

Legislative Update

UNHCR update on displacement-related legislation | April 2021

Adopted Legislation

- Introducing e-passports (national and for traveling abroad)
- Legal response to the COVID-19 outbreak in Ukraine
- Supporting reintegration of youth from NGCA/Crimea
- Ratification of the agreement on financial cooperation to find housing solutions for IDPs

Draft legislation

- Amendments to the Code of Administrative Offences on entering/exiting GCA during limited functionality of Entry-Exit Checkpoints (EECPs)

Other developments

- Summer courses for graduates from NGCA/Crimea
- 2020 Annual Report of the Ombudsperson's Office
- National No Barriers Strategy

Adopted Legislation

Introducing e-passports (national and for travelling abroad)

On 30 March, the Parliament adopted the law #1368-IX¹ on amendments to the Law on the Unified State Demographic Registry and documents confirming Ukrainian citizenship, identity of a person or his/her special status. The authors suggested to introduce “electronic passports” confirming the identity of a person in the same manner as regular documents. E-passports will be available through the “Diya”² mobile application. However, there are no readers available yet, and the crossing of the international border will not be possible with the electronic copy of the passport for traveling abroad. The law will enter into force on 23 August 2021. The Government shall elaborate the by-laws supporting its implementation in May-July 2021³.

Legal response to the COVID-19 outbreak in Ukraine

On 7 April 2021, the Government adopted its Resolution #310⁴ introducing an amendment to its Resolution #1236⁵ of 9 December 2020 on the quarantine and other restrictive measures⁶ for preventing the further spread of the COVID-19 in Ukraine. The Government has exempted foreigners and stateless persons aged below 12 from an obligation to provide the proof of an insurance covering COVID-19 related treatment and observation and/or negative PCR testing for COVID-19 undertaken maximum 72 hours before crossing the Ukrainian state border. It has eliminated any link to citizenship/statelessness: when it comes to self-isolation, not only Ukrainian

¹ The full text available online (in Ukrainian): <https://zakon.rada.gov.ua/laws/show/1368-IX#Text>

² Please see more details in UNHCR 2020 November Legislative Update available online: https://www.unhcr.org/ua/wp-content/uploads/sites/38/2020/12/2020-11-Legislative-Update_ENG.pdf

³ This should be done within three months after the law was promulgated. It took place on 16 April

⁴ The full text available online (in Ukrainian): <https://www.kmu.gov.ua/npas/pro-vnesennya-zmin-do-postanovi-kabinetu-ministriv-ukrayini-vid-9-grudnyas70421>

⁵ The full text available online (in Ukrainian): <https://www.kmu.gov.ua/npas/pro-vstanovlennya-karantynu-ta-zaprovadzheniya-obmezhuvalnih-protiepidemichnih-zahodiv-1236-091220>

⁶ Please see more details in UNHCR 2020 December Legislative Update available online: https://www.unhcr.org/ua/wp-content/uploads/sites/38/2021/01/2020-12-Legislative-Update_ENG.pdf

citizens but also foreigners and stateless persons shall undergo it and shall install the “Vdoma” (former “Diy vdoma”) application when crossing the Ukrainian state border, the Line of Contact (LoC) in the east and the administrative boundary with Crimea. Before, this was applicable only to Ukrainian citizens who crossed the state border.

[Supporting reintegration of youth from NGCA/Crimea](#)

On 21 April 2021, the Government adopted its Resolution #383⁷ aimed at supporting integration of youth from the non-governmental controlled areas (NGCA) of the Donetsk and Luhansk oblasts/Crimea and ensuring funding⁸ for the programme. The priority is given to free of charge preparatory university courses for graduates from NGCA, Crimea and settlements across the LoC. Other types of support include information and communication campaigns, competitions and festivals focused on integration, programmes on youth empowerment, and preserving cultural heritage of indigenous peoples of Ukraine. A separate attention is given to consultations with Ukrainian and international experts on further development of the youth reintegration policy.

This initiative will contribute to establishing ties between youth from government-controlled area (GCA), and from NGCA and Crimea. It may further strengthen links with the people residing in NGCA and Crimea.

[Ratification of the agreement on financial cooperation to find housing solutions for IDPs](#)

On 28 April 2021, the Government adopted⁹ a procedure for providing IDPs with preferential mortgage loans. This is supported by grant funding given by the German bank *Kreditanstalt für Wiederaufbau (KfW)*¹⁰. In 2021-2022, approximately 680 households/1,768 IDPs are expected to benefit from this programme. There will be a special queue. It will be linked to databases maintained by the State Youth Fund. Those IDPs who will sign up for this programme may remain in any other housing waiting lists until the actual loan is granted. When in the mortgage loan scheme, beneficiaries will be excluded from other waiting lists.

The loan would be granted for 20 years with a 3% interest rate for purchasing an apartment in a multistorey building or a single-flat house.

Beneficiaries will be selected in a random order (automatic randomizing service which is not specified yet). The MinReintegration notes that this will be done in accordance with the legal framework on personal data protection.

This initiative may be used by IDPs with stable income to pay off the loan.

Draft legislation

[Amendments to the Code of Administrative Offences on entering/exiting GCA during limited functionality of Entry-Exit Checkpoints \(EECPs\)](#)

On 20 April 2021, MPs registered the [draft law #5405](#)¹¹ introducing amendments to Article 204-2 of the Code of Administrative Offences. This Article imposes a liability for illegally entering/exiting the temporarily occupied

⁷ The full text available online (in Ukrainian): <https://www.kmu.gov.ua/npas/pro-zatverdzhennya-poryadku-vikoristu-a383>

⁸ This is supported from the State Budget. Please see more details in UNHCR 2020 December Legislative Update available online: https://www.unhcr.org/ua/wp-content/uploads/sites/38/2021/01/2020-12-Legislative-Update_ENG.pdf

⁹ The full text of news available online (in Ukrainian): https://www.minre.gov.ua/news/uryad-zatverdzyv-mehanizm-pilgovogo-ipotechnogo-kredytuvannya-vnutrishno-peremishchenyh-osib?fbclid=IwAR0nVIB18aTuSHZvr7iW1_vZVoTdsp8Ye1KYkoHW4k9sgvj21CayJYWdXqY

¹⁰ Please see more details in UNHCR 2020 April, September, November and December Legislative Updates available online: <https://www.unhcr.org/ua/en/resources>

¹¹ The full text available online (in Ukrainian): http://w1.c1.rada.gov.ua/pls/zweb2/webproc4_1?pf3511=71733

territory¹². This means that if a traveler enters the NGCA of Donetsk and Luhansk oblasts or Crimea not through the official EECPs in the LoC in the east or the administrative boundary with Crimea, (s)he will have to pay an administrative fine¹³. The same is applicable to those who enter/exit GCA from these territories outside the established EECPs. Paying fines is an extreme financial burden for NGCA residents who often come to the GCA to collect social benefits or pensions which are crucial for their survival. The Article does not take into consideration any force majeure circumstances¹⁴ preventing travelers from crossing through the established EECPs at the line of contact (LoC) The authors suggest that fines are not applicable in times when the functioning of the EECPs at the LoC in the east is perturbed. The Commander-in-Chief of the Joint Forces Operation (JFO) will define the duration of such limited functionality.

This positive development may contribute to enhanced protection of residents of NGCA who travel to GCA through the territory of the Russian Federation due to circumstances beyond their will. At the same time, if exemption from fines depends on the discretion of the Commander-in-Chief of the JFO, this may render protection not stable.

Other developments

Summer preparatory courses for graduates from NGCA/Crimea

On 1 April 2021, the MinReintegration [announced](#)¹⁵ summer preparatory courses for school graduates from NGCA of the Donetsk and Luhansk oblasts and Crimea who want to study in universities in GCA. The pilot project¹⁶ will be implemented in 25 universities. Students-to-be will be provided with dormitories and an allowance of 4,590 UAH and will be free to choose among 195 universities through the educational centres “Donbas - Ukraine” and “Crimea - Ukraine” where simplified enrollment is possible.

2020 Annual Report of the Ombudsperson’s Office

In early April, the Ombudsperson has published its [annual report](#)¹⁷ for 2020. It contains some findings on human rights observance of IDPs and conflict-affected persons. It has a specific chapter on conflict-affected civilians highlighting the following issues:

- Non-payment of pension arrears to IDPs and NGCA residents
- lack of the complex law on legal protection of civilians dead or wounded as a result of the armed conflict
- lack of administrative procedure for establishing legal facts (e.g. birth, death, marriage registration) occurred in NGCA/Crimea
- freedom of movement affected by the limited functionality of EECPs
- violations of human rights and international humanitarian law (IHL) in Crimea
- need of adoption of the complex law on restitution and compensation for damaged/destroyed property. The Government Resolution #767¹⁸ on compensation for destroyed housing is noted positively: the

¹² The terminology is quoted from an official legal act and does not reflect UNHCR position

¹³ The fines are rather high: for the first alleged violation it usually constitutes 1700 UAH (equivalent of approximately 60 USD). Meanwhile, the maximum fine amounts to 5100 UAH (equivalent of approximately 179 USD). However, if repeated within a year, it could be as high as 8500 UAH what is equivalent to approximately 299 USD.

¹⁴ Those can be closure of EECPs, impact of COVID-19 outbreak, natural disasters, contaminated areas etc.

¹⁵ The full text of news available online (in Ukrainian): https://mtot.gov.ua/ua/minreintegracii-obgovorilo-z-zvo-zaprovadjennja-pidgotovchih-kursiv-dlja-vstupnikiv-z-tot?fbclid=IwAR0W0Am41zbrY-4UH_OmMc9wERqRO9nmhNTE48Sz65lf_zi6_2314D6nd38

¹⁶ For academic year of 2021-2022

¹⁷ The full text of news available online (in Ukrainian): <https://www.ombudsman.gov.ua/>

¹⁸ Please see more details in UNHCR 2020 September Legislative Update available online: <https://www.unhcr.org/ua/wp-content/uploads/sites/38/2020/11/2020-09-Legislative-Update.pdf>

Ombudsperson recommends to continue its funding from the State Budget for the following years. Such funding should be at least equivalent to that allocated for 2021 (i.e. 141 million UAH).

Apart from this, the Ombudsperson raises issues faced by IDPs and conflict-affected persons in chapters on discrimination, freedom of religion, freedom of speech, voting rights, procedural rights of detainees, child protection and access to education.

The Ombudsperson observes a lack of reliable data on persons in need of social housing. As a result, local authorities cannot build or purchase social housing since no needs assessment is performed. IDPs are not specified there.

National No Barriers Strategy

On 14 April 2021, by its Regulation #366-p¹⁹ the Government approved its National No Barriers Strategy. Its main purpose is to establish no barriers environment for any person, where (s)he can freely exercise and access his/her rights regardless of age, health conditions, disability, gender, marital status, place of residence and other related conditions. This should be done through the elimination of physical, informational, digital, social, civil, economic and educational barriers. Achievements will be measured by specific indicators. The expected results of the Strategy's implementation include free access to multiple facilities, information in various forms (including digital opportunities, Braille script, subtitles) and Internet; unimpeded participation in state and local affairs in inclusive society; equal access to education and employment opportunities. To complement the Strategy, the Government should adopt an Action Plan for its implementation in 2021-2022.

CONTACTS

E-MAIL: UKRKI@UNHCR.ORG, TEL: +38 044 288-9710

LINKS

UNHCR Ukraine: www.unhcr.org.ua/en - Twitter: www.twitter.com/UNHCRUkraine

Facebook: www.facebook.com/UNHCRKyiv - Flickr: www.flickr.com/photos/unhcr_ukraine

¹⁹ The full text available online (in Ukrainian): <https://www.kmu.gov.ua/npas/pro-shvalennya-nacionalnoyi-strategiyi-iz-stvorenniya-bezbaryernogo-prostoru-v-ukrayini-na-period-do-t140421?fbclid=IwAR2v96Ka7OeA05d5sXzp6xLViqugXCrWsSv55BNOxBWUU1b2cdxPU5yAC04>