

HLP RIGHTS IN A SNAPSHOT

Housing, land and property (HLP) rights are a collection of international and national human rights laws, covenants, treaties, standards, principles and norms that refer to the conditions in which people live and the rights that they are entitled to enjoy as dwellers in their places of residence whether privately owned, rented or otherwise. HLP encompasses not just residential housing but also land, businesses, moveable assets and livestock.



HLP INTERNATIONAL NORMATIVE LEGAL FRAMEWORK

The international normative legal framework on HLP rights for internally displaced people are framed as encapsulating five core rights:

- 1 The right to voluntary return to places of origin
- 2 The right to restitution or compensation for abandoned, lost, damaged or destroyed properties
- 3 The right to adequate housing and security of tenure
- 4 The right to protection against forced evictions
- 5 The right not to be arbitrarily deprived of one's property

HLP RIGHTS ISSUES: UKRAINE CONFLICT

- » Weak security of tenure for IDPs renting privately without written agreements
- » Lack of documentation proving property ownership / connection
- » Adequacy and availability of suitable housing for IDPs
- » Lack of access to properties in GCA/NGCA
- » Absence of Government legal / administrative services in NGCA
- » Military occupation of civilian properties / access restrictions
- » Lack of support for people in insecure frontline communities
- » Lack of support for families hosting IDPs
- » Risks of IDP property expropriations arising from NGCA de facto authority policies
- » Increased burden on host communities
- » Restitution of properties and / or compensation for damage in both GCA and NGCA and lack of enabling legislation
- » Lack of comprehensive damage assessment in both NGCA and GCA and quantifying of costs
- » Safety and security of returnee properties with respect to presence of mines, unexploded ordinance and explosive remnants of war
- » Lack of HLP rights knowledge

INTERNATIONAL LAW FRAMEWORK

- International Covenant on Economic, Social and Cultural Rights (ICESCR)
- International Covenant on Civil and Political Rights (ICCPR)
- Refugee Convention
- Race Convention
- Child Right Convention
- Convention on the Ending of all Forms of Discrimination Against Women
- Fourth Geneva Convention
- European Convention on Human Rights
- Guiding Principles on Internal Displacement

NATIONAL LAW FRAMEWORK

Constitution of Ukraine (1996)

- prohibition of restrictions or benefits based on property status or place of residence (Art. 24)
- inviolability of a dwelling place (Art. 30)
- freedom of movement and choosing place of residence (Art. 33)
- right to property (Art. 41)
- right to housing (Art. 47)
- adequate housing (Art. 48)

Law on Ensuring Rights and Freedoms of IDPs(2014)

- ▲ proper conditions for permanent or temporary accommodation
- ▲ free temporary accommodation (but with utility bills payment) for 6 months upon the date of IDP registration
- ▲ facilitation of return to previous place of residence

Cabinet of Ministers Resolution No. 505 on Provision of Monthly Targeted Assistance to IDPs for Covering Living Costs, Including Utilities (2014)



THE PINHEIRO PRINCIPLES

The Pinheiro Principles outline international standards with regards to the rights of refugees and displaced persons to return to their original homes and lands. The Principles are the culmination of more than a decade of international and local activities in support of the emerging right to housing and property restitution as a core remedy to displacement. Adopted in August 2005 by the UN Sub-Commission on the Protection and Promotion of Human Rights, the Pinheiro Principles provide useful guidance on the international standards governing the effective implementation of housing, land and property restitution programs and mechanisms.

