

**HUMAN RIGHTS SITUATION OF THE INTERNALLY DISPLACED AND CONFLICT AFFECTED POPULATION**

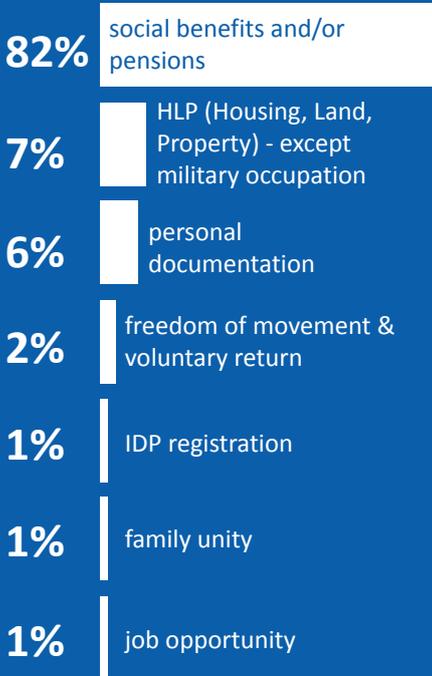
RIGHT TO PROTECTION DIGEST FOR OCTOBER 2018

**2 050** primary legal consultations were provided to

**1 659** individuals

**772** court cases are in progress

**Court cases by type of issue**



**2 677** persons received information on protection issues

**461** monitoring visits

**205** communities visited

**Advocacy initiatives**

**7** national advocacy initiatives

**13** local advocacy initiatives

**HIGHLIGHTS**

- The demand for legal assistance from R2P with pensions is increasing, constituting 90% of all secondary legal assistance cases in October.
- After the Supreme Court ruled favorably in R2P’s model case, the courts of lower instances resumed consideration of pension cases. The number of court cases has substantially increased, from 20-30 cases per

month in the summer time to 99 in October, as a result.

- Under Cabinet of Ministers (CMU) Resolution 795, persons who did not update their passport photos within a month of turning 25 or 45 must now obtain ID cards, which is more complicated (mainly, because it is time consuming).

**IDP REGISTRATION AND DOCUMENTATION**

The number of officially registered IDPs continues to increase, with 1,522,743 registered as of October 29. Technical improvements have been made to personal documentation services in Luhansk Oblast, such as online registration for submitting documents (State Migration Service (SMS) website) and issuing of ID cards and passports at Lysychansk Administrative Service Centre. The Unified IDP Database (UIDB) works relatively well, with some short-term interruptions due to poor Internet connections. Some Department of Social Protection (DoSP) staff have complained that information gets lost after UIDB upgrades and has to be re-entered. For example, DoSP staff in Obolonskyi raion in Kyiv had to re-enter about 20,000 profiles after one upgrade. There is also confusion over the regulations. For example, internally displaced persons (IDPs) moving from Pivnichne and Zalizne to

Toretsk in Donetsk Oblast due to hostilities reported that the DoSP refused to register them. It turned out that the office uses the old version of CMU Order 1085, which does not directly mention those settlements. A similar issue happened at DoSP in Kupiansk of Kharkiv Oblast to an IDP from Zolote-5. DoSP representatives complain that they have not been instructed properly during the year regarding the considerable number of changes in the legislation. No seminars or others trainings on these changes were organized for them by the Ministry of Social Policy.

Other issues include the passage of CMU Resolution 795, requiring ID cards for people who did not update their passport photos within a month of turning 25 or 45, which is more complicated. IDPs from Crimea face additional difficulties because SMS offices demand documents from Crimea, including a special form about obtaining passports there.



Stanytsia Luhanska EEEP. A line to ATM near mobile Oschadbank office

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## SOCIAL BENEFITS AND PENSIONS

90% of R2P's secondary legal assistance cases involve payment of social benefits and pensions, which is a main concern of IDPs. R2P now deals with an average of 99 court cases per month, as courts have resumed hearing pension cases following the favorable Supreme Court judgment in the model case. However, Departments of Pension Fund of Ukraine (DoPFUs) mostly still do not pay pension arrears in cases of both regular reinstatement and court decisions.

According to CMU Resolution 548, IDPs receiving social benefits or pensions must undergo physical identification (PI) every six months.

There continue to be discrepancies in procedure across DoSPs and within the Arkan lists. Most DoSPs conduct home visits for

allocation/reinstatement of benefits, while Arkan lists are verified by checking the UIDB without home visits. Both DoSPs and IDPs complain that the Arkan lists contain frequent and repeated mistakes. While many DoPFUs have stopped suspending pensions based on the Arkan lists before they receive the results of DoSP verification, some DoSPs cancel IDP certificates based on the lists without residence verification. DoSPs also send information requests to the State Border Guard Service (SBGS) regarding errors, but the SBGS refuses to provide information.

Additional requirements for IDPs receiving payments were identified in October. For example, IDPs were asked to provide 1) written notifications about their temporary absence at their place of IDP registration; 2) receipts

for bank operations during PI; 3) presence of landlord during inspection report and 4) inspection reports from DoSPs, even though this document is not given to IDPs. IDPs continue to be charged for services during PI at Oschadbank offices in Donetsk Oblast, although this happens less with R2P assistance.

## ADVOCACY

R2P organized or participated in several advocacy initiatives in October.

In order to address IDPs' access to social and economic rights, R2P has, together with a coalition of non-governmental organizations, developed legislative alternatives to CMU Resolution №365 and presented the developments during a press conference. R2P has also conducted an analysis of gaps in the legal protection of individuals wounded during military conflict and initiated its solving by appealing to the Prime Minister. As a result, a government commission regarding protection of wounded individuals has been formed, which R2P has been invited to join.

R2P conducted a legal analysis of the **Constitutional Court's decision** recognizing some Budgetary Code provisions unconstitutional and sent related requests to the Ministry of Finance.

R2P is making efforts to ensure freedom of movement and facilitate crossing of the EECs. R2P analyzed draft law #7017 suggesting criminal punishments in case of the state border illegal crossing. This **analysis** identified some gaps and risks for IDPs, refugees, and asylum seekers. Despite numerous attempts to change the provisions of the regulatory act, the law came into force on 7 November 2018, and R2P will continue to monitor its implementation.

In order to ensure housing, land and property rights for IDPs, R2P continued advocating for the creation and implementation of housing programs for IDPs. As a result, at the beginning of October important amendments were made to the CMU Resolution on the Affordable Housing state program, which will improve the program's implementation.

R2P also participated in submitting the Alternative Report on the Implementation of the Covenant on Economic, Social, and Cultural Rights, which, among other issues, discusses the issues of housing provision and compensation problems for property destroyed and damaged during the conflict. R2P presented its position to the working group of the UN Committee on Economic, Social, and Cultural Rights position during an online conference.

Also R2P conducted several local advocacy efforts, mostly through meetings with public officials and letter campaigns regarding implementation of IDPs' rights and potential cooperation with local authorities. The majority of issues identified by the local R2P teams are 'Arkan' system lists, suspensions of pensions, crossing the EECs and freedom of movement. The total number of interventions was 13, including 3 in Severodonetsk, 2 in Kyiv and Kyiv oblast, 2 in Lviv, 2 in Mariupol, 1 in Kharkiv, 1 in Dnipro, 1 in Zaporizhzhia, 1 in Slovyansk.

## HOUSING AND PROPERTY ISSUES

Access to affordable housing, living conditions, and debts and utility costs remain common issues for IDPs. The majority of IDPs moved out of CC 'Parus' in Zaporizhzhia Oblast due to the rent increase, and more intend to do so when they find cheaper accommodation. Debt issues are also acute in the modular town of Zaporizhzhia, where the total debt is over 800,000 UAH. Although some selective power cut-offs have been implemented, and, with R2P intervention, some rate reductions were considered for families with many children, utility costs are still an issue. In Zhytomyr Oblast, the oblast administration stopped financing utility costs in the collective centre in July, but since IDPs did not agree to pay the costs themselves, debts are growing and there may be future conflicts and eviction. On the positive side, new housing opportunities

are becoming available in Zaporizhzhia, Novotoshkivske in Luhansk Oblast, Dubliany in Lviv Oblast, and in Toretsk of Donetsk Oblast.

As Ukrainian forces took partial control of hamlet Vilnyi (part of Zolote-4) in Luhansk Oblast, non-government controlled territory (NGCA) armed forces started occupying houses in the other part, causing families to leave their homes and property. Some were able to come to the GCA; others plan to do so after receiving permits to cross the line of contact (LoC). Some houses were also damaged during the fighting.

Various infrastructure issues were also observed in October. For example, the water supply was disrupted for several days in Toretsk, Pivdenne, Zalizne, Pivnichne and Luhanske in Donetsk Oblast. In Nyrvkove of Luhansk Oblast, water supply is poor. Electricity was disrupted in part of Luhanske.

## FREEDOM OF MOVEMENT AND CHECKPOINTS

Thousands of people cross the checkpoints each month. Most NGCA residents do so in order to resolve issues with documents, avoid payment suspension due to the 60-day limit of being away from the government-controlled territory (GCA), withdraw cash, visit relatives, and shop. Individuals traveling to NGCA mainly visit relatives and check on property. The most frequent issues are long waiting times, poor conditions of roads, poor waiting conditions, and the need to walk a long distance (mainly at Stanytsia Luhanska and Hnutove). Long queues were observed at several EECs: at Mariinka due to lack of public transportation in the buffer zone, at Maiorske due to power disruptions and understaffing, and at Stanytsia Luhanska due to the volume of people trying to cross. In general, conditions continue to be concerning. Some examples of issues at checkpoints include frequent lack of water (Novotroitske), shortage of seats (Stanytsia

Luhanska), power disruptions (Maiorske), and insufficient transportation between the zero checkpoint and EEC (Mariinka). Reconstruction projects at Stanytsia Luhanska, Novotroitske, and Hnutove EECs are still ongoing.

In addition, the Security Service of Ukraine (SSU) detained and interrogated some minibuses with pensioners at Marinka EEC going to the GCA. The process took up to 2 hours and some elderly people suffered negative health effects as a result.

A new military checkpoint was deployed close to the LoC Verkhnotoretske in Yasynuvatskyi raion of Donetsk Oblast in late September. According to military representatives, the checkpoint substitutes the eliminated checkpoint in the centre of the settlement. Only local residents with registration and persons with a special permit are allowed to enter the settlement.

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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