



DRC Legal Alert: Issue 79 | 1 April – 15 April 2022

1. Cabinet Allocates Funds to Military Administration for Restoration and Repair of Damaged Residential Properties and Civilian Infrastructure

On 10 April 2022, the Cabinet issued [Resolution № 208-p](#) allocating 1 billion UAH to certain military administrations for the restoration and repair of damaged residential properties and civilian infrastructure. Zhytomyr, Kyiv, Sumy and Chernihiv military administrations are the recipients of the fund. This fund can be used for inspections of damaged and destroyed properties, repair and replacement of windows, major repair of roofs and exterior walls, road repairs, reconstruction of utility infrastructure and clean-up of streets.

The Resolution allows military administrations to directly sign contracts for repair and reconstructions without tender procedures, and make 30% advance payment to contractors for material purchase. The military administrations are required to coordinate with the Ministry for Communities and Territories Development regarding expenditures incurred under the scheme.

2. Cabinet Establishes a Working Group on the Protection of the Rights and Freedoms of Ukrainians Under Temporary Protection in the EU and Other Countries

On 9 April 2022, the Cabinet adopted [Decree № 425](#) establishing a governmental Working Group on the Protection of the Rights and Freedoms of Ukrainians who are temporarily displaced in the EU and other countries. The Working Group is headed by the Deputy Prime Minister for European and Euro-Atlantic Integration and includes MPs, and representatives of different ministries and state services. It reports to the Cabinet of Ministers.

The Group will aim at resolving problematic issues connected with civil documentation, social payments via Diia, cancellation of mobile phone roaming service, digital consular registration and the provision of other consular services, access to education in the Ukrainian language abroad, implementation of a pilot initiative on the recognition of professional qualifications, fight against human trafficking, family reunification, and informing Ukrainians on their rights and freedoms in the EU. The Group will also coordinate with international organizations and NGOs on addressing the concerns.

3. Cabinet Endorses UNICEF Program for Financial Support to Certain Categories of Vulnerable Families with Children

On 5 April 2022, the Cabinet adopted [Decree № 405](#) introducing a financial support scheme for certain categories of vulnerable families with children. The scheme, funded by UNICEF, will be implemented jointly by UNICEF and the Ministry of Social Policy from the government side.

Eligibility: Two groups of families are eligible to participate in the scheme:

- Families with three or more children where at least one child is younger than two years
- Families with two and more children where at least one child has a disability.

Payment amount: Tax-free monthly payment of 2,220 UAH per family member, with a maximum allocation of five persons in a family.

Duration: Payments will be made for three months period at a time. The Decree, however, does not specify if the payment will be continued beyond the initial three months.

Application Procedure:

- 1) An adult member of the family has to submit application by filling out a form at the UNICEF website (<https://register.unicef.org/>) or through Diia (to be made available);
- 2) Application must include identity information on members of the family, IBAN number of the bank account and documents proving that the family falls within the eligible categories;
- 3) UNICEF considers the application and sends a message on the applicant's phone number about its decision.

The applications will be processed, and payments will be made to the successful applicants within 4 weeks of the application. Payment will be sent directly to the bank account of the applicant. Applicants denied or otherwise not receiving the payments within 4 weeks of the application may contact the hot line 'Spilno' (0 800 600 017) and file an appeal for review.

4. Cabinet Provides Framework for UNHCR Program for Financial Support to Certain Categories of Vulnerable IDPs

On 15 April 2022, the Cabinet approved [Decree № 445](#) defining the legal framework for a joint project by UNCHR and the Government on financial aid for certain groups of vulnerable IDPs.

Eligibility: UNHCR and the Ministry of Social Policy will agree on a list of vulnerabilities for the purpose of this scheme. IDPs registered in the Unified Database, falling with the pre-defined vulnerability list, will automatically qualify for the scheme.

Payment amount: Tax-free monthly payment of 2,220 UAH per member of a family transferred to the bank account of the IDP.

Duration: Payments will be made for **at least** three months period at a time.

Application procedure: No special procedure is required. The payments will be done automatically on the basis of information from the Unified IDP Database. This payment is done without affecting other government or non-government entitlements of the recipients.

Application will be processed, and the notification about the decision on financial aid will be sent to the phone number of the IDP.

5. Parliament Urges Governments and International Organizations to Recognize ‘Genocide’ in Ukraine

On 14 April 2022, the Parliament adopted [an Appeal](#) to the United Nations, European Parliament, Parliamentary Assemblies of the Council of Europe, OSCE and NATO, as well as Governments and Parliaments of foreign countries, to recognize the actions of the Russian Federation in Ukraine as ‘genocide’. The Appeal makes reference to the 1948 Convention on the Prevention and Punishment of the Crime of Genocide and the Rome Statute of the International Criminal Court. The Appeal analyzed certain facts and provided arguments why the Parliament considered the actions of the Russian Federation as ‘acts of genocide’.

6. Parliament Extends State Protection to Heads of International Organizations

On 14 April 2022, the Parliament adopted [Law 2199-IX](#) extending State protection to a list of national and foreign government office bearers residing or visiting Ukraine. The list of those entitled to State protection includes heads of international organizations residing in Ukraine or visiting Ukraine at the invitation of public authorities. In addition to the heads, the government may also extend State protection to high-ranking officials of international organizations visiting or residing in Ukraine.

State protection maybe provided to other high officials of foreign States and international organizations at the discretion of the President. Any such Decision of the President will be made on the basis of a proposal from officials authorized by State organs or the Head of the Department of the State Guard Service.

7. Parliament Excludes Certain Categories of Persons from Military Conscription

On 1 April 2022, the Parliament passed [Law № 2169-IX](#) exempting certain new categories of individuals from mandatory military conscription. This includes:

- A person raising a minor child with a disability.
- A person raising a child with serious disease (e.g., perinatal damages of the nervous system, cancer, diabetes).
- A person nursing a sick spouse, minor child, parent or parent of spouse, if supported by medical documents.

- A person whose spouse is a person with a disability or whose parent or parent of a spouse is a person with a disability of 1st and 2nd group.
- A person nursing another person with a disability who lacks legal capacity.
- A person nursing a non-family member who belongs to disability of 1st or 2nd group or is in need of constant care and there is no other person who can nurse him/her.
- Pregnant women who are already in military service.
- Woman in military service who is on maternity leave.
- A person whose spouse is in the military service and raises a minor child.
- Military Serviceman who solely raises a minor child.

8. Cabinet Prohibits Certain Categories of Persons from Crossing the Border During Martial law

On 1 April 2022, the Cabinet issued [Decree No 399](#) restricting person belonging to certain profession and vocation from crossing the international border during Martial law and state of emergency. The list includes:

- Higher education students, trainee assistants, graduate students, and doctoral students (full-time or part-time);
- Professors/academic staff of institutions of higher education who have an academic rank or degree;

employees of secondary education institutions;

- Male or female whose close relatives died or went missing during the 'anti-terrorist operation'¹ if they were directly involved in the operation.

9. New Law Giving Power to the Cabinet of Ministers Over State and Municipal Property During Martial Law

On 1 April 2022, the Parliament passed [Law No 2181-IX](#) allowing the Cabinet of Ministers to establish rules for State and communal property lease at their own discretion during Martial law up till four months after lifting of Martial law. Under existing law, particularly in light of the constitutional reform, such power belongs mainly to the local self-government (LSG) units. The change to the law, which is applicable only during the Martial law and four months thereafter, might become necessary due to the disruption in LSG functions as well as legal complications created by the placement of the LSGs under military administration. Granting lease of State and municipal property plays a vital role in local economic development as well as social protection of the vulnerable local population.

¹ The government considers its military response to the 2014 conflict as an anti-terrorist operation.

10. Cabinet Amends Procedure on Recognition of a Child as an Orphan or a Child Deprived of Parental Care During Martial Law

On 15 April 2022, the Cabinet introduced [Decree № 447](#), amending rules for recognizing a child as an orphan or a child deprived of parental care during martial law or state of emergency. The amendment will make it easier for children to get such status, which will ultimately entail certain social benefits. Following are some examples of the flexibilities introduced by the amendment:

- An affirmative report from the child service is no longer a mandatory requirement.
- Local authorities at the place of residence of the child, or the place where the child was found can make the decision. Previously such power belonged only to local authorities at the place of origin of the child.
- A child who can't get the entitlement of an orphan because of a lack of documentary proof of the death of parents, can now get the entitlements with the status of a child deprived of parent care.
- If parents are in a conflict area and thus cannot take care of a child, the child can be entitled to benefits under this decree on the basis of an [act](#) done by the child service.
- Consent of the child is no longer required for the appointment of a guardian, if such a child is on the occupied territory or abroad.
- Guardians are no longer required to go through a child-rearing training course.
- The status of a child is subject to reconsideration after the suspension of Martial Law or a state of emergency.

11. Telecom Operators in EU and Ukraine to Reduce Roaming Rates

On 8 April 2022, a number of telecom operators in the EU and Ukraine signed a [joint statement](#) expressing their plan to reduce roaming rates for Ukrainians. The aim is to make the roaming rate correspond with the rate for calls by the EU numbers to other EU numbers. This will be applied both to international calls from Ukraine to the EU numbers and Ukrainian SIM cards roaming on an EU network.

12. European Council Assigns EUAM Ukraine to Provide Support to Ukrainian Authorities in the Investigation and Prosecution of International Crimes

On 13 April 2022, the European Council adopted [Decision \(CFSP\) 2022/638](#), amending the mandate of the European Union Advisory Mission for Civilian Security Sector Reform Ukraine (EUAM Ukraine). EUAM Ukraine's mandate is now extended to support the Office of the Prosecutor General, regional Public Prosecutor Offices and Law Enforcement Agencies in the investigation of crimes committed in the context of the war in Ukraine.

13. European Union Amends Sanctions` Regime to Enhance Humanitarian Response in Ukraine

On 13 April 2022, the European Council adopted [Regulation 2022\625](#) and [Regulation 2022\626](#), introducing humanitarian exceptions for sanctions` regimes of the EU. The amendment allows humanitarian organizations that

have a partnership arrangement with the EU to cooperate with persons under the EU sanctions connected with the war in Ukraine if this is necessary for their humanitarian operations. The EU humanitarian partners may now make funds or economic resources available to persons and entities designated under the Ukraine territorial integrity. Humanitarian organizations not having existing partnership arrangements with the EU may also request the Member States to grant the same exemptions.

14. European Commission Recommends the Recognition of Professional Qualifications of Ukrainian Under Temporary Protection in the EU

On 5 April 2022, the European Commission passed [Recommendation \(EU\) 2022/554](#) calling for Member States to ensure swift recognition of professional qualifications of Ukrainians under temporary protection in the EU. The Commission recommends the Member States to speed up the process by requiring only essential documents, accepting other forms of proof than original documents (for example – digital copies), reducing administrative fees, waiving translation requirement, checking qualifications only if essential, sharing necessary information in a transparent and accessible way, providing language courses, and cooperating with the Ukrainian civil society and diaspora in order to support integration etc.

The Commission also suggests that Member States should recognize Ukrainian higher education qualifications automatically if they fulfill the requirements of the Bologna Process. Once done, such recognition must be of the same effect in the other Member States.

Where evidence of qualification is missing, the Commission encourages the Member States to cooperate with the Ukrainian authorities in getting it or use other instruments such as the ‘European Qualifications Passport for Refugees’, UNESCO qualifications passport or ERASMUS+ tools.

The Recommendation also includes a proposal for Member States to simplify access to the labour market for certain categories of professionals, who need special training, i.e., teachers and healthcare workers. This can be done, inter alia, by granting a different but related professional status (e.g., nurse to healthcare assistant).

Other Developments

1. Cabinet Assigns Ministry of Justice as the Organ Responsible for the Implementation of State Policy on Treatment of Prisoners of War ([Decree № 394](#) of 1 April 2022)
2. Cabinet Introduces Rules on Transferring of Wounded and Sick Soldiers Abroad for Treatment ([Decree № 411](#) of 5 April 2022)
3. Cabinet Enacts Rules for the custody of POWs ([Decree № 413](#) of 5 April 2022)
4. Cabinet adopts Procedure for the Exchange of Prisoners of War ([Decree № 441](#) of 12 April 2022)
5. Cabinet Assigns Certain Ministries for the Fulfillment of Operative Tasks on Anti-Mining Activities ([Resolution №208-p](#) of 15 April 2022)

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