

# Legislative Update

UNHCR update on displacement-related legislation | August 2020

## Adopted Legislation

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## Adopted Legislation

### Freedom of movement during the COVID-19 outbreak in Ukraine

On 8 August 2020, the Government adopted its [Regulation #979-p](#)<sup>1</sup> restricting crossing of the administrative boundary with Crimea as a preventive measure to the spreading of COVID-19. The restriction is in place from 9 until 30 August. The crossing is only allowed based on the residence registration in Crimea with some exceptions of humanitarian nature.<sup>2</sup> The list of humanitarian exceptions includes such grounds as restoration of family unity, need for medical treatment, death of a close relative, residence permit in a third country for those in transit travel, participation in the university enrolment campaign and other grounds requiring urgent crossing of the administrative boundary to be assessed by the Head of the State Border Guard Service in coordination with the MinReintegration. On 12 August 2020, by its [Regulation #985-p](#)<sup>3</sup>, the Government allowed graduates and students with residence registration in Crimea who plan to get enrolled into universities or continue studying in Ukrainian educational facilities to cross the administrative boundary with Crimea by themselves or with one accompanying adult without staying in self-isolation<sup>4</sup>. The Regulation #979-p was abolished as of 28 August by the Government Resolution #757<sup>5</sup> described below.

On 26 August, the Government [prolonged](#)<sup>6</sup> its algorithm of adaptive quarantine measures to be in place until 31 October 2020 following the modality adopted in July 2020<sup>7</sup>, with different levels identified by colours: green, yellow, orange and red, with red having the highest level of restrictions.

<sup>1</sup> The full text available online (in Ukrainian): <https://www.kmu.gov.ua/npas/pro-timchasove-privpennya-roboti-kontrolnih-punktiv-vyizdu-na-timchasovo-okupovanu-teritoriyu-t80820>

<sup>2</sup> Additional explanations on such exceptions have been provided by the Ministry for Reintegration of the Temporarily Occupied Territories (MinReintegration) on 10 August. The full text available online (in Ukrainian): <https://mtot.gov.ua/ua/rozasnennja-schodo-gumanitarnih-pidstav-peretinu-kpvtv-u-hersonski-oblasti>

<sup>3</sup> The full text available online (in Ukrainian): <https://www.kmu.gov.ua/npas/pro-vnesennya-zmin-do-rozporjadzhennya-kabinetu-ministriv-ukrayini-vid-8-serpnya-2020-r-t120820>

<sup>4</sup> Please see more details in UNHCR April, May-June and July Legislative Updates available online: <https://www.unhcr.org/ua/en/resources>

<sup>5</sup> The full text available online (in Ukrainian): <https://www.kmu.gov.ua/npas/pro-vnesennya-zmin-do-deyakih-aktiv-kabinetu-ministriv-t270820>

<sup>6</sup> The full text available online (in Ukrainian): <https://www.kmu.gov.ua/news/uryad-podovzhiv-adaptivnij-karantin-do-31-zhovtnya>

<sup>7</sup> Please see more details in UNHCR July Legislative Updates available online: <https://www.unhcr.org/ua/en/resources>

On 27 August 2020, the Government adopted its [Resolution #757](#)<sup>8</sup> introducing additional limitations on freedom of movement. As of 29 August and until 28 September, the crossing the international border of Ukraine is temporarily prohibited for foreigners and stateless persons but with some exceptions. Those constantly residing in Ukraine, refugees and those in need of complimentary protection, staff of international and humanitarian missions accredited in Ukraine and their family members, military instructors from NATO Member States and Partnership for Peace are allowed to cross the boundary on unconditional basis. The other categories of foreigners who may cross the border if they possess an insurance covering COVID-19 related treatment and observation include: spouses, parents and children of Ukrainian citizens; foreigners/stateless persons officially employed in Ukraine; foreign students; head of states and staff of international organizations invited by the Ukrainian central authorities; transit travellers who would leave the Ukrainian territory within two days; servicemen of the Armed Forces of Ukraine; drivers of international cargoes and public transport for inter-state connections; persons invited by the Ministry for Foreign Affairs; cultural workers, sportsmen and technical specialists invited to Ukraine; those in need of medical treatment or bringing hematopoietic stem cells for transplantation. The Head of the State Border Guard Service has discretionary power to allow other categories of foreigners and stateless persons to cross the international boundary of Ukraine based on humanitarian grounds.

By this Resolution, the Government returned the self-isolation regime for those crossing EECPs in the east and the administrative boundary with Crimea except for children under 12 and staff of official international missions and organizations accredited in Ukraine. Travelers shall install and activate the Diy vdoma mobile application. If, for any reason, they do not manage to install the application, they shall stay in observation. The self-isolation/observation may be interrupted by negative polymerase chain reaction (PCR) testing for COVID-19. Foreigners and stateless persons can cross the line of contact and the administrative boundary with Crimea with an insurance certificate for COVID-19 related treatment and observation.

The Government of Ukraine may undertake prevention and security measures in response to the COVID-19 outbreak in its territory, however the measures should be proportionate to the aim of infection containment. It is important that information regarding restrictive measures is shared early and spread widely. This is of particular importance for places such as EECPs where crowds could gather, during prolonged waiting in the heat and sometimes overnight stay in dangerous conditions. The renewed introduction of the obligation to install the “Diy vdoma” mobile application raises the same previously expressed concerns<sup>9</sup> for the most vulnerable. Self-isolation/observation may be stopped in case of a negative PCR testing, which is hardly affordable for many<sup>10</sup>. Donetsk and Luhansk oblasts GCA lack observation facilities to place individuals arriving from NGCA. UNHCR notes the need for an exemption of the self-isolation/observation regime for individuals traveling for one-two days to access administrative services (such as identification for the pensions, banking services or issuance of a birth/death certificate).

<sup>8</sup>The full text available online (in Ukrainian): <https://www.kmu.gov.ua/npas/pro-vnesennya-zmin-do-deyakih-aktiv-kabinetu-ministriv-t270820>

<sup>9</sup>Please see more details in UNHCR May-June Legislative Update available online: [https://www.unhcr.org/ua/wp-content/uploads/sites/38/2020/07/2020-05-06-Legislative-Update\\_fin.pdf](https://www.unhcr.org/ua/wp-content/uploads/sites/38/2020/07/2020-05-06-Legislative-Update_fin.pdf)

<sup>10</sup>The minimum price for PCR testing in Donetsk oblast is 650 UAH. The full text of news available online (in Ukraine): <https://freeradio.com.ua/iak-zrobyty-plr-test-na-covid-19-v-donetskii-oblasti-ta-skilky-tse-bude-koshtuvat-roz-iasnennia/>

## Draft legislation

### Enhancing administrative liability for domestic and gender-based violence

On 3 August 2020, MPs registered in Parliament the [draft law #3908-1](#)<sup>11</sup> suggesting amendments to the Code of Administrative Procedures to make the liability for domestic and gender-based violence (GBV) stricter. While the original draft law [#3908](#)<sup>12</sup> registered in Parliament on 17 July 2020 focuses on increasing the fines<sup>13</sup>, the alternative draft [#3908-1](#) suggests that perpetrators among military are also held liable and 120-140 hours of community services is among the possible liability measures. The suggested measures may potentially enhance the protection of SGBV survivors.

### Draft law on book-shaped passports for Ukrainian citizens

On 14 August 2020, the Government registered in Parliament the [draft law #3986](#)<sup>14</sup> on book-shaped passports for Ukrainian citizens, suggesting defining the terms of validity for this type of ID documents. Thus, for persons aged 16-25 the book-shaped passport will remain valid until they reach the age of 25. After that, if the photo is replaced timely<sup>15</sup>, the validity of the book-shaped passport shall be prolonged until these persons reach the age of 45. After proper replacing of the photo at this age, the book-shaped passport becomes termless. If the person misses the deadline for replacing a photo, his/her book-shaped passport becomes invalid and should be exchanged for an ID card. If the book-shaped passport is lost, it should also be replaced by an ID card. The Cabinet of Ministers shall define this procedure. An alternative draft law [#3986-1](#)<sup>16</sup> replicates the technical requirements already existing in Governmental Resolutions but without introducing any changes to the current situation.

The adoption of draft law [#3986](#) may contribute to the gradual substitution of book-shaped passports by ID cards. While book-shaped passports contain a visible information on the holder's residence registration (and if the holder chooses so, additional information about child(ren) and the holder's blood type can also be made visible), ID cards accumulate all personal data of the holder on an electronic chip readable with specific equipment to be placed in state institutions and banks. Digital solutions will ensure that, in case of loss or destruction of the ID document, the latter can be restored easily with all necessary information. Personal data is administered through the Unified Demographic Registry. However, book-shaped passports prove useful for persons to prove their residence registration in NGCA of the Donetsk and Luhansk oblasts and in Crimea especially for traveling to NGCA/Crimea. Although technical, the suggested draft law may cause concerns for this group of citizens.

## Other developments

### Subventions to local budgets

<sup>11</sup> The full text available online (in Ukrainian): [http://w1.c1.rada.gov.ua/pls/zweb2/webproc4\\_1?pf3511=69632](http://w1.c1.rada.gov.ua/pls/zweb2/webproc4_1?pf3511=69632)

<sup>12</sup> The full text available online (in Ukrainian): [http://w1.c1.rada.gov.ua/pls/zweb2/webproc4\\_1?pf3511=69559](http://w1.c1.rada.gov.ua/pls/zweb2/webproc4_1?pf3511=69559)

<sup>13</sup> from 10-20 non-taxable minimum wages (as for August 2020, non-taxable minimum wage amounts to 2118 UAH. Thus, the maximum fines amount to 21 180 UAH and 42 360 UAH accordingly) to 1000-2000 non-taxable minimum wages (2 118 000 UAH and 4 236 000 UAH accordingly ) and for repeated offence from 20-40 non-taxable minimum wages to 2000-4000 non-taxable minimum wages (The suggested maximum fines amount to 4 236 000 UAH and 8 472 000 UAH accordingly)

<sup>14</sup> The full text available online (in Ukrainian): [http://w1.c1.rada.gov.ua/pls/zweb2/webproc4\\_1?pf3511=69680](http://w1.c1.rada.gov.ua/pls/zweb2/webproc4_1?pf3511=69680)

<sup>15</sup> This is not specified in the draft law, but according to procedures in place the photo should be replaced within 1 month after reaching the age of 25 and 45

<sup>16</sup> The full text available online (in Ukrainian): [http://w1.c1.rada.gov.ua/pls/zweb2/webproc4\\_1?pf3511=69681](http://w1.c1.rada.gov.ua/pls/zweb2/webproc4_1?pf3511=69681)

On 5 August 2020, the Government adopted its [Regulation #966-p](#)<sup>17</sup> devoted to the distribution of the subvention from the State budget among local budgets in the east of Ukraine to support territories affected by the armed conflict. The MinReintegration shall discuss and agree such allocations with the Parliamentary Budgetary Committee.

This is the second subvention<sup>18</sup> to conflict-affected territories in 2020 that covers certain settlements of the Donetsk oblast (Kramatorsk and Pokrovsk) and the Zaporizhzhia oblast (Prymorsk city amalgamated territorial community). The total allocated sum is over 5.5 mln UAH. The subventions may be used for the overall development of the mentioned settlements and localities, thus improving the quality of life and access to different services for host and displaced populations.

### [Non-holding of local elections in amalgamated territorial communities of the Donetsk and Luhansk oblasts](#)

On 8 August 2020, the Central Electoral Commission adopted its Resolution #161<sup>19</sup> stating that local elections shall not be held in ten territorial communities of the GCA Donetsk oblast (Bakhmut, Volnovakha, Mariupol and Pokrovsk rayons) and eight territorial communities of the GCA Luhansk oblast (Sievierodonetsk and Shchastya rayons). The decision is based on the submissions of the respective oblast administrations which underlined the volatile security situation in these locations which would put voters at risk and prevent the proper organization of elections. In response to this Resolution, on 10 August 2020, MPs registered in Parliament the [draft law #3976](#)<sup>20</sup> listing these territorial communities as cleared for holding elections. In case of adoption, the Resolution #161 shall be abolished, but perspectives for the draft's consideration are unclear.

### [Kyiv municipal affordable housing program](#)

On 12 August 2020, the Kyiv city council published a [draft complex targeted programme](#)<sup>21</sup> on providing [affordable housing](#) in the city of Kyiv for 2020-2022. The expected funding is over 1.32 bln UAH. Among the beneficiaries, the draft lists members and former participants of the Joint Forced Operations (JFO)/ Anti-Terrorist Operation (ATO) (including displaced). IDPs can apply for the affordable housing programme only if they are registered in the Kyiv housing waiting list<sup>22</sup> and have confirmation of prior registration in a waiting list for temporary housing. Alternatively, a rent agreement proving their residence in Kyiv for five years may be used. If adopted, this program may assist some IDPs in acquiring housing in Kyiv.

## **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>17</sup> The full text available online (in Ukrainian): <https://www.kmu.gov.ua/npas/pro-rozpodil-subvenciyi-z-derzhavno-a966r>

<sup>18</sup> The first subvention was assigned on 25 June 2020 by Government Regulation 771-p to several localities of Donetsk, Lviv, Luhansk, Khemlytsky and Zaporizhzhia oblasts. The total allocated sum is 6980,8 thousand UAH. The full text available online (in Ukrainian): <https://www.kmu.gov.ua/npas/pro-rozpodil-u-2020-roci-subvenciyi-z-derzhavnogo-byudzhetu-771-250620>

<sup>19</sup> The full text available online (in Ukrainian): <https://www.cvk.gov.ua/pls/acts/showcarde8ff.html?id=48268&what=0>

<sup>20</sup> The full text available online (in Ukrainian): [http://w1.c1.rada.gov.ua/pls/zweb2/webproc4\\_1?pf3511=69666](http://w1.c1.rada.gov.ua/pls/zweb2/webproc4_1?pf3511=69666)

<sup>21</sup> The full text available online (in Ukrainian):

[https://kyivcity.gov.ua/kyiv\\_ta\\_miska\\_vlada/struktura\\_150/vikonavchiy\\_organ\\_kivsko\\_misko\\_radi\\_kivska\\_miska\\_derzhavna\\_administratsiya/departamenti\\_ta\\_upravlinnya/departament\\_budivnytstva\\_ta\\_zhytlovoho\\_zabezpechennia/proekt\\_misko\\_programi\\_zabezpechennya\\_zhitlom\\_gromadyan\\_yaki\\_potrebuyut\\_poli\\_pshennya\\_zhitlovikh\\_umov\\_na\\_2020-2022\\_roki\\_390574/proekt\\_misko\\_programi\\_zabezpechennya\\_zhitlom\\_gromadyan\\_yaki\\_potrebuyut\\_polipshennya\\_zhitlovikh\\_umov\\_na\\_2020-2022\\_roki/](https://kyivcity.gov.ua/kyiv_ta_miska_vlada/struktura_150/vikonavchiy_organ_kivsko_misko_radi_kivska_miska_derzhavna_administratsiya/departamenti_ta_upravlinnya/departament_budivnytstva_ta_zhytlovoho_zabezpechennia/proekt_misko_programi_zabezpechennya_zhitlom_gromadyan_yaki_potrebuyut_poli_pshennya_zhitlovikh_umov_na_2020-2022_roki_390574/proekt_misko_programi_zabezpechennya_zhitlom_gromadyan_yaki_potrebuyut_polipshennya_zhitlovikh_umov_na_2020-2022_roki/)

<sup>22</sup> It is different from queue for temporary or social housing