



Funded by
the European Union



DRC Legal Alert: Issue 102 (1 February – 31 March 2024)

1. The compensation for destroyed housing located in cultural heritage sites

Background information: On 30 May 2023, the Cabinet approved [Decree №600](#) introducing the procedure for compensating destroyed housing. The amount of compensation for the destroyed housing is calculated by local Commissions according to the formula that considers the size of the destroyed property, the number of rooms, the year of construction, and the region of location.¹

Recent developments: On 12 March 2024, the Cabinet adopted [Decree №285](#), considering new coefficients for the difference in price per 1 m² depending on the year of construction of the property. According to the amendments, new coefficients were envisaged for housing considered as cultural heritage.

Year of construction	Coefficient (before)	Coefficient (after)
1800 to 1917	1.22	0.9
1917 to 1990	0.69	1
Starting from 1991	1.03	1.03
Starting from 1800 (for housing located in cultural heritage sites ² (architectural objects)	N/A	1.22

The amendments lead to a significant increase in the amount of compensation allocated to the destroyed housing located in cultural heritage sites (architectural objects) as well as to the housing constructed from 1917 to 1990. At the same time, the amount of compensation provided in case of the destruction of housing constructed from 1800 to 1917 and not registered as a cultural heritage becomes reduced.

2. WFP launched financial support for persons with disabilities

Background information: The Ministry of Social Policy and the World Food Programme (WFP) launched a joint project on the provision of financial support to some categories of pensioners living in territories of active or possible hostilities.

Recent developments: On 2 February 2024 the Cabinet adopted [Decree №110](#), implementing another financial assistance programme by WFP. Additional social support will be provided automatically to persons with disabilities from childhood and children with disabilities who meet the eligibility criteria:

- Persons are current recipients of state social assistance to persons with disabilities since childhood and children with disabilities;
- The amount of social assistance provided to them is less than UAH 3,250; and
- They are living within the Ukrainian government-controlled areas (GCA).

¹ For more information, please, see [DRC Legal Alert Issue 95](#)

² The State Register of Immovable Cultural Heritage of Ukraine is accessible on the website of the Ministry of Culture via link: [Не рухома культурна спадщина | Міністерства культури та інформаційної політики України \(mcp.gov.ua\)](#)

Payments are made monthly for three months. The amount is determined as the difference between UAH 3,250 and the amount of social assistance received by the person³.

NB: Current recipients of targeted financial support from other international organisations and recipients of housing allowance for IDPs are not eligible for this programme.

3. Indexation of pensions for 2024

Background information: To ensure an annual increase in a person's income, pension indexation⁴ is applied. Previously granted pensions are recalculated every year in March.

Recent developments: On 23 February 2023, the Cabinet adopted [Decree №185](#), ensuring pension indexation for 2024. Among other things, the Decree provides a new minimum amount of pension⁵ for some categories of pensioners. Such a minimum amount is provided by monthly top-ups to the pension in the amount that falls short of the minimum one. As a general rule, the monthly top-up should not be less than UAH 100 and may not exceed UAH 1,500.

Age	Working experience	Minimum pension
1. 65+	35 for men / 30 for women	UAH 3,370
2. 80+	25 for men / 20 for women	UAH 3,370
3. 70 to 80 years of age (except for the persons referred to in the first line)	35 for men / 30 for women	UAH 3,240
4. 75 to 80 years of age	25 for men / 20 for women	UAH 3,240
5. Less than 70 years of age (except for the persons referred to in the first line)	35 for men / 30 for women	UAH 2,980
6. Other persons receiving a pension who are not working	-	UAH 2,725

4. The Cabinet introduced a unified certification procedure for mine action operators

Background information: Currently, three governmental bodies conduct certification of mine action (MA) operators and MA processes:

- Certification Body of the Military Unit A2641;
- Mine Action Center;
- Interregional Center for Humanitarian Demining and Rapid Response of the State Emergency Service of Ukraine (SESU).

Each of them has a list of documentation required and a lead time for certification.

Recent developments: On 2 February 2024, the Cabinet adopted [Decree №123](#), unifying the certification procedure for Mine Action (MA) operators. The unified approach envisages the introduction of the procedure for issuing conformity certificates to MA operators during the two-year project implementation period.

³ The amount should be not less than UAH 100 per month.

⁴ Pension indexation is a recalculation of the pension amount, depending on the growth of inflation and changes of the minimum wage over the past year.

⁵ Here the pension is referred to the total amount calculated with all the allowances, increases, additional pensions, targeted financial assistance, indexation amounts, monthly compensation payments, monthly compensation in case of loss of a breadwinner as a result of the Chernobyl disaster, other pension supplements established by law (except for pensions for special services to Ukraine) that the person is eligible to.

Coordinator of the project	The Ministry of Economy
Participants	<ul style="list-style-type: none">• The National Mine Action Authority⁶;• Accredited conformity assessment bodies that carry out certification of MA operators and processes to determine their compliance with the requirements established by Ukrainian MA legislation and regulatory documents;• MA operators having at least one conformity certificate;• Authorized units of central executive authorities, enterprises, institutions, and organisations, including international and foreign ones, planning to participate in MA activities as MA operators.
Types of certificates	<ul style="list-style-type: none">• initial certification;• re-certification;• changes to certified processes.
The validity⁷ of the certificate	<ul style="list-style-type: none">• for initial certification – three years, and• for re-certification – five years.
How to apply	<ul style="list-style-type: none">• In-person• Via postal services• In electronic form
Necessary documents	A unified application in paper or electronic form, signed by the head, and a list of the documents specified in the Decree.
Stages of the certification	<p>The certification process is divided into three stages:</p> <ul style="list-style-type: none">• organisational,• operational,• on-site assessment <p>The decision on passing each stage is communicated to the applicant immediately⁸ in Ukrainian and English (upon request).</p>
Fees	The certification is provided free of charge if mine action corresponds to the statutory purposes of the applicants.
Monitoring	<p>The certification body conducts monitoring to confirm compliance with the certification requirements.</p> <p>The monitoring is conducted annually, and if no non-compliances are identified during the monitoring, the next monitoring is conducted in two years.</p>
Suspension or termination of the certificate	<p>The validity of the certificate will be suspended or terminated at the will of the MA operator, or in the event of non-compliance, violations, failures, or incidents⁹.</p> <p>In order to renew a suspended certificate, the MA operator must apply to the certification body and provide information on the elimination of non-compliance and corrective actions that became the basis for the suspension.</p>
Right to appeal	<p>Applicants and/or MA operators have the right to appeal the results of certification and/or monitoring:</p> <ul style="list-style-type: none">• to the certification body,• to the National Mine Action Authority, or

⁶ For more information, please, see [DRC Legal Alert Issue 98](#)

⁷ Earlier certificates were valid for 1 year only.

⁸ No later than the next business day.

⁹ The list is specified in the [Decree](#).

- through the court procedure.

5. New rules on the use of national minorities' languages

Background information: In Ukraine, there are more than 130 national minorities who speak 79 languages. According to the 2001 census¹⁰, 43 languages are recognised as the most common, with more than 1,000 speakers¹¹. On 15 May 2003, the Verkhovna Rada ratified the [European Charter for Regional or Minority Languages](#). The provisions of the Charter apply to the languages of the following national minorities in Ukraine: Belarusian, Bulgarian, Gagauz, Greek, Jewish, Crimean Tatar, Moldovan, German, Polish, Russian, Romanian, Slovak, and Hungarian.

Recent developments: On 9 February 2024, the Cabinet adopted [Decree №181](#) approving the Methodology for the use of the languages of national minorities in settlements traditionally inhabited by national minorities or where such persons constitute a significant part of the population.

The national minority is considered as belonging to a village, town, or city if, according to statistical data, the minority has continuously resided there for the past 100 years and accounts for at least 10% of the total population.

Upon the decision of the relevant (village, town, or city) council, the languages of national minorities might be used for:

- writing official names on the plates (signboards) of local self-government bodies and communal enterprises;
- communication with the authorities;
- provision of public services;
- provision of medical care;
- dissemination of information for general information;
- provision of social services to elderly citizens and persons with disabilities.

Other developments

1. **National Plan on preventive measures to protect the rights of children during a war tile is approved** ([Order №256-p](#) of 22 March 2024).
2. **The Cabinet launched a Pilot Project for electronic marriage** ([Decree №345](#) of 29 March 2024).
According to the Decree, Ukrainians can get married fully online via services provided through the DIIA portal.

This Legal Alert is produced thanks to the financial support of the European Union.

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. The views expressed herein should not be taken, in any way, to reflect the official opinion of the European Union or the Danish Refugee Council (DRC). Neither the European Commission nor DRC is responsible for any use that may be made of the information it contains.

¹⁰ The only census that was done in Ukraine as of April 2024. Ukraine's population census was planned for 2023. On 19 July 2023, the Verkhovna Rada passed a bill that would allow for the digitalisation of the census. At the same time, the census cannot be held during the war.

¹¹ Link to the database: [Банк даних \(ukrcensus.gov.ua\)](#)