

# Legislative Update

UNHCR update on displacement-related legislation | August 2021

## Adopted Legislation

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- Increased social benefits for children with disabilities caused by unexploded ordnances
- Subsidized housing for displaced ATO/JFO participants
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## Draft legislation

- Draft laws on transitional period
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- Amendments to legal regime of controlled border areas
- Subvention to local budgets under the Emergency Credit Program to Restoration of Ukraine
- Strategy for economic development of Donetsk and Luhansk oblasts

## Adopted Legislation

### Cancellation of free economic zone “Crimea”

On 19 August the President has signed [three laws #5501, #5502 and #5503](#) aimed at cancellation of the free economic zone “Crimea”<sup>1</sup>. All of them will enter in force on 21 November. This is a positive development that will eliminate the discriminatory treatment of Crimean residents in accessing state services, abolishing their “non-residential” status.

### Increased social benefits for children with disabilities caused by unexploded ordnances

In July 2021, [Law #1477-IX](#)<sup>2</sup> on increasing social benefits for children with disabilities<sup>3</sup> caused by unexploded ordnances entered in force. These benefits will be increased for 50%: in July-November 2021 the final sum

<sup>1</sup> Please see more details in UNHCR Legislative Update for May available online: <https://www.unhcr.org/ua/wp-content/uploads/sites/38/2021/06/2021-05-Legislative-Update-ENG.pdf>

<sup>2</sup> The full text available online (in Ukrainian): <https://zakon.rada.gov.ua/laws/show/1477-IX#Text>

<sup>3</sup> Please see more details in UNHCR Legislative Update for May-June 2020 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)

would amount to 2,595.6 UAH<sup>4</sup>, and in December 2021 – to 2,707.6 UAH<sup>5</sup>. in line with regular gradual increase of the minimum live wage. The Government will define the procedure for establishing the causal link between disability and wounds/other harm to health caused by unexploded ordnances, while medical social commissions (known as MSEC) will issue respective confirmations. As no supplementary budget has been allocated to support the implementation of this increase in 2021, there is a risk that necessary funds may be taken from other budget lines, and may affect the payment of other social benefits to other vulnerable categories of the population. Moreover, this significantly contribute to addressing key needs of these children, related to further medical and psychosocial assistance, as the sum of benefits may be lower than these expenses.

### Subsidized housing for displaced ATO/JFO participants

On 11 August, the Government adopted [Resolution #844](#)<sup>6</sup> introducing amendments to the procedure<sup>7</sup> for providing displaced ATO/JFO members who suffer disability as a result of armed conflicts with subsidized housing. This is coordinated and funded by the Ministry of Veterans. The Government allowed potential beneficiaries to apply for this programme remotely or through Centres for the Provision of Administrative Services (known as TsNAPs). In case a potential applicant has already been registered in state e-database(s)<sup>8</sup>, (s)he shall not be duplicate this information when applying for a subsidized housing: in case at least one authority has access to this information, it can provide to a state body concerned using specific digital channels for cooperation. Beneficiaries of this program can purchase housing only in completed buildings, and it cannot be sold for three years.

The group of beneficiaries is rather narrow, a very small group of IDPs can use this program due to selection criteria and availability of this opportunity in different oblasts of Ukraine.

### Legal response to the COVID-19 outbreak in Ukraine

In August, the Government of Ukraine prolonged the COVID-related restrictions to address its Delta strain. On 18 August, the Government adopted [Resolution #889](#)<sup>9</sup> amending its Resolutions #1236<sup>10</sup> of 9 December 2020 and #677<sup>11</sup> of 29 June 2021 on quarantine and other restrictive measures preventing further spread of COVID-19 in Ukraine.

All vaccinated persons regardless of their citizenship are exempted from self-isolation when entering the government-controlled area (GCA) of Ukraine through Line of Contact (the LoC) in the East, the administrative boundary with Crimea. Foreigners can provide proof of at least one shot by WHO-recognized vaccines against

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<sup>4</sup> The sum is calculated as follows: 70% of minimum wage for persons who lost their working ability as of July 2021 + 50% suggested by the Government. The full text available online (in Ukrainian): <https://dszn.smr.gov.ua/derzhavna-sotsialna-dopomoga-invalidam-z-ditinstva/>

<sup>5</sup> The sum is calculated as follows: 70% of minimum wage for persons who lost their working ability as of December 2021 + 50% suggested by the Government. The full text available online (in Ukrainian): <https://dszn.smr.gov.ua/derzhavna-sotsialna-dopomoga-invalidam-z-ditinstva/>

<sup>6</sup> The full text available online (in Ukrainian): <https://zakon.rada.gov.ua/laws/show/844-2021-%D0%BF#Text>

<sup>7</sup> Please see more details in UNHCR Legislative Update for April 2018 available online: <https://www.unhcr.org/ua/wp-content/uploads/sites/38/2020/07/2018-04-UNHCR-UKRAINE-Legislative-Update-FINAL-EN.pdf>

<sup>8</sup> Those can be Unified state demographic database, State database on property rights for immovable property etc.

<sup>9</sup> The full text available online (in Ukrainian): <https://zakon.rada.gov.ua/laws/show/889-2021-%D0%BF#Text>

<sup>10</sup> The full text available online (in Ukrainian): <https://zakon.rada.gov.ua/laws/show/1236-2020-%D0%BF#Text>

<sup>11</sup> The full text available online (in Ukrainian): <https://zakon.rada.gov.ua/laws/show/677-2021-%D0%BF#Text>

COVID-19 issued in or translated into English (as opposed to full vaccination previously). Other restrictions remain the same.

Through [Resolution #855](#)<sup>12</sup> of 11 August 2021 the Government prolonged adaptive quarantine in Ukraine to 1 October 2021.

## Draft legislation

### Draft laws on transitional period

On 09 August 2021, the Government registered in the Parliament [draft law #5844](#)<sup>13</sup> on transitional period. The authors suggest to introduce a single legal framework for a state policy during conflict and post-conflict period. This framework should replace existing conflict-related legal acts, including laws #1207-VII<sup>14</sup> on temporarily occupied Crimea<sup>15</sup> and #2268-VII<sup>16</sup> on restoring territorial sovereignty over temporary occupied territories<sup>17</sup> of Donetsk and Luhansk oblasts. Instead, there will be a unified approach for the reintegration of both non-government controlled areas (NGCA) of Donetsk and Luhansk oblasts and Crimea. It will include rules for freedom of movement, access to documentation, pensions and social benefits, voting rights, legal and humanitarian assistance at GCA, and transitional justice. The draft does not contain a definition of “conflict-affected people”, which may impact on the scope of its application. Rights of IDPs are mentioned briefly without specification. Residents of NGCA of Donetsk and Luhansk oblasts and Crimea will not have access to pensions and social benefits in GCA in case they receive pensions or social benefits from other states. Civil documents issued in NGCA/Crimea will not be recognized in GCA, but there will be a specific procedure for recognition of certain legal facts (birth, death, marriage, divorce). On 31 August, MPs registered in the Parliament two alternative draft laws [#5844-1](#)<sup>18</sup> and [5844-2](#)<sup>19</sup>, but their provisions relating to protection of IDPs and conflict-affected persons remain unchanged.

### Amendments in relation to the establishment of the National Social Services Institution

On 13 August 2021, MPs registered in the Parliament [draft law #5849](#)<sup>20</sup> on introducing amendments to multiple legal acts on providing social services with regard to the establishment of the National Social Service Institution. The draft aims to diversify options for applying for social services through TsNAPs and the territorial divisions of the National Social Services Institution. It also suggests amendments to the Law on IDPs, allowing IDPs to apply for IDP certificate to TsNAPs, executive bodies of local self-government bodies, as well as the Ministry for Social Policy if applications are sent remotely or via postal services. If adopted, the draft law may simplify the process of IDP registration due to multiple channels for applications.

<sup>12</sup> The full text available online (in Ukrainian): <https://zakon.rada.gov.ua/laws/show/855-2021-%D0%BF#Text>

<sup>13</sup> The full text available online (in Ukrainian): [http://w1.c1.rada.gov.ua/pls/zweb2/webproc4\\_1?pf3511=71891](http://w1.c1.rada.gov.ua/pls/zweb2/webproc4_1?pf3511=71891)

<sup>14</sup> The full text available online (in Ukrainian): <https://zakon.rada.gov.ua/laws/show/1207-18#Text>

<sup>15</sup> The terminology is quoted from the official legal act and does not reflect UNHCR position

<sup>16</sup> The full text available online (in Ukrainian): <https://zakon.rada.gov.ua/laws/show/2268-19#Text>

<sup>17</sup> The terminology is quoted from the official legal act and does not reflect UNHCR position

<sup>18</sup> The full text available online (in Ukrainian): [http://w1.c1.rada.gov.ua/pls/zweb2/webproc4\\_1?pf3511=72663](http://w1.c1.rada.gov.ua/pls/zweb2/webproc4_1?pf3511=72663)

<sup>19</sup> The full text available online (in Ukrainian): [http://w1.c1.rada.gov.ua/pls/zweb2/webproc4\\_1?pf3511=72664](http://w1.c1.rada.gov.ua/pls/zweb2/webproc4_1?pf3511=72664)

<sup>20</sup> The full text available online (in Ukrainian): [http://w1.c1.rada.gov.ua/pls/zweb2/webproc4\\_1?pf3511=72630](http://w1.c1.rada.gov.ua/pls/zweb2/webproc4_1?pf3511=72630)

## Other developments

### Amendments to legal regime of controlled border areas

On 4 August 2021, the Government adopted [Resolution #890](#)<sup>21</sup> introducing amendments to rules applicable to particular activities in controlled border areas. The Resolution defines the procedure applicable for the organization of public meetings, including the advance notice to the local authorities and State Border Guard Service. The Resolution lists the particular locations where this procedure is applicable.<sup>22</sup> It also defines new controlled border areas in the ATO/JFO zone in locations close to the LoC in the east, where these new rules will consequently also apply: Bakhmut, Volnovakha, Kramatorsk, Pokrovsk (Donetsk oblast); Alchevsk, Luhansk, Severodonetsk rayons (Luhansk oblast).

### Subventions to local budgets

On 11 August 2021, the Government adopted [Regulation #825](#)<sup>23</sup> distributing subventions from the State budget to territorial communities under Emergency Credit Program to Restoration of Ukraine<sup>24</sup>. The subvention will be distributed in four pools in Donetsk, Kharkiv, Luhansk, Zaporizhzhia, Dnipropetrovsk, Donetsk, Kyiv, Odesa, Poltava, Kherson oblasts. The total allocated sum is 1,3 million UAH.

### Strategy for economic development of Donetsk and Luhansk oblast

Through the [Regulation #1078-p](#)<sup>25</sup> (19 August), the Government adopted the Strategy on the economic development of Donetsk and Luhansk oblasts before 2030 and Operational plan to it. The Strategy mostly aims to set goals for economic development and support of business. The Strategy refers to the IDPs and the economic hardships they face. Their needs with regard to housing and employment are also underlined.

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<sup>21</sup> The full text available online (in Ukrainian): <https://zakon.rada.gov.ua/laws/show/890-2021-%D0%BF#Text>

<sup>22</sup> Those are some rayons of Autonomous Republic of Crimea, Vynnytsya, Volyn, Donetsk, Zhytomyr, Zakarpattya, Zaporizhzhia, Ivano-Frankivsk, Kyiv, Luhansk, Lviv, Mykolaiv, Odesa, Rivne, Sumy, Kharkiv, Kherson, Chernivtsi, Chernihiv oblasts

<sup>23</sup> The full text available online (in Ukrainian): <https://zakon.rada.gov.ua/laws/show/825-2021-%D0%BF#Text>

<sup>24</sup> The legal background for the Emergency Credit Program to Restore Ukraine and its implementation is the Financial agreement between Ukraine and the European Investment Bank signed on 22 December 2014 and ratified on 22 April 2014. The full text available online (in Ukrainian):

[https://zakon.rada.gov.ua/laws/show/971\\_014](https://zakon.rada.gov.ua/laws/show/971_014) Please see more details in UNHCR Legislative Update for May 2019 available online: <https://www.unhcr.org/ua/wp-content/uploads/sites/38/2020/07/2019-05-Legislative-Update.pdf>

<sup>25</sup> The full text available online (in Ukrainian): <https://www.kmu.gov.ua/npas/pro-zatverdzhennya-strategiyi-ekonom-a1078r>