

Defining Housing Damages

1. What legal framework (including international standards) exists for dealing with war-damaged housing?

National legislation



The payment of compensation from the state for housing destroyed by hostilities in Ukraine is regulated by:

- **General Law** - The Law of Ukraine "On Compensation for Damage and Destruction of Certain Categories of Real Estate Objects as a Result of Hostilities, Terrorist Acts, Sabotage, Caused by Armed Aggression of the Russian Federation against Ukraine, and the State Register of Property Damaged and Destroyed as a Result of Hostilities, Terrorist Acts, Sabotage, Caused by Armed Aggression of the Russian Federation against Ukraine" (hereinafter referred to as the General Law).

More specific provisions are indicated regarding:



- **Compensation for destroyed property** - in the Resolution of the Cabinet of Ministers of Ukraine dated May 30, 2023, No. 600.



- **Compensation for damaged property** - in the Resolution of the Cabinet of Ministers of Ukraine dated April 21, 2023, No. 381.



- **Act of inspection of the object damaged** as a result of military actions - in the Resolution of the Cabinet of Ministers of Ukraine dated April 19, 2022, No. 473.



- **List of territories** where hostilities are (were) conducted or temporarily occupied territories - in the Order of the Ministry for Reintegration of Temporarily Occupied Territories of Ukraine dated December 22, 2022, No. 309.

International legislation

There is no general international document that provides a unified approach to the restoration of property destroyed during armed conflicts. The United Nations General Assembly adopted a resolution recognizing the need for the establishment of an international mechanism related to compensation for damages.

Therefore, it is necessary to be guided by the principles set out in:

- The Universal Declaration of Human Rights (Article 12, Article 25);
- The International Covenant on Economic, Social, and Cultural Rights (Article 11 Part III);
- The Convention for the Protection of Human Rights and Fundamental Freedoms (Article 8, Article 1 of Protocol No. 1 to the Convention for the Protection of Human Rights and Fundamental Freedoms).

- "UN Principles on Housing and Property Restitution for Refugees and Displaced Persons" (Pinheiro Principles) (principles 2, 13).

2. How does Ukrainian law categorize and define housing damage resulting from conflict?

In Ukraine, two types of compensation are classified: for property that is destroyed and for property that is damaged.

a) Compensation for destroyed property: is paid to each owner or co-owner and for each individual destroyed property. The calculation of compensation is made according to a formula established by the state, taking into account the total area of the property.

b) Compensation for damaged property: is calculated depending on the work that needs to be done to restore the property.

3. What distinguishes partial damage (including minor one) from complete destruction?

The difference between damaged and destroyed property lies in whether it is possible to restore the property. If the property cannot be restored through repairs, then it will be considered "destroyed." If, however, repairs can make the dwelling suitable for use, then the property will be considered "damaged."

For example, an apartment or house may be deemed damaged if the windows, roof, engineering systems, etc., are damaged. If the structural walls are ruined or the integrity of the apartment or house is compromised, rendering them unsuitable for restoration, then in this case, the property will be considered destroyed.