



Funded by
the European Union

DRC DANISH
REFUGEE
COUNCIL

DRC Legal Alert: Issue 82 | 1 June – 30 June 2022

1. Parliament Simplifies Rules and Procedures for the Construction of IDP Temporary Housing During Martial Law

On 9 June 2022 [Law №2254-IX](#) entered into force, which, among other matters, defines and simplifies procedure for construction of IDP temporary housing during Martial Law. Following are some of the important features of the law:

- Temporary housing is a quick-detachable building up to two storeys which can be relocated and reused. It must meet the minimum requirements for IDP accommodation set by the Cabinet
- Financial plan is obligatory only if construction is financed by State or local budget
- Site plan must be developed by a qualified architect and only for land plots of communal ownership. It must be developed in accordance with the decision of a local head or head of the local military administration and approved by an urban planning and architectural authority of a local council
- Such temporary housing is not considered as housing objects within the meaning of the Civil Code
- Such housing can be installed on land earmarked for different purposes (except those reserved for environmental and nature conservation, historical, cultural, and forestry purposes)
- The authorities over the permanent use of land plots for the placement of such objects are delegated to the local councils.

2. Cabinet Consolidates IDP Protection Response Framework Through the Creation of a Dedicated Office and Position of Commissioner for Internally Displaced Persons

In a significant structural reorganization, on 28 June 2022, the Cabinet adopted [Decree №740](#) establishing a new position of the Commissioner for Internally Displaced Persons. The Deputy Minister of the Ministry of Reintegration will become the Commissioner by virtue of his position. This is a significant departure from the previous approach where IDP protection issues were addressed by relevant line ministries without any dedicated office with formal power to coordinate and monitor development. The Ministry of Reintegration of TOT (formerly - MinTOT) was, for long, expected by the humanitarian community to play an overarching role, which did not materialize primarily because of the lack of formal authorities. The Decree apparently resolves the issue.

The power and functions of the Commissioner include the following:

- Analyze housing and social protection needs of IDP and person displaced abroad

- Organize the development of state programs on issues related to IDP and persons displaced abroad
- Prepare proposals for the Vice-Prime Minister of Ukraine on measures to ensure the rights and freedoms of IDP and persons displaced abroad
- Promote employment opportunities for IDP
- Contribute towards creating conditions for voluntary return
- Interact with the Ministry of Social Policy to facilitate the provision of humanitarian assistance to IDP
- Carry out measures to promote access to education for IDP and persons living in temporarily occupied territory¹
- Promote implementation of socio-economic program for the protection of the constitutional rights of the IDP
- Coordinate with state bodies and authorities, local self-government bodies, public bodies, and non-profit organizations.

With this Decree the Cabinet also assigned new responsibilities to the Ministry of Reintegration. It is now responsible for activities aimed at return of Ukrainians to the government-controlled areas; coordination of humanitarian corridors; POWs` issues; assistance for returnees, provision of financial aid and housing to persons forcibly relocated abroad; creation of conditions for voluntary return to the place of residence or integration of IDPs; coordinate peacebuilding activities and reintegration of NGCA etc.

3. The Cabinet Clarifies Rules on Obtaining IDP Certificate for Persons Lacking Legal Capacity

On 28 June 2022, the Cabinet adopted [Decree №740](#) clarifying process for obtaining IDP certificate on behalf of person lacking legal capacity. The developments are as follows:

- In case of person lacking legal capacity, the legal guardians or the head of social protection institution can apply for IDP certificate and IDP subsistence aid at the place of the residence of the legally incapacitated person. Persons with limited legal capacity may apply in person
- Legal guardians or other persons mentioned above must additionally provide their identification and authorization documents.

¹ The terminology used herein is quoted from the [Decree №740](#).

4. Cabinet Establishes Coordination Hub for the Protection of the Rights of Persons Forcibly Relocated Outside the Country During Conflict

On 17 June 2022, the Cabinet introduced [Decree №708](#) establishing a Coordination Hub for the protection of rights of persons forcibly relocated during the conflict. The Hub is headed by the minister of the Ministry of Reintegration.

The main aims of the Hub are:

- To participate in drafting of legal acts necessary for the protection of the right of the forcibly relocated persons
- Recommend and propose to the Cabinet on issues related to the return of the relocated persons to government-controlled areas of Ukraine.

The Hub will work in close cooperation with the Ukrainian Peacebuilding Center on exchange of information about forcibly relocated persons abroad.

5. Government Limits Maximum Amount of Cash to be Transferred Between Administrative Borders with NGCA Without Documents Proving the Origin of Money

On 13 June 2022, the Ministry of Reintegration adopted [Order №117](#) amending the Rules on movement of goods across administrative borders ([Order №258](#) of 23 November 2021). The amendment sets UAH 100,000 or equivalent foreign currency as the maximum limit for movement to and from NGCA without providing documents proving the origin of money. Prior to 13 June 2022, such provision was effective only to those coming to/from the Autonomous Republic of Crimea and the city of Sevastopol.

6. Cabinet Ensures Distribution of Pensions for Evacuated Incapacitated Persons

On June 24, 2022, the Cabinet issued [Decree №715](#) ensuring the distribution of pensions and/or state social support to:

- Persons lacking legal capacity (fully or partially),
- Persons, who were evacuated from the conflict-affected territories,
- Persons, who do not have legal guardians or lost connection with their legal guardians because of the conflict.

The Decree establishes that the Pension Fund will transfer a portion of the pension and/or social assistance to such persons to the accounts of the caring institutions in which they live. The administration of such institution must provide the local body of the Pension Fund/local social protection body with the copy of an Order on evacuation. After evacuation, the head of the institution or other authorized person must register evacuated persons in the local

caregiving body. Pensions/social support will be transferred to the accounts of the institutions in which evacuated persons are hosted.

7. Administrators and Workers of Institutions and Facilities That Sheltered Separated Children Automatically Became Legal Representatives of the Children

On 22 May 2022, the Parliament adopted [Law № 2267-IX](#) filling a crucial legal lacuna with regards to guardianship of separated children. Accordingly, provider of foster care, administrators of child institutions or workers of such institutions (if assigned by child care authority or military/civil-military administration) will act as legal guardians of such children. The obligation is made retrospective even if the child is subsequently relocated elsewhere including abroad. The obligation continues until the child's return to Ukraine or reunification with the family. The power of the legal representative is similar to that of a legal guardian except for the power to give consent on adoption, change citizenship or handing the child's housing and property rights.

8. Ukraine Conveys to Multiple UN Bodies About its Objection to a Decree of the Russian Federation that Provides Simplified Process for Adoption of Ukrainian Children by Russian Citizens

On 19 June 2022, the Parliament of Ukraine adopted [Decree №2306-IX](#) with an appeal to multiple United Nations agencies and bodies to prevent movement and adoption of Ukrainian children by Russian citizens.

The Parliament stated that such forcible movement bears the mark of genocide in accordance with the Genocide Convention. The Parliament further stressed that the Russian authorities have adopted a simplified procedure for granting Russian citizenship to orphans and children from Ukraine deprived of parental care. The Parliament urged the United Nations to take measures to prevent such movement and return Ukrainian children to the territories controlled by the Government of Ukraine.

9. Cabinet Launches Experimental Project on Processing of National and International Passport Abroad Through a Separate Enterprise 'Document'

On 10 June 2022, the Cabinet adopted [Decree №678](#) launching an Experimental Project on processing of national and international passports abroad by an office of a separate enterprise called 'Document'. The enterprise is managed by the State Migration Service. The project is planned to be implemented in full scale within 2 years.

The list of foreign States where the Project will be implemented will be defined by the State Migration Service in coordination with the Ministry for Foreign affairs. The issuance of passports will be done under normal procedure and timeline. The office of the separate enterprise located abroad will collect and send applications to the territorial bodies

of the State Migration Service in Ukraine for their processing (production of a passport, reissuance, exchange etc.) and thereafter deliver the passports to the applicants abroad. The first office is already functioning in Warsaw. You may apply for getting the passport abroad via <https://warszawa.pasport.org.ua/>.

10. Cabinet Presents Framework for the Formation of a Geoinformation System for Monitoring Property Damage and Destruction

On 24 June 2022, the Cabinet adopted [Decree №726](#) initiating the Project on monitoring of damages and destructions of property through a Geoinformation System. The Project will be managed by the Ministry for Communities and Territories Development. The software and database of the monitoring system is aimed at collecting information necessary for assessment of damaged/destroyed property and the number of losses, calculation of financial assistance necessary for reconstruction and drafting of legal acts on regional policy. The monitoring will be done in connection with number of different property objects as defined [here](#) (the list is non-exhaustive).

11. Cabinet Introduces Rules on Border Crossing for Groups of Children Going Abroad for Rehabilitation and Recreation

On 10 June 2022, the Cabinet adopted [Decree №661](#) establishing rules for foreign travel by children in groups for recovery and recreation during the period of Martial Law or State of Emergency. From now, such travel will require prior approval of the National Social Service, to whom the following documents should be submitted:

- Invitation letter, with certified translation, indicating the country where the children are traveling, the age of the children, the date of their return, etc.
- A letter, with certified translation, from the central/local executive state authority where the children are departing, indicating the organization in charge of the children's reception and rehabilitation, as well as the guarantee of their return to Ukraine.

The regional and Kyiv City Military Administrations will form such groups, designate individuals to accompany them, and also collate documentation for submission to the National Social Service, which include:

- Statements of parents consenting traveling of children abroad, verified and approved by the State Child Service
- Copies of parents' identity documents and children's birth certificates
- Children's health certificates
- Lists of children's groups travelling abroad for health and recreation.

12. Cabinet Provides Exemption and Rent Reduction for State and Communal Properties in the Conflict-Affected Territories During Martial Law

On 1 June 2022, the Cabinet's [Decree №634](#) decision on the exemption and reduction of rental for persons leasing State and communal property in the conflict-affected territories has come into force. The following table provides the categories of persons eligible for exemption or rental reduction in accordance with lease agreements and lease auction concluded as of 24 February 2022:

Terms	Eligible Persons
<p>During Martial Law and three months after its suspension (but no longer than 31 December 2022)</p>	<ul style="list-style-type: none"> • Conscripted individuals and individual entrepreneurs (proofs needed) • Persons in territories where the access to State and unified registries is suspended (list of such territories can be found here)
<p>During Martial Law (but no longer than 30 September 2022)</p>	<ul style="list-style-type: none"> • Persons leasing property located in the territories of Kyiv, Chernihiv, Sumy, Kharkiv, Zaporizhya, Mykolaiv oblasts` (except in territories where the access to State and unified registries is suspended) • Persons leasing property located in educational and cultural facilities and if the object was leased on hourly basis <i>(After 30 September 2022 such persons may pay 50% rate of rent payment during Martial Law and 3 months after its suspension)</i>
<p>During Martial Law (but no longer than 30 May 2022)</p>	<ul style="list-style-type: none"> • Persons leasing property located in the territories of Kirovohrad, Dnipropetrovsk, Zhytomyr and Odessa oblasts` <i>(After 30 May 2022 such persons may pay 50% rate of rent payment during Martial Law and 3 months after its suspension)</i>

During Martial Law and three months after its suspension

- Persons leasing unified property complex (or its structural part) except for those mentioned above must pay 75% rate of rent payment
- Persons leasing other types of property – 50% rate of rent payment

13. Government Establishes Headquarters to Address Housing and Winterization Issues for Autumn-Winter Period of 2022-2023

On 7 June 2022, the Cabinet adopted [Decree №658](#) establishing Headquarters for the preparation of living premises and energy supply during the autumn-winter period of 2022-2023. The high-power Headquarters will constitute of ministers from more than a dozen ministries as well as representatives from Naftogaz and Association of Cities of Ukraine. Headed by the Minister for Communities and Territorial Development, the Headquarters will be a temporary consultative and advisory body established for the purpose of ensuring timely and high-quality preparation of housing, communal facilities and energy supply for the autumn-winter period, as well as to promptly resolve problematic issues. Among other tasks, the Headquarters will be responsible for reconstruction of damaged or destroyed housing and utility infrastructure and objects of energy/fuel sector.

Other Developments

- 1. Parliament Ratified the Istanbul Convention Against Violence Against Women and Domestic Violence ([Law №2319-IX](#) of 20 June 2022)**
- 2. Cabinet Allocates 50 616 450 UAH for Oblasts` Military Administrations to Cover Expenses on Temporary Accommodation for IDPs ([Decree №446-p](#) of 3 June 2022)**
- 3. Cabinet Appoints ‘UkrPoshta’ to Deliver Pensions in Conflict-Affected Areas if Banks Are Unable to Do So ([Decree №665](#) of 10 June 2022)**
- 4. Cabinet Denounced Agreement on Visa-Free Regime with the Russian Federation ([Decree №692](#) of 17 June 2022)**
- 5. Cabinet Allocates 243 460 593 UAH for State Enterprises and Organizations to Cover Expenses for Temporary Accommodation of IDPs During March 2022 ([Decree №491-p](#) from 17 June 2022)**
- 6. Cabinet Allows to Engage Unemployed IDPs in Ad Hoc Employment Beneficial for the State/Community Services During Martial Law ([Decree №716](#) of 21 June 2022)**
- 7. Cabinet Decides that Terms for Acceptance of Inheritance Are Suspended During Martial Law but No Longer than for 4 Months ([Decree №719](#) of 24 June 2022)**
- 8. Cabinet Approves the Draft Agreement with WFP on Opening of WFP Office in Ukraine and Appointed Ambassador in Italy to Sign it ([Decree №534-p](#) of 28 June 2022)**
- 9. Cabinet Allows Persons with Biometrical Identification Document to Create, Check or Confirm Digitally Qualified Signature Through Diia Distantly During Martial Law ([Decree №733](#) of 28 June 2022)**

This Legal Alert is produced thanks to the financial support of the European Union through its Civil Protection and Humanitarian Aid Operations department.

Some of the terminology used in this issue of the Legal Alert was taken from draft laws or current legislation. The contents of this brochure are the sole responsibility of the author/authors. The views expressed herein should not be taken, in any way, to reflect the official opinion of the European Union or the Danish Refugee Council (DRC). Neither the European Commission nor DRC is responsible for any use that may be made of the information it contains.