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### 1. The Government Removes Obstacles for Conscription Exemption for Humanitarian Workers

**Background:** In March 2022, the government introduced a Decree under which, humanitarian organizations, among others, could seek conscription exemption for their employees<sup>1</sup>. The Decree did not help humanitarian workers to secure conscription exemption for two main reasons. First, the ground for exemption (crucial for the economy and needs of the population) was not well-defined to include humanitarian operation. Secondly, the application procedure for humanitarian organization was unclear. A State agency had to apply for the exemption on behalf of the humanitarian organization. Both obstacles are now removed.

**Recent Development:** On 27 January 2023 the Cabinet adopted [Decree №76](#) approving:

- [the Procedure](#) for temporary exemption of persons liable for military service
- [the Procedure](#) and criteria for determining legal entities that are crucial for the economy and those ensuring the vital needs of the population during the special period.

The Decree applies to all types of organizations and individuals. The analysis provided below relates only to humanitarian organizations and workers.

Accordingly to the Decree, Specialized UN agencies, foreign diplomatic missions in Ukraine, representative offices of donor agencies, implementers of international technical assistance projects, representative offices of international organizations, international and Ukrainian NGOs implementing humanitarian projects funded by international partners **are determined as enterprises crucial for the functioning of the economy and ensuring the vital needs of the population during the special period.** Such legal entities shall apply for the exemption to the Secretariat of the Cabinet of Ministers or to the Ministry of Foreign Affairs.

Organization can seek the exemption of up to 50% of the total number of military liable employees in its payroll. Special justification will be needed if an organization seeks exemption of more than 50% of the military liable employees. Organizations receiving exemption for their employees are required to submit a quarterly report on the number of exempted employees. Reports shall be submitted to the relevant institutions responsible for temporary exemption.

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<sup>1</sup> For more information, please see [DRC Legal Alert Issue 76](#).

## **2. Ukrainian Diplomatic Missions Abroad Given the Power to Register Acts of Civil Status During the Martial Law**

On 24 January 2023, the Cabinet adopted [Decree №66](#) vesting foreign diplomatic offices of Ukraine with certain power in the field of registration of civil status acts (the list of offices will be defined by the Ministry of Foreign Affairs).

The powers include:

- carry out State registration of civil status acts
- amend records in the State Register of Civil Status Acts
- issue extracts from the Register.

The Power is valid during the Martial Law and until the entry into force of a Special Law on the State Registration of Civil Status Acts by Foreign Diplomatic Offices of Ukraine.

## **3. Certain Child Protection Entitlements Can be Accessed Online Through Diia Portal**

On 6 January 2023, the Cabinet adopted [Decree №11](#) expanding the list of state assistances for families with children that can be applied online through the Diia portal. Application for an appointment can be submitted via the Diia Portal for the following entitlements:

- child assistance for single mothers
- assistance in the adoption of a child
- assistance to a person caring for a sick child.

## **4. The Parliament Reforms Social Insurance System**

On 1 of January 2023, [Law №2620-IX](#) came into force which reforms certain aspects of the social insurance system. Accordingly, the Social Insurance Fund is merged with the Pension Fund. The Pension Fund will be unilaterally responsible for paying:

- temporary disability benefits
- maternity benefits
- funeral benefit
- one-time and monthly insurance payments to those injured at work and their family members.

The Law also reaffirms the following rules on payment of monthly social insurance, valid during the period of the Martial Law and one month after its termination or suspension:

- persons required to go through re-examination by a medical board will continue to receive payments while he/she waits for such re-examination to happen
- the payment to full-time students aged 18 to 23 years on the death of one of the parents is extended. The recipients do not have to provide a certificate from the educational institution proving their student status.

- payment to a person injured at work or family members of a deceased IDP, who does not have the necessary documents, shall be made on the basis of data from Registers. There is no need to submit hard copies of the document.

## **5. The Cabinet Introduces New Application Forms for Work Permits for Foreigners and Stateless Persons**

On 24 January 2023, the Cabinet adopted [Decree №68](#) introducing a series of new forms for work permits for foreigners and stateless persons. The Decree introduces the following standard forms:

- [Permission](#) to employ foreigners and stateless persons
- [Application](#) for work permit
- [Application](#) to amend work permit
- [Application](#) to extend work permit

The Decree additionally establishes that the residents of [Diia-City](#)<sup>2</sup> may receive services provided by gig specialists<sup>3</sup> from among foreigners and stateless persons without work permit.

## **6. The Cabinet Restricts Border Crossing for Officials and MPs During the Martial Law**

On 27 January 2023 the Cabinet introduced [Decree №69](#) restricting border crossing for Members of the Parliament (MPs), deputies of local councils, judges, prosecutors, civil servants, employees reserved for the relevant State bodies, management of the State enterprises and other categories of State officials during the Martial Law. The beforementioned persons may leave Ukraine only in the following cases:

- official business trips
- accompanying or visiting of children under the age of 18 (inclusive) abroad by a woman and/or a man who is a single parent
- medical treatment abroad (upon the approval of the Minister of Health)
- death of a close family member of a person (i.e., parent, spouse, child, sibling, etc.) (upon a decision of the Head of the State Border Guard Service).

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<sup>2</sup> Diia-City is a special tax and legal system for IT-business aimed at simplification of business processes. The residents of Diia-City are eligible, inter alia, for a more favorable tax regime, opportunity to protect their rights in accordance to the principle of Common Law (British Law) and easier labor rules.

<sup>3</sup> Gig specialist – a person working under gig-contract. The gig-contract is an agreement for IT-specialists combining freelance features and social guarantees for IT-workers. This contract is aimed at regulating labor relations for a certain project without the need for ordinary employment of the person.

## **7. The Cabinet Adopts Rules on Issuing Certificate of a Person Detained or Interned as a Consequence of the War in Ukraine**

On 20 January 2023, the Cabinet adopted [Decree №55](#) establishing rules on issuing Certificate of a Person Detained or Interned as Consequence of War. There are two types of the Certificates, namely [for Ukrainians](#) and [for foreigners or stateless persons](#).

In order to get the Certificate, a person should file an application in a free form (written or electronic) to the Ministry of Defense or another executive body, which manages the military formations. The application may also be submitted by the legal representative or a member of the family.

## **8. The Cabinet Allocates Resources for Restoration of Damaged Multi-Apartment Buildings in Kyiv Oblast`**

On 10 January 2023, the Cabinet adopted [Decree №20-p](#) allocating more than 465 million UAH for the restoration of damaged multi-apartment housing in Kyiv oblast`. The Decree provides the following terms:

- the restoration works must be completed by 30 December 2023
- the funds will be disbursed to the Kyiv Oblast` State Administration
- the Kyiv Oblast` State Administration will coordinate the activities and submit weekly reports to the Ministry of Communities and Territories Development.

## **9. The Government Opens New Temporary Railway Border Crossing Point at the Rakhiv Railway Station in Ukraine-Romania Border**

On 3 January 2023, the Cabinet adopted [Decree №3-p](#) establishing a new temporary railway border crossing point between Ukraine and Romania. The station located in Rakhiv will be designated for railway passenger service. The station will work 24/7 during the Martial Law and 90 days after its termination or suspension.

### **Other Developments**

- 1. The President Extends Visa-Free Regime for UK Citizens till 30 January 2024** ([Decree №1/2023](#) of 2 January 2023).
- 2. The Cabinet Launches Experimental Project on Exchange of Glow Bulbs to LED Bulbs in Order to Reduce the Consumption of Electric Energy** ([Decree №25](#) of 10 January 2023).
- 3. The Cabinet Increases the Compensation Rate for Employers Hiring IDPs from 6500 UAH to 6700 UAH** ([Decree №33](#) of 10 January 2023).
- 4. The Cabinet Allows National Passports and Certificates of Return to be sent Abroad via Registered International Mail During the Martial Law and Quarantine (Until the Last Day of the Month When the Quarantine Period Is Suspended)** ([Decree №41](#) of 18 January 2023).

- 5. The Cabinet Grants the Right to Polish Citizens to Receive State Social Support for Persons Not Eligible for Pension, State Social Support for Persons with Disabilities and State Social Support for Nursing ([Decree №54](#) of 20 January 2023).**

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