

HUMAN RIGHTS SITUATION OF THE INTERNALLY DISPLACED AND CONFLICT AFFECTED POPULATION

RIGHT TO PROTECTION DIGEST FOR JULY 2018

2 200 primary legal consultations were provided to

1 705 individuals

498 court cases are in progress

Court cases by type of issue

74% social benefits and/or pensions

14% personal documentation

7% HLP (Housing, Land, Property) - except military occupation

1% job opportunity

1% IDP registration

1% access to adequate housing

1% family unity

1% the right to life, liberty and security

2 170 persons received information on protection issues

496 monitoring visits

210 communities visited

Advocacy initiatives

6 national advocacy initiatives

15 local advocacy initiatives

HIGHLIGHTS

- The Court of Appeals judgement on Cabinet of Ministers (CoM) Resolution 365 is not being enforced. The majority of the Departments of Social Protection (DoSPs) continue conducting home visits prior to reinstating social and pension payments.
- The majority of cases on pension suspension are pending in the courts and will be granted consideration after R2P's model

case judgement is issued (The Supreme Court completed hearings of R2P's model case concerning the resumption of an internally displaced person's (IDP) pension payments and arrears from April 2017). The hearing is scheduled for 4 September.

- R2P released its mid-year [review on reasons for and conditions of crossing the line of contact \(LoC\)](#).

IDP Registration and Personal Documentation

The total number of officially registered IDPs has continued to increase since March: 1,516,246 as of 30 July 2018 compared to 1,512,755 as of 25 June 2018. The increase was caused mainly by re-registration of those whose certificates were cancelled, migration from other raions and oblasts, and primary registration for obtaining or updating passports or primary applications for pension payments.

Some DoSPs continue to impose additional requirements for IDP registration. Additional requirements create a breeding ground for abuse and corruption.

The Unified IDP database (UIDB) works relatively well, with short-term interruptions due to poor Internet connections. The merging of the UIDB and Automatic System for Processing Personal Documentation (used for

accruing benefits), announced by the Ministry of Social Policy, did not occur in July. Merging the databases would optimize DoSP work.

R2P continues to identify persons at risk of statelessness who bear USSR passports or are without any documents at all. Obtaining Ukrainian passports for these people is complicated, time-consuming, and only possible through the courts.

Additional identification requirements were observed in July. Some State Migration Service (SMS) staff in Donetsk Oblast orally refuse to accept passports for updating photos from non-government controlled areas (NGCA) residents who do not provide sufficient identification documentation. These people have to go to the NGCA to obtain documents or witnesses, which can be a challenging with an expired passport.



Stanytsia Luhanska EECF

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Social Benefits and Pensions

According to the Supreme Court judgement on CoM Resolution 365, inspections of IDPs' residences contradicts Ukrainian law. At the same time, the necessity of an inspection report was not abolished in Resolution 365. As a result, most DoSPs still continue conducting home visits to reinstate social and pension payments, while some DoSPs (mainly in Donetsk Oblast and in Berdiansk of Zaporizhzhia Oblast) stopped either all inspections or some kinds (on Arkan lists, DoPFU suspension lists, payment legality control). The latter resulted in further suspension of payments. In general, DoSPs articulate the necessity to further amend CoM Resolution 365 to abolish verification inspections and the corresponding reports.

Limited access to DoPFU services continues in some localities due to long queues (Sloviansk

and Lyman of Donetsk Oblast, Sievierodonetsk of Luhansk Oblast). This provokes conflicts among pensioners (both IDPs and host community members) and hinders access to services.

Long queues at Oschadbank branches in Stanytsia Luhanska continued: there were up to 80 people in a queue and up to 500 on the waiting list. Violations continue to occur during physical identification of IDP pensioners at Oschadbank offices in Donetsk Oblast and Zaporizhzhia in the form of imposing paid services (insurance, changing PIN code, etc.). As the utility subsidy procedure was changed, IDPs faced new difficulties. Applicants need to provide information about family income, which is often problematic for IDPs due to some family members being in the NGCA.

Child Protection

IDPs and other affected populations continue to apply for the status of children who have suffered from hostilities and armed conflicts mostly in Donetsk and Luhansk Oblasts.

Some Children's Rights Services and Centres for Social Services impose additional requirements: application to the police and forensic analysis, a certificate from a town/village council confirming residence in a settlement during the Anti-terrorist Operation. Some Centres of Social Services actively raise awareness about the possibility to receive the status of a conflict-affected child, which results

in more affected children applying. At the same time, making the determination is complicated due to the lack of staff and financing for home visits in villages.

The need to improve the methodology for recognizing conflict-affected child status was addressed through R2P's participation in a MoSP Working Group on 2 July and by providing follow-up recommendations to the methodological guidelines.

In collective centers, IDP children are often left on their own by their parents. This increases the risk of casualties and other incidents.

Freedom of Movement

The flow of people crossing the LoC remains high. The number of people crossing through Hnutove entry-exit checkpoint (EECP) increased due to the vacation season, and its proximity to the sea coast. From time to time, long queues were observed at other EECPs. For instance, 2,500 people queued at Stanytsia Luhanska EECP on 11 July due to thorough inspections of personal belongings by the State Fiscal Service and an insufficient number of staff. At Marinka and Maiorske EECPs, queues were observed in the buffer zone several times due to a lack of public transport and power disruptions.

People continue suffering from health complications due to the hot weather: in particular sun and heat strokes and even death. Demand for medical aid at EECPs, especially after 15:00, is still high. An elderly man died at Stanytsia Luhanska EECP on 19 July.

Lack of rain/sun shades and poor conditions of latrines remain important issues at EECPs as they impact waiting conditions, health and the dignity of people crossing the LoC.

Representatives of the Coordination Group at Maiorske EECP received instructions to expedite prolongation of crossing permits for people over 80 years old.

Among positive developments at EECPs were: (1) installing an ICRC tent at Marinka's zero checkpoint; (2) installing a booth for a Line of Life project doctor at Stanytsia Luhanska EECP; (3) information stands with bus schedules were installed on Maiorske EECP from the NGCA direction; (4) a water tank was moved closer to the exit at the GCA side of Maiorske EECP, which makes it more accessible.



Maiorske EECP

Advocacy

The issue of access of Ukrainian citizens from the NGCA to pensions was addressed at a Verkhovna Rada Committee hearing on 5 July. R2P inputs were reflected in the hearing recommendations.

As a result of NGO advocacy efforts, including R2P, the CoM draft resolution on transportation of goods provides for creation of a list of goods prohibited for transport across the LoC instead of the current list of goods allowed for transport across the LoC. Further efforts are needed to ensure that the Ministry of Temporarily Occupied Territories and IDPs enacts the list.

R2P was at an 18 July meeting with Belgian, Polish, French etc. diplomats at the Embassy of the Czech Republic on compensation for damaged or destroyed property and on the legal uncertainty caused by the Law on Reintegration of Donbas. The diplomats are to raise this issue with the Ukrainian government officials.

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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