**LEGISLATIVE MONITORING**

**for May 2014**

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| **Legislative act** | **Status (date of approval/further consideration)** | | **Short overview** |
| **LAWS** | | | |
| [***Law of Ukraine “On amending article 7 of the Law of Ukraine “On ensuring right and freedoms of individuals and legal regime on the temporarily occupied territory of Ukraine” (regarding the right for education) of 6 May 2014 No. 1237-VII***](http://zakon2.rada.gov.ua/laws/show/1237-18) | Entered into force on 9 May 2014 | Article 7 of the Law of Ukraine “On ensuring rights and freedoms of individuals and legal regime on the temporarily occupied territory of Ukraine” is supplemented by a new paragraph regarding granting to the citizens of Ukraine who reside on the temporarily occupied territory or moved from it the right to continue studies or enroll to higher educational institutions on the territory of Ukraine; legal, organizational and financial grounds for acquiring certain educational level for this category of persons. | |
| [***Law of Ukraine “On amending laws of Ukraine “On fundamentals of social protection of homeless persons and unhoused children” and “On employment of the population” of 17 April 2014 No. 1221-VII***](http://zakon4.rada.gov.ua/laws/show/1221-vii) | Entered into force on 8 May 2014 | Implementation of the norm anchored in this Law will allow regional departments of the State Employment Service to issue free of charge employment permits to persons in whose regard a decision was taken to process documents related to granting a refugee status or subsidiary protection, and also ensure provision of assistance by the institution for homeless people to the mentioned persons who do not have accommodation.  The Law was adopted to implement recommendations of the UNHCR Regional Representative for Belarus, Moldova and Ukraine. | |
| [***Resolution of the Verkhovna Rada of Ukraine “On additional measures aimed at enforcement of defensive potential and security of the state” of 6 May 2014 No. 1238-VII***](http://zakon0.rada.gov.ua/laws/show/1238-18) | Entered into force on 6 May 2014 | The Verkhovna Rada recommends:  - to the acting President of Ukraine, inter alia, to repeal the decision on coordination of the activities of the State Border Guard Service of Ukraine through the Minister of Interiors of Ukraine;  - to the Cabinet of Ministers of Ukraine, inter alia, to urgently envisage allocation of funds for installation of the second line of the border control with the Crimea and border crossing points, construction of new and refurbishing of the existing points of technical control over surface situation. | |
| [***Law of Ukraine “On amending certain laws of Ukraine on the functioning of the Ombudsperson in the sphere of personal data protection” of 13 May 2014 No. 1262-VII***](http://zakon4.rada.gov.ua/laws/show/1262-vii) | Entered into force on 30 May 2014 | The Law is adopted with the aim to finalize the first (legislative) phase of the EU Visa Liberalisation Action Plan for Ukraine in the sphere of personal data protection.  According to the amended norms the Ombudsperson fulfills his/her functions in the sphere of personal data protection not only with regards to relations between citizens of Ukraine and state authorities and self-governing authorities, but also between legal entities of public and private law and persons who stay on the territory of Ukraine.  The Law also regulates institutional aspect in the sphere of personal data protection in the Laws “On the State voters register”, “On collection and accounting of the single contribution for the compulsory state social insurance”, “On the Unified state demographic register and identity documents”. | |
| [***Law of Ukraine “On amending certain legislative acts of Ukraine in the sphere of the state anti-corruption policy in connection with implementation of the Visa Liberalisation Action Plan” of 13 May 2014 No. 1261-VII***](http://zakon4.rada.gov.ua/laws/show/1261-vii) | Entered into force on 4 June 2014 | The Law is adopted with the aim to finalize the first (legislative) phase of the EU Visa Liberalisation Action Plan for Ukraine and also to implement recommendations of the European Commission’s experts regarding improvement of anticorruption legislation and ensuring special confiscation in cases of the predicate offences. | |
| [***Law of Ukraine “On amending article 1 of the Law of Ukraine “On refugees and persons in need of subsidiary or temporary protection” of 13 May 2014 No. 1251-VII***](http://zakon2.rada.gov.ua/laws/show/1251-vii) | Entered into force on 30 May 2014 | The Law is adopted with the aim to finalize the first (legislative) phase of the EU Visa Liberalisation Action Plan for Ukraine and also account was taken of the comments mentioned in the Third report of the European Commission on the implementation by Ukraine of the VLAP of 15 November 2013.  Definition of “subsidiary protection” was broadened as consistent with the Directive 2011/95/EU of the European Parliament and of the Council “On standards for the qualification of third-country nationals or stateless persons as beneficiaries of international protection, for a uniform status for refugees or for persons eligible for subsidiary protection, and for the content of the protection granted”, as well as definition of “temporary protection” was harmonized with the one contained in the Council Directive 2001/55/EC “On minimum standards for giving temporary protection in the event of a mass influx of displaced persons and on measures promoting a balance of efforts between Member States in receiving such persons and bearing the consequences thereof”. | |
| [***Law of Ukraine “On amending certain legislative acts of Ukraine on prevention and counteraction to discrimination” of 13 May 2014 No. 1263-VII***](http://zakon4.rada.gov.ua/laws/show/1263-vii) | Entered into force on 30 May 2014 | The Law is adopted with the aim to finalize the first (legislative) phase of the EU Visa Liberalisation Action Plan for Ukraine and also to take account of recommendations of the international experts to the Law of Ukraine “On prevention and counteraction to discrimination in Ukraine” related to: definitions of terms used in the Law; broadening the list of the forbidden grounds of discrimination; scope of the Law; forms of discrimination; competency of the Ombudsperson. | |
| [***Draft Law of Ukraine “On amending the Law of Ukraine “On ensuring rights and freedoms of individuals and legal regime on the temporarily occupied territory of Ukraine” (regarding place of stay and the right for education)***](http://w1.c1.rada.gov.ua/pls/zweb2/webproc4_1?pf3511=50991)*(No. 4931 of 26 May 2014, MP A.V.Senchenko)* | Submitted by the committee for consideration on 5 June 2014 | The draft proposes amendments concerning declaring by persons who moved from the Crimea their place of stay in other regions of Ukraine, and the right for education in other regions of Ukraine on expense of the state budget. | |
| [***Draft Law of Ukraine “On documents of Ukraine confirming identity and entitling their holders to travel abroad”***](http://w1.c1.rada.gov.ua/pls/zweb2/webproc4_1?pf3511=50736)*(No. 4751 of 22 April 2014, MP V.V.Patskan, MP A.V.Shevchenko, MP I.S.Lutsenko and others)* | Was not included into the agenda on 14 May 2014 | The draft Law was prepared based on the paragraph one of the National Plan on the VLAP implementation approved by the Decree of the President of 22 April 2011 No. 494 which provides for adoption of legal acts on introduction of traveling documents with contactless chip while ensuring sufficient level of personal data protection. The draft was meant to substitute the Law “On the Unified state demographic register and identity documents”. | |
| [***Draft Resolution of the Verkhovna Rada of Ukraine “On approving in principle of the draft Law of Ukraine “On amending certain legislative acts of Ukraine” (regarding improvement of the legislation on combating illegal migration)***](http://w1.c1.rada.gov.ua/pls/zweb2/webproc4_1?pf3511=50940) *(2367a/P of 19 May 2014, MP A.A.Kozhem’yakin)* | Submitted for consideration on 20 May 2014 | It was decided to approve in principle [the mentioned draft Law](http://w1.c1.rada.gov.ua/pls/zweb2/webproc4_1?pf3511=47499) (registration No. 2367a of 20 June 2013) which transfers powers to enforce certain immigration rules (reduction of period of temporary stay, forced return and forced expulsion of foreigners and stateless persons etc.) from the State Migration Service of Ukraine to the internal affairs authorities. These amendments are justified by lack of law enforcement capabilities of the State Migration Service as a purely civilian entity. | |
| [***Draft Resolution of the Verkhovna Rada of Ukraine “On Address of the Verkhovna Rada of Ukraine to the Cabinet of Ministers of Ukraine concerning denunciation of the Agreement between the Government of Ukraine and the Government of the Russian Federation on visa-free journeys of the citizens of Ukraine and the Russian Federation”***](http://w1.c1.rada.gov.ua/pls/zweb2/webproc4_1?pf3511=51141) *(No. 4962 of 29 May 2014, MP I.M.Miroshnychenko, MP O.B.Myrnyy, MP I.I.Kryvetskyy)* | Was not included into the agenda on 4 June 2014 | With the view to ensure national security and to stabilize situation in the eastern part of Ukraine the draft Resolution contained appeal to the Cabinet of Ministers of Ukraine to denounce the Agreement mentioned in the title. | |
| **OTHER LEGAL ACTS** | | | |
| [***Resolution of the Cabinet of Ministers of Ukraine of 19 March 2014 No. 121 “On approval of the Procedure of providing health care to foreigners and stateless persons who permanently reside or temporarily stay on the territory of Ukraine, who applied for refugee status or for subsidiary protection, in whose regard a decision was taken to process documents related to granting refugee status or subsidiary protection, and who were granted refugee status or subsidiary protection”***](http://zakon4.rada.gov.ua/laws/show/121-2014-%D0%BF) | Entered into force on 6 May 2014 | The Procedure predominantly defines sources of financing health care services provided to the mentioned categories of foreigners and stateless persons. | |
| [***Resolution of the Cabinet of Ministers of Ukraine of 7 May 2014 No. 152 “On approval of a sample of the blank, technical description and Procedures for processing, issuance, renewal, transmittal, seizure, return to the state, destruction of passport of a citizen of Ukraine for travelling abroad with a contactless chip, its temporary retention and seizure”***](http://zakon4.rada.gov.ua/laws/show/152-2014-%D0%BF/print1389950631675203) | Entered into force on 11 June 2014 | The resolution approves a sample of the blank of passport of a citizen of Ukraine for travelling abroad with a contactless chip, its technical description and Procedures for its processing, issuance, renewal, transmittal, seizure, return to the state and destruction.  Processing and issuance of such documents will start on 1 January 2015 by means of the State information system of registration of physical persons and providing them with identity documents. | |
| [***Resolution of the Cabinet of Ministers of Ukraine of 7 May 2014 No. 153 “On approval of a sample of the blank, technical description and Procedures for processing, issuance, renewal, transmittal, seizure, return to the state, destruction of identification document of a stateless person for travelling abroad with a contactless chip”***](http://zakon4.rada.gov.ua/laws/show/153-2014-%D0%BF/print1389950631675203) | Entered into force on 11 June 2014 | The resolution approves a sample of the blank of identification document of a stateless person for travelling abroad with contactless chip, its technical description and Procedures for its processing, issuance, renewal, transmittal, seizure, return to the state and destruction.  Processing and issuance of such documents will start on 1 January 2015 by means of the State information system of registration of physical persons and providing them with identity documents. | |
| [***Decree of the Cabinet of Ministers of Ukraine of 27 May 2014 No. 525-r “On transferring the management of the integral property complex of the state enterprise “State Centre for Document Personalisation” to the National Bank”***](http://zakon4.rada.gov.ua/laws/show/525-2014-%D1%80) | Entered into force on 27 May 2014 | The decree became a legal basis for transferring the management over the State Centre for Document Personalisation, who is responsible for personalization of Ukrainian travel documents, from the State Migration Service to the National Bank. | |
| ***[Decree of the Cabinet of Ministers of Ukraine of 16 May 2014 No. 523-r “Some issues of providing administrative services by executive authorities through administrative services centers”](http://zakon4.rada.gov.ua/laws/show/523-2014-%D1%80)*** | Entered into force on 5 June 2014 | The list of administrative services approved by this document provided by executive authorities through administrative services centres includes, inter alia, passport-related procedures and registration of place of residence/stay. | |
| [***Decree of the President of Ukraine of 16 May 2014 No. 472/2014 “On the struggle for the rights of the Crimean Tatar people Day”***](http://zakon0.rada.gov.ua/laws/show/472/2014) | Entered into force on 16 May 2014 | The Decree establishes the Day for struggle for the rights of the Crimean Tatar people. This day will be marked annually on 18 May.  Such decision was caused by the fact that presently the Crimean Tatar people face the threat of discrimination on their own land and with the view to support the Crimean Tatars’ in their efforts to achieve realization of their rights of the indigenous people. | |
| [***Resolution of the Plenum of the High Administrative Court of Ukraine of 15 May 2014 No. 7 “On amending the resolution of the Plenum of High Administrative Court of Ukraine of 25 June 2014 No. 1 “On judicial practice of considering cases regarding status of a refugee or a person in need of subsidiary or temporary protection, forced return and forced expulsion from Ukraine of a foreigner or a stateless person, and cases related to stay of a foreigner and a stateless person in Ukraine” with amendments introduced by the resolutions of the Plenum of the High Administrative Court of Ukraine of 20 June 2011 No. 3, of 16 March 2012 No. 3 and of 30 September 2013***](http://zakon2.rada.gov.ua/laws/show/v0007760-14) | Adopted on 15 May 2014 | By this resolution the respective courts were informed that judicial complaints of foreigners and stateless persons concerning appealing against decision on their forced return and also judicial complaints of the authorities of the State Migration Service, border guard authorities or the authorities of the Security Service of Ukraine concerning forced expulsion of foreigners and stateless persons are submitted to local general courts which act as administrative courts in the geographic area where the respective authority is located, and not to district administrative courts. | |
| [***Letter of the Higher Specialized Court of Ukraine on Civil and Criminal Cases of 7 May 2014 No. 10-644/0/4-14 “On ensuring equality of the labour rights of persons in court hearings of disputes in the sphere of labour relations”***](http://zakon1.rada.gov.ua/laws/show/v-644740-14) | Publicized on 7 May 2014 | The local courts were informed that while considering labour disputes they have to take the following into account. The list of the forbidden grounds for discrimination in the sphere of labour relations which are directly mentioned in Ukrainian legislation is not exhaustive. In particular it is prohibited to breach equality of the rights of persons based not only on these grounds but also on the grounds of age, skin colour, other physical characteristics (weight, height, speech abnormalities, and face defects), family status, sexual orientation etc.  The fact that the Higher Specialized Court considered this issue is caused by need to finalize the first (legislative) phase of the VLAP as direct reference in the legislation to sexual orientation as a forbidden ground for discrimination was one of the requirements of the European Commission. | |