

# Legislative Update

UNHCR update on displacement-related legislation | May-June 2020

## Adopted Legislation

- Legal response to the COVID-19 outbreak in Ukraine (multiple acts)
- Provision of social services for vulnerable categories of the population
- Law introducing a Statelessness Status Determination Procedure

## Other developments

- Organisational documents of the Ministry for Reintegration of the Temporarily Occupied Territories of Ukraine
- Updated Governmental Programme

## Draft Legislation

- Amendments to the Law on military-civil administrations
- Draft law introducing specific requirements for Government programming
- Amendments to the Law on humanitarian assistance
- Exchange of information on crossings of the international boundary of Ukraine, the line of contact in the east and the administrative boundary with Crimea
- Increased social benefits for persons and children with disabilities caused by unexploded ordnances
- Sharing biometric data of foreigners and stateless persons
- Simplified access to birth/death registration
- Procedure for enrolment in higher education institutions for NGCA/Crimea residents

## Adopted Legislation

### Legal response to the COVID-19 outbreak in Ukraine

In May 2020, Ukraine started gradual lifting of the quarantine measures adopted in response to the COVID-19 outbreak<sup>1</sup>. In June, in view of an increasing number of COVID-19 infection cases<sup>2</sup>, the Government empowered the local authorities to introduce additional restrictions, as well as quarantine mitigation measures at the oblast/settlement levels depending on the situation. Such an approach is expected to ensure flexibility in response to the COVID-19 outbreak in Ukraine and prevention of its further spread. An overview of the recent legal developments is provided in the Annex (page 9).

### Provision of social services for vulnerable categories of the population

On 1 June 2020, the Cabinet of Ministers of Ukraine adopted three Resolutions which aim at regulating the selection of social services providers in a particular settlement/hromada, as well as monitoring, evaluating and controlling the quality of the services provided.

<sup>1</sup> Please see more details in UNHCR March and April Legislative Updates

<sup>2</sup> As for 30 June, 664 new cases have been registered. As for 1 July, 44 998 cases throughout Ukraine have been confirmed (without data from Donetsk and Luhansk non-governmental controlled areas and Crimea)

According to the [Resolution #450](#)<sup>3</sup>, in a first stage, the social needs will be assessed for a particular settlement/hromada. This will lead to the preparation of a “social request” specifying the types of social services needed, as well as the categories and the number of beneficiaries for each category, and the proposed funding mechanisms. Depending on the needs, the social request may be elaborated annually or every three years. The decision on the selection of the service providers will then be taken by a special commission and the agreement will be concluded with the selected service provider(s) for a period of up to three years.

The [Resolution #449](#)<sup>4</sup> establishes a mechanism for monitoring and evaluating the quality of the services provided a yearly or quarterly basis for planning purposes. The evaluation should be conducted through opinion polls of beneficiaries and the results of the evaluation with recommendations for improvement will be published on the website of the Ministry of Social Policy.

The [Resolution #427](#)<sup>5</sup> introduces the possibility to control the provision of social services through yearly inspections. Extraordinary inspections can also take place following written complaints lodged by the central or local authorities, civil society organizations or beneficiaries, and will be circumscribed to a review of the situation described in the complaint. These measures apply to state and non-state social service providers.

The adoption of these Resolutions is expected to improve the provision of social assistance to vulnerable categories of the population.

### [Law introducing a Statelessness Status Determination \(SSD\) Procedure](#)

On 16 June, the Verkhovna Rada of Ukraine adopted the [draft law #2235](#)<sup>6</sup> introducing a statelessness status determination (SSD) procedure in Ukraine. A detailed description of its content is available in the 2018 Legislative Update for September<sup>7</sup> and the 2019 Legislative Update for October<sup>8</sup>.

UNHCR welcomes the adoption of this law since it will contribute to a greater protection of the rights of stateless individuals in Ukraine. UNHCR reaffirms its readiness to provide its expert support for the implementation of the law.

## **Draft legislation**

### [Amendments to the Law on military-civil administrations](#)

On 12 May, MPs registered in Parliament the [draft law #3462](#)<sup>9</sup> introducing amendments to the Law on military-civil administrations, entrusting them with functions related to public-private partnership. Such functions are regularly attributed to local councils, allowing the councils to conclude agreements with legal entities on the effective use of communal property. Among other things, this would open the way for investors.

<sup>3</sup> The full text available online (in Ukrainian): <https://www.kmu.gov.ua/npas/deyaki-pitannya-nadannya-socialnih-a450>

<sup>4</sup> The full text available online (in Ukrainian): <https://www.kmu.gov.ua/npas/pro-zatverdzhennya-poryadku-provedennya-monitoringu-nadannya-ta-ocinki-yakosti-socialnih-poslug-i010620-449>

<sup>5</sup> The full text available online (in Ukrainian): <https://www.kmu.gov.ua/npas/deyaki-pitannya-zdijsnennya-kontroly-a427>

<sup>6</sup> The full text available online (in Ukrainian): [http://w1.c1.rada.gov.ua/pls/zweb2/webproc4\\_1?pf3511=67217](http://w1.c1.rada.gov.ua/pls/zweb2/webproc4_1?pf3511=67217)

<sup>7</sup> The full text available online: <https://www.refworld.org/cgi-bin/telex/vtx/rwmain?page=search&docid=5c49c9a57&skip=0&query=legislative%20update&coi=UKR>

<sup>8</sup> The full text available online (in Ukrainian): <https://www.unhcr.org/ua/wp-content/uploads/sites/38/2019/12/2019-10-Legislative-Update.pdf>

<sup>9</sup> The full text available online (in Ukrainian): [http://w1.c1.rada.gov.ua/pls/zweb2/webproc4\\_1?pf3511=68805](http://w1.c1.rada.gov.ua/pls/zweb2/webproc4_1?pf3511=68805)

According to the Law on public-private partnership<sup>10</sup>, this type of cooperation may be implemented in relation to the development of critical infrastructure, water and gas supply, health care, tourism, recycling, social services, repair of housing destroyed as a result of the hostilities, modular and temporary housing for IDPs, education services and the protection of cultural property. Other possible areas of cooperation may be agreed by parties, considering local needs.

In case of adoption, military-civil administrations will have an opportunity to attract investments and ensure the effective use of available communal property. A broad range of options for public-private partnership may also contribute towards finding housing solutions for IDPs by introducing additional temporary housing options in the Donetsk and Luhansk oblasts in GCA. This may also facilitate relocation of IDPs from collective centers that are not adapted for long-term residence (such as former hotels, sanatoriums, or geriatric homes and dormitories of different enterprises). In a broader sense, this draft may facilitate the involvement of development actors into the restoration of the conflict area in eastern Ukraine.

### Specific requirements for Governmental Programmes

On 13 May, MP registered in Parliament the [draft law #3468](#)<sup>11</sup> suggesting amendments to Article 11 of the Law on the Cabinet of Ministers of Ukraine. It is suggested that Governmental Programmes shall necessarily contain information regarding required economic support to reach programmatic objectives and a list of draft legal acts required for proper implementation.

The adoption of this draft initiative may facilitate the elaboration of further Governmental Programmes with concrete indicators, targets and sufficient budgetary support for their implementation. From UNHCR's perspective, such approach could contribute to monitoring and evaluating results, allowing to assess whether needs of UNHCR persons of concerns are addressed properly, including those related to durable solutions.

### Amendments to the Law on humanitarian assistance

On 22 May, MPs registered in Parliament the [draft law #3527](#)<sup>12</sup> introducing technical amendments to Article 5 of the Law on humanitarian assistance. It suggests increasing the maximum weight of humanitarian cargoes from 3 to 12 tons. This change was suggested to increase the incoming humanitarian cargo to enhance the COVID-19 response.

### Sharing information on crossings of the international border of Ukraine, the line of contact (LoC) in the east and the administrative boundary with Crimea

On 28 May, the Government registered in Parliament the [draft law #3555](#)<sup>13</sup> proposing to authorize the SBGS to share with the Ministry of Social Policy personal data of individuals crossing the international border of Ukraine, the LoC in the east and the administrative boundary with Crimea. The exchange of data should be conducted electronically.

This draft initiative raises serious protection concerns. In the current legal context, this exchange of information would lead to de-registration of such individuals as IDPs and consequently would deprive them of access to their pensions. It is noted that state authorities do not exchange similar information about other Ukrainian citizens to determine their location and eligibility to continue receiving their pensions. It is not clear if this

<sup>10</sup> The full text available online (in Ukrainian): <https://zakon.rada.gov.ua/laws/show/2404-17>

<sup>11</sup> The full text available online (in Ukrainian): [http://w1.c1.rada.gov.ua/pls/zweb2/webproc4\\_1?pf3511=68815](http://w1.c1.rada.gov.ua/pls/zweb2/webproc4_1?pf3511=68815)

<sup>12</sup> The full text available online (in Ukrainian): [http://w1.c1.rada.gov.ua/pls/zweb2/webproc4\\_1?pf3511=68912](http://w1.c1.rada.gov.ua/pls/zweb2/webproc4_1?pf3511=68912)

<sup>13</sup> The full text available online (in Ukrainian): [http://w1.c1.rada.gov.ua/pls/zweb2/webproc4\\_1?pf3511=68963](http://w1.c1.rada.gov.ua/pls/zweb2/webproc4_1?pf3511=68963)

difference in treatment would be in pursuit of a legitimate aim; however, given its disproportionately negative impact on persons living in territories outside Governmental control, the measure is likely to be discriminatory.

#### [Increased social benefits for persons and children with disabilities caused by unexploded ordnances](#)

In June 2020, two initiatives aiming at increasing social benefits for persons and children with disabilities caused by unexploded ordnances were registered in Parliament. By virtue of the [draft law #3573](#)<sup>14</sup> of 2 June, the Government expressed its intention to increase social assistance to children with disabilities caused by unexploded ordnances for 50%, so that the final sum would amount to 1,719.6 UAH<sup>15</sup> in June 2020 and to 1,797.6 UAH<sup>16</sup> in July-December 2020, in line with regular gradual increase of the minimum live wage. By virtue of the alternative [draft law #3573-1](#)<sup>17</sup> of 17 June, MPs extended the Government's proposal to all persons with disabilities caused by unexploded ordnances.

If adopted, children and persons with disabilities would benefit from increased social assistance in accordance with the Law on mine action in Ukraine which is a positive development. Simultaneously, this would require recalculation of the funds under relevant budget lines of the Ministry for Social Policy and may affect the payment of other social benefits to other vulnerable categories of the population. Moreover, this would not significantly contribute to addressing key needs of these children, related to further medical and psychosocial assistance.

#### [Sharing biometric data of foreigners and stateless persons](#)

On 11 June, the Government registered in Parliament the [draft law #3630](#)<sup>18</sup> suggesting to require foreigners and stateless persons to share their biometrical data unless otherwise stated in Ukrainian legislation or international treaties. The order of such sharing should be defined by the Government.

The Cabinet of Ministers justifies this initiative by the need to complete a data collection process, as foreigners and stateless persons are already obliged to share their biometric data at border control points, while applying for a residence permit and during forced evictions procedure (if applicable).

In case of adoption, this initiative may facilitate the identification procedure of foreigners and stateless persons entering the territory of Ukraine. Simultaneously, the lack of details on the implementation of such a mechanism may result in a potential threat to data protection in view of data exchange between relevant authorities. The mechanism should clearly specify these protection measures.

#### [Simplified access to birth/death registration](#)

In June, three draft laws aimed at simplifying access to birth/death registration have been registered in the Verkhovna Rada.

On 11 June, MP registered in Parliament the [draft law #3635](#)<sup>19</sup> introducing amendments to Law on court fees. The author of the draft suggests to exempt from paying a court fee persons who are forced to follow a judicial procedure for birth registration when civil registry offices cannot do this for any reason.

<sup>14</sup> The full text available online (in Ukrainian): [http://w1.c1.rada.gov.ua/pls/zweb2/webproc4\\_1?pf3511=68998](http://w1.c1.rada.gov.ua/pls/zweb2/webproc4_1?pf3511=68998)

<sup>15</sup> The sum is calculated as follows: 70% of minimum wage as of June 2020 + 50% suggested by the Government

<sup>16</sup> Ibid.

<sup>17</sup> The full text available online (in Ukrainian): [http://w1.c1.rada.gov.ua/pls/zweb2/webproc4\\_1?pf3511=69162](http://w1.c1.rada.gov.ua/pls/zweb2/webproc4_1?pf3511=69162)

<sup>18</sup> The full text available online (in Ukrainian): [http://w1.c1.rada.gov.ua/pls/zweb2/webproc4\\_1?pf3511=69101](http://w1.c1.rada.gov.ua/pls/zweb2/webproc4_1?pf3511=69101)

<sup>19</sup> The full text available online (in Ukrainian): [http://w1.c1.rada.gov.ua/pls/zweb2/webproc4\\_1?pf3511=69108](http://w1.c1.rada.gov.ua/pls/zweb2/webproc4_1?pf3511=69108)

In case of adoption, this legal initiative may facilitate access of NGCA and Crimea residents to court procedure of birth registration. Currently, the regulations already exempting IDPs and residents of territories outside Governmental control from paying court fees for cases establishing legal facts (e.g. birth, death, marriage) are unevenly applied and often interpreted in a way that requires them to pay court fees. The general exemption would contribute to the issuance of an increased number of Ukrainian birth certificates to NGCA and Crimea residents. Simultaneously, UNHCR continues to advocate for the elaboration of an administrative procedure for birth registration of children born in NGCA and Crimea, as the steps of a judicial procedure remain cumbersome.

The [draft law #3713](#)<sup>20</sup> registered on 22 June suggests exempting birth and death documents from the general rule of non-recognition of documents issued by the occupying power in Crimea. The same rule exists in the Law [#2268](#)<sup>21</sup> “on public policy towards separate parts of Donetsk and Luhansk oblasts”. If adopted, this would harmonize access to administrative procedure of birth/death registration for NGCA and Crimea residents when elaborated and implemented.

The [draft law #3714](#)<sup>22</sup> registered on the same day introduces a general rule on exempting residents of NGCA and Crimea from paying fines (amounting to max 6,081 UAH) in case they did not submit an application for birth registration in time. This is a positive development, since such fines are applicable if birth registration did not take place within one calendar month after the birth.

#### [Enrolment procedure for NGCA/Crimea residents](#)

On 24 June, the President registered in Parliament the [draft law #3734](#)<sup>23</sup> suggesting amendments to the Law on higher education that would simplify access to university enrolment opportunities at GCA for residents of NGCA and Crimea as well as those residing along the LoC. The Law was adopted on 3 July and signed by the President on 10 July<sup>24</sup>.

Those children who graduated from schools in NGCA, Crimea or settlements along the LoC and possess a certificate on full secondary education, can enter GCA universities according to available quotas. These quotas shall be defined by the Ministry of Education and are specific for this group of entrees. This means that children from NGCA, Crimea and settlements along the LoC will compete for spots between themselves, not with children who graduated from schools at GCA.

Unlike in previous years, graduates may enter medical, pharmacy or veterinary faculties on a competition basis (including additional points for motivation letters or awards for school Olympiads) or passing entrance exams according to the available quotas. The detailed conditions for conflict-affected graduates shall be specified by universities.

Residents of NGCA, Crimea or settlements along the LoC may benefit from free of charge preparation courses. This would allow further enrolling in the universities as IDPs. The universities would define this procedure.

The suggested amendments do not introduce any preferential treatment for conflict-affected persons in comparison to previous years. A similar procedure already exists since 2016, when children from NGCA and Crimea were provided with an opportunity to be enrolled into selected universities through the educational centres “Donbas - Ukraine” and “Crimea - Ukraine” through simplified procedure. The law in questions extends

<sup>20</sup> The full text available online (in Ukrainian): [http://w1.c1.rada.gov.ua/pls/zweb2/webproc4\\_1?pf3511=69230](http://w1.c1.rada.gov.ua/pls/zweb2/webproc4_1?pf3511=69230)

<sup>21</sup> The full text available online (in Ukrainian): <https://zakon.rada.gov.ua/laws/show/2268-19#Text>

<sup>22</sup> The full text available online (in Ukrainian): [http://w1.c1.rada.gov.ua/pls/zweb2/webproc4\\_1?pf3511=69231](http://w1.c1.rada.gov.ua/pls/zweb2/webproc4_1?pf3511=69231)

<sup>23</sup> The full text available online (in Ukrainian): [http://w1.c1.rada.gov.ua/pls/zweb2/webproc4\\_1?pf3511=69266](http://w1.c1.rada.gov.ua/pls/zweb2/webproc4_1?pf3511=69266)

<sup>24</sup> Ibid.

this opportunity to other universities. The Ministry of Education shall decide on quotas, while universities shall further specify quota distribution in internal rules.

This initiative may further strengthen links with the territories not under governmental control.

## Other developments

### Organisational documents of the Ministry for Reintegration of the Temporarily Occupied Territories of Ukraine

During May 2020, the Ministry for Reintegration of the Temporarily Occupied Territories of Ukraine (Minreintegration) has been elaborating its organizational documents for strengthening its mandate and capacity.

On 6 May, [the Governmental Resolution #376](#)<sup>25</sup>, introducing MinReintegration Regulations, has been adopted. Coordinated by the Vice Prime Minister, the Ministry is in charge of elaborating a national policy for the temporarily occupied territories (TOT)<sup>26</sup> (covering both NGCA of the Donetsk and Luhansk oblasts and Crimea) and the adjacent zones.

Key areas covered by the MinReintegration mandate include:

- Reintegration of NGCA and Crimea and their residents into the Ukrainian constitutional space;
- Restoring Ukrainian territorial integrity within internationally recognized borders;
- Supporting IDPs and those who fled abroad<sup>27</sup> in enjoying their rights and freedoms. Creating conditions for their voluntary return or integration into their new place of residence;
- Compliance with international humanitarian law (IHL) within the whole territory of Ukraine;
- Coordinating the provision of humanitarian assistance to civilians during the armed conflict;
- Peacebuilding initiatives;
- Protection of human rights violated during the temporary occupation<sup>28</sup>/losing governmental control over part of the territory of Ukraine;
- Exercising human rights and freedoms of the residents of NGCA and Crimea and the residents of the adjacent zones;
- Mine action (mine risk education and survey of allegedly contaminated areas).

The Ministry is also in charge of facilitating social protection, housing solutions and educational opportunities for IDPs and those who fled abroad.

To complement its Regulations, on 19 May, the MinReintegration has placed for public discussions<sup>29</sup> its draft Programme, to involve humanitarian actors and civil society organizations into the elaboration process. The draft contains concrete indicators and targets that will help monitoring developments and evaluating the results. Its clear intention to harmonize existing policies and practices applied to NGCA of the Donetsk and Luhansk oblasts and Crimea would contribute to an equal treatment of IDPs from both geographic areas. Simultaneously, the draft Programme lacks provisions on the payment of pensions to IDPs and conflict-affected persons, which

<sup>25</sup> The full text available online (in Ukrainian): <https://www.kmu.gov.ua/npas/pro-vnesennya-zmin-do-deyakih-postanov-kabinetu-ministriv-ukrayini-371060520?fbclid=IwAR2MfFHdExYNTTqtQ8oNgUb8ZhiT6oOZBTindNoTFT0zVhcyhdOlawISjWs>

<sup>26</sup> This terminology is quoted from the official legal act and does not reflect UNHCR position

<sup>27</sup> As a result of armed conflict/temporary occupation

<sup>28</sup> This terminology is quoted from the official legal act and does not reflect UNHCR position

<sup>29</sup> The full text available online (in Ukrainian): <https://mtot.gov.ua/ua/minreintegracii-oprijudnilo-draft-programi-di>

has been one of the most pressing concerns for the past five years. A stronger reference could be made in the Programme to the participation of civil society organizations in guiding and monitoring the progress towards implementation. Finally, the draft Programme could refer to a more diverse set of housing programmes for IDPs, as well as to the Ministry's coordination of humanitarian activities related to shelter and non-food items.

### Updated Governmental Programme

On 12 June, the Government adopted its [Resolution #471](#)<sup>30</sup>, defining the Governmental Programme. Despite the fact that the Parliament did not support it<sup>31</sup>, the Government declared its intention<sup>32</sup> to abide by it in its activities.

The reintegration of NGCA and Crimea is a key long-term priority for ensuring the territorial integrity of Ukraine. The reintegration process covers both territories and their residents.

The reintegration of NGCA/Crimea residents is planned through access to administrative and medical services, education, culture and Ukrainian media. The Programme does not mention the elaboration of administrative procedure for birth registration of children born in NGCA/ Crimea. Children from NGCA/Crimea should benefit from access to distance learning and educational centers, which allow these children to enter universities in GCA through simplified enrolment procedure. For Crimea residents, there is an intention to restore their access to tax, customs, bank and currency regulations.

As for IDPs, the Government plans to facilitate their housing solutions through improving the legislation in force and introducing new modalities, e.g. through financial leasing. IDPs should be included into registers of host communities. The Government intends to create conditions for “reintegration” into home communities and “integration” into host communities.

A new mechanism of compensation for destroyed housing is being expected. It remains unclear how this would correlate with the existing provisions of the Government Resolution #947 on a similar topic. Its replacement would postpone access to compensations.

The reintegration of NGCA/Crimea territories would mainly focus on further improvement of crossing the LoC in the east and the administrative boundary with Crimea. This is planned through adjusting the list of items prohibited for transfer through the LoC, EECF maintenance, the Order of crossing and transferring goods to/from NGCA/Crimea. Other reintegration modalities include facilitated access of humanitarian organizations to NGCA/Crimea, transitional justice, restoring critical infrastructure, health care system, social protection, ecology in Donetsk and Luhansk oblasts and digital transformation of administrative services for NGCA/Crimea residents. Peacebuilding and dialogue is foreseen in the form of capacity building of territorial communities on conflict prevention and management by involving [international] mediation experts and mine action.

A separate provision envisions the payment of pensions to IDPs and residents of NGCA/Crimea. The Ministry of Social Policy is tasked with its implementation.

The Government Programme raises several concerns in light of international standards on internal displacement and IDP durable solutions. Its terms used to describe durable solutions may require additional advocacy interventions to ensure they are in line with the UN Guiding Principles on internal displacement and

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<sup>30</sup> The full text available online (in Ukrainian): <https://www.kmu.gov.ua/npas/pro-zatverdzhennya-programi-diyalnosti-kabinetu-ministriv-t120620>

<sup>31</sup> It was rejected on 18 June

<sup>32</sup> The full statement available online (in Ukrainian): <https://www.kmu.gov.ua/news/denis-shmigal-uryadu-ne-potriben-imunitet-shchob-pracyuvati-na-korist-ukrayini-ta-ukrayinciv>

the IASC Framework on durable solutions. The intention to improve crossing conditions of the EECs in the LoC and the administrative boundary may hardly be assessed as reintegration-related measure. In fact, this prolongs the existence of internal barriers with NGCA/Crimea instead of their gradual elimination. The EECs in the LoC and the administrative boundary cannot be removed immediately due to the existing security situation. Nevertheless, the Government may declare an intention to eliminate them for further restoring of the Ukrainian territorial integrity. The inclusion of IDPs into registers of host communities may require a specific review to understand whether it facilitates IDP integration or introduces additional obstacles. Finally, a pension-related provision raises certain concerns as conflict-affected persons are considered as a group of IDPs. It also puts under question mark the de-linking of pension payments from IDP certificate. Uniting IDPs and conflict-affected persons in one legal provision may additionally impede access to pensions for both categories.

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## LEGAL RESPONSE TO THE COVID-19 OUTBREAK (MULTIPLE ACTS)

### Implementing adaptive quarantine measures

On 4 May, the Cabinet of Ministers adopted its [Resolution #343](#)<sup>33</sup> prolonging the quarantine measures<sup>34</sup> until 22 May. Simultaneously, since 11 May some measures were softened:

- Individual physical exercise (running, walking, cycling) and trainings of Ukrainian national teams, including those of persons with disabilities are allowed. Face masks<sup>35</sup> are required;
- Opening of shops including in malls is allowed if respiratory etiquette, handwashing, sanitizing and physical distancing (“prevention measures”) are observed. The personnel should wear face masks. The number of visitors allowed to enter shops depends on the space with max. 1 person per 10 square meters;
- Summer terraces shall accept visitors with max. 2 persons per table. Distance between tables should equal to at least 1.5 meters. Both personnel and visitors when not eating should wear face masks and observe prevention measures;
- Functioning of museums, including open-air, with prevention measures in place and personnel wearing face masks. All the visitors should observe the same behavioural rules;
- Working of printed mass media and supporting services. Filming and TV filming is allowed with max. 50 persons. All should wear face masks and observe prevention measures. The same rule is applicable to rehearsals in theaters and circus;
- Business activity of attorneys, notaries, auditors and psychologists with prevention measures in place.

The [Resolution #377](#)<sup>36</sup> of 14 May allowed walks in groups of max. 8 persons, except for cases justified by business needs. It also increased the allowed number of persons per one table in summer terraces to max. 4.

On 20 May 2020, the Cabinet of Ministers adopted its [Resolution #392](#)<sup>37</sup>, introducing a complex scheme of lifting quarantine measures depending on the number of confirmed COVID-19 cases in a particular location. The quarantine measures were prolonged until 22 June.

The following restrictive measures remained applicable countrywide and prohibited:

- Staying without face masks in public places and public transport;
- Staying outside without ID documents;
- Leaving self-isolation/observation facilities;
- Attending educational facilities;
- Conducting mass events with more than 10 participants except when necessary for the functioning of the state and local authorities or for the training of Ukrainian national sport teams;

<sup>33</sup> The full text available online (in Ukrainian): <https://www.kmu.gov.ua/npas/pro-vnesennya-zmin-do-deyakih-aktiv-a343>

<sup>34</sup> Please see more details in UNHCR March and April Legislative Updates

<sup>35</sup> In this edition “face mask” means all types of respiratory masks, including handmade.

<sup>36</sup> The full text available online (in Ukrainian): <https://www.kmu.gov.ua/npas/pro-vnesennya-zmin-do-punktu-2-postanovi-kabinetu-ministriv-ukrayini-vid-11-bereznya-2020-r-211-i-140520-377>

<sup>37</sup> The full text available online (in Ukrainian): <https://www.kmu.gov.ua/npas/pro-vstanovlennya-karantinu-z-metoyu-zapobigannya-poshirennyu-na-teritoriyi-ukrayini-gostroyi-respiratornoyi-hvorobi-covid-19-sprichinenoyi-koronavirusom-sars-cov-i200520-392>

- Functioning of cafes and restaurants, leisure centres and gyms, except summer terraces, takeaway and delivery options;
- Restoring public city transport, inter-city and inter-oblast transport connections, including metro, regular railway and flights. Exceptions are applicable to private and corporate vehicles; public transport for health care workers and those supporting core state services, utility supply, transport and critical infrastructure; internal railway connection – if approved by Ukrzaliznytsya and the Ministry of Infrastructure, and external railway connection – if approved by the Ministry of Infrastructure, the Ministry for Foreign Affairs and the State Border Guard Service (SBGS);
- Visits to facilities providing palliative care and social protection to children, elderly, persons with disabilities and other vulnerable categories of the population (apart for emergency workers, including health and fire workers). For UNHCR's persons of concern this is important, since some IDPs were placed and still reside in geriatric facilities (for example, in Mykolaiv and Odesa regions). Visiting temporary accommodation centres (TACs) for refugees and immigration detention facilities (Migrant Custody Centres) for irregular migrants was also prohibited, except for legal aid providers;
- Regular hospitalization in health care facilities, except if the number of patients with confirmed COVID-19 infection staying in such facilities is lower than 50%, as well as in cases related to giving birth and oncology.

However, local authorities may adjust the above list of measures depending on the situation. For mitigating these measures, a local situation should satisfy the following criteria: the total number of newly identified COVID-19 cases is lower than 12 persons per 100 thousand persons within the last seven days and the number of patients with confirmed COVID-19 infection is 50% or lower of the capacity of the medical institutions. In such case, oblast emergency commissions are entitled to allow:

- Sports events without visitors (max. 50 participants), religious events depending on the surface with max. 1 person per 10 sq. meters, functioning of hotels (except restaurants) and public transport (within the oblast and separate locations) as of 22 May;
- Re-opening of the metro with prevention measures in place as of 25 May;
- Attending pre-school facilities as of 25 May;
- Restoring inter-oblast public transport and railway connection with prevention measures in place, opening gyms and education facilities with max. 10 persons per group as of 1 June;
- Opening cafes, restaurants and cultural facilities (depending on the surface with max. 1 person per 5 sq. meters) with prevention measures in place as of 10 June;
- Restoring in-country flight connections as of 15 June.

Those decisions should be reviewed at least once every seven days.

The previously adopted provisions on staying in self-isolation/observation facilities remain unchanged. The same is applicable to personal data processing and inter-agency data sharing without agreement of the persons concerned with regard to their health status.<sup>38</sup>

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<sup>38</sup> Please see more details in UNHCR April Legislative Update

The [Resolution #424](#)<sup>39</sup> of 29 May amended the Resolution #392, allowing children from non-governmental controlled areas (NGCA) of the Donetsk and Luhansk oblasts or Crimea, who are enrolled in education institution to participate in external evaluations in government-controlled areas (GCA) to cross Entry/Exit checkpoints (EECPs) in the line of contact (LoC) in the east or the administrative boundary with Crimea without undergoing observation or self-isolation with one accompanying adult.

This is an important step towards ensuring access to Ukrainian education opportunities for residents of NGCA and Crimea. However, the safe re-opening of EECPs in the LoC remains a pending issue. As a starting point, UNHCR and its partners are advocating for a need in exceptional crossing of EECPs based on humanitarian grounds (e.g. death of relative, health care issues, restoring family links) with the Ministry for Reintegration of the Temporarily Occupied Territories (MinReintegration) and other relevant state authorities.

On 3 June, the Government adopted its [Resolution #435](#)<sup>40</sup>, authorizing regional emergency commissions in charge of regulating the quarantine measures to adopt more restrictive decisions in case the local situation does not satisfy the criteria<sup>41</sup> for gradual lifting of the quarantine. Simultaneously, if the local situation shows a reduction in daily number of registered COVID-19 infection cases for seven days, the local authorities may allow:

- religious events, observing social distancing of 1,5 m and depending on the surface with max. 1 person per 5 sq. meters;
- restoring internal flights connection;
- visiting indoor cafes and restaurants by max. 4 persons per table, except for children aged below 14. The distance between tables should equal to at least 1.5 meters. Both personnel and visitors, when not eating, should wear face masks (handmade included) and observe prevention measures;
- persons aged 60+ not to stay in self-isolation.

By its [Regulation #663-p](#)<sup>42</sup> of 10 June 2020, the Government abolished the local emergency situations introduced in March 2020 in the Chernivtsi, Zhytomyr, Dnipropetrovsk, Ivano-Frankivsk, Donetsk, Ternopil and Cherkasy oblasts and in the city of Kyiv. This would facilitate the implementation of an adaptive mechanism as a single modality within the whole territory of Ukraine, depending on the local developments with the number of registered COVID-19 infected cases.

The [Government Resolution #500](#)<sup>43</sup> of 17 June 2020 amended its Resolution #392 of 20 May 2020. It introduced changes in the working hours<sup>44</sup> of state bodies and enterprises to prevent crowding and avoid rush hours. This change in regular schedule is particularly important for persons who wish to approach state services for the payment of their pensions and social benefits. The Resolution reinforced existing restrictive measures, prohibiting:

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<sup>39</sup>The full text available online (in Ukrainian): <https://www.kmu.gov.ua/npas/pro-vnesennya-zmin-do-postanovi-kabinetu-ministriv-ukrayini-vid-20-travnya-t290520>

<sup>40</sup> The full text available online (in Ukrainian): <https://www.kmu.gov.ua/npas/pro-vnesennya-zmin-do-postanovi-kabinetu-ministriv-ukrayini-vid-20-travnya-2020-t030620>

<sup>41</sup> A total number of newly identified COVID-19 cases is lower than 12 persons per 100 thousand persons within the last seven days while a number of patients with confirmed COVID-19 infection staying in medical facilities is lower than 50%

<sup>42</sup> The full text available online (in Ukrainian): <https://www.kmu.gov.ua/npas/pro-viznannya-takimi-shcho-vtrajili-a663r>

<sup>43</sup> The full text available online (in Ukrainian): <https://www.kmu.gov.ua/npas/pro-vnesennya-zmin-do-deyakh-aktiv-kabinetu-ministriv-ukrayini-i170620-500>

<sup>44</sup> Central executive bodies, other state bodies and local executive bodies would start at 8:00 a.m., centres for providing administrative services (TSNAPs), social protection bodies and Pension Fund territorial bodies would start at 10:00 a.m.

- attending educational facilities by more than 10 persons, except for passing external evaluation and entrance exams;
- conducting mass events with more than 1 person per 5 sq. meters. Organizers should ensure wearing face masks and observing social distancing of 1,5 m;
- functioning of child recreational centers;
- restoring inter-city and inter-oblast connections in full. Drivers should ensure that the number of passengers equals the total number of seats and that all of them wear face masks. If the need arises, drivers should provide face masks;
- visiting social protection facilities for elderly, veterans of war, persons with disabilities and mental disabilities and those in difficult life circumstances, except in case of emergency. This may affect the possibility to conduct independent needs assessments of those vulnerable persons;

The regional emergency commissions may restrict the quarantine measures if more than 8 cases of COVID-19 infection are registered per 100 000 persons during the last seven days. The decisions of the commissions should be reviewed every three days and may be lifted at least seven days after their adoption.

### **Freedom of movement**

On 12 June, the Cabinet of Ministers adopted its [Resolution #480](#)<sup>45</sup> amending its orders on crossing the LoC in the east and the administrative boundary with Crimea, as well as the Resolution #392 of 20 May 2020.

The administrative border with Crimea will remain closed until 14 June, except for crossing based on humanitarian grounds (previously they remained closed until 22 June). The logistics scheme of its crossing would include premises for medical check. During the quarantine measures, the State Border Guard Service staff do not allow individuals to leave Crimea in case a person did not install “Diy vdoma” mobile application (thus expressing his/her agreement on staying in isolation) before crossing the EECF in Crimea. The same provision is applicable to crossing the LoC in the east. However, no premises for medical check are envisaged there.

During the quarantine, crossing the international boundary of Ukraine is prohibited for foreigners and stateless persons (except those constantly residing in Ukraine, refugees and those in need of complimentary protection) who do not possess insurance certificates for COVID-19 related treatment and observation, as their staying in observation facilities should be covered by an insurance company or at their own costs. In case such persons possess these certificates, they fall under regular procedure for staying in observation.

Children arriving to GCA for passing the external evaluation tests should be accompanied by one adult for every child. They are exempted from staying in observation in case they did not have contacts with persons infected with COVID-19. The same is applicable to persons who agree to stay in isolation and install the mobile application “Diy vdoma”.

Authorizing children from NGCA of Donetsk and Luhansk oblasts/Crimea to cross respectively the LoC and the administrative boundary for passing the external evaluation is a positive development. It facilitates their access to education. At the same time, it is affected by the discussions on re-opening of the EECFs. Passing the

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<sup>45</sup> The full text available online (in Ukrainian): <https://www.kmu.gov.ua/npas/pro-vnesennya-zmin-do-deyakih-aktiv-kabinetu-ministriv-t120620>

external evaluation is also not specifically mentioned in the resolution among the grounds for crossing which may create additional problems.

The “Diy vdoma” mobile application has been seen as an innovative approach to reduce the spread of Covid-19. Nevertheless, there are some concerns for the most vulnerable categories, including for older persons or persons who do not possess a smart phone. This can prevent these persons from crossing the EECs even for urgent humanitarian grounds, e.g. death of relative or access to medical assistance. With full re-opening of the EECs, this limitation should be eliminated. Alternatively, the requirement to stay in isolation in GCA for 14 days is also not fully satisfactory as it may require additional funds for renting a place where to stay in isolation for 14 days while the purpose of the visit to GCA may only require short stay (e.g. receiving a birth/death certificate).

The [Government Resolution #522](#)<sup>46</sup> of 25 June 2020 allows persons who arrived in Ukraine from states with high spread of COVID-19 to end the observation or self-isolation period in case of negative testing. Foreigners and stateless persons (except those constantly residing in Ukraine, refugees and those in need of complimentary protection) who do not possess insurance certificates for COVID-19 related treatment and observation would not be allowed into the territory. Staff of the ICRC, of diplomatic missions monitoring the situation and the provision of humanitarian assistance to NGCA/Crimea residents,<sup>47</sup> children who are enrolled to participate in external evaluations in GCA, including those benefitting from “Crimea is Ukraine” and “Donbas is Ukraine” educational centres (and the accompanying adult(s)) are spared from the requirement to undergo self-isolation/observation when crossing the LoC or the administrative boundary with Crimea.

### **Protection related provisions**

On 17 June, the Cabinet of Ministers adopted its [Resolution #491](#)<sup>48</sup> introducing technical amendments to its Resolution #505 on the payment of the IDP-targeted assistance during the quarantine. The assistance will be automatically prolonged for the quarantine period and 30 days after the lifting of the quarantine measures. It will be recalculated within one month after the quarantine is lifted. The underpayment would be reimbursed and overpayment would be charged back. The provision that foresees the decreasing and possible termination of assistance to households with unemployed working-aged persons will not be implemented during the quarantine and for 30 days after the lifting of the quarantine.

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<sup>46</sup> The full text available online (in Ukrainian) <https://www.kmu.gov.ua/npas/pro-vnesennya-zmin-do-postanovi-kabinetu-ministriv-ukrayini-vid-20-travnja-2020-r-t250620>

<sup>47</sup> Staff of UN organizations is not specifically mentioned here.

<sup>48</sup> The full text available online (in Ukrainian): <https://www.kmu.gov.ua/npas/pro-vnesennya-zmin-do-poryadku-nadannya-shchomisjachnoyi-adresnoyi-dopomogi-vnutrishno-peremishchenim-osobam-dlya-pokrittya-vitrat-na-prozhivannya-v-tomu-i170620-491>