

HUMAN RIGHTS SITUATION OF THE INTERNALLY DISPLACED AND CONFLICT AFFECTED POPULATION

RIGHT TO PROTECTION DIGEST FOR APRIL 2018

1 740 primary legal consultations were provided to

1 307 beneficiaries

443 court cases are in progress

Court cases by type of issue



2 114 persons received information on protection issues

394 monitoring visits

185 communities visited

Advocacy initiatives

9 national advocacy initiatives

29 local advocacy initiatives

This publication has been produced with the assistance of the UN Refugee Agency (UNHCR) in the frame of the project Advocacy, Protection and Legal Assistance to the Internally Displaced Population.

- On 28 April Vodafone mobile service was partially restored in the non-government controlled area (NGCA) of Donetsk oblast. Now Vodafone works both in both Luhansk and Donetsk NGCA. This will improve communication for families who have people living on both sides of the line of contact. This will also make it easier for Right to Protection (R2P) to provide legal counseling to NGCA residents via phone.

- On 30 April according to the Decree of the President of Ukraine, the Anti Terrorism Operation in East Ukraine ceased and the Joint Forces Operation on deterrence of Russia's armed aggression in Donbas began.

Personal Documentation

In accordance with Interior Ministry Order # 161 as of 17 April 2018, updating passport photos at the age of 25 and 45 should be stopped. However, this possibility is still possible due to lack of changes in other relevant regulations, which was also stated on the official State Migration Service (SMS) website. As a result, most SMS continue updating photos in passports, while SMS offices in Selydove, Vuhledar, Velykonovosilkivskiyi and Marinskyi raions of Donetsk Oblast, Lysychansk and Stanytsia Luhanska of Luhansk Oblast demanded exchanging old passports for IDs.

Access to SMS services is improving: the number of SMS offices allowing online scheduling (for submitting documents for biometric passports) is increasing. Most Donetsk oblast SMSs use this service now. Luhanska oblast SMS offices still lack this tool.

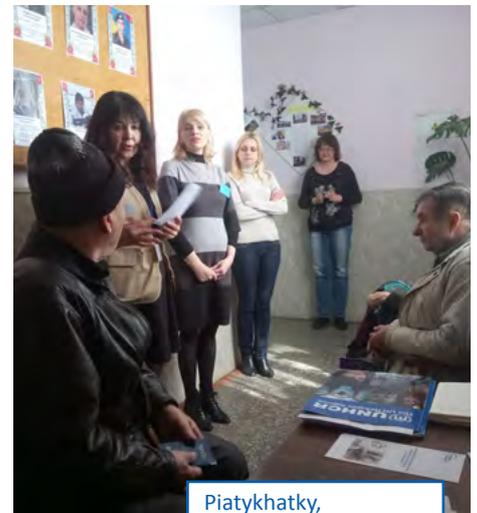
Social Benefits and Pensions

Payment of social benefits and pensions remains the largest concern facing IDPs. In April these issues constituted almost half of R2P's primary and secondary legal aid consultations and about 67 per cent of court cases. Departments of Social Protection (DoSP) representatives complained that there are considerable delays on being informed by Oschadbank when IDPs pass physical identification (PI).

DoSP representatives in Kharkivska and Dnipropetrovska oblasts report that the lists of settlements used in the Unified IDP Database are outdated and contain old names, which may cause difficulties in allocation of payments in the future.

There are several cases of refusal to allocate targeted assistance (TA) for children of IDPs born in the GCA. For example, the DoSP representatives in Izium raion of Kharkivska oblast refused to allocate TA to a new-born child of a female IDP.

Violations of the rules of IDP verification continue such as not leaving notification when an IDP was absent during an inspection visit, requiring a landlord's presence, etc. These and other IDP verification violations were identified in Volnovaskyi Raion of Donetsk oblast and Berdyansk of Zaporizhzhska oblast.



Piatykhatky, IDP group consultation

Queues of over 100 persons were observed at the Departments of the Pension Fund (DoPFU) in Mariupol, Volnovakha, and Kostiantynivka of Donetsk oblast. Meanwhile, according to the Head of the Customer Service Department of Kostiantynivka DoPFU, hotline complaints by IDPs increased drastically regarding delays in pension payments. The Kostiantynivka DoPFU is 9 months behind in reinstating pensions.

A positive development has been weekly visits by the DoPFU to Svitlodarsk (Bakhmutskiyi Raion of Donetsk oblast, close to the contact line). These mobile services are in high demand. According to one visitor, when she arrived at the queue at 7 am, she was 21st in line. The mobile DoPFU services in Svitlodarsk are also used by residents of surrounding settlements close to the line of contact (Luhanske, Myronivskiyi).

Child Protection

R2P staff continues identifying children in need of psychosocial rehabilitation because of the conflict, including 18 children in April. A 10-year-old unaccompanied IDP girl from Donetsk (identified in March) continues residing with her godmother in Pokrovsk of Donetsk oblast. The girl's father in the NGCA was contacted by Child Custody Service representatives via Viber but did not come to retrieve his daughter despite his promises. The godmother was referred to a private advocate to file a lawsuit for termination of his paternal rights.



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Housing, Land, and Property

Cases of occupation of housing along the line of contact by the military were identified in Popasne and Novookhtyrka of Novoaidarskyi Raion (per the owners agreement, with the military paying utility fees), and Vyskryva of Popasnianskyi Raion (without the owners' consent) in Luhanska oblast.

Political Rights

Almost all residents of Vyskryva, Popasnianskyi raion of Luhanska oblast (more than 60 IDPs) are concerned about exercising their right to vote, namely the opportunity to take part in local elections. People reside in their summer houses and they cannot obtain lease agreements or get residence registration, which would entitle them a right to vote in local elections.

Advocacy

In April R2P approached the Prime Minister Groisman on Council of Ministers' Resolution 637 and with the aim of increasing the list of banks social payments are routed through and undertake IDP PI. The other national advocacy topics included delinking pensions from IDP certificates, the law on reintegration of Donbas and relevant bylaws, improving the Entry Exit Checkpoints to the NGCA (EECPs), and housing, land, and property rights by providing comments to the Ministry of IDPs and Temporarily Occupied Territories' Action Plan on IDP Integration Strategy. R2P took part in Committee Hearings carried out by the VR Committee on Human Rights and provided the Committee with its recommendations on HLP Issues. R2P's recommendations were the integral part of the final version of Committee recommendations.

Access to Adequate Housing

In Dnipropetrovska oblast, local authorities decided to continue providing local budget funding for temporary housing for IDPs for another year. At the same time, IDPs living in modular towns (MTs) have noticed significant deterioration in conditions (roof leaks, mold, etc.) and the need to replace/overhaul some modules. The situation is similar in Zaporizhzhaska oblast. The habitation term of the modules expired on 16 February 2018, but nothing is known about their' future.

Due to a joint visit of R2P and United Nations High Commission for Refugees to «Sviati Hory» collective center (CC) in Sviatohirsk, an agreement was reached that residents' utility fees would rise from 15 to 20 UAH instead of the proposed 30-45 UAH to cover debts for heating and power. As a result, the eviction risk has been eliminated. At the same time, legal procedures were initiated regarding debt recovery.

With the help of Ukrainian Social Investment Fund (USIF), IDPs in Zaporizhzhaska, Kharkivska and Dnipropetrovska oblasts have new opportunities to find housing. A 120 bed CC in Vilnohirsk town, Dnipropetrovska oblast, was renovated by USIF. 36 IDPs recently moved in. In Melitopol, two CCs for IDPs have already been opened. It is planned to open CCs in Lozova of Kharkivska oblast. USIF is renovating CCs in Melitopol and Tokmak of Zaporizhzhaska oblast, in Izium, Krasnohrad, Bohodukhiv, Zolochiv and Derhachi of Kharkivska oblast.



Volnovakha, IDP consultation near Oshadbank mobile office

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Right to Protection in partnership with HIAS is a Ukrainian not-for profit organization dedicated to protecting the human rights of vulnerable categories of migrants – refugees, internally displaced, stateless and those at the risk of statelessness and the undocumented

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