

Legislative Update

on displacement-related legislation | April 2023

Adopted Legislation

- Pension identification cards for IDPs
- State Strategy on Internal Displacement
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- Resumption of pensions payments
- Debt collection for housing and communal services
- One-time cash payments for certain groups of the conflict-affected population
- Updated list of conflict-affected areas

Adopted Legislation

[Pension identification cards for IDPs](#)

On 7 April 2023, the Government of Ukraine adopted [Resolution #325](#), suspending the special procedure³ of the issuance of pension identification cards for IDPs by the state-owned bank “Oshchadbank” during martial law and three months after its termination or cancellation. From now Pension Fund is issuing pension identification cards for IDPs in a regular procedure, separating pension identification cards from bank cards. Thus, previously reported problems on access to pension bank accounts due to delays in issuance of combo bank cards that served as pension ID shall cease.

[State Strategy on Internal Displacement⁴](#)

On 7 April 2023, the Government of Ukraine adopted a [State Strategy on Internal Displacement \(2023-2025\)](#), together with its [Operational Plan](#). The new Strategy aims to develop a state policy that provides an effective response to the new challenges presented by mass displacement resulting from the full-scale invasion by the Russian Federation and addresses the needs of persons impacted by the war.

The Strategy sets out five main strategic goals, each of which has separate objectives and indicators of achievement. The goals are as following:

- Strengthening the State's capacity to respond to internal displacement challenges and ensuring conditions for the implementation of the state policy on internal displacement.

¹ “Armed aggression” in this document is used as a quote from the analyzed legal acts.

² A deported individual refers to someone who is either a Ukrainian citizen, a foreigner, or a stateless person with a permanent residency in Ukraine, who was involuntarily sent to the Russian Federation or another country. On the other hand, a forcibly displaced person was displaced within Ukraine's territory, which is currently beyond the control of the Government of Ukraine

³ IDP pensioners had to obtain bank cards that were at the same time their pension identification cards. Since the beginning of the full-scale war, the procedure became more complicated as banks didn't have the capacity to provide a bigger amount of IDP pensioners with the required cards.

⁴ Please read more in the [UNHCR Thematic Legislative Update](#)

- Ensuring safe evacuations of people residing in areas of active fighting and addressing their humanitarian needs.
- Assisting in the initial-stage integration of IDPs.
- Facilitating the integration of IDPs by creating conditions for the development and strengthening of the capacity of host communities;
- Supporting safe returns to home communities and reintegration of IDPs.

As such, the Strategy shall serve as a framework for enhancing protection of IDPs and their integration. Follow up actions related to its implementation on the ground are expected in the upcoming months.

Residence registration for IDP children

On 11 April 2023, the Parliament of Ukraine adopted [Law #3054-IX](#) which aims to simplify 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) conducted⁵. From now, the place of residence of these children will be replicated from the place of residence of their parent(s) or legal representative. This will grant children access to the rights and social benefits of IDPs.

The Law also provides for the right of IDPs to get services from the State Migration Service in the place of application and also the right to replicate the registered place of residence from the documents that are to be exchanged or from the State Registers that have the information on the registered place of residence. While not new to the legal framework, these provisions were previously only addressed in bylaws. They shall simplify confirmation of the registered place of residence and therefore IDP registration and access to rights while in displacement.

Fund for Elimination of Consequences of Armed Aggression

On 11 April 2023, the Government of Ukraine adopted [Resolution #323](#), amending Resolution #118,⁶ which regulates the usage of funds from the Fund for the Elimination of Consequences of Armed Aggression. The updated Resolution now directly allows for the allocation of funds towards compensating for destroyed or damaged housing.

On 25 April 2023, the Government of Ukraine adopted [Resolution #382](#) on the implementation of the pilot project on the restoration of settlements⁷, affected by hostilities. The project is coordinated by the Ministry of Infrastructure and the Agency on Recovery; the Agency on Recovery also serves as the primary manager of budgetary funds and is responsible for taking decisions regarding the allocation of funds for the project implementation. The oblast civil/military administrations, in consultation with local authorities, compile a list of objects to be renovated or reconstructed as part of this project. This list is then submitted to the Agency on Recovery, which evaluates the proposals, decides on funding, or requests further elaboration from the submitting administration.⁸

On 25 April 2023, the Government of Ukraine adopted [Resolution #412](#), establishing an Interagency working group to review proposals from applicants and make recommendations to the Cabinet of Ministers regarding the allocation of funds from the Fund for Elimination of Consequences of Armed Aggression. The group will also contribute to the development of a legal framework related to its area of expertise.

⁵ Includes temporarily occupied territories, areas of potential hostilities, and areas of active fight according to the [List](#)

⁶ Please read more in [UNHCR Legislative Update for February 2023](#)

⁷ The project is implemented in the following settlement: Borodyanka, Moschun, Posad-Pokrovske, Trostianets, Tsyrukuny, Yahidne

⁸ The implementation of the pilot project foresees withdrawal from certain provisions of the general procedure, envisaged in Resolution #118

State Registry of Deported and Forcibly Displaced Persons, Including Children

On 18 April 2023, the Government of Ukraine adopted [Resolution #339](#) regulating the operation of the State Registry of Deported and Forcibly Displaced Persons, Including Children. The Ministry of Reintegration is the owner of the Registry, while the Ukrainian National Center of Peacebuilding⁹ acts as the administrator. The administrator registers the cases based on the information obtained from the authorities, persons, or entities, and provides access to users¹⁰ of the Registry.

The Ukrainian National Center of Peacebuilding also:

- Facilitates the exchange of information with international organizations regarding persons, including children, who were deported or forcibly displaced;
- Represents the interests of children who were deported or forcibly displaced in interaction with international organizations;
- Provides the Ministry of Foreign Affairs with the necessary information for the protection of the rights and interests of individuals, including children, who have been deported or forcibly displaced due to the armed aggression of the Russian Federation against Ukraine.

The Ministry of Foreign Affairs ensures cooperation with international organizations for the protection of the rights and interests of deported and forcibly displaced persons, including children. The State Migration Service ensures the issuance of the return certificates for deported and forcibly displaced persons, including children.

Coordination Center on Protection of IDPs

On 18 April 2023, the Government of Ukraine adopted [Resolution #330](#), establishing the Coordination Center on Protection of IDPs - a new temporary advisory body of the Government of Ukraine that aims to facilitate the coordination of executive authorities focusing on the rights and freedoms of IDPs.

The Coordination Center:

- Oversees the actions of executive bodies ensuring the rights and freedoms of IDPs are upheld;
- Conducts an analysis to determine the causes of problems affecting the rights and freedoms of IDPs, and identifies solutions and methods to address them;
- Participates in the development of draft legal acts concerning the rights and freedoms of IDPs and submits its recommendations and proposals to the Cabinet of Ministers of Ukraine.

The Government designated the Minister of Reintegration as the Head of the Center, with the Deputy Minister of Reintegration appointed as the Deputy Head. Deputy Ministers of several Ministries¹¹, Heads or Deputy Heads of all oblast military administrations, and Deputy Heads of the State Emergency Service, State Migration Service, National Social Service, State Employment Service, and Pension Fund of Ukraine are the permanent members of the Center. As such, the Coordination Center is established to ensure practical implementation of the State Strategy on Internal Displacement and works on enhancing response to needs of IDPs and their inclusion. To understand the impact, further monitoring of the work of the Center shall be conducted.

⁹ With [Regulation #434](#) the Ukrainian National Center of Peacebuilding is designated as a national information bureau according to the [IV Geneva Convention](#)

¹⁰ Users are the state executive authorities and law-enforcing state bodies

¹¹ Ministries of Justice, Culture, Foreign Affairs, Finances, Economy, Digitalisation, Health, Education, Veterans, Social Policy, Internal Affairs, Youth and the Deputy Minister of the Community Development, Territories, and Infrastructure

Compensation for damaged housing

On 21 April 2023, the Government of Ukraine adopted [Resolution #381](#) outlining the procedure of compensation for the housing, damaged due to the hostilities. The Resolution is one of the bylaws adopted on implementation of the Law on Compensation¹². Compensation under its Resolution can be received if:

- The housing was damaged due to hostilities after 24 February 2022;
- The housing is situated on the territory that is currently under the control of the Government of Ukraine;
- Information about the property should be entered in the State Register of Property Rights on the Immobile Property;
- No restoration or repair work should have been done on the object.

18-year-old citizens of Ukraine who are owners (co-owners) of the damaged property are eligible for compensation.

The following categories are not eligible for compensation:

- Citizens of Ukraine listed in Ukrainian sanction legislation;
- Persons convicted of crimes against national security;¹³
- Inheritors of any of the above-mentioned ineligible categories.¹⁴

Before submitting the application for compensation, a person should send an information message about the damaged housing via “Diia” portal to the State Registry of Damaged and Destroyed Property and should open a bank account with a special usage regime¹⁵.

A person can form the application in “Diia” portal and apply for “eRestoration” (eVidnovlennia) service. The application should contain the personal data and contacts of the applicant, the bank account requisites, the address of the damaged housing, and an information message about the damaged housing entered in the Registry. If the person has a priority right in receiving compensation, it should be included in the application.

The agreement of co-owners should be provided, if necessary.

The applications are transmitted to relevant local Commissions for their consideration. The local Commissions are special bodies established by each local council or military administration. Commissions provide consultation to the applicants regarding the procedure of compensation, conduct the assessment of the housing, fill in the checklists¹⁶ for the assessments, and decide on the applications.

The Commission is comprised of a minimum of five members, including a representative from a law enforcement institution, whose role is to verify whether the applicant falls under any ineligible categories for compensation.

The application is to be considered within 30 days.

Compensation will be provided in a monetary form by transferring funds to the recipient's bank account with a special usage regime. The materials and works that can be purchased with these funds are listed in Annex 1 of the Resolution. Money should be used within 12 months or will be withdrawn from the recipient's account. The maximum sum to be received under this program is 500,000 UAH.¹⁷

¹² Please read more in the [UNHCR Thematic Legislative Update](#)

¹³ Crimes, envisaged in Chapter I, Special Part of Crime Code of Ukraine.

¹⁴ This provision does not comply with the principle of individual legal responsibility.

¹⁵ Money on this account can be used exclusively for funding construction works and purchasing construction materials.

¹⁶ The template of the checklist is presented in Annex 2 of the Resolution

¹⁷ With [Resolution #487](#) adopted on 12 May 2023 maximum compensation amount was reduced to 200,000 UAH

It shall be noted that the term “compensation” in Resolution #381 is used as a descriptive notion of the financial assistance to ensure minimum works are completed to make housing habitable. It is not in correlation with the notion of compensation as used in international soft law, such as [Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law](#) or [Principles on Housing and Property Restitution for Refugees and Displaced Persons \(the Pinheiro Principles\)](#).

Other developments

[Resumption of pensions payments](#)

On 18 April 2023, the Government of Ukraine adopted [Resolution #328](#) regulating the resumption of pensions and social payments to recipients which were suspended during martial law.

Applications on the resumption of pension payments, which were suspended during martial law to pensioners who are currently living abroad and have been granted temporary protection or refugee status can be sent via mail. The Pension Fund will regulate the application process.

If pension and social assistance recipients are temporarily residing abroad and if "UkrPoshta" has the necessary technical capability, they may request for their pensions and social payments to be transferred to their country of residence. However, the recipient will be responsible for covering the expenses incurred during the transfer process.

[One-time cash payments for certain groups of the conflict-affected population](#)

On 18 April 2023, the Government of Ukraine adopted [Resolution #347](#), which includes provisions for one-time cash payments to individuals who are being evacuated from areas of potential hostilities and those who reside on territories that were recently retaken by the Government of Ukraine. Eligibility criteria have been updated, and IDPs who meet the requirements and have not received financial aid from any international organizations may apply for these payments.

[Debt collection for housing and communal services](#)

On 21 April 2021, the Government of Ukraine adopted [Resolution #390](#), prohibiting the collection of arrears for housing and communal services from people who moved from the territories where hostilities are (were) conducted or temporarily occupied territories. This prohibition will remain in place as long as the region is on the [List of Conflict-Affected Areas](#). To qualify for this benefit, individuals who have moved from those regions need to provide documentation to their service providers that confirm their relocation, such as an IDP certificate, proof of living abroad, or documents from their employer, etc.

[Updated List of Conflict-Affected Areas](#)

On 27 April 2023, the Ministry of Reintegration issued [Order #125](#), amending the [List of Conflict-Affected Areas](#). The list is updated regularly, and the inclusion of a community on the aforementioned list is a basis to confirm eligibility to state housing assistance for IDPs.

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