



DRC-DDG LEGAL ALERT: Issue 54 July 2020

1. Cabinet Withdraws Self-Isolation Requirement for Individuals Crossing EECPs; Joint Forces Continue to Enforce It

Lifting the Requirement (Cabinet)

On 22 July 2020, the Cabinet adopted Resolution [No. 641](#), amending the quarantine framework on COVID-19 response measures. Among other changes, the new framework removes the requirement for the obligatory observation (or self-isolation with the use of ‘Diya’ mobile application) of Ukrainian citizens crossing entry/exit checkpoints (EECPs) with non-government controlled areas (NGCA) of Donetsk and Luhansk regions and in Crimea starting from 1 August 2020.

Re-Establishing the Requirement (JFO)

On 31 July 2020, the press service of the Joint Forces Operation (JFO) [announced](#)¹ a ‘clarification’ of the procedure for crossing EECPs in Donetsk and Luhansk regions. The ‘clarification’ effectively re-establishes the requirement for observation (self-isolation, if controlled through ‘Diya’) for individuals arriving in GCA from NGCA.

The lawfulness of JFO’s imposition of additional restrictions and control measures for the crossing EECPs with regards to the quarantine regime is questionable. Restrictive list of quarantine measures is defined by the relevant Cabinet Resolution – with no self-isolation (observation) requirement for said crossings. The Resolution also does not provide the JFO with any discretion to ‘clarify’ its provisions. Another concern is the way JFO re-established the requirement – announcing it on their social media page, without reference to any officially published document, a day before the planned procedure release. Reports from humanitarian actors operating at the EECPs show that the JFO is currently enforcing the self-defined restrictive procedures.

2. Parliament Provides a Separate Admission Quota at All Universities for Applicants Residing Within NGCA, Contact Line, and Crimea

Background: Applicants residing within NGCA and Crimea can apply to GCA-based universities through a network of specialised admission centres ‘Donbas-Ukraine’ and ‘Crimea-Ukraine’.² Through this procedure, both state scholarship and contract-based admission are possible. At the same time, a special quota has been allocated for Crimea-based applicants since 2016, covering 20% of all the state scholarships at each university under every programme (although this quota has not yet been fulfilled). As for the applicants residing in NGCA, they compete for the state scholarship with other applicants.

Recent Developments: On 3 July 2020, the Parliament adopted Law No. [744-IX](#) concerning access to GCA education for residents of NGCA and contact line areas. The Law extends the existing 20% special quota from Crimea-based applicants to applicants residing in NGCA and the contact line. Therefore, these applicants shall undergo admission competition for 20% of the state scholarships only among themselves.

¹ As of 10 August 2020, the press service announcement on its social media page remains to be the only JFO statement on the matter; no official document on the re-establishment of the requirement has been released to date.

² For more information about the application procedure, special admission preferences, and network of ‘Donbas-Ukraine’ and ‘Crimea-Ukraine’ educational (admission) centres, see DRC-DDG [Legal Alert](#) Issue 52, Section 6.

In case the number of eligible applicants exceeds the quota, those who were not awarded a scholarship through the competitive process can still be admitted on a contract basis (i.e. paying full tuition fees).

3. Ministry of Reintegration of Temporary Occupied Territories Adopts New List of Items Restricted/Prohibited for Movement Through the Contact Line

On 14 July 2020, the Ministry of Reintegration of Temporary Occupied Territories issued Decree [No. 52](#) adopting a new List of Goods restricted or prohibited for movement through the contact line. The new edition to the List is based on the one provided back in November 2019.³

The most significant change is the increase of the maximum sum of cash allowed to be transferred **from GCA to NGCA** – from 20,000 UAH to 50,000 UAH (or equivalent). Other major provisions remain the same:

Issue	From GCA to NGCA	From NGCA to GCA
Movement of Cash	- The Maximum sum of cash increased from 20,000 to 50,000 UAH.	- The same maximum of 50,000 UAH with a possible increase upon approval of the coordination centre.
Movement of Goods and Personal Items⁴	- All the goods not included on the restricted/prohibited list are allowed for transportation with no limits on their value/weight/quantity. <ul style="list-style-type: none"> • Personal items are permitted for movement in any direction within a certain quantity; • Restricted/prohibited items’ list remains the same. 	- All the goods not included on the restricted/prohibited list are allowed for transportation under the following limits: 10,000 UAH in value, 75 kg in weight.

4. Government Enhances State Assistances to Low-Income Families, Pensioners Requiring External Care, and Children Under Custody

On 25 June 2020, the President signed Law [No. 646](#) concerning state assistances on guardianship and supervision as well as assistance to low-income families.

Salient features of the Law:

Assistance to Low-Income Families	Assistance on Custody
i) <i>Maximum limit of the assistance</i> has increased from 75% to 100% of the family’s subsistence level. Family subsistence level is defined by summing up subsistence levels of all family members, differing based on their age (see section 6);	Size of the assistance for custody of children has increased from 2 to 2.5 subsistence levels (see section 6); in the case of differently-abled children, to 3.5 subsistence levels.

³ For more information, please see DRC-DDG Legal Alert Issue No. 46: November 2019, Section 3.

⁴ For the full list of personal items and goods restricted/prohibited for movement through the contact line, please see Ministry of Reintegration of TOT’s Decree [No. 52](#) (in Ukrainian).

ii) One-time assistance for economic self-efficiency will be provided to low-income family members who are unemployed but able to work – as an interest-free loan for starting a business. Framework for the assistance is to be further provided by the Cabinet.

Assistance to Elderly Requiring External Care

Assistance to older pensioners requiring permanent external care: pensioners of 80 years and above who require permanent external care⁵ are eligible for a monthly assistance of 685 UAH.

Assistances for custody and assistance to older pensioners requiring permanent external care are to be applied retrospectively, from 1 January 2020. Procedure for allocation of payments for this period shall be specified by the Cabinet.

5. Cabinet Announces Monetisation of ‘Baby Boxes’ Natural Assistance

Background: Starting from September 2018, the Cabinet launched the ‘baby box’ pilot project. Under the project, parents are provided with a set of items of a total value of 5,000 UAH for the care of newborn children. Because of difficulties with procurement and logistics, ‘baby boxes’ could sometimes not be provided to families in due time. The ‘baby box’ project was an addition to the existing monetary assistance upon child’s birth. Parents are entitled to 10,320 UAH of immediate payment after the birth and an additional payment of 860 UAH per month for the following three years (41,280 UAH in total).

Recent Developments: On 29 July 2020, the Cabinet [announced](#) the monetisation of the ‘baby boxes’. Starting from 1 September 2020, parents will be provided with a 5,000 UAH debit card to cover baby-care items bought directly by themselves. To obtain it, the parents have to contact a ‘Privat Bank’ branch and further follow up with the local office of the State Social Protection Service. The 5,000 UAH limit can only be used within the trade networks defined by the Ministry of Social Policy.

6. Periodic Increase in Living Wage and Minimal Pension Applies from 1 July 2020

[State budget 2020](#) prescribes a periodic increase of minimal living wages for different social groups. Accordingly, the second living wage increase—out of the three planned for the year 2020—came into effect on 1 July 2020. It also provides an increase in the minimum pension:

Living Wage Type / Social Value	Former (UAH)	Current (UAH)
General Living Wage	2,027	2,118
Living Wage for Children under 6 y.o.	1,779	1,859
Living Wage for Children from 6 to 18 y.o.	2,218	2,318
Living Wage for Persons Able to Work	2,102	2,197
Living Wage for Persons Who Lost Their Ability to Work ⁶	1,638	1,712

⁵ Such status is provided under the examination of the special administrative body – medico-social expert committee.

⁶ Under the Ukrainian regulation ‘persons who have lost their ability to work’ include individuals eligible for age-based pension and differently-abled persons.

Living Wage Type / Social Value	Former (UAH)	Current (UAH)
Minimal Pension (Basic Value) ⁷	1,638	1,712
Minimum pension for differently abled pensioners	Depends on disability group but relates to minimum pension and general living wage	
Social assistance to low-income families	Depends on different indicators including living wage	
Social assistance to a single parent		
Allowance for Guardianship: ⁸		
child under 6 years	3,558	3,718
child aged 6 to 18 years	4,436	4,636
Minimum Alimony Size:		
child under 6 years	889	929
child aged 6 to 18 years	1,109	1,159
Social assistance to differently abled IDPs	From 100% to 130% of a living wage for differently abled people – depending on disability group	

Some of the terminology used in this issue of the Legal Alert was taken from draft laws or current legislation and does not necessarily reflect the position of DRC-DDG.

This document covers humanitarian aid activities implemented with the financial assistance of the European Union. The views expressed herein should not be taken, in any way, to reflect the official opinion of the European Union, and the European Commission is not responsible for any use that may be made of the information it contains.

This document is made possible by the generous support of the American people through the United States Agency for International Development (USAID). The contents are the responsibility of Danish Refugee Council-Danish Demining Group and do not necessarily reflect the views of the USAID or the United States Government.

This document has been co-funded by UK aid from the UK government; however, the views expressed do not necessarily reflect the UK government’s official policies.

⁷ The actual minimal pension size is bigger than the indicator, serving as a basic value and does not include other components. Regardless of these, retirees with pension under 2,000 UAH are automatically entitled to a rounded-up minimal payment of 2,000 UAH since 1 July 2019 – see DRC-DDG [Legal Alert](#) Issue 42, Section 5.

⁸ The actual new assistance size will be bigger due to the new rules of calculating the assistance – see Section 4 above for the details.