



DRC-DDG LEGAL ALERT SPECIAL: CORONAVIRUS

16 March 2020

Ukraine Introduces a Wide Range of Measures and Restrictions to Combat COVID-19

Background: On 10 March 2020, the State Commission on Technogenic and Environmental Safety and Emergency Situations, chaired by the Prime Minister, recommended that the government ‘imposes certain measures’ to prevent the spread of COVID-19 (‘coronavirus’). On 11 March 2020, the World Health Organisation (WHO) [categorised](#) COVID-19 as a pandemic, with their subsequent [announcement](#) on 13 March 2020 of Europe being its epicentre. As of 16 March 2020, the Ukrainian Ministry of Healthcare [reported](#) 5 cases of COVID-19, one of which is lethal.

In the following days, the responses of the Ukrainian government developed rapidly:

- On 11 March 2020, the Cabinet adopted Resolution [No. 211](#), providing national-level quarantine measures;
- On 13 March 2020, the Cabinet issued Directive [No. 288-p](#), enforcing broad-scale closures of state borders and checkpoints;
- On 13 March 2020, the National Security and Defence Council (NSDC), chaired by the President, issued a Decision ‘On Urgent Measures of Ensuring National Security in Relation to the COVID-19 Outbreak. Later in the day, the NSDC Decision was reinforced by a Presidential Decree [No. 87](#), providing directions on response measures to the government;
- On 14 March 2020, the Cabinet adopted Directive [No. 287-p](#), restricting international passenger transportation and the entry of foreigners to Ukraine until 3 April 2020.

The following are the key legal developments related to the humanitarian operations and protection of conflict-affected persons.

i) All Foreigners, with Certain Exemptions, are Restricted from Entering Ukraine

Effective for the period from 16 March 2020 until 3 April 2020, all non-Ukrainian nationals are restricted from entering Ukraine. Exceptions are made for the groups listed below:

- Individuals with a valid temporary/permanent residence permit;
- Spouses or children of Ukrainian nationals;
- Employees of accredited diplomatic and consulate missions (and their family members);
- The staff of Ukrainian representative offices of international organisations and missions accredited in Ukraine (and their family members);
- Drivers and other servicepersons of cargo vehicles;
- Other foreigners evaluated on a case-by-case basis by the Ministry of Foreign Affairs of Ukraine.

Comments: There are no guidelines on the procedure for certifying the employee statuses of accredited international organisations. The closure of international passenger transportation (from 17 March 2020 to 3 April 2020) makes this exemption less significant since the only two remaining options to enter Ukraine are either passing through its land borders by an individual car or via special transportation of Ukrainian consulates/embassies/humanitarian missions.

**The Ministry of Foreign Affairs encourages interested persons to address it via:
+38-044-238-16-57; e-mail: cons_or@mfa.gov.ua**

ii) All International Passenger Transportations Are Suspended

From 17 March 2020 and until 3 April 2020, all international passenger transportations are restricted:

- Exceptions include humanitarian and diplomatic missions, fulfilment of Ukraine's international obligations, and transportation for the protection of Ukrainian national interests;
- Although international passenger transportation is not *per se* defined in the Cabinet Directive, this presumably includes commercial airlines, passenger ships, as well as inter-state passenger trains and buses. The restriction does not include private vehicles;
- Ukrainian nationals who will fail to return to Ukraine by 17 March 2020 can either enter the country with private cars or address the embassy/consulate in the country of their current whereabouts to request transportation to Ukraine;
- An interpretation of the Cabinet Directive suggests that only transports arriving in Ukraine are restricted. Practically, no restrictions are imposed on transports departing from Ukraine. Such transports, however, could face limitations of potentially similar restrictions imposed by destination countries.

iii) Restrictions Imposed at Entry-Exit Checkpoints (EECPs) in Luhansk and Donetsk Regions

On 15 March 2020, the Joint Forces Operation (JFO) Commander issued Decree No. 207 'On Temporary Restrictions Regarding Movement Through the Contact Line'. The following restrictions are made effective from 16 March 2020 until 3 April 2020:

- Movement from non-government controlled areas (NGCA) to government-controlled areas (GCA) is permitted only for permanent residents of GCA. Note that internally displaced persons (IDPs), by definition, do **not** hold permanent residence registrations in GCA;
- Movement from GCA to NGCA is permitted only for individuals without a permanent residence registration in GCA (the rule applies both to foreigners and Ukrainian nationals);
- Any movement outside of the abovementioned is effectively restricted;
- The Decree requires to 'inform international humanitarian organisations about the closure within the contact line'. Practically, so far it does not result in closures of humanitarian operations at EECPs – rather, informing about limited regime of EECP functioning.

Humanitarian Concerns:

Cancellation of IDP certificates and IDP pension suspension:

By Decree implication, IDPs commuting between NGCA and GCA will not be allowed to enter GCA. Unless addressed by a separate legal instrument, this may cause a wave of cancellations of IDP certificates and suspensions of pensions. IDP certificate can be cancelled if an IDP is out of the GCA of Ukraine for more than 60 days. Moreover, IDP pensioners have to pass periodic verification at banks (from 60 to 90 days, depending on certain factors) to maintain their pension payments. Legal consequences of cancellation of IDP certificate include:

- Cancellation of monthly IDP assistance;
- Cancellation of the right to free secondary legal aid;
- Cancellation of social assistances granted at GCA;
- Suspension of pension payments for IDP pensioners;
- Additional barriers for crossing EECPs after the restriction measures are lifted;
- Additional hurdles to access services in GCA;
- Risk of disqualification from queues for temporary/social housing and other housing programmes.

Non-Access to services in GCA: The inability to enter GCA for a prolonged period is likely to exacerbate protection concerns of a large group of NGCA residents. According to UNHCR's February 2020 Checkpoint Monitoring Data, NGCA residents cross to GCA for the following major purposes:

- Recovering pension (68%);
- Withdrawing cash (40%);
- Resolving documentation issues (17%);
- Shopping (14%);
- Postal services (3%);
- Education and medical treatment (2%).

iv) Initiatives to Temporary Lift IDP Verification Requirement

To prevent the cancellation of IDP certificates caused by the failure to pass periodical IDP verification, the newly-established Ministry of Reintegration of Temporary Occupied Territories is said to be [developing](#) a regulation to lift the IDP verification requirement on a temporary basis. Media pages of [Donetsk](#) and [Luhansk](#) regional state administrations also published information showing a goodwill gesture to make all efforts to postpone the verification. Yet, the administrations have no legal instruments to postpone the verification. Any relaxation of rules for verification and suspension ought to come from the Cabinet.

v) So-Called ‘DPR’ and ‘LPR’ Announce ‘Increased Readiness’ Regime

Authorities in so-called ‘Donetsk People’s Republic’ (‘DPR’) and ‘Luhansk People’s Republic’ (‘LPR’) [issued](#) decrees on emergency measures regarding the spread of COVID-19 . The two decrees are similar and include the following provisions:

- All mass events are prohibited;
- Individuals coming from GCA and a number of other countries shall be isolated for 14 days;
- Individuals with no registration in “DPR”/”LPR” are restricted from entering “DPR”/”LPR” if any of the respiratory disease symptoms are revealed;
- Individuals with symptoms of respiratory diseases are to stay at home under self-isolation.

vi) A Large Number of Border Checkpoints are Closed

On 13 March 2020, the Cabinet closed 90 state border checkpoints through Directive [No. 288-p](#). Furthermore, nearly 50 checkpoints will be closed for pedestrians. The Directive does not provide any duration for the checkpoints’ closure.

vii) National and Regional Quarantine Measures Declared

Under Cabinet Resolution [No. 211](#) dated 11 March 2020 and in effect from 12 March until 3 April 2020, a national quarantine will be in force for:

- Attendance of educational institutions;
- Hosting events with over 200 participants – except for governance and self-governance interests;
- Sporting events may be held without spectators (fans);
- The Parliament plans to consider additional options for additional quarantine measures on its extraordinary hearing on 17 March 2020.

Apart from national measures imposed by the Cabinet, local administrations are also entitled to impose additional ones. As of 16 March 2020, such measures are already imposed in Kyiv, Odesa, Lviv, Kharkiv, and some other cities. Violations are already covered under the existing legislation and can result in an administrative penalty (up to UAH 425) or criminal liability (up to eight years of imprisonment, if resulted in grave consequences).

Some of the terminology used in this Legal Alert issue was taken from the 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 DRC-DDG 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.