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Humanitarian consequences of the war in Ukraine

Report[1]
Committee on Migration, Refugees and Displaced Persons
Rapporteur: Mr Egidijus VAREIKIS, Lithuania, Group of the European People's Party

Summary

The focus of this report is the alarming humanitarian situation in Ukraine, where more than 4 million people are in need of humanitarian assistance as a result of the war in eastern Ukraine and of the annexation of Crimea by the Russian Federation.

It provides an analysis of the implementation of the recommendations made in three previous reports adopted by the Parliamentary Assembly, which covered different aspects of the humanitarian situation in Ukraine, in particular with respect to internally displaced persons (IDPs) and missing and captured persons.

Recommendations are made to all sides of the war to ensure the protection of civilians and their full access to essential services; to release and exchange all prisoners and people captured during the war; to provide the families of missing persons with the necessary information and assistance; and to take urgent measures to remove the explosive remnants of war.

The report pays special attention to the needs of the people who have been displaced by the war and the annexation of Crimea. The adoption of a comprehensive strategy for IDPs, ensuring their political and social rights and their integration, should be one of the Ukrainian Government's priorities.

1. Reference to committee: Doc. 14006, Reference 4204 of 22 April 2016.

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A. Draft resolution[2]

1. The Parliamentary Assembly is alarmed at the humanitarian situation which is the consequence of the war in eastern Ukraine and of the annexation of Crimea by the Russian Federation. More than 4 million people are in need of humanitarian assistance. The armed conflict has taken the lives of more than 10 000 people. The number of people injured during the war has reached more than 24 000. In addition, more than 1.6 million people are internally displaced and almost half a million people are seeking asylum in other countries, most of them in the Russian Federation. The Assembly calls on all member States to step up their political co-operation in order to put an end to this conflict and the suffering of the civil population.

2. The Assembly is particularly concerned about the alarming humanitarian situation in the occupied territories in the Donetsk and Luhansk regions which has been aggravated by the restrictions imposed by the illegal armed groups on the freedom of movement and humanitarian access. The affected population suffers from lack of security, problems with water and energy supplies and access to social benefits and medical care.

3. The Assembly takes note of the passing by the Ukrainian Parliament of the first reading of a draft law "on the peculiarities of the State policy to ensure the State sovereignty of Ukraine over the temporarily occupied territories in Donetsk and Luhansk regions". This draft law defines the State policy of restoring Ukraine's sovereignty over the temporarily occupied territories, facilitates the protection of the rights and freedoms of the citizens of Ukraine who live in these territories in the Donetsk and Luhansk regions, including the satisfaction of their social, economic and cultural needs, and safeguards the rights of Ukrainian citizens over their properties in the temporarily occupied territories.

4. The Assembly regrets that no significant progress has been achieved since the adoption of its Resolution 2067 (2015) on the exchange and liberation of captured persons during the war in Ukraine. The process of exchange of captured persons has been highly politicised and blocked by the representatives of the illegal armed groups of the Donetsk and Luhansk regions in the working group on humanitarian issues of the Minsk Trilateral Contact Group on Ukraine. There is no mechanism ensuring support to people who have been released from captivity, or to the families of captured persons. The Assembly welcomes the efforts of the Ukrainian authorities to solve the issue of captured persons by the unilateral release of some of these people.

5. The International Committee of the Red Cross (ICRC) estimates that around 1 500 people have gone missing since the beginning of the war and over 650 cases remain unsolved. The Assembly welcomes the submission of the draft law on the status of missing persons to the Ukrainian Parliament and hopes for its swift adoption. It also expresses its appreciation to the ICRC for its assistance to the families of missing persons, as well as the important work done as regards tracing, exhumation, identification of remains and collection of forensic information.

6. The Assembly strongly condemns the Russian policy of shifting the demographic composition of the population of illegally annexed Crimea by forcing the pro-Ukrainian population and, in particular, the Crimean Tatars to leave their homeland, while at the same time increasing migration of the Russian population to the peninsula, and calls on the Russian Federation to put an end to this repression.

7. The Assembly considers that the situation of people who have been displaced as a consequence of the war and of the annexation of Crimea by the Russian Federation remains a crucial challenge for the Ukrainian Government. It also believes that the adoption of a comprehensive strategy for internally displaced persons (IDPs), ensuring their political and social rights as well as their integration, should be one of the government's priority tasks.

8. The Assembly therefore calls on all sides of the war to:

   8.1. respect the civilian nature of infrastructure and ensure the protection of civilians and their full access to essential services;

   8.2. release and exchange all prisoners of war and people captured during the war, and exchange all mortal remains;

   8.3. provide the families of missing persons with the necessary assistance in finding and, where appropriate, identifying the remains of their loved ones, in close co-operation with the ICRC;

2. Draft resolution adopted unanimously by the committee on 8 December 2017.

8.4. establish a joint working group to deal with the issue of missing persons, and ensure its effective functioning, including representatives of Ukraine, the Russian Federation, the ICRC and the illegal armed forces of the Donetsk and Luhansk regions;

8.5. take urgent measures to mark all areas contaminated with explosive remnants of war and organise special operations for their removal;

8.6. open new crossing points, in particular a checkpoint at Zolote in the Luhansk region.

9. The Assembly urges the Russian authorities to:

9.1. cease all financial and military support to the illegal armed groups in the Donetsk and Luhansk regions;

9.2. cease recognition of the passports and any other documents, including court decisions and documents confirming property rights, issued on the territories controlled by the illegal armed groups of the Donetsk and Luhansk regions;

9.3. ensure the respect of human rights and the security of all the people living in annexed Crimea;

9.4. lift the ban on the Mejlis of the Crimean Tatar People and the entry bans on its leaders, as the Mejlis is the legitimate self-representative organ of the Crimean Tatar community;

9.5. release all Ukrainian prisoners captured and imprisoned in the Russian Federation and in annexed Crimea in the context of the war, while respecting their rights and freedoms, and, until they are released, allow the monitoring of their state of health and conditions of detention by independent international monitors and international organisations;

9.6. ensure unhindered access to annexed Crimea to international organisations, international monitoring bodies and human rights non-governmental organisations;

9.7. use its influence over the armed groups controlling the territories of the Donetsk and Luhansk oblasts to urge the release of all captured persons;

9.8. cease the policy of shifting the demographic composition of the population of annexed Crimea by moving its own population from Russian territory to the peninsula;

9.9. abandon the forcible issue of Russian passports to the Ukrainian citizens living in annexed Crimea and stop the forcible deportation of Ukrainian citizens without Russian passports from annexed Crimea;

9.10. execute in full all the demands contained in Assembly Resolutions 2132 (2016) and 2133 (2016) to stop military aggression against Ukraine and restore its territorial integrity.

10. The Assembly urges the Ukrainian authorities to:

10.1. bring the Criminal Code and Code on Criminal Procedure of Ukraine into line with the provisions of international humanitarian law and international criminal law;

10.2. ratify the Rome Statute of the International Criminal Court as soon as possible, which will allow effective investigations into concrete cases of violations of international humanitarian law during the war in Ukraine to be carried out;

10.3. release all Russian prisoners and persons captured by the illegal armed groups of the Donetsk and Luhansk regions and imprisoned in Ukraine in the context of the war, while respecting their rights and freedoms, and, until they are released, allow the monitoring of their state of health and conditions of detention by independent international monitors;

10.4. adopt legislation on humanitarian de-mining actions;

10.5. revise the Law on humanitarian assistance to facilitate the delivery of humanitarian assistance to the war-affected territories;

10.6. accord the necessary financial resources to local administrations responsible for assistance to IDPs and other victims of the war;

10.7. adopt a governmental programme of assistance to the families of missing and captured persons during the war in Ukraine, as well as the families of people captured and imprisoned by the Russian authorities in annexed Crimea and on the territory of the Russian Federation in the context of the war;

10.8. develop, adopt and finance the State programme on psychological assistance to military and civilian people who suffer from post-traumatic stress disorder;

10.9. develop a national mechanism of compensation for civilian victims who were injured or whose families were killed during the war;

10.10. provide mechanisms for ensuring the voting rights of IDPs in all elections, including at local level;

10.11. make available information to Ukrainian citizens on legalisation and international protection procedures for migrants and asylum seekers in Europe;

10.12. ensure the right to adequate housing and resolve housing matters as an integral part of the sustainable solutions for IDPs, including the adoption of a legal framework for the introduction and implementation of different types of housing programmes;

10.13. simplify the procedure for receiving social and pension payments by disconnecting them from the IDP registration process, in particular by amending Cabinet of Ministers Resolutions Nos. 365, 505 and 637, as well as any other relevant normative acts;

10.14. introduce administrative procedures for Ukrainian citizens living in the temporarily occupied territories for the regularisation of their civil documentation;

10.15. develop a mechanism to ensure the rights of people who left Ukraine after the outbreak of the war in 2014 and, in particular, ensure that they are not at risk of statelessness.

11. The Assembly asks the Council of Europe Development Bank to create affordable loan programmes to be used to support housing projects for vulnerable persons in Ukraine, including IDPs in need of permanent housing, reconstruction projects and health and education facilities in the most devastated areas.

12. The Assembly encourages the Ukrainian Government to consider the possibility of joining the Council of Europe Development Bank, and before that to co-operate with other member States of the Bank in developing assistance projects to support the housing needs of IDPs in Ukraine.

13. The Assembly calls on the Council of Europe member States to ensure the fair and non-discriminatory consideration of applications for international protection of Ukrainian nationals in Europe, taking into account all individual circumstances, in particular the specific needs of vulnerable people escaping war or repression.

14. The Assembly calls on the international community to convene an international humanitarian conference on Ukraine to raise funding for the humanitarian relief plan and devise strategies for the co-ordination of humanitarian assistance.

B. Draft recommendation[3]

1. The Parliamentary Assembly refers to its Resolution … (2018) on the humanitarian consequences of the war in Ukraine.

2. The Assembly commends the Committee of Ministers on the activities to protect the rights of internally displaced persons which have been implemented in the framework of the Council of Europe Action Plan for Ukraine 2015-2017 and encourages the Committee of Ministers to continue its efforts to assist Ukraine in solving IDP problems in the framework of the Action Plan 2018-2021, which is currently being debated by the Committee of Ministers.

3. Draft recommendation adopted unanimously by the committee on 8 December 2017.

C. Explanatory memorandum by Mr Egidijus Vareikis, rapporteur

1. Introduction

1. While Europe struggles to address the challenges of the influx of refugees and migrants from outside the continent, the humanitarian consequences of the ongoing conflict in Ukraine have been largely overlooked.

2. Three years after the beginning of the war, the situation remains very tense and unstable, with intensified military action during the summer months. According to the Office of the United Nations High Commissioner for Human Rights (OHCHR), 10 225 people have been killed since April 2014 in Ukraine, including 2 505 civilians, and 24 542 people have been injured.[4] In all, 4.4 million people have been affected by the war, of whom 4 million are estimated to be in need of humanitarian assistance.[5]

3. The humanitarian crisis and instability in the south-eastern regions of Donetsk and Luhansk are particularly worrying as these areas have very limited access to humanitarian assistance.

4. According to the Ministry of Social Policy of Ukraine, 1 592 430 internally displaced persons (IDPs) from Donbas and Crimea were registered in Ukraine in September 2017.[6] The real figures are likely to be even higher, as not all displaced persons have been registered. Almost 60% of displaced persons are women; together with children and elderly people they make up to 70% of the collective centres for IDPs.[7]

5. Lack of financial resources, and a shortage of employment and inadequate housing, including a lack of targeted housing programmes, mean that IDPs continue to face serious problems in their daily lives.

6. Besides IDPs, large numbers of Ukrainian refugees have sought protection in neighbouring countries.

7. The war has seriously impacted the economic situation throughout the whole country, particularly affecting living conditions in the occupied territories. More than 10 000 houses are in need of repair in the Luhansk region and much private property has been damaged or illegally occupied and looted.

8. During the summer, the heat and insecurity caused additional problems such as access to the water supply to the occupied territories and the settlements near the “contact line”. The winter season will bring new challenges in providing heating and water to almost 2 million people on both sides of the contact line. Access to health care for people living near this line and in the occupied territories is a major concern.

9. Unfortunately, the US$204 million Humanitarian Response Plan proposed by the United Nations Office for the Coordination of Humanitarian Affairs (OCHA) for 2017 was largely under-financed and only 26% of the required funding was received. Under these circumstances, it is vitally important to appeal to all the Council of Europe member States to respond urgently to the humanitarian plight of Ukraine as a consequence of the devastating war.

2. Previous work of the committee and scope of the report

10. Since the beginning of the war in Ukraine, the Committee on Migration, Refugees and Displaced Persons has closely monitored the humanitarian situation in the country. The first report on this subject was prepared by our former colleague Mr Jim Sheridan (United Kingdom, SOC), on the basis of which the Assembly adopted Resolution 2028 (2015) on the humanitarian situation of Ukrainian refugees and displaced persons.

11. The committee subsequently worked on two different but interrelated problems highlighted in Mr Sheridan’s report: missing persons and people captured during the war in Ukraine (Resolutions 2067 (2015) and 2112 (2016)).

4. Report on the human rights situation in Ukraine, 16 May to 15 August 2017, Office of the United Nations High Commissioner for Human Rights, p. 7.
5. European Union, Humanitarian Aid and Civil protection, ECHO factsheet, Ukraine, June 2017.
6. IOM’s Assistance to conflict-affected people in Ukraine, Monthly report, September 2017.
7. Humanitarian Response Plan, Mid-year review, August 2017, p. 11.

12. As a follow-up to Mr Sheridan's report the committee decided to request that the Ukrainian and Russian authorities report on the progress made in implementing the relevant parts of Resolution 2028 (2015). The Ukrainian authorities sent their reply to the committee, but as the decision was taken just prior to the Russian Federation's decision to suspend its participation in the work of the Assembly, there was no exchange on the subject.

13. In my report, I provide an overview of the present humanitarian problems linked to the war in Ukraine and examine the implementation of the Assembly's previous recommendations. In addition to the problems highlighted in the other reports – the situation of IDPs and refugees and the problem of missing and captured persons and their families – I also looked into the situation of the civilian population in the temporarily occupied territories and in the areas along the so-called contact line.

14. In co-operation with partner organisations working in Ukraine in humanitarian assistance, I tried to identify measures which could contribute to the improvement of the present humanitarian situation and call on those concerned to implement them.

15. I began the preparation of this report by participating in the Cities of Solidarity Forum organised by the Office of the United Nations High Commissioner for Refugees (UNHCR) on 20 July 2016 in the Ukrainian city of Mariupol, which has taken in 106 000 IDPs from the war zone.

16. In the framework of the preparation of this report I carried out two fact-finding missions: to Poland in March 2017, where I looked into the situation of Ukrainian migrants and refugees forced abroad by the war, and to Ukraine in April 2017, where I visited Kyiv, Sloviansk, Bahmut, Kramatorsk and the "check-point" to the temporarily occupied territories at Mayorsk. I would like to thank both the Polish and Ukrainian national delegations and their secretariats for their valuable assistance in the organisation of these missions.

17. The committee has also conducted several hearings on the subject of the report, inviting representatives of Ukrainian authorities, international organisations and civil society.

18. This report does not cover the humanitarian situation in Crimea, however some parts of the report provide information and data related to the occupation of the Crimean peninsula by the Russian Federation. Some aspects of this report, in particular the situation of IDPs in Ukraine, will also be referred to in the report "Addressing the humanitarian needs of internally displaced persons: recent lessons and future challenges in Europe" under preparation by Mr Killion Munyama.

3. Missing persons

19. As regards the situation of missing persons during the war in Ukraine, I was informed by the Security Service of Ukraine that in October 2017, 404 persons were considered missing (112 military persons, 11 fighters from volunteer battalions and 281 civilians, among them 6 volunteers and a journalist).

20. At the same time, the office of the International Committee of the Red Cross (ICRC) in Ukraine reported that 645 cases of missing persons registered since the beginning of the war remained unsolved.[8] The majority of the missing are men and around half of all registered cases concern missing civilians.

21. The situation of the families of missing persons is very precarious. The pain they endure in not knowing the fate of their loved ones is accentuated by a multitude of problems, including lack of sufficient resources to survive, but also legal and administrative challenges.

22. Many family members of missing persons are in need of urgent psychological assistance. Some relatives went to the temporarily occupied territories in search of their missing families and lived through traumatic war events. Women and children are the most vulnerable, as many families of missing people have been left without a main breadwinner. The ICRC teams, in co-operation with local Red Cross units, assist the families of missing persons by opening tracing requests and helping them to meet their psychological and material needs.

23. In addition, the ICRC provides advice, support and training to local authorities and forensic specialists in searching for, recovering, analysing, identifying and managing large numbers of unidentified remains of missing persons.[9] However, an appropriate legal framework is needed in order to introduce a status of "missing person" in Ukrainian legislation and address all the needs of the families of missing persons in an effective way.

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8. ICRC Activities Highlights, Ukraine crisis, January-June 2017.
9. ICRC Ukraine, newsletter "No news, but I don't believe…", 30 August 2017.

24. As I was informed by Ms Iryna Heraschchenko, Vice-Chair of the Ukrainian Parliament and special representative of the President on the peaceful settlement of the situation in Donetsk and Luhansk, a draft law on the status of missing persons is under consideration in the parliament.[10] Other legislative initiatives which will facilitate the activities of the International Red Cross and anti-mining activities are also in the pipeline in the parliament.

25. Unfortunately, since my visit to Ukraine in April 2017, the adoption of this very important law is still pending, and I encourage the parliament to take immediate action to adopt this law to improve the lives of the families of missing persons.

26. It is also important to depoliticise the process of exchange of forensic information between the Government of Ukraine and responsible services on the temporarily occupied territories.

4. Captured persons

27. As reported by the Security Service of Ukraine, 152 persons have been captured by illegal armed groups (70 military personnel, 4 fighters from volunteer battalions and 78 civilians, among them 3 volunteers and a journalist). The Independent centre for the Release of Prisoners and the search for Missing Persons, created under the auspices of the Security Service of Ukraine, reported 3 140 released captured persons since the beginning of the war, of whom 1 534 were civilians and 1 606 military.[11]

28. No significant progress has been achieved since the adoption in 2016 of the Assembly's resolution on humanitarian concerns with regard to people captured during the war in Ukraine. The process of exchange of captured persons is highly politicised and blocked at the level of the humanitarian working group of the Minsk Trilateral Contact Group on Ukraine. International organisations have no access to the people captured by illegal armed groups in the temporarily occupied territories. Those who have been released, in particular civilians, face many problems with the restitution of their documents and with access to legal, social and medical assistance. There is no mechanism ensuring governmental support to these people, as until now they have had no particular legal status in Ukrainian legislation. Assistance is mainly given by non-governmental organisations. The issue of medical rehabilitation of the victims of captivity is vitally important as there are few qualified specialists in this field in Ukraine.

29. The Security Service of Ukraine has collected the testimonies of more than 1 500 military persons who were captured by illegal armed groups. According to this service, half of them testified to having been tortured and forced to co-operate by the Russian security services. Forty-seven former captured persons submitted their complaints to international institutions, including the OHCHR.

30. Despite numerous requests and discussion in Minsk, the international humanitarian organisations and NGOs providing humanitarian assistance have very limited access to the temporarily occupied territories to verify the conditions of detention of captured people.

31. It is important to underline that the exchange and liberation of prisoners should be a purely humanitarian question. Despite previous Assembly recommendations, the status of captured and missing persons remains undefined in Ukrainian legislation, so it is crucial to recognise that the military action in the Donbas region is an "international military conflict" and to apply the norms of international humanitarian law provided in the Geneva conventions.

5. Prisoners in the Russian Federation

32. According to the "LetMyPeopleGo" international advocacy campaign, by November 2017, at least 56 Ukrainian citizens had been prosecuted on a politically motivated basis by Russian law-enforcement agencies: This number of prisoners is constantly on the rise[12] as the persecution of the pro-Ukrainian population continues.

33. In 2016, five Ukrainian prisoners were liberated from Russian captivity including Ms Nadija Savchenko, former member of the Parliamentary Assembly. The process of exchange and liberation of prisoners is over-politicised and as a result progress is very slow. The Minsk Trilateral Contact Group is the only platform for

10. http://w1.c1.rada.gov.ua/pls/zweb2/webproc4_1?pf3511=60560.
11. Information note of 12 October 2017 provided by the Independent centre for the Release of Prisoners and the search for Missing Persons, created under the auspices of the Security Service of Ukraine.
12. http://letmypeoplego.org.ua/.

negotiation of the exchange of prisoners. Their fate in the Russian Federation and in the territory of Crimea is not discussed in Minsk. Such issues as respect of international humanitarian law and respect of the rights of prisoners, civilians and the military are blocked by the politicised Minsk process. Therefore, I strongly support the idea of several Ukrainian NGOs which is to create, in addition to the humanitarian working group, a new platform for negotiation of humanitarian issues related to the war in Ukraine.

34. On 25 October 2017, two Crimean Tatar leaders Mr Akhtem Chiygoz and Mr Ilmi Umerov, who were sentenced in occupied Crimea in politically motivated trials, were released by the Russian authorities as a result of negotiations between Russian President Putin and Turkish President Erdoğan. I welcome the efforts of the Turkish President in defending the rights of the Crimean Tatar population in Crimea. The international community should continue to put pressure on the Russian authorities until other Ukrainian prisoners prosecuted on a politically motivated basis in the Russian Federation and Crimea have been liberated.

6. The situation of IDPs

35. The situation of people who have been displaced internally as a consequence of military action in the Donbas region and of the occupation of Crimea by the Russian Federation remains a crucial challenge for the Ukrainian Government. Despite some assistance from international organisations there is a lack of sufficient financial resources to cover all needs of IDPs. State social support for IDPs in 2017 amounted to over UAH 1.9 billion (600 million euros), but these funds are insufficient for the housing needs of IDPs. Priority issues of concern for the representatives of IDPs I met in Ukraine were information, psychological support, housing, employment and health care. In addition to housing, which remains a key unresolved problem for the government, the employment level of IDPs is quite low according to the latest survey conducted by the International Organization for Migration (IOM). Only 40% of IDPs have managed to find a job, while 38% of IDPs of working age are considered to be unemployed. People complain about the lack of jobs, low salaries and positions that do not correspond to their qualifications.

36. The lack of housing is a serious problem for people who have escaped the war. According to the interagency vulnerability report in the Donetsk and Luhansk regions, 70% of IDPs who cannot find solutions for their accommodation are returning to the conflict-affected zones and the temporarily occupied territories.

37. Contrary to the Ukrainian law on IDPs' rights and freedoms, most IDPs are not provided with temporary accommodation. Many of them are residing in places where they were accommodated immediately after displacement (health resorts, hostels), and refuse to leave them. This has resulted in debts accruing to the facilities which took them in (electricity, gas and other supply bills).

38. There is still no exact procedure for the protection of the housing and property rights of IDPs, and no needs assessment related to the housing rights of IDPs or assessment of lost or damaged private property have been provided (there is no register for citizens' lost or damaged private property).

39. For now, the government is not proposing any adequate strategy to tackle the accommodation of IDPs. However, the Ministry of Temporarily Occupied Territories and IDPs is working on the long-term issue of the restitution of damaged or destroyed property as part of its national housing strategy.

40. As a first step forward, the Verkhovna Rada of Ukraine passed Law No. 1954-VIII of 16 March 2017 "On amendments to Article 4 of the Law of Ukraine on the Prevention of Influence of the Global Financial Crisis on the Development of the Construction Industry and House Building"[13] (on the implementation of State housing programmes) which envisages, *inter alia*, governmental support to IDPs amounting to 50% of the value of constructing (purchasing) affordable housing and/or preferential residential mortgage loans. However, no funds have yet been committed in the State Budget of Ukraine for the implementation of the aforesaid provision.

41. Many IDPs, following traumatic experiences in the war, suffer from post-traumatic stress disorder (PTSD) and need immediate treatment. In the contact line areas, where many IDPs are based, there is a lack of qualified medical services. Ukraine does not have enough qualified psychologists to deal with PTSD; international organisations and NGOs such as the Council of Europe, the ICRC, the World Health Organization (WHO), the Organization for Security and Co-operation in Europe (OSCE), UNICEF, OCHA, Medecins du Monde, USAID and Caritas try to cover the immediate needs of the most vulnerable groups

13. http://zakon5.rada.gov.ua/laws/show/1954-19.

(elderly people, children, women). However, an important concern stressed by the representatives of NGOs and international organisations is the lack of co-ordination between the different organisations providing assistance to IDPs, in particular at local level, which results in an overlapping of their activities.

42. The vulnerability of IDPs is further exacerbated by the limitation of their access to pensions and social benefits. IDPs entitled to social payments or pensions are subjected to four levels of identification procedure by different institutions, which is discriminatory as it only applies to IDPs. In addition, if the Ministry decides that a violation of the rules on targeted assistance has occurred, the IDPs concerned are obliged to return all the targeted assistance received over several years. The international and non-governmental organisations working with IDPs have called on the government to cancel Resolution No. 365 (on inspections of the accommodation of IDPs) and Resolution 167 (on physical identification in the Oschadbank), which have imposed a highly disproportionate burden on IDPs, particularly the most vulnerable categories. Cancellation of these acts would significantly improve the situation of IDPs in Ukraine as well as the humanitarian situation in the eastern regions of Ukraine.

43. Responding to continual criticism expressed by the IDP community and international actors, the Ministry of Social Policy attempted to improve the identification procedure of IDPs by passing Resolution No. 964 of the Cabinet of Ministers of Ukraine dated 14 December 2016 “On amendments to certain resolutions of the Cabinet of Ministers of Ukraine”. The resolution prescribes, *inter alia*, a simplified procedure for registration (notification by telephone of the changes in place of residence within the same administrative territory unit, for instance), delivery of social welfare free of charge and pension payments to the current place of residence through the service of the State Savings Bank of Ukraine to persons with disabilities.

44. Meanwhile, the regulatory changes adopted do not respond to the Assembly’s recommendations contained in Resolution 2112 (2016) urging the Ukrainian Government to improve, as much as possible, living conditions of citizens residing in the uncontrolled territories and persons displaced from these regions by simplifying administrative procedures related to their access to social welfare and pension payments. The State intends to pay pensions only to those citizens from temporarily occupied territories who have been displaced to government-controlled areas.

45. On 14 September 2017, the Cabinet of Ministers finally adopted the amendments to Resolutions Nos. 505, 365 and 637, thus significantly improving access to social support for IDPs (the monthly rate of social support was increased, verification procedures for some categories of working IDPs were cancelled, and discriminatory obligations on IDPs to be served only in a specific State bank with no right to choose a bank have been cancelled, etc.).

46. IDPs have also been deprived of their voting rights, in particular in local elections. The current Ukrainian legislation requires voters to register their residential address, which for an IDP would lead to the loss of IDP status and relevant benefits. One positive development is that a draft law “On access to voting rights for IDPs and other mobile groups” has been prepared by leading NGOs in co-operation with the working group of the Ministry of Temporarily Occupied Territories and IDPs and submitted to parliament.[14] It is very important to adopt this law as soon as possible.

47. It is also vital for IDPs to be accepted and well integrated in the host community, and the best way to integrate is certainly through work and education.

48. The parliament has adopted some changes to the legislation facilitating long-distance learning for students in the temporarily occupied territories and the learning process in the evacuated higher educational establishments. Relevant amendments to the regulatory framework have been developed in co-operation with the working group of the Ministry of Temporarily Occupied Territories and IDPs and adopted by the Ministry of Education and Science of Ukraine. However, the State programme for support of IDPs (2015-2017) adopted by the government in 2015 was not financed, which means that the accommodation, integration and rehabilitation programmes for IDPs have not been implemented with State budget support. The Ministry is also heavily under-financed, which does not allow it to exercise its main responsibilities.

49. Visiting the Donetsk oblast, I had the strong impression that the local administration is doing much work for the rehabilitation of the territories liberated after the occupation and in support of IDPs. Many international non-governmental organisations are present on site and are working in close contact with the authorities.

14. http://w1.c1.rada.gov.ua/pls/zweb2/webproc4_1?pf3511=61425.

50. One very important conclusion I drew from my visit to Ukraine is that, unfortunately, there is a lack of clear governmental strategy on IDPs and on how to address the consequences of the war. Many IDPs testified that they were discriminated against and did not have governmental protection.

7. The situation at the contact line

51. The civilian population living close to the contact line and in areas not controlled by either side systematically face difficulties in accessing basic services, such as electricity, heating, clean water, and medical care. Due to the military action, the water supply infrastructure is frequently damaged by bombing and people living in the Donetsk and Luhansk regions are suffering from a lack of drinking water. As reported by the World Health Organisation,[15] 160 health-care facilities have been destroyed since the beginning of the war and more than 700 educational facilities have been damaged by the bombings.

52. All across the contact line, large areas, in particular agricultural land, are riddled with mines, including anti-personnel mines. There has been a worryingly sharp increase in the number of victims of explosive devices since March 2017 and the start of the farming season. More than 40% of civilian victims are children. The OSCE Monitoring mission in Ukraine has reported the urgent need to de-mine on both sides, but little or no action on de-mining has been reported. The presence of mines on agricultural land puts farmers and other people at risk and can curb one of the local population's sources of income.

53. Over the last year, the number of people crossing the contact line has significantly increased and reached a record number of 1.3 million crossings in July 2017. This can be explained by the deteriorating economic situation in the temporarily occupied territories which is pushing people, despite the security risks, to cross the contact line in order to access social benefits and pensions, and to seek essential provisions in government-controlled territories.

54. The Ukrainian authorities, supported by humanitarian partners, in particularly the UNHCR, are trying to improve the situation at the checkpoints by modernising the crossing facilities and providing qualified personnel. A new crossing point at Zolote (Luhansk oblast) should be opened soon, which could significantly improve the situation for the population of Luhansk oblast, as until now they have only been able to use one pedestrian crossing point.

55. The majority of the population living near the contact line is composed of IDPs and local people affected by the war. People are lacking employment opportunities, therefore many count on humanitarian assistance. Health services are very limited, as many health professionals have left the area because of security threats.

56. Water supply is a big problem in the contact line areas as the facilities are constantly being damaged by military action. People receive water irregularly and drinking water delivery is sporadic. The resolution of the water supply problem is essential, especially during the winter period, as the centralised heating systems require an uninterrupted water supply.[16]

8. The situation of people residing in the temporarily occupied territories

57. The humanitarian situation in the temporarily occupied territories is alarming and is aggravated by the illegally armed groups blocking the access of major international humanitarian organisations. As estimated by the World Food Programme, 620 000 people in the temporarily occupied territories are food insecure, and an additional 500 000 have little or no livelihood.[17] Three million people were directly affected by a disruption of the water system in 2017.

58. People are also facing daily security threats as military actions are concentrated in highly populated urban areas. The international organisations and NGOs registered in the temporarily occupied territories record constant violations of international humanitarian law, including murder, harassment, abductions and torture. Due to bombings, the water and electricity supplies are often disrupted. Many people are in need of shelter, because their houses have been destroyed.

59. Payment of pensions to people residing in the temporarily occupied territories is also a major problem. In August 2014, 1 278 200 pensioners were registered in the Donetsk and Luhansk regions, which are not controlled by the government. On 1 January 2016, 956 000 IDPs were receiving pensions, which represented

15. Humanitarian Response Plan, Mid-year review, August 2017, p. 6.
16. Report on the human rights situation in Ukraine, 16 May to 15 August 2017,OHCHR, p. 24.
17. www1.wfp.org/countries/ukraine, Situation Report N 26, 25 May 2017.

75% of pensioners in the temporarily occupied territories, suggesting that a significant proportion of pensioners living in the temporarily occupied territories were nevertheless able to travel to government-controlled areas to collect their pensions. In December 2016, the number of IDPs receiving pensions decreased to 548 900, which indicates that 407 100 IDPs (43%) stopped receiving pensions in 2016 as a result of verification measures.[18]

60. Many people did not receive their pensions because they were not registered as being displaced as required by the procedure. Even those who had registered as IDPs but for other reasons were not able to complete the verification procedure were deprived of payments. As stated by the OHCHR, linking pension payments with IDP registration and suspending them as a result of verification procedures is contradictory to Ukrainian legislation and international law.[19] However, the Working Group of the Ministry of Temporarily occupied Territories and IDPs, in co-operation with leading international organisations and NGOs, proposed a mechanism of pension payment to people residing in the temporarily occupied territories without IDP registration on application to any office of the Pension Fund in the Government-controlled territory. In co-operation with international organisations, a payment mechanism will also be developed for disabled people and people with mobility problems.

61. To regulate the transfer of goods to and from the non-governmental controlled areas, the Ministry of Temporarily Occupied Territories and IDPs has adopted Order No. 39 of 24 March 2017[20] regulating the list of goods and items that can be transported across the line of contact. It also specifies the order of transportation of humanitarian convoys under a simplified procedure.

62. Recognition of civil and administrative papers delivered by the so-called “authorities” in the temporarily occupied territories to the local population is also problematic, as these births, death and marriage certificates, as well as other documents, have no legal status in Ukraine. The procedure of regularisation of these civil acts in Ukraine is very complicated (requiring a Court decision). To solve this problem, it is urgent to draw up a simplified administrative procedure for registration of the information contained in these documents.

63. I am very pleased to note that on 6 October 2017 the Verkhovna Rada of Ukraine adopted a law on the reintegration of Donbas, officially named “On the peculiarities of the State policy to ensure the State sovereignty of Ukraine over the temporarily occupied territories in Donetsk and Luhansk regions”. This legal act has vital importance for Ukraine and its population, as it recognises the Russian Federation as an occupational State and defines the purpose of the State policy to ensuring the State sovereignty of Ukraine over the temporarily occupied territories in the Donetsk and Luhansk regions. It also safeguards the rights of Ukrainian citizens to their property in the temporarily occupied territories.

64. The occupation of Crimea by the Russian Federation has had a huge impact on the local population. The Russian authorities have started implementing a policy of transferral of the civilian population from the Russian Federation to Crimea, while at the same time discriminating and persecuting on a politically motivated basis the pro-Ukrainian population and, in particular, the Crimean Tatars. In international humanitarian law the transfer of populations from their own territory into an occupied territory by an occupying power amounts to a war crime.[21] The study prepared by three Ukrainian NGOs[22] provides very clear factual and statistical evidence of this practice. The Russian authorities also deported several people lacking Russian citizenship, but living in Crimea, from Crimea to Ukraine.

65. Since the occupation in 2014, 44 Ukrainians have disappeared in Crimea: 6 of them were found dead, 17 were released from detention, 2 people have been convicted and 19 are still considered missing.[23]

66. The problem of private property in Crimea has become a very acute issue, in particular for people who bought their houses or apartments before the Russian occupation. Around 600 people in Sevastopol received court decisions cancelling their purchase contracts. This practice is a flagrant violation of international humanitarian law.[24]

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18. “Pensions for IDPs and persons living in the areas not controlled by the Government in the east of Ukraine”, prepared jointly by the UNHCR office in Ukraine and the United Nations Human Rights Monitoring Mission in Ukraine.
19. Report on the human rights situation in Ukraine, 16 February to 15 May 2017, OHCHR, p. 29.
20. http://sfs.gov.ua/diyalnist-/zakonodavstvo-pro-diyalnis/nakazi-pro-diyalnist/71880.html.
21. Article 85 of Additional Protocol I to the Geneva Convention of 1949 relating to the protection of Victims of International Armed Conflicts.
22. Crimea Beyond Rules, Transfer by the Russian federation of parts of its own civilian population into the occupied territory of Ukraine, Kyiv, 2015.
23. Enforced disappearances in occupied Crimea, as at April 20, 2017, Crimea SOS.
24. Report on the human rights situation in Ukraine, 16 May to 15 August 2017, OHCHR, p. 33.

67. It is also important to note that civil society organisations which provide humanitarian assistance to people living in the temporarily occupied territories have major difficulties in accessing these territories.

9. The situation of migrants, asylum seekers and refugees displaced by the war from Ukraine

68. Since the beginning of the war in 2014, over 480 000 Ukrainians have sought asylum in other countries of Europe. The UNHCR confirms that the majority of refugees and asylum seekers fleeing the war in Ukraine have sought asylum in the Russian Federation (427 240). However (as indicated in the table in the Appendix), many others have sought protection in Italy, Germany, Poland and other countries.[25]

69. During my fact-finding mission to Poland, I looked in particular into the situation of Ukrainians fleeing the war in their country. Both governmental bodies and international organisations confirmed that since the beginning of 2014, some 5 300 Ukrainians have applied for international protection in Poland, which was a dramatic increase compared to the pre-2014 period, when there were around 100 applications. In addition, during this period, more than 119 000 Ukrainians applied for temporary residence status and over one million Ukrainians have entered Poland on the basis of visas and a simplified labour migration mechanism.

70. Since 2014, only 146 people have been granted subsidiary protection status in Poland and 37 have been recognised as refugees. The majority of claims were rejected by the Polish authorities on the basis that applicants had internal relocation alternatives within Ukraine. However, the UNHCR Guidelines on International Protection[26] state that "the internal flight alternatives (IFA)" is not a stand-alone principle and should be applied as part of a holistic approach and on a case-by-case basis when taking a decision on protection status.[27] The migrants associations I met in Poland reported the use of the IFA as a key argument in the rejection of claims of Ukrainian asylum seekers.

71. However, it should be clearly noted that the Polish Government makes a number of legal mechanisms available for Ukrainians to reside and work legally in Poland. The majority of applications by Ukrainians for legalisation of residence are accepted. Therefore, many Ukrainian people prefer to use these legal opportunities rather than apply for international protection, which would limit their right to work to six months after the application and in case of rejection could lead to deportation. Many Ukrainians nevertheless continue to apply for asylum as they are not aware of this limitation. Therefore, it is important that the Ukrainian authorities make the information available for people in Ukraine on the legalisation and international protection procedures for migrants and asylum seekers in Europe. I would also recommend that the Polish authorities reconsider the application of the IFA principle on a regular basis towards Ukrainian asylum seekers, taking into consideration their vulnerability and difficulties of relocation within Ukraine.

72. Another important problem is related to the situation of people who left Ukraine after the outbreak of the war in 2014 and could not return because of a lack of or lost documentation. The State Migration Service of Ukraine has no access to the documentation archives in Crimea or in the temporarily occupied territories, and therefore cannot confirm the Ukrainian nationality of the people concerned. These people are at risk of statelessness and a mechanism should be established on how to settle this problem.

10. International humanitarian responses

73. A number of international organisations have united in humanitarian response clusters and have developed a Humanitarian response plan co-ordinated by the United Nations Office for the Coordination of Humanitarian Affairs (OCHA). In co-operation with the government and non-governmental organisations they are trying to respond to the protection needs of war-affected people, provide emergency assistance and improve resilience, to help prevent the degradation of the humanitarian situation.

74. However, international humanitarian assistance to Ukraine is very limited in funding. Only 26% (US $36 million) of the requested US$204 million funds was provided in 2017 by international donors, which significantly hampered the implementation of the humanitarian response plan.

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25. Executive Committee of the High Commissioner's Programme, Regional update-Europe, 22 September 2017, UNHCR, p. 1.
26. UNHCR(2003), Guidelines on International protection: "Internal Flight or Relocation Alternative" within the Context of Article 1A(2) of the 1951 Convention and/or 1967 Protocol relating to the Status of Refugees: www.unhcr.org/publications/legal/3f28d5cd4/guidelines-international-protection-4-internal-flight-relocation-alternative.html
27. "Ukrainian asylum seekers and a Polish immigration paradox", Marta Szczepanik and Ewelina Tylec, *Forced Migration Review*, www.fmreview.org/destination-europe/szczepanik-tylec.html.

75. Since the beginning of the war, the European Union has contributed around €399 million in humanitarian and early recovery aid to people in the areas directly affected by the war, i.e. IDPs, refugees and returnees. The European Union works in close co-operation with the ICRC, the IOM and non-governmental organisations on projects providing food assistance, shelter, water, protection and health care, including psychological assistance, education and essential livelihoods.[28] The European Union has provided over €88.1 million as emergency assistance, including aid to the vulnerable population in the temporarily occupied territories.

76. The IOM, funded by the European Union and the United Kingdom's Department of International Development (DFID), offers targeted livelihood assistance programmes for IDPs by providing opportunities for economic empowerment. More than 10 000 individuals have benefited from training in the 24 oblasts of Ukraine. The IOM has also assisted in renovating water, sanitation and hygiene-related (WASH) facilities in 20 social institutions, including hospitals, IDP centres and territorial centres for social services in the temporarily occupied territories of Donetsk oblast.

77. The UNHCR, which led the work of the Protection and Shelter Clusters of the Humanitarian Response Plan, has provided legal assistance, protection counselling and cash-based individual protection assistance to IDPs in the areas around the contact line and the temporarily occupied territories.

78. The ICRC has expanded its activities in Ukraine, providing important support to people living close to the contact line, as well as IDPs, families of missing persons and the general population living on the temporarily occupied territories. Over 2 million people have benefited from ICRC water and habitat activities. It has also supported the collection of DNA samples and post-mortem data and provided technical assistance for the forensic analysis of human remains.[29] In eastern Ukraine, the ICRC has provided supplies to hospitals and clinics on both sides of the front line, and to blood banks and haemodialysis in Ukraine, in the Luhansk region.[30]

79. In the framework of the Council of Europe Action Plan for Ukraine for 2015-2017, the Council of Europe is implementing a project entitled "Strengthening the Human Rights Protection of Internally Displaced Persons in Ukraine" to support governmental efforts to improve the situation of IDPs and focusing on the Dnipro, Kyiv, Luhansk and Donetsk regions. Thanks to this project, special training was conducted for national judges on the application of the Council of Europe standards in cases related to the violation of rights of IDPs. Recommendations on improving the national legislation and policies in accordance with Council of Europe standards have been widely disseminated and partially implemented (for example, court procedures for the recognition of births and deaths in the temporarily occupied territories were introduced into the Civil Procedural Code of Ukraine in 2016). Following the Council of Europe's recommendations and advocacy campaign, IDPs are now beneficiaries of secondary free legal aid after amendments to the Law on Free Legal Aid which came into force on 5 January 2017. The Working Group on Improving National Legislation on the Protection of the Human Rights of IDPs was created by the Ministry of Temporarily Occupied Territories and IDPs with the technical assistance and expert support of the Project. A number of draft laws are already being developed by the Working Group of the Ministry of Temporarily Occupied Territories and IDPs.

80. The capacities of local authorities (representatives of departments of social protection, pension funds) were enhanced by training and seminars on the Council of Europe's standards for the human rights protection of IDPs and on the right of IDPs to social protection (more than 150 people were trained). Intensive and productive co-operation has been achieved with the system of free legal aid provision (more than 400 legal professionals have been trained, lawyers from the centres for free legal aid, legal aid offices have increased their capacities in providing legal consultation to IDPs and protecting their rights in court). Positive integration practices and policies aimed at providing durable solutions for IDPs at regional level were developed and disseminated throughout the focus regions of the Project (in total, events engaged around 3 500 representatives of IDPs). Within the project, the Co-operation Group to Combat Drug Abuse and Illicit Trafficking in Drugs (Pompidou Group) provides relevant trainings on post-traumatic stress disorder in co-operation with the Ministry of Health of Ukraine and intends to create a "resilience centre".

28. European Civil protection and Humanitarian Aid Operation, Ukraine, http://ec.europa.eu/echo/where/europe-and-central-asia/ukraine_en.
29. ICRC Annual report 2015.
30. ICRC Annual report 2016.

11. Conclusions and recommendations

81. I consider that progress in finding solutions to the serious problems of IDPs in Ukraine should be a strategic goal for the Ukrainian Government. First of all, these people should receive a clear message on how the government sees their future in the short- and long-term perspective. The priority issue should be ensuring the political rights of IDPs, who until now have not been able to take part in local elections or vote in elections to the Parliament of Ukraine.

82. In the short-term perspective, the social rights of IDPs should be guaranteed: the procedure of social payments should be simplified and pension payments should be decoupled from IDP registration by amending Cabinet of Ministers Resolutions Nos. 365, 505 and 637, as well as any other relevant normative acts.

83. Special attention should be paid to ensuring the right to adequate housing and solving housing matters as an integral part of the sustainable solutions for IDPs. Legal frameworks for the introduction and implementation of different types of housing programmes should be adopted. Provision should be made for different kinds of support in solving housing issues (including interest-free loans, provision of social housing and partial financial State support for IDPs buying houses, etc.), as well as ensuring restitution and compensation of property loss.

84. IDPs and residents in the temporarily occupied territories should have access to preschool, school, professional and higher education in Ukraine. In 2017, access to higher education for IDPs and students after the sixth grade was significantly simplified. Access to kindergartens and secondary schools for IDPs' children should be ensured as a priority. Meanwhile further improvements would be welcomed.

85. IDPs should be properly informed of their right to free secondary legal aid, including representation before the court during hearings.

86. It is very important to open new crossing points for access to the governmental controlled territory in the Luhansk and Donetsk regions.

87. There is an urgent need for all sides in the war to respect the civilian nature of infrastructure and ensure the protection of civilians and their full access to essential services.

88. The Ukrainian Government, in particular the State Committee on Migration and Ukrainian consulates in Europe, should make information available on legalisation and international protection procedures for migrants and asylum seekers in Europe. Ukrainian people looking for legal migration opportunities should have access to information on the labour market conditions in different European countries.

89. I also believe that there should be no discrimination as regards the consideration of applications for international protection of Ukrainian nationals in European countries. All applications should be considered on an individual basis, taking into account all individual circumstances and specific needs of vulnerable people escaping war or repression.

90. As regards the situation of Ukrainian prisoners detained on a politically motivated basis in the Russian Federation, the Council of Europe could facilitate the organisation of a visit of independent doctors to monitor their state of health and the conditions of detention in the prisons in the Russian Federation as well as in the territory of Crimea.

91. I am also convinced that the international community should convene an international humanitarian conference on Ukraine, following the example of the Cairo International Conference on Palestine, to raise funding for the humanitarian relief plan and devise strategies for the co-ordination of humanitarian assistance. The Ukrainian authorities should also reconsider their regulations as regards international humanitarian assistance.

Appendix – Number of asylum applications by Ukrainians since 1 January 2014 (as at August 2017)

Country	**Total**
Russian Federation	427 240[31]
Italy	10 860
Germany	10 295
Spain	8 090
Poland	4 535
France	3 775
Sweden	3 425
Belarus	2 371
Czech Republic	1 520
Austria	1 440
Netherlands	1 365
Belgium	1 050
United Kingdom	780
Portugal	715
Switzerland	550
Greece	480
Finland	440
Denmark	335
Republic of Moldova	301
Norway	265
Malta	220
Cyprus	200
Lithuania	170
Estonia	160
Bulgaria	130
Latvia	125
Ireland	115
Luxembourg	95
Hungary	85
Romania	80
Slovak Republic	50
Slovenia	25
Croatia	20
Liechtenstein	15
Iceland	10
TOTAL	**481 332**

31. All figures are from Eurostat, except Belarus, Republic of Moldova and the Russian Federation (UNHCR).