

# Legislative Update

UNHCR update on displacement-related legislation | September 2020

## Adopted Legislation

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- Compensation for destroyed housing in the GCA of the Donetsk and Luhansk oblasts
- Exemption of IDPs from payment of tourist fees

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- Ratification of the agreement on financial cooperation aimed at finding housing solutions for IDPs

## Adopted Legislation

### Freedom of movement during the COVID-19 outbreak in Ukraine

In September 2020, the Government lifted some of the restrictions to freedom of movement which were introduced as a preventive measure to the spreading of COVID-19 through amendments to its Resolution #641<sup>1</sup>. On 2 September 2020, by its [Resolution #791](#)<sup>2</sup>, the Government allowed certain categories of foreigners and stateless persons<sup>3</sup> to cross the international border of Ukraine on the condition that they prove that they have an health insurance that covers COVID-19-related treatment as well as additional expenses related to accommodation and subsistence during the observation period. By its [Resolution #825](#)<sup>4</sup> adopted on 9 September 2020, the Government exempted prospect and current students, as well as one accompanying adult, arriving from the non-government-controlled areas (NGCA) of the Donetsk and Luhansk oblasts or Crimea from the mandatory self-isolation. This is a positive development expected to ease the crossing of the line of contact (LoC) in the east and the administrative boundary with Crimea. Moreover, these categories of

<sup>1</sup> The full text available online (in Ukrainian): <https://zakon.rada.gov.ua/laws/show/641-2020-%D0%BF#Text>

<sup>2</sup> The full text available online (in Ukrainian): <https://www.kmu.gov.ua/npas/pro-vnesennya-zmin-do-punktu-101-postanovi-kabinetu-ministriv-ukrayini-vid-22-lipnya-2020-r-641-i020920-791>

<sup>3</sup> If they are grandparents of Ukrainian citizens or enter Ukraine to be enrolled in higher educational facilities

<sup>4</sup> The full text available online (in Ukrainian): <https://www.kmu.gov.ua/npas/pro-vnesennya-zmini-do-punktu-20-postanovi-kabinetu-ministriv-ukrayini-vid-22-lipnya-2020-r-641-s090920>

persons will not be obliged to install the Diy vdoma mobile application that has not always been functioning smoothly as noted by UNHCR and its partners<sup>5</sup>.

By its [Resolution #888](#)<sup>6</sup> of 28 September, the Government lifted some of its previous restrictions<sup>7</sup> to the movement of foreigners and stateless persons which were introduced in August 2020. Those permanently residing in Ukraine, refugees and those in need of complimentary protection, staff of international and humanitarian missions accredited in Ukraine and their family members, military instructors from NATO Member States and Partnership for Peace are allowed to cross the international border of Ukraine without any restriction. Other categories of foreigners and stateless persons may cross the border if they possess a health insurance covering COVID-19-related treatment and stay in observation facilities. The same requirement applies to foreigners and stateless persons crossing the LoC in the east and the administrative boundary with Crimea.

### [Compensation for destroyed housing in the GCA of the Donetsk and Luhansk oblasts](#)

On 2 September 2020, the Government adopted its [Resolution #767](#)<sup>8</sup> introducing an order for granting a one-time-paid compensation for destroyed housing in the GCA of the Donetsk and Luhansk oblasts in link with the hostilities. This initiative builds on relevant provisions of the Resolution #947<sup>9</sup> of 18 December 2013 amended on 10 July 2019<sup>10</sup>.

The financial compensation shall not exceed 300,000 UAH. To initiate the process, an application must be registered with the local self-government bodies or military-civil administrations requesting for an inspection of a destroyed housing. The identity of the applicant must be proven by attaching to the application a copy of his/her passport or any other ID document and an ID tax code. Notarized copies of the documents confirming ownership rights will also be attached to the application. The decision on inspection should be taken within 5 calendar days and an inspection conducted by a special commission<sup>11</sup> within 30 calendar days. The special commission will issue an act of inspection stating whether the housing in question is damaged<sup>12</sup> or destroyed in relation to the hostilities. After that, within 3 working days, the local self-government body/military-civil administration will provide<sup>13</sup> the applicant with a certificate of a person affected by military emergency. This will allow the applicant to proceed further with claiming compensation. The special commissions that will consider the compensation claims shall be established in two oblasts. The commissions will review the compensation claims and decide on whether the compensation should be granted for a destroyed housing within 10 working days<sup>14</sup>. Since the Ministry of Reintegration is a budget holder in this matter, it will receive the final lists of applicants with regard to whom a positive decision on compensation will be taken. The Ministry will then transfer money to the respective oblasts, which will further disburse the money to the applicants.

This Resolution marks an important development on the way towards providing IDPs and conflict-affected persons with compensation for property damaged or destroyed during the hostilities. Its implementation requires

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<sup>5</sup> Please see more details in UNHCR May-June and August Legislative Updates available online: [https://www.unhcr.org/ua/wp-content/uploads/sites/38/2020/07/2020-05-06-Legislative-Update\\_fin.pdf](https://www.unhcr.org/ua/wp-content/uploads/sites/38/2020/07/2020-05-06-Legislative-Update_fin.pdf)

<sup>6</sup> The full text available online (in Ukrainian): <https://www.kmu.gov.ua/npas/pro-vnesennya-zmin-do-postanovi-ka-a888>

<sup>7</sup> Please see more details in UNHCR August Legislative Update available online: [https://www.unhcr.org/ua/wp-content/uploads/sites/38/2020/09/2020-08-Legislative-Update\\_final.pdf](https://www.unhcr.org/ua/wp-content/uploads/sites/38/2020/09/2020-08-Legislative-Update_final.pdf)

<sup>8</sup> The full text available online (in Ukrainian): <https://www.kmu.gov.ua/npas/pitannya-viplati-groshovoyi-kompen-767>

<sup>9</sup> The full text available online (in Ukrainian): <https://zakon.rada.gov.ua/laws/show/947-2013-%D0%BF#Text>

<sup>10</sup> Please see more details in 2019 UNHCR July Legislative Update available online: <https://www.unhcr.org/ua/wp-content/uploads/sites/38/2020/07/2019-07-Legislative-Update.pdf>

<sup>11</sup> Commissions are established by local self-government body or a military-civil administration in a respective settlement where a destroyed house is located.

<sup>12</sup> In case the housing is recognized as damaged, the commission should specify whether it is (not) qualified for residing

<sup>13</sup> This is free of charge

<sup>14</sup> This term may be once prolonged till 30 calendar days by motivated decision of relevant Commission. Grounds are not specified.

proper coordination at local, oblast and central levels. It also requires awareness raising among the potential beneficiaries, many of whom may need legal advice. The monitoring of the implementation of the whole procedure is ongoing by UNHCR and its partners.

### Exemption of IDPs from payment of tourist fees

On 17 September 2020, the Parliament adopted the law amending Article 268 of the Tax Code<sup>15</sup> exempting IDPs residing in collective centres (such as hotels and sanatoriums) from payment of a tourist fee. The tourist fee is a local tax that benefits local economies and constitutes 1% of the sum paid for rooms (utilities not included into the taxation base). However, IDPs could hardly be considered residing in hotel-type facilities as tourists. A detailed description of this draft's content is available in the 2020 Legislative Update for February<sup>16</sup>.

## Draft legislation

### Draft State Budget for 2021

On 14 September, the Government approved its draft State budget<sup>17</sup> and registered in the Parliament the [draft law #4000](#)<sup>18</sup> introducing amendments to Law on the State Budget. The major expenses related to work with displaced and conflict-affected populations are reflected below (in thousand UAH). Increased expenses are marked in green. Decreased or deleted expenses are marked in red. Unchanged expenses are not marked.

Public body / budget program	2019	2020 amended	2021 draft
<i>Ministry for Veterans Affairs, Temporarily Occupied Territories and Internally Displaced Persons (MinVetTOT), further splitted into the Ministry for Veterans Affairs (MinVet) and the Ministry for Reintegration of Temporarily Occupied Territories (MinReintegration)</i>	195,186.9	128,615.5 (MinReintegration)	924,092.0
<i>Expenses under the coordination of the MinReintegration:</i>			
Subvention from the state budget to local budgets to support conflict-affected areas in Eastern Ukraine	34,000.0	20,000.0	125,000.0
Mine risk education	5,000.0	5,000.0	5,000.0
Subventions to local budgets to finance "Housing for IDPs" project	100,000.0	485,000.0	Not envisaged
Financial compensation for housing destroyed during military emergency		20,000.0	114,000.0
Subventions to local budgets for housing for displaced ATO/JFO participants with disabilities	25,000.0 (previously covered by MoSP)	248,445.0	248,445.0 (covered by the Ministry of Veterans)
Ensuring proper conditions for entering/exiting NGCA/TOT			267,114.5
Elaboration of systems/databases on reintegration			5,000.0
Development of rural infrastructure in Luhansk oblast			30,000.0
<i>Ministry of Social Policy of Ukraine (MoSP)</i>	198,634,180.1	312,907,779.8	319,426,026.4
<i>Displacement related expenses under the coordination of the MoSP:</i>			
Monthly targeted assistance to IDPs	3,042,568.6	3,042,568.6	3,051,573.3

<sup>15</sup> The full text of news available online (in Ukrainian): [http://w1.c1.rada.gov.ua/pls/zweb2/webproc4\\_1?pf3511=68204](http://w1.c1.rada.gov.ua/pls/zweb2/webproc4_1?pf3511=68204)

<sup>16</sup> Please see more details in UNHCR February Legislative Update available online: <https://www.unhcr.org/ua/wp-content/uploads/sites/38/2020/07/2020-02-Legislative-Update.pdf>

<sup>17</sup> The full text of news available online (in Ukrainian): <https://www.kmu.gov.ua/news/osnovni-pokazniki-zatverdzenogo-uryadom-projektu-derzhbyudzhetu-na-2021-rik?fbclid=IwAR2me8WuFi3Is-zlz4b1dCEo8LGAYBlaxGcdKf76hy-1vh7rmBCbsD44rHW>

<sup>18</sup> The full text available online (in Ukrainian): [http://w1.c1.rada.gov.ua/pls/zweb2/webproc4\\_1?pf3511=69938](http://w1.c1.rada.gov.ua/pls/zweb2/webproc4_1?pf3511=69938)

Financing measures to protect children, families, women from the most vulnerable categories of population	95,570.3	84,809.6	66,019.8
Financing subsidies for housing/dwelling and communal services	20,000,000.0	39,329,479.0	36,607,708.6
Financing of accommodation of Formerly Deported People (Crimean Tatars).	45,340.0	20,000.0	Not envisaged
Implementation of pilot project "Development of social services"			10,000.0
<i>Ministry of Education and Science of Ukraine</i>	73,043,039.7	42,760,372.3	52,075,394.2
<i>Ministry of Health of Ukraine</i>	39,350,075.6	114,550,207.7	155,243,087.4
<i>Ministry of Justice of Ukraine</i>	13,867,143.8	13,883,132.2	15,468,354.7
<i>Expenses under the coordination of the MoJ:</i>			
Free Legal Aid Coordination Center	728,287.3	820,753.7	954,790.8
Financing services and expenses of advocates of FLA	337,733.2	385,184.0	385,184.0
<i>Ministry for Development of Communities and Territories (former Ministry of Regional Development)</i>	12,467,499.5	621,723.2	821,276.1
Subvention from the state budget to local budgets for the implementation of cross-border cooperation projects	10,000.0	This budget line is absent	Not envisaged
Subvention from the state budget to local budgets for the formation of the infrastructure of the united territorial communities	2,100,000.0	2,100,000.0	62,550.0
Subvention from the state budget to local budgets for implementation of projects under the Extraordinary Financing Program of Restoring Ukraine (nationwide expenditures)	1,550,000.0	1,275,000.0	1,650,000.0
Support for affordable housing program	100,000.0	This budget line is empty	Not envisaged
State Fund for Regional Development	7,670,000.0	4,900,000.0	9,360,000.0
<i>Ministry of Defence of Ukraine</i>	102,489,246.5	117,509,257.8	117,504,702.0
<i>State Emergency Service</i>	13,462,695.9	15,374,373.3	16,527,406.1
<i>State Migration Service</i>	4 376 162.0	3,987,090.5	3,606,822.8
Contribution to IOM membership fees	1,517.2	922.2	1,002.2
Administration of the <i>State Border Guard Service</i>	10,806,309.4	12,968,326.7	14,347,788.9
<i>State Security Service</i>	9,658,674.6	12,165,891.9	14,959,625.1
<i>Office of the Ombudsperson</i>	164,887.9	124,671.4	213,709.2
Financing National Prevention Mechanism (prevention of tortures and degrading treatment) by the Office of the Ombudsperson	2,595.0	1,567.0	3,282.0
Donetsk oblast state administration	472,027.5	373,909.6	312,667.2
Luhansk oblast state administration	384,234	278,839.4	201,799.3
Kherson oblast state administration	315,570.5	263,212.9	210,785.1

As may be observed, the MinReintegration, the Ministry of Health, the Ministry for the Development of Communities and Territories and the Ombudsperson's Office have benefitted from the most significant increase of budget. Budgets of the Ministries for Social Policy, Education, Justice and Defence; the State Security Service, the State Emergency Service and the State Border Guard Service may receive a comparatively slight increase. The State Migration Service faced the most significant budget decrease by approximately 10%. The Donetsk, Luhansk and Kherson oblast administrations all face cuts of approximately 5-7%.

Housing issue remains the most acute for IDPs. Most housing related expenses available to IDPs and budgeted in previous years (affordable housing, "housing for IDP" project, accommodation of formerly deported people) are not foreseen in the draft budget for 2021. The only remaining option is housing for displaced ATO/JFO participants.

On a positive note, funding for subventions to conflict-affected territories has been increased (125 mln UAH in comparison to the currently assigned 20 mln UAH). Considering this, more settlements may receive this subvention to improve infrastructure and access to services for host communities, IDPs and conflict-affected population. Additionally, funding for compensation for destroyed housing is expected to increase considerably (114 mln UAH in comparison to 20 mln UAH allocated in 2020).

New expense categories are present in the draft budget such as improvement of conditions at EECPs with NGCA and Crimea; elaboration of systems/databases on reintegration and development of rural infrastructure in the Luhansk oblast.

### [Amendments to Article 7 of the Law on IDPs on access to pensions and social benefits](#)

On 1 September 2020, MPs registered in Parliament the [draft law #4014](#)<sup>19</sup> amending Article 7 of the Law on IDPs. Amendments allow IDPs receiving pensions and social payments through Ukrposhta and state banks of Ukraine in their place residence. Currently IDPs can use services of the Oshchadbank only, while Ukrposhta option is available only to persons with confirmed disability. Although this change may provide more options for IDPs, they still will be limited to use services of state banks when receiving pensions or social payments.

### [Bringing Ukraine's criminal legislation in line with international humanitarian and international criminal laws](#)

On 17 September 2020, Parliament adopted in first reading the [draft law #2689](#)<sup>20</sup> introducing international crimes – genocide, crimes against humanity, war crimes and aggression<sup>21</sup> – to the Criminal Code of Ukraine. This is a step towards aligning Ukrainian legislation with the Statute of the International Criminal Court and enhancement of criminal prosecution for serious violations of international humanitarian law. When adopted, this initiative may strengthen protection of civilians in hostilities.

### [Priority for persons and children with disability in crossing the international border of Ukraine, the LoC in the east and the administrative boundary with Crimea](#)

On 17 September 2020, the Government registered in Parliament the [draft law #4113](#)<sup>22</sup> on enhancing guarantees of social protection of persons with disability including children. The draft suggests a technical amendment to the Law on social protection for persons with disabilities (PwD) in Ukraine, replacing “PwD organizations” with “PwD unions”. The draft suggests prioritizing in crossing of the international border of Ukraine, LoC in the east and the administrative boundary with Crimea persons belonging to the first disability group, children with disabilities, PwD going for medical treatment and two accompanying individuals. It should be noted that due to large queues at EECPs in the east, previous attempts to prioritize crossing of PwD and elderly were not successful.

### [Ratification of the agreement on financial cooperation aimed at finding housing solutions for IDPs](#)

On 24 September 2020, the Government registered in Parliament the [draft law #0070](#)<sup>23</sup> on ratifying the agreement between the Cabinet of Ministers of Ukraine and the Government of Germany on financial cooperation aimed at finding housing solutions for IDPs. According to this agreement, the Government of

<sup>19</sup> The full text available online (in Ukrainian): [http://w1.c1.rada.gov.ua/pls/zweb2/webproc4\\_1?pf3511=69785](http://w1.c1.rada.gov.ua/pls/zweb2/webproc4_1?pf3511=69785)

<sup>20</sup> The full text available online (in Ukrainian): [http://w1.c1.rada.gov.ua/pls/zweb2/webproc4\\_1?pf3511=69785](http://w1.c1.rada.gov.ua/pls/zweb2/webproc4_1?pf3511=69785)

<sup>21</sup> The list of international crimes is reflected in Articles 6-8 of Rome Statute of the International Criminal Court available online: [https://www.iccpi.int/nr/rdonlyres/ea9aef7-5752-4f84-be94-0a655eb30e16/0/rome\\_statute\\_english.pdf](https://www.iccpi.int/nr/rdonlyres/ea9aef7-5752-4f84-be94-0a655eb30e16/0/rome_statute_english.pdf)

<sup>22</sup> The full text available online (in Ukrainian): [http://w1.c1.rada.gov.ua/pls/zweb2/webproc4\\_1?pf3511=69975](http://w1.c1.rada.gov.ua/pls/zweb2/webproc4_1?pf3511=69975)

<sup>23</sup> The full text available online (in Ukrainian): [http://w1.c1.rada.gov.ua/pls/zweb2/webproc4\\_1?pf3511=70051](http://w1.c1.rada.gov.ua/pls/zweb2/webproc4_1?pf3511=70051)

Germany provides the Government of Ukraine with a grant funding for introducing housing solutions for IDPs. The grant for housing premises for IDPs and respective consultancy services amounts to 24.5 mln Euro. An additional grant for supporting measures (which are not clarified) amounts to 1 mln Euro. Further details are expected to be available after ratification.

The project would be implemented through the German bank *Kreditanstalt für Wiederaufbau* (KfW). The term of the agreement is not defined. It can be terminated anytime by a written notification from one party, and the agreement shall be terminated within 30 days.

If adopted, this initiative may contribute to finding housing solutions for IDPs. The geographical coverage is not specified at this stage. According to information previously disseminated through mass media<sup>24</sup>, the project would be implemented in the Kharkiv, Dnipropetrovsk and Zaporizhzhia oblasts, as well as in the Donetsk and Luhansk oblasts in GCA.

## Other developments

### Amendments to the list of NGCA and LoC settlements

On 16 September 2020, the Government adopted its [Regulation #1125-p](#)<sup>25</sup> amending the list of settlements considered being on the NGCA and located along the LoC (the original list was provided in the Regulation #1085-p<sup>26</sup> of 7 November 2014). The village of Zayichenko in the Donetsk oblast is now considered as being in NGCA. The full names of Hnutove, Sartana, Talakivka and Lomakyne villages are specified by adding the titles of the respective village councils.

### IDP certificates available in the “Diya” mobile application

In September 2020, the Government introduced a possibility to obtain a digital version<sup>27</sup> of an IDP certificate (e-IDP certificate)<sup>28</sup> which equals its paper format.

This development is an integral part of the overall digitalization process implemented by the Ministry for Digital Transformation with the aim to store all paper documents in a single special software, the “Diya”<sup>29</sup> mobile application. In a first stage, “Diya” contained the digital versions of passports and driving licences. At a later stage, individual tax numbers became available in accordance with the Government [Resolution #885](#)<sup>30</sup> of 16 September 2020. According to the Ministry of Digital Transformation, any document stored in “Diya” is fully equivalent to its paper format and can be used instead of the paper document itself (for example, for boarding a plane within Ukraine or receiving a postal package).

### The Government concept for communication on gender equality

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<sup>24</sup> The full text available online (in Ukrainian): <https://www.eurointegration.com.ua/news/2018/04/19/7080687/>

<sup>25</sup> The full text available online (in Ukrainian): <https://www.kmu.gov.ua/npas/pro-vnesennya-zmin-u-dodatki-1-i-2-do-rozporядzhennya-kabinetu-ministriv-ukrayini-vid-7-listopada-2014-r-1085-1125160920>

<sup>26</sup> The full text available online (in Ukrainian): <https://zakon.rada.gov.ua/laws/show/1085-2014-%D1%80#Text>

<sup>27</sup> This option would firstly be available in beta test mode in Diya mobile app. After that, it could be ordered online in Diya web-portal. The full text of news available online (in Ukrainian): [https://mtot.gov.ua/ua/urjad-zaprovadiv-elektronnu-dovidku-dlja-vpo?fbclid=IwAR1R9SwvZ8Xw\\_AAI0scNVViWWFVReJycApV14TYT5iFpf6PC6W\\_bCmF5Wa8](https://mtot.gov.ua/ua/urjad-zaprovadiv-elektronnu-dovidku-dlja-vpo?fbclid=IwAR1R9SwvZ8Xw_AAI0scNVViWWFVReJycApV14TYT5iFpf6PC6W_bCmF5Wa8)

<sup>28</sup> The full text of news available online (in Ukrainian): [https://mtot.gov.ua/ua/urjad-zaprovadiv-elektronnu-dovidku-dlja-vpo?fbclid=IwAR1R9SwvZ8Xw\\_AAI0scNVViWWFVReJycApV14TYT5iFpf6PC6W\\_bCmF5Wa8](https://mtot.gov.ua/ua/urjad-zaprovadiv-elektronnu-dovidku-dlja-vpo?fbclid=IwAR1R9SwvZ8Xw_AAI0scNVViWWFVReJycApV14TYT5iFpf6PC6W_bCmF5Wa8)

<sup>29</sup> This app allows to upload e-copies of ID documents and other documents issued by state authorities as well as data from state registers and databases. It is aimed to provide state services currently requiring physical presence (e.g. submitting an application for social benefits) online. More details available online (in Ukrainian): <https://plan2.diia.gov.ua/>

<sup>30</sup> The full text available online (in Ukrainian): <https://www.kmu.gov.ua/npas/pro-vnesennya-zmin-do-postanovi-kabinetu-ministriv-ukrayini-vid-15-kvitnya-2020-r-278-885160920>

On 16 September 2020, the Government adopted its [Regulation #1128-p](#)<sup>31</sup> introducing a concept for communication on gender equality issues until 2025. It is aimed to ensure full equality of men and women in exercising rights and freedoms without discrimination, violence and exploitation through raising awareness of gender experts, decision-makers, international organizations and NGOs, state and local authorities and the general public. The concept would be implemented through:

- awareness raising campaigns on issues pertinent to gender equality, relevant Ukrainian legal framework and international standards;
- cooperation with mass media, discussions on public platforms;
- publications of state and local authorities;
- elimination of gender stereotypes with involvement of celebrities;
- assessment of hotline inquiries on trafficking of human beings, domestic violence, gender-based violence (GBV) and gender-based discrimination (GBD) for further monitoring and information dissemination;
- increasing number of women in politics, decision-making processes and media;
- gender aspects in education, employment and access to healthcare facilities;
- zero tolerance to sexism, GBD and GBV;
- information dissemination on gender issues faced by males and males supporting gender equality;
- media monitoring on hate speech and sexism and sharing positive examples on their elimination.

### [Urgent measures on combatting domestic violence at the central and local levels](#)

On 21 September 2020, the President signed the [Order #398/2020](#)<sup>32</sup> regarding urgent measures on combatting domestic violence to be implemented by the Government, the Kyiv city and oblast state administrations. The Government should elaborate a comprehensive response plan and a sample program regarding the provision of assistance to survivors; ensure effective functioning of services to support survivors; introduce mobile groups to respond to domestic violence; conduct monitoring and evaluation of preventive measures. It should also elaborate draft legal acts to enhance survivors' protection through courts. The Kyiv city and oblast state administrations jointly with local self-government bodies are tasked with elaboration and implementation of measures to prevent and combat domestic violence and GBV through timely identification and proper assistance to survivors, as well as through creation of a network of support services based on survivors' needs. Information on such measures and contacts of social services for survivors should be widely disseminated.

## CONTACTS

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## LINKS

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<sup>31</sup> The full text available online (in Ukrainian): <https://www.kmu.gov.ua/npas/pro-shvalennya-koncepciyi-komunik-a-1128r>

<sup>32</sup> The full text available online (in Ukrainian): <https://www.president.gov.ua/documents/3982020-35069>