

Legislative Update

UNHCR update on displacement-related legislation | October 2020

Adopted Legislation

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- Subventions to local budgets

Adopted Legislation

Legal response to the COVID-19 outbreak in Ukraine

In October 2020, the Government further amended the adaptive quarantine measures¹ aimed to slow down the spread of COVID-19 in Ukraine. By its [Resolution #956](#)² of 13 October, the Cabinet of Ministers prolonged the quarantine until 31 December 2020. As previously, a system of classification per zone with different restriction levels (from “green”, “yellow”, “orange” to “red”, with red being most restrictive) remains in place and still depends³ on the average daily number of identified COVID cases in a given locality over the last 14 days. Decisions on classification into “yellow”, “orange” and “red” zones are reviewed at least bi-weekly. However, due to the rapid increase in the number of active cases in October, the classification per zone was reviewed on a weekly basis.

While the Government introduced no further restrictions to freedom of movement (including public transport) and access to state services, it revised the requirements for the organization and attending of public events and the work of restaurants and cafes. In “green”, “yellow” and “orange” zones, functioning of cafes and restaurants is prohibited from 10:00 p.m. till 7:00 a.m. except for takeaway and delivery options. The number of participants in public events shall not exceed 50 participants in “green” zone, 30 – in “yellow” zone and 20 – in “orange” zone. Organizers should ensure observation of physical distance (1,5 m). Cinemas, theatres and other cultural facilities⁴ can sell tickets for 50% of the available places; otherwise their activity would be forbidden. Sport events of Ukrainian national teams are allowed in “green”, “yellow” and “orange” zones without visitors. When it comes to international sport events, the Ministry of Health can allow visitors to attend them if prevention measures are observed.

In “red” zones, all the above is prohibited. Supermarkets, food shops, gas stations, pharmacies, banks, stores selling IT equipment and gadgets, delivery options in cafes and restaurants continue working. Attending educational facilities is forbidden except for educational and rehabilitation centers with prevention measures in place. Centres for providing social or rehabilitation services do not accept beneficiaries except for facilities

¹ Please see more details in UNHCR July, August and September Legislative Updates available online: <https://www.unhcr.org/ua/en/resources>

² The full text available online (in Ukrainian): <https://www.kmu.gov.ua/npas/pro-vnesennya-zmin-do-postanovi-kabinetu-ministriv-ukrayini-vid-22-lipnya-2020-r-641-i131020-956>

³ The region is considered as affected by widespread of COVID-19 in case the average number of PCR tests performed is less than 48 per 100 000 persons during the last seven days

⁴ The term “cultural facilities” has been technically specified by the Government Resolution # 972 of 21 October 2020. It covers cultural facilities and other subjects involved into the cultural sphere. The full text available online (in Ukrainian): <https://www.kmu.gov.ua/npas/pro-vnesennya-zmini-do-punktu-11-postanovi-kabinetu-ministriv-ukrayini-vid-22-lipnya-2020-r-641-i211020-972>

providing urgent social services, as well as centres for homeless persons, mobile groups providing socio-psychological assistance and social patrol.

In all zones, schools are recommended to make a break between 15 and 30 October. Universities are recommended to introduce distance learning as of 15 October till 15 November and request students to leave dormitories (except orphans; residents of the non-government controlled areas (NGCA) of Donetsk and Luhansk oblasts and Crimea; residents of “red” zones; foreigners and stateless persons; employed students). In light of the limited functioning of Entry/Exit Checkpoints (EECPs) at the line of contact (LoC) in the east and the administrative border with Crimea, allowing students with residence registration in NGCA or Crimea to stay in dormitories is a positive development. This will not put them under additional threat of infection with COVID-19 while staying in queues for crossing the LoC or the administrative border and will prevent them from getting stuck in EECPs or not being able to return to their place of study after the restrictive measures are lifted.

E-registration of humanitarian assistance

On 9 October 2020, the Government adopted its [Resolution #927](#)⁵ introducing an electronic system (e-system) for registering humanitarian assistance provided by international organizations, international and local NGOs to support persons in need. The Resolution will enter into force on 1 December 2020. This initiative complements the existing procedure of submitting paper documents for registering goods, cargoes, cash or services to be recognized as humanitarian assistance. It will be available at the website of the Ministry of Social Policy (MoSP).

E-system allows humanitarian assistance providers to submit documents through individual e-cabinets and track the process⁶. If not registered before, organizations need to apply and get registration as humanitarian assistance providers⁷. The decision on registration is made within 10 working days. Decisions on recognizing cargoes/goods⁸, funds⁹ or services to be recognized as humanitarian assistance are adopted jointly by the MoSP, the State Customs Service, the State Border Guard Service, the Ministry of Health, Ministry for Economic Development, the Ministry of Finance, the Ministry of Defence, the State Emergency Service, the Ministry of Interior, the National Police and the National Bank. All the decisions shall be available in the e-cabinets.

The adopted Resolution is expected to eliminate some bureaucratic obstacles on the way towards registering humanitarian assistance and facilitate its timely delivery to beneficiaries. As the online submission of documents through e-system is equivalent to the submission of hard copies, there is no need to duplicate. This is a faster option to receive clearance for humanitarian assistance as it is done automatically without paper confirmations which can be provided with delays. The possibility to track the applications in the personal e-cabinet allows to plan further distributions in a timely manner without additional requests. Meanwhile, this positive development cannot substitute an overall need in adjusting the existing legal framework on humanitarian assistance to crisis situations, including armed conflicts and natural disasters. In light of the COVID-19 outbreak in Ukraine, this

⁵ The full text available online (in Ukrainian): <https://www.kmu.gov.ua/npas/deyaki-pitannya-organizaciyi-vedenny-a927>

⁶ Submitted applications can be labelled as “draft”, “sent”, “received”, “accepted”, “returned without review”, “refused in including to database”, “included to database”, “assistance is recognized as humanitarian”, “need in further elaboration”

⁷ For local NGOs, this means submission of e-application for registering as humanitarian assistance provider. For international organizations, diplomatic and consular representations and foreign NGOs, this means e-application for registering international/foreign actor as humanitarian assistance provider indicating its location in Ukraine and contact details, name of its head in Ukraine, state of its headquarters and accreditation issued by the Ministry for Foreign Affairs (MFA)

⁸ Technical specifications of goods should be provided. The country where donor is registered or cargo is sent should be indicated

⁹ Sum and currency should be indicated

issue becomes extremely acute to ensure flexibility in providing humanitarian assistance and its timely submission to beneficiaries to protect their lives and health during the pandemic.

Other developments

Enhancing equal opportunities for men and women in central and local authorities

On 9 October 2020, the Government adopted its [Resolution #930](#)¹⁰ tasking specific departments of the central executive bodies, oblast, city and district state administrations to enhance equal opportunities for men and women and introducing posts of advisers on gender issues therein. Specific functions include monitoring of gender-related activities of the respective state authorities through gender needs assessments and gender audits considering equal access of men and women to employment and development opportunities. They shall contribute to the implementation of international standards on gender issues and the elaboration of draft legal acts on strengthening equal opportunities for men and women. These departments shall also be involved in featuring gender-related issues on the official website of the respective state authorities and national/local media. Advisers shall be involved in providing consultations on gender issues and contributing to monitoring of the relevant authority's gender activities, gender audit, analytical reports and educational events.

Subventions to local budgets

On 9 October 2020, the Government adopted its [Regulation #1254-p](#)¹¹ distributing subventions from the State budget among local budgets in the east of Ukraine to support territories affected by the armed conflict, as well as other oblasts hosting IDPs. The Ministry for Reintegration shall discuss and agree such allocations with the Parliamentary Budgetary Committee. This is the third subvention¹² to conflict-affected territories in 2020 that covers certain settlements of Donetsk (Lymah, Shakhove, Illinivka, and Siversk amalgamated territorial communities), Zhytomyr (Ovruch amalgamated territorial community), Luhansk (Popasnyanskiy district), Kharkiv (Pervomayskiy and Blyznyukivskiy districts), Poltava (Orzhytsya district), Chernihiv (Gorodnyanka amalgamated territorial community) and Kherson (Skadovsky district) oblasts. The total allocated sum is four mln UAH. The subventions may 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.

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¹⁰ The full text available online (in Ukrainian): <https://www.kmu.gov.ua/npas/deyaki-pitannya-zabezpechennya-rivnih-prav-ta-mozhливостей-zhinok-i-cholovikiv-i091020-930>

¹¹ The full text available online (in Ukrainian): <https://www.kmu.gov.ua/npas/pro-rozpodil-subvenciyi-z-derzhavno-a1254r>

¹² Please see more details in UNHCR August Legislative Update available online: https://www.unhcr.org/ua/wp-content/uploads/sites/38/2020/09/2020-08-Legislative-Update_final.pdf