

March 15, 2022

## Briefing Note

### Current Situation in Ukraine and the Work and Roles of Parliamentarians

*Prepared by the Parliamentary Centre and the Agency for Legislative Initiatives under the Parliamentary Accountability for the Security Sector (PASS Ukraine) project, funded by the Peace and Stabilisation Operations Program of Global Affairs Canada.*

*The analysis included in this note is based on media reports and information obtained from the Verkhovna Rada and other legislative bodies. It is essential that Ukraine's democratically elected officials continue to perform their duties while enduring Russia's unprovoked, illegal and horrific invasion.*

*This note is for information only and is not meant to convey opinions regarding policy decisions in the Verkhovna Rada's sole purview. The contents of this note do not necessarily reflect the views of PASS partners or Global Affairs Canada.*

*This note may not necessarily reflect the up-to-date current state of affairs as the situation changes every hour. Every attempt is made to ensure the accuracy of all information, acknowledging the rapidly deteriorating humanitarian and security situation, the disruption of the flow of information and organized disinformation all present incredible challenges.*

### SITTING OF THE RADA

#### Legislative Work

The Verkhovna Rada convened for a plenary sitting on March 15.<sup>1</sup> 345 MPs convened to consider and adopt 21 Bills. The adopted laws focused on military and economic issues.

Twenty bills had consensual support (more than 340 votes), and one bill was supported by 270 MPs<sup>2</sup>. This was possible because of prior consultations and coordination of factions' positions, government representatives and members of committees over the last 3-5 days. All Bills were passed in the first reading.

For security reasons, the meeting was held in a semi-secret atmosphere, it was not broadcast on television, and the public was not informed about the date and time of the meeting. Information began to appear only during the session.

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<sup>1</sup> Verkhovna Rada plenary sessions are not closed during martial law, but take place intermittently.

<sup>2</sup> 226 votes are needed to pass an ordinary law, and 300 votes are needed to pass amendments to the Constitution.

### Key issues covered by the adopted Laws included:

- Martial Law is extended until April 25, 2022
- Additional tax incentives to support businesses during the war introduced
- Recognition of territorial defence volunteers as war veterans
- Exemption from military service of persons with disabilities and persons caring for persons with disabilities and sick children
- The executive branch is given increased powers to redistribute budget resources under martial law
- Police are given additional powers under martial law
- "Combat immunity" - a person is not subject to criminal liability for the use of weapons, ammunition or explosives against persons carrying out armed aggression against Ukraine
- Guarantees for the organization of a safe, educational process under the conditions of war
- Backup copies of state information resources and protection of information under martial law
- Criminal proceedings against cybercrime and other criminal offences related to computer data

### Pro-Russian MPs Leave the Rada

In addition to legislative activity, there were changes in the parliamentary corps, which concerned the faction OPFL (OPPOSITION PLATFORM – FOR LIFE). This faction had the most pro-Russian rhetoric. 4 members of the OPFL left the faction of their own free will, and three of them may be deprived of their mandates, as they were elected on the party list. One of the most pro-Russian MPs, Ilya Kiva, submitted a statement of voluntary resignation. Three hundred thirty-five deputies supported this statement, and thus, Ilya Kiva ceased to be a member of the Verkhovna Rada. He is currently accused of treason; before the Russian invasion, he left Ukraine to Russia and is actively involved in Russian television propaganda shows.

## Details on Legislation Passed by the Rada

#7168 - extension of martial law in Ukraine. It lasts until April 25, 2022; (343 votes)

#7137д- additional tax incentives to support business during the war (340 votes). The bill applies during martial law and state of emergency. In total, more than 40 innovations. Some of them:

- Individual entrepreneurs and legal entities with a turnover of up to UAH 10 billion are allowed to pay a single turnover tax of 2% according to the rules established for the 3rd group of single taxpayers, i.e. with exemption from income tax, VAT and other payments;
- Individual entrepreneurs of the 1st and 2nd groups are allowed to pay the single tax voluntarily.
- determination of the specifics of accrual of certain taxes and fees in martial law, in particular, SDRs, land fees, environmental tax
- reduction of VAT to 7% and exemption from excise duty on fuel;
- release of consumers from liability to the lender for the delay in fulfillment of obligations under the consumer loan agreement;
- exemption from personal income tax for assistance to victims of Russian military aggression
- suspension of the rules that gave the mortgagee the right to evict its residents from the mortgage housing, acquire ownership of the mortgage, or sell it

#7151 – recognition of territorial defence volunteers as war veterans. Volunteers of the Territorial Defense Forces of Ukraine will be recognized as ‘participants in hostilities’ and ‘persons with disabilities as a result of the war’<sup>3</sup> (344 votes)

#7140-1 - Exemption from military service of persons with disabilities and persons caring for persons with disabilities and sick children (344 votes) Reasons for persons to be discharged from military service:

- raise a child with a disability under the age of 18
- raise a child with a severe illness,
- engaged in the constant care of a sick wife (husband), child, parents of the wife (husband),
- have a wife (husband) with disabilities and/or one of parents or parents of the wife (husband) with disabilities of the I or II group;
- engaged in constant care for a person with a disability of group I or II;
- engaged in permanent care for persons in need, in accordance with the legislation of Ukraine, in the absence of other persons who can provide such care.

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<sup>3</sup> ‘Participants in hostilities’ and ‘persons with disabilities as a result of the war’ are legal statuses that provide social welfare benefits

#6384 -1 - judicial budgeting (344 votes). Under the bill, the executive branch will have more power to redistribute budget resources under martial law.

#7147 – the activity and additional powers of the police in martial law (343 votes) The provisions of the bill concern the escort and detention of detainees (prisoners of war), demining; representation in the International Criminal Police Organization - Interpol. The law expanded the list of grounds for police to stop a vehicle and check it and check the driver and passengers. The law also supplements the Disciplinary Statute for official investigations during martial law

#7145 – definition of the concept of "combat immunity" - legal protection of military command, servicemen, law enforcement officers (344 votes) The combat immunity means that a person is not subject to criminal liability for the use of weapons, ammunition or explosives against persons carrying out armed aggression against Ukraine.

#7149 – the possibility of revoking a measure of restraint or detention for the conscription of such a person for military service (341 votes). The prosecutor may apply to the court to lift the measure of restraint for a person called up for military service. This does not apply to persons accused of treason, murder, crimes related to violence, rape, organized crime, war crimes.

#7133 - under martial law, teachers are not fired; they are guaranteed salaries and other guarantees. There are also state guarantees for the organization of a safe, educational process. Partial transfer of powers from the Ministry of Education to the Military administration (341 votes). The bill proposes a one-time change, exclusively for 2022, the algorithm for admission to universities and colleges and exemption of students who complete full secondary education in the 2021/2022 academic year from the state exams. Admission to colleges and universities will be carried out in a special manner determined by the Ministry of Education and Science of Ukraine, without using the results of independent external assessment, a single entrance exam and a single professional entrance test. Applicants or employees of educational institutions, who under martial law were forced to change their place of residence, leave their jobs, place of study, regardless of their current location, for a special period, is guaranteed:

- organization of the educational process in a remote form or in any other form that is safe for its participants;
- preservation of the place of work, average earnings, payment of scholarships and other benefits provided by law;
- place of residence (boarding house, dormitory, etc.) and provision of food (if necessary).

#7143 – granting additional powers to the State Judicial Administration of Ukraine during the absence of the authorized staff of the High Council of Justice (343 votes). The bill stipulates that during a state of emergency or martial law imposed in connection with the military aggression of the Russian Federation against Ukraine, and within 30 days after its abolition (termination) and in the absence of a plenipotentiary of the High Council of Justice, defined by Article 131 of the Constitution of Ukraine, certain powers of the High Council of Justice should be transferred to the Chairman of the



Supreme Court or a person acting as Chairman of the Supreme Court. This law allows for the normal functioning of the courts.

#7154 - suspension of enforcement actions levied in favour of the Russian Federation or persons associated with the aggressor state (343 votes)

#7152 - creating backup copies of state information resources and protection of information under martial law (345 votes). The bill provides:

- creation of backup copies of state information resources in compliance with the requirements established for such resources regarding their protection, integrity, confidentiality and their placement outside Ukraine;
- possibility to place information and communication systems, electronic communication systems, public electronic registers outside Ukraine.

# 7130 – accelerating the entry into force of the law on military chaplaincy (340 votes). It now comes into force after being signed by the president (approximately by the end of March). Previous date of entry into force - July 1

#7144 - Simplification of environmental legislation to eliminate the consequences of armed aggression and hostilities during and after martial law (345 votes)

#7161 - increase in the special period of the total number of the State Border Guard Service of Ukraine by 7,000 servicemen (344 votes)

#7166 – the Government's budget management under martial law (345 votes). The law gives the right to local governments or military administrations to send the balance of funds for territorial defence measures, food needs of civilians, evacuation/removal/movement of civilians from the area where hostilities are taking place.

#7167 – an increase of 67 billion in military expenditures, a redistribution of state guarantees within the limits of the state-guaranteed debt, and a restriction on the use of the road fund (342 votes)

#7160- liberalization of labour legislation under martial law (344 votes) The law establishes special regulation of labour relations between employers and employees. In order to prevent or eliminate hostilities, it is possible to transfer an employee to another job without his consent, if such work is not contraindicated due to his health condition; established the right of the employee to terminate the employment contract on his own initiative without notifying the employer within two weeks in connection with the conduct of hostilities and the threat to life and health; settled the specifics of termination of the employment contract at the initiative of the employer in the event of liquidation of a legal entity in connection with the destruction of property; settled the specifics of accounting for working time and rest time; abolished most restrictions on night work, night and overtime position, work on weekends, holidays and non-working days, travel assignments (except for emergency accommodation for pregnant women, women with children under one year of age,

and persons with disabilities); established that in the event of inability to pay wages due to hostilities, such payment may be suspended until the restoration of the enterprise's ability to carry out its principal activities; provided for the possibility of suspension of the employment contract and temporary release of the employer from the obligation to provide the employee with work and temporary release of the employee from the obligation to perform work under the employment contract, etc.

#7148 - improving the efficiency of criminal proceedings against cybercrime and other criminal offences related to computer data (343 votes)

#7157 – an extension of the Law of Ukraine “On Ensuring the Rights and Freedoms of Citizens and the Legal Regime in the Temporarily Occupied Territory of Ukraine” in the territories that the Russian Federation has temporarily occupied since the beginning of the war (341 votes). The President and the National Security and Defense Council will determine which territories are occupied and, accordingly, to which territories the provisions of the law "On Ensuring the Rights and Freedoms of Citizens and the Legal Regime in the Temporarily Occupied Territory of Ukraine" apply. Special attention is paid to elections and referendums, which are prohibited in the temporarily occupied territory.

#7038д- increase in rent for gas production during martial law and state of emergency (270 votes). The law established a differentiated rent rate for natural gas production - from March 1, 2022, the actual sale price of gas will be calculated as the arithmetic means between the customs price of imports and the price of the European hub; current rental rates for gas prices up to \$ 400 per 1,000 cubic meters will be maintained, and starting from \$ 401 - will be calculated at a higher rate, which is 2.2 times higher for old wells, three times higher for new wells. If the gas price is less than \$ 150, rental rates will be halved from current ones.