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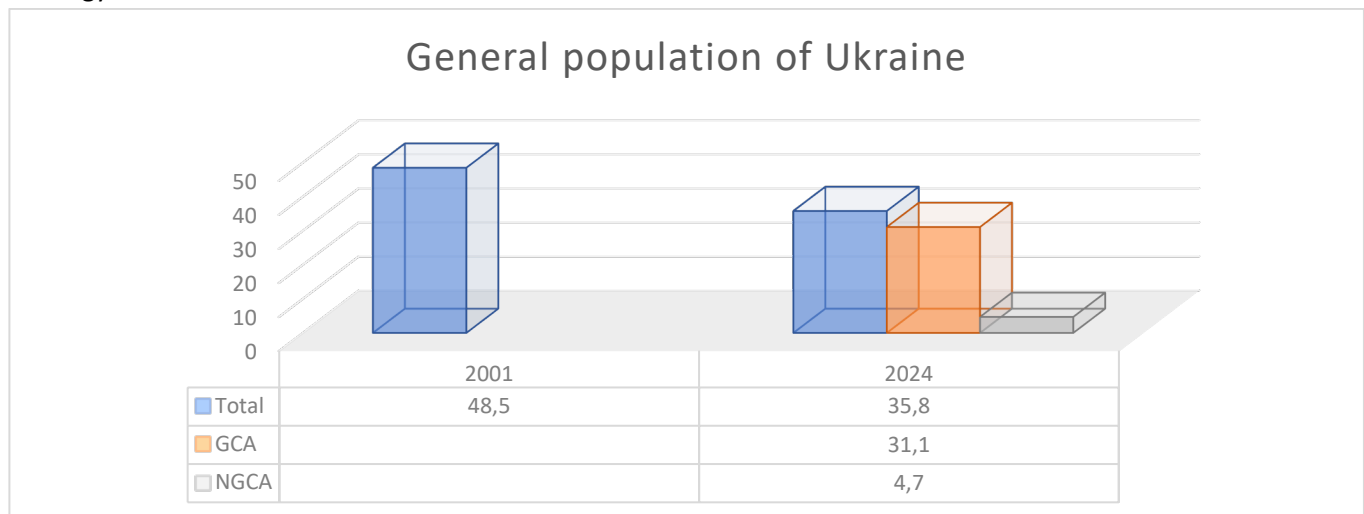


# DRC's Legal Alert: Issue 108 | 1 — 30 September 2024

## 1. Overview of the demographic trends of Ukraine

On 30 September 2024, the Cabinet adopted [Resolution №922-p](#), approving the Strategy for Demographic Development of Ukraine until 2040 (the Strategy). The Strategy is a long-term programme document that defines Ukraine's main demographic challenges and threats, as well as strategic goals and objectives to overcome them and address social and humanitarian problems. The following overview of the Strategy includes principal statistic data and key aspects of negative demographic trends.

**NB:** The Ministry of Social Policy (MoSP) consolidated all the numbers reflected in this item of the Legal Alert in the Strategy.



As of December 5, 2001, the population of Ukraine was 48.5 million, according to the State Statistics Service of Ukraine. According to the estimates of the Institute for Demography and Social Studies as of July 2024, there were 35.8 million people, including 31.1 million people in the occupied areas;

### The key aspects of negative demographic trends:



#### *Large-scale displacement/migration from Ukraine*

The total number of Ukrainians who moved abroad after 2022 is 5 million:

- 3.48 million Ukrainians moved abroad<sup>1</sup>
- Approximately 1.2 million Ukrainians were either deported or chose to leave for the Russian Federation or Belarus.<sup>2</sup>

#### *Massive forced displacement of the population within Ukraine*

<sup>1</sup> According to MoSP with reference to the UN data for 2022 and the State Border Guard Service for 2023-2024

<sup>2</sup> According to the reports of the United Nations High Commissioner for Refugees

As of July 2024, there were 4.7 million registered internally displaced persons, of whom 3.4 million (73.5%) had been displaced since 24 February 2022.

#### *Low birth rate*



The total fertility rate in 2021 was 1.16, which is almost half the level required to ensure simple reproduction of the population, and since the beginning of the war, it has dropped to 0.9.

The economic factors became key since the beginning of the full-scale invasion and with the birth of a child, the risk of poverty increases: according to 2021 data, the poverty rate averaged 20.6%, and for families with children it is 22.4%.

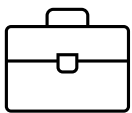
#### *High level of premature mortality*



In Ukraine, there is excessive premature mortality (under 65), primarily among men. In 2020, the average life expectancy at birth in Ukraine was 71.35 years. In the EU, this figure was 80.4 years.

Among the main factors are neglect of healthy lifestyle standards and late responses to health problems. The problems of access to medical, rehabilitation, and recreational services are particularly acute for residents of small settlements.

#### *Labour market imbalance*



The survey conducted by the National Bank of Ukraine noted a shortage of skilled workers: 56% of all persons who left Ukraine for temporary protection abroad (2.8 million people) are of working age<sup>3</sup>.

The conscription to the Armed Forces of citizens who had previously participated in the labour market was defined as another negative factor.

### **Negative public health impacts:**

#### *Security (mine victims)*



According to the Ministry of Economy, the area potentially contaminated with explosive ordnance is 24% of the total area of Ukraine<sup>4</sup>.

From February 2022 to May 2024, according to the database of mine and explosive ordnance-related civilian accidents, 607 incidents occurred in government-controlled areas, affecting 889 civilians, including 277 deaths (14 children) and 612 injuries (74 children).

### **Housing issues:**

#### *Housing*



The total number of destroyed and damaged housing is more than 250,000 buildings, of which 222,000 are private houses and more than 27,000 are apartment buildings.<sup>5</sup>

There is a lack of affordable and high-quality social housing in Ukraine for people in need. In the critical situation caused by the war, the state and local authorities are very limited in their ability to provide housing for temporary use.

<sup>3</sup> According to the Centre for Economic Strategy

<sup>4</sup> 144,000 square kilometers

<sup>5</sup> Figures are based on statistical data provided by Kyiv School of Economics as of January 2024 and consolidated by MoSP for the Strategy.

## 2. The Cabinet Streamlines State Social Assistance Applications by Reducing Paperwork

On 23 August 2024, the Cabinet adopted [Decree №968](#), digitalising the procedures of applications for various types of state social support, introducing the following:

1. **Online Application Processing.** Social protection authorities are digitalising applications and set a requirement to create an electronic file in the system for each applicant. In practice, they encourage online submissions whenever possible to streamline and speed up the review process.
2. **Automatic Data Verification.** If documents are available in state registers, applicants are not required to provide paper copies, instead, officials will receive and verify data from the registers automatically.
3. **Submission of Applications Abroad.** Remote applications become possible for persons for some of the state supports (except those in Russia) during martial law. This additionally provides support to vulnerable groups seeking temporary protection abroad to access social support benefits provided by the Government of Ukraine.
4. **Suspension of application to collect missing documents.** Applicants are granted a one-month suspension to gather necessary documents, during which the application is paused but not rejected. This is beneficial because it allows the calculation of assistance to begin from the original application date retroactively.

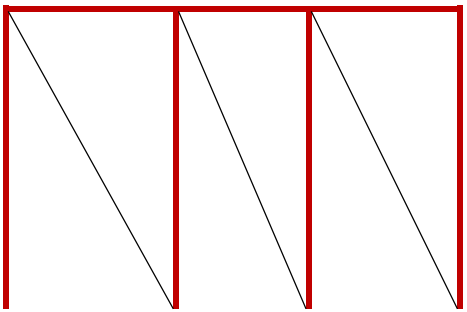
### Legend:

- ✓ is now available after the amendments
- ← was already available before the amendments
- ✗ is still not available

	Families with Children <sup>6</sup>	Low-income Families	Large Families	Orphans	Children with Disabilities	IDPs
Online Processing is Required	Diia portal MoSP web-site					Diia app Diia portal MoSP web-site
Automatic Verification of Documents	✓	✓	✓	✓	✓	✓
Submission of Applications Abroad	Additionally available to families with children under guardianship or children with rare (orphan) diseases <sup>7</sup>	Assistance is available only for persons physically residing in Ukraine	✓	✗	✓	Assistance is available only for persons physically residing in Ukraine
Suspension of application to collect missing documents	←	✗	←	✓	✗	✗

<sup>6</sup> The following types of social assistance are included: Maternity Benefits, Childbirth Grant, Allowance for children under guardianship or custody, Allowance for the Adoption of a Child, Allowance to Single Parents, Care Allowance for Families with Children with Rare (Orphan) Diseases.

<sup>7</sup> Previously – only for Maternity Benefits

<p><b>Others developments</b></p>	<p>Supposing a person cannot gather the necessary documents or information for state benefits due to caring for a child with a disability under 18, the state authority will collect them on their behalf.<sup>8</sup></p>		<p>Applications with power of attorney are now possible.</p>
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### 3. The Parliament Enhances Provisions on Rehabilitation, Healthcare and Employment of Individuals with Disabilities

On 21 August 2024, the Parliament issued [Law №3911-IX](#)<sup>9</sup> aimed at improving the mechanism of employment quotas for persons with disabilities, broadening rehabilitation services and establishing new standards for medical professionals.

	Amendments	Outcomes
<p><b>Automation of Administrative Penalty Collection for Quota<sup>10</sup> Non-Compliance</b></p>	<ul style="list-style-type: none"> <li>By 10th June, the Social Protection Fund for Persons with Disabilities, in an automated mode, sends a calculation of the amounts of administrative and economic sanctions payable due to the failure to meet the quota for the employment of persons with disabilities for the previous year.                             <ul style="list-style-type: none"> <li>Employing a person with disabilities after 31st March will not be taken into consideration for calculations.</li> <li>Employing a person with disabilities before 31st March will automatically cause the recalculation of sanctions.</li> </ul> </li> </ul>	<p>Such automation secures fund inflows for the Fund of Social Protection of Persons with Disabilities, enabling targeted budget allocations for disability support programmes.</p>
<p><b>Rehabilitation of Persons with Disability</b></p>	<ul style="list-style-type: none"> <li><b>Access to Medical Products based on IRP:</b> The individual rehabilitation plan (IRP)<sup>11</sup> is the only required document for persons with disabilities to receive free or discounted rehabilitation equipment, medical products, and services – a medical prescription is no longer needed.</li> <li><b>Access to Rehabilitation with no Disability Status.</b> During Martial Law, individuals wounded, injured, or ill due to war and hostilities are provided with rehabilitation equipment, medical products, and services, regardless of legal disability status.</li> </ul>	<p>Access to rehabilitation equipment and services is improved with reduced bureaucratic barriers, practically making support more accessible.</p>

<sup>8</sup> The legal gap regarding the child’s age has been addressed. Previously, the exception only applied if the child with a disability was under 16.

<sup>9</sup> The Law comes into force on 18 December 2024

<sup>10</sup> Employers are required to meet a 4% employment quota for persons with disabilities (1 position if no more than 8 to 25 employees). If quotas aren’t met, the fine is the average annual salary per unfilled position for persons with disabilities (reduced by half if the enterprise has less than 25 employees).

<sup>11</sup> Rehabilitation begins with a rehabilitation examination, determination of the presence or risks of limitations in daily functioning, their assessment and composition of an individual rehabilitation plan. An individual rehabilitation plan is drawn up by a multidisciplinary rehabilitation team on the basis of the State Model Rehabilitation Plan. Low-volume rehabilitation is aimed to address patients’ basic needs, e.g. utilizing physical exercises and care instructions, without requiring extensive planning

	<ul style="list-style-type: none"> <li>• <b>No rehabilitation plan is needed for low-volume rehabilitation.</b> No individual rehabilitation plan is required for low-volume rehabilitation provided independently by a specialist at the primary care level, whether in outpatient settings or at home.</li> </ul>	
<p><b>Streamlined Patient Communication in Healthcare</b></p>	<ul style="list-style-type: none"> <li>• Rehabilitation and healthcare service providers can interact with the Unified Social Information System<sup>12</sup> to provide text messaging to patients concerning their medical treatment through messengers or Diia.</li> </ul>	<p>This streamlines communication between medical institutions and individuals using convenient methods.</p>
<p><b>Anti-Corruption Standards for Medical Specialists</b></p>	<ul style="list-style-type: none"> <li>• Significantly improved legislation in the field of preventing prejudice and potential corruption risks among medical professionals. Specialists must not: <ul style="list-style-type: none"> <li>○ demand and/or receive benefits or bonuses from companies for prescribing specific medications or medical products;</li> <li>○ accept free samples of medications or devices unless intended for authorised clinical trials;</li> <li>○ ask for and/or accept promotional (marketing) items from companies;</li> <li>○ advertise medications or medical devices.</li> </ul> </li> </ul> <p>Upon request, the patient should be provided with information on cheaper alternatives to medications with the same active substance.</p>	<p>The amendments are aimed at the prevention of prescribing medicines under the influence of financial incentives.</p>
<p><b>Off-Label Use of Medical Products and Medications</b></p>	<ul style="list-style-type: none"> <li>• Council of doctors in healthcare institutions are allowed to prescribe “off-label use”<sup>13</sup> of medical products to the patient, but only complying with the following criteria: <ul style="list-style-type: none"> <li>○ patient is in critical condition or an emergency case;</li> <li>○ patient provided informative consent;</li> <li>○ such use is supported by evidence-based justification.</li> </ul> </li> </ul>	<p>This opens additional possibilities for patients in critical condition to get necessary treatment.</p>
<p><b>National List of Essential Medications</b></p>	<ul style="list-style-type: none"> <li>• The National List of Essential Medications (NLEM) includes medications that address priority healthcare needs and are accessible to individuals and society following guaranteed standards of quality.</li> <li>• Only medications that are included in the list can be funded or reimbursed (fully or partially) through state and regional programmes</li> <li>• Criteria for inclusion/exclusion of medications are set as: <ul style="list-style-type: none"> <li>○ clinical effectiveness;</li> </ul> </li> </ul>	<p>Despite its existence and operation in Ukraine since 2001, the NLEM has lacked proper legislative regulation and is now formally included in the Law on the Fundamentals of Ukrainian Healthcare for</p>

<sup>12</sup> State system that automates social services data and integrates various programmes into a single digital platform

<sup>13</sup> The use of a product in a manner and purpose not specified in the instructions

- safety;
  - cost-effectiveness and economical accessibility;
  - organisational and epidemiological indicators;
  - WHO recommendations and executive authorities' guidelines.
- the first time (previously it was only regulated through the decrees of the Cabinet).

#### 4. The Cabinet Simplified Access to One-off Assistance for Death or Disability of Persons

**Background information:** On 29 April 2016, the Cabinet of Ministers of Ukraine adopted [Decree №336](#), introducing the Procedure for granting one-off assistance to persons with disability caused by war and family members of fallen (deceased) military personnel. Subsequently, the Procedure expanded the list of the entitled persons.

**Recent developments:** On 25 September 2024, the Cabinet issued [Decree №1090](#), simplifying the procedure for getting one-off assistance to persons with disability caused by war and family members of fallen (deceased) military personnel.

	In case of Death	In case of Disability
<b>Eligible persons</b>	Family members <sup>14</sup> of fallen military personnel.	Persons with disabilities as a result of war.
<b>Eligibility criteria</b>	The person died or was recognised as missing as a result of war. From the date of death (indicated in the death certificate) or the date of entry into force of the court decision declaring the person missing.	The person became disabled as a result of war; From the date when disability has been determined. The date is specified in the certificate of the Medical and Social Expert Commission.
<b>Amount of assistance</b>	<b>750 subsistence minimums for able-bodied persons</b> , as of 1 January of the calendar year in which the person died <sup>15</sup> .	<ul style="list-style-type: none"> <li>• <b>I group disability — 400 subsistence minimums<sup>16</sup>;</b></li> <li>• <b>II group disability — 300 subsistence minimums<sup>17</sup>;</b></li> <li>• <b>III group disability — 250 subsistence minimums<sup>18</sup>.</b></li> </ul>
<b>How to apply</b>	In-person (including through a representative with the Power of Attorney) application by eligible persons through an administrative service centre (ASC) or the Ministry of Veterans Affairs.	
<b>Necessary documents</b>	<ul style="list-style-type: none"> <li>• certificate (e.g. childbirth certificate, etc.) proving family relationship to the deceased or a person with disabilities;</li> </ul>	

<sup>14</sup> Parents; one of the spouses who has not remarried; children who do not have (and did not have) their own families; children who have their own families but became disabled before reaching the age of 18; children whose both parents died or went missing; dependents of the deceased who are paid a pension in this regard.

<sup>15</sup> Subsistence minimums for able-bodied persons on 1 January 2024 is UAH 3,028. The amount of assistance is 750\* UAH 3,028 = UAH 2,271,000

<sup>16</sup> Subsistence minimums for able-bodied persons on 1 January 2024 is UAH 3,028. The amount of assistance is 400 \* UAH 3,028 = UAH 1,211, 200

<sup>17</sup> Subsistence minimums for able-bodied persons on 1 January 2024 is UAH 3,028. The amount of assistance is 300 \* UAH 3,028 = UAH 908,400

<sup>18</sup> Subsistence minimums for able-bodied persons on 1 January 2024 is UAH 3,028. The amount of assistance is 250\* UAH 3,028 = UAH 757,000

	<ul style="list-style-type: none"> <li>• certificates of the Medical and Social Expert Commission — for persons with disabilities;</li> <li>• a death certificate or a court decision on declaring the deceased missing — for relatives of the deceased;</li> <li>• a birth certificate of the deceased — for parents of the deceased;</li> <li>• a marriage certificate of the deceased’s spouse;</li> <li>• a certificate with bank account details of the recipient of the allowance;</li> </ul> <p>The passport data of the applicant is verified during the in-person application or checked via electronic databases.</p>
<p><b>Responsible authority</b></p>	<p>Ministry of Veterans Affairs.</p>

### 5. The Cabinet Approved One-off Assistance for Winterization

On 30 August 2024, the Cabinet of Ministers of Ukraine adopted [Decree No 993](#), establishing one-off assistance for the purchase of solid fuel for the heating season 2024/2025.

**NB:** The Government envisaged only 16 days term for the application by 16 September 2024. At the same time, there are several other programmes aimed at supporting the same category of persons within the respective territory<sup>19</sup>. Entitled persons are actual residents of Sumy, Kharkiv, Kherson, Luhansk, Donetsk, Dnipropetrovs’k, Zaporizhzhia, Mykolaiv and Chernihiv Oblasts within a 10-kilometre zone from the state border with the Russian Federation or the contact line and/or in the territories experiencing active hostilities.

**A one-off payment is UAH 21,000 per household and is provided by international organisations.**

The Application can be submitted online or in person to the village, city council or military administration and should be accompanied with:

- ID document of the applicant;
- number of the tax ID of the applicant and all members of the household;
- IDP certificate (if any);
- documents confirming the fact of residence or registration of the place of residence (for each household member).

**NB: The amount of assistance is not considered in the calculation of the monthly (annual) taxable income.**

### 6. Grants for bachelor`s degrees have been introduced in Ukraine

**Background information:** The Ukrainian system of financing higher education includes state-funded and contractual places. Before the start of the admission campaign, the state determines the total number of state-funded places for each specialisation based on the state's priorities and financial capabilities. In turn, universities submit applications for the maximum volume of state-funded places for each of their specialities. During the admission campaign, each student can apply for state-funded places according to the scores, received during exams. There are also specific categories that have priority for state finance, e.g. persons with disabilities. Each student can also be enrolled for a contractual form (tuition fee is paid by individual or legal entity) in case of failure to obtain a state-funded place.

<sup>19</sup> The analysis of the programmes will be provided in the following DRC Legal Alerts for October and November correspondingly.

No grants have ever been introduced in Ukraine before this decree.

**Recent developments:** On 18 July 2024 the Cabinet adopted, and later on 13 September 2024 the Cabinet amended [Decree №822](#)<sup>20</sup>, introducing a pilot project of grant support to cover part of the tuition fee for pursuing a bachelor's degree (for medical and veterinary students – also a master's degree).

#### How to get the grant?

1. The applicant enters the University under the contractual form (tuition fee is paid by an individual of legal entity). Such students are automatically verified for the eligibility criteria for grants.
2. If eligible, the student receives a proposal for a grant through the Diia app.
3. To get a grant the student signs the proposal with Diia signature: by 5<sup>th</sup> November by the students of 1<sup>st</sup> year of study and by 30<sup>th</sup> September by students of the second and subsequent year of study.
4. The student receives a certificate confirming the provision of a grant through the Diia app.
5. The money allocated according to the grant is directly sent to the account of the respective educational institution.

The value of the grant depends on the results of the entrance exam to higher education institutions in Ukraine. It aims to cover the cost of a bachelor's programme<sup>21</sup> fully or partially:

- For students with the results of the entrance exam of 150-170 points — UAH 15,000;
- For students with the results of entrance exam of more than 170 points — UAH 25,000<sup>22</sup>.

The grant is available to applicants who are enrolled:

- in a bachelor's degree programme;
- in full-time or mixed form of study on a contractual form;
- have got at least 150 points at an entrance exam.

### **7. 100% compensation for humanitarian demining of land plots**

**Background information:** In March 2024, the Cabinet adopted [Decree №284](#), approving the Procedure for Compensation of Costs for Humanitarian Demining of Agricultural Land. The compensation is a one-off payment for the demining of each land plot. The amount of compensation is 80 % of the cost of services of humanitarian demining<sup>23</sup>.

**Recent developments:** On 30 August 2024 the Cabinet adopted [Decree №990](#), amending, among others, terms of compensation for services of the demining of agricultural land plots provided from 15 April 2024. Previously the agriculture producers had to cover 20 % of the cost<sup>24</sup>, now all of 100 % of the cost of such services at the expense of budgetary funds.

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<sup>20</sup> Amendments adopted by the Cabinet with the Decree №1059, Link: <https://zakon.rada.gov.ua/laws/show/1059-2024-%D0%BF#Text>

<sup>21</sup> The amount of the grant will be multiplied by a coefficient depending on the specialization.

<sup>22</sup> The average price for a year of study in higher educational institutions was UAH 23,491 in 2023, compared to UAH 20,532 in 2022.

<sup>23</sup> For more information, please, see DRC's Legal Special Alert on Humanitarian demining, Issue 104, Link: <https://pro.drc.ngo/media/dvte5khs/legal-alert-104-special-issue-on-humanitarian-demining.pdf>

<sup>24</sup> For more information, please, see DRC LA Special, Issue 104, Link: <https://pro.drc.ngo/media/dvte5khs/legal-alert-104-special-issue-on-humanitarian-demining.pdf>



**Other developments:**

1. The Temporary Special Commission on the Property and Non-Property Rights of IDPs published a preliminary report, outlining key measures for housing, compensation, and financial assistance from the State for IDPs and other war-affected population ([Decree №3921-IX](#) of 21 August 2024)

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