

HUMAN RIGHTS SITUATION OF THE INTERNALLY DISPLACED AND CONFLICT AFFECTED

POPULATION RIGHT TO PROTECTION DIGEST FOR AUGUST 2018

2 088 primary legal consultations were provided to

1 623 individuals

550 court cases are in progress

Court cases by type of issue

75% social benefits and/or pensions

13% personal documentation

6% HLP (Housing, Land, Property) - except military occupation

1% IDP registration

1% job opportunity

1% family unity

1% the right to life, liberty and security

2% other issues

2 008 persons received information on protection issues

439 monitoring visits

190 communities visited

Advocacy initiatives

3 national advocacy initiatives

10 local advocacy initiatives

HIGHLIGHTS

- Stanitsa Luhanska entry exit checkpoint (EECP) to the non-government controlled territory (NGCA) was closed on 2-7 September for renovation.

- Internal military checkpoints were removed in Teple of Stanychno-Luhanskyi raion of Luhansk Oblast, improving freedom of movement in the area.



Stanitsa Luhanska EECP

IDP Registration

The total number of officially registered internally displaced persons (IDPs) has continued to increase since March: 1,519,132 as of 3 September 2018 compared to 1,516,246 as of 30 July 2018 (an increase of 2,886 people). The increase was caused mainly by re-registration of those whose IDP certificates were cancelled, migration from other raions and oblasts and partially by primary registration for obtaining or updating passports or pension payment applications.

Some Departments of Social Protection (DoSP) continued to impose additional requirements for IDP registration. These include a hard copy of the landlord's passport, the landlord's physical presence, landlord's written consent to accommodate an IDP,

monthly confirmation of the IDP's presence by village councils, a certificate from a local deputy and/or a village council, etc.

Obtaining an IDP certificate became easier due to technical, equipment, and process upgrades such as automatization of subsidy allocation, introduction of electronic queues, and more.

Some DoSPs canceled IDP certificates without verification if they receive Arkan lists containing the IDP's name («Arkan» is an integrated interdepartmental automated information exchange system for the control of persons, vehicles and goods crossing the state border as well as the contact line. It is managed by the State Border Guard Service of Ukraine).



Department of Pension Fund of Ukraine in Volnovakha

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Personal documentation

Difficulties occur if an IDP has an expired passport and no IDP certificate. IDPs cannot apply to a State Migration Service office (SMS) outside of the oblast where they were displaced from unless they have an IDP certificate. However, an IDP certificate cannot be issued without a valid passport. Such persons must go to government-controlled areas (GCA) of Donetsk or Luhansk Oblasts to update passport photos/obtain new passports. Due to the conflict, the database of the state civil status registry partially lacks information

on birth certificates for children born in 2001-2008 in the NGCA. This can be a ground for the SMS to refuse to issue passports to these children.

Among positive developments were: (1) A Centre for Administrative Services was opened in Sievierodonetsk of Luhansk Oblast, which will improve access to obtaining civil documentation both for GCA and NGCA residents. (2) Preliminary appointments became available at the SMS in Bakhmut both via the official website and a terminal.



Verkhniotoretske, IDP consultation

Access to education

Hindered access to education continues in settlements along the line of contact (LoC) due to lack of transportation. The following new educational opportunities became available for displaced or contact line students. (1) A competitive educational programme in Lithuania was launched for IDPs in Dnipropetrovsk Oblast. (2) A branch of the displaced Luhansk National University was

opened in Kryvyi Rih of Dnipropetrovsk Oblast. (3) Premises of a preschool were refurbished in Druzhba village of Toretsk City Council, Donetsk Oblast, with ADRA and UNICEF support.

Educational Centres «Donbas-Ukraine» that started functioning in early June continue to assist IDPs and persons from the NGCA to receive Ukrainian education certificates and to enter higher educational establishments.

Social benefits and/or pensions

Payment of social benefits and pensions remain the main concern among IDPs.

Though a Supreme Court judgement declared inspections of IDPs' residence as contradicting Ukrainian law, it did not abolish a house inspection report as a requirement for allocation/reinstatement of social benefits and pensions for IDPs. This discrepancy resulted in different DoSP practices, including: (1) stopping home inspections for allocation or/and prolongation of benefits and pensions; (2) requesting IDPs to visit DoSPs to compile a house inspection report; (3) demanding a document that certifies successful physical identification for IDPs on Arkan lists; (4) conducting inspections only per an IDP's

written requests; (5) conducting inspections or using information obtained in other interactions or inviting IDPs to visit DoSPs for reinstatement of payments; (6) continuing inspections as usual. In general, DoSPs articulate the necessity to amend Cabinet of Ministers (CoM) Resolution 365 to abolish verification inspections and corresponding reports and to provide clear instructions on the procedures.

On 22 August, the CoM adopted Resolution 649 regulating the procedure to deal with court decisions. The Procedure may complicate and protract the appointment of specialized pensions for IDPs. Further analysis is being carried out.

Advocacy

In coalition with other partner NGOs, R2P prepared an Alternative Report on the implementation of International Covenant of Economic, Social and Cultural Rights, specifically concerning the rights of conflict-affected and displaced people in Ukraine. R2P has provided an analysis of the situation on the property rights and housing problems of affected persons, as well as on the current governmental policy on this matter. In particular, R2P has stressed that existing national housing programs do not target IDPs, have inconvenient conditions, and insufficient funding. For these reasons, such programs are not effective in solving IDP housing problems. Some points provided by R2P also covered social issues, namely, the lack of targeted assistance to IDPs to cover housing costs, including housing and communal services, ongoing checks to control all social benefits for IDP and restrictions on the choice of banks in which they can receive their social payments.

R2P, in coalition with other NGOs, sent a letter to the Prime Minister of Ukraine regarding a need for amendments to Resolution 365 indicating how to amend the current text of Resolution 365 to protect the legal rights of IDPs which are being violated by the current text.

R2P sent a letter to the Ministry of Social Policy of Ukraine (MoSP) asking the Ministry to organize an interdepartmental meeting with representatives of the MoSP, the Ministry of Finance, the Pension Fund, the State Border Guard Service of Ukraine and NGOs, to discuss the urgent issues related to verification by the Finance Ministry and termination of pension payments per the Arkan lists.

An increase of targeted assistance to IDP students envisaged by CoM Resolution 548 has not yet occurred due to the lack of updated software at DoSPs.

On 4 September the Grand Chamber of the Supreme Court issued the final decision in the model case on access to pensions to IDPs. R2P lawyers represented the beneficiary's interests. The court decision will ensure that hundreds of thousands of elderly, internally displaced people will have easily-available access to their pensions.

The contents of this publication are the sole responsibility of Right to Protection and can in no way be taken to reflect the views of UNHCR.

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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