

Legislative Update

on displacement-related legislation | July 2023

Adopted Legislation

- Amendments to the IDP subsistence allowance
- Response to the destruction of the Kakhovka Dam
- Compensation framework amendments

Other developments

- Development of a Plan on prevention and termination of the gross violations of children's rights during the full-scale war
- Amendments to assistance to orphan children and children deprived of parental care

Adopted Legislation

[Amendments to the IDP subsistence allowance¹](#)

On 11 July 2023, the Government of Ukraine introduced modifications to the [subsistence allowance²](#) provided to IDPs through the adoption of [Resolution #709](#), with further adjustments introduced through [Resolution #789](#) adopted on 31 July 2023. This allowance is a state financial benefit provided to ensure social support for IDPs from vulnerable categories and to stimulate the employment of those of working age. It is paid monthly and amounts to 3000 UAH for children and persons with disabilities and 2000 UAH for all other IDPs.

The Resolution proposes a needs-based approach to assist the most vulnerable categories among the IDPs, replacing the previous blanket coverage of payments. The Resolution has introduced eligibility criteria and criteria that exclude IDPs from the list of eligible beneficiaries and outlines new payment methods and procedures such as verification, confirmation of the place of registration of the IDP, and identification.

[Response to the destruction of the Kakhovka Dam³](#)

On 7 July 2023, the Government of Ukraine adopted [Resolution #696](#), amending the Resolution on compensation for housing destroyed or damaged by flooding due to the destruction of the Kakhovka Dam.

The Resolution now requires opening a bank account with a special usage regime for transferring compensation; additionally, the compensation amount is no longer capped at 200,000 UAH for housing damages.⁴

The Resolution outlines in more detail the process for compensating individuals in the form of purchasing new housing.

On 7 July 2023, the Government of Ukraine adopted [Resolution #691](#), amending the procedure for receiving one-time cash assistance for those affected by the destruction of the Kakhovka Dam. The previous version

¹ Please read more in the [UNHCR Thematic Legislative Update on IDPs' subsistence allowance](#).

² Previous UNHCR Legislative Updates referred to this allowance as the "IDP housing assistance". The revised translation used here ("IDP subsistence allowance") is more accurate and faithful to the official name of the allocation in Ukrainian (допомога на проживання). UNHCR will use this revised translation consistently from now on.

³ Please read more in the [UNHCR Monthly Legislative Update for June](#).

⁴ As of the date of adoption of the current Resolution, the "eVidnovlennia" Resolution limited the amount of compensation for damaged housing to 200,000 UAH. With recent amendments in the compensation framework (see below), the maximum amount of compensation is raised to a maximum of 500,000 UAH for some types of housing.

excluded those who had already registered as recipients of IDP subsistence allowance in the flood-affected areas as of 5 May 2023, but the amendments removed this exclusion, expanding the list of eligible beneficiaries.

[Compensation Framework amendments⁵](#)

On 21 July 2023, the Government of Ukraine adopted [Resolution #858](#), amending the compensation framework. The changes will enter into legal force on 15 September 2023.

The Resolution brings a significant change to the compensation framework, introducing a new compensation modality for **the repair works already conducted** on the damaged object.

- It is essential that before conducting any repair works, the owner of the housing undergoes all the stages of registering the damage, including submitting the informational message to the State registry of destroyed and damaged property, with photo/video fixation attached.
- The Commission must check if the recipient has received any financial assistance from local councils or military administrations. Compensation will be provided only for the repair works and/or materials that were purchased by the owners/co-owners directly,⁶
- During the visit of the Commission and the checklist compilation, the recipient can provide documents and explanations that can confirm the completed repair works. While applicants may submit these documents and explanations, failure to do so cannot be the sole ground for rejecting the application.
- Compensation for repair works already conducted does not require opening a bank account with a special usage regime. If the compensation is approved, the money will be sent to a recipient's regular bank account.
- If repair works have been partially completed at the time of application, the compensation recipient has the right to submit two separate applications. One application is for compensation for the completed part of the repair works, and the other is for compensation to conduct repairs for the remaining unfinished part.

The object's repair works (for repairs that have not already been conducted) are now categorised as A or B based on cost as follows:

- Category A covers repair works costing up to 200,000 UAH. No significant changes in this modality were introduced. After compensation is approved, 100% of the designated payment will be sent to the recipient in one tranche.
- Category B covers repair works costing 200,000-350,000 UAH for apartments in multistory buildings (if the common area is not damaged) and repairs costing 200,000-500,000 UAH for stand-alone houses. Payments under this category are paid in two tranches. With the first tranche, the recipient receives 70% of the designated amount; the remaining 30% will be received after the completion of the interim stage of repair works. This will require the secondary approval of the Commission following verification that the interim repair works have been completed.
- Money should be used within 12 months (for category A), and 18 months (for category B), or will be withdrawn from the recipient's account.

⁵ The compensation framework is complex and flexible, for more details please read in [UNHCR Thematic Legislative Update regarding Law on Compensation](#), [UNHCR Monthly Legislative Update for April](#), [UNHCR Monthly Legislative Update for May](#), [UNHCR Monthly Legislative Update for June](#)

⁶ The Resolution has a provision indicating that restoration works, conducted with the support of any third party, including local councils, any state officials or humanitarian actors won't be considered as eligible for compensation. When submitting the application, the Applicants must confirm they didn't get any support from state/local/humanitarian actors.

- Compensation for the repair works that will be done still requires the opening of a bank account with a special usage regime.

During the Commission visit and checklist compilation, the owner/co-owner or their representative must be present at the object.

Owners/co-owners of damaged property who have restrictions on their legal capacity or children can receive compensation via their legal representatives. For housing under joint ownership, the compensation will be received by the co-owner with full legal capacity; however, the consent of the minor co-owner or the co-owner with restrictions on their legal capacity should be provided by the legal representative.

Other developments

[Development of a Plan for the prevention and termination of the gross violations of children's rights during the full-scale war](#)

On 5 July 2023, the President of Ukraine signed [Order #373/2023](#), establishing a Working Group on Cooperation with the Office of the Special Representative of the UN Secretary-General for Children and Armed Conflict. The goal of the Working Group is to develop a Plan of measures to prevent/terminate gross violations of children's rights during the full-scale war, including the establishment of a mechanism to monitor the implementation of the Plan.

The working group, led by the Ombudsperson on the Rights of Children, includes representatives from various ministries as listed in the Order.

[Amendments to assistance to orphan children and children deprived of parental care](#)

On 7 July 2023, the Government of Ukraine adopted [Resolution #689](#), foreseeing the prolongation of social assistance to orphan children and children deprived of parental care, including those who have disabilities. Following the full-scale invasion, many had to flee abroad, so the payments were terminated due to non-submission of the documents required for the extension. Adoptive and foster parents can now renew the assistance and receive payments for retroactive periods by providing the required documents to DoSP, including remotely.

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