

# Ukraine

September 2017

## Update on draft legislation relating to the non-government controlled areas

On 6 September, the Parliamentary Committee on State Security and Defence (hereafter, the Committee) discussed draft legal acts relating to the recognition of some parts of Donetsk and Luhansk oblast temporarily occupied. Development of legislation on this issue now has a long history, with three drafts registered in Parliament in April-May this year. Below are short presentations and conclusions of the Committee on the draft laws:

- **Draft law no. 6400, “*On the Territory of Ukraine Temporarily Occupied by the Russian Federation*”**, was registered by a number of MPs, and led by the vice-speaker Ms. Oksana Syroid.<sup>1</sup> The draft proposes the same statuses for the Autonomous Republic of Crimea and some parts of Donetsk and Luhansk regions where state authorities temporarily do not fulfil their functions (NGCA). The draft contains some provisions that raised concerns of international organizations and civil society. These include a reduced definition of civilians; restrictions in delivery and nomenclature of humanitarian assistance; prohibition of cargo transfers across the line of contact; non-recognition of any documents issued by de facto authorities or occupying powers (no exemption for birth and death certificates); and deprivation of social assistance and pensions for residents of non-government controlled areas. The Main Expert Department of Parliament recommended returning the draft to its authors for further elaboration. **After a heated discussion, the Committee declined the draft, meaning that Parliament will not consider it at a sitting.**
- **Draft law no. 6400-1, “*On temporary occupied territories by the Russian Federation and being beyond Ukrainian control due to the armed conflict with terrorist groups*”**, was elaborated by Ms. Natalia Veselova. It aimed at distinguishing the statuses of the Donbas (NGCA) and Crimea (temporarily occupied territory, TOT). Notably, some issues related to draft law no. 6400 (definition of civilians, recognition of

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<sup>1</sup> This draft was elaborated by the Working Group at the Parliamentary Committee on State Building and Regional Policies during January-April 2017. It was registered to substitute draft law no. 3593-d, which was heavily criticized by the international community and human rights protection organizations.

birth and death certificates, and access to social assistance and pensions) were altered in this draft to the benefit of individuals residing in non-government controlled areas. Nonetheless, the draft contained some inconsistencies. For example, on the subject of the delivery of humanitarian aid, in Article 5, non-government controlled areas were not mentioned. The Main Expert Department of Parliament recommended to return the draft for additional elaboration to its author. Mrs. Natalia Veselova was not present at the Committee's sitting, so she could not defend her position. However, the Committee voted to return the draft for further elaboration. The Committee did not decline the draft and would be ready to consider it after the introduction of improvements.

- **Draft law no. 6400-2, “On temporary occupied territories by the Russian Federation”**, was registered by Mr. Mustafa Nayem, who consulted the expertise of civil society and international organizations during its drafting. This draft law gives equal status to Crimea and the non-government controlled areas of Donbas. It responds to the most of critical issues voiced by the international community regarding draft law no. 6400. It would provide for pension payments, easier access to birth and death registration, establish the path for compensation of damaged homes, and give all citizens an absolute right to enter government-controlled areas. Provisions on humanitarian assistance seem to be consistent with current practice and do not prevent the delivery of the most essential supplies. However, like draft law no. 6400, it restricts trade and transportation with the non-government controlled areas. The Main Expert Department of Parliament recommended returning the draft for further elaboration to its author. **The Committee decided that the draft shall be returned to its author for further elaboration and that a Working Group shall be established to ensure inclusiveness of the process.**

*In this regard, UNHCR may consider contacting the author and the head of the Committee to participate in the working group, if it is established.*

## CONTACTS

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