

# Legislative Update

on displacement-related legislation | November 2023

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## Adopted Legislation

### [The Register of Damage Caused by the Aggression of the Russian Federation against Ukraine](#)

On 8 November 2023, the Parliament adopted [Law #3432-IX](#) on joining the [Enlarged Partial Agreement on the Register of Damage Caused by the Aggression of the Russian Federation against Ukraine](#), established by [Resolution CM/Res\(2023\)3](#)<sup>1</sup>.

The Register was created to record evidence and claims related to damages to individuals, legal entities, and the State of Ukraine resulting from the Russian Federation's invasion of Ukraine.

Eligibility for claims is determined by damages caused:

- on or after 24 February 2022;
- within Ukraine's internationally recognized borders;
- by the Russian Federation's internationally wrongful acts<sup>2</sup> in or against Ukraine.

The Register will be established as a platform for intergovernmental cooperation within the institutional framework of the Council of Europe. While its main office will be in The Hague, Netherlands, a satellite office will also be established in Ukraine.

The work of the Register is intended to become the first component of a future international compensation mechanism which will be established as a separate international instrument in cooperation with Ukraine.

### [Recognition of Education in Occupied Territories](#)

On 21 November 2023, the Parliament of Ukraine passed [Law #3482-XI](#) on recognition of education received in occupied territories.

Law #3482-XI reconfirms the right of IDPs, refugees and stateless persons who were residing in occupied territories to continue perceiving corresponding education by the cost of the state and/or local budget and with the provision of places in student dormitories.

The Law introduces changes to a mechanism for the recognition of school education received in the occupied territories<sup>3</sup>. Individuals must pass attestation exams in order to to pursue further education or simply validate

<sup>1</sup> This Resolution was endorsed by over 40 countries and the European Union during the Council of Europe Summit in Reykjavik on 16-17 May 2023.

<sup>2</sup> The term is used in understanding of [Articles on Responsibility of States for Internationally Wrongful Acts, 2001](#)

<sup>3</sup> The procedure was adopted with [Order#271](#) of the Ministry of Education and Science on 01.03.2021

the completion of school education. Those undergoing the recognition process will be required to complete mandatory courses in the Ukrainian language, History of Ukraine, and Foundations of State and Law. Additionally, psychological support for student adaptation will be available.

The novel of the Law is a provision on recognition of post-school education. Recognition of college (professional), vocational, and higher education is also possible with the government tasked to develop the corresponding procedure.

The recognition of education is based on the evaluation of the information specified in the educational declaration<sup>4</sup>. The standard form of the educational declaration will be approved by the Ministry of Education.

As a result of the recognition of the college (professional), vocational, and higher education one of three decisions could be made:

- Recommendation to be enrolled in an accelerated programme in an educational institution to complete the educational programme in order to obtain recognition of educational qualifications?;
- Recommendation to complete professional attestation exams resulting in recognition of educational qualifications;
- Recognition of the education received.

Under this Law, the Government will compile a list of specializations where a bachelor's degree (first level) will not be recognized in any scenario.<sup>5</sup> A master's degree (secondary level) will only be recognized for medical, pharmaceutical, and veterinary professions. A third-level degree (PhD) will not be recognized in any field.

The changes will enter into force on 24 March 2024.

### [Updates to IDP Regulatory Framework](#)

On 21 November 2023, the Government of Ukraine adopted [Resolution #1226](#), amending Resolution #332 and Resolution #509, addressing matters of IDP subsistence allowance and IDP registration.

#### **On subsistence allowance**

Unemployed beneficiaries of working age are granted a three-month period to undertake measures towards (i) becoming employed, (ii) registering as an individual entrepreneur, or (iii) formally registering as unemployed with an Employment Center; failure to do so within this timeframe will lead to the termination of the assistance. The Resolution includes a provision specifying that Employment Centers are responsible for providing monthly updates to the Ministry of Social Policy regarding individuals receiving assistance who are also registered within the employment centres.

Exemptions from the aforementioned requirements apply to individuals falling under the following specific categories:

- Family member responsible for raising a child below the age of six;
- Family member raising three or more children under the age of 18;
- Family member overseeing a child studying online in school;

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<sup>4</sup> Educational declaration is a document that contains information regarding the acquisition of learning outcomes and completion of educational periods for the course of general secondary education in areas where it is impossible to ensure compliance with the education standards of Ukraine and/or a stable educational process. It also includes data about the individual who applies for annual assessment and state final certification. The declaration template for recognition of school education is provided in Appendix 1 to [Order #271](#) of the Ministry of Education and Science of 01.03.2021

<sup>5</sup> The Resolution is not adopted yet, however, it most likely will include subjects related to humanities and law

- Family member providing care to a relative with a disability;
- Individuals with disabilities (1 and 2 group);
- Those engaged in the provision of social services;
- Student in college (professional), vocational, and higher education institutions.

The Resolution stipulates the grounds for the automatic extension of assistance for an additional six months for families that submitted applications after 1 November 2023.<sup>6</sup> These provisions closely mirror the criteria<sup>7</sup> for extension applicable to beneficiaries who applied after 1 August 2023. However, it is crucial to note that since assistance is granted on a per-family basis if any family member (a recipient of the assistance) meets the exclusion criteria, it will result in the termination of assistance for the entire family.

Ukrainian refugees who return<sup>8</sup> from abroad have 15 days to apply for assistance upon their return. Assistance will be granted unless the family are excluded according to the criteria.

The Resolution also outlines the protocol for IDP verification through telephone calls to the beneficiaries of the IDP allowance. If a person undergoing verification does not respond, responsible officials, with their supervisor present, are required to record the unsuccessful attempt using a Telephone Call Report.

The Resolution now explicitly states that if a person begins to meet the exclusion criteria after receiving the assistance, it will serve as grounds for terminating the support. The previous version lacked clarity on this provision, leading to a misconception that exclusion criteria only apply during the application process, when determining eligibility, and not in the assessment of the continuation or termination of assistance.

### On IDP registration

In accordance with the changes, individuals displaced within the occupied territories are not eligible to obtain IDP registration.

## Other developments

### Crossing the border for children under 16

On 7 November 2023, the Government of Ukraine adopted [Resolution #1160](#) initiating a pilot project that streamlines the process of obtaining parental consent<sup>9</sup> for children under the age of 16 to cross international borders when accompanied by only one parent. This consent may be obtained via Diia-app if both parents have the app, biometric documents and taxpayer code. The consent may be given for up to one year.

### Coordination Center on IDPs

With [Regulation #1023-p](#) adopted by the Government on 10 November 2023, the Heads of the Oblast IDP Councils are now members of the Coordination Center on IDPs.

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<sup>6</sup> Resolution #332 distinguishes beneficiaries of the subsistence allowance by creating three categories, namely those who: (i) received the assistance 1 August 2023 (ii) applied after 1 August 2023, (iii) applied after 1 November 2023. Those who applied after 1 November 2023 are receiving assistance per each family member

<sup>7</sup> More information about the exclusion criteria is available in the [Thematic Legislative Update on subsistence allowance](#)

<sup>8</sup> This refers to refugees who return to internal displacement, in case people return to their place of residence they won't be granted assistance

<sup>9</sup> From February to April 2022, there was an observed deviation from the standard requirement for children under the age of 16 to be accompanied by both parents or guardians, or to have consent from the absent parent when crossing the border with one parent. However, it is essential to note that this deviation was temporary, and the usual requirement is now being enforced without exceptions.

### List of Conflict-Affected Areas

The [List of Conflict-Affected Areas](#) is regularly updated and serves as a basis to confirm eligibility for state-provided subsistence allowance for IDPs and some other benefits, related to IDP registration.

### **CONTACTS**

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### **LINKS**

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