

Legislative Update

UNHCR update on displacement-related legislation | September 2019

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Adopted legislation

Reorganization of the Ministry of TOT and IDPs

On September 2, the Cabinet of Ministers adopted Resolution #829¹ on certain issues of optimization of central government bodies.

Among other changes, the Ministry of Temporary Occupied Territories and Internally Displaced Persons of Ukraine was reorganized by acceding to the Ministry of Veterans Affairs of Ukraine. Therefore, the title of the merged institution is Ministry of Veterans Affairs, Temporarily Occupied Territories and Internally Displaced Persons of Ukraine. Oksana Koliada was appointed Minister of the reorganized Ministry upon submission of her candidacy by the association of veterans. The scope of conflict and displacement-related issues to be covered by the merged ministry will be identified in a new regulation of the Ministry

The planned amount of budgetary allocations to the new Ministry for 2020 set by the Ministry of Finance is 150 829 800 UAH.²

Strategic Plan for the new Government

On September 29, the Cabinet of Ministers by Resolution #849³ adopted and submitted to the Parliament the Five Year Strategic Plan for the Government. On October 4, the Parliament approved this Strategic Plan.

The Strategic Plan⁴ sets priorities and objectives for the work of the Government until 2025. The Government underlined that the Plan is “human oriented” and people are at the centre of all policies. The Plan contains 17 strategic areas (by the number of Ministries) and 87 goals.

The objective of the Ministry of Veterans Affairs, TOT and IDPs is to integrate IDPs and residents of NGCA within the “modern Ukrainian environment” as measured by the following indicators:

¹ The full text available online (in Ukrainian): <https://www.kmu.gov.ua/ua/npas/deyaki-pitannya-optimizaciyi-sistem-829>

² The full text available online (in Ukrainian): <https://mva.gov.ua/ua/news/byudzhetnij-zapit-na-2020-2022-roki>

³ The full text available online (in Ukrainian): <https://www.kmu.gov.ua/ua/npas/pro-zatverdzhennya-programi-diyalnosti-kabinetu-ministriv-ukrayini-849290919>

⁴ The full text available online (in Ukrainian): http://w1.c1.rada.gov.ua/pls/zweb2/webproc4_1?pf3511=66959

- Number of pupils and students from the TOT of Donetsk and Luhansk oblasts and the Autonomous Republic of Crimea who are studying in GCA;
- Number of IDPs who are fully integrated in host communities;
- Number of employed IDPs;
- Number of IDPs who are registered in line for receiving compensation for “housing”. The document does not specify whether this provision entails compensation for destroyed/damaged property resulting from the conflict.

For the realization of these indicators, the Plan entails the following areas of work for the Ministry:

- 1) Facilitate access to administrative services for IDPs and residents of TOT of Donetsk and Luhansk oblasts and the Autonomous Republic of Crimea;
- 2) Introduce administrative procedure of birth and death registration;
- 3) Improve mechanisms related to issuance of citizenship documents and documents confirming level of education for residents of TOT;
- 4) Further facilitate admission to the educational institutions in GCA for residents of TOT of Donetsk and Luhansk oblasts and the Autonomous Republic of Crimea;
- 5) Build capacity of healthcare facilities in Donetsk, Luhansk and Kherson oblasts taking into account necessity of provision of medical services to the residents of TOT of Donetsk and Luhansk oblasts and the Autonomous Republic of Crimea;
- 6) Introduce preferential loans with reduced interest rates for IDPs wishing to purchase of their own housing;
- 7) Introduce temporary housing programs for IDPs;
- 8) Launch programs to integrate IDPs into host communities, including support to private entrepreneurs, educational programs, participation in the local self-governance, satisfaction of housing needs.

The Plan foresees that the Ministry of Justice will ensure provision of accessible and convenient free legal aid services to the population and create an effective mechanism for execution of judgements of the European Court of Human Rights.

According to the Plan, a designated individual in each Ministry will be responsible for reporting on the progress of fulfilling the relevant objectives of the Plan. UNHCR and its partners will monitor the implementation of the Plan.

Normative framework for functioning of the Ministry of Digital Transformation

On September 18, the Cabinet of Ministers adopted Resolution #856⁵. It establishes the legal framework for the Ministry of Digital Transformation of Ukraine, as well as the objectives and principles of its work.

The Ministry of Digital Transformation will be the central governmental body responsible for creating a system for online provision of administrative services. One of the objectives of the Ministry is to create a single public web site for the provision of administrative services. According to the Resolution, the Ministry will also be responsible for forming and updating the joint registry of administrative services. It will coordinate the work of state bodies that provide administrative services in order to increase the quality of provision of electronic administrative services to the population. Although the Resolution does not contain the exact list of administrative services to be

⁵ The full text available online (in Ukrainian): <https://www.kmu.gov.ua/ua/npas/pitannya-ministerstva-cifrovoyi-t180919>

digitalized, there is an expectation that this approach of the Ministry will facilitate access to services for IDPs and residents of NGCA.

The Ministry shall submit draft laws on amendments to the current legislation necessary for its functioning during the two months period following the adoption of the present Resolution.

Draft Legislation

Draft Law on verification and monitoring of social payments

On September 2, the Parliament registered draft law #1231⁶ on verification and monitoring of social payments. The draft law proposes to amend provisions of a number of normative acts for the process of verification⁷ of budgetary social payments, such as pensions, subsidies, benefits, stipends and other payments.

It is proposed to amend the Law of Ukraine "On Compulsory State Pension Insurance" regarding the terms of payment or recalculation of pensions. The Pension Fund may extend the timeframe for considering applications for payment or recalculation of pensions for up to 30 days in order to conduct verification of submitted data. The verification procedure shall be administered through an informational-analytical platform for collection and analysis of data received from state authorities. To conduct such verification, the draft law authorizes accessing all public registries, including the Unified Demographic Register, the State Register of Voters and the State Register of Civil Status Acts. The draft law also allows data to be requested from the State Border Guard Service regarding recipients who have crossed the state border of Ukraine or entered/exited NGCA in Donetsk and Luhansk oblast and the TOT of the Autonomous Republic of Crimea. In case the recipient fails to undergo this verification procedure, payments shall be suspended or recalculated. There is a risk that this procedure may result in arbitrary suspension of social payments to IDPs and residents of NGCA.

On September 11, alternative draft law #1231-1⁸ was registered in the Parliament. It allows verification only with the written consent of the intended recipient of the payment; retrospective verification can take place only on the basis of a court decision. The alternative draft also proposes not to include pensions and stipends in the list of verifiable payments. The decision to suspend or recalculate the payment shall be made only by a court decision.

The Parliament in the first reading adopted draft law #1231, however, with the recommendations from the Committee to take into account provisions of alternative draft law to prevent arbitrary deprivation of social payments. On October 8, the Social Policy Committee decided that draft law #1231 should proceed to the second reading, and it did not incorporate all the amendments proposed in the alternative draft law.

Other developments

Electoral Code

In September, the President of Ukraine vetoed draft law #3112-1 on the Electoral Code⁹ and submitted his proposals for the draft Code. The Expert-Scientific Council of the Parliament analysed these proposals and issued

⁶ The full text available online (in Ukrainian): http://w1.c1.rada.gov.ua/pls/zweb2/webproc4_1?pf3511=66609

⁷ Draft Law prescribes three types of verification: 'current' verification (performed during payment of social payments), 'preventive' verification (when the application for the allocation of social payments is made) and 'retrospective' verification (when a recipient no longer receives social payments).

⁸ The full text available online (in Ukrainian): http://w1.c1.rada.gov.ua/pls/zweb2/webproc4_1?pf3511=66795

⁹ The full text is available online (in Ukrainian): http://w1.c1.rada.gov.ua/pls/zweb2/webproc4_1?pf3511=66849

their conclusions. The Council supported the proposal to establish a mechanism in the Code to ensure permanent voting rights for IDPs in all elections (including enfranchisement for local elections). The conclusions were submitted to the responsible parliamentary committee (Committee on the organization of public governance, local self-governance, regional development and city building) with the request to prepare the draft Code for re-consideration by the Parliament. If the Electoral Code is amended in accordance with these recommendations, IDPs would have access to all electoral rights.

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