

Resolution 2198 (2018)¹

Humanitarian consequences of the war in Ukraine

Parliamentary Assembly

1. The Parliamentary Assembly is alarmed by the humanitarian situation resulting from the ongoing Russian war against Ukraine, which is taking place in certain areas of the Donetsk and Luhansk regions, and from the occupation and attempted 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 a lack of security, problems with water and energy supplies and access to social benefits and medical care.

3. The Assembly takes note of the new Ukrainian law on the peculiarities of the State policy to ensure the State sovereignty of Ukraine over the temporarily occupied territories in Donetsk and Luhansk, adopted by the Ukrainian Parliament on 18 January 2018. This 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 missing persons during the conflict in Ukraine, 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 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. At the same time, the Assembly welcomes the long-awaited exchange of captured persons between Kyiv and Russia-led forces in December 2017 and encourages all sides to continue the negotiation process with a view to enabling all captives to return to their homes in the near future.

5. The Assembly expresses its regret that the Russian Federation continues to ignore [Resolution 2133 \(2016\)](#) on legal remedies for human rights violations on the Ukrainian territories outside the control of the Ukrainian authorities and has not implemented any of the requests to the Russian authorities made therein.

1. *Assembly debate* on 23 January 2018 (4th Sitting) (see [Doc. 14463](#), report of the Committee on Migration, Refugees and Displaced Persons, rapporteur: Mr Egidijus Vareikis). *Text adopted by the Assembly* on 23 January 2018 (4th Sitting). See also [Recommendation 2119 \(2018\)](#).



6. 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.

7. 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. The Assembly stresses that this Russian policy should be viewed as a violation of Article 49 of Geneva Convention (IV) relative to the Protection of Civilian Persons in Time of War, according to which individual or mass forcible transfers, as well as deportations of protected persons from occupied territory to the territory of the occupying power or to that of any other country, occupied or not, are prohibited, regardless of their motivation. 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. 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 have received court decisions cancelling their purchase contracts. This practice is a flagrant violation of international humanitarian law.

8. 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 and their integration, should be one of the government's priority tasks.

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

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

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

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

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

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

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

10. The Assembly urges the Russian authorities to:

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

10.2. 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;

10.3. uphold all its obligations under applicable international law as an occupying power and to ensure respect for the human rights and the security of all people living in occupied Crimea;

10.4. lift the ban on the Mejlis of the Crimean Tatar People, as ordered by the International Court of Justice on provisional measures in the case of *Ukraine v. Russia* (19 April 2017), as well as the entry bans on its leaders, as the Mejlis is the legitimate self-representative organ of the Crimean Tatar community;

10.5. 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;

- 10.6. ensure unhindered access to annexed Crimea to international organisations, international monitoring bodies and human rights non-governmental organisations;
 - 10.7. use its influence over the armed groups controlling the territories of the Donetsk and Luhansk regions to demand the release of all captured persons;
 - 10.8. 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;
 - 10.9. stop forcing Ukrainian citizens living in annexed Crimea to accept Russian passports and stop the forcible deportation of Ukrainian citizens without Russian passports from annexed Crimea;
 - 10.10. execute in full all the demands contained in Assembly [Resolutions 2132 \(2016\)](#) on the political consequences of the Russian aggression in Ukraine and 2133 (2016) to stop military aggression against Ukraine and restore its territorial integrity;
 - 10.11. execute in full all the demands contained in Assembly [Resolutions 1990 \(2014\)](#) on reconsideration on substantive grounds of the previously ratified credentials of the Russian delegation, [Resolution 2034 \(2015\)](#) on the challenge, on substantive grounds, of the still unratified credentials of the delegation of the Russian Federation and 2063 (2015) on consideration of the annulment of the previously ratified credentials of the delegation of the Russian Federation (follow-up to paragraph 16 of [Resolution 2034 \(2015\)](#)), to ensure the rights of minorities in Crimea.
11. The Assembly urges the Ukrainian authorities to:
- 11.1. bring the Criminal Code and Code on Criminal Procedure of Ukraine into line with the provisions of international humanitarian law and international criminal law;
 - 11.2. ratify the Rome Statute of the International Criminal Court as soon as possible, which will make it possible to carry out effective investigations into concrete cases of violations of international humanitarian law during the war in Ukraine;
 - 11.3. 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;
 - 11.4. revise the law on the peculiarities of the State policy to ensure the State sovereignty of Ukraine over the temporarily occupied territories in the Donetsk and Luhansk regions, based on the Minsk agreements, and to fully guarantee the social protection and meet the basic humanitarian needs of the civilian population in the temporarily occupied territories of the Donetsk and Luhansk regions;
 - 11.5. adopt legislation on humanitarian demining actions;
 - 11.6. revise the law on humanitarian assistance to facilitate the delivery of humanitarian assistance to the war-affected territories;
 - 11.7. accord the necessary financial resources to local administrations responsible for assistance to IDPs and other victims of the war;
 - 11.8. adopt a governmental programme of assistance to the families of persons who have gone missing or been captured during the war in Ukraine, as well as to 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;
 - 11.9. draft, adopt and finance a State programme on psychological assistance to military personnel and civilians who suffer from post-traumatic stress disorder;
 - 11.10. create a national mechanism for the compensation of civilian victims injured or whose families were killed during the war;
 - 11.11. provide mechanisms for ensuring the voting rights of IDPs in all elections, including at local level;
 - 11.12. make information available to Ukrainian citizens on legalisation and international protection procedures for migrants and asylum seekers in Europe;
 - 11.13. ensure the right to adequate housing and resolve housing matters as an integral part of sustainable solutions for IDPs, including the adoption of a legal framework for the introduction and implementation of different types of housing programmes;

11.14. 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;

11.15. introduce administrative procedures for Ukrainian citizens living in the temporarily occupied territories for the regularisation of their identity papers;

11.16. create 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.

12. 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.

13. 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 meet the housing needs of IDPs in Ukraine.

14. 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.

15. 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.