



Doc. 14463 – Compendium of written amendments
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(Revised version)

Humanitarian consequences of the war in Ukraine

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A. Draft Resolution

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.

Amendment 7

Tabled by Mr Volodymyr ARIEV, Ms Iryna GERASHCHENKO, Mr Oleksii GONCHARENKO, Mr Mustafa DZHEMILIEV, Ms Mariia IONOVA, Mr Sergiy VLASENKO, Mr Serhii SOBOLIEV, Mr Leonid YEMETS, Mr Georgii LOGVYNSKYI, Mr Boryslav BEREZA, Ms Olena SOTNYK

In the draft resolution, paragraph 1, first sentence, replace the words "at the humanitarian situation which is the consequence of the war in eastern Ukraine and of the annexation" with the following words: "by the humanitarian situation which is a consequence of the ongoing Russian war against Ukraine, which is taking place in certain areas of the Donetsk and Luhansk regions, and of the occupation and attempted annexation".

Amendment 4

(If adopted, amendment 1 falls)

Tabled by Mr Volodymyr ARIEV, Ms Iryna GERASHCHENKO, Ms Mariia IONOVA, Mr Serhii SOBOLIEV, Mr Leonid YEMETS, Mr Georgii LOGVYNSKYI, Mr Boryslav BEREZA, Ms Olena SOTNYK

In the draft resolution, paragraph 3, replace the words "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" with the following words: "new Law of Ukraine "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".

Amendment 1

(Falls if amendment 4 is adopted)

Tabled by Mr Vadym NOVYNSKYI, Mr Frank SCHWABE, Ms Doris BARNETT, Ms Yuliya LOVOCHKINA, Ms Petra De SUTTER, Ms Thórhildur Sunna ÆVARSDÓTTIR, Mr Jérôme LAMBERT, Ms Tamara BLAZINA, Mr Manuel

TORNARE, Mr Pierre-Alain FRIDEZ, Mr José CEPEDA, Ms Stella CREASY, Lord Donald ANDERSON, Mr Phil WILSON

In the draft resolution, paragraph 3, replace the words "passing by the Ukrainian Parliament of the first reading of a draft law" with the following words: "adoption of the Law".

Amendment 2

Tabled by Mr Vadym NOVYNSKYI, Mr Frank SCHWABE, Ms Doris BARNETT, Ms Yuliya LOVOCHKINA, Mr Paolo CORSINI, Ms Tamara BLAZINA, Mr Vannino CHITI, Ms Maryvonne BLONDIN, Mr José CEPEDA, Mr Jérôme LAMBERT, Mr Manuel TORNARE, Mr Pierre-Alain FRIDEZ, Ms Stella CREASY, Mr Liam BYRNE

In the draft resolution paragraph 3, second sentence, replace the words: "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." with the following words: ". The Assembly expresses its serious concern about the withdrawal of the reference to the Minsk agreements from the text of the Law. It also notes with concern that the Law does not fully guarantee social protection and the basic humanitarian needs of the civilian population on the temporarily occupied territories of the Donetsk and Luhansk regions."

Amendment 12

Tabled by Mr Yıldırım Tuğrul TÜRKEŞ, Mr Akif Çağatay KILIÇ, Ms Emine Nur GÜNAY, Mr Şaban DIŞLİ, Mr Suat ÖNAL, Ms Lütfiye İiksen CERİTOĞLU KURT, Ms Serap YAŞAR

In the draft resolution, paragraph 4, after the first sentence, insert the following sentence: "The recent prisoner exchange involving about 300 individuals in accordance with the Minsk Agreements is a step in the right direction."

Sub-amendment 1 to amendment 12

(If adopted, amendment 5 falls)

Tabled by the (Former) Committee on Migration, Refugees and Displaced Persons

At the end of amendment 12, add the following words: "The Assembly encourages all sides to continue the negotiation process with a view to enabling all captives to return to their homes in a short while."

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.

Amendment 5

(Falls if amendment 12 is adopted)

Tabled by Mr Sergiy VLASENKO, Mr

Volodymyr ARIEV, Ms Iryna

GERASHCHENKO, Mr Oleksii

GONCHARENKO, Mr Mustafa DZHEMILIEV,

Ms Mariia IONOVA, Mr Serhii SOBOLIEV, Mr

Leonid YEMETS, Mr Georgii LOGVYNSKYI,

Mr Boryslav BEREZA, Ms Olena SOTNYK

In the draft resolution, at the end of paragraph 4, add the following sentence: "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 a short while."

Amendment 6

Tabled by Mr Sergiy VLASENKO, Mr

Volodymyr ARIEV, Ms Iryna

GERASHCHENKO, Mr Oleksii

GONCHARENKO, Mr Mustafa DZHEMILIEV,

Ms Mariia IONOVA, Mr Serhii SOBOLIEV, Mr

Leonid YEMETS, Mr Georgii LOGVYNSKYI,

Mr Boryslav BEREZA, Ms Olena SOTNYK

In the draft resolution, after paragraph 4, insert the following paragraph:

"The Assembly expresses its regret that the Russian Federation continues to ignore Resolution 2133 (2016) and has not implemented any of the requests to the Russian authorities made therein."

Amendment 11

Tabled by Mr Volodymyr ARIEV, Ms Iryna

GERASHCHENKO, Mr Oleksii

GONCHARENKO, Mr Mustafa DZHEMILIEV,

Ms Mariia IONOVA, Mr Sergiy VLASENKO, Mr

Serhii SOBOLIEV, Mr Leonid YEMETS, Mr

Georgii LOGVYNSKYI, Mr Boryslav BEREZA,

Ms Olena SOTNYK

In the draft resolution, at the end of paragraph 6, insert the following sentence: "The Assembly stresses that this Russian policy should be viewed as a violation of Article 49 of Geneva Convention IV, 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."

Amendment 13

Tabled by Mr Georgii LOGVYNSKYI, Mr Egidijus VAREIKIS, Mr Valeriu GHILETCHI, Mr Serhii KIRAL, Mr Boryslav BEREZA, Mr Mustafa DZHEMILIEV, Mr Arkadiusz MULARCZYK, Mr Giorgi KANDELAKI, Mr Eerik-Niiles KROSS

In the draft resolution, at the end of paragraph 6, insert the following words: "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 received court decisions cancelling their purchase contracts. This practice is a flagrant violation of international humanitarian law."

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;
 - 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;

Amendment 8

Tabled by Mr Volodymyr ARIEV, Ms Iryna GERASHCHENKO, Mr Oleksii GONCHARENKO, Mr Mustafa DZHEMILIEV, Ms Mariia IONOVA, Mr Sergiy VLASENKO, Mr Serhii SOBOLIEV, Mr Leonid YEMETS, Mr Georgii LOGVYNSKYI, Mr Boryslav BEREZA, Ms Olena SOTNYK

In the draft resolution, replace paragraph 9.3 with the following paragraph:

"to 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;"

- 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;

Amendment 9

Tabled by Mr Volodymyr ARIEV, Ms Iryna GERASHCHENKO, Mr Oleksii GONCHARENKO, Mr Mustafa DZHEMILIEV, Ms Mariia IONOVA, Mr Sergiy VLASENKO, Mr Serhii SOBOLIEV, Mr Leonid YEMETS, Mr Georgii LOGVYNSKYI, Mr Boryslav BEREZA, Ms Olena SOTNYK

In the draft resolution, paragraph 9.4, replace the word "and" with the following words: ", as ordered by the International Court of Justice on Provisional Measures in the Ukraine v. Russia case (19 April 2017), as well as".

- 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;

Amendment 10

Tabled by Mr Volodymyr ARIEV, Ms Iryna GERASHCHENKO, Mr Oleksii GONCHARENKO, Mr Mustafa DZHEMILIEV, Ms Mariia IONOVA, Mr Serhii SOBOLIEV, Mr Leonid YEMETS, Mr Georgii LOGVYNSKYI, Mr Boryslav BEREZA, Ms Olena SOTNYK

In the draft resolution, paragraph 9.5, replace the words "by independent international monitors and international organisations" with the following words: "by international organisations as well as by Ukrainian diplomatic and consular representatives".

- 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.

Amendment 14

Tabled by Mr Georgii LOGVYNSKYI, Mr Egidijus VAREIKIS, Mr Valeriu GHILETCHI, Mr Serhii KIRAL, Mr Boryslav BEREZA, Mr Mustafa DZHEMILIEV, Mr Arkadiusz MULARCZYK, Mr Giorgi KANDELAKI, Mr Eerik-Niiles KROSS

In the draft resolution, after paragraph 9.10, insert the following paragraph:

"execute in full all the demands contained in Assembly Resolution 1990(2014), 2034(2016) and 2063(2015) to ensure the rights of minorities in Crimea and fully implement the Minsk Agreements."

Sub-amendment 1 to amendment 14

Tabled by the (Former) Committee on Migration, Refugees and Displaced Persons

In amendment 14, replace the proposed paragraph with the following words: "implement in full all the demands contained in Assembly Resolutions 1990 (2014), 2034 (2016) and 2063 (2015) to ensure the rights of minorities in Crimea."

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;

Amendment 3

Tabled by Mr Vadym NOVYNSKYI, Mr Frank SCHWABE, Ms Doris BARNETT, Ms Yuliya LOVOCHKINA, Ms Petra De SUTTER, Mr Jérôme LAMBERT, Mr Manuel TORNARE, Mr Pierre-Alain FRIDEZ, Mr José CEPEDA, Baroness Doreen E. MASSEY, Lord Don TOUHIG, Ms Maryvonne BLONDIN, Ms Stella CREASY, Mr Phil WILSON

In the draft resolution, before paragraph 10.4, insert the following paragraph:

"revise the 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", to be based on the Minsk agreements and to fully guarantee the social protection and the basic humanitarian needs of the civilian population on the temporarily occupied territories of the Donetsk and Luhansk regions;"

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

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.