Project.

introduced by people's deputies of Ukraine

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**LAW OF UKRAINE**

**On the status of victims of sexual violence related to the armed aggression of the Russian Federation against Ukraine and urgent interim reparations**

This Law defines the legal status of victims of sexual violence related to the armed aggression of the Russian Federation against Ukraine and family members of the deceased (deceased) of such persons, and determines the legal basis for providing them with urgent interim reparations.

**Article 1: Definition of terms**

1. In this Law, the following terms shall have the following meanings:

1) Protection of the rights of persons who suffered from sexual violence related to the armed aggression of the Russian Federation against Ukraine is a system of measures to restore the rights of persons who suffered from sexual violence committed during the armed aggression of the Russian Federation against Ukraine and family members of the deceased (deceased) person who suffered from sexual violence related to the armed aggression of the Russian Federation against Ukraine;

2) applicant - a person who has applied to the Commission to consider matters related to the recognition of persons as victims, with an application for recognition as a victim or a family member of a deceased (deceased) victim ;

3) urgent compensation is a monetary payment aimed at meeting the immediate needs of victims of sexual violence related to the armed aggression of the Russian Federation against Ukraine, which is provided to restore the rights of such persons and overcome the consequences of the harm caused to them. Urgent compensation is a part of urgent interim reparations and does not deprive victims of the right to full, adequate and effective reparations;

4) urgent interim reparations - measures aimed at eliminating the consequences of unlawful acts by providing victims of sexual violence related to the armed aggression of the Russian Federation against Ukraine and family members of the deceased (deceased) victims with access to adequate and effective legal remedies, compensation, rehabilitation, satisfaction and restitution;

5) victim (*a person harmed)* an individual who has suffered sexual violence related to the armed aggression of the Russian Federation against Ukraine, including children born as a result of sexual violence, and is recognised as such in accordance with the provisions of this Law;

6) the procedure for taking a decision to recognise a person as a victim or to recognise a person as a family member of a deceased victim - a set of measures during which the Commission for consideration of issues related to the recognition ition of persons as victims, based on the information received and its analysis, compares the act committed against the person with the definition of sexual violence, related to the armed aggression of the Russian Federation against Ukraine, assesses the credibility of such an act against the person and concludes that such a person is a victim of sexual violence related to the armed aggression of the Russian Federation against Ukraine or is a family member of the deceased (deceased) victim

7) sexual violence related to the armed aggression of the Russian Federation against Ukraine - sexual violence committed against any person during the armed aggression of the Russian Federation against Ukraine since 20 February 2014, including rape, forced pregnancy, forced sterilisation, forced abortion, Forced prostitution, forced pregnancy, sexual exploitation, forced sexual intercourse with a third party, forced contemplation of sexual intercourse, sexual slavery, forced circumcision, castration, genital mutilation, forced nudity, or any other form of sexual violence of a corresponding gravity;

8) family members of the deceased (died) victim - parents, if they were not deprived of parental rights before the deceased (died) reached the age of majority; one of the spouses, a person who lives with the victim as a family, shares a common household on a permanent and continuous basis, but is not related to or married to the victim; children, including adult children; dependents of the deceased person who are paid a pension in this regard and are recognised as such in accordance with the provisions of this Law.

**Article 2. Basic principles for the exercise of the right to urgent interim reparations and protection of the rights of victims of sexual violence related to the armed aggression of the Russian Federation against Ukraine and family members of the deceased ( died) such persons**

1. Activities aimed at providing urgent interim reparations and protecting the rights of victims and family members of deceased (died) victims are based on the following principles:

1) compliance with human rights and fundamental freedoms, in particular the right to life, freedom and personal integrity, not to be subjected to torture, slavery or servitude, or forced or compulsory labour, respect for private and family life, fair trial, effective legal remedy and access to justice, and legal aid, taking into account the practice of the European Court of Human Rights;

2) ensuring equal rights and opportunities for women and men and taking into account the disproportionate impact of sexual violence related to the armed aggression of the Russian Federation against Ukraine on women and men, girls and boys;

3) respect and impartial attitude towards victims and family members of deceased (died) victims;

4) proper attention to each case of sexual violence related to the armed aggression of the Russian Federation against Ukraine, as well as prioritising the rights and interests of each victim in all actions aimed at providing urgent interim reparations;

5) voluntariness of seeking care by victims and family members of deceased (died) victims, except for children and incapacitated persons;

6) preventing re-traumatisation of victims and family members of deceased (died) victims, as well as taking into account their special needs and interests;

7) provision of full and accurate information to victims and family members of deceased (died) victims about the urgent interim reparations and legal remedies they are entitled to, including recourse to the courts and law enforcement agencies;

8) confidentiality of information about victims and family members of deceased (died) victims at all stages of interaction with them;

9) the presumption of the applicant's honesty, which means placing the burden of proof of sexual violence related to the armed aggression of the Russian Federation against Ukraine on the body authorised to provide effective access to urgent interim reparations.

2. The exercise of the right to urgent interim reparations does not imply a denial of other rights, including the right to prosecute and hold perpetrators accountable, the right to know the truth about violations committed, and the obligation of the state to take measures to prevent the recurrence of sexual violence during armed aggression.

The state of Ukraine recognises its obligations to ensure the human rights and the rights of victims to reparations, including urgent interim reparations.

3. In case the victim is a child, any actions taken in relation to him or her shall be based on the principle of the best interests of the child and other principles set out in the [UN Convention on the Rights of the Child](https://zakon.rada.gov.ua/laws/show/995_021), the [Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Ab](https://zakon.rada.gov.ua/laws/show/994_927)use, the [European Convention on the Exercise of Children's Rights](https://zakon.rada.gov.ua/laws/show/994_135) and the legislative acts of Ukraine in the field of child protection.

4. Provision of urgent interim reparations and protection of the rights of victims and family members of deceased (died) victims shall be carried out without discrimination on any grounds

**Article 3. Article 3. Legislation on the status of victims and family members of deceased (died) victims**

1. Legislation of Ukraine on the status of victims and family members of deceased victims consists of this Law, international treaties of Ukraine, ratified by the Verkhovna Rada of Ukraine, and other regulatory legal acts of Ukraine.

2. Urgent interim reparations and the rights of victims and family members of deceased victims established by this Law may not be restricted or abolished by other legal acts.

**Article 4. Commission for consideration of issues related to the recognition of persons as victims**

1. In order to ensure effective access to urgent interim reparations and protection of the rights of victims, and in case of death of such persons - to support their family members, a Commission for consideration of issues related to the recognition of persons as victims shall be established.

2. The Commission for consideration of issues related to the recognition of persons as victims is guided in its activities by the Constitution of Ukraine, this Law, other laws of Ukraine, acts of the Cabinet of Ministers of Ukraine, and other regulatory legal acts.

3. The functioning of the Commission for consideration of issues related to the recognition of persons as victims is organised, coordinated and ensured by the central executive body that ensures the development and implementation of state policy in the field of social policy.

4. The Commission for consideration of issues related to the recognition of persons as victims may establish regional subdivisions, the activities and scope of powers of which are determined by the Regulation on the Commission for consideration of issues related to the recognition of persons as victims.

5. The composition of the Commission for consideration of issues related to the recognition of persons as victims is determined and approved by an order of the central executive body responsible for the formation and implementation of state policy in the field of social policy.

 The Commission for consideration of issues related to the recognition of persons as victims also includes representatives of NGOs with experience in protecting the rights of and providing care to victims of gender-based or sexual violence, including organisations representing victims.

6. The functioning of the Commission for consideration of issues related to the recognition of persons as victims in the exercise of its authorities under this Law shall be ensured by its Secretariat.

7. The Regulations on the Commission for consideration of issues related to the recognition of persons as victims and its Secretariat are approved by the Cabinet of Ministers of Ukraine.

**Article 5. Objectives and authorities of the Commission for consideration of issues related to the recognition of persons as victims**

1. The objective of the Commission for consideration of issues related to the recognition of victims is to grant the status of a victim of sexual violence committed during the armed aggression of the Russian Federation against Ukraine, as well as family members of deceased victims.

2. Commission for consideration of issues related to the recognition of persons as victims:

1) provides comprehensive information and consultations on the recognition of a person as a victim or on the recognition of a person as a family member of a deceased victim;

2) makes a decision to recognise/refuse to recognise a person as a victim of sexual violence related to the armed aggression of the Russian Federation against Ukraine, and provides urgent compensation;

3) makes a decision to recognise/refuse to recognise a person as a family member of the deceased (deceased) victim;

 4) receive, in accordance with the established procedure, free of charge, from ministries, other central and local executive authorities, other state bodies, local self-government bodies, enterprises, institutions and organisations, information necessary for the performance of its activities;

5) in case of need, engage to the work of the Commission for consideration of issues related to the recognition of persons as victims, employees of ministries, other central and local executive authorities, other state and local self-government bodies, leading scientists and specialists of institutions, enterprises and organisations ( upon agreement with their executives), representatives of civil society institutions ( upon agreement), representatives of international intergovernmental and non-governmental organisations ( upon agreement);

6) interact and exchange information with ministries, other central and local executive authorities, other state bodies, local self-government bodies, public associations, enterprises, institutions and organisations, including international organisations, taking into account the requirements of the [Law of Ukraine](https://zakon.rada.gov.ua/laws/show/2297-17) "On Personal Data Protection" and provisions of this Law;

7) considers other issues within the authority defined by the law and the Regulation on the Commission for Consideration of Issues Related to Recognition of Victims.

**Article 6. Application for recognition as a victim or a family member of a deceased victim**

1. An application for recognition as a victim or a family member of a deceased (deceased) victim shall be submitted by the applicant to the Commission for consideration of issues related to the recognition of victims in written form.

2. An application for recognition as a victim or a family member of a deceased ( died) victim may be submitted by the applicant to the Commission for consideration of issues related to the recognition of victims in written form using the Internet and electronic communication means with the use of an electronic digital signature, including through the Unified State Web Portal of Electronic Services, or by mail.

3.The list and scope of information to be specified in the application, the form of the relevant application and the list of documents to be attached to the application shall be determined and approved by the Cabinet of Ministers of Ukraine.

**Article 7. The Procedure for making a decision to recognise a person as a victim or to recognise a person as a family member of a deceased victim**

1. The decision to recognise a person as a victim or to recognise a person as a family member of a deceased (deceased) victim is made by the Commission for consideration of issues related to the recognition of victims on the basis of an application submitted by the applicant.

Such a decision is made by the Commission for consideration of issues related to the recognition of persons as victims no later than 30 calendar days after the applicant submits the relevant application.

By the decision of the Commission for consideration of issues related to the recognition of persons as victims, the period for consideration of an application for recognition as a victim or a family member of a deceased victim may be extended by 30 calendar days.

2. The application for recognition as a victim or a family member of a deceased (deceased) victim is reviewed by the Commission for consideration of issues related to the recognition of victims at a closed meeting; the applicant's participation in such a meeting is not mandatory and is possible only with his/her consent. Upon wish the request of the applicant, his/her representative may participate in the meeting.

If the applicant is a minor, one of his/her parents or other legal representatives is a mandatory participant in the meeting of the Commission for consideration of issues related to the recognition of persons as victims.

If the applicant is an incapacitated or partially incapacitated person, his or her legal representative is a mandatory participant in the meeting of the Commission for consideration of issues related to the recognition of victims.

3. The commission for consideration of issues related to recognition of persons as victims shall notify the applicant of the date, time and place of consideration of his/her application no later than 10 days before the relevant date, and of the results of consideration of his/her application no later than the second day after the decision provided for in parts four to five of this Article.

4. If a decision is made to recognise a person as a victim or to recognise a person as a family member of a deceased victim, a reference is issued to the person within 5 days from the date of such a decision.

5. In case of refusal to recognise a person as a victim or to recognise a person as a family member of a deceased victim, such a person has the right to appeal this decision to the Commission for consideration of issues related to the recognition of victims and/or in court.

In the case of a court appeal against a decision to refuse to recognise a person as a victim of sexual violence related to the armed aggression of the Russian Federation against Ukraine, or to recognise a person as a family member of a deceased victim, the burden of proof is on the defendant.

6. A person may be deprived of the status provided for by this Law only in court. For this purpose, it must be established that the decision to establish the status was based on the submission of knowingly false information or forged documents that were essential for the decision. Persons who submitted such information or documents are liable under the law.

7. The procedure for making a decision to recognise a person as a victim or to recognise a person as a family member of a deceased victim, as well as the form of the reference, are determined and approved by the Cabinet of Ministers of Ukraine.

**Article 8. Keeping track of information on victims and family members of deceased victims**

**1.** Personal data and information about the victims and family members of the deceased (deceased) victim are recorded in the State Register of Victims of the Armed Aggression of the Russian Federation against Ukraine.

2. Collection, accumulation, protection, keeping records, displaying, processing of such information and personal data of persons referred to in part one of this Article shall be carried out in order to record information about damage to life and health, facilitate the provision of urgent interim reparations, and ensure the possibility of further redress for such damage through reparations or other penalties from the Russian Federation, including within the framework of the implementation of the concept of a special compensation mechanism for compensation for damage caused by the armed aggression of the Russian Federation.

3.The state register of persons affected by the armed aggression of the Russian Federation against Ukraine is created by law.

**Article 9. Protection of Data victims and family members of deceased victims**

1. Personal data, information about personal and family life, identity of victims, family members of the deceased (deceased) victim, as well as persons who have filed an application in accordance with the procedure provided for in Articles 6 and 7 of this Law, are classified as confidential information about a person and must be protected by the subjects of relations related to personal data.

2. The processing and use of personal data of persons specified in part one of this Article shall be carried out in compliance with the requirements of the Constitution of Ukraine and the [Law of Ukraine](https://zakon.rada.gov.ua/laws/show/2297-17) "On Personal Data Protection".

3.The processing of information about individuals included in the State register of persons affected by the armed aggression of the Russian Federation against Ukraine is carried out in compliance with the Law of Ukraine "On Personal Data Protection", "On Public Registers", "On Information Protection in Information and Communication Systems".

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4. Persons guilty of disclosure of personal data of persons specified in part one of this Article and officials guilty of violation of requirements of this Law shall bear criminal, administrative and other liability provided by law.

**Article 10. The right to be recognised as a victim and a family member of a deceased victim**

The right to be recognised as a victim within the scope of this Law is granted to:

1. a person who has experienced sexual violence related to the armed aggression of the Russian Federation against Ukraine;
2. child(ren) born as a result of sexual violence related to the armed aggression of the Russian Federation against Ukraine.

2. The right to be recognised as a family member of a deceased victim has the following:

1. Parents, if they were not deprived of parental rights in relation to the deceased before the deceased reached the age of majority;
2. one of the spouses;
3. a person who lives with the victim in the same family, in a close relationship, shares a common household on a permanent and continuous basis, but is not related to or married to the victim;
4. children, including adults;
5. dependents of the deceased person who are paid a pension in this regard.

3.The following persons are not eligible for recognition as a victim or a family member of a deceased victim since 20 February 2014:

1) served in the Armed Forces, internal affairs agencies, state security agencies, police, and other military formations of the Russian Federation, including as a private or commander;

2) held civil service positions (in local self-government bodies, other state bodies), in the relevant bodies (formations) of the Russian Federation;

3) voluntarily held positions related to the performance of organisational, administrative or administrative and economic functions in illegal authorities established in the temporarily occupied territory of Ukraine, including in the occupation administration of the aggressor state, including in illegal judicial or law enforcement bodies;

4) voluntarily participated in illegal armed or paramilitary groups established in the temporarily occupied territory of Ukraine and/or in the armed formations of the aggressor state.

**Article 11. Rights of a person who applies for recognition as a victim or for recognition as a family member of a deceased victim**

1. A person who considers himself or herself a victim has the right to apply to the Commission for consideration of issues related to the recognition of persons as victims, as defined in Article 3 of this Law.

2. Persons referred to in part one of this Article shall have the right to personal safety, confidentiality, respect for the honour and dignity, attentive and humanistic treatment, as well as to receive free of charge until a relevant decision is made:

1) full and comprehensive information about their rights and opportunities to exercise such rights;

2) medical, psychological, legal and other assistance, regardless of their place of residence and in accordance with their needs, if the need for such assistance is due to the commission of sexual violence related to the armed aggression of the Russian Federation against Ukraine and is aimed at eliminating its consequences.

3. Persons who submitted knowingly false information or forged documents to the Commission shall be liable in accordance with the procedure established by law.

**Article 12. Rights of the victim and a person who is a family member of the deceased victim**

1. The victim has the right to immediate interim reparations, which includes:

1) the right to restore their violated rights as a result of sexual violence related to the armed aggression of the Russian Federation against Ukraine;

2) the right to receive urgent compensation in the amount and in the procedure determined by the Cabinet of Ministers of Ukraine;

3) the right to free rehabilitation, which includes a set of medical, psychological, social, legal and other measures aimed at restoring the physical and psychological condition and social functions of a person;

4) the right to recognition, i.e. obtaining the status of a victim of sexual violence related to the armed aggression of the Russian Federation against Ukraine, which is introduced in accordance with this Law;

5) obtaining full and complete information about their rights and opportunities to exercise such rights;

6) the right to include personal data in the State Register of persons affected by the armed aggression of the Russian Federation against Ukraine, which is created in accordance with the law;

7) the right to restore their violated rights as a result of sexual violence related to the armed aggression of the Russian Federation against Ukraine;

8) the right to compensation for material and moral damage caused as a result of sexual violence related to the armed aggression of the Russian Federation against Ukraine, at the expense of the perpetrators, in accordance with the procedure established by law, including the current international treaties of Ukraine, ratified by the Verkhovna Rada of Ukraine.

2. The victim is guaranteed the right to:

1) respect for honour and dignity and humane treatment;

2) free legal aid in accordance with the procedure established by the [Law of Ukraine](https://zakon.rada.gov.ua/laws/show/3460-17) "On Free Legal Aid";

3) obtaining, if necessary, a temporary shelter for safe living;

4) receiving social services in accordance with the procedure established by the Law of Ukraine "On Social Services".

3. Family members of the deceased victim have the right to urgent interim reparations, which includes:

1) the right to receive information about the deceased person whose family member they are within the meaning of this Law;

2) obtaining full and complete information about their rights and opportunities to exercise such rights;

3) the right to recognition, i.e., the status of a family member of a deceased person who has suffered from sexual violence related to the armed aggression of the Russian Federation against Ukraine, which is introduced in accordance with this Law;

4) the right of inclusion o personal data into the Register of Affected Persons, which is created in accordance with this Law;

5) the right to inherit urgent urgent compensation and to increased urgent compensation provided for in paragraph 4 of part one of this Article;

6) receiving social services in accordance with the procedure established by the Law of Ukraine "On Social Services";

7) free legal aid in accordance with the procedure established by the [Law of Ukraine](https://zakon.rada.gov.ua/laws/show/3460-17) "On Free Legal Aid".

Family members of the deceased victim are granted the rights provided for in paragraphs 6 - 7 of part three of this article, if the need for such assistance is due to the commission of sexual violence related to the armed aggression of the Russian Federation against Ukraine and is aimed at eliminating its consequences.

Family members of the deceased (deceased) injured person from among disabled persons who were dependent on the injured person or had the right to receive dependency on the day of his/her death, as well as children of the victim born after his/her death, have the right to compensation for material and moral damage in accordance with paragraph 7 of part one of this Article.

3. The provision of urgent interim reparations to persons referred to in parts one to two of Article 10 of this Law does not depend on their application to a court or law enforcement agencies, participation in criminal proceedings and regardless of whether the perpetrator of sexual violence related to the armed aggression of the Russian Federation against Ukraine has been identified, detained or prosecuted.

4.Local self-government authorities, individuals and legal entities may establish additional guarantees of social protection and support for affected persons and family members of deceased persons. The scope of such additional guarantees may not be narrower than that established by this Law.

5. The receipt of immediate compensation does not deprive a person of the right to apply to the court and/or law enforcement agencies to restore their violated rights and bring the perpetrators to justice as provided by law.

**Article 13. Urgent compensation for victims**

1. The victims are entitled to urgent compensation in the amount determined by the Cabinet of Ministers of Ukraine.

2. The increased amount of urgent compensation is granted to the victim in such cases:

1) committing sexual violence related to the armed aggression of the Russian Federation against Ukraine against a minor;

2) pregnancy as a result of sexual violence committed against a person in connection with the armed aggression of the Russian Federation against Ukraine, or the birth of a child as a result of such pregnancy;

3) termination of pregnancy as a result of sexual violence committed against a person in connection with the armed aggression of the Russian Federation against Ukraine;

3. The procedure for the granting and payment of urgent compensation and increased urgent compensation to victims is determined by the Cabinet of Ministers of Ukraine.

4. The payment of compensation to victims is made at the expense and within the limits of the funds available in the Fund for the payment of urgent compensation to victims of sexual violence related to the armed aggression of the Russian Federation against Ukraine.

**Article 14. The Fund for the Payment of urgent compensation to victims of sexual violence related to the armed aggression of the Russian Federation against Ukraine**

1. The Fund for the Payment of urgent compensation to victims of sexual violence related to the armed aggression of the Russian Federation against Ukraine (hereinafter referred to as the Fund) is established as a special fund of the state budget for the purpose of paying urgent compensation and providing urgent interim reparations to victims of sexual violence related to the armed aggression of the Russian Federation against Ukraine.

2. The sources of the Fund are:

1) funds from international financial institutions, other creditors and investors;

2) international technical and/or repayable or non-repayable financial assistance;

3) funds received as a result of a reverse claim (recourse) against the causer of damage, reparations or other enforcement actions against the Russian Federation;

4) other sources not prohibited by the legislation of Ukraine.

3. Local governments may approve local programmes and establish funds to provide compensation and other types of assistance to victims and family members of a deceased victim.

**II. FINAL PROVISIONS**

1. This Law shall come into force on the day following the day of its publication and shall be enacted on 1 January 2024.

2. The Cabinet of Ministers of Ukraine within six months from the date of entry into force of this Law shell:

1) ensure the adoption of regulatory legal acts provided for by this Law;

2) bring its regulatory acts into compliance with this Law;

3) ensure that ministries and other central executive bodyes bodies their regulatory acts into compliance with this Law;

4) ensure the establishment of a Commission to consider issues related to the recognition of victims of sexual violence related to the armed aggression of the Russian Federation against Ukraine;

5) ensure the establishment of a Fund for the payment of urgent compensation to victims of sexual violence related to the armed aggression of the Russian Federation against Ukraine;

6) to make financial calculations on the amount of funds needed to replenish the Fund for the payment of urgent compensation to victims of sexual violence related to the armed aggression of the Russian Federation against Ukraine;

4. The Cabinet of Ministers of Ukraine shall inform the Verkhovna Rada of Ukraine on the status of implementation of this Law in the year following the year of entry into force of this Law.

**Head**

**Verkhovna Rada of Ukraine**