

Legislative Update

on displacement-related legislation | June 2023

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Adopted Legislation

Compensation framework updates¹

On 30 May 2023, the Government of Ukraine adopted [Resolution #565](#), amending [Resolution #381](#), which outlines compensation mechanisms for damaged housing through the eVidnovlennia programme.

The previous version of the Resolution excluded individuals who repaired their own housing from receiving compensation. The revised Resolution now includes compensation for damages identified by the Commission during the housing assessment and checklist compilation.

The Resolution provides special requirements for the composition of Commissions:

- (i) The Commission must consist of no fewer than 5 members;
- (ii) At least one-third of the Commission members must be appointed out of representatives of civil society organizations; this gives members of NGOs and international organisations members the possibility to become/be appointed members of these Commissions.
- (iii) At least one member of the Commission must have education or working experience in the field of Building and Architecture;

Commissions established before under [Resolution #473](#) may carry out the responsibilities envisaged in [Resolution #381](#) in case they meet the aforementioned requirements.

The Commissions verify if the Commission Assessment Act and/or Technical Assessment Act² were compiled. If not, the Commissions initiate the Commission Assessment under [Resolution #437](#). The results of the abovementioned assessments are the primary source of information for further assessments by Commissions under [Resolution #381](#).

¹ Please read more in [UNHCR Thematic Legislative Update regarding Law on Compensation and UNHCR Monthly Legislative Update for April \(Resolution #381 on eVidnovlennia service\)](#), [UNHCR Monthly Legislative Update for May](#)

² Commission Assessment Act is conducted by the Commission under [Resolution #437](#) and is initiated in case of damage to immobile property regardless of the type of property rights. A technical assessment may be conducted if the object has a significant damage. The decision on conducting a technical assessment is taken based on the results envisaged in the Commission Assessment Act

The Resolution also introduces the list of priority groups (i) foster, adoptive, and guardianship parents, (ii) individuals from the group of orphans and children deprived of parental care³, (iii) guardians and caretakers.

The Resolution also suggests monitoring and verification following the provision of compensation. The usage of compensation for the intended purpose is subject to verification by the Commission. In parallel, the eVidnovlennia support team⁴ will monitor all actions taken and decisions made related to the provision of compensation. A random selection of monthly approved applications, comprising no less than 5 percent of the total volume, shall be subject to monitoring. Similarly, no less than 5 percent of cases of completed repair works per month will be randomly chosen for verification.

On 30 May 2023, the Government of Ukraine adopted [Resolution #600](#), regulating the procedure of compensation for destroyed housing. The [Compensation Law](#) has already outlined the general procedure, including the scope of applicability, eligibility criteria, compensation modalities, and other general provisions. Yet, the new Resolution provides procedural details, including the formula for calculating the amount allocated for compensation. The formulas are as follows:

(i) For an apartment:

$$B_i = B_{cp} \times K_p \times K_{kimh} \times K_{pik} \times S_{3h} \geq B_{inob},$$

B_i – the amount of compensation

B_{cp} – the average price of 1 sq.m. of apartment-type housing (36422,33 UAH)

K_p – regional coefficient (Annex 3)

K_{kimh} – number of rooms coefficient (Annex 4)

K_{pik} – year of construction coefficient (Annex 5)

S_{3h} – total area of an apartment

B_{inob} – price for construction of a new housing

(ii) For stand-alone housing:

$$B_i = B_{cp} \times K_p \times S_{3h} \geq B_{inob}$$

B_i – the amount of compensation

B_{cp} – the average price of 1 sq.m. of stand-alone housing (22197,14 UAH)

K_p – regional coefficient (Annex 6)

S_{3h} – total area of an apartment

B_{inob} – price for construction of a new housing

In both formulas:

$$B_{inob} = \Pi_{ob} \times S_{3h}$$

B_{inob} – price for construction of a new housing

Π_{ob} – average regional price for construction of new housing (established by MinInfrastructure as of the date of compensation)

S_{3h} – total area of an apartment.

The following calculations apply for both compensation modalities: monetary compensation and the housing certificate⁵.

Monetary compensation, whether for destroyed or damaged housing, must be used exclusively for purchasing construction materials or/and services to build new housing. Before applying for compensation, the recipient must open a bank account with a special usage regime.

³ Refers to persons between the age of 18-23, recognized as an orphan or a children, deprived of parental care in childhood

⁴ An advisory body created and operating under the Ministry of Infrastructure, whose main tasks include monitoring and providing recommendations on compensation matters

⁵ Housing certificate is a document that guarantees funding for the purchase of housing, including future construction, financial compensation modality foresees transferring funds that can be used exclusively for funding construction works/purchasing construction materials. Owners of destroyed stand-alone houses may choose to receive either a housing certificate or financial compensation. Owners of apartments can receive only a housing certificate

As for the housing certificate, it can be used to purchase new housing, invest in housing under construction and purchase a land plot. Neither the certificate nor the property purchased with it can be disposed of within a period of 5 years.

On 13 June 2023, the Government of Ukraine adopted [Resolution #624](#) on the functioning of the State Registry of Damaged and Destroyed Property, owned by MinInfrastructure, and administrated by the “DIIA” entity. The Registry is a comprehensive database that contains all the necessary documents related to damaged or destroyed immovable property⁶. The Resolution outlines its technical specifications, data management processes, access protocols, etc.

The Resolution also establishes the procedure for submitting an informational message, which is a pre-stage in the process of application for any type of compensation.

On 27 June 2023, the Government of Ukraine approved the decision to loan 70 million USD from the International Bank of Reconstruction and Development for the implementation of the “Housing Repair for the Restoration of Rights and Opportunities for People: HOPE” project. The decision was formalized in [Regulation #577-p](#).

Evacuation and return of the care institutions

On 1 June 2023, the Government of Ukraine adopted [Resolution #546](#) regulating the procedure and various details of the evacuation and return of the institutions that provide care services for children and persons with special needs (PWSN).

The decision of relocation (evacuation) is taken on the basis of the security assessment conducted by oblast military administrations in consultation with local military administrations and local executive authorities. This assessment includes:

- An analysis of the information from all defence bodies (Armed Forces, Ministry of Defence, State Emergency Service, National Police, and the Ministry of Energy) to assess the risk of hostilities and prolonged energy shortage, including heating;
- The distance to critical infrastructural (strategic) objects;
- The distance to the administrative line with the territories beyond the control of the Government of Ukraine and to the border with the Russian Federation / Belarus;
- The availability and conditions of protective constructions and their accessibility for children, including those with special needs.

The temporary relocation/evacuation is obligatory for institutions located:

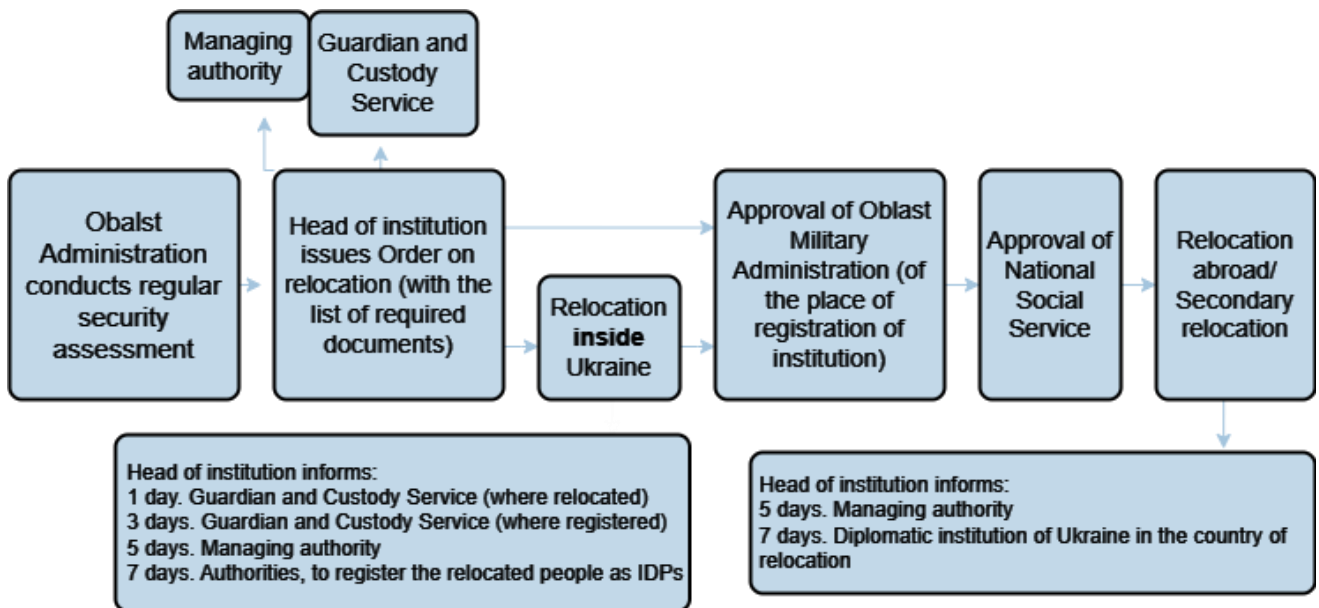
- closer than 2 km to strategic objects;
- within a 100 km zone from territories beyond the control of the Government of Ukraine;
- within a 50 km zone from the Russian Federation or Belarus border.

The Resolution regulates in detail the responsibilities of authorities tasked with the relocation process, as well as the documentation necessary for compliance.

⁶ The current registry has a broader function than the compensation framework: it also includes information on all immovable property that is damaged or destroyed, including state and communal property.

Decision on the relocation of the institution abroad shall be taken only when there is no option of temporary relocation (evacuation) within the country to a place that meets the needs of children/ PWSN. The National Social Service conducts an analysis of the preconditions to temporarily relocate (evacuate) institutions abroad. It also ensures that there are safeguards from the receiving institution/organization abroad (via a letter of guarantee) and that the receiving institution is suitable for the relocated children/PWSN.

Prior to relocation, the head of the institution must (i) inform parents, guardians, caretakers, and relatives about the opportunity to take the individual from the institution and (ii) obtain consent from eligible residents.



(Simplified overview of the decisional process for relocation)⁷

As a rule, returns of residents in relocated institutions can only be conducted after the lifting of martial law. However, the Resolution foresees that decisions on returns can be taken on an exceptional basis either for particular individuals or for groups.

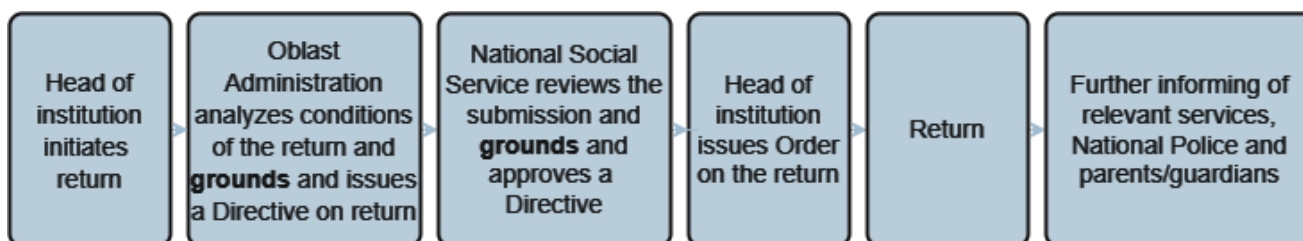
Individual returns are possible in cases of (i) adoption of a child; (ii) transfer of a child to parents, other legal representatives, or the legal representatives of an incapacitated person; (iii) a request from a child/PWSN expressing the desire to return; (iv) enrolment of a child aged 16 and above in educational institutions on the territory of Ukraine; (v) in other cases that prevent further stay of the child/PWSN outside Ukraine, as confirmed by children services (for children) or the social protection department of the oblast civil/military administration (for PWSN).

Group returns are possible when: (i) the institution hosting evacuated persons (hereinafter, the “receiving institution”) can no longer accommodate them; (ii) the receiving institution fails to provide appropriate conditions for their stay, as confirmed by the Ukrainian diplomatic mission or a monitoring group established by the Ministry of Social Policy; (iii) accompanying persons are unable to exercise their duties, in particular as a result of decisions from administrative or judicial authorities of hosting countries; (iv) employees of Ukrainian diplomatic

⁷ Managing authority in this Resolution refers to child protection services, social protection authorities, medical and education authorities, depending on the type of facility

missions have restricted access to the evacuated persons and cannot contact them to protect their rights and interests; (v) other circumstances arise that have a negative impact on the evacuated persons.

The decision-making process for the return before the lifting of martial law should primarily consider the feasibility of further temporary relocation (evacuation) outside Ukraine.



(Simplified overview of the decisional process for return)

[Response to the destruction of the Kakhovka Dam](#)

On 13 June 2023, the Government of Ukraine adopted [Regulation #527-p](#), which ensures the proper assessment and recording of the damages caused by the flooding. Assessments will be carried out only after the completion of rescue operations, emergency works, and demining processes.

The assessment must be conducted according to the procedure envisaged in [Resolution #473](#) and [Resolution #257](#). Its results will be recorded in the State Register of Damaged and Destroyed Property.⁸

On 16 June 2023, the Government of Ukraine adopted [Resolution #609](#), allocating 980 million UAH for compensation for housing destroyed or damaged as a result of the explosion of the Kakhovka Dam. The procedure is regulated by [Resolution #381](#) “eVidnovlennia” on damaged housing and by [Resolution #600](#) on destroyed housing.

On 19 June 2023, the Government of Ukraine adopted [Resolution #626](#), providing one-time cash assistance to people affected by the explosion of the Kakhovka Dam. Eligible recipients are people who:

- (i) are registered in the hromadas which are affected by flooding⁹, and were not registered as the recipients of the housing assistance for IDPs as of 5 May 2023, in these hromadas;
- (ii) moved or were relocated from the hromadas affected by the flooding in the Mykolaiv and Kherson oblasts, which are currently under the military control of the Russian Federation.

People residing in these territories without official registration can apply to the Commissions, which should verify the fact of residence and displacement. The Commission evaluates all evidence confirming residence (property rights on housing, employment records, educational documents, etc.)

People who moved abroad or registered as IDPs in other hromadas are not eligible for this cash assistance.

To receive the cash assistance, a person must submit an application to the Social Protection Service in the current place of residence, with:

- ID document (eDocument in “Diia” portal);

⁸ This is a basic procedure of assessing and documenting damage, caused by hostilities, which goes before the compensation procedure. With this Resolution the Government unifies the approach to assessment and documentation of damage, caused by hostilities and flooding.

⁹ The List is adopted by the Head of Emergency Response of the Kakhovka Dam explosion

- Tax code;
- For a child, birth certificate (eCertificate in “Diia” portal). A child’s application is submitted with the application of one of the parents.

Applications for incapacitated persons can be submitted by the legal representative or the person authorized by the Guardianship Service.

In case of loss of the documents required for the application, copies/scans/photos of the documents can be submitted; The Resolution also allows the use of information from State Registers, if needed. The decision on the provision of assistance must be taken within 10 working days. The application must be submitted by 31 August 2023.

The one-time cash assistance amounts to 5,000 UAH. For this purpose, the Government has allocated 564,875 million UAH via [Regulation #528-p](#) (5,175 million UAH to Mykolaiv Oblast and 559,7 million UAH to Kherson Oblast)

[Termination of the COVID-19 quarantine](#)

On 27 June 2023, the Government of Ukraine adopted [Resolution #651](#), terminating the COVID-19 quarantine throughout Ukraine. This decision lifts all quarantine restrictions and cancels any rules that extended deadlines due to COVID-19, including deadlines for pasting photos into the paper passport. People who reached the age of 25 and 45 between the enforcement of the quarantine and 24 January 2022 and have not updated their photo should do so by 1 August 2023. Failure to comply will result in the expiration of their passports and will require the issuance of a new ID card¹⁰. It will also require that IDPs who don’t have a valid passport for traveling abroad undergo the Identity Setting Procedure.

Court decisions

[Legal representation in court in cases on registration of birth](#)

On 21 June 2023, the Supreme Court issued a decision on [Case #619/1908/23](#), which states that cases¹¹ on the birth registration of children born on territories under martial law and territories that are currently beyond the control of the Government of Ukraine can be submitted by a representative of the applicant, even if they are not an attorney. This can be done via the system of Digital Court by attaching a letter of proxy (also in digital form) to the application.

Other developments

[State Programme on Combating Human Trafficking](#)

On 2 June 2023, the Government of Ukraine adopted [Regulation #496-p](#) introducing the State Programme on Combating Human Trafficking. This Programme underlines that the full-scale invasion of the Russian Federation led to a significant migration crisis in Europe which has resulted in a high risk of human trafficking, especially for vulnerable groups. The Regulation proposes several measures to improve access to aid and protection for trafficking victims. One such measure is updating the legal framework to ensure victims have access to free legal aid. Additionally, awareness-raising programs will be implemented, targeting different audiences, including

¹⁰ People won’t be able to receive a book-shape passport and will; be obliged to obtain an ID card which costs minimum 450 UAH (12 USD)

¹¹ Decisions of the Supreme Court are generally not considered to be a source of law in the Ukrainian legal system; however, they do carry significant weight and influence in shaping the practice and interpretation of law

children. The Programme also aims to enhance the monitoring system and to establish cooperation with international and non-governmental organizations that combat human trafficking. The Regulation is mostly a programmatic document, which requires further specific programmes for its implementation.

[Subvention for shelters for the survivors of domestic violence and/or gender-based violence](#)

On 2 June 2023, the Government of Ukraine adopted [Resolution #559](#), listing the criteria for allocating subventions from the state budget to provide shelter for survivors of domestic violence and/or gender-based violence. As a part of the criteria, the facilities must be adapted to the conditions of martial law. This entails ensuring that the facilities are not directly exposed to military operations and are equipped with bomb shelters. Projects funded through this program are expected to be operational before the end of 2023.

Decisions on project funding, submitted by local councils, will be made by regional commissions.

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