

# Legislative Update

UNHCR update on displacement-related legislation | February 2023

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- Social assistance for persons with disabilities
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- Establishment of military administrations in Chernihiv oblast
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## Adopted Legislation

### Recognition of documents issued in other countries

On 4 February 2023, the Government of Ukraine adopted [Resolution #107](#), recognizing the validity of documents issued by other states<sup>2</sup> if these documents were recognized as valid by the Ukrainian authorities before 24 February 2022.

This Resolution follows the *Law on Denunciation of the Convention on Legal Assistance and Legal Relations in Civil, Family, and Criminal Cases between the State members of the Commonwealth of Independent States (Minsk Convention)*<sup>3</sup>, which raised a number of concerns, most notably the creation of legal limbo with regards to the status of documents issued by Minsk Convention signatories confirming civil status, education, labor experience and other issues. By recognizing the validity of these documents, the Resolution rectifies the negative consequences created by the withdrawal of Ukraine from the Minsk Convention.

### Social assistance for persons with disabilities

On 4 February 2023, the Government of Ukraine issued [Resolution #120](#), which outlines a process for the allocation of funds from the state budget to provide social assistance for persons with disabilities in Ukraine. The Resolution is mostly a framework document that summarizes existing programs and suggests new programs that could cover the needs of persons with disabilities, including cash assistance, prosthetics, rehabilitation services, vocational training, employment support, education and access to inclusive learning environments, car

<sup>1</sup> "Armed aggression" in this document is used as a quote from the analyzed legal acts.

<sup>2</sup> Minsk Convention was initially signed between Armenia, Azerbaijan, Belarus, Georgia, Kazakhstan, Kyrgyzstan, Moldova, Russian Federation, Tajikistan, Turkmenistan, Uzbekistan, and Ukraine.

<sup>3</sup> Please read more in [UNHCR Monthly Legislative Update for January 2023](#)

driving training and transport services for persons with disabilities, and funding for organizations that provide services to persons with disabilities.

The implementing regulation<sup>4</sup> sets out a procedure for providing veterans of war and persons with disabilities with preferential state-financed sanatorium and resort treatment or compensation for those who have paid for such treatment with their own funds.

### [The Fund for Elimination of Consequences of Armed Aggression](#)

On 10 February 2023, the Government of Ukraine issued [Resolution #118](#) regulating the use of funds from the Fund for the Elimination of Consequences of Armed Aggression.

The money of the Fund for the Elimination of Consequences of Armed Aggression may be disbursed for the following purposes:

- construction, reconstruction, restoration, and capital repair of public buildings and civil defence structures, taking into account safety requirements;
- reconstruction and capital repair of critical infrastructure objects related to water supply, sewage, heating, electricity, and lighting services;
- construction, reconstruction, capital repair, and development of project documentation of housing for IDPs and individuals who have lost their housing due to the full-scale invasion of the Russian Federation; such buildings will be transferred to the temporary housing stock for IDPs;
- development of project documentation for objects destroyed due to the full-scale invasion of the Russian Federation;
- purchasing of new housing for persons whose housing was destroyed due to hostilities;
- procurement of school buses and special vehicles for healthcare and municipal enterprises;

Under the Resolution, Oblast (civil/military) administrations and the Kyiv City administration can apply for funding for projects that correspond to these priority areas.

By prioritizing the reconstruction and repair of critical infrastructure and public buildings, as well as the provision of housing for IDPs, this resolution may play an important role in supporting durable solutions for IDPs and war-affected persons. At present, the linkages between the Resolution and the system of by-laws regarding the procedure of compensation for destroyed and damaged housing remain unclear.

### [Amendments on taxation of charity assistance](#)

On 10 February 2023, the Government of Ukraine issued [Resolution #121](#), amending the existing list of goods and services that may be received through charity assistance that is not subject to taxation.<sup>5</sup> These new goods and services include:

- Procurement of goods and services necessary for the construction, reconstruction, restoration, and maintenance of damaged or destroyed residential and commercial buildings, including the development and evaluation of project documentation, customer service support, and technical supervision for completed construction projects;
- Provision of housing, utilities, fuel for cooking and heating, transportation services connected with the displacement of people who reside on territories of potential hostilities or temporarily occupied territories,

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<sup>4</sup> Resolution #187 adopted on 22 February 2006 (updated with Resolution #120 on 4 February 2023)

<sup>5</sup> if the demands of Article 170.7.8 b) of Tax Code are followed (cost of goods/services provided doesn't extend 500 minimum wages established for the following year)

improving residential buildings and premises to ensure their physical accessibility for persons with disabilities and other mobility-impaired groups;

- Provision of social services according to the [Social Services Classifier](#).

Recent amendments to the Transitional Provisions of the Tax Code outline the procedures for providing untaxed charity assistance to beneficiaries. As no procedure has been adopted for determining which persons have been negatively impacted by the full-scale invasion of the Russian Federation (and are therefore exempt from taxation), the charity provider can make this determination.

#### [Interagency working group on humanitarian demining](#)

On 14 February 2023, the Government of Ukraine issued [Resolution #136](#) on the Inter-agency Working Group on Humanitarian Demining and its composition.

This state body is responsible for:

- ensuring coordination with all relevant state authorities on demining issues;
- preparing proposals on state policy in the area of humanitarian demining;
- identifying ways to solve problems related to the implementation of relevant demining policies;
- improving the effectiveness of central and local executive authorities; and
- enhancing the regulatory framework related to these matters.

The Minister of Economy is appointed as the Head of the Working Group, which includes representatives (Deputy Ministers) of the Ministries of Reintegration, Internal Affairs, Foreign Affairs, Infrastructure, Agricultural Policy, and Defence, and the Head of the Agency for Recovery and Infrastructure Development.

#### [State Agency for Recovery and Infrastructure Development](#)

On 21 February 2023, the Government of Ukraine adopted [Resolution #193](#), establishing the State Agency for Recovery and Infrastructure Development (Agency for Recovery), a new government body responsible for developing and implementing state policy in the areas of:

- Road management and administration of public highways of national significance;
- Construction, repair, and modernization of various objects of infrastructure, including housing, transport, waste management, energy efficiency, and civil defence structures; and
- Construction, repair, and modernization of border crossing points.

The Agency has a very wide range of competencies and has become a key stakeholder in a number of projects currently implemented by humanitarian and early recovery actors. Under the Resolution, the Agency does not have any direct competencies connected with the implementation of the provisions of the Law on Compensation.<sup>6</sup>

#### [Law on Compensation for Destroyed or Damaged Property<sup>7</sup>](#)

On 23 February 2023, the Parliament of Ukraine passed the [Law on Compensation](#), which regulates the compensation process for destroyed and damaged housing caused by the full-scale invasion of the Russian Federation. The law establishes an overall framework for the provision of compensation for damaged or

<sup>6</sup> Please read more detailed in [UNHCR Thematic Legislative Update](#)

<sup>7</sup> Please read more detailed in [UNHCR Thematic Legislative Update](#)

destroyed housing, including different compensation mechanisms, determination of the list of eligible applicants, the roles and responsibilities of authorities, as well as the requirements for documentation to be submitted.

**Types of housing covered by the Law:**

Immovable property that can be determined as "damaged/destroyed housing."

- Apartments, other habitable premises in multi-story buildings, stand-alone houses such as private houses (including garden houses and so-called "dachas");
- Housing under unfinished construction. For unfinished constructions to qualify, bearing and enclosing structures must be completed, and construction permits must have been obtained;
- Common areas of multi-story apartment buildings can qualify only in terms of compensation for damaged housing.

<p><b>Damaged</b> housing refers to housing objects that have been damaged as a result of hostilities, terrorist acts, or sabotage caused during the war and that can be repaired, reconstructed, or restored if this is economically expedient.</p>	<p><b>Destroyed</b> housing refers to housing objects that have become uninhabitable due to hostilities, terrorist acts, or sabotage caused during the war and where the repair, reconstruction, or restoration is impossible or not economically expedient.</p>
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**Types of compensation, provided by the Law:**

<p><b>For damaged property</b></p> <ul style="list-style-type: none"> <li>■ Only restoration works.</li> </ul>	<p><b>For destroyed property</b></p> <ul style="list-style-type: none"> <li>■ Housing certificate (housing voucher);</li> <li>■ Financial (monetary) compensation.</li> </ul>
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- Individuals with destroyed stand-alone houses, such as private houses (including garden houses and so-called "dachas") or such objects under unfinished construction, may choose to receive either a housing certificate or financial compensation.
- Compensation will be provided exclusively (i) for damaged or destroyed housing located on territory that was under the control of the Government of Ukraine on or before 24 February 2022 and (ii) if damage/destruction happened on or after this date.

**Eligibility criteria:**

Under the Law, compensation can be provided to citizens of Ukraine who fall under any of the following categories:

- Owners of damaged/destroyed housing;
- People who legally initiated construction works on the housing (e.g., received construction permits in their name), but the construction works have not been completed. This includes owners of objects under unfinished construction, owner-builders, etc.;
- People who invested money into the construction of housing objects;
- Members of housing cooperatives who have bought the housing but have not yet registered ownership rights;
- Inheritors of any of the above-mentioned categories.
- Homeowner associations may be eligible for compensation only for common areas of multi-story apartment buildings.

Applicants must possess properly documented ownership (property) rights.

The following categories are **not eligible for compensation**:

- Citizens of Ukraine listed in Ukrainian sanction legislation;
- Persons convicted of crimes against national security;<sup>8</sup>
- Inheritors of any of the above-mentioned ineligible categories.<sup>9</sup>

While the Law provides a general framework for the compensation mechanism, the detailed regulations and procedures required to actually implement the compensation scheme must be established by the Cabinet of Ministers in the two months following the adoption of the Law.

## Draft Legislation

### Accelerated procedure of granting citizenship to certain categories of foreigners

On 20 January 2023, the Parliament of Ukraine published [draft Law #8373](#), proposing amendments to the Law on Citizenship. The Draft Law outlines an accelerated procedure for granting citizenship to foreigners who are engaged in military service in the Armed Forces of Ukraine, the State Special Service of Transport or the National Guard of Ukraine.

### Residence registration for IDP children

On 24 February 2023, the Parliament of Ukraine, in the second hearing, positively voted for the draft [Law #8092](#) aimed at simplifying the process of registering the place of residence for children displaced from the territories beyond the control of the Government of Ukraine or territories where hostilities are (were) conducted<sup>10</sup>.

Specifically, the draft law proposes that the place of residence for IDP children should be considered the place of residence of their parent(s) or other legal representative(s) with whom the child lives. This means that information about the registered place of residence for the child should be replicated from the documents of a responsible adult without additional documentary proof.

As many children who were displaced at a young age did not have proper documentation, including proof of residence, this made it difficult for them to register their place of residence while in displacement, and they were unable to access social benefits available to IDPs including education, healthcare, and social protection. If passed and implemented, this Law will positively impact the ability of IDP children to access services important to their well-being and development.

### Administrative procedure of state registration of civil status acts

On 28 February 2023, the Parliament of Ukraine published draft [Law #9069](#), which may improve access to the registration of civil status acts. According to its provisions:

- Birth/death/marriage (divorce) certificates issued in the territories beyond the control of the Government of Ukraine will serve as a ground for further registration of facts of birth/ death/ marriage (divorce) in an administrative process.
- Registration of birth/death/marriage (divorce) civil acts abroad can be done by diplomatic missions of Ukraine.

<sup>8</sup> Crimes, envisaged in Chapter I, Special Part of Crime Code of Ukraine.

<sup>9</sup> This provision does not comply with the principle of individual legal responsibility.

<sup>10</sup> Includes temporarily occupied territories, areas of potential hostilities, and areas of active fight according to the [List](#)

- If a court procedure is needed to establish the fact of birth/death/marriage (divorce), an application can be submitted to any local court in Ukraine.

If the draft law is passed and implemented, it may significantly improve access to the registration procedure and reduce the pressure on courts that must consider such cases in the absence of an administrative procedure.

## Other Developments

### Exemption from paying a fine for delay in payment for natural gas

On 31 January 2023, the Government passed [Resolution #88](#), which outlines the grounds for being exempt from paying a fine for delay in payment for natural gas. To be exempt, one of the following conditions must be met:

- The multi-apartment housing independently maintains its heating system (co-ownership association, housing cooperative, or a designated person) and is situated in territories that are outside the control of the Government of Ukraine. (According to the [On Lega Regime of Temporarily Occupied Territories](#));
- The housing is located in areas of potential hostilities (According to the [List of Territories of Potential Hostilities, published by the Ministry of Reintegration](#));
- At least 30% of the residential area of the housing has been considered uninhabitable due to military actions (the act of housing examination<sup>11</sup> should be attached to the Application).

Applicants (owners of the housing or representatives of a cooperative/designated person in a multi-apartment building) can submit their applications to a gas supplier.

### Establishment of military administrations in Chernihiv Oblast

On 7 February 2023, the President of Ukraine issued [Order #69/2023](#), establishing Chernihiv City military administration. Military administrations exercise the power of executive authorities during martial law.

### Establishment of a new border crossing point with Moldova

On 14 February 2023, the Government issued [Regulation #147-p](#) establishing a temporary border crossing point at Serpneve railway station. This crossing point will function around-the-clock for train passengers during martial law and 90 days after its cancellation.

### University admission procedure

On 23 February 2023, the Parliament of Ukraine adopted [Law #2925-IX](#), on amendments to the university admission campaign 2023/2024. The Law suggests the cancelation of ZNO (independent external testing) in 2023 and introducing a special procedure of admission. The Law is a framework in its nature and requires bylaws for its implementation.

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<sup>11</sup> The act of the Commission issued in accordance with the [Resolution #473](#)