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30.04.2023 № 401/2023

*To UN Special Rapporteur on adequate housing*

**Russian Aggression in Ukraine and Ukrainians’ Right to Housing Affordability**

Our Association of Reintegration of Crimea (ARC)[[1]](#footnote-1), is non-governmental expert and human rights organisation, with activities devoted to Crimea’s issues.

ARC’s expert researches are related with human rights of Crimean residents and ethnic groups, including social and economic rights. Since 2020 we sent more than 100 submissions and proposals to UN human rights’ strictures, major part of them were published in the UN web-sources, including the issues of housing[[2]](#footnote-2)[[3]](#footnote-3)

Since 24th of February 2022 Russia committed broad and open military aggression to all Ukraine’s territory against Ukrainian mainland from own territory, and from the Russia-occupied Crimea, from Belarus, Black and Azov seas, including maritime aggression.

Due last fourteen monthes Russia occupied some territories of Donetzk, Kharkiv, Kherson, Luhansk, Zaporizhzhya regions and active hostilities were in Chernigiv, Kyiv, Mykolaiv, Sumy, Zhitomir regions of Ukraine. Strong fights were going near cities of Kharkiv, Mykolaiv, Mariupol and others with total population more than 10 millions persons near the frontline. Russia-controlled troops and mercenaries committed in Ukraine gross violation of international humanitarian law and international human rights’ law already[[4]](#footnote-4).

Russia commenced an unprovoked invasion throughout Ukrainian territory, which is already causing catastrophic harms to Ukraine and its people, including gross violation the international humanitarian law and destruction the fundamental human rights[[5]](#footnote-5)[[6]](#footnote-6)[[7]](#footnote-7)[[8]](#footnote-8)[[9]](#footnote-9). Human Rights Watch has documented several cases of Russian military forces committing laws-of-war violations against civilians in occupied areas[[10]](#footnote-10). All war crimes, committed by Russian invaders during ongoing hostilities are connected with absolutely clear Russia’s war targets in maximal destruction the civil object including apartment buildings and private houses[[11]](#footnote-11).

As major of Kharkiv stated in 31st of March, 2022 Russian troops destroyed more than 1290 apartment buildings in this one-million city, most of them were multi-floor ones[[12]](#footnote-12). Up to this date 90% of apartment building in Mariupol, city with 400 thousands inhabitants, are destroyed[[13]](#footnote-13) Among 3300 multi-storey residential buildings in Mykolaiv 400 were destroyed partially and 60 - totally[[14]](#footnote-14); those data are proved by UNOSAT maps[[15]](#footnote-15).

**So millions of Ukrainians, including children and older persons lost their houses due to Russian aggression and related hostilities.**

Those issues now are the subject of the investigation the International Criminal Court[[16]](#footnote-16) Due to gross violation the human rights Ukraine filed an application to the European Court of Human Rights also[[17]](#footnote-17). Russian government refused to execute the demand of the ECtHR and the order of ICJ to immediately suspend the military operations that it commenced on 24 February 2022.[[18]](#footnote-18) On March 16 2022, Russia was excluded from the Council of Europe and refused officially to execute the demands of European Convention on Human Rights that guarantees rights to property and privacy and, accordingly, to housing affordability.

UN Human Rights Council (HRC) adopted its resolution 49/1 on 4 March 2022 where it expressed grave concern at the documented harm to the enjoyment of many human rights, resulting from the aggression against Ukraine by Russia[[19]](#footnote-19).

On 8 March 2022 UN human rights experts called on Russia to immediately end its invasion of Ukraine to avoid further bloodshed; experts recalled that intentional attacks against civilian objects amount to war crimes[[20]](#footnote-20), that are terroristic by their nature. In other UN experts’ statements the negative impact of Russia’s aggression on persons with disabilities and older persons was condemned[[21]](#footnote-21), and relevant risks for women’s right to life were pointed[[22]](#footnote-22)[[23]](#footnote-23).

UN Special Rapporteur on the right to adequate housing expressed on 9th of March the grave concerns about the serious violations of the right to adequate housing in Ukraine that is directly connected with activities of Russia-controlled fake terroristic “Donetsk peoples republic” and “Luhansk peoples republic”.

UN General Assembly in its resolution ES-11/1 on 2 March 2022 recognized that the military operations of Russia inside the sovereign territory of Ukraine are on a scale that the international community has not seen in Europe in decades and that urgent action is needed to save this generation from the scourge of war. In article 9 of this resolution UN General Assembly demanded to protect civilians, including persons in vulnerable situations[[24]](#footnote-24).

UN General Assembly in its resolution ES-11/2 on 24 March 2022, articles 5 and 8, demanded again full respect for and protection of objects indispensable to the survival of the civilian population and civilian infrastructure that is critical to the delivery of essential services in armed conflict; stressed that the sieges of cities in Ukraine further aggravate the humanitarian situation for the civilian population and hamper evacuation efforts, and therefore demands to put an end to sieges[[25]](#footnote-25).

On 7 April 2022 the UN General Assembly adopted a resolution ES-11/3[[26]](#footnote-26) calling for Russia to be suspended from the Human Rights Council[[27]](#footnote-27). The UN Human Rights Council adopted on 12th of May a resolution on the deteriorating human rights situation in Ukraine where pointed that Russia should immediately cease its aggression, withdraw all its forces from the whole territory of Ukraine, and provide international human rights and humanitarian institutions with unhindered, immediate and safe access to persons transferred from conflict-affected areas[[28]](#footnote-28). On February, 23, 2023 the UN GA called for ending the war in Ukraine and demanded Russia’s immediate withdrawal from the country and expressed grave concern at the high number of internally displaced persons and refugees in need of humanitarian assistance, and violations and abuses committed against children[[29]](#footnote-29).

On February 24, 2023 OSCE officials and structures made a number of statements, condemning the Russia’s atrocities[[30]](#footnote-30)[[31]](#footnote-31).Also on February 24, a Joint Statement of the OSCE Parliamentary Assembly Bureau, was made also. In a Joint Statement, the OSCE PA Bureau condemned Russia’s kidnapping of thousands of Ukrainian children for forced adoption and assimilation. OSCE PA Bureau declared the duty to hold accountable, in co-ordination with Ukraine, those responsible for such crimes, and also called to support the children of Ukraine to overcome the trauma they have experienced[[32]](#footnote-32).On March, 17, 2023 ICC has issued an arrest warrant for Russia’s president Vladimir Putin for overseeing the abduction of Ukrainian children[[33]](#footnote-33) as modern illegal form of slavery for Ukrainian minors[[34]](#footnote-34), that were illegally limited in their right to housing by Russian occupiers and terroristic paramilitary units.

Those decisions are not executed by Russian troops, Russia-controlled mercenaries and terroristic groups, which established policy or terror and repressions over the Russia-occupied territories of Ukraine, especially in the Crimea, Donetsk, Kherson, Luhansk and Zaporizhzhya regions. All Ukraine’s attempts for the peace-building, including peace talks and negotiations with Russian government were unsuccessful and Russia rejects all peace propositions and it refuses to execute the demands of ICJ and ECtHR orders to stop the aggression and hostilities that are directly pointed against rigth to adequate housing.

According to various estimates, housing stock losses in 2022 reached from 135,000 to 817,000 destroyed or damaged buildings. These estimates remain approximate because the ability to physically examine buildings is limited in the conditions of military activity. In June 2022, Ukraine’s Ministry of the Development of Communities and Territories issued an order to develop a system for monitoring the damages and destruction, which should include information on residential and public buildings. In March 2023, a part of the Ukrainian territory remains occupied, and the level of destruction in those areas is difficult to assess. In addition, military activities and missile attacks of civilian infrastructure by the Russian army continue, which means that the scale of destruction and the number of people who have lost their homes are increasing.

International Organization for Migration, as of January 2023, the number of displaced people in Ukraine was 5.4 million. The IOM estimates that the number of IDPs is gradually decreasing—for instance, in December 2022, there were 5.9 million of them. Among the internally displaced who moved more than once, the main reasons for this were inability to earn income (47%) and lack of proper housing (41%)[[35]](#footnote-35).

*Ukraine do possible measures to protect Ukrainians’ right to housing affordability.*At its meeting on February 23, the Verkhovna Rada adopted draft law № 7198, as law № 2923-IX[[36]](#footnote-36), establishing the procedure for state compensation for damaged and destroyed property as a result of hostilities. While the draft law was being prepared for the second reading, the Cabinet of Ministers adopted Resolution № 473 on April 19, 2022. It sets out the procedure for conducting an examination of the destruction with the participation of local authorities.

A little later, the Presidential Office offered the owners of damaged and destroyed property an algorithm for documenting losses so that they could receive prompt compensation. In addition, the Ministry of Digital Transformation presented the Register of Damaged and Destroyed Property, which would store information about residential buildings and other structures destroyed during the russian invasion[[37]](#footnote-37).

It is important in the law № 2923-IX that the funds allocated for compensation for damaged or destroyed housing will work for the economy of Ukraine. This will be possible due to the fact that Ukrainians who have lost and need housing will be able to use the certificate to obtain housing on the secondary market or to finance the construction of a new housing or separate building materials, or services by analogy with eSupport[[38]](#footnote-38).

On 13 April 2023, the Steering Committee Meeting was held to launch a new Council of Europe Project “Strengthening judicial and non-judicial remedies for the human rights protection of the war-affected people in Ukraine”. This Project is implemented within the framework of the Council of Europe Action Plan for Ukraine: Resilience, Recovery and Reconstruction 2023-2026 and foresee the support of Ukrianians in housing issues[[39]](#footnote-39).

Special challenges to right to housing affordability must be solved after the de-occupation of the Crimea during its reintegration, our Association works actively on this challenge[[40]](#footnote-40)[[41]](#footnote-41)[[42]](#footnote-42).

Our Association believes that next urgent, immediate steps of the UN Special Rapporteur on protection the right for housing for Ukrainians, in condition of ongoing interstate conflict and hostilities, must be done, including all observation procedures and **visit to Ukraine**.

We hope that above-pointed special statements of the UN experts and rapporteurs regarding situation in Ukraine must be supported by next UN HRC’s and UN High Commissioner for Human Rights’ next official positions. Our Association believes that urgent, immediate steps of the UN OHCHR bodies must be done; monitoring procedure, mentioned in HRC resolution 49/1, must be enforced immediately.

Such UN steps must counteract the gross human rights violations committed by the Russian troops in Ukraine; such UN steps must include the activities of the Human Rights Council and in the framework of High Commissioner for Human Rights’ and Human Rights Council’s mandates.

30th of April, 2023 Representative of the ARC

Dr. Borys Babin

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