

Legislative Update

UNHCR update on displacement-related legislation | June 2021

Adopted Legislation

- Legal response to the COVID-19 outbreak in Ukraine
- Simplified procedure for IDPs willing to obtain driving licenses

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- Action Plan to National Human Rights Strategy

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- Ratification of the agreement on financial cooperation aimed at finding housing solutions for IDPs and ATO/JFO participants
- Exemptions from liability for entering/exiting GCA through unauthorized Entry-Exit Checkpoints (EECPs)

Adopted Legislation

Legal response to the COVID-19 outbreak in Ukraine

In June, the Government of Ukraine gradually lifted the restrictions adopted in response to the COVID-19 outbreak. On 2 June, the Government adopted its [Resolution #583](#)¹ introducing amendments to Resolution #1236² of 9 December 2020 on quarantine and other restrictive measures³ for preventing the further spread of COVID-19 in Ukraine. As in the past, foreigners and stateless persons are not allowed to enter Ukraine without insurance covering COVID-19 related treatment and observation and one supporting medical document. However, the list of such documents has been expanded and now includes (i) a negative polymerase chain reaction (PCR) test, (ii) an express test for COVID-19 taken within 72 hours before crossing Ukrainian state border or (iii) a document proving full vaccination against COVID-19⁴ issued or translated into English (“document on full vaccination”). Any document from this list will allow foreigners and stateless persons to cross the Ukrainian state border. As before, this is not applicable to individuals permanently residing in Ukraine, refugees and those in need of complementary protection, staff of international and humanitarian missions accredited in Ukraine and their family members, military instructors from NATO Member States and Partnership for Peace. Ukrainian citizens who have a negative PCR test or express test for COVID-19 undertaken 72 hours before crossing Ukrainian state border or who have document on full vaccination shall not undergo self-isolation. The Government also lifted restrictions for public events (indoor and outdoor) if all participants and organizers have negative express tests for COVID-19 taken within 72 hours before the event or have documents proving full vaccination.

¹ The full text available online (in Ukrainian): <https://www.kmu.gov.ua/npas/pro-vnesennya-zmin-do-postanovi-kabinetu-ministriv-ukrayini-vid-9-grudnya-2020-r-120621>

² The full text available online (in Ukrainian): <https://www.kmu.gov.ua/npas/pro-vstanovlennya-karantinu-ta-zaprovadzhennya-obmezhuvalnihprotiepidemichnih-zahodiv-1236-091220>

³ Please see more details in UNHCR 2020 December Legislative Update; 2021 January, February, March and April Legislative Updates available online: <https://www.unhcr.org/ua/en/resources>

⁴ WHO defines the list of vaccines allowed to be used in emergencies, and travelers should be vaccinated only by vaccines from this list.

In light of the reduced prevalence of COVID-19 in the country, the Government also adopted [Resolution #611](#)⁵ (17 June) on introducing amendments to Resolution #1236. While the adaptive quarantine⁶ in Ukraine is prolonged until 31 August 2021, the whole territory of Ukraine is in the “green zone”. As a result, Ukrainian citizens and permanent residents in Ukraine can freely cross the Ukrainian state border from any country. However, foreigners who cross the border should always possess insurance covering COVID-19 related treatment and one supporting document as indicated above. In case the color of the zone is changed to “yellow”, “orange” or “red”⁷, requirements for crossing the border will remain the same, but travelers who cannot provide these documents will have to install the Vdoma app and undergo self-isolation. If the person cannot install the app, (s)he will have to stay in observation.

The Resolution also provides that, when Ukraine is in the “green zone”, Ukrainian citizens can freely cross the line of contact (LoC) in the east and the administrative boundary with Crimea. Self-isolation/observation and the use of the Vdoma app are not required. Foreigners who cross the LoC or the administrative boundary with Crimea should always possess insurance covering COVID-19 related treatment. In case the color of the zone is changed, Ukrainian citizens can cross the LoC and administrative boundary with Crimea with document on full vaccination. If this is missing, travelers will have to install the Vdoma app and undergo self-isolation. If the person cannot install the app, (s)he will have to stay in observation. Self-isolation may be terminated by a negative express test undertaken in EECs on the LoC and the administrative boundary with Crimea.

This is a positive development, which facilitates movements of residents of non-government controlled areas (NGCA) of Donetsk and Luhansk oblasts and Crimea to government-controlled area (GCA) through EECs on the LoC and the administrative boundary with Crimea. Persons entering GCA from territories outside Governmental control now receive the same treatment as persons residing in other oblasts of Ukraine without additional barriers.

[Simplified procedure for IDPs willing to obtain driving licenses](#)

On 2 June, the Government adopted its [Resolution #580](#)⁸ introducing amendments to the procedure for issuing driving licences. IDPs can now confirm their residence registration in NGCA/Crimea through the IDP certificate or e-IDP certificate⁹ available in the Diya app, instead of a residence registration stamp in their book-shaped passports. This is a positive development simplifying the access of IDPs to state services. This is of particular relevance for conflict-affected children and youth who have never held book-shaped passports with residence registration stamps in NGCA/Crimea, and receive their first ID card from the age of 14, without residence registration, impeding their access to driving licences. This obstacle is now removed.

Draft legislation

[Ratification of the agreement on financial cooperation aimed at finding housing solutions for IDPs and ATO/JFO participants](#)

⁵ The full text available online (in Ukrainian): <https://www.kmu.gov.ua/npas/pro-vnesennya-zmin-do-deyakih-aktiv-kabinetu-ministriv-ukrayini-i160621-611>

⁶ Please see more details in UNHCR 2020 July Legislative Update available online: https://www.unhcr.org/ua/wp-content/uploads/sites/38/2020/08/2020-07-Legislative-Update_final.pdf

⁷ Please see more details in UNHCR 2020 July Legislative Update available online: https://www.unhcr.org/ua/wp-content/uploads/sites/38/2020/08/2020-07-Legislative-Update_final.pdf

⁸ The full text available online (in Ukrainian): <https://zakon.rada.gov.ua/laws/show/580-2021-%D0%BF#n9>

⁹ 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>

On 11 June 2021, the Government¹⁰ registered in Parliament [draft law #0110](#)¹¹ on ratifying the agreement¹² between the Cabinet of Ministers of Ukraine and the Government of Turkey on financial cooperation aimed at finding housing solutions for displaced Crimean Tatars, other IDPs and Antiterrorist Operation (ATO)/ Joint Forces Operation (JFO) participants. According to this agreement, the Government of Turkey will build 500 apartments in Ukraine: 200 in Mykolaiv, 200 in Kherson and 100 in Kyiv. 90% of these apartments will be handed over for private ownership by displaced Crimean Tatars, and 10% for private ownership by other IDPs and ATO/JFO participants. The administration for the building of housing (TOKI)¹³ will act on behalf of the Government of Turkey, while the Ministry for Reintegration (MinReintegration) will act on behalf of the Government of Ukraine. TOKI will select the vendor and observe the building process, while MinReintegration will be responsible for the overall implementation and monitoring of the project. The International Charitable Fund of National Welfare of Crimea will prepare a list of beneficiaries from among displaced Crimean Tatars, and the specific Commission chaired by MinReintegration will review and approve them. Local authorities will provide land plots for building, obtain property rights for the newly built housing and transfer both housing and land plots to the ownership of beneficiaries. The term of the agreement is until 2024 and may be prolonged for 12 additional months if the parties agree in writing at least 30 calendar days before the expiration date. It can be terminated anytime by a written notification from one party at least six months before the expiration date.

If adopted, this initiative may contribute to finding housing solutions for IDPs.

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

On 29 June 2021, the Parliament adopted [draft law #5478](#)¹⁴ introducing amendments to Law 530-IX¹⁵ on preventive and reactive measures to address the COVID-19 outbreak in Ukraine, which would lift administrative fines for NGCA residents crossing into GCA in a way different from EECPs in the line of contact. Further details are available in the UNHCR's May Legislative Update¹⁶. The draft awaits the President's signature. This positive development is expected to 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.

Other developments

[Action Plan to National Human Rights Strategy](#)

On 23 June 2021, the Government of Ukraine adopted the 2021 -2023 Action Plan¹⁷ for the National Human Rights Strategy¹⁸ adopted in March 2021. The Ministry of Justice is charged with the annual monitoring of its implementation. The Plan is mainly focused on the elaboration of draft legal acts to be adopted by the Parliament or by the Government. The key ones relevant for the protection of IDPs and conflict-affected persons residing in NGCA/Crimea cover the following topics:

¹⁰ The full text available online (in Ukrainian): <https://www.kmu.gov.ua/npas/pro-podannya-na-ratifikaciyu-verhovnoyu-radoyu-ukrayini-ramkovoyi-s90621>

¹¹ The full text available online (in Ukrainian): [Офіційний портал Верховної Ради України \(rada.gov.ua\)](https://rada.gov.ua)

¹² The agreement was signed in Istanbul on 10 April 2021 in English, Ukrainian and Turkish. In case of questions and/or discrepancies English text will prevail

¹³ TOKI is coordinated by the Ministry for environment and urbanization

¹⁴ The full text available online (in Ukrainian): http://w1.c1.rada.gov.ua/pls/zweb2/webproc4_1?pf3511=71863

¹⁵ 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>

¹⁶ The full text available online: <https://www.unhcr.org/ua/wp-content/uploads/sites/38/2021/06/2021-05-Legislative-Update-ENG.pdf>

¹⁷ The full text available online (in Ukrainian): https://www.kmu.gov.ua/npas/pro-zatverdzhennya-planu-dij-z-realizaciyi-nacionalnoyi-strategiyi-u-sferi-pravlyudini-na-20212023-roki-i230621-756?fbclid=IwAR1eyRDZ7RVA9TrpGinGh_BjoH1Pk7F5deRel7LOjnchYAX4ki38LWJxg3k

¹⁸ Please see more details in UNHCR March Legislative Update available online: https://www.unhcr.org/ua/wp-content/uploads/sites/38/2021/05/2021-03-Legislative-Update_ENG.pdf

- Social assistance for children affected by the armed conflict
- Improvement of procedures on providing IDP targeted assistance in light of decentralization
- Administrative procedures for registration of births and deaths in NGCA/Crimea
- Cancellation of free economic zone “Crimea”
- Social protection for detainees in NGCA/Crimea and their family members
- Compensation for legal assistance expenditures for detainees in NGCA/Crimea
- Improvement of procedures on compensation for destroyed housing
- Reimbursement of utility debts during military use of civilian housing near the LoC
- Provision of medical assistance and psychological rehabilitation to conflict-affected civilians (including children)
- Single concept for documenting war crimes, crimes against humanity and human rights violations during the armed conflict in line with best practices of conflict settlement
- Compensation for damages to life and health of conflict-affected civilians

The elaboration of legal frameworks on these topics is a positive development. However, some of them are formulated broadly, what affects the clarity of their content. UNHCR and partners will monitor these legal developments and conduct advocacy interventions where necessary.

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