

# Legislative Update

UNHCR update on displacement-related legislation | September 2021

## Adopted Legislation

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- Legal response to the COVID-19 outbreak in Ukraine
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## Adopted Legislation

### [Amendment to the procedure for crossing the Line of Contact in Donetsk and Luhansk oblasts](#)

On 8 September, the Government adopted its [Resolution #936](#)<sup>1</sup> introducing an amendment to Resolution #815<sup>2</sup> of 17 July 2019 on the procedure for crossing the Line of Contact in Donetsk and Luhansk oblasts. The Government extended a list of international humanitarian organizations falling under specific procedures for crossing to be defined by Joint Forces Operations (JFO) commander. From now on, this list includes not only UN agencies<sup>3</sup>, ICRC and OSCE but also the Swiss Agency for Development and Cooperation and other international humanitarian organizations accredited in Ukraine. This may facilitate humanitarian access to non-government controlled areas (NGCA) of Donetsk and Luhansk oblast to strengthen the protection of conflict-affected persons.

### [Legal response to the COVID-19 outbreak in Ukraine](#)

In September, the Government of Ukraine prolonged the COVID-related restrictions to address the Delta strain and a high number of newly registered cases<sup>4</sup>. Through its [Resolutions #954](#)<sup>5</sup> of 13 September 2021 and [#981](#)<sup>6</sup> of 22 September 2021, the Government confirmed its approach on non-applicability of COVID-19 restrictions

<sup>1</sup> The full text available online (in Ukrainian): [Про внесення зміни до пункту 14 Порядку в'їзду осіб, переміщення товарів на тимчасово окуповані території у Донецькій та Луганській областях і в'їзду осіб, переміщення товарів з таких територій](#) | Кабінет Міністрів України ([kmi.gov.ua](#))

<sup>2</sup> The full text available online (in Ukrainian): [Про затвердження Порядку в'їзду ...](#) | від 17.07.2019 № 815 ([rada.gov.ua](#))

<sup>3</sup> Those are UNHCR, OHCHR, UN OCHA and UNICEF

<sup>4</sup> As for 30 September, 11757 new cases have been registered (without data from Donetsk and Luhansk non-governmental controlled areas and Crimea)

<sup>5</sup> The full text available online (in Ukrainian): [Про внесення змін до постанов Кабінету Міністрів України від 9 грудня 2020 р. № 1236 і від 29 червня 2021 р. № 677](#) | Кабінет Міністрів України ([kmi.gov.ua](#))

<sup>6</sup> The full text available online (in Ukrainian): [Про внесення змін до деяких актів Кабінету Міністрів України](#) | Кабінет Міністрів України ([kmi.gov.ua](#))

for mass events and mass gatherings even in “red” zone<sup>7</sup> if all participants aged above 18 are fully vaccinated or have at least one shot by WHO-recognized vaccines against COVID-19. Vaccination certificates are in paper and electronic form. E-certificates are available in the Diya app: one shot of a two-shot vaccine grants access to a “yellow” certificate, and full vaccination to a “green” certificate.

Through Resolution #981, the Government prolonged the adaptive quarantine in Ukraine to 31 December 2021.

### Remote identification for pensioners

On 22 September, the Government adopted its [Resolution #999](#)<sup>8</sup>, allowing Ukrainian citizens who receive pensions to undergo identification remotely. This will also be applicable to pensioners registered as IDPs. Access to this opportunity will require the availability of an e-signature (“Diya ID”) and registration in the e-portal of the Pension Fund of Ukraine. Authorization during the e-registration (“remote identification”) equals to identification in person. For IDPs, identification in person is terminated for the period of quarantine and until 30 days after all the restrictions are lifted.

It will exempt IDP pensioners who have e-signature and access to smartphones, tablets or computers from the necessity to visit Oshchadbank to undergo identification. This will also allow pensioners who reside in NGCA of Donetsk and Luhansk oblast to access their pensions in times where functionality of Entry-Exit Checkpoints (EECPs) at the Line of Contact is interrupted. However, other issues on pension arrears still remain. Notably, there are no budget resources allocate for the payment of arrears so far.

### Compensation and financial assistance under the Law on Mine Action in Ukraine

On 29 September, the Government adopted its [Resolution #1020](#)<sup>9</sup> introducing the procedure for compensation and financial assistance to persons and children with disabilities caused by unexploded ordnances. This was done in accordance with the Law on Mine Action in Ukraine<sup>10</sup>. The Resolution will enter into force on 1 January 2022. The compensation will be a single payment and the financial assistance for improving health conditions will be annual. To benefit from this compensation, a beneficiary must apply by paper or electronic form to the social protection department or the centre for providing administrative services (TsNAP) in his/her place of residence registration/factual place of residence directly or through his/her representative. This should be done within 60 days after a causal link between disability and wounds/other harm to health caused by unexploded ordnances was established by a medical social commission. Applicants must also provide supporting documents<sup>11</sup> to complete the application process. The final decision on granting compensation is taken by social protection departments in rayon/city state administrations<sup>12</sup>. Negative decisions can be appealed in the court. If some documents are missing, the application is rejected, but after collection of the full set of documents, applicants may re-apply for compensation. The compensation is calculated based on minimum wage for persons who lost their working ability<sup>13</sup> and disability group<sup>14</sup>. Since the Ministry for Social Policy is a budget

<sup>7</sup> Please see more details in UNHCR February Legislative Update available online: [https://www.unhcr.org/ua/wp-content/uploads/sites/38/2021/04/2021-02-Legislative-Update\\_ENG.pdf](https://www.unhcr.org/ua/wp-content/uploads/sites/38/2021/04/2021-02-Legislative-Update_ENG.pdf)

<sup>8</sup> The full text available online (in Ukrainian): [Про внесення змін до постанов Кабінету Міністрів України від 30 серпня 1999 р. № 1596 і від 5 листопада 2014 р. № 637 | Кабінет Міністрів України \(kmu.gov.ua\)](#)

<sup>9</sup> The full text available online (in Ukrainian): [Деякі питання призначення і виплати одноразової компенсації та щорічної допомоги, передбачених Законом України “Про протимінну діяльність в Україні” | Кабінет Міністрів України \(kmu.gov.ua\)](#)

<sup>10</sup> The full text available online (in Ukrainian): [Про протимінну діяльність ... | від 06.12.2018 № 2642-VIII \(rada.gov.ua\)](#)

<sup>11</sup> Those are copies of ID document/certificate (for foreigners and stateless persons, refugees and persons in need of complimentary protection), birth certificate for children aged below 14; ID tax code; confirmation of disability issued by medical social commission.

<sup>12</sup> Applications and supporting documents are transferred to social protection departments in rayon/city state administrations for issuing final decisions on granting compensations at least every two weeks

<sup>13</sup> The Resolution refers to a sum defined in every January: for 2022, it will be 1934 UAH

<sup>14</sup> For persons with 1<sup>st</sup> disability group it will amount to five minimum wages for persons who lost their working ability (in 2022, it will amount to 9670 UAH); for persons with 2<sup>nd</sup> disability group and children aged below 18 with disability it will amount to four minimum wages for persons who lost their working ability (in

holder in this matter, it will receive the final lists of applicants for whom positive decisions on compensation have been taken. The Ministry will then transfer money to the respective oblasts, which will further disburse the money to the applicants through local social protection departments. The procedure for annual financial assistance is the same: the only difference is that respective applications and supporting documents should be submitted annually, and the decision on granting the assistance should be taken before 15 October of every year. Similar to compensation, the financial assistance is calculated based on minimum wage for persons who lost their working ability<sup>15</sup> and disability group<sup>16</sup>, but it uses different percentage. If not received by the applicant, the financial assistance can be accumulated in the social protection department for a maximum of two years. This assistance cannot be inherited. In case the applicant is eligible for other state assistance for improving health conditions, (s)he should choose only one option to benefit from.

The Resolution contributes to addressing key needs of persons and children with disability caused by unexploded ordnances related to medical and psychosocial assistance, although costs for the necessary healthcare may exceed the financial assistance foreseen in the Resolution.

## Draft legislation

### Draft State Budget for 2022

On 14 September, the Government registered in the Parliament [draft law #6000](#)<sup>17</sup> on the State Budget for 2022. The major expenses related to work with displaced and conflict-affected populations are reflected below (in thousand UAH). Increased expenses are marked in green. Decreased or deleted expenses are marked in red. New and restored expenses are marked in yellow. Unchanged expenses are not marked.

Public body / budget program	2020	2021	2022 (draft)	Fluctuation
<b>Ministry for Reintegration of Temporarily Occupied Territories (MinReintegration)</b>	128 615, 5	924,092.0	1 048,516.9	↑ 13.5%
Subvention from the state budget to local budgets to support conflict-affected areas in Eastern Ukraine	20 000,0	125,000.0	125, 000.0	
Mine/UXO clearance and Mine risk education	5 000,0	5,000.0	15,000.0	↑ 300%
Subventions to local budgets to finance "Housing for IDPs" project	485 000,0	Not envisaged	Not envisaged	
Financial compensation for housing destroyed during military emergency	20 000,0	114,000.0	80,853.0	↓ 41%
Ensuring proper conditions for entering/exiting NGCA/TOT <sup>18</sup>		267,114.5	192,691.1	↓38.5%
Elaboration of systems/databases on reintegration		5,000.0	5,000.0	
Development of rural/agricultural infrastructure in Luhansk oblast		30,000.0	30,000.0	
Integration of youth from NGCA and Crimea			93,779.4	NEW!
<b>Ministry for Veterans Affairs</b>				

2022, it will amount to 7736 UAH); for persons with 3<sup>rd</sup> disability group it will amount to three minimum wages for persons who lost their working ability (in 2022, it will amount to 5802 UAH)

<sup>15</sup> The Resolution refers to a sum defined in every January: for 2022, it will be 1934 UAH

<sup>16</sup> For persons with 1<sup>st</sup> and 2<sup>nd</sup> disability group, and children with disability it will amount to 40% of minimum wage for persons who lost their working ability (in 2022, it will amount to 774 UAH); for persons with 3<sup>rd</sup> disability group it will amount to 35% of minimum wage for persons who lost their working ability (in 2022, it will amount to 677 UAH)

<sup>17</sup> The full text available online (in Ukrainian): [Офіційний портал Верховної Ради України \(rada.gov.ua\)](http://rada.gov.ua)

<sup>18</sup> The terminology is quoted from an official legal act and does not reflect UNHCR position

Subventions to local budgets for housing for displaced ATO/JFO participants with disabilities	248 445,0	248,445.0	3,263,224.0	↑ 1300%
<b>Ministry of Social Policy of Ukraine</b>	312 907 779,8	319,426,026.4	329,170,907.3	↑ 3%
Monthly targeted assistance to IDPs to cover utilities and renting expenses	3 042 568,6	3,051,573.3	3,051,573.3	
Financing measures to protect children, families, women from the most vulnerable categories of population	84 809,6	66,019.8	66,019.8	
Financing subsidies for housing/dwelling and communal services	39 329 479,0	36,607,708.6	38,378,345.0	↑ 5%
Financing of accommodation of Formerly Deported People (Crimean Tatars)	20 000,0	Not envisaged	Not envisaged	
Implementation of pilot project "Development of social services"		10,000.0	25,000.0	↑ 250%
Subvention to develop a network of specialized services to support SGBV Survivors			235,860.0	NEW!
<b>Social Protection of Persons with Disabilities Fund</b>			2,468,776.6	
Financial assistance to CSOs of PWD			91,426	
Rehabilitation of children with disabilities			130,022.6	
<b>Ministry of Justice of Ukraine</b>				
Free Legal Aid Coordination Center	820 753, 7	954,790.8	606,748.1	↓ 37.5%
Financing services and expenses of advocates of FLA	385 184, 0	385,184.0	385,184.0	
<b>Ministry for Development of Communities and Territories (former Ministry of Regional Development)</b>				
Subvention from the state budget to local budgets for the implementation of cross-border cooperation projects	Not envisaged	Not envisaged	60,000.0	Restored
Subvention from the state budget to local budgets for the formation of the infrastructure of the united territorial communities	2 100 000,0	62,550.0	187,650.0	↑ 300%
Extraordinary Financing Program of Restoring Ukraine (nationwide expenditures)	1 275 000,0	1,650,000.0	1,480,039.9	↓ 11.5%
Subvention to local budgets to implement projects under the Extraordinary Financing Program of Restoring Ukraine			502,680.0	
Support for affordable housing program	Not envisaged	Not envisaged	Not envisaged	
Low interest loans housing program			26,400.0	
State Fund for Regional Development	4 900 000, 0	9,360,000.0	11,205,000.0	↑ 20%

<b>State Youth Fund</b>				
Increased statute funding			28,000.0	
Partial compensation for housing loans (two programs)			36,900.0	
<b>Ministry of Digital Transformation</b>				
Information and technological support to All-Ukraine Census			400,000.0	
Support to local budgets to develop a network of centers for administrative services (All Ukraine)			231,000.0	
Support to local budgets to extend broad band internet to rural areas		500,000.00	500,000.0	
<b>Ministry of Defense of Ukraine</b>	117 509 257,8	117,504,702.0	130,988,435.0	
<b>State Emergency Service</b>	15 374 373, 3	16,527,406.1	16,669,249.3	
Out of which to Civil Defense Forces			14,670,237.3	
<b>State Migration Service</b>	3 987 090,5	3,606,822.8	3,797,536.0	↑ 5%
Contribution to IOM membership fees	922,2	1,002.2	1,106.3	
<b>Administration of the State Border Guard Service</b>	12 968 326, 7	14,347,788.9	14,698,685.7	↑ 3%
<b>State Security Service</b>	12 165 891,9	14,959,625.1	16,053,025.7	
<b>Office of the Ombudsperson</b>	124 671,4	213,709.2	219,495.1	↑ 3%
National Prevention Mechanism (prevention of tortures and degrading treatment)	1567,0	3,282.0	3,282.0	
<b>Donetsk oblast state administration</b>	373 909, 6	312,667.2	367,851.6	↑ 17.5%
<b>Luhansk oblast state administration</b>	278 839, 4	201,799.3	238,284.0	↑ 18%
<b>Kherson oblast state administration</b>	263 212,9	210,785.1	254,067.4	↑ 20.5%

It can be noted that the MinReintegration is expected to receive an allocation 13.5% higher than 2021. The planned allocation to the Donetsk, Luhansk and Kherson oblast administrations increases by 17 to 20% respectively, compared to 2021. The budget allocations for the State Migration Service and State Border Guard Service are planned to increase significantly. On the other hand, the budget allocation to the Free legal aid system is supposed to decrease by 37.5% from 2021. Budget resources to ensure proper conditions for crossing, which includes EECP maintenance, are planned to decrease by 38.5%.

Housing remains the most acute issue for IDPs. An affordable housing program is not foreseen in the draft State Budget for 2022. Allocations for subventions from the state budget to local budgets to purchase temporary housing for IDPs are the same as for 2021. Compensation for destroyed housing is 41% less than for 2021. There are three housing programs offering low interest rate loans, but these are general programs, not specifically targeting IDPs.

### Increased average monthly income for receiving social services

On 10 September 2021, MPs registered in the Parliament [draft law #6032](#)<sup>19</sup> introducing amendments to the Law on social services<sup>20</sup>. The authors suggest increasing the maximum level of income per household to apply for social services. Currently it amounts to two minimum living wages<sup>21</sup> (4588 UAH) and MPs propose

<sup>19</sup> The full text available online (in Ukrainian): [Офіційний портал Верховної Ради України \(rada.gov.ua\)](#)

<sup>20</sup> The full text available online (in Ukrainian): [Про соціальні послуги | від 17.01.2019 № 2671-VIII \(rada.gov.ua\)](#)

<sup>21</sup> In July-November 2021, minimum living wage amounts to 2294 UAH, and in December 2021 it will amount to 2393 UAH

to replace this with three minimum living wages (6882 UAH). On 29 September, other group of MPs registered an alternative [draft law #6032-1](#)<sup>22</sup>, suggesting to increase this amount to four minimum living wages (9176 UAH).

If adopted, this may facilitate access of persons concerned to social services. This will positively impact vulnerable IDPs and conflict-affected persons, who receive state benefits slightly higher than two minimum living wages and cannot access social services under the current legal framework.

### Social and legal protection of persons deprived of personal liberty and their family members

On 27 September 2021, the President registered in the Parliament [draft law #6104](#)<sup>23</sup> introducing the legal framework for granting social and legal protection to persons who are/were deprived of their personal liberty due to armed aggression of the Russian Federation<sup>24</sup> (“detainees”) and their family members. This will be applicable to both combatants and civil persons. Social and legal protection will be granted to detainees after confirmation of the fact of deprivation of personal liberty. This should be done by a specific Commission coordinated by the MinReintegration. To establish the fact of deprivation of personal liberty, the Commission examines applications<sup>25</sup> and refers to one of the below confirmation documents:

- Certificate issued by the Ministry of Defense/other military or law enforcement body on person’s detention as a result of armed aggression against Ukraine<sup>26</sup> or internment in neutral states
- Document confirming volunteer participation in ATO during staying in detention as a result of armed aggression against Ukraine<sup>27</sup> or internment in neutral states
- Document confirming violation of the Fourth Geneva Convention relative to the protection of civilian persons in time of war<sup>28</sup> during captivity and detention caused by supporting the territorial integrity of Ukraine. This can be in form of evidence confirmed and signed<sup>29</sup> by at least three witnesses
- Documents confirming fact and circumstances of the deprivation of personal liberty
- Document confirming violation of the Fourth Geneva Convention relative to the protection of civilian persons in time of war during captivity and detention caused by intention to force Ukraine, another state, international organization, individual or legal entity to act/refrain from actions to release the detainee. This can be in form of evidence confirmed and signed<sup>30</sup> by at least three witnesses
- *(for detainee’s family members)* decision (on confirming the fact of detainee’s deprivation of liberty as a result of armed aggression against Ukraine<sup>31</sup> and documents on confirming family links with the detainee

The confirmed fact of deprivation of personal liberty serves as a ground for a single payment<sup>32</sup> of state financial assistance to be given to detainee after release; annual state financial assistance to the detainee or his/her family members during detention; or a single payment of state financial assistance to the detainee’s

<sup>22</sup> The full text available online (in Ukrainian): [Офіційний портал Верховної Ради України \(rada.gov.ua\)](#)

<sup>23</sup> The full text available online (in Ukrainian): [Офіційний портал Верховної Ради України \(rada.gov.ua\)](#)

<sup>24</sup> The terminology is quoted from an official legal act and does not reflect UNHCR position

<sup>25</sup> The Commission cannot refuse to accept and to review the submitted applications

<sup>26</sup> The terminology is quoted from an official legal act and does not reflect UNHCR position

<sup>27</sup> The terminology is quoted from an official legal act and does not reflect UNHCR position

<sup>28</sup> The full text available online: [https://www.un.org/en/genocideprevention/documents/atrocities-crimes/Doc.33\\_GC-IV-EN.pdf](https://www.un.org/en/genocideprevention/documents/atrocities-crimes/Doc.33_GC-IV-EN.pdf)

<sup>29</sup> Signatures should be verified by notary

<sup>30</sup> Signature should be verified by notary

<sup>31</sup> The terminology is quoted from an official legal act and does not reflect UNHCR position

<sup>32</sup> In case the detainee is eligible to other state assistance under other legal acts, (s)he should choose only one option

family members due to the detainee's death. The Government will define the amount of these types of assistance. Financial assistance to the detainee or his/her family members may also be provided by local authorities from local budgets. Other types of assistance include health care, rehabilitation, psychological and social services; access to secondary free legal assistance during detention and after release; employment; pensions and social benefits; and education (also applicable to detainees' children). The Government will define a procedure for reintegration measures for detainees after release.

Detainees<sup>33</sup> will be given priority in the allocation of temporary housing in case they have no other premises to live.

All information on detainees will be stored in the Unified database of persons, whose fact of deprivation of personal liberty is confirmed. It will accumulate information about applicants, whose applications were positively assessed by the Commission and who are eligible for social and legal protection.

If adopted, the draft law will entitle this particular group of conflict-affected persons to specific assistance, in particular, with regard to housing.

## Other developments

### Action Plan to the Strategy on De-occupation of Crimea

On 22 September, the Government adopted its [Regulation #1171-p<sup>34</sup>](#), introducing the Action Plan to the Strategy on De-occupation and Reintegration of Crimea. It contains provisions relevant for the protection of people displaced or other people affected, notably:

- Introduction of administrative procedure for birth and death registration
- Facilitation of fast-track procedure for identification of person's identity
- Access to education, including information campaigns about available opportunities, remote education options, enrolment in universities in the government-controlled area (GCA) and reintegration programs for youth
- Access to employment through requalification programmes
- Return/compensation for damaged/destroyed property (to be implemented after the end of the occupation)
- Subventions to adjacent territories to Crimea
- Crossing conditions: all EECPs at the administrative boundary with Crimea will be handed over to the State Enterprise "Reintegration and Restoration". The regular transport connection between EECPs and from EECPs to key transport connections of Kherson oblast is foreseen

### Crimean Tatar alphabet based on Latin graphics

<sup>33</sup> This is not applicable to combatants eligible for housing under the Law on social and legal protection of military servicemen and their family members

<sup>34</sup> The full text available online (in Ukrainian): [Про затвердження плану заходів з реалізації Стратегії деокупації та реінтеграції тимчасово окупованої території Автономної Республіки Крим та міста Севастополя](#) | Кабінет Міністрів України ([kmi.gov.ua](http://kmi.gov.ua))

On 22 September, the Government adopted [Resolution #993](#)<sup>35</sup>, approving symbols of the Crimea Tatar alphabet. This document finalizes the transition period from Cyrillic to Latin symbols. This will be applicable to education process and learning materials: all of them should be translated by 1 September 2025.

### [Subventions to local budgets](#)

On 8 September 2021, Government adopted [Regulation #1070-p](#)<sup>36</sup> allocating subventions from the State budget among the local budgets of conflict-affected territories and those hosting IDPs. This subvention covers settlements in Chernihiv (Korop, Semenivka, Bakhmach territorial communities), Dnipropetrovsk (Ilarionove, Devladove, Pershotravensk territorial communities), Kharkiv (Novovodolaz, Malynivka, Velykoburlutskyi, Oleksiivka, Borivskyi, Krasnokutsk territorial communities), Khmelnytsky (Sudylkiv territorial community), Kyiv (Vyshhorod territorial community), Luhansk (Bilokurakyn, Shchastya territorial communities), Mykolaiv (Bashtanka, Voznesensk, Snihurivka territorial communities), Vinnytsia (Koziatyn territorial communities), Zaporizhzhia (Berestove, Energodar territorial communities) and Zhytomyr (Raihorodok territorial community) oblasts. The total allocated sum is 11.9 mln UAH. The subventions can be used for the overall development of the mentioned localities, thus improving the quality of life and access to different services for host and displaced populations. Many localities use subventions to improve housing conditions and procure apartments for temporary or social housing.

## CONTACTS

**E-MAIL: [UKRKI@UNHCR.ORG](mailto:UKRKI@UNHCR.ORG), TEL: +38 044 288-9710**

## LINKS

UNHCR Ukraine: [www.unhcr.org.ua/en](http://www.unhcr.org.ua/en) - Twitter: [www.twitter.com/UNHCRUkraine](https://www.twitter.com/UNHCRUkraine)

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<sup>35</sup> The full text available online (in Ukrainian): [Про затвердження алфавіту кримськотатарської мови на основі латинської графіки | Кабінет Міністрів України \(kmu.gov.ua\)](#)

<sup>36</sup> The full text available online (in Ukrainian): [Про розподіл у 2021 році субвенції з державного бюджету місцевим бюджетам на здійснення заходів щодо підтримки територій, що зазнали негативного впливу внаслідок збройного конфлікту на сході України | Кабінет Міністрів України \(kmu.gov.ua\)](#)