

## Legislative Update

Update on Displacement-related Legislation | May-June 2024



### Adopted Legislation

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- Identification and return of children who have been deported or forcibly displaced
- Collective sites



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- Establishment of the disability status
- Shelters for survivors of gender-based violence, including domestic violence
- Plan on preparatory activities to support people in the territories affected by hostilities
- Strategy and Operational Plan on Demining

## Adopted Legislation

### Strategy and its Action Plan of the Ministry of Reintegration

On 26 April 2024, the Ministry of Reintegration of Temporarily Occupied Territories (hereinafter – Ministry of Reintegration) through [Order #126](#), adopted the [Strategy of the Ministry of Reintegration for 2024-2026](#) along with its Action Plan. This Strategy aims to advance the overarching objective of implementing a consistent approach to the reintegration of occupied territories and populations, ensuring compliance with international humanitarian law and the protection of the rights of war-affected people.

Please read more in the Thematic Legislative Update on [MinRe Strategy and its Action Plan](#).

### Identification and return of children who have been deported or forcibly displaced

On 14 May 2024, the Government adopted [Resolution #551](#), establishing a new procedure for the identification and return of children who have been deported or forcibly displaced.

For each deported, forcibly displaced, or at-risk child, an individual return plan will be developed. The template form for individual plans will be developed and approved by the Ministry of Reintegration by its order.

The process of return is coordinated by the Ministry of Reintegration, including the development and implementation of an individual plan for each case. During the entire process, all relevant parties are involved, including the child's legal representatives, civil organizations, charitable foundations, and other relevant state bodies. This ensures the inclusion of measures aimed at the search, return, social protection, and reintegration of the child. Participating civil organizations<sup>1</sup> must have a written contract with the Ministry of Reintegration and the Ukrainian National Center of Peacebuilding<sup>2</sup>.

The individual return plan should be developed considering the child's needs based on their age, gender, health condition, developmental characteristics, place of stay and return, and cultural and ethnic background.

Each individual return plan should contain:

- The child's personal file with information that will help to identify the child.
- A step-by-step list of actions for return (developed route, list of documents, logistics, housing).
- Provision of support if notary services are required

<sup>1</sup> A legal entity (charitable/civil organisation) must meet several criteria: it should not be undergoing liquidation; its statutory documents must specify that it has been involved in activities related to protecting children's rights and freedoms and supporting families for at least five years; there must be no recorded violations of budgetary legislation; and it must publicly share information about its activities and financial reports on the use of state or local budget funds, either on its official website or through social media. Expenses incurred by organizations during the return of a child are reimbursed from the State Budget in accordance with Resolution #552 dated 14.05.2024.

<sup>2</sup>With [Regulation #434](#) the Ukrainian National Center of Peacebuilding is designated as a national information bureau according to the [IV Geneva Convention](#)

- Assistance in obtaining a passport for international travel (if needed).
- Provision of other travel documents for the child and their legal representative or authorized person.
- Calculation of daily allowances and accommodation costs for the child and their legal representative or authorized person during the return trip to Ukraine.
- Provision of essential items for the child upon returning to Ukraine.

Any entity, including state and self-government bodies, private entities, I/NGOs, as well as individuals who have received information about a deported or forcibly displaced child, is obligated to inform the State Service for Children. The State Service for Children will check the information on the child in its database<sup>3</sup> and send a notification to the Ukrainian National Center of Peacebuilding and the local authorities of the settlement where the child (legal representative) resided or was registered. If the database does not contain information about a reportedly deported/forcibly displaced child, the Center will make further inquiries to the National Police and/or the State Migration Service of Ukraine.

The notification should include all available information about a child to enable the Ukrainian Center of Peacebuilding to add a record to the National Register of Deported Persons<sup>4</sup>. The Center also verifies whether the child's parents/caregivers are prisoners of war or civilian captives. Additionally, this information is sent to the State Security Service, State Service for Children, Office of the Prosecutor General, and National Police for actions within their competencies.

The State Service for Children coordinates with the respective local Child Protection Departments, which create a personal case file and coordinate further case management. The local Child Protection Department is required to locate and contact the child's legal representative within 5 days. If a child does not have a legal representative, the local Child Protection Department promptly seeks relatives or individuals to assume legal guardianship. If the legal representative cannot travel to the child's location, they can authorize a third party to return the child, with the consent notarized.

If an unaccompanied child arrives at a border crossing point, Border Guard officers notify the local Guardianship and Custody Service (GCS) and the State Security Service. The head of the GCS then issues a power of attorney to an employee of a local Child Protection Department, authorizing them to act on behalf of a child. The local Child Protection Department promptly collects the child, arranges temporary accommodation, ensures legal protection, and informs the Child Protection Department at Oblast Administration, which in turn notifies the State Service for Children.

Additional support is also facilitated by social service providers according to legislation.

### **Collective sites**

On 30 May 2024, the Government adopted [Resolution #622](#), amending the existing framework on collective sites. Initially adopted in September 2023, the legal framework has been amended to better address the current conditions and needs on the ground. In particular:

- The deadline for making the collective sites meet the standards outlined in the Resolution has been extended to 1 January 2025. Additionally, the Resolution states that international organizations and NGOs can participate in the process, supporting collective sites in meeting minimal standards. Moreover, if a collective site receives support from I/NGOs, it cannot be closed by the owner or balance holder during martial law or for six months after martial law ends. Closure is only permitted if the site is legally deemed unfit for habitation.
- The amended Resolution now permits the establishment of collective sites in buildings that do not fall under the category of "housing spaces suitable for living"<sup>5</sup>, thereby expanding the range of buildings that can be

<sup>3</sup>The database is intended for the storage and use of data about children who are without parental care, orphans, children deprived of parental care, and among them those who can be adopted, children in difficult life circumstances, including war-affected children who have been temporarily displaced (evacuated) within Ukraine to areas where no military (combat) actions are taking place, or abroad and data on their caregivers/candidates to caregivers on various arrangement types.

<sup>4</sup> More information on the Register is available in [Legislative Update April 2023](#)

<sup>5</sup> This technical term refers to spaces that are suitable for living but are not necessarily part of the housing stock

used. At the same time Resolution provides a list of buildings, where the collective sites can not be established, for example, premises of social services facilities.

- IDPs lacking proper identification documents can be accommodated in collective sites for up to 60 days, with a requirement to provide such documentation later. The term was 30 days in the previous version.
- The Ministry of Reintegration will update the master list<sup>6</sup> every two months.
- If a collective site is closed and removed from the list of collective sites, oblast administrations, along with local administrations and local councils, are responsible for relocating residents to other suitable temporary accommodations.

Among other developments, the Resolution introduces a more detailed procedure for checking whether a person owns housing that disqualifies them from being accommodated in collective sites. Additionally, site administrators can also request a local administration/council to assess social services required by residents of the collective site and ensure their provision.

In general, the Resolution enhances the role of local self-government bodies in supporting collective sites. Additionally, it establishes a framework for I/NGOs to be actively involved in the improvement and maintenance of these sites. These entities can contribute resources, expertise, and logistical support to help bring collective sites up to the required standards, with guarantees to safeguard the financial assistance they provide.

## Other developments

### **Establishment of the disability status**

On 3 May 2024, the Government of Ukraine adopted [Resolution #501](#), detailing the procedure for establishing disability status. This Resolution outlines the necessary documents required by the Medico-Social Expert Commission (MSEC) – the body designated for determining disability status.

The procedure begins when a person visits the hospital and undergoes an assessment by the Medico-Consultative Commission (MCC), which is composed of the hospital's doctors. Following the assessment, the MCC may refer the individual to the MSEC. In accordance with the procedure, the MCC submits the referral to the MSEC along with a list of relevant medical documents pertaining to the applicant.

The following documents must be submitted by the applicant:

- Identification document (either a passport of a citizen of Ukraine or a passport of another country/stateless certificate for individuals permanently residing in Ukraine).
- IDP certificate, if applicable.
- Tax identification number.
- Military registration documents for men aged 18-60.
- Document confirming that a person was a prisoner of war, if applicable.

### **Subventions for shelters for survivors of gender-based violence (GBV)**

On 30 May 2024, the Government of Ukraine adopted [Resolution #616](#), outlining the procedure for allocating subventions from the State Budget to local budgets for the establishment of shelters for survivors of GBV, including domestic violence. This Resolution does not cover new projects but rather focuses on those initiated in 2023 and not yet completed, including reconstruction, renovation, new construction, and the purchase of vehicles for mobile brigades, which often serve as first responders to GBV cases.

The preconditions for funding are:

- Local budgets must contribute no less than 10% of the total expenses needed to complete the project. This can come from any financial source, with a confirmation letter demonstrating the funding capacity.
- Furthermore, they should submit a list of documents, including financial-economic justifications for further expansion and maintenance of shelters, documents confirming expenses incurred in 2023, the project budget

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<sup>6</sup> The Master list is the list of all collective sites countrywide registered and functioning according to the Resolution

for 2024 and the current status of project implementation. Details should specify the stage of construction, equipment procurement, and justification for why the projects were not completed in 2023.

Vehicles can be purchased through subvention if the following conditions are met:

- There must be recognized social service bodies or other organizations where the mobile brigade is operational, evidenced by appropriate documents.
- The further use and maintenance of the vehicle must be covered by the local budget.
- The area of operation must be under the control of the Government of Ukraine and not in zones of active fighting. If the brigade is formed in de-occupied territories, it should be able of providing services there.
- Accessibility and suitable conditions for persons with disabilities must be ensured.

All the projects funded under this Resolution are supposed to be completed by the end of 2024.

### **Plan of preparatory activities to support people in the territories affected by hostilities**

On 25 June 2024, the Government of Ukraine adopted [Order #583-p](#) adopting the Plan for Preparatory Activities to Support People in the Territories Affected by Hostilities.

The Plan has two main sections outlining key activities, responsible bodies, and timelines for their implementation.:

1. The first section focuses on preparatory measures to support the population in territories affected by hostilities, including key areas such as humanitarian response, economic and transport security, medical and social sphere, electronic communications sector, and housing and utilities sector.
2. The second section on evacuations includes several key measures: Authorities are required to update information on the estimated number of people needing evacuation, including vulnerable groups such as children, individuals with disabilities, and essential workers. Business entities and cultural assets that may need relocation are also considered. Evacuation plans must be revised by relevant authorities, including hosting arrangements and accommodation plans for vulnerable groups, and evacuation processes, including logistics, need to be updated. A set of actions will be activated if an evacuation is announced, ensuring a coordinated response.

The oblast military administrations of Donetsk, Luhansk, Dnipropetrovsk, Zaporizhzhia, Sumy, Kharkiv, Kherson, Mykolaiv, and Chernihiv are primarily responsible for activities outlined in the first section. In contrast, the oblasts of Vinnytsia, Volyn, Zhytomyr, Zakarpattia, Ivano-Frankivsk, Kyiv, Kirovohrad, Lviv, Odesa, Poltava, Rivne, Ternopil, Khmelnytskyi, Cherkasy, Chernivtsi, and Kyiv city, which are located further from the front line, are designated as hosting communities. These areas are tasked with ensuring proper accommodation, access to services, and overall support for evacuated individuals. The decision to initiate an evacuation will be made by the oblast or local military administration, depending on the situation on the ground.

### **Strategy and Operational Plan on Demining**

On 28 June 2024, the Government of Ukraine adopted [Regulation #616-p](#), introducing the National Demining Strategy until 2033 along with its Operational Plan for 2024-2026. This Strategy is a comprehensive document that includes:

- A background overview with justification for its adoption;
- An overview of existing legal and regulatory frameworks in mine action;
- An analysis of the current situation, trends, and the rationale for addressing identified challenges;
- The strategic goals, objectives, and expected outcomes to achieve defined goals;
- The procedure for monitoring, evaluating the results of the Strategy's implementation, and reporting.

Among the strategic goals, the Government included ensuring the clearance of areas from the risks posed by explosive remnants of war (ERW), reducing the impact of ERW on the life and health of the population, and building a mine action management system.

The annexed Operational Plan for 2024-2026 outlines the strategic tasks and activities required to achieve these tasks, as well as the specific measures, timelines or regularity, sources of funding, implementation indicators, and responsible bodies.

## More on Legislative Updates via the links:

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