

Legislative Update

UNHCR update on displacement-related legislation | October 2021

Adopted Legislation

- Legal response to the COVID-19 outbreak in Ukraine
- IDP Durable Solutions Strategy valid until 2024
- Amendments to procedure for preferential long-term mortgage loans for IDPs and ATO/JFO participants

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

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- Reallocation of the budget of the Ministry of Reintegration of Temporarily Occupied Territories
- Subventions to local budgets

Adopted Legislation

Legal response to the COVID-19 outbreak in Ukraine

In October, the Government of Ukraine extended COVID-related restrictions to address the Delta strain and a high number of newly registered cases¹. It introduced multiple amendments to its Resolution #1236² of 9 December 2020 on quarantine and other restrictive measures for preventing the further spread of COVID-19 in Ukraine. By its [Resolution #1066](#)³, adopted on 11 October, the Government restricted access to all means of inter-oblast public transport: to use any of them, the passengers should have one of the following documents: (i) negative PCR test⁴, (ii) an express test⁵ for COVID-19, (iii) “yellow”⁶ COVID-19 certificate, (iv) “green”⁷ COVID-19 certificate, (v) international COVID-19 certificate or (vi) certificate on recent recovery⁸ from COVID-19 uploaded to Diya app. This is not applicable to persons aged below 18. [Resolution #1096](#)⁹ of 20 October exempts residents of non-government-controlled areas (NGCA) of Donetsk and Luhansk oblasts and Crimea from self-isolation/observation, if they enter government-controlled area (GCA) through Entry-Exit Checkpoints (EECPs) at the Line of Contact/administrative boundary with Crimea, or international/interstate border crossing points with the Russian Federation for the purpose of vaccination. This shall be confirmed by an invitation for vaccination, using the Ukrainian official form, with a unique identifier. Travelers can undergo vaccination in

¹ As for 31 October, 17430 new cases have been registered (without data from non-governmental controlled areas of Donetsk and Luhansk oblasts, and Crimea)

² The full text available online (in Ukrainian): <https://zakon.rada.gov.ua/laws/show/1236-2020-%D0%BF#Text>

³ The full text available online (in Ukrainian): <https://zakon.rada.gov.ua/laws/show/1066-2021-%D0%BF#Text>

⁴ It should be conducted no longer than in 72 hours before the trip

⁵ It should be conducted no longer than in 72 hours before the trip

⁶ It confirms that person received one of two-shot vaccine against COVID-19, recognised by WHO

⁷ It confirms that person is fully vaccinated against COVID-19 (two shots of two-shot vaccine, one shot of one-shot vaccine)

⁸ It is valid for 90 days

⁹ The full text available online (in Ukrainian): [Про внесення змін до постанови Кабінету Міністрів України від 9 грудня 2020 р. № 1236 | Кабінет Міністрів України \(kmu.gov.ua\)](#)

vaccination centres near EECPs in GCA Donetsk and Luhansk, and Kherson oblasts. [Resolution #1126](#)¹⁰ simplifies the process of uploading COVID-19 certificates to Diya app: from now on, persons can upload the certificates to “Diya” app without additional verifications; the identity is verified automatically when registering in in Diya app through e-identification and e-signature.

[IDP Durable Solutions Strategy till 2024](#)

On 28 October, the Government adopted [Regulation #1364-p](#)¹¹, which defines the Government Strategy on Durable Solutions for IDPs until 2024 (the Strategy) and its Operational Plan. The Strategy specifies the Government’s vision regarding durable solutions for IDPs in the medium term, with a focus on the most urgent issues IDPs are facing in host communities. Progress in the implementation of the Strategy will be measured through specific indicators. The primary purpose is to create conditions to ensure that IDPs will not require any specific assistance/protection due to their displacement and will be able to exercise their rights fully without discrimination. The Operational Plan identifies activities required for the Strategy’s implementation.

The Strategy focuses on six strategic goals:

- **Housing and property rights:** expanding access to social, temporary and affordable housing opportunities, and prioritizing resettlement of IDP collective centres;
- **Employment and education:** introducing local employment programs for IDPs and mechanism for supporting IDP-led businesses, and facilitating IDPs’ access to primary, secondary and higher education;
- **Social protection:** simplifying mechanism for full and timely payment of pensions and social benefits to IDPs, including pension arrears, introducing a procedure for remote verification of pensioners and persons receiving social benefits, and improving the mechanism for paying IDP targeted assistance;
- **Access to health care:** facilitating IDPs’ access to qualified health care assistance, in particular, Donetsk and Luhansk oblasts;
- **Access to documentation:** introducing an administrative procedure for registering births and deaths that occurred in NGCA/Crimea, and mechanism for introducing data on residence registration in NGCA/Crimea to passports of Ukrainian citizens;
- **IDP integration to host communities:** conducting regular assessment of IDP needs and measuring IDP integration to host communities through annual monitoring. A specific priority is given to the facilitation of IDP inclusion in local decision-making processes.

The adoption of the Strategy and its Operational Plan is an important legal and protection development towards the removal of existing barriers faced by IDPs in host communities, and addressing their key needs – housing and employment.

[Amendments to procedure for preferential long-term mortgage loans for IDPs and ATO/JFO participants](#)

¹⁰The full text available online (in Ukrainian): <https://zakon.rada.gov.ua/laws/show/1126-2021-%D0%BF#Text>

¹¹ The full text available online (in Ukrainian): <https://zakon.rada.gov.ua/laws/show/1364-2021-%D1%80#Text>

On 28 October, the Government adopted [Resolution #1111](#)¹², introducing amendments to the procedure for a preferential long-term housing loans program for IDPs and ATO/JFO participants. This opportunity is funded from the state budget: however, this program has not been funded since 2020¹³. The adopted amendments limit the number of potential beneficiaries: IDPs and ATO/JFO participants will no longer be able to benefit from this program if they or their family member(s) have received state-funded support, financial compensation and/or preferential loans for housing. This does not apply to support provided for housing solutions in NGCA of Donetsk and Luhansk oblasts, Crimea or settlements across the Line of Contact. If the person is an IDP and a veteran, (s)he can apply for a preferential long-term mortgage loan on both of these grounds, but through two distinct applications. When the applicant receives his/her loan under one track, (s)he will be automatically excluded from the second track. The applicant can defer the preferential long-term mortgage loan for one calendar year. This can be done only once, after which the applicant will no more be able to receive a loan under his/her current registration number in the housing queue, and will have to register again in the queue

Draft legislation

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

On 5 October, MPs registered in the Parliament [draft Law #6104-1](#)¹⁴, which proposes an alternative to the recent Presidential initiative¹⁵ on 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 Federation¹⁶ (“detainees”) and their family members. The alternative draft includes provisions different to initial draft:

- There should be no specific body¹⁷ for establishing the fact of deprivation of personal liberty: this should be done by the MinReintegration
- The list of confirmation documents, which are required to establish the fact of deprivation of personal liberty, should be exhaustive¹⁸: it means that applicants should provide all documents instead of one as suggested by the initial draft. List of confirmation documents may differ depending on the applicant’s category (combatants, civilian persons, applicants’ family members)

On 20 October, the Parliamentary Human Rights Committee recommended¹⁹ this draft be further elaborated. This means that the draft is returned to its authors to address concerns raised by the Committee’s members during its examination.

Other developments

Reallocation of the budget costs at the MinReintegration

¹² The full text available online (in Ukrainian): [Про внесення змін до Порядку використання коштів, передбачених у державному бюджеті для надання пільгового довгострокового державного кредиту внутрішньо переміщеним особам, учасникам проведення антитерористичної операції \(АТО\) та/або учасникам проведення операції Об’єднаних сил \(ООС\) на придбання житла | Кабінет Міністрів України \(kmu.gov.ua\)](#)

¹³ Please see more details in UNHCR 2019 November Legislative Update available online: <https://www.unhcr.org/ua/wp-content/uploads/sites/38/2020/07/2019-11-Legislative-Update.pdf>

¹⁴ The full text available online (in Ukrainian): [Офіційний портал Верховної Ради України \(rada.gov.ua\)](#)

¹⁵ Please see more details in UNHCR 2019 November Legislative Update available online:

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

¹⁷ The initial draft suggests that this should be done by a specific Commission coordinated by the MinReintegration

¹⁸ The initial draft suggests that this should be non-exhaustive list – applicant should bring one confirmation document for establishing the fact of deprivation of personal liberty

¹⁹ The full text available online (in Ukrainian): http://w1.c1.rada.gov.ua/pls/zweb2/webproc4_1?pf3511=73026

On 28 October, the Government adopted [Regulation #1308-p²⁰](#) on redistributing allocations under several budget lines of the MinReintegration's budget, including:

- Under budget line #3901080 “Ensuring informational sovereignty and development of indigenous people's languages”, an amount of 164,230 million UAH is transferred from consumption expenditures²¹ to development expenditures²²
- Under budget line #3901090 “Ensuring proper conditions for entering/exiting NGCA of Donetsk and Luhansk oblasts/Crimea”, the amount of 41,8 million UAH is transferred from consumption expenditures to development expenditures
- Consumption expenditures under budget line #3901120 “Integration of youth from NGCA of Donetsk and Luhansk oblasts, and Crimea” were reduced by 28 million UAH
- Consumption expenditures under budget line #3901060 “Mine action and mine risk education” were increased by 10 million UAH
- Consumption expenditures under budget line #3901050 “Ensuring rights and freedom of persons deprived of personal liberty” were increased by 18 million UAH

There is no clear information on which particular activities would be covered by these increases.

Subventions to local budgets

On 28 October 2021, the Government adopted [Regulation #1302-p²³](#) distributing subventions from the State budget among the local budgets of conflict-affected territories and those hosting IDPs. This subvention covers settlements in Chernivtsi (Chernivtsi territorial community), Dnipropetrovsk (Apostolivska, Sursko-Lytovska, Pokrovska, Pidhorodnenska, Slovyanska territorial communities), Donetsk (Velykonovosilkivska territorial community), Ivano-Frankivsk (Burshtynska territorial community), Kirovohrad (Onufriivska territorial community), Luhansk (Hirska, Lyschanska, Sievierodonetska territorial communities), Lviv (Horodotska territorial community), Odesa (Bilhorod-Dnistrovka territorial community), Poltava (Lubenska territorial community), Kharkiv (Natalynska territorial community), Kherson (Skadovska territorial community), Zakarpattya (Uzhhorod territorial community) oblasts. The total allocated sum is 21,8 million 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, TEL: +38 044 288-9710

LINKS

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

Facebook: www.facebook.com/UNHCRKyiv - Instagram: www.instagram.com/unhcr_ukraine

²⁰ The full text available online (in Ukrainian): [Про перерозподіл деяких видатків державного бюджету, передбачених Міністерству з питань реінтеграції тимчасово окупованих територій на 2021 рік | Кабінет Міністрів України \(kmu.gov.ua\)](#)

²¹ Consumption expenditures refer to allocations that ensure current operations and functioning of accountable institutions.

²² Development expenditures refer to allocations or capital investment and structural adjustments of economy.

²³ 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 \(kmu.gov.ua\)](#)