



DRC Legal Alert: Issue 78 | 19 March – 31 March 2022

1. Cabinet Introduced Rules on Notification About Damaged Property

On 26 March 2022, the Cabinet passed [Decree № 380](#), establishing the Procedure for notification about damaged and destroyed real estate property as a result of hostilities. Owners of damaged or destroyed property can submit information via Portal Diia (including the mobile application), the Center for Administrative Services (CNAP), or a notary. The application must include the full name of a person, tax code, contact info, real estate data (registration numbers, net area etc.), information about people who live in real estate, property damage/destruction details, including photo and video recordings.

2. Cabinet Expands Scope and Amount of IDP Subsistence Aid

On 20 March 2022, the Cabinet adopted [Decree № 332](#), replacing the old procedure for the provision of IDP targeted assistance introduced through [Decree № 505](#) of 1 October 2014. The table below provides a comparative analysis of the changes introduced:

	Before	After
Eligibility	Persons who fell under the definition of an IDP according to Law 1706-VII 'On rights and freedoms of IDPs' with no geographical limit	Persons who lived and/or worked in the conflict areas as defined by Order № 204-p of 6 March 2022 and Order 213-p of 11 March 2022 ('ePidtrymka'), and IDPs who received IDP housing assistance before 24 February 2022
Application procedure	An application must be submitted in person	Application may be submitted in person or through Diia (planned to be launched in April)
Amount of IDP Subsistence Aid (per month)	For children – 1000 UAH For all employable persons – 442 UAH Not more than 3000 UAH per family Not more than 3400 UAH if one of the	For persons with disabilities and children – 3000 UAH per person. For all other persons – 2000 UAH per person

	family members is a person with a disability Not more than 5000 UAH for a large family.	
Who Receives the Payment	One of the members of a family for all other members	Each person individually. In the case of children, an adult member of the family
Duration of Payment	The assistance was initially introduced for six months. However, it had been extended uninterruptedly for every six-month cycle until now.	Assistance will be paid during martial law and one month after its suspension.

The new rule of assistance is focused on individuals rather than family, and abolishes the maximum cap per family. The old rule of the maximum cap per family had a discriminatory effect on larger families, as well as families that catered needs of children, the elderly and persons with disability. The humanitarian community has advocated for the long time for the use of objective criteria for the calculation of assistance based on the vulnerability and size of each family. The new rule addresses the concern.

3. Cabinet Introduces Flexible Rules for Payment of IDP Social Benefits

Background: In the past, the government had implemented rigid and restrictive approaches in terms of payment of social benefits to IDPs. The Cabinet of Ministers [Resolution № 365](#) of 2016, incorporating all those restrictive measures, have been governing rules for IDP payments as of now. Despite that the government discontinued some of the restrictive approaches due to intense advocacy from the humanitarian community as well as critical observations from the Supreme Court, Resolution 365/2016 continued to be restrictive.

On 25 March 2022, the Cabinet issued [Decree № 363](#), introducing significant flexibility in the way IDP benefits will be paid. Accordingly, the payments now can be made through the State Bank ‘Oschadbank’ (as well as commercial banks where feasible) or through State Postal Service ‘Ukrposhta’. For persons with disabilities of group I and other persons in need of constant care, payments will be delivered to their place of residence upon their application.

The Decree also suspends the procedure under which social payments for IDPs could have been suspended if a person visited temporarily occupied territories, or the IDP was not found at the place of his/her residence, or under any other grounds prescribed in Decree 365/2016.

4. Cabinet Makes Employers Hiring IDPs Entitled to Compensation

On 20 March 2022, the Cabinet adopted [Decree № 331](#), establishing rules for compensations for employers who hired IDPs. The requirements are as follows:

- Employee must be officially employed
- Employer must be registered as Unified Social Tax payer
- Employee`s salary is not less than minimal salary
- Annual Tax Declaration or Tax Declaration for the fourth quarter of 2021 has been submitted

The amount of compensation is 6500 UAH and can be provided for no longer than two months. To get compensation, the employer should apply to the local office of the State Employment Service within five days of the employee's start date. Such applications can be submitted through Diia, by email or in person. Applications submitted in person must be accompanied by a copy of the recruitment order, employment contract, IDP certificate, personal information, passport and personal tax number of the IDP employee.

5. Households Accommodating IDPs are Entitled to Reimbursement of Accommodation Expenses

On March 19, 2022, the Cabinet of Ministers of Ukraine enacted [Decree № 333](#), providing an opportunity for the households accommodating IDPs to get reimbursement of accommodation expenses. Reimbursement is permitted only with regards to IDPs who are not currently receiving IDP targeted assistance from the government. Hosts providing accommodation to IDPs, are entitled to reimbursement at the rate of UAH 14.77 per person per day of accommodation. Persons eligible for reimbursement must submit a corresponding application to the executive committee of the local authority.

6. Cabinet Simplifies Rules for Obtaining Unemployment Benefits During Martial Law

On 19 March 2022, the Cabinet adopted [Decree № 334](#), simplifying administrative procedures for unemployed persons during martial law. The amendments are as follows:

- Persons may apply for the recognition or suspension of unemployed status and unemployment benefits through 'Diia'
- All services can also be accessed through the nearest office of the employment center or other communication means (phone, Telegram, email, online-forms)
- If employment centers are unable to provide unemployment benefits, such benefits will be paid directly to the bank accounts of unemployed persons or via the 'My Transfer' system.

7. Parliament Introduces Combatant Immunity

On 15 March 2022, the Parliament adopted [Law № 2124-IX](#) defining combatant immunity and decriminalizing act or omission during martial law or armed conflict which led to killing or harm to persons who are engaged in armed

aggression against Ukraine. Decriminalization is applicable only if the concerned act or omission did not constitute a violation of International Humanitarian Law (IHL) norms and rules and did not involve torture. The law makes personnel of the military, territorial defense, law enforcement agencies taking part in Ukraine's defence amenable to the rules and norms of IHL.

8. Online-Platform for Humanitarian 'SpivDiia' Launched

The Coordination Hub on Humanitarian and Social Issues launched an Internet platform [Spivdiia](#) for processing applications and inquiries from people who want to help or need help with food, clothing, hygiene items, mattresses, home appliances, medicines, etc.

In particular, the platform allows users to facilitate the provision of humanitarian aid and assistance to volunteers, people in need, hospitals, maternity hospitals, and refugee centers. It also accepts financial contributions to generate the necessary resources.

For more information on the Coordination Hub on Humanitarian and Social Issues, please see [DRC Legal Alert Issue 76](#).

9. Parliament Penalizes Selling of Humanitarian Aid and Charitable Support

On 24 March 2022, the Parliament passed [Law № 2155-IX](#) introducing a range of sanctions for the misuse of humanitarian aid, charitable support and assistance during martial law. Persons who sold charitable or humanitarian aid or otherwise used it for the purpose of receiving an income may face heavy fines, restriction of liberty, correctional tasks and imprisonment. In order for this Law to be applicable, the value of charity, aid or assistance sold or otherwise used for the purpose of receiving an income must be at least 350 tax-free minimum incomes (approximately 434 175 UAH in 2022).

10. Cabinet Suspends COVID Restrictions During Martial Law

On 26 March 2022, the Cabinet approved [Decree № 372](#), suspending the introduction of the epidemic danger levels (of the green, yellow, orange, or red levels) in Ukraine as a whole or in certain regions during martial law. However:

- Individuals and businesses are encouraged to take anti-epidemic precautions;
- Individuals are encouraged to acquire a full course of COVID-19 vaccinations;
- Healthcare facilities are recommended to stay prepared to respond to COVID-19 outbreaks.

Restrictions connected to obligatory COVID-19 vaccination for workers of State authorities, local bodies, healthcare, social and educational services and State enterprises are lifted.

11. Undelivered Pension or Financial Aid to be Added to the Next Pay Period

On 21 March 2022, the Cabinet adopted [Decree № 343](#), paving the ways for rolling over undelivered pensions and financial aid to the next pay period. The inability of the State Postal Service 'Ukrposhta' to deliver pensions or financial

aid to the conflict areas (because of loss of data, absence of cash etc.) should be verified by the relevant civil-military administration.

12. Parliament Enhanced Liability for Dissemination of Information About Movement of Weapon and Armed Forces of Ukraine

On 24 March 2022, the Parliament adopted [Law № 2160-IX](#), criminalizing the dissemination of information on the location or movements of Ukrainian military troops and weapons during martial law or emergency. Such acts will be considered a crime if information disseminated was not open-source data. Imprisonment ranging from 3 to 12 years is the only form of sanction. Security bodies are responsible for investigations of the crime.

13. Cabinet Establishes Rules on Free Distribution of Food Items During Martial Law

On 20 March 2022, the Cabinet issued [Decree № 328](#), establishing rules and procedure for handing out food items to persons in need. Food items to be distributed free of cost are as follows: grain for bread and flour, cereals, pasta, sunflower oil, canned meat, fish and beans, sugar, milk or milk substitutes, bread and pastry, tea, and coffee. Procurement volume will be defined by the Ministry of Economy per 10 million persons. Military administrations in conflict areas are responsible for handouts of food and compensation for grain processing and storage. State transport company Ukrzaliznytsia and State Postal Service Ukrposhta will provide free transportation and delivery.

14. Cabinet Introduces New Rules for Nursing and Adoption of Children Who Lost Families

On 22 March 2022, the Cabinet enacted [Decree № 349](#), simplifying procedures for children left without parental care or separated from their families to be accepted into adoptive families during martial law and state of emergency. This can be done solely on the basis of an order by the Children`s service or oblast` military administrations at the location of such placement of the child. Authorization of the Commission on the protection of children`s rights is no longer needed. During martial law or state of emergency, guardians are not required to undergo a child-rearing training course.

15. Cabinet Enacts Easy Rules for Cross-Border Transportation of Humanitarian Cargo Through the Railways

On 27 March 2022, the Cabinet adopted [Decree № 379](#), under which humanitarian cargo shipped from abroad during martial law and one year after its suspension will be delivered by Ukrainian Railway Ukrzaliznytsia without any procedure of recognizing such goods as humanitarian aid. Donors making such shipment have to specify the goods as humanitarian cargo and authorize Ukrzaliznytsia to deliver the goods to the consignee. The other important condition is that the consignee has to be either an oblast administration, Kyiv military administration or an organization/enterprise listed by the Cabinet of Ministers. Any such organization or enterprise listed by the Cabinet of Ministers should also sign an agreement with Ukrzaliznytsia. The cost of such transportation shall be covered from

the State budget effective retroactively from 24 February 2022. The online-platform introduced by Ukrzaliznytsia for the realization of this Decree can be accessed at zalizna-dopomoga.info.

16. EU Presented Ten-Point Plan for Refugee Support

On 28 March 2022, the Home Affairs Council of the EU presented a 10-point plan for stronger European coordination for welcoming people fleeing the war against Ukraine. This plan includes:

- Creation of an EU platform for registration (for information exchange about beneficiaries of temporary protection or other alike protection);
- Introduction of an EU level coordinated approach to facilitate interconnectivity and match transport capacity with a reception capacity of Member States;
- Enhancement of reception systems in order to ensure continuity of care and suitable accommodation;
- Development of national and common European contingency plans to address medium to long-term needs;
- Development of standard operating procedures and uniform guidance for the reception and support of children;
- Introduction of a common anti-trafficking plan;
- Better cooperation with Moldova in the spheres of emergency and humanitarian assistance in connection to refugee protection;
- Reinforcement of framework for international cooperation on safe destinations;
- Addressing internal security implications of the war in Ukraine (i.e., enforcement of EU sanctions, support of EMPACT and EUROPOL for the Member States);
- Improvement in resources and funding.

This Legal Alert is produced thanks to the financial support of the European Union through its Civil Protection and Humanitarian Aid Operations department, Switzerland through the Swiss Agency for Development and Cooperation (SDC), and UK aid from the UK government.

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 and do not necessarily reflect the views of DRC, the European Union, the governments of Switzerland or the United Kingdom. Neither DRC nor the European Union, nor the governments of Switzerland or the United Kingdom can be held responsible for them.