Parliamentary Assembly
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COUNCIL OF EUROPE
CONSEIL DE L'EUROPE

Resolution 2028 (2015)[1]
Final version

The humanitarian situation of Ukrainian refugees and displaced persons

Parliamentary Assembly

1. The Parliamentary Assembly is deeply concerned about the ongoing instability in some parts of the Donetsk and Luhansk regions of Ukraine and the continued violation of the ceasefire signed in Minsk on 5 September 2014. Particularly disturbing is the direct involvement of the Russian Federation in the emergence and worsening of the situation in these parts of Ukraine. The situation of all the people affected by the conflict, including internally displaced persons (IDPs) and refugees, as well as those living in the areas controlled by pro-Russian illegal armed groups, is particularly worrying.

2. The numerous reports of serious human rights violations allegedly committed during the armed hostilities and illustrated by the high number of civilian casualties, disappearances and mass graves require objective investigation and the perpetrators must be brought to justice. The Assembly stresses the importance of not tolerating impunity, as one of the preconditions for the establishment of security in the region.

3. Furthermore, the Assembly deplores the deterioration of the human rights situation in Crimea, as reported by the Council of Europe Commissioner for Human Rights following his visit in September 2014, in particular the intimidation, harassment and discrimination of the ethnic Ukrainian and Crimean Tatar populations.

4. As a result of the annexation of Crimea by the Russian Federation and the armed conflict in Ukrainian Donbas, over 921 000 people (as of 23 January 2015) have registered as IDPs within Ukraine and over 524 000 have sought asylum or other legal status in the Russian Federation. Several thousand people have sought protection in other European countries, mainly Poland and Belarus. More than two million people remain in the areas controlled by separatist forces, exposed to insecurity, serious human rights violations and inadequate living conditions.

5. Following the Minsk agreements of 5 and 19 September 2014 and a relative improvement in security, around 50 000 people have returned to areas controlled by the Ukrainian Government. However, the volatile security situation and the destruction of or damage to infrastructure and private and public property remain a serious concern in the area.

6. In this regard, the Assembly broadly welcomes the efforts of the Ukrainian Government to address the needs of those who were forced to leave their homes. The Assembly commends the Parliament of Ukraine for the adoption, on 20 October 2014, of the law on the rights and freedoms of internally displaced persons and the related legislation on taxation and humanitarian aid, drawn up in co-operation with the European Commission for Democracy through Law (Venice Commission). It also applauds the remarkable generosity and solidarity shown by the country's people and civil society in responding to the humanitarian crisis.

1. *Assembly debate* on 27 January 2015 (3rd and 4th Sittings) (see Doc. 13651 and addendum, report of the Committee on Migration, Refugees and Displaced Persons, rapporteur: Mr Jim Sheridan). *Text adopted by the Assembly* on 27 January 2015 (4th Sitting).

7. The Assembly notes with satisfaction a number of positive steps taken by the Russian authorities in response to the increased flow of Ukrainian refugees following the outbreak of armed hostilities in the south-eastern part of Ukraine, in particular the resolutions establishing a simplified procedure for granting temporary asylum to citizens of Ukraine and allowing the issue of work permits for citizens of Ukraine arriving in mass and in urgent circumstances.

8. Humanitarian assistance from the international community is important to alleviate the humanitarian situation of IDPs, refugees and those still in the conflict areas. It has, however, included numerous Russian "humanitarian convoys", which unfortunately entered Ukraine unlawfully, without authorisation, border control or co-ordination with the International Committee of the Red Cross (ICRC).

9. The Assembly expresses its appreciation to the Office of the United Nations High Commissioner for Refugees (UNHCR) for its commendable response and assistance to the immediate needs of the displaced population and invites it to continue its efforts, particularly in the light of increased needs during the winter months.

10. The Assembly expresses its full support for the efforts of the Council of Europe Commissioner for Human Rights aimed at ensuring the effective observance of human rights in Crimea and the conflict-affected parts of the Donetsk and Luhansk regions of Ukraine. It invites the Commissioner to continue monitoring the human rights situation throughout Ukraine, including Crimea, using all available means.

11. Another major concern is the growing number of people who are reported missing on all sides of the military conflict in Ukraine.

12. The Assembly underlines that only a sustainable political solution based on respect for Ukraine's independence, sovereignty and territorial integrity and on respect for the rights of all citizens of Ukraine, can lead to the improvement of the humanitarian situation. Dialogue is the essential precondition for the peaceful future of Ukraine.

13. The Assembly therefore calls on all sides of the conflict to:

13.1. fully respect and implement the provisions of the ceasefire provided by the Minsk agreements of 5 and 19 September 2014 and refrain from the use of force and violence, particularly against civilians and civilian infrastructure;

13.2. abide unconditionally by international humanitarian and human rights law and, in particular, by the 1907 Hague Conventions on the Laws and Customs of War on Land, the 1949 Geneva Convention and their additional protocols, as well as by the European Convention on Human Rights (ETS No. 5);

13.3. release and exchange all prisoners of war and people detained as a result of the conflict, and exchange all mortal remains;

13.4. ensure immediate and unimpeded access at all times to all conflict areas for humanitarian actors and investigators, including the monitoring mission of the Organization for Security and Co-operation in Europe (OSCE);

13.5. provide the relevant Ukrainian authorities and, where appropriate, international investigative bodies, with all available evidence and information enabling the conduct of investigations of alleged atrocities and human rights violations committed on the territory of Ukraine;

13.6. guarantee the voluntary right of return to all people displaced by the current conflict, ensuring that their return takes place in safety and dignity; and enable and facilitate the reconstruction process;

13.7. take, without delay, all necessary measures aimed at helping the families of missing persons to find and, where appropriate, identify the remains of their loved ones, in close co-operation with the ICRC;

13.8. take measures to effectively protect the property left behind by IDPs with a view to securing restitution of such property in the future;

13.9. ensure the unobstructed delivery of Ukrainian and international humanitarian aid for people in Ukrainian territories not under government control and take all measures aimed at preventing the blocking of humanitarian aid.

14. Furthermore, the Assembly calls on the relevant Ukrainian authorities to:

14.1. fully comply with international standards as defined in the 1998 Guiding Principles on Internal Displacement;

14.2. continue implementing the law on the rights and freedoms of IDPs and ensure that the surrounding legal framework is complete, coherent and transparent, taking into account the views of relevant international organisations and civil society;

14.3. ensure that IDPs are systematically informed and consulted about their rights and choices and respect their right to freely choose whether they want to return home, integrate locally or resettle in another part of the country, and take measures to assist them in fulfilling their choice;

14.4. eliminate cases of discrimination of Roma people without identity documents who allegedly encounter difficulties registering as IDPs;

14.5. develop and put in place policies, structures and programmes for those IDPs who will be able to return safely to their homes, or find durable alternative solutions for those who may be prevented from returning;

14.6. avoid taking and/or revoke measures relating to the provision of essential State services in separatist-controlled areas that may exacerbate the extremely difficult situation of those living there;

14.7. ensure the accountability and transparency of aid beneficiaries and distribution of international aid, assistance and funding for IDPs;

14.8. eliminate unnecessary bureaucratic obstacles to international and non-governmental organisations' humanitarian aid activities;

14.9. investigate and, where appropriate, prosecute all human rights violations and violations of humanitarian law promptly, independently and impartially, and fully co-operate with international investigations where appropriate;

14.10. take appropriate measures to maintain harmonious relations between IDP and host communities, including by preventing possible stigmatisation of and discrimination against IDPs, and more generally to promote national unity and reconciliation.

15. The Assembly calls on the Russian authorities to:

15.1. refrain from destabilising Ukraine and financing and providing military support to illegal armed groups, and to use their influence on them to make them fully respect and implement the provisions of the Minsk agreements;

15.2. ensure the security and respect for human rights of all those who live under the *de facto* illegal control of the Russian Federation in Crimea, ensure full respect of all the obligations of the occupying State in accordance with international humanitarian law and provide immediate and unimpeded access for international human rights monitoring missions to the Crimean Peninsula;

15.3. conduct prompt, effective and adequate investigations into all cases of human rights violations in Crimea, including the cases of disappearances;

15.4. cease disproportionate and excessive searches and checks carried out by armed and masked members of the security forces in Crimean Tatar religious institutions, businesses and private residences;

15.5. continue to offer protection to Ukrainian refugees who request it and render assistance to those Ukrainian refugees who wish to return to Ukraine;

15.6. simplify the procedure for the submission of an application for asylum and allow applications to be submitted also in areas of the Russian Federation not adjacent to Ukraine, particularly in Moscow and St Petersburg;

15.7. allow Ukrainian refugees to relocate also to Moscow and St Petersburg in cases where, for example, close relatives are already established there;

15.8. refrain from imposing quotas with regard to the settlement of asylum seekers;

15.9. ensure that those who are granted asylum are systematically provided with identity documents which allow them to benefit from access to social services;

15.10. ensure that efforts to protect Ukrainian refugees do not lead to the discriminatory diversion of resources away from the protection of asylum seekers of other nationalities;

15.11. immediately release all prisoners of war, including the member of the Ukrainian Parliament and of the Ukrainian delegation to the Parliamentary Assembly, Nadiya Savchenko, and other Ukrainian citizens who remain illegally detained in Russian prisons;

15.12. ensure that all initiatives of humanitarian assistance to Ukraine be agreed with the Ukrainian government and implemented in accordance with Ukrainian legislation, international law and established international practices.

16. The Assembly calls on the international community to:

16.1. continue providing material and organisational assistance to the Ukrainian IDPs and refugees, in particular in the winter months, and to assist the Ukrainian authorities in putting in place long-term assistance programmes, including material, organisational and medical help, for those IDPs who will be able to return to their homes safely, as well as for those who may be prevented from returning;

16.2. provide immediate and long-term support for reconstruction efforts, projects to restore water and other essential services;

16.3. ensure the accountability and transparency of aid beneficiaries whether these be the government, local authorities, international organisations, non-governmental organisations or others;

16.4. continue to follow closely the situation in Crimea, in particular regarding the Crimean Tatars, with a view to ensuring their full enjoyment of all human rights and fundamental freedoms;

16.5. simplify the application procedure for refugee status for Ukrainian nationals.

17. The Assembly invites the Council of Europe Development Bank to consider action with a view to assisting the displaced Ukrainian population and the reconstruction process in the devastated areas.