SECTORAL BRIEF “HUMAN RIGHTS AND REINTEGRATION OF THE OCCUPIED TERRITORIES”

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The ongoing armed conflict in Ukraine, the occupation of part of its territory, and massive internal displacement have a significant impact on the formulation and implementation of state policies in various fields. However, the issue of managing with the consequences of the armed conflict and the proclaimed course of action of the new team aimed at reintegration of the occupied territories needs considerable attention, since the further destiny of Ukraine depends on the success of this process. Given the lack of control over part of the territory, it is important to ensure the provision of services and create opportunities for exercising the rights of residents of the occupied territories on the territory controlled by the Government of Ukraine.

Following the election of the new President and the new composition of the Parliament of Ukraine, the issues of de-occupation and reintegration of the occupied territories were put on the agenda as the top priority. The focus of the work of the Parliamentary Committee on Human Rights, National Minorities and International Relations was broadened by the issues of the de-occupation and reintegration of the temporarily occupied territories. Additionally, in October 2019, a Provisional Special Commission on the Formation and Implementation of State Policy for the Restoration of Territorial Integrity and Ensuring Ukraine’s Sovereignty was established in the Parliament.

The changes in the structure of the Government also took place. In September, the Ministry of Temporarily Occupied Territories and Internally Displaced Persons of Ukraine was reorganized by merging with the Ministry of Veterans Affairs of Ukraine into the Ministry for Veterans Affairs, Temporarily Occupied Territories and Internally Displaced Persons of Ukraine. This move received little support from either the veteran community or the displaced population. Experts have warned that bringing together such diverse target groups (inhabitants of the occupied territories, internally displaced persons and veterans) in one ministry is a potentially conflicting step, as they differ in both needs and ways

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1 The temporarily occupied territories of Ukraine refer to the temporarily occupied territories of the Autonomous Republic of Crimea and Sevastopol, as well as the temporarily occupied territories of Donetsk and Lugansk regions, defined by the Law of Ukraine “On Peculiarities of State Policy for Securing the State Sovereignty of Ukraine in the Temporarily Occupied Territories of Donetsk and Luhansk” 01/18/2018, № 2268-VIII.

of meeting them. In February 2020, the Prime Minister of Ukraine announced that the merged ministry would be divided and a separate ministry would be set up to take care of internally displaced persons and temporary occupied territories.

The President’s standpoint on the issue of reintegration has been strengthened. Thus, first of all, his decree expanded the mission of the Presidential Representative Office in the Crimea and enshrined the development of strategic program documents on the de-occupation and reintegration of the temporarily occupied territory of Crimea and elaboration of proposals on the concept of transitional justice in this body. Secondly, the President has set up a Legal Reform Commission, one of the working groups of which is aimed at reintegration of the temporarily occupied territory.

2. Current challenges / issues in the relevant policy area

Thus, at the beginning of autumn 2019, working structures responsible for the implementation of the issue of reintegration of the occupied territories were formed in the legislative and executive branches of government, as well as in the Office of the President of Ukraine. However, the question of systematic work and coordination of these structures to achieve the stated goal remains open.

On the one hand, the work of the new team has solved a number of acute point problems in the area of overcoming the effects of conflict that have not been resolved for years. Among the major achievements are the provision of internally displaced persons with opportunity to vote in local elections; significant simplification of the rules for crossing the demarcation line and administrative border with Crimea for children; repair and equipment of service zones at entry-exit checkpoints with the occupied territory of Crimea; approval of the list of goods forbidden for transportation to the occupied territories of Donbas instead of the list of allowed ones; payment of financial assistance to persons deprived of their freedom in the result of conflict, etc. A number of issues are in the process of being resolved: introduction of effective compensation mechanisms for damage or destruction of housing caused by the hostilities; comprehensive support of persons deprived of their freedom in the result of conflict; improving the access opportunities to the Ukrainian education system for children living in temporary occupied territories, etc.

On the other hand, there is an uncertain (at least publicly) vision of the goals and means of reintegration, and there is no strategy that makes it impossible to take a holistic approach to addressing specific issues in the areas of work of the authorities. Therefore, many problems that are systemic in nature and have a significant impact on the future reintegration of the temporarily occupied territories have not yet been addressed.

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2. Electronic source: https://www.president.gov.ua/news/president-bude-spravedlivo-privyazati-oplatu-praci-uryadvoci-59605?bclid=IwAR0Xaw90QNUyqgLpRPGqZNCTKro6RmmUk7CYYU8WGYUV8WY8GU8W8


6 Migrants and migrant workers will be able to vote in local elections // Impact Group. Electronic source: https://www.vplyv.org.ua/archives/4428


9 Order of the Ministry of Veterans’ Affairs, Temporarily Occupied Territories and Internally Displaced Persons of Ukraine “On approval of the List and volumes (cost / weight / quantity) restricted or prohibited from moving through the line of demarcation and to / from humanitarian and logistic centers of goods that may be attributed to of personal belongings »from 18.11.2019 № 92. Electronic source: https://mva.gov.ua/en/npa/nakaz_minveterany_18_11_2019_92
Such issues include the recognition of documents issued on the occupied territories. First of all, it is concerns obtaining Ukrainian certificates of birth or death, which took place under the occupation in extrajudicial procedure. However, the issue of establishing procedures for the recognition (or use of information) of documents issued on temporary occupied territories is much broader: it also covers education documents, medical certificates, certificates confirming period of work, court and notarial documents, etc.

Another pressing issue is ensuring the exercise of the right to social protection of the conflict victims. It primarily concerns the implementation of the mechanism for payment of pensions to persons living on the occupied territories, including low-mobility persons.

A large block of issues is related to economic activity on the occupied territories, the settlement of which through the creation of a free economic zone “Crimea” has led to discrimination against Crimean inhabitants who are considered to be non-residents in banking, tax and customs. On the occupied territories of Donbas, entrepreneurs who continued to work there after the ban on conducting economic activities were held criminally responsible on the territories controlled by the Government of Ukraine on charges of financing terrorism. At the same time, there is no possibility for Ukraine to control the economic processes on the temporarily occupied territories, as well as to guarantee the right to property to private and legal persons living there.

3. **Recommendations for priority actions in 2020-2021, in particular, for the agenda of Parliament’s second session**

The priority steps to be taken by the authorities during 2020-2021 include the following:

- to develop and approve the Strategy of reintegration of the temporarily occupied territories of Ukraine and the plan of its implementation after the public and expert discussion, to institutionalize at the state level the mechanisms of implementation of this Strategy;
- to ensure effective and continuous coordination and communication between the various structures in the Parliament, the Government and the Office of the President in order to ensure the reintegration of the occupied territories;
- to develop a governmental system for coordination of the reintegration of occupied territories;
- to divide the Ministry of Veterans Affairs, Temporarily Occupied Territories and Internally Displaced Persons of Ukraine into the Ministry of Veterans Affairs of Ukraine and the Ministry of Conflict Consequence Management of Ukraine. The latter should be enshrined with the responsibility of coordinating the efforts of the executive authorities in addressing the effects of the conflict and reintegrating the occupied territories. In order to coordinate effectively, it is advisable to introduce the post of Deputy Prime Minister for Conflict Consequence Management;
- to repeal the Law of Ukraine “On Creation of a Free Economic Zone Crimea and on the Peculiarities of Economic Activity on the Temporarily Occupied Territories of Ukraine” with simultaneous adoption of a law that will regulate the issues of economic relations with legal entities and economic entities located in the occupied territories;
- to introduce a mechanism for payment of pensions to residents of temporary occupied territories;
- to initiate consultations on the development of legislative initiatives in the field of transitional justice policies.