

# THIRD JUDICIAL FORUM



“THE ADMINISTRATION OF JUSTICE  
IN THE FACE OF ARMED CONFLICT  
IN EASTERN UKRAINE”

KYIV, OCTOBER 31, 2019



## Summary

The third Judicial Forum for judges from Donetsk and Luhansk oblasts was organized by the United Nations Recovery and Peacebuilding Programme (UN RPP) in close partnership with national NGO “The Association for the Development of Judicial Self-Governance in Ukraine”. The main purpose of this event was to discuss the practices and challenges related to administering justice in the face of the armed conflict in Eastern Ukraine. Specifically, the following topics were covered:

1. Pension and social security system for the population affected by the armed conflict in Eastern Ukraine.
2. Establishment of facts of birth and death in armed conflict, inheritance-related issues, and compensation for the destroyed private housing.
3. Realization and protection of victims’ rights of domestic violence in conflict affected areas.

Judges and national experts from the judiciary, representatives from the relevant ministries, civil society, national and international non-governmental organizations, and the UN agencies participated in the dialogue aimed at finding the common solutions to those specific issues.

## Key recommendations and conclusions

### Pension and social security of the population affected by the armed conflict in Eastern Ukraine

- Judges need to be provided with access (limited) to the Unified Database on Internally Displaced Persons in order to facilitate effective justice administration
- Awareness of the employees of structural units (government) on social protection regarding the application of the legislation to the internally displaced persons must be improved
- The issue of obtaining certificates of internally displaced persons for graduating children needs to be resolved at the legislative level
- Legislation on restoration of pension and welfare payments requires coordination and adjustments
- The issues of back pension payments and confirmation of the accumulated period of work in the non-government territory must be regulated at the legislative level
- The issue of pension payments must be decided on the principle of non-discrimination
- The procedure of execution of court decisions on the implementation of social rights of citizens requires immediate settlement

## Establishing the facts of birth and death within the armed conflict. Heritage. Compensation for destroyed private housing

- The presented procedure for the implementation of the administrative order for registration of birth and death needs further elaboration by government responsible agency/agencies
- The involvement of practicing judges and representatives of the relevant international organizations in the process of finalizing a new administrative order, which will regulate the procedure for consideration of documents confirming the fact of birth or death of a person occurred in the temporarily occupied territories of Donetsk and Lugansk oblasts is appropriate
- The judicial procedure for establishing the facts of birth and death must remain as an alternative to the administrative one.
- The Law of Ukraine “On Court Fee” requires interpretation in terms of collecting court fees when considering cases of establishing the facts of birth and death and needs a clear definition of the category of cases that is released from the payment of court fees
- The notarial procedures regulating inheritance issues must be coordinated with the access to justice situation caused by the armed conflict in Eastern Ukraine
- Vulnerable categories of persons who need to inherit real estate, require the establishment of preference schemes

## Domestic violence

- Awareness of the concept of domestic violence needs to be raised among the population, especially the work with potential victims and children is of a great importance
- Awareness of the National Police officers about their authorities and responsibilities in dealing with domestic violence needs to be strengthened
- Strong and close cooperation between the court, the police, the Prosecutor's office and other actors involved in combating domestic violence must be established and strengthened
- The personal data in the Register of Judgments, in particular, the addresses of the victims' residence and stay must not be public
- The application of the practice of the European Court of Human Rights in cases of domestic violence is necessary

The United Nations Recovery and Peacebuilding Programme (UN RPP) is being implemented by four United Nations agencies: the United Nations Development Programme (UNDP), the UN Entity for Gender Equality and the Empowerment of Women (UN Women), the United Nations Population Fund (UNFPA) and the Food and Agriculture Organization of the United Nations (FAO).

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