

## UKRAINE

### LEGISLATIVE UPDATE

10 - 31 December 2016

## LEGISLATIVE DEVELOPMENTS

---

The end of the year has seen a number of legislative developments affecting internally displaced persons (IDPs), including access to free legal aid for IDPs, changes in IDP registration procedures and physical verification of IDP pensioners.

### Adopted legislation

#### Free secondary legal aid to IDPs

---

On 21 December 2016, Parliament adopted an amendment to the law on free legal aid. Access to free secondary legal aid was extended to all registered IDPs for any type of cases. Additionally, access to free secondary legal aid was ensured for those individuals who face difficulties obtaining an IDP certificate and turn to court for the protection of their right to a certificate. The amendments were made within draft law no. 5180,<sup>1</sup> entering into force on 5 January 2017. *NB: under current legislation, free secondary legal aid is understood as any activity directed at creating equal opportunities for access to justice. Secondary legal aid includes protection and representation of interests of an applicant in court; and assistance in developing procedural documents.*

#### Amendments to IDP registration and access to social payments

---

On 14 December 2016, the Cabinet of Ministers of Ukraine adopted Resolution no. 964<sup>2</sup> introducing changes to several by-laws related to registration and social protection of IDPs.<sup>3</sup> Regarding registration, IDPs do not need to register again in cases where the change of place of residence takes place within the same city (without districts), district or village. However, the Department of Social Protection (DoSP) must be notified of the new address. Physical verification at the place of residence is abolished for IDPs registered with a regional center for social services, IDP children attending a kindergarten, secondary school or vocational school and full-time university students. As a positive development for disabled IDPs (group 1, as well as IDPs who require continuous nursing care), the amendments oblige Oshchadbank to deliver pensions and social payments to homes upon written request.<sup>4</sup>

However, the Resolution also contains ambiguous provisions on the registration of the place of stay (temporary stay of up to six months) of IDPs. Due to inconsistency between the law on freedom of movement and the law on ensuring rights and freedoms of IDPs, Resolution no. 964 includes IDP certificates among documents where information on the place of stay may be recorded. IDP certificates must be stamped by either Centers for Provision of Administrative Services (CPAS) or by local executive authorities where no CPAS are established. Local DoSP offices will conduct home visits to verify the address indicated on IDP certificates. Resolution no. 964 is not clear on several points including: (1) whether the stamp on IDP certificates indicating the place of stay is a mandatory requirement; and, should this be the case, (2) will the absence of the stamp render the IDP certificate

---

<sup>1</sup> The full text is available online (in Ukrainian): [http://w1.c1.rada.gov.ua/pls/zweb2/webproc4\\_1?pf3511=60102](http://w1.c1.rada.gov.ua/pls/zweb2/webproc4_1?pf3511=60102)

<sup>2</sup> The full text is available online (in Ukrainian): <http://www.kmu.gov.ua/control/uk/cardnpd?docid=249601066>

<sup>3</sup> Amendments were made to the following documents: (i) Resolution no. 509 of 1 October 2014 on registration of IDPs; (ii) Resolution no. 505 of 1 October 2014 on targeted assistance to IDPs; (iii) Resolution no. 365 of 8 June 2016 and Resolution no. 637 of 5 November 2014 on social payments to IDPs; and (iv) Resolution no. 207 of 2 March 2016 on registration of the place of residence.

<sup>4</sup> More detailed analysis was prepared by UNHCR partner NGO the Right to Protection and is available at the following link (in English and Ukrainian): <https://goo.gl/WdXZrF>

invalid and impair IDPs' exercise of any rights? Should this be the case, the Resolution would contradict the existing legislation stipulating that IDPs certificates do not have a validity term or expiry date. UNHCR will closely monitor the situation concerning implementation of the provisions. Additionally, draft law no. 4022a registered by Parliament<sup>5</sup>, aims to overcome this inconsistency, removing IDP certificates from the list of documents where the place of stay is recorded by stamp.

## Physical verification of IDP pensioners

On 28 December 2016, the Cabinet of Ministers of Ukraine adopted its Resolution no. 1028 amending Article 1 of Cabinet of Ministers Resolution no. 637 on provision of social payments to IDPs. The new resolution specifies that physical verification of IDP pensioners who do not possess an electronic pension card (issued by Oshchadbank) must undergo physical verification at Oshchadbank branch offices every three months. If an IDP pensioner fails to come personally to the respective branch office, payment of their entitlements will be suspended and their information will be passed to the respective Social Protection division, the local Pension Fund division, and the Ministry of Finance. According to information provided by Pension Fund officials, the provisions will not affect pensioners with reduced mobility from registering, since previously adopted amendments entrust Oshchadbank with home visits to disabled persons of certain and people requiring continuous nursing care.

## Draft legislation

No new draft legislation related to the situation of the persons of concern for UNHCR was registered during the reporting period.

## Other important developments

### Working group on the improvement of IDP related legislation at the Ministry of Temporarily Occupied Territories and Internally Displaced Persons

On 20 December 2016, the Ministry for Temporarily Occupied Territories and Internally Displaced Persons presented the intermediate achievements of the working group on the improvement of IDP-related legislation. Five sub-groups addressed the following issues: (1) improvement of the situation of IDPs and functions of state authorities, (2) social and economic rights, (3) access to education, (4) housing issues, and (5) civil registration. All subgroups will pursue their work in 2017 in order to develop concrete drafts or recommendations on the mentioned topics. Participants of the sub-groups worked on amendments to the Temporary Order on crossing of the line of contact, the fundamental law on rights and freedoms of IDPs, the law on notary, concept of social housing for IDPs and some other pieces of legislation and policy. At this stage, no drafts were sent for consideration by the Government or Parliament. More detailed information may be provided upon request.

## Declined draft laws

Two draft laws on the subject of compensation for conflict affected populations for the loss of property during the "Anti-terrorist Operation" were declined on 22 December 2016. The two drafts suggested compensation for lost property from state budget funds under a separate programme that could have been administered by the Ministry for Regional Development and Construction. However, Parliament did not cast the required number of votes "for" or "against" the draft laws now considered declined from further consideration.

#### Contacts:

Nina Sorokopud, Public Information Officer, [sorokopu@unhcr.org](mailto:sorokopu@unhcr.org), Tel: +38 044 288-9710 ext.116

#### Links:

UNHCR Ukraine: <http://unhcr.org.ua/en>

Twitter: [www.twitter.com/UNHCRUkraine](http://www.twitter.com/UNHCRUkraine)

Facebook: [www.facebook.com/UNHCRKyiv](http://www.facebook.com/UNHCRKyiv)

UNHCR Flickr: [https://www.flickr.com/photos/unhcr\\_ukraine](https://www.flickr.com/photos/unhcr_ukraine)

<sup>5</sup> The full text is available online (in Ukrainian): [http://w1.c1.rada.gov.ua/pls/zweb2/webproc4\\_1?pf3511=59793](http://w1.c1.rada.gov.ua/pls/zweb2/webproc4_1?pf3511=59793)