



Strasbourg, 24 August 2021

CDL-REF(2021)055

Opinion No.1046 / 2021

Engl. only

EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW
(VENICE COMMISSION)

UKRAINE

DRAFT LAW ON THE PRINCIPLES OF STATE POLICY OF THE
TRANSITION PERIOD

Draft as of August 4, 2021

LAW OF UKRAINE

On the Principles of the Public Transitional Policy

Word-by-word translation

On the Principles of the State Policy of Transition Period

This Law establishes the principles of the public policy of transition, seeking to unify approaches to the deoccupation of the temporarily occupied territories and reintegrate these territories and their residents as well as to enable elimination of the consequences of the armed aggression of the Russian Federation against Ukraine and prevent further occupation.

Section I

GENERAL PROVISIONS

Article 1. Definitions.

1. For the purposes of this Law, the below terms shall have the following meaning:

- 1) Transition (transition period) shall mean the period of time during which the State implements its policy to counter the armed aggression of the Russian Federation against Ukraine, restore territorial integrity of Ukraine within its internationally recognized borders, and ensure the state sovereignty of Ukraine, restore the operations of central and local government authorities in the temporarily occupied territories as well as eliminate the consequences of the Russian aggression against Ukraine, reintegrate the temporarily occupied (deoccupied) territories and their residents, build sustainable peace, and prevent further occupation;
- 2) Conflict period shall mean a part of the transition period during which measures are taken to reintegrate the temporarily occupied territories and their residents, counter the armed aggression of the Russian Federation against Ukraine, restore territorial integrity of Ukraine, and ensure Ukraine's state sovereignty in the temporarily

occupied territories, build sustainable peace, and prevent further occupation;

- 3) Post-conflict period shall mean a part of the transition period during which measures are taken to eliminate the consequences of the armed aggression of the Russian Federation against Ukraine and the temporary occupation, reintegrate temporarily occupied (deoccupied) territories and their residents, build sustainable peace, and prevent further occupation;
- 4) Transitional justice shall mean measures specified in this Law and other laws to eliminate the consequences of violations of law, human and civil rights and freedoms caused by the armed aggression of the Russian Federation against Ukraine, including measures to restore the rights and freedoms, compensate for damages, ensure justice and reconciliation, and prevent further occupation;
- 5) Convalidation shall mean a procedure for validating a null transaction deemed void by this Law;
- 6) Temporary occupation shall mean actions of the aggressor state engaging its occupying forces to establish control over a part of the Ukrainian territory, and setting up occupation administrations exercising control and legal regulation in the temporarily occupied territories (establishing a temporary occupation regime);
- 7) Occupying forces of the Russian Federation shall mean agencies, organizations, formations, and units that temporarily occupied or occupy a territory including military units of the Russian Federation consisting of regular formations and units subordinated to the Ministry of Defense of the Russian Federation, units and special formations subordinated to other power departments of the Russian Federation, persons serving in the military units, law enforcement agencies, state security agencies, intelligence and other security and defense agencies, institutions, or organizations of the Russian Federation, and persons holding positions in these government agencies of the Russian Federation or executing orders from such persons, acting as advisers, instructors, representatives of irregular illegal military groups, armed units, militia, or groups of mercenaries acting on the orders of persons holding positions in central and local government authorities of the Russian Federation, or acting in the interests of these authorities or officials;
- 8) Occupation administrations of the Russian Federation shall mean government authorities and agencies of the Russian Federation that are functionally responsible for administering the temporarily occupied territories, as well as self-proclaimed authorities under control of the Russian Federation that have usurped government powers in the temporarily occupied territories, such as agencies, enterprises, institutions, and organizations, including courts and other entities that have usurped public functions, delegated powers, or administrative services;

- 9) Political and diplomatic measures and sanctions shall mean measures that seek to affect the policy or actions of the aggressor state, legal entities, individuals, and other entities involved in the armed aggression of the Russian Federation against Ukraine and the temporary occupation. By taking these measures, the State exercises its inalienable sovereign right to take comprehensive response measures to counteract threats to national interests and national security, as well as violations of national and international law;
 - 10) Contact line shall mean the conventional boundary of the temporarily occupied territories (except the state border of Ukraine);
 - 11) Local communities along the contact line shall mean local communities in close proximity to the contract line whose entire territory or parts of territory are not under the temporary occupation;
 - 12) Deoccupied territories shall mean previously occupied Ukrainian territories where the sovereignty of Ukraine has been restored, and which are recognized as deoccupied pursuant to Article 5.4 hereof;
 - 13) Reintegration of temporarily occupied (deoccupied) territories and their residents shall mean transitional measures that include legal protection and compensation for losses caused by the armed aggression of the Russian Federation against Ukraine, restoration of sustainable economic, social, and cultural ties, and assistance to the Ukrainian nationals residing in the temporarily occupied (deoccupied) territories and foreigners and stateless persons lawfully present in those territories to adapt to peaceful life;
 - 14) Sustainable peace shall mean a state of society that starts upon complete cessation of hostilities, the absence of the occupying forces of the Russian Federation in the territory of Ukraine, and successful completion of peacebuilding actions and implies transition to reconciliation, reconstruction, recovery, and development.
1. Other terms and definitions used herein shall have the meaning established by other laws of Ukraine.

Article 3. Aggressor state, occupying power

1. The aggressor state and the occupying power shall mean the Russian Federation, that has been undertaking acts of armed aggression against Ukraine and has temporarily occupied a part of the Ukrainian territory in defiance of the provisions of the United Nations Charter, the Hague Convention (IV) respecting the Laws and Customs of War on Land and its annex: Regulations concerning

the Laws and Customs of War on Land, the Geneva Convention relative to the Protection of Civilian Persons in Time of War of 12 August 1949 and the Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I) of 8 June 1977, the Memorandum on Security Assurances in connection with Ukraine's accession to the Treaty on the Non-Proliferation of Nuclear Weapons of December 5, 1994 (the Budapest Memorandum), and other international treaties and bilateral treaty obligations.

2. As established by international law, the Russian Federation as the occupying power shall be liable for violations of human and civil rights and freedoms as guaranteed by the Constitution and laws of Ukraine, as well as by international treaties ratified by the Verkhovna Rada of Ukraine, committed in the temporarily occupied territories, as well as for pecuniary and moral (non-pecuniary) damages inflicted upon Ukraine, legal entities, and individuals as a result of the armed aggression. Ukraine shall take all possible measures to protect and restore human and civil rights and freedoms in the temporarily occupied territories.
3. Ukraine shall compensate in full for pecuniary and non-pecuniary damages caused by the Russian Federation as the aggressor state and the occupying power in the territory of Ukraine under the procedures established by the Cabinet of Ministers of Ukraine, and subsequently lodge claims for damages against the Russian Federation.
4. Government authorities, authorities of the Autonomous Republic of Crimea and local self-government authorities shall pursue any possible legal action to recover compensation from the Russian Federation for:
 - 1) losses caused to Ukraine by the armed aggression of the Russian Federation against Ukraine;
 - 2) compensation made by Ukraine in pursuance of paragraph three of this Article.

Article 4. Temporarily occupied territories

1. Temporarily occupied territories are parts of the Ukrainian territory where the occupying forces and occupation administrations of the Russian Federation have established and exercise control, namely:

- 1) the land territory within the Autonomous Republic of Crimea and Sevastopol, Ukraine's inland waters in these territories;

2) the inland sea waters adjacent to the land territory specified in paragraph 1) above and Ukraine's territorial sea waters around the Crimean Peninsula;

3) the land territory within certain districts, cities, towns, and villages of Donetsk and Luhansk Oblasts;

4) the inland sea waters adjacent to the land territory specified in paragraph 3) above;

5) subsoil under the territories specified in paragraphs 1-4 above and the airspace over these territories.

2. In the event of temporary occupation of territories other than those specified in Part One of this Article, such territories may be recognized as temporarily occupied territories under the procedure laid down in Article 5.2 hereof.

3. The temporarily occupied territories are an integral part of the Ukrainian territory to which the Constitution and laws of Ukraine apply.

4. The contact line, borders, and a list of temporarily occupied districts, local communities, and their parts, and a list of local communities on the contact line shall be established by the President of Ukraine upon a submission from the Ministry of Defense of Ukraine based on recommendations of the General Staff of the Armed Forces of Ukraine.

5. The central and local government authorities do not exercise their functions and powers in the temporarily occupied territories, except the following measures to be carried out by duly authorized government agencies and military formations, where possible:

1) measures to ensure human and civil rights and freedoms in the temporarily occupied territories;

2) measures to ensure national security and defense, repel and deter the armed aggression of the Russian Federation against Ukraine;

3) counter-terrorism actions;

4) intelligence operations undertaken with due regard to the specific features specified by the Law of Ukraine *On Intelligence*;

5) counter-intelligence operations;

6) detective operations;

7) covert investigative (detective) operations and other criminal proceedings;

8) measures established by the Convention for the Protection of Cultural

Property in the Event of Armed Conflict, Regulations for the execution of the Convention, and two protocols thereto;

9) measures aimed to address humanitarian problems.

6. Ukrainian nationals are entitled to enter and exit the temporarily occupied territories freely and without hindrance, subject to special procedures and restrictions established by law.

Article 5. Legal consequences of actions of the aggressor state, occupying forces, and occupation administrations of the Russian Federation

1. Regardless of its duration, the temporary occupation of a part of the Ukrainian territory by the Russian Federation is illegal and shall not give rise to any territorial rights for the Russian Federation.

2. The operations of the occupying forces and occupation administrations of the Russian Federation in violation of international law are illegal, and any act issued in connection with such operations is void and does not give rise to any legal consequences, except as provided by this Law when certain documents may be taken into account without referring to the illegal operations of the occupying forces and occupation administrations of the Russian Federation.

3. Any regulations of the aggressor state relating to the temporary occupation, as well as regulations of the occupying forces and occupation administrations of the Russian Federation, shall be null and void and shall not give rise to any legal consequences. The nullity of these acts is not subject to appeal and may not be reversed.

4. Enforced imposition of Russian citizenship or imposition thereof by default on Ukrainian nationals residing in the temporarily occupied territories shall not be recognized by Ukraine, shall be considered an act of coercion towards Ukrainian nationals and a violation of the international humanitarian law, and shall not constitute a ground for loss of Ukrainian citizenship.

5. Identity documents issued by the occupying forces, occupation administrations of the Russian Federation, and/or agencies of the aggressor state involved in enforced imposition of the citizenship of the aggressor state and listed by the Ministry of Defense of Ukraine, shall be invalid and not make their holders eligible to enter, or exit from, the temporarily occupied territories (except exit from the temporarily occupied territories for the purpose of applying for and obtaining identification documents and Ukrainian citizenship certificates through entry-exit checkpoints), or cross the national borders of Ukraine.

6. Ukraine is not responsible for the actions and decisions of the Russian Federation or its occupying forces and occupation administrations.

7. Government authorities of Ukraine and their officials may make contacts and interact with the occupying forces and occupation administrations of the Russian Federation and their officials only in order to secure the national interests of Ukraine, protect human and civil rights and freedoms, implement international treaties ratified by the Verkhovna Rada of Ukraine, and facilitate restoration of the territorial integrity of Ukraine.

8. Members of the Parliament of Ukraine, local councilors, local government authorities, and their officials may not make contacts and interact with the Russian Federation, its central and local government authorities, occupying forces and occupation administrations, and their officials regarding elimination of the consequences of the armed aggression of the Russian Federation against Ukraine unless authorized by the President of Ukraine.

9. Any property that has been used by the occupying forces and occupation administrations of the Russian Federation, including by the Black Sea Fleet of the Russian Federation, shall be returned to their legitimate owners under the statutory procedures.

10. Any property and assets of the occupying forces and occupation administrations of the Russian Federation, including of the Black Sea Fleet of the Russian Federation, located in the deoccupied territories (including any property and assets created during the temporary occupation) shall become the property of Ukraine.

11. During the temporary occupation, any transactions involving property located in the temporarily occupied territories shall be prohibited where the occupying forces, occupation administrations of the Russian Federation, or legal entities controlled by the aggressor state are a party thereto.

12. Any transactions made contrary to paragraphs 9-11 of this Article shall be null and void.

13. Individuals, legal entities, the State, local communities within the temporarily occupied territories, central and local government authorities, and other public law entities of Ukraine shall keep the right of ownership and other rights to property, including real estate and land, located in the temporarily occupied territories.

14. Ownership rights to real estate located in the temporarily occupied territories shall be acquired and terminated in accordance with the laws of Ukraine outside the temporarily occupied territories, unless otherwise provided by this Law.

Note. For the purposes of this Article and Articles 25 and 30 hereof, the term

"control" shall be used within the meaning of the Law of Ukraine *On Financial Services and State Regulation of Financial Services Market*.

Article 6. Timeframes of the temporary occupation and transition

1. The date marking the beginning of the temporary occupation is February 20, 2014.

2. The dates marking the beginning of the temporary occupation of certain villages, towns, cities, and districts began shall be determined by the President of Ukraine upon a submission from the Ministry of Defense of Ukraine based on recommendations of the General Staff of the Armed Forces of Ukraine.

3. The conflict period shall be deemed to have ended in a village/town/city/district on the date when the temporary occupation ends (date of deoccupation) of the village/town/city/district concerned.

4. The absence of the occupying forces of the Russian Federation in the territory of a village/town/city/district and Ukraine's full control over the territories of the respective administrative units shall be verified by the Minister of Defense of Ukraine, the Chairman of the Security Service of Ukraine, and the Minister of the Interior of Ukraine by submitting a joint motion to the President of Ukraine who, acting solely on the basis of the motion, shall decide to recognize the respective administrative unit as deoccupied and determine the date of its deoccupation.

5. The date of deoccupation of a village/town/city/district shall mean the day when the conflict period ends and the post-conflict period begins in the respective territory.

6. The date marking the restoration of the territorial integrity of Ukraine within its internationally recognized borders shall be established by the President of Ukraine.

Article 2. Laws of Ukraine on transition

1. The laws of Ukraine on transition shall be based on the Constitution of Ukraine and include this Law, other laws of Ukraine, international treaties ratified by the Verkhovna Rada of Ukraine, and regulations adopted on the basis and in pursuance of this Law, as well as on the principles and standards of international law.

Article 7. Purpose and basic principles of the public transition policy

1. The public transition policy is aimed at protecting:
 - 1) individuals and citizens — their life, health, dignity, constitutional rights and freedoms, and safe living conditions;
 - 2) society — its democratic values, welfare, and environment for sustainable development;
 - 3) the State — its constitutional order, sovereignty, territorial integrity, and inviolability.
2. The public transition policy shall be based on the following principles:
 - 1) rule of law and respect for human dignity;
 - 2) unitary nature and territorial integrity of Ukraine;
 - 3) compliance with the principles and provisions of international law;
 - 4) respect for human and civil rights and freedoms;
 - 5) protection of persons affected by the armed aggression of the Russian Federation against Ukraine, compensation for pecuniary and non-pecuniary damages inflicted on them;
 - 6) equality before the law, gender equality, inclusivity, and elimination of procedural, institutional, and social barriers, non-discrimination, and positive action;
 - 7) inviolability and protection of property rights;
 - 8) certainty of punishment for the most serious crimes as recognized by international law;
 - 9) priority of measures aimed to release all wrongfully detained persons by the Russian Federation, the occupying forces, and the occupation administrations of the Russian Federation;
 - 10) safeguarding the rights of internally displaced persons;
 - 11) safeguarding the rights of indigenous people;
 - 12) safeguarding the rights of ethnic minorities;
 - 13) engaging civil society institutions and population groups negatively affected as the result of the armed aggression of the Russian Federation against Ukraine in the development and implementation of the public transition policy;
 - 14) prevention of further occupation.

Note.

1. For the purpose of this Law, the terms “non-discrimination” and “positive action” shall be used herein within the meaning of the Law of Ukraine *On the Principles of Prevention and Combating Discrimination in Ukraine*.
2. The term "gender equality" shall be used herein within the meaning of the Law of Ukraine *On Ensuring Equal Rights and Opportunities of Women and Men*.

Article 8. Strategic Planning for Public Transition Policy

1. As part of the strategic planning for the public transition policy, the Cabinet of Ministers of Ukraine shall adopt the following:

1) a long-term strategy for the reintegration of the temporarily occupied (deoccupied) territories and their residents, and elimination of the consequences of the armed aggression of the Russian Federation against Ukraine;

2) a strategy for peace building;

3) targeted national programs for the reintegration of the temporarily occupied (deoccupied) territories and their residents, and elimination of the consequences of the armed aggression of the Russian Federation against Ukraine;

4) a targeted national program for the demilitarization of the temporarily occupied (deoccupied) territories including resocialization of their residents.

2. The long-term strategy for the reintegration of the temporarily occupied (deoccupied) territories and their residents, and elimination of the consequences of the armed aggression of the Russian Federation against Ukraine shall remain effective for the duration of the transition period.

Section II CERTAIN ASPECTS OF TRANSITIONAL JUSTICE

Article 9. Principles of liability for criminal offenses committed in connection with the temporary occupation

1. Persons who did not commit offenses in the temporarily occupied territories may not be prosecuted and punished.

2. A person who, while serving in the occupying forces or occupation administrations of the Russian Federation, committed a criminal offense in connection

with the temporary occupation may not be exempt from criminal liability (unless otherwise provided by the Criminal Code of Ukraine) and may not be amnestied if s/he has committed a crime that:

1) falls under the jurisdiction of the International Criminal Court to the extent accepted by Ukraine;

2) is punishable under Article I of the Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes against Humanity or Article 1 of the European Convention on the Non-Applicability of Statutory Limitations to Crimes against Humanity and War Crimes;

3) included actions punishable under Article 1.1 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;

4) caused death or inflicted grievous bodily harm on a person;

5) is a premeditated grave or especially grave crime against life, health, will, honor, dignity, sexual freedom or sexual integrity of a person or against peace, security of mankind, international law and order;

6) is punishable under Section I of the Special Part of the Criminal Code of Ukraine and was committed by a judge, public prosecutor, member of Parliament of Ukraine, member of the Verkhovna Rada of the Autonomous Republic of Crimea, local councilor, city/town mayor, village head, or serviceman;

3. Foreigners and stateless persons who committed criminal offenses in connection with the temporary occupation while serving in the occupying forces or occupation administrations of the Russian Federation may not be exempt from criminal liability (unless otherwise provided by the Criminal Code of Ukraine) and may not be amnestied.

4. Grounds for exemption from criminal liability and for amnesty of a person who committed criminal offenses in connection with the temporary occupation shall be established by law.

Article 10. Disqualification from running as a candidate in local elections and holding offices

1. Persons who, by their decision, action or inaction, have taken and/or facilitated measures seeking to undermine the national security and defense of Ukraine or violate human rights and freedoms shall be disqualified from running as candidates in local elections and from holding offices to prevent them from performing central or local government functions.

2. The grounds and procedures for disqualification from running as candidates in local elections and from holding office shall be laid down by law.

3. Disqualification from running as a candidate in local elections and holding offices shall apply to persons who:

1) served in the occupying forces of the Russian Federation and did not cause injury to life or health of civilians in connection with their service;

2) served in the occupation administrations of the Russian Federation and did not cause injury to life or health of civilians in connection with their service;

3) served in the occupying forces or occupation administrations of the Russian Federation and did cause injury to life or health of civilians in connection with their service;

4) held senior positions in the occupying forces and occupation administrations of the Russian Federation.

4. The scope of disqualifications applied to persons specified in paragraph three of this Article shall be established subject to the respective category and the individual circumstances of the person.

5. Disqualifications specified in this Article shall not apply to persons who:

1) served in the occupation administrations of the Russian Federation to support vital functions in the temporary occupied territories, and did not intentionally cause injury to life or health of civilians in connection with their service;

2) were forced against their will to serve in the occupying forces of the Russian Federation and did not intentionally cause injury to life or health of civilians in connection with their service;

3) were forced or coerced into service in the occupation administrations of the Russian Federation.

6. Persons disqualified under this Article shall have a guaranteed right to defense and appeal against decisions, including defense and appeal in court.

Article 11. Gender Dimension

1. The State shall respond to sexual violence in connection with the armed aggression of the Russian Federation against Ukraine, gender-based and gender identity-based offenses committed in the temporarily occupied territories or in connection with the temporary occupation to ensure justice for the victims of such offenses and prevent similar offenses in the future, including investigation into their

causes and consequences.

2. The State shall ensure equal and meaningful participation of women in all transitional justice measures, including decision-making processes.

Article 12. Safeguarding the right to the truth

1. To safeguard the right to the truth, the State shall promptly inform the public, providing reliable, accurate, and complete information about the causes, involvement, and consequences of the armed aggression of the Russian Federation against Ukraine, except as otherwise established by the Law of Ukraine *On Access to Public Information*.

Article 13. Convalidation of transactions, civil registration, and recognition of qualifications, academic performance, and periods of study in the temporarily occupied territories

1. Transactions completed in the temporarily occupied territories may be convalidated according to procedures established by law except in cases specified by Article 5.12 hereof.

2. Births, deaths, and marriages (civil registration) that took place in the temporarily occupied territories shall be subject to state registration under the procedures laid down by law.

3. Academic certificates issued in the temporarily occupied territories shall not be recognized. To obtain academic certificates, the qualifications, academic performance, and periods of study in the temporarily occupied territories shall be verified under the procedures laid down by law. Academic degrees and titles awarded in the temporarily occupied territories shall not be recognized, nor shall they be subject to attestation.

Article 14. National policy on sustainable peacebuilding

1. The national policy on sustainable peacebuilding shall be directed at laying the foundations for sustainable peace and development, strengthening social cohesion, national unity, and community resilience.

2. To facilitate the implementation of the national policy on sustainable peacebuilding and prevent further occupation, the Ukrainian National Peacebuilding Center, a public institution, shall be established and made operational.

3. The functions of the Ukrainian National Peacebuilding Center shall include, *inter alia*, collecting, recording, maintaining, storing, and processing of information, including restricted information, about the state of human and civil rights and freedoms, and

compliance with the principles and provisions of international humanitarian law in the temporarily occupied territories in connection with the temporary occupation, as well as information about any damage caused.

Section III.

ELECTIONS, REFERENDA, AND FORMATION OF LOCAL GOVERNMENT AUTHORITIES IN THE DEOCCUPIED TERRITORIES

Article 15. Voting rights of Ukrainian nationals in the temporarily occupied territories

1. National elections and nationwide referenda may not be held in the temporarily occupied territories.

2. During the elections of the President of Ukraine, members of Parliament of Ukraine, and nationwide referenda, Ukrainian nationals residing in the temporarily occupied territories shall be enabled to cast their votes in the Ukrainian territory other than the temporarily occupied territories.

3. Local elections and local referenda may not be arranged or held in the temporarily occupied territories.

4. The Central Election Commission shall establish the procedures for access to the State Voter Register records on voters whose voting address is in a territory under the jurisdiction of agencies responsible for maintaining the State Voter Register that are unable to maintain the State Voter Register due to the temporary occupation, as well as procedures for updating this information.

Article 16. Principles of holding elections and referenda in the deoccupied territories

1. National elections and nationwide referenda may only be held in the deoccupied territories subject to compliance with the Constitution of Ukraine, the Electoral Code of Ukraine, this Law, and other laws.

2. The first local elections in the deoccupied territories may only be scheduled and held after the deoccupation subject to compliance with the Constitution of Ukraine, the Electoral Code of Ukraine, this Law, and other laws, concurrently with regular local elections.

3. Local referenda in the deoccupied territories may not be scheduled before local elections are held in the respective territory in compliance with this Law.

4. Elections and referenda shall be held in the deoccupied territories in compliance with the election and referendum standards of the Organization for Security and Cooperation in Europe and the Council of Europe.

5. Elections in the deoccupied territories shall be held only if it is possible to:

1) prevent unlawful interference in the elections, including interference by the Russian Federation;

2) ensure compliance with the principles of political pluralism and multipartisanship, and equal rights and opportunities for participation in the election process;

3) safeguard voting rights of internally displaced persons;

4) ensure freedom of election campaigning, equal opportunities for media access, restoration of Ukrainian television and radio broadcasting, and free circulation of Ukrainian print media in the deoccupied territories;

5) ensure safe working conditions and unhindered access of official observers, particularly observers from the Office for Democratic Institutions and Human Rights of the Organization for Security and Cooperation in Europe, other international organizations, and foreign countries.

Article 17. Formation of the authorities of the Autonomous Republic of Crimea and local authorities in the deoccupied territories

1. The Supreme Council of the Autonomous Republic of Crimea and local authorities in the deoccupied territories shall be formed on the basis of the results of local elections in accordance with the Electoral Code of Ukraine and specific aspects established by this Law.

2. On the day a newly elected local council meets for its first session, the powers of the respective transitional state administration, international transitional administration, or military-civil administration shall be terminated.

3. Within one year after the newly elected local council opens its first session, the council, and in particular its executive bodies, may be fully or partially financially supported by the respective regional budget and the National Budget of Ukraine.

4. Other authorities of the Autonomous Republic of Crimea shall be formed under the procedures laid down by the Constitution and the laws of Ukraine after the commencement of the first session of the Supreme Council of the Autonomous Republic of Crimea elected in compliance with the provisions of paragraph one of this

Article.

Section IV. OTHER TRANSITION MEASURES

Article 18. Measures to prevent further occupation

1. The State shall take measures to prevent further occupation of its territory, in particular, by:

1) pursuing an effective defense policy, improving combat efficiency of the Armed Forces of Ukraine and other defense components;

2) pursuing an effective humanitarian policy by taking measures, *inter alia*, to restore and preserve the national memory of the Ukrainian people;

3) pursuing an effective educational policy, developing a strategy on civic education in the deoccupied territories, and government support for studying the Ukrainian language and history;

4) implementing patriotic education measures, in particular, those seeking to cultivate civic awareness and commitment to defend Ukraine;

5) conducting an effective awareness raising and information policy;

6) conducting an effective foreign economic policy aiming to diversify supply and avoid dependence;

7) conducting an effective energy policy designed to ensure energy independence;

8) conducting an effective national policy to secure the national borders of Ukraine;

9) carrying out activities to achieve full-fledged membership in the European Union and the North Atlantic Treaty Organization.

Article 19. Other measures implemented throughout the transition period

1. The following measures shall be taken throughout the transition period:

1) searching for missing persons in line with the Law of Ukraine *On the Legal Status of Missing Persons*;

2) taking mine action according to the Law of Ukraine *On Mine Action in Ukraine* to alleviate the social, economic, and environmental impacts of the armed aggression of the Russian Federation against Ukraine;

- 3) disarmament;
- 4) ensuring social rights;
- 5) commemorating the victims of the armed aggression of the Russian Federation against Ukraine;
- 6) ensuring information security and eliminating propaganda effects;
- 7) promoting patriotic education, primarily for children and youth;
- 8) ensuring protection of cultural valuables, conservation of cultural heritage, and maintaining the traditional character of the community, and taking measures to return the cultural valuables illicitly trafficked from the temporarily occupied territories back to Ukraine;
- 9) taking consistent measures aimed at resocialization of victims affected by the armed aggression of the Russian Federation against Ukraine;
- 10) eliminating environmental effects of the armed aggression of the Russian Federation against Ukraine;
- 11) remote environmental monitoring; and
- 12) building sustainable peace which involves a national dialogue and other dialogue processes.

Article 20. Disarmament

1. Individuals may, voluntarily and for compensation, surrender arms, ammunition, explosives, other substances, and items that pose high threat to the environment, as well as other weapons, military equipment, and other military materiel, or report their location to the agencies of the National Police of Ukraine at the entry-exit checkpoints at any time and in the deoccupied territories within one year from the date of deoccupation of a village/town/city. When reporting the location of the weapons, military equipment or other military materiel, the compensation shall be paid after the National Police of Ukraine locates and seizes such items.

2. The Cabinet of Ministers of Ukraine shall establish the amount of compensation and procedures for using the items surrendered or found pursuant to paragraph one of this Article.

Article 21. Ensuring social rights

1. Ukrainian nationals residing in the temporarily occupied territories shall exercise, under the relevant legislation, their rights to employment, retirement pay, compulsory social insurance for unemployment, temporary incapacity, work accidents and occupational disease that cause disablement, and social services.

2. Pensions and other benefits, social services and insurance benefits, medical payments, and social insurance payments shall be provided to Ukrainian nationals residing in the temporarily occupied territories unless they are paid pensions or other benefits by competent agencies of other states, according to the procedures established by the Cabinet of Ministers of Ukraine.

3. Outstanding debt under these payments specified in paragraph two of this Article shall be restructured according to the procedures established by the Cabinet of Ministers of Ukraine.

4. Recipients of pensions and other benefits specified in paragraph two of this Article shall be verified in accordance with the Law of Ukraine *On Verification and Monitoring of Public Benefits*.

Article 22. Commemorating the victims of the armed aggression of the Russian Federation against Ukraine

1. The State shall broadly support proper commemoration of the victims of the armed aggression of the Russian Federation against Ukraine, particularly by encouraging and backing such initiatives.

2. The National Museum of Resistance to Russian Aggression against Ukraine shall be established in Kyiv, the capital of Ukraine, by the central executive agency implementing the public policy on restoration and preservation of national memory of the Ukrainian people, to commemorate the victims of the Russian aggression against Ukraine, shed light on the facts about the background, developments, and consequences of the aggression. Following the deoccupation, the Museum branches shall be established in Donetsk, Luhansk, Sevastopol, and Simferopol.

3. Ukraine shall introduce the National Day of Commemoration to commemorate the victims of the armed aggression of the Russian Federation against Ukraine. The National Day of Commemoration shall be marked annually on the second Friday of March.

4. The date of deoccupation of a village/town/city/district shall be marked

annually as a commemorative date: the Day of Liberation from Russian Occupation.

5. Weapons, military equipment, and other military assets seized in accordance with the standard and principles of the international humanitarian law shall be transferred to the National Museum of Resistance to Russian Aggression against Ukraine, its branches, and other museums and may be added to the Museum Collection of Ukraine according to procedures established by law, unless they are serviceable and need to be used as evidence in criminal proceedings,

6. Monuments, plaques, and signs erected by the occupying forces and occupation administrations of the Russian Federation, as well as those subject to dismantling pursuant to the Law of Ukraine *On Condemnation of the Communist and National Socialist (Nazi) Totalitarian Regimes in Ukraine and Prohibition of Propaganda of Their Symbols*, shall be dismantled and transferred to the National Museum of Resistance to Russian Aggression against Ukraine, its branches, and other museums and may be added to the Museum Collection of Ukraine according to procedures established by law.

7. Monuments, memorial plaques, or signs shall be erected, as well as toponyms and educational institutions shall be named (renamed), to commemorate persons who were killed as defined by Article 6.1.19-23 of the Law of Ukraine *On the Status of War Veterans and Guarantees of Their Social Protection* in the localities where those persons were born, resided, or were killed.

8. Kyiv, Donetsk, Luhansk, Sevastopol, and Simferopol shall create memorial sites to commemorate victims of the armed aggression of the Russian Federation against Ukraine.

9. Kyiv, Donetsk, Luhansk, Sevastopol, and Simferopol shall create memorial sites to honor members of resistance against the armed aggression of the Russian Federation against Ukraine.

10. The capital of Ukraine, Kyiv, shall build the National Military Memorial Cemetery to solemnly bury and rebury and perpetuate the memory of those who gave their lives for the freedom, independence, and territorial integrity of Ukraine in the fight against the Russian Federation's armed aggression against Ukraine, military servicemen who died or were killed on combat missions, combatants, war-disabled persons, and persons who rendered special services to the State, and the memory of Ukraine's independence fighters in the 20th century. The procedures for burial and reburial in the National Military Memorial Cemetery the cemetery shall be established by the Cabinet of Ministers of Ukraine. The costs of funerals in the National Military Memorial Cemetery shall be covered by the State Budget of Ukraine, pursuant to law.

Article 23. Prohibition of insignia and decorations

1. It shall be prohibited to produce, distribute, and publicly use insignia, decorations, and awards of the occupying forces, occupation administrations of the Russian Federation, and units of law enforcement agencies of Ukraine that enabled the temporary occupation, as well as the aggressor state's national awards, departmental, ministerial, and other insignia and decorations related to the temporary occupation (hereinafter referred to as the insignia and decorations related to the temporary occupation).

2. The prohibition shall not apply to the use of insignia and decorations related to the temporary occupation (provided that this does not result in propaganda of the aggressor state, the occupying forces, and occupation administrations of the Russian Federation):

1) in documents that were issued in the temporarily occupied territories and can be used for the purpose of safeguarding human and civil rights in cases specified by this Law;

2) in museum expositions, themed exhibitions, the Museum Collection of Ukraine, and libraries on various data storage media;

3) in works of arts;

4) in research and in the course of dissemination of research findings in a manner not prohibited by the laws of Ukraine;

5) in manuals, textbooks, and other scientific or educational materials used in the field of education;

6) in the presentation or reconstruction (including historical reconstruction) of historical events;

7) in private collections and private archives;

8) as items of antiques trade.

Article 24. Special powers of the Cabinet of Ministers of Ukraine

1. The Cabinet of Ministers of Ukraine shall establish procedures to resume operations of regional offices of the central and local executive authorities, as well as the authorities of the Autonomous Republic of Crimea, operational elements of the executive directorates of compulsory social insurance funds, and other public agencies and institutions in the deoccupied territories.

2. The Cabinet of Ministers of Ukraine shall take all measures provided by the

law of Ukraine to protect human and civil rights and freedoms, in particular, it shall establish procedures to monitor compliance with human and civil rights and freedoms and document any violations of such rights and freedoms and international humanitarian law in the temporarily occupied territories. It shall publish and provide such information to international human rights organizations and take measures to coordinate legal standoffs with the Russian Federation.

Article 25. Restrictions on the use of currency of the aggressor state during the transition

1. Ukraine's gold and foreign exchange reserves may not contain currency issued by the aggressor state or securities (or other debt instruments) denominated in the currency of the aggressor state or issued by the aggressor state or a legal entity controlled by the aggressor state.

2. Deposits may not be attracted and loans may not be granted in Ukraine, where such deposits/loans are denominated in the currency of the occupying power.

3. The National Bank of Ukraine may introduce procedures for cross-border movement of the aggressor state's currency in cash as well as procedures for cash operations in the currency of the aggressor state in the territory of Ukraine.

Article 26. Parliamentary control

1. The Verkhovna Rada of Ukraine shall annually hold parliamentary hearings on the state of implementation of the public transition policy.

2. The Cabinet of Ministers of Ukraine shall include information about the state of implementation of the public transition policy in its progress report on the Government Action Program.

Section V

CONFLICT PERIOD

Article 27. Certain conflict period measures.

1. Conflict period measures shall include:

1) measures to ensure national security and defense, repel and deter the armed aggression of the Russian Federation against Ukraine;

- 2) protection of civil rights and freedoms in the temporarily occupied territories;
- 3) setting up and functioning of military-civil administrations pursuant to law;
- 4) building a succession pool for service in the deoccupied territories;
- 5) political and diplomatic measures, and sanctions.

Article 28. Protecting the rights and freedoms of civilians residing in the temporarily occupied territories

1. Key measures seeking to protect the rights and freedoms of civilians residing in the temporarily occupied territories shall include:

- 1) facilitating redress of violated rights;
- 2) facilitating social, economic, environmental, and cultural needs;
- 3) providing legal and humanitarian aid, including aid through international assistance mechanisms, in particular medical and social services in territories other than temporarily occupied territories;
- 4) encouraging and supporting economic, financial, political, social, information, cultural, and other ties;
- 5) providing access to Ukraine's educational, medical, social security institutions, and mass media;
- 6) resuming postal services in the temporary occupied territories.

Article 29. Building a succession pool for service in the deoccupied territories

1. To attract Ukrainian nationals into service in the deoccupied territories, a succession pool shall be built which shall contain records of individuals who offer themselves for the service.

2. The succession pool register for service in the deoccupied territories shall be maintained and administered by the central executive authority responsible for the public policy on reintegration of the temporarily occupied (deoccupied) territories and their residents.

3. The administrator shall establish the procedures for building the succession pool for service in the deoccupied territories, the type of information stored in the succession pool register for service in the deoccupied territories, and the procedures for the use of the information and managing the pool register.

4. Where a person is included in the succession pool it shall not impose any obligations for him/her.

Article 30. Political and diplomatic measures, and sanctions

1. Ukraine shall pursue a consistent policy of political and diplomatic measures and sanctions against the aggressor state (occupying power), legal entities, individuals, and other entities in response to unlawful actions related to the armed aggression of the Russian Federation against Ukraine and the temporary occupation.

2. To facilitate deoccupation and reintegration of the temporarily occupied territories, the President of Ukraine shall be authorized to establish, independently or jointly, relevant negotiation platforms, participate in negotiations, or authorize representatives of Ukraine to do so.

3. International treaties related to deoccupation and reintegration of the temporarily occupied territories shall be drafted with account of the Law of Ukraine *On International Treaties of Ukraine* and shall be subject to ratification where so provided by law.

4. Ukraine shall use mechanisms of bilateral international cooperation, as well as mechanisms of international organizations and international judicial institutions, to maintain and reinforce sanctions imposed by subjects of international law and to hold offenders criminally liable for war crimes and crimes against humanity.

5. To ensure coordination between the national sanctions policy and the sanctions policies of the European Union, the United States of America, the United Kingdom of Great Britain and Northern Ireland, Canada, and other foreign states, the Ministry of Foreign Affairs of Ukraine shall monitor sanctions imposed by subjects of international law in response to the armed aggression of the Russian Federation against Ukraine and the temporary occupation, and submit proposals to impose, remove, or amend sanctions against foreign states, unspecified groups of persons involved in certain types of activities, foreign legal entities, legal entities controlled by foreign legal entities or non-resident individuals, foreigners, and stateless persons.

Section VI

POST-CONFLICT PERIOD

Article 31. Post-conflict measures

1. Post-conflict measures shall be taken in a village/town/city/district after the

conflict period ends (starting from the date of deoccupation).

2. Within six months from the date of deoccupation of a village/town/city, the following measures shall be taken in its territory:

1) Establishing transitional state administrations, international transitional administrations or military-civil administrations;

2) Addressing priority humanitarian issues;

3) Identifying damages and facilities that need recovery;

4) Relaunching circulation of the national currency;

5) Addressing the issue of release from detention facilities;

6) Verifying whether nationals of the aggressor state and other foreigners or stateless persons are staying legally, and making follow-up decisions pursuant to the Law of Ukraine *On the Legal Status of Foreigners and Stateless Persons*.

Article 32. Formation and operations of transitional state administrations, international transitional administrations, or military-civil administrations

1. In cases specified by law, transitional state administrations, international transitional administrations or military-civil administrations may be established to temporarily act as the authorities of the Autonomous Republic of Crimea, local executive agencies, and local self-government authorities and remain operational until the authorities of the Autonomous Republic of Crimea and local self-government authorities are formed under the statutory procedures.

2. The laws shall lay down procedures for the formation and operations of transitional state administrations.

3. International transitional administrations may be set up to temporarily act as the authorities of the Autonomous Republic of Crimea, local executive agencies, and local self-government agencies in accordance with the international treaties ratified by the Verkhovna Rada of Ukraine.

4. Nationals or representatives of the aggressor state and other Member States of the Collective Security Treaty Organization may not be members of international transitional administrations.

Article 33. Addressing priority humanitarian issues

1. Transitional state administrations, international transitional administrations, or military-civil administrations shall submit information about humanitarian needs under the relevant procedures laid down by the Cabinet of Ministers of Ukraine within two days from the date of deoccupation of the respective administrative unit and subsequently when necessary.

2. The Cabinet of Ministers of Ukraine shall immediately consider the possibility to supply material assets from the national reserve under the relevant procedures established by the Law of Ukraine *On the National Reserve of Material Assets*. The Cabinet of Ministers of Ukraine shall also consider other measures to address humanitarian issues.

Article 34. Identifying damages and facilities that need recovery

1. Within one month from the date of deoccupation of an administrative unit, transitional state administrations, international transitional administrations, or military-civil administrations shall make a list of facilities requiring immediate restoration.

2. Within six months from the date of deoccupation of an administrative unit, transitional state administrations, international transitional administrations, or military-civil administrations shall make a list of facilities and assets that have been damaged, stolen, or missing, and identify damages to the facilities, environment, cultural valuables, and cultural heritage immovables.

Article 35. Resuming administration of justice in the deoccupied territories

1. Following the deoccupation of a territory, the State Judicial Administration of Ukraine shall take measures to restore proper conditions for operation of local courts and appeals courts having jurisdiction over the respective territory.

2. Where proper conditions for operation of a local court or an appeals court having jurisdiction over the deoccupied territory have been restored, the State Judicial Administration of Ukraine shall file a motion with the High Council of Justice to relaunch operation of the respective court.

3. A local court or an appeals court shall resume administering justice following the decision of the High Council of Justice.

4. Starting from the date when appeals courts having jurisdiction over the temporarily occupied territories resume operation, such courts shall review cases tried

by local courts having temporary territorial jurisdiction that falls within the territorial jurisdiction of the respective appeals courts.

5. Justice in the deoccupied territories shall be administered by the courts of Ukraine.

Article 36. Addressing the issue of release from detention facilities

1. According to the procedures laid down by the Law of Ukraine *On Liability for Offenses Committed during the Temporary Occupation of the Territory of Ukraine*, the State shall consider release of individuals who, as of the date of deoccupation, are kept in custody at penitentiary facilities, pre-trial detention facilities, and other similar facilities following court decisions or a decisions of the occupying forces and occupation administrations of the Russian Federation.

Article 37. Resuming the use of Ukrainian as the official language

1. The Ukrainian language shall be again used as the official language in the deoccupied territories subject to guarantees of free development, use, and protection of languages of Ukraine's indigenous peoples and ethnic minorities.

Article 38. Protection of the state border of Ukraine in the deoccupied territories

1. The following measures shall be taken along the sections of the state border of Ukraine in the deoccupied territories:

- 1) launching service operations of the agencies and units of the State Border Guard Service of Ukraine;
- 2) demarcation and setting up of the state border of Ukraine and border infrastructure facilities;
- 3) (re)construction of border checkpoints;
- 4) launching border crossing operations for individuals, vehicles, and cargoes.

Section VII FINAL AND TRANSITIONAL PROVISIONS

1. This Law shall take effect on the day that follows the date of its publication,

except Articles 13, 21, and 35 hereof that shall take effect concurrently with the Law of Ukraine *On Amendments to Certain Legislative Acts of Ukraine following the Enactment of the Law of Ukraine On the Principles of Public Policy for the Transition Period*.

2. The following regulations shall cease to be in effect starting from the effective date of this Law:

Law of the Ukrainian Soviet Socialist Republic *On Restitution of the Crimean Autonomous Soviet Socialist Republic* (*Vidomosti Verkhovnoyi Rady of Ukrainian SSR*, 1991, No. 9, Art. 84);

Resolution of the Verkhovna Rada of the Ukrainian SSR “On Enactment of the Law of the Ukrainian SSR *On Restitution of the Crimean Autonomous Soviet Socialist Republic* and Reinforcement of the Verkhovna Rada of the Crimean ASSR with New Members” (*Vidomosti Verkhovnoyi Rady of Ukrainian SSR*, 1991, No. 9, Art. 85);

Law of Ukraine *On Liability for the Establishment of Military or Other Armed Units or Groups Not Prescribed by Law* (*Vidomosti Verkhovnoyi Rady Ukrainy*, 1991, No. 47, Art. 650);

Resolution of the Verkhovna Rada of Ukraine “On Procedures for Enacting the Law of Ukraine *On the Status of the Autonomous Republic of Crimea*” (*Vidomosti Verkhovnoyi Rady Ukrainy*, 1992, No. 30, Art. 420);

Resolution of the Verkhovna Rada of Ukraine “On the Status of the Autonomous Republic of Crimea Pursuant to the Current Constitution and Laws of Ukraine” (*Vidomosti Verkhovnoyi Rady Ukrainy*, 1994, No. 22, Art. 148);

Resolution of the Verkhovna Rada of Ukraine “On Revoking the Law of the Republic of Crimea *On Restoring the Constitutional Principles of Statehood of the Republic of Crimea*” (*Vidomosti Verkhovnoyi Rady Ukrainy*, 1994, No. 20, Art. 128);

Resolution of the Verkhovna Rada of Ukraine “On Implementing the Resolution of the Verkhovna Rada of Ukraine dd. February 24, 1994 'On the Status of the Autonomous Republic of Crimea Pursuant to the Current Constitution and Laws of Ukraine' and Resolution of the Verkhovna Rada of Ukraine dd. May 20, 1994 ‘On Revoking the Law of the Republic of Crimea *On Restoring the Constitutional Principles of Statehood of the Republic of Crimea*” (*Vidomosti Verkhovnoyi Rady Ukrainy*, 1994, No. 23, Art. 176);

Law of Ukraine *On the Autonomous Republic of Crimea* (*Vidomosti Verkhovnoyi Rady Ukrainy*, 1995, No. 11, Art. 69);

Resolution of the Verkhovna Rada of Ukraine “On the Procedures for Enacting the Law of Ukraine *On the Autonomous Republic of Crimea*” (*Vidomosti Verkhovnoyi*

Rady Ukrainy, 1995, No. 11, Art. 70);

Resolution of the Verkhovna Rada of Ukraine “On recognizing certain districts, cities, towns, and villages in Donetsk and Luhansk Oblasts as temporarily occupied territories” (*Vidomosti Verkhovnoyi Rady Ukrainy*, 2015, No. 17, Art. 128).

3. The following regulations shall cease to be in force and effect starting from the effective date of the Law of Ukraine *On Amendments to Certain Legislative Acts of Ukraine following the Enactment of the Law of Ukraine On the Principles of the Public Policy for the Transition Period*:

Law of Ukraine *On Safeguarding Civil Rights and Freedoms and a Legal Regime in the Temporarily Occupied Territory of Ukraine* (*Vidomosti Verkhovnoyi Rady (VVR)*, 2014, No. 26, Art. 892), except Article 15 that ceases to be in force and effect starting from February 20, 2024, and Article 16 that ceases to be in force and effect starting from January 1, 2025;

Law of Ukraine *On Establishment of the Crimea Free Economic Zone and on the Special Aspects of Doing Business in the Temporarily Occupied Territory of Ukraine* (*Vidomosti Verkhovnoyi Rady Ukrainy*, 2014, No. 43, Art. 2030, as amended);

Law of Ukraine *On Additional Safeguards of the Rights of Residents in the Territories of the Counter-Terrorism Operation and Limiting the Liability of Housing and Utility Contractors/Providers for Late Payments for Consumed Energy* (*Vidomosti Verkhovnoyi Rady Ukrainy*, 2015, No. 13, Art. 84, as amended);

Law of Ukraine *On Special Aspects of the Public Policy on National Sovereignty in the Temporarily Occupied Territories in Donetsk and Luhansk Oblasts* (*Vidomosti Verkhovnoyi Rady Ukrainy*, 2018, No. 10, Art. 54, as amended by the Law of Ukraine of 3 November, 2020, No.948-IX), except Articles 8-12.

4. The Cabinet of Ministers of Ukraine shall, within six months following the effective date of this Law:

1) submit to the Verkhovna Rada of Ukraine:

a draft law on amendments to the Tax Code of Ukraine to harmonize the tax legislation insofar as relating to the temporarily occupied territories;

a draft law amending the Law of Ukraine *On Elections of Members of Parliament of Ukraine* to pave the way for holding mid-term elections of members of parliament of Ukraine in single-seat constituencies in Ukrainian territories other than the temporarily occupied territories where the parliamentary elections were not held on July 21, 2019;

a draft law on special procedures for holding local elections in the deoccupied

territories aimed to regulate issues such as scheduling, arranging, and implementing every phase of the election process in compliance with the Constitution of Ukraine, the Electoral Code of Ukraine, and the OSCE standards of democratic elections;

the draft Law of Ukraine *On Legal Consequences of Activities related to the Temporary Occupation*;

- 2) align its regulatory acts with the Law;
- 3) adopt regulatory acts arising from this Law;
- 4) ensure that ministries and other central executive agencies align their regulations with this Law.

Chairman of the Verkhovna Rada of Ukraine