims of the armed conflict.

- 6) Focus groups conducted offline by EUCCI between January and June 2024:

- Focus groups with former prisoners and their relatives:
 - Two focus groups involving 9 ex-prisoners and 2 relatives of currently detained individuals (4 women and 7 men).
 - Two focus groups with 14 civilians (6 women and 8 men) who were subjected to, or witnessed, various forms of sexual violence during their detention in occupied territories.
 - In total, 18 women and 16 men participated in the focus groups (including 23 former captives).

The territorial representation of the focus group participants is as follows: Kyiv and Kyiv region (24 people), Vinnytsia (2 people), Dnipro (1 person), Odesa (1 person), Poltava and Poltava region (2 people), Ternopil (1 person), Kharkiv (1 person), Kherson (1 person), Chernihiv (1 person). Most of the participants from Kyiv and the region are internally displaced persons (IDPs) who lived in the temporarily occupied territories (Donetsk, Zaporizhzhia, Luhansk and Kherson regions) before captivity.

- Focus groups with NGOs:
 - One focus group with 9 representatives (8 women and 1 man) of Ukrainian NGOs providing assistance (humanitarian, legal, psychological, medical, etc.) to prisoners and their families, including organizations representing the families of prisoners themselves. The event was attended by representatives of NGOs from the city of Kyiv (4 organizations), Kyiv region (2 organizations), Chernihiv region (1 organization) and Kherson region (1 organization). One organization was represented by two individuals. These eight organizations work with victims from all regions of Ukraine.

- 7) A focus group conducted by EUCCI online (via video conferencing) in June 2024, with the participation of civilians who had been detained in occupied territories and left Ukraine after their release. Participants included 6 female and 4 male citizens of Ukraine, who currently temporarily reside in Germany, the Czech Republic, France, Finland, the Netherlands, Ireland, and the partially recognized Republic of Kosovo.

Participation of respondents in all project activities (interviews, focus groups) was voluntary. The respondents were informed about the purpose of the research, methods of collecting information, the anonymous nature of the research, the possibility to stop participating in the research at any time and to withdraw their consent to participate.

The EUCCI staff had previous experience of interaction with all the victims participating in the focus groups during the documentation of crimes, provision of legal aid and social support, and during public events. This experience allowed us to invite only interested and emotionally stable participants to participate in the research.

Participation in focus groups and interviews did not require victims to share their experiences of violence, which further minimized the possibility of re-traumatization. The guided discussion focused on the challenges faced by victims after their release from captivity, attempts to address them, and victims' perceptions of reparations.

Analysis of recent civil society reports

EUCCI has carefully analysed the publications of civil society colleagues, including a group of Ukrainian human rights organizations (Crimean Human Rights Group, ZMINA Human Rights Centre, CrimeaSOS, Media Initiative for Human Rights, and Charitable Foundation East SOS),¹² and also the Association of Relatives of Political Prisoners of the Kremlin,¹³ and supports most of their research conclusions. For instance, we share the concerns of our colleagues from the NGO Association of Relatives of Political Prisoners of the Kremlin regarding the difficulties in interpreting the rather abstract norms enshrined in paragraphs 'a' and 'b' of clause 2 of Part 1 of Article 2 of Law of Ukraine No. 2010-IX, and the classification of persons deprived of their liberty as 'political prisoners' and/or 'hostages'. At the same time, we offer our own perspective on the issue of social protection for civilians deprived of their personal liberty. In particular, we highlight problems and propose ideas that have not previously been addressed in the studies known to us (see *Recommendations*).

Additionally, this report considers the intricate nexus between the deprivation of liberty of civilians, social protection and future reparations within the context of Russia's armed aggression against Ukraine. We assert the right of individual victims to receive reparations for the harms they have suffered, while also emphasizing the obligations of the Ukrainian government to provide interim support and effective remedies to these victims through social protection mechanisms. Our analysis of the relationship between social protection and reparations is contextualized within the framework of the *International Route Map to Reparations for Ukraine* prepared by Ceasefire in 2022,¹⁴ and critically engages with the perspectives shared by victims regarding their expectations and vision for the future. Additionally, we have incorporated comparative analyses with other reparations programmes to further inform our recommendations and align them with effective international practices.

We hope that our study will contribute to a wide range of ideas, and stimulate public debate, around the issues of victim compensation and reparations in general. We also hope that the experiences of civilians deprived of their liberty in seeking compensation, support and other remedies, along with the lessons learned from these experiences, will help shape the development of a national reparations framework in Ukraine for all victims of civilian harm resulting from Russia's armed aggression.

12 Lunova, U. (ed.), *How does Ukraine help civilian hostages and their relatives? One year from the date of entry into force of the Law of Ukraine 'On Social and Legal Protection of Persons Deprived of Personal Liberty as a Result of Armed Aggression Against Ukraine, and Their Family Members'*, Analytical Note, Kyiv, Zmina, 2023.

13 Levchenko, K., *Why Do Illegally Imprisoned Civilians Remain without Comprehensive Social Protection from the State?* Analytical Monitoring Report. Kyiv: Association of Relatives of Political Prisoners of the Kremlin, 2024, 89 pp.

14 Ceasefire Centre for Civilian Rights, *Reparations for Ukraine: An International Route Map*, Report, June 2022.

Limitations of the report

- 1) The study covers only state assistance and reparations for civilians and does not address the legal and practical situation of prisoners of war.
- 2) The study focuses predominantly on state assistance for civilians who have been released, and only partially covers the issue of assistance to those civilians who remain detained.
- 3) The authors of the study acknowledge their indirect interest in highlighting existing shortcomings in the mechanisms of state assistance to civilians who were deprived of their personal liberty as a result of armed aggression against Ukraine, as they are regularly involved in practical assistance to such persons and the advocacy of various ideas for improving the relevant mechanisms. Nevertheless, we have endeavoured to be as objective and impartial as possible in presenting facts, interpretations, and evaluations.
- 4) The non-public nature of the work of the Commission on establishing the fact of deprivation of personal liberty under the Ministry of Reintegration, due to objective reasons and regulatory restrictions, has made a significant portion of potentially useful information either completely unavailable or difficult to access.
- 5) As an NGO, EUCCI is limited in financial and human resources, and thus the study was conducted within the constraints corresponding to these limitations.

Overview of legislation on social protection of civilians deprived of personal liberty

1.1 Genesis and transformation of Ukrainian legislation on social protection

On 27 December 2017 and 24 January 2018, two exchanges of detainees took place between Ukraine and the Russian Federation. During the first, which was one of the largest of that period, the Russian Federation returned 74 individuals to Ukraine, including both civilians and combatants.

Almost immediately afterwards, on 31 January 2018, the Ukraine government adopted Resolution No. 38. Local authorities were tasked with ensuring the provision of necessary medical care to those released from captivity, as well as providing assistance with housing, social, and psychological support. The resolution, however, was largely declaratory. The key provision of the government decision was the introduction (for the first time since the start of the armed conflict in 2014) of a *one-time payment of financial assistance* for those released in the amount of UAH 100,000, which at the time amounted to approximately USD 3,500. It was intended that this payment would be made from the state's reserve budget fund. Additionally, the government approved a procedure for the payment of this financial assistance, specifying that it would only be granted to those 'included on the list of individuals released from captivity on 27 December 2017 and 24 January 2018, as compiled by the SSU [Security Service of Ukraine]'. This meant that individuals released before 27 December 2017 (either through other exchanges or by other means) were not eligible for government aid. By March 2018, the government had amended the resolution, in particular, replacing the words 'who were released from captivity' with 'who were deprived of personal liberty', thus ensuring the resolution applied not only to combatants (who had the status of prisoners of war and had been released) but also to civilians.¹⁵

A decree issued by the President of Ukraine on 25 July 2018, titled 'On Urgent Measures to Protect the Rights, Freedoms, and Legitimate Interests of Persons Illegally Detained or Held by the Russian Federation or Its Occupation Administration, Released from Among Such Persons, and Support for Such Persons and Their Families', established the *Levko Lukianenko state scholarship*.¹⁶ This scholarship was intended for Ukrainian citizens who

¹⁵ Resolution of the CMU dated 14 March 2018, No. 164, 'On Amendments to Resolution No. 38 of the Cabinet of Ministers of Ukraine dated 31 January 2018', VRU.

¹⁶ Decree of the President of Ukraine dated 25 July 2018, No. 216/2018, 'On Urgent Measures to Protect the Rights, Freedoms, and Legitimate Interests of Persons Illegally Detained or Held by the Russian Federation or Its Occupation Administration, Released from Among Such Persons, and Support for Such Persons and Their Families', VRU.

had been illegally detained or held by the Russian Federation or its occupation authorities due to 'public or political activities of the said individuals connected with a consistent public position aimed at defending Ukrainian sovereignty and territorial integrity, as well as for those who had been released from detention' (i.e. civilians). The scholarship, as outlined in the President's decree dated 7 December 2018, No. 417/2018, provides recipients with an amount equivalent to approximately USD 225 per month for able-bodied persons (as of 2025), with up to a hundred scholarships awarded annually.¹⁷ Notably, this scholarship is designated only for certain distinguished individuals – Ukrainian citizens who have been illegally detained by the Russian Federation in connection with their pro-Ukrainian public or political activities.

On 5 December 2018, the government adopted Resolution No. 1066, 'Some Issues of Support for Persons Who Were Illegally Detained as a Result of an Act of Armed Aggression by the Russian Federation on 25 November 2018 in the Kerch Strait Area'.¹⁸ This government decision addressed financial support for the families of 24 *Ukrainian military sailors* who were captured during the transition from the Black Sea to the Sea of Azov. The families were to receive one-time financial assistance amounting to UAH 100,000.

On 11 September 2019, the government adopted Resolution No. 845, 'Some Issues of Social Support of Persons Who Were Illegally Deprived of Personal Liberty'. This decision established *one-time payment of financial assistance* for individuals who were illegally deprived of their personal liberty and released on 7 September 2019.¹⁹ As with previous cases, the amount of one-time financial assistance was UAH 100,000. Additionally, the government approved a procedure for payment, specifying that it would only be granted to those included on the list of individuals illegally deprived of their liberty and released from captivity on 7 September 2019. On this day, 24 Ukrainian military sailors captured on 25 November 2018, as well as 11 political prisoners (including film director Oleh Sentsov and Crimean activist Oleksandr Kolchenko) were exchanged.

On 11 December 2019, the government adopted Resolution No. 1122, 'Some Issues of Social and Legal Protection of Persons Deprived of Their Liberty as a Result of Armed Aggression Against Ukraine, After Their Release' (hereinafter referred to as Resolution No. 1122).²⁰ It came into effect on 1 January 2020. Unlike all previous decisions of the government regarding one-time state financial assistance, the procedures introduced by this document were *designed for an unlimited number of persons*, including those who will be released in the future, and not just for those released on a specific exchange date.

With the adoption of this regulatory document, Ukraine de facto shifted from ad hoc to systematic work with released persons.

17 Decree of the President of Ukraine dated 7 December 2018, No. 417/2018, 'On Levko Lukianenko State Scholarships', VRU.

18 Resolution of the CMU dated 5 December 2018, No. 1066, 'Some Issues of Support for Persons Who Were Illegally Detained as a Result of an Act of Armed Aggression by the Russian Federation on 25 November 2018 in the Kerch Strait', VRU.

19 Resolution of the CMU dated 11 September 2019, No. 845, 'Some Issues of Social Support of Persons who Were Illegally Deprived of Personal Liberty', VRU.

20 Resolution of the CMU dated 11 December 2019, No. 1122, 'Some Issues of Social and Legal Protection of Persons Deprived of Their Liberty as a Result of Armed Aggression Against Ukraine, After Their Release', VRU.

Resolution No. 1122 approved three normative documents: (1) the Procedure for Implementing Social and Legal Protection of Persons Deprived of Their Liberty as a Result of Armed Aggression Against Ukraine, After Their Release; (2) the Procedure for Implementing Measures for the Psychological Rehabilitation of Ukrainian Citizens Taken Hostage as a Result of Armed Aggression Against Ukraine, Deprived of Their Liberty for Political Reasons, or Taken as Prisoners of War in Connection with the Protection of the Independence, Sovereignty and Territorial Integrity of Ukraine, After Their Release; and (3) the Procedure for Implementing Measures for the Social and Professional Adaptation of Ukrainian Citizens Taken Hostage as a Result of Armed Aggression Against Ukraine, Deprived of Their Liberty for Political Reasons, or Taken as Prisoners of War in Connection with the Protection of the Independence, Sovereignty and Territorial Integrity of Ukraine, After Their Release.

The first of these documents, which we consider the primary one (hereinafter – Procedure No. 1122), established the list and sequence of measures aimed at social protection for victims. It regulated the interaction between state authorities and local self-government bodies in providing assistance to such persons. Procedure No. 1122 applied to three categories of persons: (1) citizens of Ukraine taken hostage as a result of armed aggression against Ukraine; (2) persons deprived of liberty for political reasons; or (3) prisoners of war in connection with the protection of the independence, sovereignty, and territorial integrity of Ukraine (in the case of prisoners of war, Procedure No. 1122 also extended to foreigners and stateless persons who, at the time of their deprivation of liberty, were serving in the armed forces or other military formations formed in accordance with Ukrainian law).

The measures for social protection of persons included: (1) organizing a meeting with released persons and ensuring they are escorted to health care facilities, with further provision of medical assistance and medical and psychological rehabilitation; (2) organizing the registration and issuing of an internal passport for a citizen of Ukraine and a passport for travel abroad; (3) provision of material assistance; and (4) organizing access to free legal aid, psychological rehabilitation, and measures for social and/or professional adaptation at the place of residence.

Procedure No. 1122 also introduced a *new procedure* for ‘recognition of a person included in the list of released persons formed by the SSU as one who was deprived of liberty as a result of armed aggression against Ukraine’. The relevant decision was made by the interdepartmental commission, which was formed under the Ministry of Veterans’ Affairs and later under the Ministry of Reintegration. After the decision was made, and the person submitted a separate application, they received a one-time financial assistance payment of UAH 100,000.

Procedure No. 1122 did not specify any clear restrictions regarding the date and/or method of release. However, paragraph 6 of the procedure mentioned ‘the list of released persons formed by the SSU’, suggesting that, originally, the government intended its provisions to apply exclusively to those released through *official exchanges* (those involving direct state participation or interstate negotiations) because there was probably no other legitimate way to get on the ‘list of released persons’. Civilians released from illegal places of detention since 2014, outside official exchange procedures (for example, ransomed by relatives or released by the occupation authorities after performing a certain amount of forced labour,

or after serving a certain arbitrarily determined period of detention, etc.), and who applied to the interdepartmental commission to be recognized as those deprived of their liberty as a result of armed aggression against Ukraine, received refusals based on their absence from the 'list of released persons' (see, for example, Appendix No. 1). Several cases of appeals to the SSU, known to us, requesting the inclusion of certain individuals in the 'list of released persons', were unsuccessful. Usually the SSU did not issue a direct refusal, but also did not include the individual on the list (see, for example, Appendix No. 2). However, based on information available to us, we assume that some individuals were still able to achieve inclusion on the list after resolving the issue directly with officials.

the full-scale invasion and escalation of conflict hindered the legal recognition of former detainees

Government Resolution No. 1370 dated 23 December 2021 (which came into force on 28 December 2021), made amendments to Procedure No. 1122. In particular, the phrase 'included in the list of released persons formed by the SSU' was removed.²¹ These changes allowed the interdepartmental commission to make decisions regarding the 'recognition of a person as having been deprived of liberty as a result of armed aggression against Ukraine', regardless of the date and/or method of release. Nevertheless, the full-scale invasion on 24 February 2022 and the subsequent escalation of the armed conflict hindered the full implementation of the provisions of this legal act.

1.2 Law on social and legal protection

On 26 January 2022, the Ukrainian parliament adopted Law No. 2010-IX, which came into force on 19 November 2022 (some provisions entered into force on 20 May 2022). The basis of Law No. 2010-IX was the norms of the aforementioned Government Resolution No. 1122.

*The law was passed by the Verkhovna Rada essentially a month before the start of a full-scale invasion and does not take into account the realities of a full-scale invasion.*²²

Law No. 2010-IX applies to Ukrainian citizens:

- 1) who were deprived of personal liberty by the aggressor state, its bodies, subdivisions, formations, or other entities in connection with the protection of state sovereignty, independence, territorial integrity, and inviolability of Ukraine as a result of armed aggression against Ukraine, who belong to the security forces and forces of the defence of Ukraine, and to one of the categories of persons defined by the Geneva Convention on the Treatment of Prisoners of War of 12 August 1949 and the Additional Protocol to the Geneva Conventions of 12 August 1949, relating to the Protection of Victims of International Armed Conflicts (Protocol I) of 8 June 1977;
- 2) who are civilians under the protection of the Geneva Convention on the Protection of the Civilian Population in Time of War of 12 August 1949, who were deprived of their

21 Resolution of the CMU dated 23 December 2021, No. 1370, 'On Amendments to the Procedure for Social and Legal Protection of Persons Deprived of Their Liberty as a Result of Armed Aggression Against Ukraine, After Their Release', VRU..

22 Interview 1, Ihor Kotelianets, Chairman of the Board of the NGO Association of Relatives of Political Prisoners of the Kremlin, member of the Commission from 2018 to 2022 and in 2024.

personal liberty as a result of armed aggression against Ukraine by the aggressor state, its bodies, units, formations, or other entities while in the temporarily occupied territories of Ukraine or on the territory of the aggressor state:

- a) in connection with the implementation by such citizens of activities aimed at expressing views, values, positions regarding the defence of state sovereignty, territorial integrity, and inviolability of Ukraine, the democratic constitutional order, and other national interests of Ukraine, as well as for professional, public, political, or human rights activities related to the defence of state sovereignty, independence, territorial integrity, and inviolability of Ukraine, the democratic constitutional system, and other national interests of Ukraine, the protection of the rights and freedoms of persons deprived of personal liberty due to such activities, if there were grounds to believe that the implementation of such activities constituted a real or potential danger for the illegal persecution of a person by the aggressor state, its bodies, subdivisions, formations, or other entities;
- b) in connection with the illegal actions of the aggressor state, its bodies, divisions, formations, or other entities with the explicit or implicit purpose of inciting Ukraine, another state, state body, organization, or legal or natural persons to act or refrain from actions as a condition for the release of a Ukrainian citizen.

Law No. 2010-IX also applies to *foreigners and stateless persons* who, at the time of deprivation of their personal liberty, were performing military service in the Armed Forces of Ukraine or other military formations established under Ukrainian law in accordance with the procedure established by Ukrainian legislation, as well as to *family members of Ukrainian citizens*, who have been deprived of personal liberty as a result of armed aggression against Ukraine in the manner specified by this law.

A comprehensive analysis of the norms of Law No. 2010-IX leads to the conclusion that its effect does not extend to civilians (or their family members) who were deprived of personal liberty and died or passed away after being released from a place of imprisonment, that is, already at liberty (before or after the entry into force of Law No. 2010-IX), but before a decision was made regarding them to establish the fact of deprivation of personal liberty as a result of armed aggression against Ukraine. To us, this seems unfair to the victims' family members, who took care of their relatives during their detention (they provided food and medicines, financed legal assistance, experienced psychological suffering due to the imprisonment of a relative, etc.).

Returning to the content of Law No. 2010-IX, we note that social and legal protection includes annual state financial assistance during the person's imprisonment, one-time state financial assistance after release, as well as one-time state financial assistance in the case of the death of a person, in respect of whom the fact of deprivation of personal liberty has been established, in places of deprivation of liberty or within a year after release.

detainees are entitled to annual state financial assistance during imprisonment and a one-time payment upon release or in the case of death

In all the cases listed above, the amount of assistance is UAH 100,000 (at the exchange rate as of early-2025, this is approximately USD 2,500).

Law No. 2010-IX mentions medical assistance and rehabilitation (in particular, psychological) assistance, sanatorium-resort treatment, provision of housing for temporary residence, certain aspects of the implementation of labour rights and rights in the field of employment, pension provision, mandatory state social insurance, etc. Types of assistance are discussed in more detail in the following sections.

It is important to note that the social and legal protection provided for by Law No. 2010-IX is not available to all people deprived of their liberty during Russia's armed aggression. The protection applies exclusively to those persons in respect of whom the Commission under the Ministry of Reintegration has *established the fact* of deprivation of personal liberty as a result of armed aggression against Ukraine, and their family members. All other persons deprived of their liberty (both those for whom the Commission refused to establish the fact of deprivation and those who did not apply for the establishment of the fact at all) cannot avail themselves of the protection provided by the law.

*We are civilians, in Ukraine, we do not have [...] any status.*²³

*I was not provided any assistance after my release. I did not receive any status in connection with being in captivity or assistance from the state.*²⁴

In our opinion, establishing the fact of a person's deprivation of personal liberty as a result of armed aggression against Ukraine (a procedural issue) is a key provision of Law No. 2010-IX, to which the legislator paid the most attention in the text of the regulation, although the law should primarily concern social protection and not unrelated procedural matters.

1.3 Other legislative acts of Ukraine regarding social protection of civilians

In addition to Law No. 2010-IX, there are other legislative acts in Ukraine aimed at the social protection of victims. However, the vast majority of these are amendments to existing Ukrainian laws, introduced by the final provisions of Law No. 2010-IX and which, it seems, have had little effect on the lives of most released persons. These include:

- amendment to the *Labour Code* to take account of the period of illegal detention for the purpose of calculating annual leave entitlements (similar provisions were also added to the law 'On Leaves'), as well as the norm on preserving positions of employment during the entire period of deprivation of liberty and for six months from the day of release in the event of the person undergoing medical, rehabilitation, particularly psychological, assistance, sanatorium-resort treatment, or other restorative (post-isolation, reintegration) activities.²⁵

²³ Interview 2, 2017.

²⁴ Interview 3, 2017.

²⁵ VRU, *Labour Code of Ukraine*, Approved by Law No. 322-VIII dated 10 December 1971, as amended in accordance with the Laws.

- amendment to the *Housing Code* to give priority to victims (along with some other categories of persons) to provision of temporary housing.²⁶
- delegated powers for village, settlement, and city councils to include the provision of financial assistance to victims, as well as the promotion of employment and the provision of temporary housing (amendments to the law ‘On Local Self-Government in Ukraine’).²⁷
- ‘implementation of measures to ensure social and legal protection of individuals’ included in the powers of local state administrations (amendments to the law ‘On Local State Administrations’), but without specifying the provisions.²⁸
- recognition that a period of illegal detention constitutes a valid reason for a break in period of state social insurance, which grants entitlement to unemployment benefits. Victims were included in the category of citizens with ‘additional guarantees in the promotion of employment’ and were given the right to receive a one-time voucher for retraining/education (amendments to the laws ‘On Universally Mandatory State Social Insurance in the Event of Unemployment’²⁹ and ‘On Employment of the Population’).³⁰
- inclusion of the period of illegal detention in the assessed length of service for the purpose of awarding an old-age pension, as well as in the assessed length of work in hazardous conditions, which grants entitlement to a pension on preferential terms and at preferential amounts. It was established that insurance premiums for the entire period of deprivation of personal liberty and for six months after release are paid ‘in the manner and within the time limits determined by the CMU, at the expense of the state budget’ (amendments to the law ‘On Mandatory State Pension Insurance’).³¹
- Victims are exempt (for the period of illegal detention and for six months after release) from obligations to pay contributions to mandatory state social insurance for themselves, and from payment of arrears, penalties, and fines for non-payment. Contributions are instead paid at the expense of the state budget (amendments to the law ‘On the Collection and Accounting of the Single Contribution for Mandatory State Social Insurance’).³²

As in the case of Law No. 2010-IX, the aforementioned social guarantees (rights) may only be available to individuals for whom the Commission under the Ministry of Reintegration has *established the fact* of deprivation of personal liberty as a result of armed aggression against Ukraine.

From the list of benefits and advantages mentioned above, an independent third-party observer might gain the impression that the state has already adequately ensured the social protection of released persons. However, this impression would be incorrect.

Unfortunately, not every victim is even aware of most of these social guarantees (some are purely declaratory and are not implemented in practice, such as the inclusion of the

26 VRU, *Housing Code of Ukraine*, 1983, Annex to No. 28, Article 573, as amended in accordance with the Laws.

27 VRU, Law of Ukraine dated 21 May 1997, No. 280/97-BP, ‘On Local Self-Government in Ukraine’.

28 VRU, Law of Ukraine dated 9 April 1999, No. 586-XIV, ‘On Local State Administrations’.

29 VRU, Law of Ukraine dated 2 March 2000, No. 1533-III, ‘On Mandatory State Social Insurance in the Event of Unemployment’.

30 VRU, Law of Ukraine dated 5 July 2012, No. 5067-VI, ‘On Employment of the Population’.

31 VRU, Law of Ukraine dated 9 July 2003, No. 1058-IV, ‘On Mandatory State Pension Insurance’.

32 VRU, Law of Ukraine dated 8 July 2010, No. 2464-VI, ‘On the Collection and Accounting of the Single Contribution for Mandatory State Social Insurance’.

period of illegal detention in the assessed length of service for the purpose of awarding an old-age pension. Furthermore, some benefits apply to a rather limited number of people, such as the inclusion of this period in the insurance record of work in hazardous conditions, which grants the right to a pension on preferential terms and amounts).

*There may be some pensions available for them due to the loss of breadwinners, but we only found this out in the second year [after release – Ed.]. Why are people not informed about this?*³³

*Even we lack information about what the state should provide, what legal assistance is available, or how they can support us. There are many such informational gaps that need constant updating. Additionally, changes are still occurring. Changes are taking place in the state. And even when the state attempts to act in a positive manner, this information does not reach a wide audience. I consider this a very specific need.*³⁴

Moreover, many issues of primary concern to victims have remained unaddressed by legislative regulation for a substantial period of time. For instance, according to the latest amendments (2024) made to the law 'On Mobilization Training and Mobilization', citizens who have completed military service and were released from reserve service are exempt from conscription during mobilization if they were released from captivity (such individuals may only be called up for military service with their consent).

However, until recently, Ukrainian mobilization legislation did not contain a similar provision for civilians who had survived detention by the aggressor state. Civilians released from captivity were subject to mobilization on a general basis, although recapture by the aggressor state is likely to result in extrajudicial execution or long prison terms for such persons. It was only in November 2024 that the parliament finally passed a law on deferral of mobilization for this category of people. Further practical application of this law depends on amendments to the bylaws that are yet to be adopted by the government of Ukraine.

A portion of the victims benefit from social protection provided by the law 'On Combating Human Trafficking'.³⁵ Human trafficking is a multifaceted concept that includes, among other things, sexual exploitation and forced labour, which often occur during illegal detention. It should be acknowledged that sexual exploitation and/or forced labour within the context of armed conflicts is primarily governed by IHL and international criminal law, and does not entirely fit within the framework of Ukraine's peacetime-oriented anti-trafficking legislation. However, in the absence of specific legislation that provides victims of armed conflict with protections equivalent to those offered to victims in peacetime, we believe that the use of legal mechanisms provided by the law 'On Combating Human Trafficking' is fully justified.

A person who has suffered from human trafficking can receive the appropriate legal status. Once this status is established, the person is entitled to receive free medical, psychological, social, and legal assistance, temporary accommodation in specialized care institutions,

33 Focus group materials, 16 February 2024.

34 Focus group materials, 13 January 2024.

35 Law of Ukraine dated 20 September 2011, No. 3739-VI, 'On Combating Human Trafficking', VRU.

assistance in employment, and the exercise of rights to education and vocational training, among others. However, victims' experiences suggest that the only tangible benefit, which is actually provided quickly, is a one-time financial assistance payment equivalent to approximately USD 225, for which victims mainly apply to obtain the relevant status. For various reasons, the status of a victim of human trafficking is not well known among the Ukrainian population, and thus released individuals are often unaware of its existence. State authorities involved in the release process do not adequately inform victims about this status or the criteria for obtaining it. Among the respondents we interviewed, only those who had learned of this opportunity through human rights defenders or other former detainees applied for it. Some individuals have expressed dissatisfaction with being recognized as 'victims of human trafficking'. They would prefer to receive support through procedures specifically created for cases of unlawful deprivation of personal liberty during armed conflict.

A man and a woman from Kherson – they are released, civilians. And they say that what helped them survive, as soon as they got out, was that their friends informed them that it was possible to obtain the status of victims of human trafficking. They had been forced to work. And so they were granted the status. This is a valuable certificate, which offers opportunities for treatment and free medical examinations, among other things. And they are being paid UAH 8,000.³⁶

In most cases, the state did not refuse to grant the status of a victim of human trafficking to the respondents interviewed by EUCCI. However, based on the experience of EUCCI in assisting victims, we are aware of at least three separate cases of unjustified refusals, which were later deemed illegal by the courts – with the help of our lawyers (rulings of the Poltava District Administrative Court dated 10 March 2020 in case No. 440/25/20³⁸ and dated 23 April 2020 in case No. 440/26/20, and ruling of the Donetsk District Administrative Court dated 26 March 2021 in case No. 200/11221/20-a).³⁹

36 Focus group materials, 16 February 2024.

37 [Decision of the Poltava District Administrative Court](#), dated 10 March 2020 in case No. 440/25/20, Unified State Register of Court Decisions (USRCD).

38 [Decision of the Poltava District Administrative Court](#), dated 23 April 2020 in case No. 440/26/20, USRCD.

39 [Decision of the Donetsk District Administrative Court](#), dated 26 March 2021 in case No. 200/11221/20, USRCD.

Statuses and registers

2.1 The status of a person deprived of personal liberty

Social protection provided by Law No. 2010-IX allows a detained person (both while detained and after release), and/or family members of a detained person, to receive support only after the establishment of either ‘the fact of deprivation of personal liberty as a result of armed aggression against Ukraine’ or ‘recognition as a family member’ of a person for whom such a fact has been established. Therefore, the procedure for establishing the fact of a person’s deprivation of personal liberty is currently a key element of the state assistance system for victims.

Decisions regarding the establishment of the fact of a person’s deprivation of personal liberty are made by a Commission of the same name (hereinafter referred to as the Commission), which was previously established under the Ministry of Reintegration and operated based on the Regulations on the Commission.⁴⁰

On 3 December 2024, the Government of Ukraine renamed the Ministry of Reintegration to the Ministry of National Unity of Ukraine.⁴¹ From 16 January 2025, the Commission will operate under a different state institution – the Ministry of Development of Communities and Territories of Ukraine (Ministry of Development). At the same time, our study focused on the activities of the Commission under the Ministry of Reintegration, which was in operation at the time of the research. The Commission under the Ministry of Development is only just beginning its work and will function under the same legislation as its predecessor – the Commission of the same name under the Ministry of Reintegration – likely with most of the same members, drawn from various state bodies. Therefore, in this report, we specifically refer to the activities of the Commission under the Ministry of Reintegration, with the reasonable assumption that its operations in the near future will not differ significantly from those of its predecessor. In essence, only the ministry overseeing the Commission’s work is changing.

The composition of the Commission is approved by order of the relevant ministry and includes: a representative appointed by the President of Ukraine; one representative each from the Ministry of Reintegration (now the Ministry of Development), the Ministry of Foreign Affairs, the Ministry of Justice, the Ministry of Defence, the Ministry of Internal Affairs, the Ministry of Social Policy, the Ministry of Health, the Human Rights Commissioner of the Verkhovna Rada (parliament), the Office of the Prosecutor General, the SSU, the Foreign Intelligence Service, and the Representative Office of the President of

⁴⁰ Resolution of the CMU dated 15 November 2022, No. 1281 ‘Certain Issues of the Implementation of the Law of Ukraine ‘On Social and Legal Protection of Persons Deprived of Personal Liberty as a Result of Armed Aggression Against Ukraine, and Their Family Members’’, VRU.

⁴¹ Resolution of the CMU dated 3 December 2024, No. 1366 ‘On Renaming the Ministry of Reintegration of the Temporarily Occupied Territories of Ukraine’; VRU.

Ukraine in the Autonomous Republic of Crimea, as well as representatives from NGOs (no more than five individuals).

Law No. 2010-IX assigns the Commission three main tasks:

- 1) *Review of applications and materials* (including references) and
- 2) *Making decisions* on establishing the fact that a person has been deprived of personal liberty as a result of armed aggression against Ukraine, and on
 - Recognition as a member of the family of the person for whom such a fact has been established; or
 - Non-confirmation of the fact that a person has been deprived of personal liberty as a result of armed aggression against Ukraine;
- 3) *Analysing the practice* of implementing legislation on the social and legal protection of persons for whom such a fact has been established.

The authors of this study have repeatedly heard from other human rights defenders and the victims themselves the categorical statement that the Commission does not grant any 'status', but only 'establishes the fact' of the deprivation of a person's personal liberty as a result of armed aggression against Ukraine and/or 'recognizes the person as a member of the family' for whom this fact has been established. Applicants themselves also often do not understand whether they will receive any legal status from the state after completing the administrative procedure.

Indeed, Law No. 2010-IX does not use the term 'status' in relation to victims or their family members. On the one hand, it could be assumed that the legislator quite deliberately chose not to grant victims and their family members a particular status and thus avoided creating a new category of 'beneficiaries' of the state. Instead, the intent may have been to provide only temporary and limited assistance to the victims and their family members (essentially transforming the 'temporary' Resolution No. 1122 into Law No. 2010-IX). On the other hand, the absence of the term 'status' in Law No. 2010-IX may simply reflect a shortcoming in the legislative drafting process.

The legal status of a person is the position of a person in legal reality, which reflects their actual state in relations with society and the state. This consists of a set of subjective rights, legal obligations, and legitimate interests of legal subjects.⁴²

In our opinion, a comprehensive analysis of the provisions of Law No. 2010-IX provides grounds to assert that a person for whom the Commission has 'established a fact' or a person 'recognized as a family member' of such a person *does* acquire a 'legal status' due to the established fact or recognition. This is because the legislator has defined a special administrative procedure for the establishment of the fact or recognition, created the 'Unified Register of Persons for whom the Fact of Deprivation of Personal Liberty has been Established as a Result of Armed Aggression against Ukraine' (where information must be stored indefinitely), and the overwhelming majority of social guarantees may, in theory, be provided to the relevant person for quite a long period. Thus, the Commission's establishment of a 'fact' regarding a person or 'recognition' of other persons as family members determines the legal status of the relevant person in relation to the state.

42 Petryshyn, O.V. (General ed.), *Theory of the State and Law – Study Guide for Higher Education Students*, Kharkiv, Pravo, 2014.

Focus groups and interviews conducted by the EUCCI have identified the following shortcomings and areas of potential improvement in the activities of the Commission:

- 1) Non-transparent mechanism for the involvement of representatives from public organizations in the membership of the Commission. As a rule, it is not suggested that 'unworthy' people are involved in the work of the Commission, but there is a concern that other worthy candidates may have been excluded from the selection process. There was an insufficient number of members on the Commission from the public sector, including former prisoners and representatives of NGOs specializing in the comprehensive protection of the rights and interests of primarily civilian prisoners.

*If people from our circle were included in this Commission, those who had gone through this experience, those who have at least some legal knowledge, or maybe just honest, decent people of ours who have passed through and understand this thing, I think that would be quite beneficial.*⁴³

- 2) Imperfect mechanism for forming the composition of the Commission. First, members of the Commission, or at least its civil society component, could serve by rotation. While rotation of Commission members might temporarily reduce the level of competence (as new members would need time to become familiar with the Commission's work), periodic 'reboots' are necessary if only to prevent emotional and professional burn-out among members.

It would also be appropriate to update the list of state bodies involved in the Commission's work. For instance, it is difficult to understand the participation of the Ministry of Health in the activities of the Commission, as the Commission, being a collegial body, does not address practical issues such as medical assistance for released individuals, but only makes decisions regarding the establishment of facts or family member recognition. However, the absence of a representative from the National Information Bureau (NIB/State Enterprise [SE] 'Ukrainian National Centre for Peacebuilding') is particularly hard to explain, given that its employees are likely to be those most involved in dealing with former detainees compared to other authorities. Instead of having a representative from the NIB who could provide relevant operational information, the Commission (through ministry officials) asks applicants to contact the NIB themselves to obtain and submit the information to the Commission (see, for example, Appendix No. 3). Another example of the unsatisfactory composition of the Commission is the involvement of a representative from the Ministry of Internal Affairs of Ukraine, as opposed to representatives from the National Police of Ukraine and the State Migration Service of Ukraine. While both of these bodies fall under the Ministry of Internal Affairs, they are independent central executive bodies with their own records. It is believed that direct participation of their representatives in the Commission's work would expedite and simplify the processing of applicant information.

We constantly lack the same State Migration Service [SMS] [documentation] when it comes to confirming citizenship. Because this issue often arises. People often have lost or destroyed documents, and it would be much easier through the SMS, but the SMS

43 Focus group materials, 15 June 2024.

*isn't a member of the Commission. Accordingly, each time we need to send requests separately, wait for responses, and so on.*⁴⁴

- 3) Unbalanced composition of the Commission. Currently, with 13 representatives from state bodies versus 5 from public associations, the voices of the latter are mostly consultative and cannot significantly influence decisions. To better ensure transparency and meaningful victim participation in decision-making processes that affect them, the number of Commission members from state bodies and public associations could be made more balanced. This would support a more inclusive approach to remedies for applicants.
- 4) Unpaid work of public association members of the Commission. The work of public association members on the Commission is unpaid, unlike their counterparts from state bodies, who participate during their working hours and are salaried employees. Paying members who work for NGOs would allow them to devote more time and attention to their responsibilities. During martial law, funding for NGO representatives' participation in the Commission could likely be supported by international donors, but later the state should take on these costs.

*If it's not possible to deprive civil servants of remuneration (and that seems impossible), then remuneration should be provided for other Commission members.*⁴⁵

- 5) Lack of distribution of functional duties among members of the Commission. The tasks of the Commission, as a collegial body, are outlined in Law No. 2010-IX. However, the distribution of specific duties among individual Commission members seems undefined. As far as is known, the Commission does not have any regulations or any internal document governing the allocation of functions among its members, and members of the Commission do not act as advocates for specific cases. It appears that individual staff members of the Ministry of Reintegration prepare decisions, while the Commission members only vote (often by block voting) on the draft decision without prior access to case materials or exercising their right to review such materials.
- 6) Unsatisfactory communication between Ministry of Reintegration staff and applicants. Those familiar with the Commission's work acknowledge that there are many applicants and the Ministry of Reintegration is understaffed, especially during wartime. However, there is confidence that more effective communication models could be implemented than those currently in use.

*I think this should be covered in the press, on Facebook – how state institutions respond to our questions and how they provide assistance.*⁴⁶

Applicants often complain about the overly complex and unclear style of messages they receive from the Commission. They express a desire for correspondence, whether through messengers or other forms, to be less bureaucratic and easier to understand, with clear instructions on the next steps.

Adopting simpler, more accessible communication guidelines would benefit all parties involved and help avoid unnecessary stress for applicants. There is currently a

44 Interview 4, 2024.

45 Focus group materials, 15 June 2024.

46 Focus group materials, 15 June 2024.

practice, not explicitly provided for but not prohibited by regulations, whereby individual Commission members communicate with applicants during the review process or after a refusal is issued. Some applicants appreciate this personal interaction, noting that it offers some insight into the Commission's decisions, given the confidentiality of its work and the bureaucratic tone of its official letters. However, others criticize the communication style of certain Commission members, citing tactlessness or even rudeness. For some, such informal contact creates the impression that undue benefits are expected in exchange for a favourable decision.

- 7) Absence of official written responses to appeals. This applies both to statements regarding the establishment of facts and to follow-ups on previously submitted appeals. Some individuals have reported that, after submitting an appeal, they had to send follow-up letters to the Ministry of Reintegration (sometimes twice) requesting an update, as no response had been received for an extended period. However, it should also be noted that some individuals received feedback relatively quickly via messengers. While this form of communication can be useful, it should not completely replace official correspondence, which many people traditionally expect. Otherwise, applicants should be informed that they may not receive an official letter and will need to follow up through messengers on their own initiative.
- 8) Unsubstantiated refusals to establish the fact of deprivation of personal liberty. Applicants receive standard letters from the Ministry of Reintegration stating that the 'fact of deprivation of personal liberty as a result of armed aggression against Ukraine has not been confirmed'. These letters lack explanations for the refusal and merely state that the decision 'did not receive a sufficient number of votes' (see, for example, *Appendix No. 4*).

In our view, the lack of a sufficient number of votes (more than half of those present) is a result of voting, rather than there being a legal or factual basis for the decision on non-confirmation of the fact. The standard of proof should be based on the balance of probability or plausibility, rather than requiring a majority consensus. If the majority of the Commission members vote against confirming the fact, this should be accompanied by a statement of the relevant legal and factual grounds (justification) on which the majority voted. The provisions of Law No. 2010-IX suggest that the Commission is obligated to decide in favour of the applicant if all conditions specified by law for its adoption are met. Law No. 2010-IX does not permit the Commission to act *at its discretion* when making a decision (to establish a fact for some individuals, while refusing at its discretion for others).

A logical and meaningful analysis of the provisions of Law No. 2010-IX and Regulation No. 1281⁴⁷ leads us to the conclusion that the Commission is authorized to make a decision on the non-confirmation of the fact of deprivation of personal liberty of a *civilian* as a result of armed aggression against Ukraine in the following cases (situations):

- a) In the absence of an event of deprivation of a person's personal liberty, that is, when there was no deprivation of liberty;

47 Resolution of the CMU dated 15 November 2022, No. 1281, 'Certain Issues of the Implementation of the Law of Ukraine "On Social and Legal Protection of Persons Deprived of Personal Liberty as a Result of Armed Aggression Against Ukraine, and Their Family Members"':

- b) In the event of deprivation of a person's personal liberty under circumstances unrelated to armed aggression against Ukraine and/or for reasons other than public, human rights, volunteer, etc. activities of the individual, or not for use as a hostage (e.g. in the case of detention outside the context of an armed conflict, i.e. in the case of committing an (ordinary) criminal offence);
- c) In the event of (lawful) deprivation of a person's personal liberty in accordance with the provisions of the Fourth Geneva Convention on the Protection of the Civilian Population in Time of War of 12 August 1949, as well as other provisions of IHL and international human rights law;
- d) If the person has provided false information, data and/or documents (which also constitutes grounds for cancelling a previously adopted decision on establishing a fact, in accordance with Clause 16 of Regulations on the Commission).

All the situations mentioned above are considered to fall under the vague category of 'insufficiency of submitted documents' to establish a fact: where the event, context, violation of rights is not established, or it is established that inaccurate data has been submitted.

The Commission's use of the practice of 'unsubstantiated refusals' significantly complicates applicants' attempts to reapply, as emphasized in the standard refusal letters from the Ministry of Reintegration. Applicants do not understand what specifically needs to be corrected and/or what precisely needs to be documented.

Unjustified refusals have exacerbated applicants' mistrust of the Commission as a whole, and its members in particular. Some individuals believe that these refusals are the result of corruption within the Commission, although we have not encountered any convincing evidence to support suspicions of corruption among its members. Several people have expressed their unwillingness to reapply to the Commission following previous refusals, citing a lack of confidence in this collective body and

negative past experiences. Greater transparency in the Commission's decision making could help rebuild trust, even if the outcomes are not always favourable.

failure to justify refusals has exacerbated applicants' mistrust

When courts have reviewed disputes between applicants and the Commission, they have consistently sided with the applicants, thereby supporting the argument that these 'unjustified refusals' are unlawful. For instance, on 30 April 2024, the Ivano-Frankivsk District Administrative Court, in case No. 300/8676/23,⁴⁸ declared the decision of the Commission concerning a well-known volunteer from Donetsk to be illegal and annulled it. The woman had been detained in Donetsk in the spring of 2014 and tortured in the occupied SSU building. The lawsuit and court ruling were both based on the argument that the refusal to establish the fact was 'unjustified'. On the same day, 30 April 2024, the Kharkiv District Administrative Court delivered a judgment in case No. 520/37526/23,⁴⁹ similarly declaring unlawful and annulling the Commission's unjustified decision concerning a journalist from Luhansk who was detained in the autumn of 2014. At the

48 Decision of the Ivano-Frankivsk District Administrative Court, dated 30 April 2024 in case No. 300/8676/23, USRCD.

49 Decision of the Kharkiv District Administrative Court, dated 30 April 2024 in case No. 520/37526/23, USRCD.

victims' request, both court cases were supported by EUCCI lawyers. At present, several other similar cases are pending in the courts of Ukraine.

- 9) The Commission does not appear to exercise its right to hear from applicants if necessary. Even in situations where the circumstances of the case raise reasonable doubts and/or the applicants themselves have concerns, the possibility of their personal participation in the Commission's meetings is ignored.
- 10) The Commission does not have any criteria for evaluating applications regarding the establishment of facts (or the documents attached to them) in relation to the applicant's inclusion in one of the categories of persons defined in Article 2(1)(2) of Law No. 2010-IX (broadly speaking, this refers to the inclusion of individuals such as public figures or human rights defenders). These criteria are not outlined even at the level of internal documents within the Commission (regulations, work protocols, etc.). In practice, this creates the potential for almost unlimited discretion (or excessive subjectivity) on the part of the Commission members when making decisions.
- 11) When making decisions that are not in favour of the applicant, the Commission does not consider the existence of other statuses, court decisions that establish certain facts, etc., nor does it provide explanations for such actions (or its stance) to the applicant. Such an approach leads to misunderstandings among applicants and further erodes trust in state institutions in general.

I applied for the status of a victim of human trafficking. In fact, the Ministry of Social Policy recognized that I was in captivity [i.e. granted the status of a victim of human trafficking – Ed.], yet for other ministries, I was not [considered as such]. One ministry acknowledges it, there's a document, they even award payments – 6,000 hryvnias. So, the state confirmed it, not just by an order but also with payments. And yet for the Commission, for this ministry, the fact of captivity does not exist.⁵⁰

- 12) The Commission unjustifiably and contrary to the law assumes 'bad faith' on the part of applicants, instead of operating on the presumption of good faith. In practice, it is the applicant who bears the burden of proving that they were deprived of their personal liberty as a result of armed aggression against Ukraine, and that they belong to one of the categories of persons defined in Article 2(1)(2) of Law No. 2010-IX. Given the practice of issuing 'unmotivated refusals' (where applicants do not understand what specific deficiency in the documents needs to be addressed or strengthened), the process of proving their case becomes particularly difficult. This is exacerbated by the fact that applicants usually submit documents to the Commission independently, and not all of them are entitled to free legal aid from the state or receive support from NGOs.

My husband is in the military. After we were released from captivity, he was interrogated by the SSU because he is an active soldier. Now, after checking with people from the Commission, I was told, 'Provide evidence that you are patriotic, that you weren't captured just like that.' My husband is in the military, yet I still have to prove that he is patriotic.⁵¹

50 Focus group materials, 21 January 2024.

51 Focus group materials, 12 December 2021.

Due to the closed nature of the Commission's work, it is unclear how frequently the members of the Commission use their right to independently obtain information, documents, and materials necessary for their tasks. Based on decision-making practices, it seems that the members of the Commission mainly limit themselves to reviewing the documents submitted by the applicant.

The Regulations on the Commission place responsibility on the applicant for submitting the documents listed in Article 4 of Law No. 2010-IX (on which the Commission bases its decisions). However, the literal interpretation of Article 4 of the law states that the applicant is only required to submit a written application and does not clearly define whether the Commission or the applicant is responsible for collecting and submitting the other documents or information required. On the one hand, placing the obligation on the applicant to submit the necessary documents or information to the Commission, which serves as the basis for establishing the fact of detention or recognition as a family member, appears justified. On the other, this leads to a situation where the Commission primarily relies on the documents or information provided by the applicant, which can pose significant challenges for many applicants in obtaining the required documents.

I don't understand [how to prove the fact of illegal detention – Ed.], because even the people who could confirm that I was truly in captivity are no longer alive. [...] For example, Viktoriia R., with whom I was in captivity, passed away from cancer last year. I don't even know how to prove this now.⁵²

As an example, an extract from the Unified Register of Pre-Trial Investigations is one of the documents that must be submitted to the Commission. The applicant might need months to obtain this document from the investigator. By contrast, a representative from the Prosecutor General's Office (which conducts procedural oversight of all pre-trial investigations and serves as the owner and administrator of the aforementioned register on behalf of the state) or a representative from the SSU (whose investigative units handle crimes related to violations of the laws and customs of war) would likely have access to this information without significant difficulty. In addition, the Commission could request information directly from investigators and prosecutors regarding the status of the investigation and, if necessary, obtain copies of individual materials from the pre-trial investigation.

The requirement for applicants to submit a 'notification from security and defence forces regarding the individual' appears excessive. This document is listed among the mandatory documents needed to establish the fact of detention or to recognize a person as a family member. However, for civilian applicants, obtaining this document presents significant difficulties. According to the law 'On the National Security of Ukraine', 'security forces' include law enforcement and intelligence agencies, state bodies with special purposes and law enforcement functions, civil defence forces, and 'other bodies tasked with ensuring the national security of Ukraine by the Constitution and laws of Ukraine'. The 'defence forces' include the Armed Forces of Ukraine, as well as other military formations established under Ukrainian law, law enforcement and intelligence agencies, and special-purpose bodies with law

52 Focus group materials, 15 June 2024.

enforcement functions, which 'are responsible for the defence of the state by the Constitution and laws of Ukraine'.⁵³ For civilian applicants, it remains unclear who is responsible for issuing this 'notification', that is, to which body among the security and defence forces should they apply? Moreover, how are applicants expected to determine this on their own based on relevant criteria? The lack of any clarification or information regarding the specific entity responsible for issuing this 'notification', where to obtain it, the form of the relevant document, and other details creates significant legal uncertainty for applicants.

I was interrogated several times by police officers. The SSU never contacted me or questioned me. [...] And I don't have any documentation from the SSU. By law, I require a certificate from the SSU. [...] In 2021, after the law was passed, I went to the Sievierodonetsk SSU and told them that I needed a document under the new law. However, they sent me to the regional SSU office, and from the regional office, I was sent to Kyiv. [...] That was it. It was like being passed around in a game of football. When the resolution for compensation came out, I applied. I waited for nearly a month and a half for them to issue a certificate [regarding my case – Ed.] in the Unified Register of Pre-Trial Investigations. Eventually, he [a representative of the SSU – Ed.] said, 'I'm going on holiday, come back later.' And in the end, time ran out.⁵⁴

Under Ukrainian law, there is a judicial procedure for establishing facts that hold legal significance. This process is used only when no administrative procedure exists for confirming a particular legal fact. In this judicial process, the principle of 'adversarial proceedings' is not applied, and the court is empowered to independently request necessary evidence, thus aiding in the protection of the rights and freedoms of the individual. In our view, the Commission should adopt a similarly proactive role in gathering evidence to either confirm or refute the claims made by applicants.

The Commission under the Ministry of Reintegration should make some requests to the relevant authorities. [...] My conclusion is that the Commission under the Ministry of Reintegration renders its decisions unprofessionally. [...] They twist people's arms.... I have been gathering evidence to confirm my status for two years. While it's understandable that applicants should initially provide certain documents, for those documents that are difficult or impossible [to obtain – Ed.], the applicant should be able to request the Commission to obtain them. They already have access to documents from the SSU, the police, and the prosecutor's office, yet they're acting as though I'm competing in a beauty pageant at my age of 60.⁵⁵

Other reparations programmes have sought to corroborate victims' claims by drawing on additional sources, reports, or official investigations, thereby reducing their evidential burden. A victim-centred approach would offer clear guidance on the requirements for the application process and actively support claimants in substantiating their claims, rather than presuming fraudulence or dismissing claims as false from the outset. Several reparations programmes have incorporated evidential presumptions to this effect. For example, the Colombian Victims' Law (Law 1448 of

53 Law of Ukraine dated 21 June 2018, No. 2469-VIII, 'On the National Security of Ukraine', VRU.

54 Focus group materials, 20 January 2024.

55 Focus group materials, 15 June 2024.

2011) presumes the good faith of the victims (Article 5) and, in the case of land restitution, shifts the burden of proof onto those currently occupying the land, assuming land dispossession was illegitimate unless proven otherwise.⁵⁶ Similarly, Chile's National Commission for Political Imprisonment and Torture (known as the Valech Commission) recognized during its evaluation and qualification of cases that individuals who had been deprived of liberty for political reasons during the Pinochet regime were likely victims of torture, even when this could not be definitively verified due to lack of documentation.⁵⁷

A victim-centred approach would offer clear guidance on application requirements and actively support claimants

13) In the Regulations on the Commission, the voting rules state that the fact of deprivation of a person's personal liberty 'is considered unconfirmed' in the event of an 'insufficient number of votes' during the decision-making process. Generally, the

Commission does not provide applicants with detailed information about the voting results (such as the number of votes 'for', 'against', 'abstained', 'did not vote', or 'absent'), opting instead for the broad statement that 'the decision did not receive a sufficient number of votes' (some applicants perceive this as indicative of the Commission's lack of transparency). It is suspected that some Commission members, in cases of disagreement with the decision, simply 'abstain' without providing a rationale or do not vote at all.

- 14) There is excessive secrecy surrounding the Commission's activities. The only form of public reporting available is brief news updates on the Ministry of Reintegration's website.

*There should still be some reporting or dialogue to understand how decisions are made. It feels like a 'closed club' that discloses nothing. They claim everything is classified, and that's the end of it.*⁵⁸

- 15) The process of establishing facts is significantly more complicated for Ukrainian citizens who found themselves abroad after their release.

*I was informed that there was such a commission. This was according to a representative of our regional administration. But the issue arose with the need to collect documents and a certificate of IDP status. I couldn't obtain it for myself, and everything stopped at that certificate.*⁵⁹

Numerous cases are known where civilians, after being released from places of imprisonment in occupied territories (outside of official exchanges), ended up abroad (in other countries) and were either unable to return (due to financial, family, or other personal issues) or were afraid to return to the territory controlled by Ukraine (particularly men of conscription age due to mobilization). Although Law No. 2010-

56 Nicole Summers, 'Colombia's Victims' Law: Transitional Justice in a Time of Violent Conflict?', *Harvard Human Rights Journal*, Vol. 25, 2012.

57 Comisión Nacional sobre Prisión Política y Tortura, *Informe*, 2004.

58 Interview 5, 2023.

59 Focus group materials, 15 June 2024.

IX and the Regulations on the Commission do not explicitly prohibit establishing the fact of deprivation of liberty for such civilians, they do not account for the specific circumstances in which these affected individuals find themselves. For example, there are no provisions for processing and submitting documents or documenting crimes against individuals with the assistance of Ukrainian diplomatic institutions abroad. It is notable that in Iraq, there is a move to introduce diplomatic liaisons in Germany and Australia to assist victims of ISIS abroad with completing reparation claims forms, so this initiative is not without precedent.

A similar, albeit more challenging, issue exists for those freed civilians who remain in occupied territories and cannot leave.

- 16) The Commission often demands excessive detail regarding the information and documents submitted by applicants. For instance, there have been cases where applicants were required to provide not just written witness statements but also statements with notarized signatures (to prevent forgery by the applicant), although the law does not stipulate such a requirement, and notarial services entail additional costs for the applicant.

I collected documents worth 800 hryvnias yesterday. Look at this stack. This isn't even all of it; there's more to add. These are three copies. This is in addition to the application... [...] And right now, I need medical assistance but hesitate to apply because I've already spent 800 hryvnias on papers. Everything is in this state.⁶⁰

While it is possible that some applications may come from unscrupulous individuals who significantly distort aspects of their imprisonment, it is difficult to imagine outright forgery of documents being a common issue, especially given the presence of representatives from all law enforcement agencies in the Commission, including the SSU.

- 17) At Commission meetings, cases involving both civilians and combatants are considered simultaneously, despite the different issues they raise. The vast majority of cases involving military personnel are straightforward, as the fact of their captivity is supported by relevant documents. Even in cases lacking supporting documents, it tends to be a matter of an official investigation within the relevant department rather than a Commission-level decision. Conversely, most civilian cases are challenging to evaluate and resolve. The need to handle 'undisputed' cases of combatants diverts significant resources from the Commission, which could be more effectively utilized in considering civilian cases. Given the relevant legislation, it is difficult to understand why a Commission procedure is necessary for establishing the fact of deprivation of personal liberty for combatants; if such a procedure is required, it raises the question of why it is not managed by the Ministry of Defence of Ukraine.
- 18) The fact-finding procedure does not apply to foreigners and stateless individuals (civilians). Foreigners and stateless persons, including those with a residence permit in Ukraine, are unable to benefit from the social protection provided under Law No. 2010-IX.
- 19) The fact-finding procedure does not address the specific circumstances surrounding the illegal deprivation of personal liberty of children (individuals under the age of 18).

60 Focus group materials, 15 June 2024.

While Law No. 2010-IX and the Regulations on the Commission do not preclude the establishment of facts regarding children, they fail to consider the unique aspects of a child's situation and the specific forms that deprivation of personal liberty may take, both in the temporarily occupied territories and within the territory of the aggressor state. For instance, there is no clear guidance on whether placing Ukrainian children (taken from their parents – Ukrainian citizens, or those who were left without parental care as a result of military operations) in Russian orphanages (whether in occupied or Russian territory) or transferring them to Russian families for upbringing should be classified (under what conditions) as 'deprivation of personal liberty as a result of the armed aggression of the Russian Federation', etc.

- 20) Prolonged processing of applications. According to the Regulations on the Commission, meetings should be convened 'when necessary, but not less frequently than once a quarter'. Respondents we interviewed commonly reported delays in receiving decisions and notifications from the Commission, despite their expectations for quicker assistance. The issue of lengthy processing is somewhat mitigated in cases involving official exchanges, where decisions are made more promptly. However, even in these situations, the time taken to reach a result is often unsatisfactory. For example, one respondent, who was released on 29 December 2019 as part of an official exchange, only received a decision from the Commission (then the interdepartmental commission under the Ministry of Veterans' Affairs) on 27 February 2020, with the one-time financial assistance being issued in the spring of 2020. This individual required financial support immediately after release, given their prolonged imprisonment, lack of employment, difficult financial situation, and absence of social ties in Ukraine-controlled territory. This is not an isolated case; other similar situations have been reported.

A person returning from captivity often lacks even the funds to buy food or renew documents. They come out and need to submit this statement for 100,000 within a few days. Last year, I know of a person who waited two months for payment.⁶¹

these individuals [released from captivity – Ed.] don't even have money for travel, let alone to buy cigarettes for those who smoke. [...] The women ... who ... with their health and lives [shattered – Ed.], don't even have money for sanitary products. Do you understand? [...] Not to mention some cosmetics. They are not in prison any more; they are free. They want to come out. To meet people. And what help are they getting? This 100,000 is what we're really fighting for. Because it's a struggle to get it.⁶²

- 21) Lack of public information to analyse and explain the work of the Commission in applying the legislation. For instance, there is a lack of analysis regarding the Commission's understanding of the category of persons covered by the relevant legislation. Such analysis could assist applicants and their representatives in justifying their claims (by submitting documents) taking into account the Commission's position, or in challenging a refusal to establish a fact on the grounds of alleged non-applicability of the relevant legal norms to the applicant.

Individual study participants have subjectively identified other issues. However, in the descriptions provided above and below, we have only mentioned those that received support (repeatedly) from other participants and seemed particularly worthy of attention.

61 Focus group materials, 16 February 2024.

62 Interview 33, 2020.

2.2 Status of a survivor of conflict-related sexual violence

The deprivation of personal liberty during an armed conflict is often accompanied by various forms of sexual violence, which may be used as a method of interrogation and/or as a means of punishment, intimidation, humiliation, etc. Electric shocks to the genital area, forced exposure, threats of rape, or even rape itself, have been systematically used in detention facilities by the aggressor state since 2014, particularly as methods of interrogating civilians and prisoners of war.⁶³

Since 24 February 2022, the OHCHR has documented 149 cases of Conflict-Related Sexual Violence (CRSV), affecting 94 men, 51 women, and 4 girls, committed by servicemen of the Russian armed forces, employees of Russian law enforcement agencies, or staff from Russian penitentiaries in occupied territories or in the Russian Federation (as of 31 July 2023).⁶⁴

According to Ukrainian authorities, as of 1 May 2024, Ukrainian prosecutors have recorded 292 incidents of CRSV since the onset of the full-scale invasion (targeting 103 men, 189 women, and 15 minors, including 14 girls and 1 boy).⁶⁵ These numbers continue to rise. However, a significant number of cases do not appear in official statistics, as many victims do not report these incidents to law enforcement agencies and/or remain in the temporarily occupied territories. Furthermore, the Office of the Prosecutor General's official statistics continue to overlook cases of CRSV that occurred during the first eight years of war, from 2014 to 2022.

Numerous instances of sexual violence by Russian security forces are cited in the 2023 US State Department *Ukraine 2023 Human Rights Report*.⁶⁶ Almost every second civilian interviewed by the EUCCI since 2014 has mentioned sexual violence in detention centres, which they either witnessed, heard about, or personally endured. CRSV, in its various forms, has been widespread since 2014, at the very beginning of the armed aggression against Ukraine, as the EUCCI has frequently reported in its publications, studies, and other materials.⁶⁷

Almost every second civilian interviewed since 2014 has mentioned sexual violence in detention centres

On 20 November 2024, the Law of Ukraine 'On the Legal and Social Protection of Survivors of Sexual Violence Related to the Armed Aggression of the Russian Federation Against Ukraine, and on Providing Them with Urgent Interim Reparations' (hereinafter referred to as Law No. 4067-IX)⁶⁸ was adopted. It is due to enter into force on 18 June 2025.

63 See for example, the EUCCI report, *War without Rules: GBV Related to the Armed Conflict in Eastern Ukraine*, Luhansk, 2017.

64 OHCHR, *Report on the Human Rights Situation in Ukraine: 1 February–31 July 2023*, UN in Ukraine, released on 4 October 2023, para. 60.

65 'Results of Activity', Office of the Prosecutor General, Ukraine.

66 US Department of State, *Ukraine 2023 Human Rights Report*, Country Reports on Human Rights Practices for 2023.

67 See for example, the EUCCI report, *War without Rules: GBV Related to the Armed Conflict in Eastern Ukraine*.

68 Law of Ukraine dated 20 November 2024, No. 4067-IX, 'On the Legal and Social Protection of Survivors of Sexual Violence Related to the Armed Aggression of the Russian Federation Against Ukraine, and on Providing Them with Urgent Interim Reparations', VRU.

This law establishes the fundamental principles of state policy regarding the legal and social protection of survivors of sexual violence related to the armed aggression of the Russian Federation against Ukraine, as well as the provision of urgent interim reparations.

In contrast to the draft law originally submitted to parliament – which was developed with extensive input from NGO representatives – the final version of Law No. 4067-IX saw the legislator replace the term ‘status of a survivor of sexual violence’ with ‘legal and social protection’ of survivors.

Law No. 4067-IX stipulates that, in order to determine whether an individual qualifies as a survivor of sexual violence related to the armed aggression of the Russian Federation against Ukraine, and to ensure effective access to urgent interim reparations, a Commission for the Recognition of Survivors of Sexual Violence Related to the Armed Aggression of the Russian Federation Against Ukraine is to be established under the Ministry of Social Policy of Ukraine.

It is worth noting that Law No. 2010-IX, unlike Law No. 4067-IX, does not explicitly reference the principle of ‘presumption of legality of the applicant’s actions and claims.’ However, the Law of Ukraine ‘On Administrative Procedure,’ which came into effect on 15 December 2023, and also applies to the legal relationship between the applicant and the Commission established under Law No. 2010-IX, does uphold the relevant principle of the ‘presumption of legality of person’s actions and claims’ (i.e., actions and claims are considered legitimate until proven otherwise during the examination or resolution of the case).

Under Law No. 4067-IX, ‘urgent interim reparations’ refer to a set of measures designed to address the immediate needs of survivors of sexual violence related to the armed aggression of the Russian Federation against Ukraine. These measures are implemented to restore the violated rights of such survivors.

Nearly all participants in the focus groups conducted by the EUCCI with former civilian prisoners and relatives of those detained, and with representatives of NGOs, expressed support for the introduction of not only social protection but also a separate legal status for individuals who have suffered from CRSV.

In March 2024, Ukraine launched a *Pilot Project* to provide urgent interim reparations to survivors of sexual violence related to the armed aggression of the Russian Federation against Ukraine. The implementation of the Pilot Project was initiated by the Global Fund for Survivors of Conflict-Related Sexual Violence (hereinafter Global Survivors Fund).

The main objectives of the Pilot Project are to:

ensure access for survivors of sexual violence to immediate interim reparations to prevent irreparable harm and create a model that can be used to develop a full-fledged national reparations programme for survivors of sexual violence and potentially other victims of Russian armed aggression against Ukraine.

Affected individuals who met the criteria of the Pilot Project have received interim compensation of €3,000 per person. The first stage of the Pilot Project, which ran from

March to July 2024, was limited to 500 victims. Disbursement was made from funds provided by the Global Survivors Fund through existing humanitarian channels, with the support of potential implementing partners such as the UN High Commissioner for Refugees and/or the UN Population Fund. Following the Pilot Project, there is potential for its continuation and expansion through attracting additional funding and/or its transformation into a state programme as a result of relevant legislative approval.⁶⁹

It should be noted that although payments under the Pilot Project are referred to as 'reparations', they are funded by the governments of France and Belgium, which are not parties to the armed conflict. In this instance, it is more a demonstration of international solidarity and humanitarian support for affected Ukrainian citizens, rather than the establishment of a mechanism to hold the states directly involved in the conflict financially accountable. In essence, the funds disbursed are not significantly different from other forms of humanitarian aid provided by numerous international and Ukrainian organizations to those affected by the war (including survivors of sexual violence), whether in monetary or material form, or in the provision of paid services.

This interpretation is supported by the limited involvement of the Ukrainian state in the mechanism for providing and paying the so-called 'interim compensation' sums. The state's involvement has been confined largely to the inclusion of representatives from state bodies in working groups and management bodies that considered the testimonies of survivors and decided on the granting of benefits. The information collected during the Pilot Project will not be stored by the Ukrainian state but by the aforementioned international NGO, the Global Survivors Fund.

While these payments blur the line between reparations and aid, they do provide some acknowledgement and recognition of the violation of rights suffered by victims, granting them benefits that reflect that legal status. However, the recognition of an individual as a survivor by the Pilot Project will not create any legal consequences for that person in their dealings with the state or other state entities – meaning it won't prevent them from claiming any further reparations in the future.

2.3 State registers with information on affected persons

2.3.1 The Unified Register of Persons Deprived of Personal Liberty as a Result of Armed Aggression Against Ukraine

Based on Law No. 2010-IX, the state created a *Unified Register of Persons Deprived of Personal Liberty as a Result of Armed Aggression Against Ukraine* (hereinafter referred to as the Unified Register). This is a unified state information and communication system designed for the registration, storage, protection, processing, and use of information about individuals who have been deprived of their personal liberty due to armed aggression against Ukraine, as well as their family members. The primary purpose of the Unified

⁶⁹ Global Survivors Fund, Press Release: 'Ukraine adopts law to recognise and provide reparations to survivors of conflict-related sexual violence', 21 November 2024.

Register is to record decisions made by the Commission, register the victims and their family members, and respond to their needs.

Government Resolution No. 1281 approved the procedure for creating, maintaining, and accessing information within the Unified Register. The state, represented by the Ministry of Reintegration (now the Ministry of Development), owns the Unified Register and holds the information processed and/or downloaded. The administrator and technical manager of the Unified Register is the SE 'Ukrainian National Centre for Peacebuilding' (NIB). Members of the Commission established under Law No. 2010-IX have access to the Unified Register as users according to their authority.

Persons for whom the fact of deprivation of their personal liberty was established, as well as their recognized family members, are entitled to receive information from the Unified Register in the form of an *extract* issued by the NIB.

The extract form was approved by the Ministry of Reintegration by Order No. 51⁷⁰ dated 15 February 2023, but, according to our interviewees, the ministry had not yet issued any extracts. It was only after Government Resolution No. 1182 dated 11 October 2023, introduced changes to the procedure for maintaining the Unified Register, that the task of issuing extracts was transferred to the NIB.

*This register should have been up and running long ago. But it has not functioned properly. Initially, the Ministry of Reintegration was responsible for it, as required by law. We frequently raised this issue, even with Commission members: 'When will this register function properly?' And now, recently, it has been transferred to the National Information Bureau. We need to clarify again who will be issuing these extracts from the register.*⁷¹

Obtaining an extract from the Unified Register is, in fact, the final step in the administrative process of establishing the fact of deprivation of personal liberty (or recognition as a family member of a person deprived of liberty). De jure, the extract from the Unified Register should be considered admissible evidence for establishing this fact (or recognition as a family member).

Participants in the focus groups and interviews conducted by the EUCCI identified several issues and shortcomings related to the functioning of the Unified Register:

- 1) Lack of extracts from the Unified Register. Many people are either unaware of the existence of this document or encounter difficulties obtaining it.

*I know there is a criminal proceeding, but I have not heard about the extract from the register of deprivation of liberty.*⁷²

70 Order of the Ministry of Reintegration dated 15 February 2023, No. 51, 'On Approval of the Form of an Extract from the Unified Register of Persons Deprived of Personal Liberty as a Result of Armed Aggression Against Ukraine', VRU.

71 Interview 4, 2024.

72 Interview 6, 2024.

*Do I know about the 'Unified Register of Persons Deprived of Personal Liberty as a Result of Armed Aggression Against Ukraine'? This is the first I've heard of it.*⁷³

- 2) The extract is not automatically issued to the applicant after the Commission's decision to establish the fact of deprivation of personal liberty or to recognize someone as a member of the family. The extract must be issued by the NIB, upon a separate request from the applicant. However, applicants are often unaware of their right or the practical need to request this document, as well as which entity can issue it.
- 3) Persons in respect of whom the fact of deprivation of personal liberty was considered established before the entry into force of Law No. 2010-IX (on the basis of previous legislation) are not automatically included in the Unified Register. Annual state financial assistance is paid only after entering information about such persons into the Unified Register. Some respondents reported delays in receiving responses to their requests to the Ministry of Reintegration to include them in the Unified Register. However, almost all of them eventually received state financial assistance.

2.3.2 Register of Defenders of Ukraine Held Captive by the Aggressor State

The NIB also maintains the Register of Defenders of Ukraine Held Captive by the Aggressor State (hereinafter Register of Defenders of Ukraine). It contains, among other things, information about civilians who have been unlawfully detained by the aggressor state.

Participants in the interviews and focus groups conducted by the EUCCI did not specifically highlight any shortcomings in the functioning of the Register of Defenders of Ukraine, including difficulties in obtaining information from the NIB. Most people were simply unaware of the existence of such a register, or the possibility or practical necessity of obtaining information in the form of an extract from the register (although they were all familiar with the NIB's operations). One participant in the focus group conducted by the EUCCI contacted the NIB with a request for information about her husband (a civilian held in prison in the territory of the aggressor state) and, within a month, received by e-mail an 'Extract from the Register of Defenders of Ukraine Held Captive by the Aggressor State.'

2.3.3 Unified Register of Pre-Trial Investigations

The Unified Register of Pre-Trial Investigations (URPTI) was created and is maintained in accordance with the Criminal Procedure Code (CPC) of Ukraine to ensure the registration of reported offences and criminal proceedings and the individuals concerned, as well as to record decisions made during pre-trial investigations and the outcomes of court proceedings, etc. The state, represented by the Prosecutor General's Office, is the owner and administrator of the URPTI, under a legal framework provided by the CPC and regulations.⁷⁴

The Regulations on the Commission require applicants to submit an extract from the 'Unified State Register of Pre-Trial Investigations' in cases of criminal proceedings against

⁷³ Interview 7, 2024.

⁷⁴ Order of the Prosecutor General dated 30 June 2020, No. 298, 'On Approval of the Regulation on the Unified Register of Pre-Trial Investigations, the Procedure for its Formation and Management', VRU.

a person.⁷⁵ The applicant (persons affected) in criminal proceedings can obtain an extract through the investigator or prosecutor overseeing the pre-trial investigation. The extract from the register contains information such as the case number, the date of registration of the criminal proceedings, the legal qualification of the criminal offence, the investigation's outcome, and other relevant details.

For victims, possession of an extract from the URPTI serves as proof of the existence of a criminal case and is a necessary document for applying to the Commission for the establishment of the fact (of deprivation of personal liberty)/recognition as a family member.

Participants in the focus groups and interviews conducted by the EUCCI identified several issues and shortcomings related to the URPTI:

- 1) After their release, almost all victims were interviewed by the SSU and police officers, but almost none were provided with an extract from the URPTI. The legal significance of the document was not explained to those who later received it and, as a result, many individuals lost the extract or they could not remember where it was stored.
- 2) Almost none of the respondents interviewed by the EUCCI knew which pre-trial investigative body (police investigative unit or SSU) was handling their case, nor from whom they could obtain an extract from the URPTI. Correspondence with the police regarding the 'case investigation' sometimes took several months.
- 3) Victims were often forced to submit two or more written applications to obtain an extract from the URPTI, as almost no one received the requested document or response after their first application.
- 4) In some cases, investigators required victims to appear in person at the pre-trial investigation body, refusing to send the extract from the URPTI by post. This created significant difficulties for some applicants. For example, one respondent could not visit the investigator in Kyiv because she lived in another region (400 km from the capital) and was caring for her seriously ill husband (see Appendix No. 5).

2.3.4 System for Recording Information on Damage Caused to Personal Non-Property Rights of Individuals as a Result of the Armed Aggression of the Russian Federation Against Ukraine

On 20 November 2024, the Law of Ukraine 'On Recording Information on Damage Caused to Personal Non-Property Rights of Individuals as a Result of the Armed Aggression of the Russian Federation Against Ukraine' (hereinafter referred to as Law No. 4071-IX) was adopted. This law will establish the legal and organisational principles for the creation and functioning of the System for Recording Information on Damage Caused to Personal Non-Property Rights of Individuals. It also regulates legal relations related to the creation and operation of the Register of Information on Children Deported or

⁷⁵ It is worth noting that both in the Regulations on the Commission and in Law No. 2010-IX, likely due to a lack of standard design or drafting oversight, an error was made in the name of the register. The incorrect name 'Unified State Register of Pre-Trial Investigations' was used, whereas the correct name is 'Unified Register of Pre-Trial Investigations'. However, we did not find that this error impacted the functioning of the process.

Forcibly Displaced in Connection with the Armed Aggression of the Russian Federation Against Ukraine.⁷⁶

The system for recording information about damage is an automated information and communication system designed to collect, accumulate, store, protect, record, display, process, and provide information on:

- individuals, including deported or forcibly displaced children, whose personal non-property rights have been harmed;
- damage caused to the personal non-property rights of individuals as a result of the armed aggression of the Russian Federation against Ukraine;
- measures taken to support the affected persons and the amounts of expenditure from state and local budgets, and the budgets of the funds of compulsory state social insurance, allocated for these measures.

Information on damage caused to the personal non-property rights of the affected individual due to:

- 1) death;
- 2) missing under special circumstances, unknown absence;
- 3) leaving a child without parental care, deprivation of parental care, or the inability of parents or other legal guardians to fulfil their obligations to raise and maintain the child;
- 4) injury or damage to health;
- 5) sexual violence related to the armed aggression of the Russian Federation against Ukraine;
- 6) torture, cruel, inhuman, or degrading treatment or punishment;
- 7) forcible detention, illegal imprisonment, captivity, or other forms of deprivation of personal liberty;
- 8) human trafficking;
- 9) forced labour;
- 10) forced displacement, deportation, or abduction;
- 11) forced displacement, deportation, or abduction, forced adoption of children;
- 12) internal displacement, evacuation;
- 13) forced displacement outside Ukraine's borders;
- 14) forced displacement outside Ukraine's borders from territories where hostilities were occurring at the time of departure, or from territories temporarily occupied by the Russian Federation, or as a result of damage or destruction of housing due to hostilities, terrorist acts, sabotage caused by armed aggression, or after evacuation;
- 15) loss of access to medical care, medical services, social services, and educational services;
- 16) other violations of personal non-property rights in cases specified by Ukrainian legislation will be recorded.

It is important to note that information on damage to the personal non-property rights of individuals caused since 19 February 2014 will be subject to registration for Ukrainian citizens, as well as foreigners and stateless persons who were legally present in Ukraine at the time.

⁷⁶ Law of Ukraine dated 20 November 2024, No. 4071-IX, 'On Recording Information on Damage Caused to Personal Non-Property Rights of Individuals as a Result of the Armed Aggression of the Russian Federation Against Ukraine', VRU.

it will be important to ensure a streamlined approach in relation to the work of existing registers and to avoid duplication of effort

Due to the recent adoption of the law, it is currently impossible to assess the effectiveness of the proposed measures. The connection of the proposed System of Registration of Information on Damage with other existing registers, as described in this report, remains unclear. Although the

Ministry of Social Policy's desire to avoid an overly bureaucratic approach to entering information into the system is welcomed, it will be important to establish conditions to ensure a streamlined approach in relation to the work of existing registers and to avoid duplication of effort, particularly for victims.

2.4 Council of Europe Register of Damage for Ukraine

On 14 November 2022, the UN General Assembly adopted Resolution A/RES/ES-11/5 'Furtherance of remedy and reparation for aggression against Ukraine',⁷⁷ which called inter alia for the establishment of an international register of damage for Ukraine.

On 16–17 May 2023, during the 4th Summit of Heads of State and Government, the CoE established the Register of Damage Caused by the Russian Federation's Aggression Against Ukraine (hereinafter, the Register of Damage).⁷⁸ The Committee of Ministers of the CoE approved the Statute of the Register of Damage⁷⁹ on 12 May 2023, by Resolution CM/Res(2023)3. The Register of Damage is based in The Hague, Netherlands.

The mandate of the Register of Damage provides that it:

serves as a documentary record of evidence and information related to claims for compensation for damages, losses, or harm caused on or after 24 February 2022, within Ukraine's internationally recognized borders, including its territorial waters. It applies to all interested individuals and legal entities, as well as to the state of Ukraine, including its regional and local authorities, state or controlled institutions, and other entities affected by Russia's illegal actions in or against Ukraine.

The Register was created as a platform for intergovernmental cooperation that operates within the institutional framework of the CoE.⁸⁰

77 Resolution adopted by the General Assembly on 14 November 2022 (A/ES-11/L.6), 'Furtherance of Remedy and Reparation for Aggression against Ukraine'.

78 Register of Damage for Ukraine, 'The Summit of the Council of Europe created the Registry of Damage for Ukraine as the first step towards the international compensation mechanism for victims of Russian aggression', News, 17 May 2023.

79 Resolution CM/Res(2023)3 'On the Establishment of the Expanded Partial Agreement on the Register of Damage Caused by the Aggression of the Russian Federation Against Ukraine', Committee of Ministers of the CoE, 12 May 2023.

80 Ibid.

In March 2024, the office of the Register of Damage was opened in Kyiv, and on 2 April 2024, the submission of claims began for one category: damage to or destruction of residential real estate. In January 2025, the Register opened a second category for submitting claims for the death of an immediate family member. Applications are accepted exclusively in electronic form. Currently, the rules and forms for additional categories have been approved, which will include claims related to involuntary displacement, violation of personal integrity, including sexual violence, torture and deprivation of liberty, loss of property, income or livelihood, and loss of access to public services.⁸¹ However, most of these additional categories are not yet open for submission. The mandate of the Register of Damage does not provide for evaluating the merits of the received claims, determining the extent of the damages, or assigning compensation. It is envisaged that these tasks will be carried out by a future international compensation mechanism, which is still under development. Work on its creation continues.

It is important to note that the Register's mandate only covers claims for damage, loss, or harm incurred on or after 24 February 2022, and does not address damage caused by armed aggression from 2014 up until the full-scale invasion. Despite these limitations, it is evident that Ukraine is making significant efforts at the international level to establish an effective mechanism for future reparations.

81 Register of Damage Caused by the Aggression of the Russian Federation Against Ukraine, *Categories of claims eligible for recording*, March 2024.

3

Types of social protection for affected persons

“Help should be such as not to increase helplessness in a person!”⁸²

3.1 State financial assistance

Financial assistance is nearly the only form of support from the state that effectively works. When asked about their ‘immediate needs’ after release, most respondents prefer financial assistance. Typically, the need for money surpasses even the need for medical care.

Law No. 2010-IX provides for the following types of financial assistance:

- a) One-time state financial assistance to a person who has been deprived of personal liberty *upon their release* (UAH 100,000, which at the time of writing is approximately USD 2,500).
- b) Annual state financial assistance to a person for whom the fact of deprivation of personal liberty has been established, or to their family members, *during the period* such a person *is in detention* (UAH 100,000 per year).
- c) One-time state financial assistance *in the event of the death* of a person for whom the fact of deprivation of personal liberty has been established, if their death occurred during their detention, or within a year of their release, if the death was due to injury, contusion, mutilation, illness, or accident related to their detention (this is provided to the family members, parents, or dependents of the deceased) (UAH 100,000).

The final and transitional provisions of Law No. 2010-IX also specify a special type of ‘annual state financial assistance’, which consists of a payment of UAH 100,000 (approximately USD 2,500) for each year of detention (rounded to the nearest whole year). This applies to individuals (or their family members during their detention), including those already released, for whom, according to Law No. 2010-IX, the fact of deprivation of personal liberty was established after 20 February 2014, or in respect of whom a decision was made to establish the fact of deprivation of personal liberty as a result of armed aggression against Ukraine after 20 February 2014. In this way, the legislator provided an opportunity for financial assistance, particularly for civilians deprived of personal liberty from the very beginning (from the first phase) of the armed aggression against Ukraine – from 20 February 2014.

The procedure for awarding and paying state financial assistance is regulated by the Procedure for Awarding and Paying Assistance to Persons Who Have Been Deprived of Their Personal Liberty as a Result of Armed Aggression Against Ukraine, and Their Family Members, approved by Resolution of the Cabinet of Ministers of Ukraine dated 15 November 2022, No. 1281 (hereinafter the Procedure for Awarding and Paying Assistance No. 1281).

⁸² Focus group materials, 16 February 2024.

During the study period, the mechanism for payment of financial assistance provided for by Law No. 2010-IX was functional. Although there were delays, victims received financial assistance, including for the past years (since 20 February 2014) of their detention. Some of the respondents who were released from prison by 24 February 2024, received UAH 200,000–300,000 (for all 2–3 years of their imprisonment) in a lump sum payment. This was a pleasant surprise for almost everyone and helped, at least partially, to address their current social and household issues. These payments clearly increased the victims' trust in the state and its institutions.

Focus groups and interviews conducted by the EUCCI have nevertheless identified the following shortcomings and areas of potential improvement related to the payment of state financial assistance:

- 1) Undifferentiated amount of state financial assistance after release. Currently, all victims, for whom the fact of deprivation of personal liberty was established by the Commission after their release, receive a fixed amount of UAH 100,000. However, there are many varied situations of deprivation of personal liberty of civilians in the temporarily occupied territories that were not widespread before the full-scale invasion. For example, people kept in so-called 'filtration' camps in 2022.⁸³ Such cases are usually not considered within the scope of Law No. 2010-IX, as it is evident that the state is financially unable to provide each such person with UAH 100,000 in financial assistance. In our opinion, a significant number of the Commission's decisions on non-confirmation of the fact of deprivation of personal liberty are connected with the reluctance (or lack of financial resources) to pay financial assistance.

The EUCCI proposes the idea of clearly demarcating the procedure for establishing the fact and state financial assistance, by setting differentiated rules for the latter's award and payment. For instance, a civilian who was held in a detention centre for a few hours without

physical violence (without health consequences) could be recognized as having been deprived of personal liberty as a result of armed aggression and receive financial assistance at the minimum amount (sufficient to address their immediate social problems). Alternatively, such individuals could be offered other types of assistance instead of financial assistance. Conversely, a person who had been detained for a long period and/or suffered serious health damage could claim a much larger (maximum) amount of monetary assistance. Priority should also be given to those who suffered torture and sexual violence in filtration camps.

a significant number of refusals to recognize detainee status appear related to lack of funds to pay assistance

Interactions with victims show that not everyone is solely interested in state assistance. For some, the mere fact of being recognized as a victim of armed aggression is important. Some affected individuals view this recognition as a first step towards future reparations directly from the aggressor state. Introducing

83 UN Security Council, 'Reports of Russian Federation Forces Putting Ukrainian Civilians in "Filtration" Camps Must Be Investigated, Senior Officials Tell Security Council', SC/15023, Meetings coverage and press releases, 7 September 2022.

differentiated approaches will undoubtedly complicate the Commission's work, requiring the development of additional evaluation criteria. However, such measures could make the assistance payment mechanism fairer and potentially increase trust in public authorities.

- 2) Inadequate legal regulation of award and payment of financial assistance. Both Law No. 2010-IX and the Procedure for Awarding and Paying Assistance No. 1281 primarily address the activities of the Commission. They do not specify the purpose of financial assistance, its essential content, or answer many questions related to it. For instance, issues arise when money is paid to a family member of a detained person. Can the family member use the money for personal needs? Should the funds be used for the detainee's needs (if applicable) or saved until release? Questions also persist regarding how multiple family members (dependents) should split the allowance, especially if they live separately at the time of the assistance payment (e.g. children from different marriages or retired parents and the prisoner's spouse). To address these issues, provisions from Law No. 2011-XII on payments to the families of deceased servicemen (Arts 16, 16-1, 16-3) could be used as a model, as these are addressed more effectively in that context.
- 3) Absence of financial assistance for families of deceased civilians if death occurred before the establishment of the fact of deprivation of liberty by the Commission. Both one-time and annual state financial assistance are paid only after the fact of deprivation of personal liberty has been established. One-time state financial assistance in the event of death is available to family members, parents, or dependents of a deceased person whose deprivation of personal liberty has already been confirmed. This means that monetary assistance is only available after the fact of deprivation has been established. Law No. 2010-IX appears not to provide for establishing such a fact in cases where the person has already died due to natural causes by the time the Commission considers the issue. During the study, we identified several cases where freed civilians did not have time to appeal to the Commission and died while engaged in the war as combatants (both those who were mobilized and those who voluntarily joined the armed forces), or died of natural or violent causes while still classified as civilians.
- 4) Lack of monthly financial assistance after release (ongoing financial support for rehabilitation and social adaptation). In addition to the one-time financial assistance upon release and the annual financial assistance during imprisonment, there is a need to introduce monthly state financial assistance after release for a significant number of former civilian prisoners. Currently, recipients of the Levko Lukianenko State Scholarship receive a monthly stipend amounting to approximately USD 225 as of 2025. Recipients of this scholarship, with whom the study authors communicated, highlighted the crucial role of this monthly payment in adapting to ordinary life.

Financial support was important to me at that time because I could not go to work. I was in such a psychological state that I did not leave the house for about half a year. Financial support was crucial for my recovery [...] at least for a year to find my footing in this world. And then, I was in captivity for only two months.⁸⁴

84 Focus group materials, 13 January 2024.

*I think some sort of permanent financial assistance [is necessary, – Ed.] like a pension or something.... At least UAH 5,000 a month. Something like that. It would be a form of recognition from the state.*⁸⁵

- 5) Absence of special financial assistance for children under 18, including for special needs, specific rehabilitation programmes, assistance in the field of education, etc. This applies both to children who have been deprived of personal liberty and to those who have lost one or both parents due to death in custody or after release, or whose parents are held in illegal detention.

When I arrived here [in Dnipro – Ed.], I had 50 dollars. That's it. I didn't have anything else. Myself and my child. Plus, I faced the issue of the school not recognizing her certificate; they didn't want to accept her. They started rejecting her from schools. When all this happened, she finished the ninth grade. We received the 'DPR' certificate and came here. They told me, 'We will not accept your child in the tenth grade. Let her repeat the ninth grade.' [With the help of a UN agency – Ed.] they gave a month to re-certify according to Ukrainian regulations, then issued a new Ukrainian certificate for the ninth grade to my daughter. My daughter had to retake the exams. They created a special group at school, for which they disliked us, as there was extra work for them. As the school director told me, 'I don't get paid for this. Why should I do it?'⁸⁶

Eight years [after his disappearance – Ed.], his child is 12 years old, with absolutely no help. The state seems to despise him as a defender, and us as a family, and his child. Do you understand? All those in captivity or hospitals [the military personnel – Ed.] receive payments, salaries, etc. But there is a law that families of the missing are supposed to receive benefits equal to those of families of the deceased. Nothing works; I can't get any information, and there is no political will. I'm sent to the Commission on Missing Persons, which everyone knows does not work. My son is listed as missing in the police and registered as a hostage in the SSU, with information from 2019 that he was held and tried in Russia. I am in a state of limbo. I am nobody and nowhere. Well, I've lived my life, I'm already old, I'll live for some more, and that's it. But there is his child.... Let it be not state aid, maybe some benefits, but his child should at least know that his father was a warrior, a defender, not just someone who disappeared.^{87,88}

I still hate the word 'displaced'. I don't want to go somewhere else to get medical care for my child or myself ... [I don't want to – Ed.] panic at the thought of losing this displaced person's paper. I have a Ukrainian passport. But in just two weeks, I will have to face all this again because my son will receive a passport. A passport is not issued without a certificate of residence. And where can I get a certificate of residence in Luhansk in Kyiv? Or, as they explained to me, it might be a 'somewhat different' passport. Why should my child, a Ukrainian citizen receiving his first passport in his life, not have the same one as everyone else?

What hurt me most was the misunderstanding from the children at school. My child was beaten at school in 2014. He was new, and they beat him just because they didn't like the

85 Focus group materials, 13 January 2024.

65 Interview 8, 2023.

87 Focus group materials, 12 December 2021.

88 From the story of the mother of a captured defender who is considered missing. State authorities do not recognize the missing man as a combatant and consider him a civilian.

*boy. It was incredibly painful for me. In September 2014, with so much going wrong at home, to face such simple misunderstandings was hard. And ... the school did nothing to explain. As a joke, the children in my son's class would say when his father went on a business trip sometimes to the east of Ukraine, 'So, has your dad been shot already?'*⁸⁹

- 6) Deduction of the bank's commission when crediting financial assistance. It seems prudent to legislate to prevent banks from charging commissions for the deposit and withdrawal of financial assistance, as not all victims can navigate the process of opening a 'commission-free' account in a timely manner.

*I was paid this assistance. And about a thousand went to the bank. Some percentage. Well, ninety-nine [remained on the account – Ed.].*⁹⁰

- 7) Reduction in the purchasing power of financial assistance. One-time financial assistance for victims was first introduced in January 2018, amounting to UAH 100,000 (USD 3,500 at that time). Since then, the amount in hryvnias has remained unchanged, but its purchasing power is continually decreasing due to inflation (currently, it is about USD 2,500).

*I would like the amount of 100,000 to be fixed relative to the dollar. The money has lost its value, even compared to 2019. Back then, the dollar was 27–29, and now it's 40. Is it inflation? You can't buy the same with that amount; everything has become more expensive.*⁹¹

- 8) Denial of other forms of state assistance (unrelated to the status of being deprived of personal liberty) after receiving financial assistance under Law No. 2010-IX. This includes, but is not limited to, subsidies for housing and communal services, and for the purchase of liquefied gas and solid and liquid household fuel, as well as housing assistance for IDPs. For instance, a housing subsidy is not assigned (or renewed) if, on the first of the month from which the housing subsidy is to be assigned, anyone in the household or a family member has a deposit account (or accounts) with funds exceeding UAH 100,000. A similar rule applied to housing assistance for IDPs, but in January 2024 the government amended this rule to state that the regulation regarding funds in a deposit account does not apply to IDPs whose family members receive annual or one-time state financial assistance as individuals deprived of personal liberty due to armed aggression against Ukraine.

*I have a child entering [an educational institution – Ed.]. So I have so many expenses now. [...] It's good that I received these 100,000, which I'm saving, because I know I have a child to support. And the younger one is starting school. And I am alone. I have to pay the bills and all the rest. Well, people don't seem to respond to that. No matter where I applied – for subsidies or anything else – I was refused a few times. Rejection because you received 100,000. And what is 100,000 over two years? What is 100,000? It's nothing at all. And wherever you go – refusal, refusal.*⁹²

89 Interview 9, 2019.

90 Interview 10, 2021.

91 Focus group materials, 15 June 2024.

92 Focus group materials, 20 January 2024.

3.2 Other types of social protection for released persons

Priority measures to ensure the social protection of released persons are regulated by CMU Resolution dated 28 October 2022, No. 1210, 'Some Issues of Implementation of Priority Measures to Ensure Social Protection of Released Persons' (hereinafter – Resolution No. 1210).⁹³

This resolution, in a generalized form, covers the organization of meetings between released persons and their family members, the provision of food and basic necessities, and escort to healthcare facilities, among other measures. These responsibilities fall on the regional military administration in the territory where the release took place, in cooperation with security and defence forces, under the coordination of the NIB.

The priority measures introduced by Government Resolution No. 1210 appear generally adequate and do not raise significant concerns.

However, these measures apply exclusively to combatants and civilians released under the official exchange procedure, as per the Procedure for the Transfer of Enemy Prisoners of War to the Aggressor State and the Release of Defenders of Ukraine Held Captive by the Aggressor State, approved by CMU Resolution No. 441 of 12 April 2022 (restricted access 'For official use'). The majority of civilians, both before and after 24 February 2022, were released outside the official exchange procedures and therefore unfortunately have not received appropriate assistance.

The foundations for the social protection of released persons are laid down in Law No. 2010-IX.

On 15 March 2024, a year and a half after the entry into force of Law No. 2010-IX (19 November 2022), the government adopted the important Resolution No. 296, which approved the Procedure for Carrying Out Restorative (Post-Isolation, Reintegration) Measures, Adaptation and Support of Persons Deprived of Personal Liberty as a Result of Armed Aggression Against Ukraine, Following Their Release (hereinafter – Procedure No. 296).⁹⁴ The implementation of Procedure No. 296 will require the approval of departmental regulations by various state bodies. Therefore, at this stage, it is too early to draw definitive conclusions or evaluate the effectiveness of implementation.

3.2.1 Medical and rehabilitation assistance (including psychological assistance), and sanatorium treatment

Former detainees very often require both immediate and long-term physical and mental healthcare. Focus groups and interviews conducted by the EUCCI have identified the following problems and areas of potential improvement related to these types of assistance:

⁹³ Resolution of the CMU dated 28 October 2022, No. 1210, 'Some Issues of Implementation of Priority Measures to Ensure Social Protection of Released Persons', VRU.

⁹⁴ Resolution of the CMU dated 15 March 2024, No. 296, 'On Approval of the Procedure for Carrying Out Restorative (Post-Isolation, Reintegration) Measures, Adaptation and Support of Persons Deprived of Personal Liberty as a Result of Armed Aggression Against Ukraine, Following Their Release', VRU.

*I did not receive any official status. When I go to hospitals, they tell me, 'Sorry, you need to pay for your own treatment. If you can't afford it, that's your problem. If you were a participant in hostilities, you'd have certain privileges. But as you're not a combatant, we can't help you.'*⁹⁵

*It is necessary, maybe as a recommendation for the Ministry of Health, to issue a decree instructing doctors to provide free medical assistance to those released from captivity. Basic medical services should be offered urgently, without requiring a certificate from the Ministry of Reintegration.*⁹⁶

*Many young women spent a significant amount of time in captivity and did not receive any medical care, and now they lack opportunities to restore their health. And there, they even lost the ability to have children. [...] It's not only consultations that are needed but also therapy and support, including sex therapy for young couples, for families that are even not at such a young age, and even [don't know – Ed.] how to talk about it. Sometimes, a woman may struggle when her husband touches her. Unfortunately, no state or foundation programmes provide for a sexologist, even though it's critical.*⁹⁷

- 1) Lack of medical, rehabilitative, and psychological assistance and sanatorium treatment for those released outside official exchange procedures. The indicated types of assistance can be received by victims only on the same terms as by other Ukrainian citizens.

*I applied to local [hospitals – Ed.]. And they referred me to Kyiv, but nothing was done. They told me, 'You need surgery, but that will require funds.' No one ever mentioned anything about free treatment. For two years after my release, I didn't have an official SSU certificate. I told them I'd been in captivity, I'm this and that ... but no one cared. Even when I got the certificate, no one paid any attention to it. This is your certificate, these are your problems. Why have you come here? You should have defended Ukraine there. And that's how it has been ever since.*⁹⁸

- 2) Lack of free dental care (treatment, prosthetics, etc.) Nearly every respondent reported severe dental issues that developed during their captivity, along with the significant costs of dental care.

*I developed scurvy [while in captivity – Ed.] in 2019, and I lost six teeth. Many more were damaged, and it happened very quickly.*⁹⁹

Nearly every respondent reported severe dental issues that developed during their captivity

Some respondents stated they spent their entire lump sum of state financial assistance solely on dental care, and even that was not enough to cover the costs. While NGOs sometimes covered these costs or arranged free care for victims, this practice is inconsistent

95 Interview 11, 2016.

96 Focus group materials, 15 June 2024.

97 Focus group materials, 13 January 2024.

98 Focus group materials, 20 January 2024.

99 Focus group materials, 15 June 2024.

and unsustainable. The recently approved Procedure No. 296, mentioned above, does not address dental care. Some victims also highlighted the need for dedicated programmes to treat tuberculosis, hepatitis, and prosthetics, especially for civilians.

- 3) Lack of a 'medical' assistant or case manager. Victims often find it emotionally difficult to explain their experiences of captivity and the resulting health issues to each new doctor. Victims and human rights defenders talk about the need for an assistant / case manager (to record and transfer information from one doctor to another), which should prevent re-traumatization of the person.

*It is difficult to come and constantly have to first tell your family doctor, then the surgeon, then the endocrinologist, and then the gastroenterologist, that I was starved, that I was tortured ...*¹⁰⁰

- 4) Insensitive attitude of medical staff towards affected individuals This applies to both junior medical staff and doctors.

*I went and said ... I didn't say that I was raped. I said that I was sexually assaulted. The doctor replied: 'Well, so what?'*¹⁰¹

- 5) Lack of health monitoring after release. There is a need for periodic medical examinations (including laboratory tests), not just medical check-ups and short-term treatment immediately after release.

*In the cities, in the health ministries, in medical organizations, doctors and staff need to be informed in general about the status of former prisoners ... about the mechanism of assistance ... 'Oh, you were a prisoner, right? Well, it's mandatory to test for tuberculosis, it's mandatory to test for AIDS, it's mandatory to test for syphilis, you must undergo these tests.'*¹⁰²

Monitoring the health of released individuals and providing medical care based on the results of such monitoring, in our view and in the opinion of many victims, should continue for an extended period. This is necessary to observe changes (deterioration) in health and to provide timely medical assistance. Victims emphasize that certain illnesses may emerge, develop, or manifest some time after release.

There have been rare cases where released individuals have died due to illnesses that arose or developed shortly after release. Of course, it is difficult (and sometimes impossible) to prove that a particular illness is directly caused by arbitrary detention. However, almost none of our respondents doubted this connection.

Later I lived in Europe, and in Sweden I had a medical examination, which showed that I had been infected with hepatitis C. Before my captivity, I had been a blood donor. The only possibility of contracting it was through knife wounds. I had good

100 Interview 12, Nataliia Melnyk, Coordinator of Projects and Programmes at the Blue Bird NGO, member of the Commission, 2024.

101 Focus group materials, 13 January 2024.

102 Focus group materials, 15 June 2024.

*immunity, but now it is entirely spent fighting this disease. And treatment, just supportive care is 140,000 per year. I started to get sick very often.*¹⁰³

- (6) Lack of institutional capacity of social protection authorities to provide adequate assistance and support to released persons. The relevant authorities (departments, administrations, social protection departments at village, settlement, and city councils, military administrations) vary in institutional capacity and the level of specialist training. Victims assessments are critical of these authorities' ability to provide adequate assistance and social support to released persons. Personal experiences show that the assistance provided is often limited to assigning various forms of financial aid, such as IDP support or subsidies, and occasionally humanitarian aid in the form of food and basic necessities. At the same time, some participants from NGOs offering assistance (humanitarian, legal, psychological, medical, etc.) to former detainees and their families noted the high potential of social protection bodies in certain communities. They suggested that, in future, these bodies could bear the main responsibility for supporting released persons. In instances where local social protection bodies delivered quality services to victims of war, this was largely due to the leadership of the local authority or relevant institution.
- 7) Lack of sanatorium and resort treatment. Most of the respondents had not utilized sanatorium-resort treatment services and had never been informed about such an opportunity by any state actor. Victims released via official exchange procedures typically only underwent one-off rehabilitation in state institutions for veterans, which began to accept civilians only after 24 February 2022.
- 8) Unsatisfactory quality of medical services in state and community clinics. Most victims are critical of the quality of medical services provided. They noted instances of tactlessness by junior medical staff and doctors, long queues, indifference from doctors, and difficulties in accessing primary medical documentation.

*Immediately after my return, I was offered to go to the city of 'X' for psychological rehabilitation at the 'N' boarding house. I didn't go. They offered me other places several more times. My friends went. From their stories, I understood that it was just banal drunkenness, nothing useful. I don't believe I can get professional help. It seems to me that there are no professional psychologists in the country who can help. I had nervous breakdowns and conflicts with my family.*¹⁰⁴

*[M]y first filling fell out. It fell out after just an hour. Well, I thought it was just a one-off.... I got home [...] bought some food on the train, ate something, and my second and third fillings fell out [...] on the same day.*¹⁰⁵

Because of these experiences, some victims who can afford it seek treatment in private clinics, while those who cannot often avoid seeking medical help altogether. Victims understand that the quality of care in state clinics is a systemic issue that is unlikely to be resolved in the short term. Some suggested the possibility of victims receiving treatment in private clinics (by their own choice and with their consent) funded by the state medical guarantee programme.

103 Interview 13, 2016.

104 Interview 14, 2016.

105 Interview 32, 2024.

- 9) Lack of forensic medical examination for purposes of criminal investigation. The vast majority of victims did not undergo forensic medical examinations, and their criminal case files lack documents recording their physical injuries (nature, location, severity, etc.).

When I said I wanted to report my injuries, they told me no one would document the injuries without a police officer. When the police arrived from Starobilsk, they saw me and said, 'We won't give you a referral for a forensic examination.' But after lengthy discussions and pressure, we ... insisted on it, and under the threat of reporting them to the prosecutor's office, they eventually gave us the referral, and we went to the forensic specialist.¹⁰⁶

Forensic medical examinations during pre-trial investigations are conducted based on a resolution issued by the investigator or prosecutor. A victim in criminal proceedings has the right to request a forensic medical examination, but almost none of the released persons exercise this right, often due to a lack of awareness of their rights and/or the absence of a representative (such as a lawyer) to facilitate and process the appropriate application. Investigators and prosecutors, for various reasons, frequently fail to appoint forensic medical examiners, which subsequently complicates or even prevents confirmation of the presence of bodily injuries, as well as their nature, location, and degree of severity. Even basic body mapping would help to document evidence that could establish the extent of the harm.

The newly approved Procedure No. 296 includes an amendment that provides for a medical examination to record all existing physical injuries. However, it is understandable that the procedure does not mention forensic medical examinations, as such examinations are investigative actions, and the procedure for conducting such actions (as part of criminal proceedings) is governed solely by the criminal procedural legislation of Ukraine. Nevertheless, it would be advisable for Procedure No. 296 to remind healthcare institutions (or designated responsible personnel) that, following the initial medical examination, they are obliged to notify the pre-trial investigation body and/or prosecutor about the availability of the medical examination results, and offer the originals of the relevant documents when requested for forensic medical examination purposes.

- 10) Lack of appropriate support for former detainees in interacting with a wide range of professionals including journalists, human rights defenders, law enforcement officers, public figures, etc. When agreeing to interviews, participating in television programmes, or engaging in other public activities, victims often underestimate the potential impact on their mental health. Therefore, rehabilitation programmes (particularly those offering psychological support) could include guidance on processing emotional reactions and, during rehabilitation, it would be helpful for victims to be informed about their right to set boundaries, the options available for responding to inappropriate behaviour, and the possibility of enlisting support from assistants, including psychologists, lawyers, human rights defenders, relatives, friends, or others, depending on the circumstances.

106 Interview 15, 2018.

The specific issue of medical care for civilian detainees who had suffered CRSV is the subject of a previous analytical report by EUCCI.¹⁰⁷ The findings and proposals from this study are highly relevant for civilian detainees generally.

3.2.2 Provision of housing for temporary residence

The housing problem is usually defined by former detainees as one of the key problems after release. It concerns, in particular, but not exclusively, residents of the temporarily occupied regions of Donetsk, Luhansk, Kherson, and Zaporizhzhia, who after liberation find themselves in territory controlled by Ukraine, having almost no personal social ties and no means of livelihood.

I have a house left, seven or eight minutes from the executive committee office. My wife had a house in the so-called 'Horlivska Rubliovka', just three minutes from the executive committee office. In normal times, a house like hers – it was just an ordinary house, but due to its location – it was valued at USD 60,000. There was a garage and an art workshop. [...] Mines have hit that area. My house is probably worth around USD 15,000–20,000, as I have a large plot. I also own a large, three-room apartment in a block. Our work and business, everything, stayed behind.¹⁰⁸

We barely found [housing – Ed.]. For three days, we lived with the children in a two-room flat. And they also have children and all. Then we found a summer house really in the outskirts for UAH 8,000 a month, excluding utilities. We agreed to rent it on the condition that we would install at least a small stove for heating. There was no money to pay the 8,000, but we had to pay immediately. So, we took the money from the children.

What do we get in payments? 2,000 for me, 2,000 for my husband, and 3,000 for a child (who has first group disability due to cerebral palsy), 7,000. It's not even enough.... And the child needs rehabilitation. We completely ignored our own needs.

We tried everything, even filled out [documents for state social security authorities – Ed.]. They sent them to us. We filled out the forms, but nothing came of it. They said the first priority is for pensioners. You're still young, healthy, and able to work. That's all.¹⁰⁹

Law No. 2010-IX and its amendments to the Housing Code declare the right of former detainees (along with some other categories of persons) to the provision of housing from funds for temporary residence as a priority. Such a right 'on paper' becomes available to those released only after the Commission under the Ministry of Reintegration (now the Ministry of Development) establishes the fact of deprivation of personal liberty, and in the current reality, even after release through official exchange, this may take several months.

107 EUCCI, *Analytical Report on the Results of the Assessment of the Practice of Receiving Medical Services by Victims of CRSV during the Russian-Ukrainian War* (based on the personal experiences of victims receiving services from the EUCCI NGO), Luhansk, 2023.

108 Interview 16, 2016.

109 Focus group materials, 13 January 2024.

It should be noted that, unlike civilians who were freed without the involvement of state actors, those released through official exchanges mostly did not remain unhoused, at least in the first weeks after release.

Priority measures to ensure social protection, determined by Resolution No. 1210, include, in particular, escorting the released to healthcare facilities. People with whom EUCCI managed to communicate talked about hospitalization after exchange to a state institution for the rehabilitation of veterans, one of the Kyiv clinical hospitals, etc. However, after completing a short course of rehabilitation or treatment, they were forced to leave the relevant institution.

most civilians released through official exchanges were housed in the first weeks after release

That's it, you've been here for 28 days, goodbye. [...] From the 'Lisova Poliana' sanatorium, when the allotted 28 days were over, of course, everyone was simply expelled. No talking here: 28 days and goodbye!¹¹⁰

We were transported, and I spent a month until they pushed me out, they said: 'Enough, get out of here!' Well, they kept me for a month. Well, some left earlier. Those who had a place to go. And those who didn't have one ... we were there till the very end, because there was nowhere to go.¹¹¹

Those released through official exchanges who did not have their own housing in the territory controlled by Ukraine were subsequently offered a place in a dormitory at best. The decision appears random (a dormitory of a hospital, a research institute, etc.), and not a systematic approach to providing housing for people who need it. Currently, in Ukraine, there is no developed, transparent, and understandable system for providing social housing for those who need it. Former detainees are one of the numerous categories of citizens who need appropriate state support, but due to the lack of a properly formed state policy, they are forced to solve the housing problem on their own.

The story of Oleh Halaziuk, a scientist and teacher of philosophical disciplines from the occupied town of Chystiakove (Donetsk region), who spent more than 28 months in arbitrary detention, is illustrative. After being released through an official exchange in December 2019, he was unable to adapt to permanent life in one of the Kyiv dormitories offered to him by the authorities. He left the dormitory and has since been living in the forest, on the banks of the Dnipro, in a dugout he built with his own hands.

Focus groups and interviews conducted by the EUCCI have identified the following shortcomings and opportunities for improvement related to this type of assistance:

- 1) Lack of social housing for temporary residence. The war has triggered an unprecedented wave of internal displacement involving millions of people. As a result, housing for temporary residence, which was already in short supply within communities, is now virtually non-existent. Former detainees can only apply for accommodation alongside other IDPs, such as in temporary modular towns, schools, or other social facilities. This means they have no significant advantage in resolving their housing issues. There are isolated cases where benefactors have purchased housing for victims, but these are rare.

¹¹⁰ Interview 17, 2024.

¹¹¹ Interview 18, 2019.

- 2) Improper functioning of 'modular towns.' It has been suggested that the so-called modular towns, often used as temporary accommodation for all categories of war victims, resemble 'ghettos' due to their poor functioning, and only worsen people's sense of hopelessness rather than aiding reintegration. While there are modular towns with positive feedback from users, in general, this type of housing is not particularly popular, and victims are mostly sceptical about it.

I lived in a modular town in Lviv for more than half a year. The only advantage is that housing is free. This is essential. But the living conditions aren't ideal. The rooms in these modular towns measure just 5 by 2.5 metres, each containing two bunk beds. We even had a situation where a family moved into one room: a husband, a wife, and a child. To accommodate someone else, the husband was made to leave, and two more people were moved in with them. Who gets placed with you is out of your control, and that's a downside. You also can't really have guests ... in short, it's quite restrictive.¹¹²

- 3) Low availability of government mortgage lending. Released civilians who are also IDPs can apply for a mortgage loan under the government's 'eOselia' programme, with an interest rate of 7% per annum. The initial payment is at least 20% of the property's value. There are also additional mandatory costs (mortgage insurance – 0.25% of the property value, a one-off bank fee – 1%, notary services – approximately USD 400, a contribution to the pension fund – 1%, real estate appraisal – approximately USD 100, etc.). The maximum loan term is 20 years, and the borrower's age at the loan's expiry should not exceed 65 years. The high deposit requirement (including additional mandatory payments), annual interest rate, and age restrictions make this scheme inaccessible to most released civilians.

3.2.3 Ensuring the implementation of labour rights and rights in the field of employment

In the course of the study, no significant cases of employers grossly violating the labour rights of former detainees were identified, such as unfair dismissal or open discrimination related to the fact of illegal detention. However, some victims believe their difficulties with employment are linked to their time in detention.

I experienced the consequences in terms of employment. [...] In some companies, their security services thoroughly examine the biographies of candidates for various positions. If, for example, I apply for a job, at times, I may remain silent about it, and at times, I have to disclose it. When that happens, they tend to view it very critically. They often believe that it could leave a mark or that I might have connections with someone in the criminal world. On the other hand, they suspect I could be an undercover agent for the special services and report information from their company to the authorities.¹¹³

I wasn't hired for one job, wasn't hired for a second, and at the third interview, when they found out I was from Luhansk, they didn't hire me either. But as soon as I applied

¹¹² Focus group materials, 15 June 2024.

¹¹³ Interview 19, 2021.

*in Kyiv, I got the job straight away. [...] The chief merchandiser even shed tears. She said, 'I'll take you, no questions asked.'*¹¹⁴

*Well, I tried ... after my release, I went to Kyiv. Well, you know, you consider yourself an officer of your country. I went to the Penitentiary Service of Ukraine, of my own [country – Ed.]. They met me at the entrance, but they didn't let me inside. A lawyer sat down with me for a talk, and the deputy head of the personnel department came out. He just looked at me like, 'Well, you made it ... still alive, and that's good.' [...] No one offered me a job. They just left me to fend for myself, and that was that.'*¹¹⁵

One victim mentioned that he believes his imprisonment is the reason he hasn't been promoted.

In contrast to labour rights, almost all victims reported a lack of protection against unemployment. By way of comparison, in other societies with a history of conflict such as Colombia, employment has proven essential to the rehabilitation process, as it facilitates victims' social functioning and supports a dignified existence.

Focus groups and interviews conducted by the EUCCI have identified the following shortcomings and opportunities for improvement related to employment:

- 1) Lack of job search assistance. A common view, supported by most victims, is that the State Employment Service is an ineffective organization, only responsible for issuing unemployment benefits and not providing genuine help in finding a job.

*They don't actually do anything. It's quiet and peaceful over there at the employment centre.*¹¹⁶

- 2) Absence of state grants for starting one's own business, offered on preferential terms for specific categories of people (such as grants for starting a business for combatants, persons with war-related disabilities, and their family members). Former detainees, particularly those at the early stages of reintegration, find it difficult to compete for grants on equal terms with others.
- 3) Difficulty in verifying qualifications (for those working in professions that require regular certification). Existing programmes do not account for the vulnerable status of victims and do not offer additional support, such as special scholarships for rehabilitation and retraining.

3.2.4 Ensuring the realization of pension rights and mandatory state social insurance

According to Chapter 3 of Article 11 of Law No. 2010-IX, the actual period of deprivation of personal liberty as a result of armed aggression against Ukraine is to be included in the *insurance record* of the individual whose detention has been verified.

¹¹⁴ Focus group materials, 15 June 2024.

¹¹⁵ Interview 20, 2017.

¹¹⁶ Focus group materials, 15 June 2024.

Focus groups and interviews conducted by the EUCCI have identified the following shortcomings and opportunities for improvement related to pension payments:

- 1) Non-inclusion of the period of deprivation of personal liberty in the insurance record. A person's insurance record is crucial for gaining pension rights (whether due to age, the loss of a breadwinner, or disability). However, this social guarantee can only be realized if insurance contributions for the entire period of detention are covered by the state budget, as stipulated by the law 'On Mandatory State Pension Insurance'.¹¹⁷ Several respondents were asked to check their insurance records using the Register of Insured Persons (forms OK-5, OK-7) via the existing electronic service and EUCCI is unaware of any cases where the period of detention has actually been included in a person's insurance record for pension purposes.
- 2) Termination of pension payments. During prolonged periods of detention, victims who had previously been receiving a pension (whether for old age or disability) mostly saw these payments stop being paid into a bank account. This deprived their families of an additional source of income.

*My husband is a disabled person of the third group, suffering from asthma. He was already classified in this group before he was captured. He received the minimum pension. When he was captured, we continued to receive it for another 10 months, but then it was stopped, and the state told me that I must return those 10 months of payments. They said that, as a wife and mother of two minor children, I did not have the right to manage those funds. That's what they told me.*¹¹⁸

- 3) Difficulties in resuming pension payments, particularly for victims who found themselves abroad after release.

*I'm effectively without a job and without a pension. And I can't even renew my pension. I have no idea how to do it.*¹¹⁹

- 4) Refusals to grant an old-age pension. Some respondents experienced refusals to grant them an old-age pension for various, often clearly fabricated, reasons. This is a particularly sensitive issue for victims, as being denied a pension deprives them of their main, and often only, source of income. However, the issue of wrongful refusals is not limited to those who were detained; it affects applicants from various categories of potential pensioners.

3.2.5 Ensuring the right to education

The state guarantees those who have been deprived of their personal liberty targeted support for obtaining vocational, technical, professional pre-higher, and higher education in state and communal educational institutions upon their release.

This guarantee is currently provided through a so-called training voucher (for training, retraining, or advanced training) issued by the State Employment Service. As of 2025, the

¹¹⁷ Law of Ukraine, 'On Mandatory State Pension Insurance', 2003, Nos. 49-51, Article 376.

¹¹⁸ Focus group materials, 20 January 2024.

¹¹⁹ Interview 21, 2023.

value of the voucher is up to UAH 30,280 (if the cost of education or retraining exceeds this amount, the individual must cover the difference).

During individual interviews or focus group discussions, problems with accessing educational support were not raised as a significant issue, although this may be attributed to the average age of respondents, most of whom were over 35. However, while some respondents were aware of the existence of these vouchers, they were deterred by the belief that obtaining one is nearly impossible.

One former detainee informed the EUCCI that he would like to receive an education voucher but could not do so because he lacked an extract from the Unified Register of Persons Deprived of Personal Liberty as a Result of Armed Aggression against Ukraine. He has been unable to obtain the required document thus far.

There is a long list of eligible categories: veterans, IDPs, and people who have lost their personal liberty. It would have been easier for me to apply as an IDP, but I wanted to go through this process specifically under this status [person deprived of personal liberty – Ed.]. I'm curious: does this system actually work? And it doesn't! Because in order to access this funding for education, you need to submit a list of documents, one of which is an extract that I do not have.¹²⁰

3.2.6 Issuance of a passport

Issuing an internal passport of a citizen of Ukraine and/or a passport for travel abroad is an important element in restoring victims' rights, as many had their personal documents confiscated during detention. In isolated cases (mostly after short-term deprivation of liberty), documents were returned to people upon release. One of the most common issues related to the issuing of passports is the need to pay an administrative fee. However, passports should be issued without requiring the administrative fee or state duty (consular fee) if the victim applies for a passport within one year of their release (as per part 4 of Article 15 of Law No. 2010-IX). At the same time, this state guarantee only applies to those whose deprivation of personal liberty has already been officially established by the Commission under the Ministry of Reintegration (now the Ministry of Development). As a result, most victims interviewed by the EUCCI were forced to pay the administrative fee themselves or with the help of charitable donations, as the need for a passport is often urgent (for travel within the country, opening a bank account, accessing administrative services, etc.).

As of 2025, the administrative fees are:

- For an internal passport: UAH 558 (20 working days) or UAH 928 (10 working days).
- For a foreign passport: UAH 1,042 (20 working days) or UAH 1,682 (7 or 3 working days, in specified cases).

Although the administrative fees may seem relatively small, for those released from captivity, these amounts are significant (as many victims do not have such funds immediately after their release).

209 Interview 5, 2023.

Domestic passports should be issued within 3 working days, and foreign passports within 10 working days, for individuals for whom the Commission has confirmed the fact of deprivation of personal liberty.

3.2.7 Postponement of payments and loan repayment

Law No. 2010-IX provides that individuals who have been deprived of their personal liberty due to armed aggression against Ukraine are exempt from fulfilling their financial obligations, as well as from the accrual and payment of penalties (fines or late fees) for the duration of their detention and for six months after their release. After release, these individuals are entitled to restructure their debt.

Focus groups and interviews conducted by the EUCCI have identified the following problems related to postponing payments and loan repayments:

- 1) Accrual of interest on loans. Law No. 2010-IX exempts individuals from paying penalties but does not exempt them from the accrual and payment of interest on loans or other credit obligations. Therefore, after their release, individuals are required to pay both the principal and the interest for the entire period of their detention, despite not having actually used the borrowed funds. Additionally, this legal protection becomes available only after the Commission confirms the individual's deprivation of personal liberty and the NIB provides an extract from the Unified Register. Consequently, many victims, particularly those released outside official exchange procedures, who could not quickly complete this verification process, are forced to pay both interest and penalties on their loans.
- 2) Repayment of loans the individual never received. A common practice during detention was the confiscation of personal belongings, including mobile phones and bank cards. Some respondents reported that funds (both personal and credit) were later withdrawn from their bank cards, using an already existing or increased credit limit. Upon their release, these victims were required to repay the loans, as it is exceedingly difficult to prove that the withdrawals occurred without the knowledge or consent of the cardholder while they were detained. Filing a police report about the crime does not automatically prove that a person was not involved in the withdrawal of funds from the card and does not automatically absolve the individual of responsibility for repaying the loan, especially if the perpetrators remain unidentified and there is no court ruling.

Not only did they take all our cash, but they also took our cards. They opened a credit line for us. I had to spend several months paying it off afterward. You can't reason with the banks. They just point to the fine print: 'You're responsible for the security of your PIN code.' Oshchadbank didn't even respond to our complaint. We even opened a criminal case to prove [we were in captivity – Ed.] at the time, and they still didn't care. We ended up paying off the UAH 10,000 and forgetting about it. UAH 10,000 in 2014 was a significant amount – over USD 1,000.¹²¹

121 Interview 23, 2018.

EUCCI is also aware of two cases where funds were withdrawn from deposit accounts using forged powers of attorney, allegedly issued on behalf of individuals deprived of their liberty.

I had money in two deposit accounts. [...] It turned out that while I was in the basement, a person from the 'DPR' came to my bank, using a power of attorney that I supposedly issued. He withdrew my deposit from the Poltava branch of the bank and left freely! Can you imagine? A criminal case has been opened, and the police are investigating it. Well, it's been three years already.¹²²

122 Interview 17, 2024.

4

From social protection to reparations

4.1 Reparation under international law

The arbitrary deprivation of liberty of civilians by the Russian Federation violates universal principles, customary international law and numerous international treaties. Under the International Covenant on Civil and Political Rights (ICCPR), Article 9 guarantees the right to liberty and security of person, prohibiting arbitrary detention. The European Convention on Human Rights (ECHR) similarly prohibits arbitrary detention in Article 5, and the European Court of Human Rights has consistently upheld this right.¹²³

Given that Ukraine and the Russian Federation are engaged in an international armed conflict, IHL applies, including the protections outlined in the Geneva Conventions. In particular, Geneva Convention (IV) relative to the Protection of Civilian Persons in Time of War specifically protects civilians against arbitrary deprivation of liberty. Under the Rome Statute of the ICC, Article 7 includes imprisonment or other severe deprivation of liberty and enforced disappearance as crimes against humanity when carried out as part of a widespread or systematic attack against a civilian population, while Article 8 includes unlawful confinement and the taking of hostages as war crimes.

The obligation to award compensation for IHL violations was first codified under Article 3 of the Hague Convention (IV). Parties to a conflict are now liable to pay compensation for IHL violations under Article 91 of Additional Protocol I to the Geneva Conventions, ratified by both Ukraine and the Russian Federation. The duty of states to ‘make full reparation’ for humanitarian law violations for which they are responsible is additionally established under customary international law and is applicable in international and non-international armed conflict situations.¹²⁴

The responsibility of states to provide full reparation is codified by the International Law Commission’s Articles on the Responsibility of States for Internationally Wrongful Acts. According to the Articles, states that violate international law must make full reparation for the resulting injury, whether material or moral, in the form of restitution, compensation and satisfaction.¹²⁵ In addition, the UN Basic Principles on the Right to a Remedy and Reparation also recognize the responsibility of states to provide reparation to victims for harm suffered. The Basic Principles also establish that: ‘States should endeavour to establish national programmes for reparation and other assistance to victims in the event that the parties liable for the harm suffered are unable or unwilling to meet their obligations.’¹²⁶

¹²³ European Court of Human Rights, *Brogan and Others v. United Kingdom*, App. No. 11209/84 (1988); *Al-Jedda v. United Kingdom*, App. No. 27021/08 (2011).

¹²⁴ International Committee of the Red Cross (ICRC), *IHL Database: Customary IHL*, Rule 150.

¹²⁵ International Law Commission, *Draft articles on Responsibility of States for Internationally Wrongful Acts, with commentaries*, 2001, Article 31, Article 34.

¹²⁶ UN General Assembly, *Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law*, December 2005, para. 16, UN doc. [A/RES/60/147](#).

4.1.1 What are reparations?

Reparations are measures taken to repair or redress the damage suffered by a person whose rights have been violated. Taking account of individual circumstances, reparations aim to promote justice and provide both material and symbolic benefits to victims, their families and affected communities. Their goal is to eliminate the harmful consequences of a violation as far as possible and to restore the situation to what it would have been if the violation had not occurred.

Compensation, which refers to the payment of money, is only one form of material reparation. According to the UN Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law ('UN Basic Principles' or 'the Principles'), full reparation also encompasses restitution, satisfaction, guarantees of non-repetition, and rehabilitation.¹²⁷ This reflects the serious harm that victims of gross violations of human rights suffer that cannot be made good by money alone. For reparations programmes to be truly effective, it is essential to complement material reparations with symbolic measures.

The five pillars of reparations

Restitution

Restitution aims to restore the situation of the victim to its state before the violation occurred. This may include releasing arbitrarily detained persons, restoring their employment, and returning seized property or land to its rightful owners.

Compensation

Compensation involves monetary payments to individuals or communities for material and moral damages suffered including physical or mental harm, loss of earnings, and the damage or destruction of property. Compensation can be paid in one lump sum or as a monthly pension to support the long-term financial security of a victim.

Rehabilitation

Rehabilitation aims to restore the dignity, well-being and opportunities of victims by addressing their medical, psychological and social needs. This may include, for example, the provision of social integration programmes, legal and psychological support, and retraining for employment.

Satisfaction

Satisfaction involves measures aimed at publicly acknowledging and addressing the moral harm suffered. For example, through verifying the facts and publicly disclosing the truth about the violations, public apologies, and symbolic gestures such as memorials and tributes to the victims. These measures help to officially recognize victims' suffering as well as reaffirming their rights and dignity as citizens and at the same time assigning responsibility to those who perpetrated such violations.

Guarantees of non-repetition

Guarantees of non-repetition are measures taken by a state to prevent violations from happening again. This may include implementing legal and institutional reform to ensure compliance with international human rights and humanitarian standards, such as human rights monitoring of detention facilities and adoption of codes of conduct.

¹²⁷ Ibid., paras 18–23.

4.1.2 Victims' right to reparation

International Human Rights Law (IHRL)

Taking a 'victim-oriented' approach, the UN Basic Principles recognize that the right of all victims to adequate and effective reparation includes being provided with restitution, compensation, satisfaction, guarantees of non-repetition, and rehabilitation as defined above.

The ECHR guarantees under Article 5 that 'Everyone who has been the victim of arrest or detention in contravention of the provisions of this Article shall have an enforceable right to compensation.' Ukraine is a party to the Convention and is bound by its provisions. The Russian Federation has ceased to be a party to the ECHR since 16 September 2022.

Article 9 of the ICCPR guarantees that 'Anyone who has been the victim of unlawful arrest or detention shall have an enforceable right to compensation.'

International Humanitarian Law (IHL)

While IHL does not explicitly determine the individual right to reparation of victims, there has been increasing international jurisprudence that acknowledges the obligation to make reparation to victims of violations. For example, in its Advisory Opinion on the Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory, the International Court of Justice (ICJ) recognized Israel's duty to make reparation for the damage caused to all the natural or legal persons concerned.¹²⁸ The International Committee of the Red Cross (ICRC) has also observed 'an increasing trend in favour of enabling individual victims of violations of international humanitarian law to seek reparation directly from the responsible State.'¹²⁹

International Criminal Law

Ukraine has accepted the exercise of jurisdiction by the ICC and in August 2024 ratified the Rome Statute, which entered into force on 1 January 2025. In cases where the ICC finds the arbitrary deprivation of liberty of civilians in the territory of Ukraine to amount to an international crime(s) under the Rome Statute and there is a conviction, the convicted person may be ordered to pay reparations to the victims and the ICC may order reparations to be paid to victims and their families through the Trust Fund for Victims.¹³⁰

Such reparations will be limited to those crimes for which a person is found guilty before the ICC; the two pending cases against Russian leaders have so far not included deprivation of liberty. However, the Organisation for Security and Co-operation in Europe (OSCE) has found 'reasonable grounds to believe that both the war crime of 'unlawful confinement' and the crime against humanity consisting of 'imprisonment or other severe deprivation of physical liberty in violation of fundamental rules of international law' have been committed against Ukrainian civilians.'¹³¹

¹²⁸ ICJ, *Advisory opinion of the International Court of Justice on the Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory*, July 2004, paras 152–3.

¹²⁹ ICRC, IHL Database: Customary IHL, Rule 150.

¹³⁰ Rome Statute, Article 75(2), Article 79(2).

¹³¹ OSCE, *Report on Violations and Abuses of International Humanitarian and Human Rights Law, War Crimes and Crimes Against Humanity, Related to the Arbitrary Deprivation of Liberty of Ukrainian Civilians by the Russian Federation*, 25 April 2024, p. 3.

4.2 Affected persons' ideas and expectations regarding reparations

In the course of the study, EUCCI sought victims' views on establishing fair reparations. The ideas expressed by the study participants are summarized in this section.

Some victims noted that the questions posed prompted them to consider this topic for the first time, particularly from a long-term perspective. As reflected in the ideas shared by the victims, a significant number of people view reparations not merely as financial compensation for themselves or others with similar experiences. For many, reparations (often equated with the concept of 'restoration of justice' during the discussion) represent an expectation of substantial social and political changes both in the international arena and within Ukraine. Participants agreed that the types of reparation will largely depend on the outcomes of the armed conflict. However, most desire reparations to be tailored to the individual needs of each victim and for each victim to have the ability to choose their options.

The authors of this report do not necessarily endorse all the ideas presented, nor do they claim that these ideas correspond to the concepts of reparations universally recognized in international law. However, they consider it important to reflect a broad range of opinions from people directly

affected by war crimes resulting from the armed aggression of the Russian Federation.

reparations represent an expectation of substantial social and political changes both in the international arena and within Ukraine

4.2.1 Restitution

- 1) Return to one's own home, restoration of housing and other immovable property, including land, that was nationalized (expropriated, confiscated, or 'transferred to management'), or, if return is impossible, compensation for the value of the real estate (broadly defined as the complete de-occupation of Ukrainian territories within the borders of 1991).
- 2) Unconditional release (restoration of freedom) and legal rehabilitation (withdrawal of charges, annulment of sentences) of all civilians (hostages) and combatants who are forcibly detained in the temporarily occupied territories and within the Russian Federation.
- 3) The return of all Ukrainian children deported to the Russian Federation.
- 4) Nullification of all acts by the occupation authorities in the occupied territories, with the exception of registration of births, deaths, and marriages.

4.2.2 Compensation

- 1) Introduction of financial compensation for lost property (including, but not limited to, housing) to the extent that restitution does not cover the loss. Some victims view monetary compensation as the sole feasible form of reparation, dismissing restitution. This perspective arises from the belief that even if a region is liberated, returning to the forcibly abandoned place of residence may be undesirable due to the long-term occupation and anti-Ukrainian policies of the aggressor state, which have significantly damaged the region's economic, social, and human resources, making it unsuitable for normal living conditions. In this context, any reparation programme established

should provide victims with the option to choose between the restoration of their property title, the reconstruction of their property, the provision of new property in lieu of restitution, or financial compensation.

- 2) Introduction of a monthly pension for victims, depending on the duration of their detention, degree of health impairment, etc.
- 3) Introduction of financial compensation for lost earnings (during detention, rehabilitation periods, etc.) or for lost employment and educational opportunities.
- 4) Monetary compensation for moral damage.

4.2.3 Rehabilitation

- 1) Medical and psychological assistance, including reimbursement for medical and psychological treatment received by one's own choice and expenses in private or foreign clinics (medical assistance must include dental care: treatment, prosthetics, etc.).
- 2) Annual sanatorium and resort treatment.
- 3) Social services for individuals who have fully or partially lost their ability to work.

4.2.4 Satisfaction

- 1) Official recognition by the highest authorities of Russia (newly elected president, government, parliament) and acceptance of responsibility for the unprovoked armed aggression against Ukraine, gross violations of international norms in the field of human rights, and serious violations of IHL, particularly concerning the civilian population and civilian prisoners. This should include a public apology to Ukraine and Ukrainians.
- 2) Measures should be taken to search for missing persons, as well as to identify and return for reburial the bodies of executed or deceased civilians and combatants, including those in mass detention sites such as secret prisons and filtration camps.
- 3) Criminal prosecution of war criminals from among Russian nationals and mercenaries, bringing them to justice both at the level of national judicial systems and international judicial institutions (including specially created tribunals).
- 4) Dissemination of information about the commission of war crimes, including their organizers and executors, to the international community (as determined by the ICC).
- 5) Recognition of all civilians illegally deprived of personal liberty in the context of the armed conflict, regardless of the date of imprisonment and method of release, as victims of Russia's armed aggression against Ukraine (both legally and in terms of eligibility for social protection). There should also be an initiative to promote a more empathetic attitude among professionals working with victims (doctors, social workers, lawyers, local government officials, etc.).

*Inform your own officials, launch social advertising to raise awareness that such individuals exist, that they occasionally come out from captivity, and that they need social support. Based on this information, implement a recruitment policy to ensure that these people are not indifferent.*¹³²

The view that satisfaction is as important as restitution, compensation, or rehabilitation, and must complement them all, is widely supported by victims.

¹³² Focus group materials, 16 February 2024.

*And they [CRSV survivors – Ed.] should receive not only physical compensation but also moral compensation. They should know that their case will be considered thoroughly by the competent authorities, submitted to the International Criminal Court; that it will not simply be forgotten as a fact of their lives. They gave you money, and now everything is forgotten.*¹³³

Victims discussed the need to uphold the principle of the inevitability of punishment, corresponding to the gravity of the crime committed.

*I believe that if a person's guilt is proven, that this person caused someone to be detained, then they should receive life imprisonment. Because they condemned another person to suffering. [...] It might not be a police officer, it could just be a neighbour who wrote a denunciation in the occupied territory. And you were taken away, and what happens next.... You might survive it, or you might not...*¹³⁴

*The guilty must be punished, and they should experience something similar. Maybe deprive them of liberty for some time so they can feel what they inflicted on others.*¹³⁵

*I expect that those involved in torture (not only mine) will be identified and recorded in relevant documents. I expect that they will be punished, in proportion to what they caused, [by the] courts. Extradition of criminals. Even if they try to flee to other countries, I want them to be extradited, tried, and punished accordingly.*¹³⁶

Victims' expectations regarding the principle of the inevitability of punishment are often at odds with their experiences with Ukrainian state bodies, particularly law enforcement, which are viewed as ineffective and uninterested in conducting effective investigations – a sentiment prevalent in Ukrainian society.

*When I was captured, my mother immediately contacted the police. She called wherever possible. She reached out to the prosecutor's office, the SSU, the Ministry of Defence, and all possible departments. [...] My mother submitted my details to the law enforcement agencies of Ukraine, but they periodically disappeared.*¹³⁷

*My wife contacted the SSU, the police, and immediately received a response that it was not within their competence. She called the SSU hotline, and was told they had noted it, but it was not their responsibility.*¹³⁸

*No one from the Ukrainian side dealt with my release. My children approached all authorities, but received no responses to their requests.*¹³⁹

My wife wrote immediately, on the day I was abducted. A criminal case was initiated. When I was released in August, my granddaughter had just been born, and I still had

133 Focus group materials, 16 February 2024.

134 Focus group materials, 20 January 2024.

135 Interview 24, 2019.

136 Interview 25, 2017.

137 Interview 26, 2016.

138 Interview 27, 2016.

139 Interview 28, 2016.

*scars. I had everything. There were burns, and my ear was cut. But they immediately transferred my case from the police to the prosecutor's office, under their control. And that was it; my case was not investigated further, so it remained with the prosecutor's office.*¹⁴⁰

*But I see this bureaucratic apparatus. They are soulless. This is clear. To them, well, not to all, but to many, it doesn't matter. 'Well, there was such a case, well, there was. Oh, you were in captivity, so sad, so sad' – and then what?*¹⁴¹

Effective investigation and public coverage of crimes should have an educational effect and become one of the safeguards to prevent similar incidents from happening again in the near future.

*This should be a real demonstration that such actions cannot be tolerated.*¹⁴²

According to some victims, a key aspect of fair reparations should be the imposition of restrictions on certain civil and political rights for individuals found guilty of collaborationism by the courts. These restrictions might include prohibition from holding certain public positions or benefiting from privatization.

*The Russians implemented their ideology and politics through collaborators. Tackling collaborationism should be a top priority. The rights of collaborators must be restricted: in terms of property, citizenship.*¹⁴³

There is also a call for revising the laws (Criminal Code of Ukraine) that address collaborationism and regulate amnesty. The law needs to be balanced, reflect the outcomes of public discussions, and ultimately contribute to the unification of Ukrainian society, rather than its division, fostering a sense of justice being restored.

*There should be a clear law on amnesty. For example, there are firefighters and State Emergency Service officers who are uncertain whether they will face imprisonment once these territories are liberated. Surgeons who have treated Russian soldiers are also concerned – will they be imprisoned or not? Are they considered collaborators?*¹⁴⁴

*We need a serious, constructive discussion on collaborationism. It is crucial because failing to address this issue properly could provoke new internal conflicts within our own society. For instance, if we start imprisoning electricians, as happened in parts of the Kharkiv region, it won't ensure that such situations won't recur.*¹⁴⁵

Victims have expressed concerns that monetary payments (compensation) might be treated as personal income by the state, potentially subjecting them to income tax or other charges, which they find unacceptable.

140 Interview 29, 2016.

141 Focus group materials, 15 June 2024.

142 Interview 30, Karyna Malakhova-Diachuk, head of the Civilians in Captivity NGO, 2024.

143 Focus group materials, 20 January 2024.

144 Focus group materials, 20 January 2024.

145 Interview 4, 2024.

*Compensation and reparations, no matter what they are called, should be clearly marked as not being income. Otherwise, the tax office might come along and claim that these payments are income, thus requiring us to pay taxes. They might say, there are no specific instructions on this... [...] there's still no money available. And the taxes are levied.*¹⁴⁶

Another aspect of fair compensation payments, according to consultation participants, involves addressing the imbalance in the state benefits system, particularly the disparity between the assistance provided to civilian victims and the benefits afforded to law enforcement personnel who were not directly involved in active hostilities.

People also discussed the idea that any reparations should contribute to the consolidation of Ukrainian society and not create divisions within it. This can be achieved through a balanced public policy grounded in a people-centred approach.

reparations should contribute to the consolidation of Ukrainian society and not create divisions within it

*Further, one of the key issues for us will be the treatment of our military – not just the front and victory, but our attitude towards them, our defence, and the social integration of our military. This will be a huge challenge for us. We must avoid becoming a fractured society, divided between those who fought and those who did not.*¹⁴⁷

4.2.5 Guarantees of non-repetition

The opinions of participants in the research activities conducted by EUCCI varied significantly, ranging from complete denial of the possibility of guarantees to an extensive array of ideas with different scopes and focuses.

*Guarantees of non-repetition in the 'historical circle' are impossible.*¹⁴⁸

Participants viewed the long-term criminal domestic and foreign policies of the top political leadership of the Russian Federation as the main cause of violations of IHL norms. In response, they saw the potential to mitigate the negative impact of the Russian Federation on Ukrainian lives in the future through the strengthening of Ukraine as a democratic, legal, and responsible state with a robust defence.

Interview and focus group participants proposed the following measures in relation to Ukraine:

- 1) Implementation of reforms to ensure the rule of law, the independence of the judiciary, reduction of corruption, and increased state accountability to its citizens, with a focus on social orientation. Reforms should build citizens' trust in the state and its institutions, thereby enhancing state strength and defence capability.

¹⁴⁶ Focus group materials, 20 January 2024.

¹⁴⁷ Interview 4, 2024.

¹⁴⁸ Focus group materials, 21 January 2024.

*The judicial and law enforcement systems are completely discredited. There is no trust in them.*¹⁴⁹

*As long as we have such corruption and impunity ... we will have nothing – no weapons or anything else. [...] It will all be stolen. Do you understand? Therefore, it is crucial to combat corruption, and then half the work will be done.*¹⁵⁰

- 2) Harmonization of Ukrainian legislation with human rights and IHL norms.
- 3) Removal from public administration (lustration) and Ukrainian public life of politicians and civil servants at all levels, as well as local government and law enforcement officials, who, both during the war and in the pre-war period, demonstrated and promoted loyalty to the aggressor country or were found guilty by the courts of corruption crimes (particularly in the field of defence).

And that was it; my case was not investigated further, so it remained with the prosecutor's office. The issue is that our prosecutor, damn it, is a separatist. He, too, when the boys were shot, participated in building barricades [for the pro-Russian separatists – Ed.]. And he's holding this position.... All these bastards should be prosecuted.

*I want to testify against him; I have evidence. But they don't even call me. The prosecutor's office is handling the case quietly. They don't summon patriots, don't question me, and have made the hearings closed. I can't testify as a witness. And I really want to.*¹⁵¹

*I want proper filtering to take place. In the bodies of internal affairs. This applies to both SSU employees and police staff. I just don't trust them.*¹⁵²

Participants expressed their frustration with the Ukrainian law enforcement system (police, SSU, state bureau of investigation, prosecutor's office) for its inadequate response to serious violations of IHL. As was the case in 2014, when the first phase of armed aggression against Ukraine began, and in the full-scale invasion in 2022, many law enforcement officers in the occupied territories transitioned to serving the occupying country, becoming part of the repressive system against civilians.

- 4) Conducting effective investigations into war crimes at the national level (to ensure the right to the truth) and prosecuting traitors and collaborators. As noted earlier, some victims believe that the conviction of such individuals is crucial for preventing future similar actions.

*As for guarantees of non-repetition in the context of transitional justice, this clearly involves large-scale national investigations. Not only from a purely legal perspective, to bring cases to court, but also to assert our right to the truth. I believe that this will be one of the key things, given the scale of the aggression, the scale of the tragedy and the purely geographical scale. We need a comprehensive national inquiry to understand what really happened within the framework of the 'right to the truth.'*¹⁵³

149 Focus group materials, 20 January 2024.

150 Focus group materials, 16 February 2024.

151 Interview 29, 2016.

152 Interview 6, 2024.

153 Interview 4, 2024.

- 5) Continuous and systematic enhancement of Ukraine's defence capabilities, with effective state and public oversight to ensure transparency and efficiency in defence spending. Participants voiced a number of different proposals, including increasing spending on defence industries, restoring Ukraine's nuclear potential as a deterrent, and studying and adopting the experiences of countries successful in protecting their own borders, such as Switzerland.
- 6) Changes to the youth education system. Proposals for changes to the education system varied based on the respondents' worldviews. Some participants emphasized the need to strengthen the religious aspect of education, particularly Christian ethics, in schools. Others highlighted the importance of bolstering educational programmes that promote active citizenship and patriotic education as a way to prevent the spread of Russian influence. Another idea was to introduce additional courses on survival in wartime and during mass violations of IHL norms, such as first-aid training and survival techniques for situations with limited access to clean drinking water, electricity, and other necessities.

Interview and focus group participants proposed the following measures in relation to the Russian Federation and international affairs:

- 1) Strengthen international guarantees of security for Ukraine. Participants proposed measures, including the creation of international alliances that would contribute to Ukraine's international security, Ukraine's accession to NATO and the European Union, and the introduction of an international peacekeeping contingent at the initial stage of a peace settlement.
- 2) Defeat Russia in its war against Ukraine and demilitarise the Russian Federation.

*And here's what I would like regarding the Russians. Honestly? [...] for them to never be heard of again, nothing to take from them, nothing to receive, for them to be completely removed from our lives.*¹⁵⁴

As an intermediate step, the complete international isolation of the Russian Federation, the introduction of tougher economic sanctions, visa, and financial restrictions (sanctions) for Russian nationals were proposed.

*They must prove that they were not those executioners in the basements. In order to get a visa when trying to emigrate somewhere, they will have to prove that they have a clean biography. It should not be just a declaration that 'I do not support Putin, and Crimea is Ukrainian,' and then they leave and torment our refugees. This is not enough. They have to prove that they did not participate in criminal activities.*¹⁵⁵

The interviewed human rights defenders noted the lack of a public professional discussion in the international arena regarding the ways to implement possible scenarios of Russia's demilitarization and ending of its imperial ambitions.

¹⁵⁴ Focus group materials, 20 January 2024.

¹⁵⁵ Focus group materials, 20 January 2024.

*There is no serious discussion, especially an international one, about the future of Russia, about what should happen in Russia or with Russia so that it really ceases to be a threat to international security.*¹⁵⁶

- 3) Reform the system of UN and international bodies. First, participants spoke about the need to ensure their effective ability to oppose violators of the international legal order, including nuclear states. This includes reviewing the conditions for the use of the veto power by the permanent members of the UN Security Council. Second, participants discussed reforming the activities of international bodies, specifically related to both civilians and combatants who are detained under conditions of armed conflict.

*Reform the UN Security Council. Make it more effective. So that aggressors like Russia cannot block decisions that may concern them.*¹⁵⁷

*If we are addressing such global issues, there should be a mechanism to overcome the veto. In the UN, and more precisely, in the Security Council, there are no mechanisms to overcome the veto.... And if one of these five is obstructive, then there is no mechanism.*¹⁵⁸

*The very same UN, and all these [international – Ed.] institutions, are impotent. They don't really achieve anything significant. They do not influence the release or detection of these people [detainees – Ed.] to the extent that they should. There are international norms, conventions are written, and there are those who are responsible for enforcing them. But they are not allowed into these places [places of detention of prisoners in Russia – Ed.]. That's the point. [...] So why are we doing all this, while these people are still suffering? Will this war just move into another country, with the same thing happening again? It shouldn't be like this. We need to learn from these mistakes. And if we say the whole world is with us, then the whole world needs to see and understand. If it doesn't work, then we either need to throw it away and create a new system, or fix it. But fix it properly, so it works. Because this is about human lives. And that is the most valuable thing.*¹⁵⁹

*If the Red Cross visits a prison and says: 'Yes, we saw civilians there,' I would ask them at a meeting, 'Why don't you say it out loud? Speak up! You are saying you've been there. Don't name the colony, but at least say publicly that civilians were present. Let the world see!' But they reply, 'We are neutral; we have no right to say it.'*¹⁶⁰

- 4) Review and modernize existing international treaties in the field of IHL and international criminal law norms. While Article 36 of Additional Protocol I of the Geneva Conventions already requires states to conduct legal reviews of all new weapons, the reform should consider the rapid development of digital (electronic) technologies, as well as the use of new methods and means of warfare that were not previously utilized.

156 Interview 4, 2024.

157 Focus group materials, 16 February 2024.

158 Focus group materials, 20 January 2024.

159 Interview 30, Karyna Malakhova-Diachuk, head of the Civilians in Captivity NGO, 2024.

160 Ibid.

*Why are they kidnapping thousands of civilians? [...] We have information on prisoners of war, but nothing on civilian prisoners. IHL, in theory, forbids the persecution of civilians during wartime, stating that they must be protected. And yet we have thousands of civilians in captivity.*¹⁶¹

*The reformation of IHL is necessary, as it doesn't address modern technologies. There are additional protocols, but they are already far behind compared to today's advancements.*¹⁶²

- 5) Document violations of IHL, preserve memory, and ensure the right to the truth. Documentation efforts should help preserve the historical truth, prevent the distortion of historical events, and help avoid the acquittal of criminals. Another crucial aspect of documentation is that its results should serve as a basis for future reparations.

*It's been a year and a half already – and I don't remember the details anymore. [...] The longer it goes on, the more things get forgotten. If we don't document everything now, in five years' time, no one will remember what happened, who the victims were, what they looked like. It will become impossible to prove anything, and the truth could be twisted ... Russia will twist it as if nothing happened here.*¹⁶³

*As a state, we must show that we have done everything in our power. We documented every victim, every destroyed home. And we will present all of this to Russia! Yes! We don't know what will happen next, or how and when we'll get compensated or receive reparations from Russia. But as a state, we must know each person who was affected. This is what we need. This documentation process is crucial. It is one of the keys to achieving sustainable peace, both in the world and within Ukraine.*¹⁶⁴

- 6) Ensure the inevitability of punishment for war criminals and promote the transparency of international court proceedings.

*Every time we interview people who have been released from captivity, they express a desire to see the Federal Penitentiary Service officers held accountable. This is the most important thing that must happen. There must be a trial not only for those who issued the orders but also for those who executed them. That is, they do not want to punish only Putin, Mishustin, or Lavrov. They want to hold accountable those individuals – military officers or Federal Penitentiary Service officers – who tortured them and subjected them to electric shocks.*¹⁶⁵

The importance of using forms and methods of punishment that have an educational effect and help offenders understand the gravity of their crimes was emphasized.

So that those involved in this nightmare happening to us now are held accountable at The Hague. They should be made to read their apologies, just as the Germans did

161 Interview 4, 2024.

162 Focus group materials, 16 February 2024.

163 Interview 31, 2024.

164 Interview 4, 2024.

165 Focus group materials, 16 February 2024.

*after the Nuremberg Trials, and be responsible for restoring Mariupol, for instance—digging up the graves of the civilians they shot, so they can see the damage they caused.*¹⁶⁶

- 7) Run extensive educational campaigns that inform people of the gravity and scale of war crimes committed and counter Russian propaganda. Specialized information products should be developed and targeted both at Ukrainian citizens and at the citizens of the Russian Federation and Western audiences.

*Let them walk through the minefields.... Give these imperial patriots tours of the same pre-trial detention centres where they held our relatives. Let them be fed that slop. This would be the best apology. So that they never look at Ukraine again.... Let them see that they themselves are the Nazis in this war.*¹⁶⁷

*There is very little Ukrainian content. That is, people are happy there, in the West, to hear Ukrainian content. But it is silenced by Russian content. Simply being silenced.*¹⁶⁸

166 Focus group materials, 16 February 2024.

167 Focus group materials, 16 February 2024.

168 Focus group materials, 16 February 2024.

Conclusions and recommendations

The people of Ukraine remain in a highly vulnerable position with the ongoing toll of the war and the prospects of receiving effective payment for reparations from the Russian Federation still distant. While Ukraine has achieved some significant progress at the international level, not least with the freezing of Russian assets and the operation of the CoE Register of Damage for Ukraine, the international community must make securing the finance for reparations a higher priority.

When it comes to administering reparations to civilians who have suffered harm, the role of the government of Ukraine will be central. Here too Ukraine has developed considerable practice, including implementing systems of social protection for civilians who were arbitrarily detained and tortured during Russian occupation, particularly in eastern Ukraine. Lessons learned from this practice can help guide the administration of reparations more widely, both on an interim basis and in the context of any final reparations settlement.

This report provides a critical analysis of the procedures developed by Ukraine to address the harm suffered by civilians arbitrarily detained by Russian and Russian-backed forces, based on the experiences and views of the victims themselves. While bearing in mind the huge pressure on Ukraine's resources presented by the ongoing conflict, the organizations responsible for this report believe it is essential to continue to listen to civilians directly affected to address shortcomings in existing social protection mechanisms and to build capacity for a future system of inclusive, victim-centred reparations.

Despite the fact that the armed aggression of the Russian Federation has been ongoing since 2014, the system of social protection for released persons was only established at the beginning of 2018. Over the following four years, it underwent no significant changes and applied to a relatively limited group of civilians. While the state has made consistent progress in providing social assistance to the military since 2014, far fewer effective steps have been taken to assist civilian prisoners.

it is essential to listen to civilians to address shortcomings in existing social protection and future reparations mechanisms

Law No. 2010-IX, which currently serves as the legal framework for the social protection of released persons, was adopted in January 2022 and does not account for the realities of the full-scale war that began on 24 February 2022. This includes, but is not limited to, the number of civilians deprived of their liberty, the reasons and conditions for arbitrary detention, and the length of imprisonment.

Both before and after the full-scale invasion on 24 February 2022, the social protection system has been primarily focused on civilians released through official exchanges (those conducted with direct state involvement or as a result of interstate negotiations). Civilians

who have been released from detention since 2014, outside official exchange procedures, largely remain without social protection. They primarily face bureaucratic hurdles in proving the fact of, and reasons for, their deprivation of liberty.

The procedure for establishing the fact that a person has been deprived of personal liberty as a result of armed aggression against Ukraine – in place since its introduction in 2018 – has always been, and remains, a key element of the state's system of assistance to victims. Without officially establishing this fact, individuals cannot access specialized state social protection. While the development of this procedure between 2018 and 2024 marked an important step towards creating an effective mechanism to verify applicants seeking social protection and assistance, victims and human rights defenders continue to report numerous complaints regarding the process.

The work of the Commission under the Ministry of Reintegration (from January 2025, the Commission will operate under the Ministry of Development), which is responsible for establishing whether a person has been deprived of personal liberty due to armed aggression against Ukraine, has been heavily criticized by victims. Complaints include the non-transparent mechanism for appointing representatives of public organizations to the Commission, the unbalanced composition of the Commission, poor communication with applicants, excessive secrecy surrounding its activities, and the lengthy process for reviewing applications. Nonetheless, individual members of the Commission, as well as the Commission as a whole, have made considerable efforts to ensure it operates as effectively as possible under martial law conditions.

One of the key problems in the Commission's decision-making process has been unmotivated refusals to establish the fact of a person's deprivation of personal liberty, which undermines applicants' trust in the state and violates the democratic principle of proper governance. Instead of presuming the good faith of applicants, the process makes a presumption of 'bad faith', placing the burden of proof on applicants to demonstrate they were deprived of personal liberty as a result of armed aggression against Ukraine, and that they belong to one of the categories defined in Law No. 2010-IX.

The procedure for establishing the fact of deprivation of personal liberty remains inaccessible to certain categories of victims. It is significantly more complicated for Ukrainian citizens who found themselves abroad after their release. The procedure fails to take into account the specific circumstances of children (persons under 18 years old) and the particular forms that the deprivation of children's personal liberty can take in the temporarily occupied territories or within the territory of the aggressor state. Furthermore, the procedure is unavailable to foreign nationals and stateless persons, including those with residence permits in Ukraine. Under the Constitution of Ukraine and international law, foreigners and stateless persons residing legally in Ukraine should enjoy the same rights and freedoms as Ukrainian citizens, with certain exceptions established by the Constitution, laws, or international treaties of Ukraine.

Law No. 2010-IX applies to family members of persons for whom the Commission has already established the fact of deprivation of personal liberty (family members may receive financial assistance while the person is detained or a one-off payment in case of their death). At the same time, family members of former detainees who died after being released, but before a decision was made to establish the fact of deprivation of personal

liberty as a result of armed aggression against Ukraine, cannot receive equivalent payments or access other forms of social protection.

Despite the scale of conflict-related sexual violence, persons affected by such violence still remain largely overlooked by the state. Law No. 2010-IX does not specifically address sexual violence or its consequences. The adoption in November 2024 of the Law of Ukraine 'On the Legal and Social Protection of Persons Affected by Sexual Violence Related to the Armed Aggression of the Russian Federation Against Ukraine, and the Provision of Immediate Interim Reparations' undoubtedly is an important step towards recognizing the status of CRSV survivors. However, this law has yet to prove its effectiveness. The issue of providing urgent interim reparations for this category of victims is still primarily addressed by international actors, while Ukrainian state institutions largely limit their role to advisory and regulatory functions, particularly regarding the distribution of funds allocated for the technical implementation of assistance programmes for survivors of CRSV.

In 2023, the Ministry of Reintegration launched the Unified Register of Persons Deprived of Personal Liberty as a Result of Armed Aggression against Ukraine, as stipulated in Law No. 2010-IX. However, at the time of this study, most victims had not received an extract from the relevant state register and had not benefited from its existence. This suggests a significant imbalance between the financial costs of its creation and administration and the benefits received by the victims.

Among the various forms of social protection currently available in Ukraine, state financial assistance remains the most substantial. It is accessible to certain categories of persons released from captivity, as well as to individuals deprived of liberty and their family members. The amount of this monetary aid, set in the national currency at UAH 100,000 (approximately USD 2,500), has not been revised since 2018, and it no longer reflects the current cost of goods and services. Despite this, financial assistance remains the most desirable form of social protection for victims, as it allows them independently and quickly to address their immediate needs, at least partially. During the research period, victims (and their family members) whose deprivation of personal liberty had been officially established by the Commission did receive financial assistance (particularly for the years spent in captivity), albeit with delays. This assistance had a positive impact on their lives.

The combination of the procedure for establishing the fact of detention and procedures for state financial assistance has created a mechanism where the establishment of the fact automatically triggers the right to receive state aid in a fixed amount. However, this creates a situation where decisions to reject the establishment of the fact may be driven by the state's financial inability to provide monetary assistance to all categories of individuals deprived of personal liberty during the conflict. At the same time, for many people, the mere fact of being recognized as a victim of armed aggression is important. Some of them view this recognition as a first step towards future reparations from the aggressor state. Medical and rehabilitation assistance, intended for civilians released from captivity (in practice, a limited number of those officially recognized by the Commission), has not met the expectations of the victims. There is a lack of specialized state medical care programmes for released individuals, insensitivity from medical personnel, and no long-term health monitoring of victims post-release. Additionally, there is an almost complete

absence of sanatorium and resort treatment, and the quality of medical services in state and community clinics is unsatisfactory. Civilians who have been incarcerated for extended periods (and the number of such people is significant) often suffer from serious dental issues, a fact well known to all aid actors. However, since 2014, the state has not introduced free dental care for released persons (such as treatment or prosthetics). Volunteers and NGOs continue to cover the cost of dental care or arrange for free services through private clinics.

Unlike civilians who were freed without the involvement of state actors, those released through official exchanges mostly do not remain unhoused, at least in the first weeks after release. Priority measures to ensure social protection include, in particular, escorting the released to health care facilities. However, once a short course of rehabilitation or treatment is completed, victims are forced to leave the institution and address their housing needs on their own, particularly if their homes remain in temporarily occupied territories. Limited access to state mortgage loans typically prevents them from purchasing property using loan funds.

State guarantees regarding the realization of labour rights, employment rights, pension provisions, compulsory state social insurance, and the right to education, though enshrined in Ukrainian law, are largely declaratory and have minimal impact on the lives of released individuals. When drafting Law No. 2010-IX on social and legal protection, the legislator primarily focused on the process of establishing the fact of personal liberty deprivation as a result of armed aggression against Ukraine, while only superficially addressing the broader aspects of social protection.

The social protection currently available in the state, despite all its shortcomings, is primarily aimed at civilians who have already been released. It provides comparatively less support to those civilians who remain in prison and only indirectly assists the families of civilian prisoners. Apart from the annual state financial aid of UAH 100,000 (about USD 2,500), they receive hardly any other social support from the state. Moreover, this financial assistance is only available to those who can prove to the Commission under the Ministry of Reintegration that their relative was imprisoned 'as a result of armed aggression against Ukraine' (either as a 'public figures' or a 'hostage' of the aggressor country), rather than for other reasons.

The ongoing armed aggression against Ukraine is likely to lead to new waves of civilians being detained. A halt in hostilities should result in the release of those currently held by the aggressor state. All these individuals will need state assistance in the future. Thus, the issue of social protection for this category of civilians will remain relevant in Ukraine for a long time. However, without urgent improvement the existing regulatory framework,

particularly Law No. 2010-IX, and state aid practices, will not be able to meet fully even the basic needs of the affected individuals and their families.

In addition to civilians who have suffered due to arbitrary deprivation of personal liberty, we should not overlook other categories of war victims. The state has already introduced

without urgent improvement the existing regulatory framework will not be able to meet the needs of the affected individuals and their families

limited assistance through Law No. 2010-IX and related regulations, and any lessons learned from this practice could serve as a guide for compensating other civilians who have suffered from serious violations of IHL.

The mandate of the CoE Register of Damage Caused by the Russian Federation's Aggression Against Ukraine is restricted to storing data and evidence in relation to damages, losses, or harm caused on or after 24 February 2022, and does not cover damage inflicted by armed aggression from 2014 up to the full-scale invasion.

Through research and by examining the experiences of former civilian prisoners, we have found that civilians who have suffered during the war view future reparations not only as receiving financial compensation for themselves or others with similar experiences. For many, reparations are a synonym for 'restoration of justice' and represent an expectation of substantial social and political changes, both within Ukraine and in the international community.

Ideas from victims that align with humanitarian principles and the rule of law, and do not infringe on fundamental human rights, should be considered when introducing reparations. The types of final reparations will primarily depend on the outcome of the armed conflict. However, it is already clear that satisfaction is as important to victims as restitution, compensation, or rehabilitation, and must necessarily complement these. As the governing authority, Ukraine has an obligation to ensure that victims receive prompt reparations, or at least interim redress, regardless of whether the perpetrator has been identified or apprehended, as outlined in paragraph 16 of the UN Basic Principles. Utilizing reparations as a framework for analysis, particularly by identifying provisions for interim redress, such as social protection, can greatly enhance support for these victims while ensuring compliance with Ukraine's obligations under the European Convention on Human Rights (ECHR), the United Nations Convention Against Torture (UNCAT), and the International Covenant on Civil and Political Rights (ICCPR). This includes the responsibility to provide effective remedies for individuals within its jurisdiction, recognizing that the right to remedy is non-derogable.

To meet the immediate and long-term needs of victims, and to satisfy their rights, Ukrainian authorities, with international support, should develop and implement an effective national compensation or provisional reparations framework for civilian harm, including deprivation of liberty. This framework should be holistic, victim-centred, inclusive and effectively utilize existing registers of victims and damages.

Recommendations

To the international community:

- 1 To continue to develop and support legal pathways to hold Russia, its senior officials and military personnel accountable for aggression against Ukraine, other international crimes committed in Ukraine and resulting civilian harm, including through the ICC.
- 2 To maintain and intensify targeted sanctions against key Russian individuals, entities, and sectors complicit in violations of international law.

- 3 To make reparations for civilian harm one of the priorities in the repurposing or reallocation of seized Russian assets, including Russian state assets, and in any internationally sponsored agreement or settlement regarding the conflict.
- 4 To continue to support the government of Ukraine in designing and implementing a victim-centred national reparations framework through the provision of resources, technical assistance, funding and expertise. To make long-term commitments and secure sustainable funding to support reparations for Ukraine.
- 5 To provide capacity building for national institutions responsible for reparations, helping them establish transparent, accountable, and efficient systems for managing and distributing compensation and support.
- 6 To complement state support by funding local, community-based NGOs to provide the delivery of psychosocial and other support to civilians harmed in the conflict.
- 7 To facilitate victim participation and oversight and promote the meaningful engagement of victims and Ukrainian civil society in decision-making processes regarding reparations.
- 8 To foster global cooperation and the sharing of best practices among states that have implemented reparations programmes, promoting knowledge exchange, mutual support, and the learning of lessons from past experiences.
- 9 To support independent monitoring to oversee the implementation of reparations programmes, ensuring they are carried out fairly and transparently.

To the Verkhovna Rada of Ukraine (the parliament)

- 1 To amend Law No. 2010-IX, particularly (but not exclusively) with respect to the issues listed below, adopting a new version.

To the Cabinet of Ministers of Ukraine (the government):

- 1 As part of the process of utilizing legislative initiative, to submit to the Verkhovna Rada of Ukraine for consideration a draft law on amendments to, or a new version of, Law No. 2010-IX (particularly, but not exclusively, regarding the issues specified below).
- 2 To amend the Regulations on the Commission on Deprivation of Personal Liberty as a Result of Armed Aggression against Ukraine (hereinafter referred to as the Regulations on the Commission), as well as the Procedure for the Appointment and Payment of Assistance to Persons Deprived of Personal Liberty as a Result of Armed Aggression against Ukraine, and Their Family Members, approved by Resolution of the CMU dated 15 November 2022, No. 1281 (hereinafter referred to as Resolution No. 1281) (particularly, but not exclusively, regarding the issues specified below).
- 3 To take the necessary actions to open for the submission of claims, in the Register of Damage Caused by the Aggression of the Russian Federation against Ukraine, categories such as 'arbitrary deprivation of personal liberty' (A2.6) and 'conflict-related sexual violence (CRSV)' (A2.4). To pay special attention to the fact that the Register of Damage mandate is limited to claims for damages, loss, or injury incurred on or after 24 February 2022. This does not cover damages caused by armed aggression from 2014 up to the date of the full-scale invasion, potentially leaving a

significant number of war-affected individuals without reparations, particularly (but not exclusively) in the eastern regions of Ukraine, where the devastating effects of the armed conflict have been felt since 2014.

- 4 To consider implementing a reduced burden of proof for victims of deprivation of liberty and sexual violence in any future compensation or reparations programme so as to mitigate the risks of re-traumatization and secondary victimization.
- 5 To foster and enable inter-ministry coordination to facilitate the efficient transfer and verification of information in relation to claims submitted to the Fact-Finding Commission.
- 6 To conduct a comprehensive needs assessment of the affected victim population to identify and map ongoing needs and develop a coordinated strategy for addressing those needs across relevant ministries.

To the Ministry of Development and/or the Fact-Finding Commission, respectively:

On structure, membership and administration

- 1 To make the membership of representatives from public organizations in the Fact-Finding Commission temporary (limiting it to a certain period, for example, no more than five consecutive years), as the Commission will operate indefinitely (including after the end of the armed conflict). To ensure transparent participation in the Commission's membership (considering professional experience and taking into account the views of human rights organizations and victims' associations). Here and further in the Recommendations, in necessary cases (to introduce changes), to draft amendments to Law No. 2010-IX and/or Resolution No. 1281.
- 2 To review the composition of the Fact-Finding Commission to include a representative of the National Information Bureau (SE Ukrainian National Centre for Peacebuilding), as well as representatives from the National Police of Ukraine and the State Migration Service of Ukraine.
- 3 To increase the number of representatives from the public sector within the Fact-Finding Commission, making the composition of the Commission more balanced (until recently, there are 13 representatives from state bodies and 5 from the public sector). Additionally, to strengthen the victim-centred approach in the Commission's work, particularly (but not exclusively) by considering the involvement of representatives from associations of prisoners (civilian prisoners) and their families (provided that these individuals possess the appropriate level of expertise and experience in human rights).
- 4 To ensure that the work of the NGO members of the Fact-Finding Commission is remunerated, enabling them to dedicate more time and attention to fulfilling their respective functions. So as to achieve this, to seek financial support from international organizations and developed democracies (international donors) during the period of martial law. After the end of martial law, the state should assume these costs.
- 5 To approve the distribution of functional duties (tasks) among each member of the Commission, particularly (but not exclusively) by assigning a specific member of the Commission to report on a specific case regarding civilian prisoners.¹⁶⁹
- 6 To explore the possibility of transferring the functions related to establishing the fact of deprivation of personal liberty/recognition of a family member (typically undisputed cases) for combatants to the Ministry of Defence of Ukraine. This would

¹⁶⁹ In this study, the terms 'civilians', 'civilian persons', and 'civilian prisoners' refer to individuals who, according to the norms of IHL, are not part of the personnel of the Armed Forces of Ukraine.

enable the Fact-Finding Commission to focus on 'civilian cases' while allowing the Ministry of Defence to provide a more comprehensive and tailored response to the needs of combatants.

On procedure and conduct

- 1 To develop and approve regulations (rules) for communication (telephone calls, official correspondence, sending messages via encrypted messaging platforms) between employees of the Ministry of Development and members of the Fact-Finding Commission with applicants. To provide employees with trauma-informed and victim-centred training and ensure a respectful and sensitive approach to communication to avoid secondary victimization. To reduce the degree of bureaucratic language in correspondence, and adhere to a style of communication that allows applicants to understand the content of letters and proposed actions without external assistance.
- 2 When considering applications submitted in accordance with Law No. 2010-IX, to strictly adhere to the requirements of Law of Ukraine dated 17 February 2022, No. 2073-IX, 'On Administrative Procedure' (hereinafter referred to as Law No. 2073-IX). This includes eliminating the practice within the Fact-Finding Commission and the Ministry of Development's apparatus of sending letters to applicants with unsubstantiated refusals (due to 'insufficient number of votes' from Commission members).¹⁷⁰ The Commission should vote on the draft decision regarding non-confirmation of the fact or refusal to recognize a family member only with a clear justification for the refusal based on the balance of probability or plausibility (voting on a specific reason for the refusal). When making decisions, to consider whether the applicant holds other statuses (such as being affected by human trafficking) or if there are court decisions establishing certain facts related to the subject of the application. To review applications and to properly notify applicants of the results within the timeframes established by Law No. 2073-IX. To consider adopting internal rules and guidance notes on specific issues to ensure consistent and reliable decision making.
- 3 To utilize the legally established opportunity to hear applicants at Commission meetings if the applicants themselves request it and/or if the circumstances of the case raise justified doubts among the Commission members.
- 4 When reviewing applications based on Law No. 2010-IX, to uphold the presumption of the applicant's good faith (the principle of the presumption of legality of a person's actions and claims in accordance with Law No. 2073-IX) and not to shift the main burden of proof onto the applicant to demonstrate that they were deprived of personal liberty as a result of armed aggression against Ukraine and belong to one of the categories defined in Clause 2 of Part 1 of Article 2 of Law No. 2010-IX. The burden of proof must be on the Fact-Finding Commission itself, and any doubts about the legality of the person's actions and claims arising from ambiguous (multiple) interpretations of the law must be resolved in favour of their legality. To take a proactive approach in coordinating and verifying evidence from various government institutions and to eliminate the requirement for applicants to submit notarized documents (such as written statements from witnesses with notarized signatures), unless this is objectively necessary given the specific circumstances of the case. A victim-centred approach to the work of the Fact-Finding Commission entails actively supporting and working with victims to secure adequate redress for their harm.

170 Law of Ukraine dated 17 February 2022, No. 2073-IX, 'On Administrative Procedure', VRU.

- 5 To provide clear guidance on the application process and remove from the Regulations on the Fact-Finding Commission any provisions that place the responsibility on the applicant to provide documents such as (1) an extract from the Unified Register of Pre-Trial Investigations and (2) 'a notification from the security forces and defence forces regarding the person' (considering that representatives from all law enforcement agencies should be included in the Commission and are capable of independently and promptly providing the Commission with relevant information and documents).
- 6 To ensure the periodic (quarterly, annual) publication of public reports on the activities of the Fact-Finding Commission, in a format and volume that balance the obligation to withhold restricted information and the public's right to be informed about the administrative body's activities. A level of public scrutiny and transparency is key to ensuring effectiveness, consistent decision making and public confidence in the work of the Commission.
- 7 To make the fact-finding procedure as accessible as possible for Ukrainian citizens who, after their release, find themselves abroad or remain in occupied territories and are unable to return to Ukraine (especially under martial law). Although current legislation does not explicitly prohibit establishing the fact of deprivation of liberty for such civilians, it does not account for the specific circumstances in which these affected persons find themselves. For example, there are no regulations addressing the possibility of processing and submitting documents related to a person with the assistance of Ukrainian diplomatic institutions abroad.
- 8 To ensure the fact-finding procedure is available to non-Ukrainian citizens and stateless individuals who legally resided in Ukraine at the time of their deprivation of personal liberty. At present, even those with residence permits in Ukraine cannot access the social protection provided under Law No. 2010-IX.
- 9 To consider the specific circumstances surrounding the illegal deprivation of personal liberty of children (those under 18). To amend the legislation to account for the unique situations of children and the particular forms that their deprivation of liberty might take in temporarily occupied territories or in the aggressor state. Taking a rehabilitative approach, special support tailored to their age and needs (such as specific rehabilitation programmes and educational assistance) should be provided to children.
- 10 Following a positive decision, to ensure that the applicant is automatically issued (without the need for a separate application) an extract from the Unified Register of persons for whom the fact of deprivation of personal liberty has been established as a result of armed aggression against Ukraine. Until legislative changes are made, this can be achieved by having the National Information Bureau (SE Ukrainian National Centre for Peacebuilding) initiate contact with the applicant.
- 11 To extend the scope of Law No. 2010-IX to cover family members of civilians who were deprived of personal liberty and died or passed away after being released from imprisonment (i.e. already at liberty) (before or after the entry into force of Law No. 2010-IX), but before a decision was made to establish the fact of deprivation of personal liberty as a result of armed aggression against Ukraine. This extension would allow such family members to receive equivalent payments or access other forms of social protection available to the family members of the person for whom the relevant fact was established during their lifetime.

On the payment of state financial assistance

- 1 To improve the legal framework for the payment of state financial assistance by clarifying the purpose, essential content, and inheritance rights related to such payments, taking as a basis, for example, certain provisions of Law of Ukraine dated 20 December 1991, No. 2011-XII 'On Social and Legal Protection of Military Personnel and Their Families' (hereinafter referred to as Law No. 2011-XII) regarding payments to the families of fallen (deceased) military personnel (Arts 16, 16-1, 16-3 of this law).¹⁷¹
- 2 Considering the scale of human rights and IHL violations during the full-scale war, to evaluate the possibility and advisability of legislatively separating the procedures for establishing the fact of deprivation of personal liberty as a result of armed aggression against Ukraine from the procedure for awarding (and paying) state financial assistance. Given martial law conditions, the state may not be able to provide the full amount of UAH 100,000 (approximately USD 2,500 as of the time this report was created) to all categories of individuals deprived of personal liberty during the conflict (e.g. those placed in so-called filtration camps, deported to the Russian Federation, etc.). For many victims, the recognition of their status by the state (establishment of the fact of deprivation of personal liberty) is more important than immediate financial assistance. Some affected individuals view this recognition as a first step towards future reparations from the aggressor state. State financial assistance could be provided on a differential basis, such as through a monthly pension or structured payments over a set period. This would offer victims financial security, even if immediate disbursement is not feasible due to the security context, while also affirming their status as rights-holders. The system for establishing the fact of deprivation of liberty should encourage affected individuals to document human rights violations, rather than fostering distrust in public institutions and giving the impression of a lack of interest in recording crimes.
- 3 To revise the amount of state financial assistance, which has not been updated since 2018. Instead of maintaining a fixed amount (currently UAH 100,000), link it to the subsistence minimum for the relevant category of persons (as established annually by the Law of Ukraine on the State Budget for the relevant year) or to another value that fluctuates with economic conditions (e.g. the minimum wage).
- 4 To explore the possibility of introducing 'monthly financial assistance after release' as a form of systemic financial support during rehabilitation and social adaptation, as well as for individuals who continue to face difficult circumstances. Eligibility for such payments and their amounts could be differentiated based on factors such as the duration of detention, health impacts (degree of loss of working capacity), and other considerations (age, availability of housing in Ukraine, etc.). In a decentralized budget environment, local budgets could be a source of funds.
- 5 To legislate to prevent banks from charging commissions for the deposit and withdrawal of state financial assistance, regardless of the type of bank account (terms of the bank account agreement). If this is not feasible, recognizing that not all victims can easily navigate the process of opening a 'commission-free' account in a timely manner, provide clear financial advice or a step-by-step guide (such as a handbook or online video) to help victims set up such accounts.

171 Law of Ukraine dated 20 December 1991, No. 2011-XII, 'On Social and Legal Protection of Military Personnel and Their Families'; VRU.

- 6 To legislate to prevent the denial of other forms of state and local self-government assistance (unrelated to the status of being deprived of personal liberty) after receiving financial assistance under Law No. 2010-IX. This includes, but is not limited to, subsidies for housing and communal services, and for the purchase of liquefied gas and solid and liquid household fuel.
- 7 To reassess current approaches to providing housing. For certain victims, whose only remaining housing is in the temporarily occupied territories, to introduce the option to apply for a mortgage loan under the state programme 'eOselia' at 3% per annum (instead of the 7% available to all IDPs). To reduce the minimum down payment from 20% to 10% of the property value, eliminate the mandatory pension fund contribution (1%), and remove age restrictions for borrowers at the end of the mortgage term (currently limited to 65 years). This would make mortgages more accessible to older victims (given that mortgage agreements allow for the inheritance of rights and obligations).
- 8 To introduce state grants for starting a business, offered on preferential terms to affected individuals who have lost their jobs or businesses (such as grants for starting a business for combatants, persons with war-related disabilities, and their family members).
- 9 To amend Law No. 2010-IX to exempt affected individuals not only from paying fines but also from accruing and paying interest on credit and other monetary obligations during their detention and rehabilitation period after release.

On monitoring and oversight

- 1 To regularly review the application and effectiveness of legislation related to social and legal protection, particularly Law No. 2010-IX, and publish the results of these reviews as publicly available information.
- 2 To establish a working group to discuss and prepare a new version of Law No. 2010-IX that reflects the realities of the full-scale invasion, the number of victims, reasons for arbitrary detentions, and the financial and other constraints faced by the state under martial law. There is an urgent need to review and clarify the scope of individuals covered by Law No. 2010-IX. The law should be based on the social protection of detained persons and their families, as well as released persons and their families. It should incorporate the most realistic and substantive provisions, rather than merely declarative ones. This includes ensuring the effective implementation of labour rights, employment rights, pension provision, and mandatory state social insurance, as well as the right to education. Currently, while these rights are outlined in the existing version of the law, they generally do not significantly impact the lives of released persons.

The working group should include, with consent, representatives from human rights NGOs assisting victims and members of victims associations.

To the Ministry of Development, in collaboration with the Ministry of Health of Ukraine and the National Health Service of Ukraine:

- 1 To amend the relevant legislation to provide free dental care (treatment, prosthetics, etc.) to victims, irrespective of the date of their release from detention.
- 2 To establish a medical assistant/case manager system for victims, which will offer support to the victim (patient), including the recording and transfer of medical information from one doctor to another in a manner that prevents re-traumatization

of the individual. The best practices from the 'Veteran's Assistant' project may serve as a model.¹⁷²

- 3 Recognizing the long-term needs of civilians who have been released from illegal detention, to develop and implement a programme for monitoring the health status of victims after their release. Medical staff should be provided with training on documentation methods, such as body mapping, including for victims of sexual violence. The medical monitoring programme should include, among other things, periodic medical examinations (including free laboratory and instrumental medical tests) for an extended period post-release (at least up to three years). Such monitoring should enable tracking changes (deterioration) in the victim's health and provide timely medical assistance as needed (according to indications). To ensure that victims have the option (by their own choice and with their consent) to receive medical services in private clinics funded by the state medical guarantee programme.
- 4 To consider the possibility of creating a separate package of services within the framework of the medical guarantee programme, which allows for the provision of comprehensive and specialist medical services to persons who have been deprived of their personal liberty. To provide within this package both the possibility to receive urgent help and the possibility of access to rehabilitation. Integrated within this package should be community care pathways involving trained NGOs.

172 e-Veteran platform.

Appendices

Appendix No. 1

/National Emblem of Ukraine/

MINISTRY OF REINTEGRATION OF THE TEMPORARILY OCCUPIED TERRITORIES OF UKRAINE

1, Lesi Ukrainky Square, Kyiv, 01196, phone (044) 284-77-13, (044) 536-92-34

E-mail: info@mtot.gov.ua, website: www.mtot.gov.ua, USREOU code 40446210

Ref. No. [REDACTED]

Addressed to: [REDACTED]

Dear [REDACTED]

The Ministry of Reintegration of Temporarily Occupied Territories of Ukraine (hereinafter referred to as the Ministry of Reintegration) has considered your appeal dated [REDACTED] regarding one-time financial assistance in accordance with the Procedure for Social and Legal Protection of Persons Deprived of Their Liberty as a Result of Armed Aggression Against Ukraine, After Their Release, approved by the Resolution of the Cabinet of Ministers of Ukraine dated 11 December 2019, No. 1122 (hereinafter – Procedure No. 1122), and reports the following:

The Resolution of the Cabinet of Ministers of Ukraine (CMU) 'Some Issues of Optimization of the System of Central Executive Authorities' dated 11 March 2020, No. 212, cancelled the decision to reorganize the Ministry of Temporarily Occupied Territories and Internally Displaced Persons by merging it with the Ministry of Veterans' Affairs, Temporarily Occupied Territories and Internally Displaced Persons.

Furthermore, by the said Government Resolution, the Ministry of Veterans' Affairs, Temporarily Occupied Territories and Internally Displaced Persons of Ukraine was renamed the Ministry of Veterans' Affairs of Ukraine, and the Ministry of Temporarily Occupied Territories and Internally Displaced Persons of Ukraine was renamed the Ministry of Reintegration of Temporarily Occupied Territories of Ukraine.

Thus, the reorganization of the Ministry of Temporarily Occupied Territories and Internally Displaced Persons of Ukraine and its renaming as the Ministry of Reintegration of Temporarily Occupied Territories of Ukraine was cancelled.

In accordance with clause 6 of the Procedure for the Implementation of Measures Related to the Formation, Reorganization or Liquidation of Ministries and Other Central Executive Authorities, approved by Resolution No. 1074 of the Cabinet of Ministers of Ukraine dated 20 October 2011 (hereinafter – Procedure No. 1074), the rights and obligations of executive authorities are transferred to:

- in the event of a merger of executive authorities – to the executive body formed as a result of such a merger;
- in the case of one or more executive bodies joining another executive body – to the executive body to which the bodies are joined;
- in the case of division of an executive body – to the executive bodies formed as a result of such division;
- in the case of transformation of an executive body – to the newly established executive body;
- in the case of liquidation of executive bodies and the transfer of their tasks and functions to other executive bodies – to those bodies determined by the relevant act of the Cabinet of Ministers of Ukraine.

Clause 8 of Procedure No. 1074 stipulates that renaming an executive body does not lead to its reorganization. At the same time, the Ministry of Veterans' Affairs, Temporarily Occupied Territories and Internally Displaced Persons of Ukraine was neither liquidated nor reorganized, but was renamed the Ministry of Veterans' Affairs of Ukraine (which does not result in its reorganization and, accordingly, does not lead to the transfer of its rights and obligations to another executive authority).

In connection with the above, the Ministry of Reintegration is not the legal successor of the rights and obligations of the Ministry of Veterans' Affairs, Temporarily Occupied Territories and Internally Displaced Persons of Ukraine. Additionally, the Law of Ukraine 'On Amendments to the Law of Ukraine on the State Budget of Ukraine for 2020' dated 13 April 2020, No. 553-IX, divided state budget expenditures, separating those of the Ministry of Reintegration of the Temporarily Occupied Territories of Ukraine and those of the Ministry of Veterans' Affairs of Ukraine.

According to the aforementioned law, the Ministry of Reintegration is defined as the chief manager of budget funds under the budget programme 'Measures for the Protection and Ensuring the Rights and Freedoms of Persons Deprived of (or Having Been Deprived of) Personal Liberty by Illegal Armed Forces, the Occupation Administration and/or Authorities of the Russian Federation for Political Motives, as well as in Connection with the Public, Political or Professional Activities of the Specified Persons, Support for the Specified Persons and Their Family Members, Measures for the Reintegration of the Population of the Temporarily Occupied Territories, Payment of Levko Lukianenko State Scholarship.'

In connection with the adoption of the resolution of the CMU 'Some Issues of Optimization of the System of Central Executive Authorities' dated 11 March 2020, No. 212, and the Law of Ukraine 'On Amendments to the Law of Ukraine on the State Budget of Ukraine for 2020' dated 13 April 2020, No. 553-IX, by Resolution of the CMU dated 1 July 2020, No. 553 'On Amendments to Resolutions of the CMU dated 18 April 2018, No. 328, and 11 December 2019, No. 1122', amendments were made to the Procedure for the Use of Funds Provided for in the State Budget for the Implementation of Measures for the Protection and Ensuring the Rights and Freedoms of Persons Deprived of (or Having Been Deprived of) Personal Liberty by Illegal Armed Forces, the Occupation Administration and/or Authorities of the Russian Federation for Political Motives, as well as in Connection with the Public, Political or Professional Activities of the Specified Persons, Support for the Specified Persons and Their Family Members, Measures for the Reintegration of the Population of the Temporarily Occupied Territories, Payment of Levko Lukianenko State Scholarship, approved by Resolution of the CMU dated 18 April 2018, No. 328, and Procedure No. 1122, replacing 'Ministry of Veterans' Affairs, Temporarily Occupied Territories and Internally Displaced Persons of Ukraine' with 'Ministry of Reintegration of the Temporarily Occupied Territories of Ukraine'.

In particular, Clause 6 of Procedure No. 1122 (as amended by CMU Resolution No. 553 dated 1 July 2020) establishes that the decision to recognize a person included in the list of released persons formed by the Security Service of Ukraine (SSU) as having been deprived of liberty as a result of armed aggression against Ukraine is made by the interdepartmental commission formed by the Ministry of Reintegration. The Ministry of Reintegration approves the regulations governing the interdepartmental commission and its personnel.

Thus, it was only after the adoption of CMU Resolution No. 553 dated 1 July 2020, 'On Amendments to Resolutions of the CMU dated 18 April 2018, No. 328, and 11 December 2019, No. 1122', that the Ministry of Reintegration had the legal grounds to form an interdepartmental commission.

In this regard, in accordance with clause 6 of Procedure No. 1122, the Ministry of Reintegration issued Order No. 57 dated 17 July 2020, 'On the Formation of an Interdepartmental Commission to Consider Issues Related to the Recognition of Persons Deprived of Their Liberty as a Result of Armed Aggression Against Ukraine, and the

Implementation of Measures Aimed at Their Social Protection'. This Order was registered with the Ministry of Justice of Ukraine on 13 August 2020 under No. 779/35062 (hereinafter referred to as Order No. 57). The interdepartmental commission was established to consider issues related to the recognition of persons deprived of their liberty due to armed aggression against Ukraine, and measures for their social protection were approved.

Order No. 57 came into force on the day of its official publication, namely, 21 August 2020. Therefore, until 21 August 2020, there was no necessary legal framework that would have permitted consideration of your appeal on its merits. According to sub-clause 1 of clause 1 of Chapter IV of the Regulations on the Interdepartmental Commission, one of the main tasks of the interdepartmental commission is to make a decision to recognize a person included in the list of released persons formed by the SSU as having been deprived of liberty as a result of armed aggression against Ukraine.

As stated in clause 2 of Chapter IV of the Regulations on the Interdepartmental Commission, for a decision to be made as specified in sub-clause 1 of clause 1 of Chapter IV, a person deprived of personal liberty due to armed aggression against Ukraine, or a family member, close relative, legal representative, or a representative acting under a power of attorney on behalf of such a person, must submit a written application to the Ministry of Reintegration. The following documents must be attached to the application:

- 1 Copies of documents verifying the identity and confirming the Ukrainian citizenship of both the person deprived of liberty due to armed aggression against Ukraine and the applicant (and if the applicant is a representative acting under a power of attorney, a copy of such power of attorney must also be included);
- 2 Information or documents confirming the fact and circumstances of the person's deprivation of liberty as a result of armed aggression against Ukraine;
- 3 Any other documents and/or information that the applicant considers necessary to include.

Thus, a necessary condition for the interdepartmental commission to adopt the aforementioned decision is the submission of the appropriate written applications with attached documents to the Ministry of Reintegration. At the same time, your appeal was addressed to the Ministry of Veterans' Affairs, Temporarily Occupied Territories, and Internally Displaced Persons of Ukraine. However, as noted above, the Ministry of Reintegration is not the legal successor to the rights and obligations of the Ministry of Veterans' Affairs, Temporarily Occupied Territories, and Internally Displaced Persons of Ukraine.

We also wish to draw your attention to the fact that, in order for the interdepartmental commission to make a decision recognizing a person as having been deprived of their liberty due to armed aggression against Ukraine, Clause 6 of Procedure No. 1122 and sub-clause 1 of clause 1 of Chapter IV of the Regulations on the Interdepartmental Commission require that such a person is included in the list of released persons formed by the SSU.

At present, there is no information about you in the list of released persons received from the SSU.

In addition, clause 13 of Procedure No. 1122 stipulates that in order to receive the assistance, the released person must apply to the Ministry of Reintegration with a corresponding application, indicating the details of their personal account at the banking institution to which the assistance will be transferred. The following documents must be attached to the application:

- 1 Copies of documents verifying the identity and confirming the Ukrainian citizenship of the person who was illegally deprived of their personal liberty;

- 2 A copy of the certificate assigning the registration number of the taxpayer's registration card to the person who was illegally deprived of their personal liberty (except for individuals who, due to their religious beliefs, refuse to accept the registration number of the taxpayer's registration card and have notified the relevant supervisory authority about it, as well as having a mark in their passport);
- 3 A copy of a foreigner's or stateless person's passport and a document confirming the legality of their stay in Ukraine.

According to clause 15 of Procedure No. 1122, the Ministry of Reintegration, after comparing the application and the documents specified in clause 13 of this Procedure with the list of persons identified by the interdepartmental commission as having been deprived of their liberty due to armed aggression against Ukraine, will transfer the corresponding funds to the person's personal account opened at the banking institution specified in the application. Thus, a prerequisite for the transfer of one-time financial assistance from the Ministry of Reintegration is the decision of the interdepartmental commission to recognize a person who was deprived of their liberty due to armed aggression against Ukraine.

In light of the above, we would like to inform you that the Ministry of Reintegration is currently developing a normative legal act that aims to comprehensively address the issues of individuals deprived of their liberty as a result of armed aggression against Ukraine following their release. This act will ensure the payment of one-time financial assistance to Ukrainian citizens taken hostage as a result of armed aggression, deprived of their liberty for political reasons, or captured as prisoners of war (after their release) in connection with the protection of Ukraine's independence, sovereignty, and territorial integrity.

Yours sincerely,
Deputy Minister for European Integration
/signed/
Ihor Yaremenko

Appendix No. 2

/National Emblem of Ukraine/
SECURITY SERVICE OF UKRAINE

The United Centre for the Coordination of the Search and Release of Persons Illegally Deprived of Liberty in the Area of Implementation of Measures for Ensuring National Security and Defence, Repelling and Deterring the Armed Aggression of the Russian Federation in the Donetsk and Luhansk Regions

4, Irpynska Street, Kyiv, 01601, phone (044) 255-84-35

E-mail: united_center@ssu.gov.ua, USREOU code 00034074

Ref. No. [REDACTED]

Addressed to: [REDACTED]

The United Centre processed your request dated [REDACTED] within the scope of its competence.

According to the information records of the United Centre, as of [REDACTED], the citizen [REDACTED] was taken hostage by illegal armed groups on [REDACTED] in the area of the anti-terrorist operation and was released on [REDACTED].

There is no information regarding the other issues raised in your appeal.

Head of the United Centre
/signed/
Yurii Malashko

Appendix No. 3

/National Emblem of Ukraine/

MINISTRY OF REINTEGRATION OF THE TEMPORARILY OCCUPIED TERRITORIES OF UKRAINE

13, Chokolivskyi Boulevard, Kyiv, 03186, phone (044) 355-14-63, (044) 355-14-65

E-mail: info@minre.gov.ua, website: www.minre.gov.ua, USREOU code 40446210

Ref. No. [REDACTED]

Addressed to: [REDACTED]

Regarding the Consideration of the Appeal

Dear [REDACTED],

Following the processing of your application dated [REDACTED], the Directorate for the Protection of Citizen Victims of Armed Aggression (hereinafter referred to as the Directorate) of the Ministry of Reintegration of the Temporarily Occupied Territories of Ukraine (hereinafter referred to as the Ministry of Integration) reports the following.

The Commission on Deprivation of Personal Liberty as a Result of Armed Aggression against Ukraine (hereinafter referred to as the Commission) operates under the Ministry of Reintegration.

In order for the Commission to establish the fact of deprivation of personal liberty as a result of armed aggression against Ukraine, we request that you provide the Ministry of Reintegration with information or documents confirming the fact and circumstances of deprivation of personal liberty due to armed aggression against Ukraine.

It should be noted that the state authorities collecting information on Ukrainian citizens detained by the Russian Federation include, in particular, the National Information Bureau (hereinafter referred to as the NIB) and the United Centre for the Coordination of the Search and Release of Persons Illegally Deprived of Liberty as a Result of the Armed Aggression of the Russian Federation under the Security Service of Ukraine (hereinafter referred to as the UC under SSU).

You may send a request to these bodies for information via e-mail: NIB – info@nib.gov.ua; UC under SSU – united_centre@ssu.gov.ua.

Additional consultation can be obtained by calling the Directorate at (044) 355-14-56, or for correspondence via messengers (WhatsApp, Telegram, Viber) at [REDACTED].

Yours sincerely,

Director General of the Directorate

/signed/

Nataliia Babiichuk

Appendix No. 4

/National Emblem of Ukraine/

MINISTRY OF REINTEGRATION OF THE TEMPORARILY OCCUPIED TERRITORIES OF UKRAINE

13, Chokolivskyi Boulevard, Kyiv, 03186, phone (044) 355-14-63, (044) 355-14-65

E-mail: info@minre.gov.ua, website: www.minre.gov.ua, USREOU code 40446210

Ref. No. [REDACTED]

Addressed to: [REDACTED]

Dear [REDACTED]

The Ministry of Reintegration of the Temporarily Occupied Territories of Ukraine (hereinafter referred to as the Ministry of Reintegration) reports, based on the results of the consideration of your application dated [REDACTED] regarding the establishment of the fact of deprivation of personal liberty as a result of armed aggression against Ukraine, the following.

In accordance with clause 7 of the Regulations on the Commission on Deprivation of Personal Liberty as a Result of Armed Aggression against Ukraine (hereinafter referred to as the Commission), approved by Resolution of the CMU dated 15 November 2022 No. 1281, the decision to establish the fact of deprivation of personal liberty as a result of armed aggression against Ukraine is considered adopted if more than half of the members present at the meeting of the Commission vote in favour thereof.

In the absence of a sufficient number of votes, the fact of a person's deprivation of personal liberty as a result of armed aggression against Ukraine is deemed unestablished.

At the meeting on [REDACTED], the Commission, based on the results of reviewing your request from [REDACTED], decided not to confirm the fact of deprivation of personal liberty as a result of armed aggression against Ukraine concerning [REDACTED], due to the fact that the decision to establish the same was not supported by a sufficient number of votes.

If you have additional information or documents confirming the fact and circumstances of the deprivation of personal liberty as a result of armed aggression against Ukraine, you may apply to the Commission again. If you have any further questions, please contact the Directorate for the Protection of Citizens Victims of Armed Aggression at the following phone number: (044) 355-14-56, or for correspondence via messengers (WhatsApp, Telegram, Viber) at [REDACTED].

Yours sincerely,
Deputy Minister
/signed/
Anatolii Stelmakh

Appendix No. 5

/National Emblem of Ukraine/

SECURITY SERVICE OF UKRAINE

Main Investigative Department

33, Volodymyrska Street, Kyiv, 01601, phone (044) 255-84-88

E-mail: san@ssu.gov.ua, website: www.ssu.gov.ua, USREOU code 00034074

Ref. No. [REDACTED]

Addressed to: [REDACTED]

I, as the head of the group of investigators, have considered your request dated [REDACTED] for an extract from the Unified Register of Pre-Trial Investigations in Criminal Proceedings No. [REDACTED] dated [REDACTED]. Currently, the pre-trial investigation is ongoing. Therefore, taking into account the requirements of Article 222 of the Criminal Procedure Code of Ukraine, it is not possible to send procedural documents by post or other means of communication.

Instead, in accordance with Article 55 of the Criminal Procedure Code of Ukraine, you have the right to familiarize yourself with the materials of the proceedings that directly relate to the criminal offence committed against you, in the manner provided for by the Criminal Procedure Code of Ukraine.

You can carry out the familiarization at the premises of the Main Investigative Department of the SSU in the city of Kyiv and arrange the date and time over the phone.

Senior Investigator in the Internal Affairs Bodies

Of Unit [REDACTED] of Pre-trial Investigation Department [REDACTED]

of the Main Directorate

Major of Justice

/signed/

[REDACTED]



From social protection to reparations for Ukraine:

Lessons learned from the case of civilian detainees under Russia's armed aggression

In brief

Thousands of civilians have been arbitrarily detained and tortured in Russia's war against Ukraine. Looking after former detainees and their families has presented significant challenges to the government of Ukraine, but also provided it with important experience for the planning of future reparations mechanisms.

This analytical report highlights the issues surrounding the social protection of civilians who were deprived of their personal liberty during the armed aggression of the Russian Federation against Ukraine. The document offers a thematic overview of Ukrainian legislation, reveals the genesis of its formation, and discusses its current state. Considerable attention is paid to the analysis of the activities of the Commission on Deprivation of Personal Liberty as a Result of Armed Aggression against Ukraine, under the Ministry of Reintegration (now the Ministry of Development), as well as the evaluation of its work by public experts and affected individuals. The report describes the types of social protection provided for in the legislation for victims, the difficulties faced by civilians trying to access the relevant assistance and offers recommendations for improving the state assistance system for civilians released from imprisonment.



Lessons learned from Ukraine's recent experience in providing assistance for civilian detainees will be invaluable for the planning and implementation of wider national reparation mechanisms for civilian harm resulting from Russia's aggression, including those currently being developed at the level of the Council of Europe. While the role of the government of Ukraine in planning and administering assistance for its affected civilians will remain central, under international law it is the perpetrator of the aggression that must pay.

This report highlights the ideas and expectations of former detainees, and other civilians harmed in the conflict, regarding future reparations. Integral to these ideas is the notion of reparations as the restoration of justice. Inclusive, victim-centred reparations will need to take a holistic approach, addressing not just restitution, compensation and rehabilitation, but also satisfaction and guarantees of non-repetition.

This report complements Ceasefire's earlier report, *Reparations for Ukraine: An International Route Map*, which focused on the role of the international community in delivering justice for Ukraine.

Ceasefire Centre for Civilian Rights,
3 Whitehall Court, London SW1A 2EL, United Kingdom
www.ceasefire.org

CEASEFIRE ■ ■
centre for civilian rights

Eastern Ukrainian Centre for Civic Initiatives
www.totalaction.org.ua



Східноукраїнський центр
громадських ініціатив