

Legislative Update

UNHCR update on displacement-related legislation | January 2023

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Adopted legislation

[New procedure on state registration of acts on civil status abroad](#)

On 24 January 2023, the Government of Ukraine adopted [Resolution #66](#) "On ensuring the exercise of powers by foreign diplomatic institutions of Ukraine in the field of state registration of acts of civil status in conditions of martial law." The Resolution enters into force on 4 February 2023.

The Resolution establishes that foreign diplomatic institutions of Ukraine designated by the Ministry of Foreign Affairs of Ukraine may:

- Carry out state registration of acts of civil status (birth, death, marriage) regardless of an individual's place of residence or stay;
- Renew and cancel civil status records, and make changes to them;
- Issue duplicates of lost certificates of state registration of acts of civil status and issue extracts from the State Register of Acts of Civil Status of Citizens.

Amendments to the procedure for prolongation of social benefits

On 27 December 2022, the Government of Ukraine adopted [Resolution #1460](#) pursuant to which all social benefits that were granted with automatic prolongation from March 2022 were divided into two groups, impacting upon people's need to re-apply for benefits:

Social benefits with automatic prolongation irrespective of the place of residence:	Social benefits with automatic prolongation for residents of temporarily occupied territories and areas of active fighting:
Assistance to children under legal guardianship; Assistance to children with disabilities or with serious medical conditions; Assistance to children with parents who neglect their duties or their whereabouts are unknown; Assistance to adults with disabilities; Assistance to people who care for people with psychoneurological disabilities; Assistance to elderly persons not eligible for pension (disability-related cases);	Assistance to low-income families; Assistance to single mothers; Assistance to elderly persons non-eligible for pension (lack of employment records cases).

IDP housing assistance will automatically be prolonged and continue regardless of the place of residence.

From January 2023, the automatic prolongation of social benefits for (i) low-income families; (ii) single mothers; (iii) elderly persons not eligible for pension (lack of employment records) remain possible only for residents of temporarily occupied territories or for those in areas of active fighting. All other recipients of these social benefits (including IDPs) must re-apply to departments of social protection to continue receiving financial support from the State in 2023.

New procedure for exemption from military conscription

On 27 January 2023, the Government of Ukraine adopted [Resolution #76](#) governing the procedure for exemption from military conscription.

Among other categories, the list of people eligible for exemption includes personnel of (i) UN agencies; (ii) international and Ukrainian NGOs that implement humanitarian projects; (iii) donor organizations; (iv) foreign diplomatic institutions in Ukraine; and (v) international technical assistance projects.

Personnel listed above can be exempted for up to 6 months (with further prolongation), and with no limitations on (i) the percentage of staff that can be "reserved"; (ii) age; (iii) military rank or specialization.

Denunciation of Convention on Legal Assistance and Legal Relations in Civil, Family, and Criminal Cases

On 25 January 2023, the Ministry of Justice of Ukraine [published](#) the list of International Treaties denounced by Ukraine.

Among others, Ukraine withdrew from the Convention on Legal Assistance and Legal Relations in Civil, Family and Criminal Cases between the State members of the Commonwealth of Independent States ([Law #2783-XI](#))¹ and its Protocol ([Law #997_018](#)). After this withdrawal, which will enter into force on 29 December 2023, people could face the following possible consequences:

- Birth/death/marriage certificates of Ukrainian citizens issued by the Russian Federation will not be considered valid without an apostille after their return to Ukraine.
- Citizens of the Russian Federation and Belarus, and refugees and asylum-seekers who live in Ukraine on legal grounds and possess birth/marriage etc., certificates issued in the Russian Federation or Belarus will need to apostille their documents to be able to use them.

However, on 4 February 2023, the Ministry of Reintegration published an [information note](#) stating that documents recognized before 24 February 2022 will continue to be recognized during martial law and 6 months thereafter (no legal acts on this matter have been published yet).

[Cross-border postal shipment of identification documents and return certificates](#)

On 18 January 2023, the Government of Ukraine adopted [Resolution #41](#), amending the Rules on Postal Shipment Services. According to the amended Rules, internal passports, passports for travelling abroad, and return certificates to Ukraine can be sent via cross-border postal shipment during martial law and COVID-19 quarantine.

[The programme on promoting the employment of IDP](#)

On 24 January 2023, the Cabinet of Ministers adopted [Resolution #67](#), amending the program on promoting employment of IDPs ([Resolution #696](#)).

- The amount of compensation provided to employers who hire IDPs is now tightly linked to the minimum wage established by law;
- The compensation is also meant to cover training on professional development of IDPs (hired for 12 months and more);
- In case the employment relation with the IDP is terminated and the employer has already received the compensation, the compensation to the employer should be returned in full except in the case when another registered unemployed person, including an IDP, is hired for the position;

Draft legislation

[Draft Law on Compensation \(#7198\)](#)

On 27 January 2023, nine months after its first publication in April 2022 the Parliament of Ukraine published a revised edition of [Draft Law #7198](#) to be further submitted for the second reading. The focus of amendments is on unification of provisions and terminology: the current edition of the Draft Law includes different compensation mechanisms for damaged and destroyed housing, defines the list of eligible applicants, determines terms and definitions, roles and responsibilities of authorities, and requirements for the documentation to be submitted.

¹ English text is available via [this link](#)

International developments

[Parliamentary Assembly of the Council of Europe Resolution "Legal and human rights aspects of the Russian Federation's aggression against Ukraine"](#)

On 26 January 2023, the Parliament Assembly of the Council of Europe (PACE) adopted [Resolution #2482 \(2023\)](#) "Legal and human rights aspects of the Russian Federation's aggression against Ukraine".

- The Assembly reiterates that the Russian Federation's armed attack and large-scale invasion of Ukraine launched on 24 February 2022 constitute "aggression". It also notes that Belarus has participated in the Russian Federation's aggression against Ukraine;
- The Assembly recommends creating a special tribunal regarding the crime of aggression committed against Ukraine;
- The Assembly recommends that member States adopt different measures aimed at supporting Ukrainian authorities;
- The Assembly urges Ukrainian authorities to emphasise its focus on gathering information on and ensuring the safe return of forcibly transferred Ukrainian children;
- The Assembly recommends all member States of the Council of Europe to establish an international compensation mechanism in cooperation with the Ukrainian authorities;
- The Assembly recommends the ECtHR prioritise the examination of applications against the Russian Federation stemming from the ongoing war of aggression.

[The decision of ECtHR on the interstate case "Ukraine and the Netherlands v. Russia"](#)

On 26 January 2023, the ECtHR issued its decision recognising the admissibility of the interstate case "[Ukraine and the Netherlands v. Russia](#)" that includes three applications:

- 8019/16 Ukraine v. Russia (re Eastern Ukraine) concerning Ukraine's allegations of a pattern ("administrative practice") of continuing violations of a number of Articles of the European Convention on Human Rights (ECHR) by Russia in the context of the conflict in eastern Ukraine from spring 2014;
- 43800/14 Ukraine v. Russia (II), lodged on 13 June 2014, concerning the alleged abduction of three groups of children in eastern Ukraine between June and August 2014 and their temporary transfer to Russia;
- 28525/20 The Netherlands v. Russia, lodged on 10 July 2020, concerning the downing on 17 July 2014 of flight MH17.

This decision is one of the "preparation" stages before the Grand Chamber of the ECtHR considers the cases on their merits; however, ECtHR recognised:

- Eastern region of Ukraine has been under the control of the Russian Federation since April-May 2014; the Russian Federation had a decisive influence on the so-called "DNR" and "LNR" and provided them with weapons on a large scale;
- Russian military personnel have been actively present in the Donbas area since April 2014.

As a result, the ECtHR recognised the Russian Federation as a defendant party in the above-mentioned cases.

Other issues

[Establishment of military administrations in Kherson oblast](#)

In January 2023, the President of Ukraine issued Orders [#12/2023](#) and [#3/2023](#), establishing Bekhtery and Oleshki local military administrations in recently retaken territories of Kherson oblast. Military administrations exercise the power of executive authorities during martial law.

[Re-establishment of the Kherson courts](#)

On 10 January 2023, the Supreme Court issued [Order #2](#) to ease access to justice in areas recently retaken by the Government of Ukraine in areas of Kherson oblast. Under this Order, the following changes will be introduced:

Four courts (Bilozerka, Velyka Oleksandrivka, Novovorontsovka local courts and Kherson Oblast Court of Appeal) will resume their work, taking over the duties of 17 courts that were functioning in Kherson oblast before 24 February 2022. Courts in Odesa oblast, that according to [Order #52](#) were temporarily substituting Kherson oblast courts, will accept and proceed with cases filed before 1 February 2023. After this date, all cases within the jurisdiction of Kherson courts must be submitted to Kherson oblast courts.

[Establishment of the State Agency on Recovery and Infrastructure Development](#)

On 13 January 2023, the Government of Ukraine adopted [Resolution #29](#), establishing the State Agency on Recovery and Infrastructure Development of Ukraine by merging the State Road Agency of Ukraine with the State Agency on Infrastructure Projects. The Regulation defining specific competencies has not been published yet; however, the State Agency on Infrastructure Projects continues to operate and perform its functions until all the procedures with reorganisation are finished. It is expected that the new agency will establish itself as the foremost authority in infrastructure recovery, becoming a key stakeholder in all projects related to this area, including those currently implemented by humanitarian actors.

[Exclusion of Kyiv from the list of territories of potential hostilities](#)

Order of the MinReintegration [#14](#) issued on 13 January 2023 excludes Kyiv from the list of territories of potential hostilities. As a result, IDPs from Kyiv became ineligible for housing assistance and simplified access to other social benefits. The text of Order is still unpublished; however, the news was [published](#) on the official website of the Ministry of Reintegration.

[Allocations under the Fund for the Reconstruction of Damaged Property and Infrastructure](#)

On 10 January 2023, the Government of Ukraine adopted [Regulation #20-p](#), allocating UAH 465 million to the reconstruction of 18 damaged apartment buildings in Kyiv oblast (Borodianka, Buzova, Myla, Irpin, Hostomel). The Regulation provides a list of the specific addresses and the corresponding amount of funds allocated for their reconstruction. The Kyiv oblast military administration has been designated as the recipient of the funds, and will be responsible for overseeing the reconstruction project, which will be implemented through the Ministry of Development of Hromadas, Territories, and Infrastructure. The project is expected to be completed by 30 December 2023.

[Establishment of a new crossing point on the border with Romania](#)

On 3 January 2023, the Government of Ukraine issued [Regulation #3-p](#) establishing a temporary border crossing point at Rakhiv railway station. This crossing point will function around-the-clock for passenger trains carrying Ukrainian and third country nationals seeking to cross the border (including to seek international protection) during martial law and 90 days after its cancellation.

[The procedure for the universities admission campaign in 2023](#)

On 20 January 2023, the Ministry of Education and Science [announced](#) the procedure for the universities admission campaign in 2023.

- The final school test will be conducted in the form of a "National multisubject test";
- The test will contain three subjects: 2 mandatory (Ukrainian language, Math) and 1 optional (history of Ukraine, foreign language, Physics, Chemistry, Biology);
- Children who remain on territories beyond the control of Government of Ukraine will be able to pass the test remotely. They can also apply to universities up to three months from the start of the academic year;
- Testing centres will function abroad so those who fled Ukraine will be provided with an opportunity to be enrolled in Ukrainian universities.

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