

***Information provided by the Ministry of Justice of Ukraine
on right to adequate housing for indigenous peoples***

By its Decree of March 20, 2014 No. 1140 Verkhovna Rada (the Parliament) of Ukraine recognized the Crimean Tatar people as indigenous people of Ukraine and supported the United Nations Declaration on the Rights of Indigenous Peoples adopted by the UN General Assembly in accordance with the Resolution 61/295 of September 13, 2007.

Providing of the necessary conditions for the return, social adaptation and integration of the deported ethnic Crimean Tatars, as well as persons of other nationalities is an important area of the state policy in maintaining socio-economic stability, national security and international prestige of Ukraine.

On April 17, 2014, the Parliament of Ukraine adopted the Law of Ukraine “On the Restoration of the Rights of Persons Deported on Ethnic Grounds” (hereinafter referred to as the Law) in order to consolidate at the legislative level the legal grounds for the formation and implementation of the state policy in the area of return, settlement and restoration of the rights of persons deported on ethnic grounds, which envisages state guarantees for deportees concerning settling them within the administrative units where they or their parents or grandparents lived at the time of deportation.

The procedure for granting or deprivation of the status of a person deported on the basis of nationality was approved by the Decree of the Cabinet of Ministers of Ukraine of November 12, 2014, No. 643 (hereinafter - Procedure No. 643).

As of May 22, 2019, in accordance with Procedure No. 643, the status of a person deported on ethnic grounds was granted to 138 persons.

According to the budget program 2501120 "Resettlement and settlement of the deported Crimean Tatars and persons of other nationalities who were deported from the territory of Ukraine" (hereinafter – the budget program), funds were allocated, in particular, to:

- carrying out national-cultural artistic events (the Day of memory of victims of genocide of the Crimean Tatar people);
- strengthening of the physical infrastructure of the cultural institutions, health care and educational institutions in places of compact residence of the deported persons (Henichesk district of Kherson region);
- providing financial support to the TV company Atlant-TV for the television channel with the logo "ATR T" (a channel that informs, including in the temporarily occupied territory, about events in the country and in the world);
- strengthening of the physical infrastructure of educational and health care institutions, reconstruction of water supply networks and secondary schools of the Henichesk district of the Kherson region.

The procedure for using the funds allocated in the state budget for resettlement and settlement of the deported Crimean Tatars and persons of other nationalities deported from the territory of Ukraine was approved by the Decree of the Cabinet of Ministers of Ukraine of June 9, 2011 No. 647.

In order to ensure proper realization of the rights of persons deported on ethnic

grounds, the Law of Ukraine On Amendments to Article 7 of the Law of Ukraine “On the Restoration of the Rights of Persons Deported on Ethnic Grounds” was drafted; it addresses such issues as return of houses and property lost due to the deportation and compensation for the loss thereof (the Draft Law was registered in the Parliament of Ukraine on March 23, 2017 under No.6228).

The Draft Law addresses the issues of returning or reimbursing of the value of property of the deportees, which had been seized as a result of deportation and is located in the temporarily occupied territory of Ukraine or in the territory of the antiterrorist operation (*as of now – Joint forces operation*) until the restoration of the constitutional order in the specified territories.

Thus, Article 7 of the Law "On the Restoration of the Rights of Persons Deported on Ethnic Grounds" is proposed to be supplemented with a new paragraph which envisages that a person who has acquired the status of a deportee and whose property had been seized as a result of deportation, as long as it is located in the temporarily occupied territory of Ukraine, has the right to submit an application for compensation and return of the property not later than three years after the full restoration of the constitutional order of Ukraine in the specified territories (the Draft Law was approved in the first reading).

On April 24, 2019, the Cabinet of Ministers adopted the Decree No. 357 “On Approval of the Procedure for Return of Property or Reimbursement of its Value to Deported Persons or, in the event of their death, to the heirs of such persons”.

The Decree defines the procedure for the return to the deported persons or to their heirs of the buildings and other property (if the building is not occupied, and the property, seized as a result of deportation, has been preserved) and in the absence of such possibility – for the reimbursement of their value.

If the property, withdrawn as a result of deportation, is located in the temporarily occupied territories of certain districts of Donetsk and Luhansk regions, the Autonomous Republic of Crimea and the city of Sevastopol, or in the localities where the state authorities temporarily do not exercise their powers, or the localities situated on the line of contact, the deportee or his/her successor (including internally displaced persons) have the right to apply to the authorized body at the actual place of residence (stay).

After full restoration of the constitutional order of Ukraine in the specified territories, the authorized body shall within one month transfer the application and copies of documents filed by the deported person or its successor to the authorized body at the location of the property of the deported person.

The Procedure defines the list of documents necessary for the return of the property or the reimbursement of its value.

On the basis of the decision of the relevant commission, the executive body of the rural, city, district council (in case of formation), the executive body of local self-government of the united territorial community at the location of the property, within one month makes a decision to transfer the property to the applicant and executes the relevant documents, required for state registration of property rights to the real estate.

The total period of return of property cannot exceed two months after the decision on the transfer of property.

The transfer of property to a deportee or his successor is carried out free of charge. In case the commission decides on the reimbursement of the value of the property, its value is reimbursed gradually over a period of five years.

At least one fifth of the accrued amount of indemnity shall be paid at a time.

In the case of death of the deported person, after the appropriate decision, the value of the property is reimbursed to his/her heirs.

Compensation is made at the expense of funds provided for these purposes in the State Budget of Ukraine, the budget of the Autonomous Republic of Crimea and local self-government budgets, and other funds provided for such purposes.

The amount of compensation is transferred to the current bank account of the deported person or his/her successor.
