

Legislative Update

UNHCR update on displacement-related legislation | May 2021

Adopted Legislation

- Bringing Ukraine's criminal legislation in line with international humanitarian and international criminal laws
- Amendments to the procedures for crossing the line of contact and the administrative boundary with Crimea

Draft legislation

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Adopted Legislation

[Bringing Ukraine's criminal legislation in line with international humanitarian and international criminal laws](#)

On 20 May 2021, the Parliament adopted [draft law #2689](#)¹ introducing international crimes – genocide, crimes against humanity, war crimes and aggression² – to the Criminal Code of Ukraine. This is a step towards aligning Ukrainian legislation with the Statute of the International Criminal Court and enhancement of criminal prosecution for serious violations of international humanitarian law. When signed by the President, this initiative may strengthen the protection of civilians in hostilities.

[Amendments to the procedures for crossing the line of contact and the administrative boundary with Crimea](#)

On 26 May 2021, the Government adopted its Resolution [#5333](#)³ introducing amendments to the Resolutions [#367](#)⁴ and [#815](#)⁵ on the procedures for crossing the administrative boundary with Crimea and the line of contact (LoC) in the east. The adopted Resolution will enter into force on 26 June 2021. The Government allowed owners of transport vehicles who lost their registration cards, a single entry to the government-controlled area (GCA) from non-government controlled areas (NGCA) of the Donetsk and Luhansk oblast and Crimea with a

¹ The full text available online (in Ukrainian): http://w1.c1.rada.gov.ua/pls/zweb2/webproc4_1?pf3511=67804. The draft awaits for the President's signature

² The list of international crimes is reflected in Articles 6-8 of Rome Statute of the International Criminal Court available online: https://www.iccpi.int/nr/rdonlyres/ea9aef77-5752-4f84-be94-0a655eb30e16/0/rome_statute_english.pdf

³ The full text available online (in Ukrainian): <https://www.kmu.gov.ua/npas/pro-vnesennya-zmin-do-poryadkiv-zatverdzenih-postanovami-kabinetu-ministriv-ukrayini-vid-4-t260521>

⁴ The full text available online (in Ukrainian): <https://zakon.rada.gov.ua/laws/show/367-2015-%D0%BF#Text>

⁵ The full text available online (in Ukrainian): <https://zakon.rada.gov.ua/laws/show/815-2019-%D0%BF#Text>

copy of such a card. Copies can be issued by the Ministry of Interior's territorial centres: a traveler (or his/her representative) should refer there with an application and his/her ID document (and the authorization to represent him/her). When entering GCA, the owners of the vehicles or their authorized representatives will be able to restore their lost registration cards.

This is a positive development, allowing NGCA and Crimea residents to use their vehicles for entering GCA in case the Ukrainian registration documents were lost and for restoring these documents. This may contribute to more freedom of movement between GCA and the territories outside the Government control.

Draft legislation

Exemptions from liability for entering/exiting GCA through unauthorized Entry-Exit Checkpoints (EECPs)

On 11 May 2021, MPs registered in the Parliament the [draft law #5478](#)⁶ introducing amendments to the Law 530-IX⁷ on preventive and reactive measures to address the COVID-19 outbreak in Ukraine. The authors suggest exempting persons residing in NGCA of the Donetsk and Luhansk oblasts and Crimea from paying administrative fines⁸ for violation of the procedures for entering/exiting the temporarily occupied territories⁹ through authorized EECPs as enshrined in Article 202-4 of the Code of Administrative Offences¹⁰. This will be applicable during the quarantine measures or in times when the functioning of the authorized EECPs at the LoC in the east and/or the administrative boundary with Crimea is perturbed. Apart from this, to be exempted from paying fines, travelers shall fall under humanitarian exceptions serving as a basis for travelling to GCA. The Government shall define those exceptions.

If adopted, 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 control. At the same time, the elaboration and adoption of humanitarian exceptions may delay their implementation for an indefinite period.

Cancellation of the free economic zone "Crimea"

On 18 May 2021, MPs registered in the Parliament three draft initiatives on cancellation of the free economic zone "Crimea". It was introduced in 2014¹¹ to regulate taxation, use of currency and payments on this territory. This resulted in a "non-residential status" for Crimean residents: having Ukrainian citizenship, in GCA they are treated as foreigners when it comes to tax payment and accessing banking services. These drafts aim to address this issue. The draft law [#5501](#)¹² eliminates state and local taxation for individual entrepreneurs and organizations registered in Crimea. The draft law [#5502](#)¹³ includes Crimean residents into the list of recipients of secondary free legal assistance. It prohibits any transfer of goods to/from Crimea during the period of temporary occupation¹⁴, but this is not applicable to personal belongings of travelers. The Ministry for

⁶ [Офіційний портал Верховної Ради України \(rada.gov.ua\)](https://rada.gov.ua)

⁷ The full text available online (in Ukrainian): <https://zakon.rada.gov.ua/laws/show/530-20#Text>. Please see more details in UNHCR 2020 March Legislative Update available online: <https://www.unhcr.org/ua/wp-content/uploads/sites/38/2020/07/2020-03-Legislative-Update.pdf>

⁸ 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.

⁹ The terminology is quoted from an official legal act and does not reflect UNHCR position

¹⁰ Please see more details in UNHCR April Legislative Update available online: https://www.unhcr.org/ua/wp-content/uploads/sites/38/2021/05/2021-04-Legislative-Update_ENG.pdf

¹¹ The full text available online (in Ukrainian): <https://zakon.rada.gov.ua/laws/show/1636-18#Text>

¹² The full text available online (in Ukrainian): [Офіційний портал Верховної Ради України \(rada.gov.ua\)](https://rada.gov.ua)

¹³ The full text available online (in Ukrainian): [Офіційний портал Верховної Ради України \(rada.gov.ua\)](https://rada.gov.ua)

¹⁴ The terminology is quoted from an official legal act and does not reflect UNHCR position

Reintegration will define limits for such transfer. The Government shall elaborate a procedure for payment of pensions and the provision of social services to Crimean residents. The draft law #5503¹⁵ adjusts the Customs Code to cancellation of the free economic zone “Crimea”, eliminating customs for transfer of goods to/from Crimea until the end of the period of temporary occupation¹⁶ of the peninsula.

If adopted, these draft laws will eliminate the discriminatory treatment of Crimean residents in accessing state services.

Other developments

Supreme Court’s interpretation of the birth/death registration procedure

On 22 April 2021, the Supreme Court issued its [explanation letter](#)¹⁷ to the first instance courts and courts of appeals, providing an interpretation of the procedure for registration of births and deaths occurred in NGCA/Crimea. Before, NGCA or Crimean residents willing to register a birth or a death had to refer to a civil registry office and obtain a formal refusal in issuing the respective certificate, and only with that document could go to court. After receiving the court’s decision, an applicant returned to the civil registry office to obtain the birth or death certificate. After its analysis, the Supreme Court concluded that the formal refusal from the civil registry office is not a pre-condition for applying to the court, that this practice is not a legal requirement. Thus, the Supreme Court informed the courts of lower instance that they should not request such a formal refusal from the civil registry for applicants from NGCA and Crimea in order to examine their cases. This interpretation may simplify the existing court procedure for birth/death registration by minimizing the number of steps to be undertaken before receiving the respective certificate.

Subventions to local budgets

On 12 May 2021, the Government adopted its [Regulation #425-p](#)¹⁸ distributing subventions from the State budget among local budgets in the east of Ukraine to support territories affected by the armed conflict, as well as other oblasts hosting IDPs. The Ministry for Reintegration shall discuss and agree such allocations with the Parliamentary Budgetary Committee. This is the first subvention to conflict-affected territories in 2021 that covers certain settlements of the Dnipropetrovsk (Slobozhanska, Ilarionivska and Pavlohradaska territorial communities), Donetsk (Lymanska, Dobropilska, Kramatorska, Pokrovska territorial communities), Zhytomyr (Horshchykivska and Ovrutska territorial communities), Zaporizhzhia (Novobohdanivska and Berdianska territorial communities), Ivano-Frankivsk (Kolomyiska territorial community), Luhansk (Troitska, Bilolutska and Starobilska territorial communities), Mykolaiv (Veselynivska and Pervomaiska territorial communities), Kharkiv (Pervomayska territorial community), Poltava (Orzhytska territorial community), Sumy (Shostkinska territorial community), Chernihiv (Bobrovytska territorial community) and Khmelnytsky (Volochnytska and Horodotska territorial communities) oblasts. The total allocated sum is 26,153,200.00 UAH. The subventions may be used for the overall development of the mentioned localities, thus improving the quality of life and access to different services for local and displaced populations.

Annual Diya summit

¹⁵ The full text available online (in Ukrainian): [Офіційний портал Верховної Ради України \(rada.gov.ua\)](#)

¹⁶ The terminology is quoted from an official legal act and does not reflect UNHCR position

¹⁷ The full text available online (in Ukrainian): [vsu.pdf \(minre.gov.ua\)](#)

¹⁸ The full text available online (in Ukrainian): <https://www.kmu.gov.ua/npas/pro-rozpodil-u-2021-roci-subvencyiyi-z-derzhavnogo-byudzhetu-miscevim-byudzhetam-na-zdijsnennya-zahodiv-425-120521>

On 17 May 2021, the Ministry for Digital Transformation held its annual *Diya summit*¹⁹ to present new e-services available in the *Diya* application²⁰. This includes two technical developments important for IDPs and conflict-affected persons: eMalyatko, a remote opportunity for birth registration²¹ and an application for a preferential mortgage loan²². From now on, part of the procedure for receiving a birth certificate for parents of babies born in NGCA/Crimea is simplified as they can complete one prerequisite by inserting the reference number of the court decision in *Diya*. IDPs can use *Diya* to register for preferential mortgage loans under the KfW-supported project²³. To benefit from these options, potential applicants shall have an electronic signature: a precondition for the person's identification and his/her possibility to sign any applications submitted through the *Diya* application.

Summer preparatory courses for graduates from NGCA/Crimea

On 28 May 2021, the MinReintegration *promulgated*²⁴ the list of 23 universities which will conduct summer preparatory courses²⁵ for school graduates from NGCA of the Donetsk and Luhansk oblasts and Crimea who want to study in universities in GCA. School graduates from settlements across the LoC are also eligible for this option. Students-to-be will be provided with dormitories and an allowance of approximately 4,500 UAH. To benefit from this opportunity, an interested graduate should arrive to one selected university in person from 1 to 20 June and apply for preparatory courses. The courses will take place from 29 June to 31 August.

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¹⁹ The full text of news available online (in Ukrainian): <https://diia.gov.ua/news/diia-summit-20-yaki-revolucijni-poslugi-teper-dostupni-ukrayincyam-u-diyi>

²⁰ 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>

²¹ 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

²² Please see more details in UNHCR April Legislative Update available online: https://www.unhcr.org/ua/wp-content/uploads/sites/38/2021/05/2021-04-Legislative-Update_ENG.pdf

²³ Please see more details in UNHCR 2020 April, September, November and December, 2021 April Legislative Updates available online: <https://www.unhcr.org/ua/en/resources>

²⁴ The full text of news available online (in Ukrainian): https://www.minre.gov.ua/news/vidibrano-23-vyshi-dlya-zaprovadzhennya-pidgotovchyyh-kursiv-zistypendialnym-zabezpechennyam?fbclid=IwAR20I4eZNSILMEIBjK9cPM1mYNoNMQPi3NDhC3c0pd3FVopxKkCJNnj_YQ

²⁵ Please see more details in UNHCR April Legislative Update available online: https://www.unhcr.org/ua/wp-content/uploads/sites/38/2021/05/2021-04-Legislative-Update_ENG.pdf