

ROADMAP OF BILLS

ON THE PROTECTION OF RIGHTS OF VICTIMS OF THE ARMED AGGRESSION OF THE RUSSIAN FEDERATION AGAINST UKRAINE: **THE ELEVENTH SESSION** OF THE VERKHOVNA RADA OF UKRAINE OF THE 9TH CONVOCATION

Armed aggression of the Russian Federation against Ukraine has been going on for almost 10 years. During this time, the legislation of Ukraine underwent significant changes that allowed the state to respond to the challenges caused by the war and its consequences. However, many questions remain unanswered; including those related to reintegration of the de-occupied territories of Ukraine and those territories' populations, restoration of state authority in these territories as well as the provision of adequate compensation for the damage caused by the war, etc.

The tenth session of the Verkhovna Rada showed the readiness of the MPs of Ukraine to help overcome the negative consequences of the war. In particular, the Ukrainian Parliament adopted the Law 3482-IX "On Amendments to Some Laws of Ukraine Regarding the Recognition of the Results of Education of Persons Who Lived in the Temporarily Occupied Territory of Ukraine". In addition, a Temporary Special Commission on the Protection of Property and Non-property Rights of Internally Displaced Persons and Other Persons Victims of the Armed Aggression of the Russian Federation against Ukraine was formed.

We, representatives of the Coalition of Organizations Caring for Protection of the Rights of Victims of Armed Aggression Against Ukraine¹, have a consolidated position on bills that affect our beneficiaries. We support the desire of legislators to settle issues related to overcoming the consequences of the armed aggression of the Russian Federation, but we observe a number of systemic problems that arise during the development and consideration of bills of this category.

¹ The Coalition includes Human Rights Centre ZMINA, NGO "Donbas SOS", NGO "CrimeaSOS", CF "Right to Protection", CF "East-SOS", NGO "Civil Holding "GROUP OF INFLUENCE", CF "Stabilization Support Services", Crimean Human Rights Group.

We call on the Verkhovna Rada of Ukraine to:

- 1. Become a platform for a constructive discussion on the prospects of de-occupation and the methods of state actions for the full restoration of power, thereby creating a system of guaranteeing and protecting human rights in the liberated territories.**

Parliamentarians publicly express their support for the idea of de-occupation of the territories of Ukraine and their return to the borders of 1991. However, the practice of consideration of individual bills by the Committees indicates the opposite. The Verkhovna Rada of Ukraine should become a place for discussions on complex topics that concern society and the future of citizens in the liberated territories. One of these issues is prosecution for cooperation with the occupation authorities. In March 2022, Article 111-1 ("Collaborative activity") was added to the Criminal Code of Ukraine. However, the low quality of the bill and the lack of discussion during consideration and adoption led to numerous [problems](#) in the application of Article 111-1 of the Criminal Code of Ukraine. Since March 2022, 12 bills have been submitted to the parliament, which propose amendments to Article 111-1 of the Criminal Code of Ukraine, which is also an evidence of the imperfection of the law and the need for its revision. Despite the importance of making changes, they should take into account the perspective and task of reintegration of the liberated territories. There is still no discussion on this issue.
- 2. Move from point solutions to complex, long-term and coordinated solutions with the executive branch of government.**

One of the issues that needs systematic settlement is the issue of implementing the rights of internally displaced persons (IDPs). The Law of Ukraine "On Ensuring the Rights and Freedoms of Internally Displaced Persons" was adopted in October 2014. Eventually, it underwent numerous changes and additions. Since February 24, 2022, at least 9 bills on amendments to this Law have been registered in the parliament ([7449](#), [7507](#), [8020](#), [9310](#), [9653](#), [10059](#), [10235](#), [10382](#), [10405](#)). Some of them are inconsistent with the already implemented state policy on internal displacement, have no financial justification and may cause an artificial increase in the number of IDPs, as well as aggravation of the difficult living conditions of vulnerable population groups. Others envisage point changes as a response to urgent problems, including in the provision of housing assistance. Such developments are important, but they do not contain a comprehensive response to the challenges that arose after the beginning of the full-scale invasion of the Russian Federation and have influenced the state policy regarding internal displacement. Therefore, it is important to consider the new wording of the Law of Ukraine "On Ensuring the Rights and Freedoms of Internally Displaced Persons".
- 3. Ensure open and transparent activity.**

It is important to review the restrictions on cooperation with NGOs and the media. Almost two years after the beginning of the full-scale invasion of the Russian Federation, NGOs are mostly deprived of the opportunity to attend meetings of parliamentary committees, most of which take place in an online format. Such restrictions can be explained by a reluctance to allow NGOs to express a position on the issues under consideration, rather than by security risks. The situation is identical with the media. We learn about the progress and results of consideration of bills from the live broadcasts of MPs on social networks. Admission of journalists to the building of the Verkhovna Rada of Ukraine, early publication of the list of bills scheduled for consideration are not carried out. Signs of democracy include giving the public an opportunity to communicate with MPs in an understandable and transparent way, informing the public about what issues are being considered as well as about the arguments during the discussion.

NUMBER OF THE BILL



9069

NAME OF THE BILL

COMMITTEE

BRIEF CONTENT OF THE BILL

STATUS

RECOMMEN-
DATIONS

Bill on Amendments to Certain Legislative Acts of Ukraine Regarding Features of State Registration of Civil Status Acts that Occurred in the Territory of Ukraine Temporarily Occupied by the Russian Federation and Outside of Ukraine

The Verkhovna Rada Committee on Legal Policy

The amendments are proposed to regulate the possibility of recognition and confirmation of acts of civil status in the administrative procedure that took place in the temporarily occupied territory of Ukraine. A simplified procedure for consideration of the issue of establishing the facts of marriage or dissolution of marriage, which took place in the TOT (temporarily occupied territories), is also provided for in a separate proceeding. Stakeholders (persons or members of their families whose rights, obligations or legal interests are affected by the establishment of the relevant fact) or their representatives can be applicants. At the same time, the bill defines the possibility of state registration of acts of civil status registered on the territory of foreign countries for citizens of Ukraine. Registration can also be carried out on the basis of notifications from the competent authorities of foreign countries with which Ukraine has concluded relevant international agreements.

Being processed in the Committee

SUPPORT



9453

Bill on Amendments to Certain Laws of Ukraine Regarding the Proportional Calculation of Insurance Length of Persons Who Worked Outside of Ukraine

The Committee of the Verkhovna Rada of Ukraine on Social Policy and Protection of Veterans' Rights

The bill provides for the settlement of the issue of pension payments to citizens of Ukraine who were under the conditions of temporary occupation and have moved to the territory under the control of the Government of Ukraine, if they do not receive pensions from the pension provision bodies of the Russian Federation. This question arises most acutely for persons who have left the TOT of the Autonomous Republic of Crimea and the city of Sevastopol. Currently, the number of court cases regarding the receipt of a pension for this group of persons is increasing. In refusals, the PFU refers to the text of the bill and suggests that applicants wait for its adoption.

Taken as a basis

SUPPORT

On August 24, 2023, the bill was adopted as a basis. Now, it is being finalized for the second reading. The bill was included in the agenda several times, but was not voted on.



9579

Bill on Amendments to the Criminal Code of Ukraine, the Criminal Procedural Code of Ukraine and Other Legislative Acts on the Provision of Criminal Proceedings, Implementation of Which Has Been Made Impossible Due to the Armed Aggression of the Russian Federation Against Ukraine, the Temporary Occupation of Certain Territories of Ukraine by the Russian Federation

The Committee of the Verkhovna Rada of Ukraine on Law Enforcement

It is proposed to supplement the Criminal Procedural Code of Ukraine (CPC) with a provision according to which the convicted persons who have not served the sentence imposed by the court in accordance with the procedure established by law as a result of armed aggression against Ukraine and the temporary occupation of certain territories of Ukraine, shall be released from further serving this sentence by court decision.

Being processed in the Committee

SUPPORT

Such a release will not apply to persons sentenced to life imprisonment or for committing certain crimes against the foundations of national security of Ukraine, peace, security of humanity and international legal order. It is also proposed to supplement the provisions of the CPC with a new section "Peculiarities of Pre-Trial Investigation and Court Proceedings, the Implementation of Which is Impossible due to Armed Aggression Against Ukraine, Temporary Occupation of Certain Territories of Ukraine".

NUMBER OF THE
BILL



10017

NAME OF THE BILL

Bill on Amendments to Certain Legislative Acts of Ukraine Regarding Mandatory State Social Insurance

COMMITTEE

The Committee of the Verkhovna Rada of Ukraine on Social Policy and Protection of Veterans' Rights

BRIEF CONTENT OF THE BILL

The bill proposes to determine that insurance payments will be assigned to IDPs from the TOT if they have the necessary documents confirming the right to such payments.

Inconsistencies between the current wording of Clause 11 of Article 7 of the Law and relevant legislation will also be eliminated. At the same time, the provisions reflected in Article 37 of the Law of Ukraine "On Mandatory State Social Insurance" will be duplicated. This inconsistency can lead to the formation of new inconsistencies. The changes will apply to a limited group of IDPs (exclusively those displaced from the TOT) and will not apply to persons displaced from other territories (such as active hostilities zones) or in other circumstances. Such a detailed appointment mechanism may be defined at the by-law level.

STATUS

The Committee's conclusion on the review has been provided

RECOMMEN-
DATIONS

FINALIZE



10137

Bill on Amendments to the Law of Ukraine "On Mandatory State Pension Insurance" on Ensuring the Right to Receiving a Pension of Persons Who Live/Lived in the Territory on Which Hostilities Are (Were) Conducted and/or on the Territory of Ukraine Temporarily Occupied by the Russian Federation

The Committee of the Verkhovna Rada of Ukraine on Social Policy and Protection of Veterans' Rights

The bill proposes to establish a special procedure for applying for the appointment (recalculation) of a pension during the period of the legal regime of martial law and within 3 months after its termination. It is assumed that the procedure can be applied by persons who live/lived on the territory where hostilities are/were conducted and/or on the territory of Ukraine temporarily occupied by the Russian Federation. The peculiarity is the right to submit documents via video conference. The main change is an increase in the ways of exercising the right to pension.

Such a mechanism can be defined at the by-law level (the procedure was developed by the PF of Ukraine). The specific territorial body of the PF of Ukraine to which a person can apply is uncertain. Such a procedure should be considered for all pension recipients and not be limited to the period associated with martial law. This can be a solution for remote areas, for access by persons with disabilities and representatives of less mobile population groups.

Being processed in the Committee

FINALIZE



10208

Bill on Amendments to Certain Laws of Ukraine on Improving the Legal Regulation of Issues Related to the Prohibition of Alienation of Real Estate Objects Purchased (including Invested/ Financed) Using a Housing Certificate for the Acquisition of Residential Real Estate

The Verkhovna Rada Committee on Legal Policy

The bill proposes to determine that the presence of a five-year ban on the alienation of premises/houses (in particular, those that will be built in the future), purchased using a housing certificate obtained as a compensation for the destroyed housing, does not prevent the further encumbrance of property rights to such property and its mortgage transfer.

In the case of foreclosure on such a real estate object, the prohibition of alienation shall be lifted early. It is also envisaged that the payment of the difference between the actual value of the object, which is planned to be purchased using the housing certificate, and the value indicated in the housing certificate can be made with credit funds. Such proposals can contribute to strengthening the economic capacity of citizens in the conditions of a difficult economic situation caused by a full-scale war.

In order to properly implement the mechanisms provided for in the bill, its provisions need to be finalized before the second reading, in particular, supplemented by proposals for relevant changes to the Law of Ukraine "On Mortgages".

Taken as a basis with finalization of the provisions before the second reading

FINALIZE



Bill on Amendments to the Law of Ukraine "On Compensation for Damage and Destruction of Certain Categories of Real Estate Property as a Result of Hostilities, Terrorist Acts, and Sabotages Caused by the 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 the Armed Aggression of the Russian Federation Against Ukraine"

The Verkhovna Rada Committee on Economic Development

The bill proposes to extend the scope of the [Law dated February 23, 2023 #2923-IX](#) to affected persons whose real estate was damaged/destroyed before February 24, 2022. At the same time, the provision of compensation will not apply to real estate objects located in the TOT. This approach appears to be inconsistent with the interests of the victims and provisions of Clause 5 of Article 15 of Law #2923-IX, which obliges the Government to determine the specifics of the inspection of damaged/destroyed real estate objects located in the territories of communities that are in the TOT, as well as ensure together with local self-government bodies the creation and functioning of commissions for considering applications regarding destroyed objects. Steps aimed at implementing provisions of the Law #2923-IX began to be implemented by the Government in 2023.

The addition of a group such as IDPs to the circle of persons who have a priority right to receive compensation is also a cause for concern. For prioritization in the queue, people will apply for a certificate of registration as IDPs.

It is also appropriate to take into account the proposals of NGOs identified in the following analytical material:

► [Analysis of the compensation mechanism for damaged and destroyed real estate.](#)

Being processed in the Committee

FINALIZE



Bill on Registration of Persons Whose Lives and Health Were Affected as a Result of the Armed Aggression of the Russian Federation Against Ukraine

The Committee of the Verkhovna Rada of Ukraine on Social Policy and Protection of Veterans' Rights

The government bill aims at creating a State Register of Victims of the Armed Aggression of the Russian Federation against Ukraine. At the same time, the provisions do not contain instruments of compensation, in particular, immediate reparations. The bill offers a tool for accounting for damage to life and health, but does not address it.

In addition, the bill proposes to create the Register of Victims without any mention of the fact that there are already a number of records (registers) that contain information about groups of victims. The list of cases in which damage to life and health occurs is very extensive, which raises reasonable doubts about the possibility of proper accounting and the prospect of compensation. The proposal regarding the appointment of the PFU (Pension Fund of Ukraine) as the administrator of the Register of Victims appears to be insufficiently substantiated. It is also unclear how the purpose of the bill is consistent with the process of creation of the Register of damages caused by the aggression of the Russian Federation against Ukraine at the level of the Council of Europe, which is the first step towards an international compensation mechanism.

Follow [the link](#) for the detailed analysis.

The Committee's conclusion on the review has been provided

FINALIZE



Bill on Some Issues in the Field of Migration Regarding the Grounds and Procedure for Acquiring and Terminating Ukrainian Citizenship

The Committee of the Verkhovna Rada of Ukraine on Human Rights, Deoccupation and Reintegration of the Temporarily Occupied Territories of Ukraine, National Minorities and International Relations

The bill, initiated by the President of Ukraine, aims at updating the provisions of legislation in the field of migration and citizenship, including the grounds and procedure for acquiring/terminating Ukrainian citizenship.

The bill significantly expands the grounds for terminating Ukrainian citizenship, which may create a risk of losing Ukrainian citizenship for the TOT population. According to Article 20 of the bill, the basis is the voluntary acquisition by a citizen of Ukraine of the citizenship of the aggressor state. At the same time, the voluntary acquisition of the citizenship of another state in this case covers all cases when it was necessary to apply for the acquisition of citizenship with the respective application or petition. Exceptions, among other things, include the automatic forced acquisition of citizenship. However, the aggressor state introduced in the TOT (especially in the territories that were occupied after 2022) a policy of mass coercion to obtain a passport of a citizen of the Russian Federation, applying restrictions on obtaining medicines, certain types of documents (such as educational ones), restrictions on freedom of movement, deprivation of employment opportunities and access to other vital services, etc. In the created situation of coercion in the TOT, the occupying authorities of the Russian Federation require citizens of Ukraine to submit an application for the registration of a passport of a citizen of the Russian Federation, and sometimes even force them to record the fact of taking the oath to the Russian Federation on video. In the conditions of occupation, it is impossible to talk about the voluntary nature of obtaining passports. Therefore, the norms of the bill should be finalized taking into account the situation of Ukrainian citizens living in the TOT.

It is also worth noting that in view of the fact that the Verkhovna Rada of Ukraine is considering the bill [#6368](#) that has not been withdrawn and is included in the agenda and revised bill [#6368-д](#), registration of this bill violates the requirements of Articles 92 and 95 of the Regulations of the Verkhovna Rada.

Being processed in the Committee

FINALIZE



Bill on Amendments to Certain Legislative Acts Regarding the Peculiarities of Paying Pensions to Persons Who Committed a Criminal Offense Against the Basics of National Security, Public Security, Peace, Security of Humanity, International Legal Order

The Committee of the Verkhovna Rada of Ukraine on Social Policy and Protection of Veterans' Rights

The bill proposes changes to the Criminal Executive Code of Ukraine and the list of laws. It is envisaged that the payment of pensions to those convicted of crimes against the foundations of national security, public safety, peace, security of humanity, international law and order during the time of serving the sentence will be carried out in the minimum amount. In addition, the restrictions are proposed to be applied to persons who are suspected or accused of committing such criminal offenses.

The proposed changes are more than debatable for the stated purpose, and in some aspects contain signs of violating the fundamental principles of the Constitution of Ukraine.

In the case of the adoption of the bill in its current version, there is a high probability of an appeal against the decisions made in accordance with it, in particular in the European Court of Human Rights.

More information is in the [NGOs](#).

The Committee's conclusion on the review has been provided

REJECT