

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

RIGHT TO PROTECTION DIGEST FOR JUNE 2018

**2 181** primary legal consultations were provided to

**1 643** individuals

**541** court cases are in progress

**Court cases by type of issue**

**62%** personal documentation

**31%** social benefits and/or pensions

**3%** family unity

**1%** HLP (Housing, Land, Property) - except military occupation

**1%** job opportunities

**1%** the right to life, liberty and security

**1%** other

**1 894** persons received information on protection issues

**399** monitoring visits

**169** communities visited

**Advocacy initiatives**

**5** national advocacy initiatives

**19** 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.

**HIGHLIGHTS**

- Payment of social benefits and pensions remain the greatest concern among IDPs. Instances of secondary legal assistance on pension issues almost doubled as a result of pension suspensions in May and non-payment of pensions arrears in accordance with Cabinet of Ministers' (CMU) Resolution 335. Departments of the Pension Fund of Ukraine (DoPFU) representatives claimed they have no guidelines on processing payment of pension arrears, so pensions are still suspended in accordance with Resolution 335.
- R2P's model case decision regarding the unlawful suspension of an IDP's pension rendered on 3 May 2018 by the Supreme Court (SC) was appealed by the Pension Fund to the SC's Grand Chamber. The case will be considered on 4 September 2018. R2P continues a wide information campaign to explain the outcomes and encourage IDPs protecting their pension rights to utilize the courts.

- Residents of Travneve and Hladosove in Bakhmut'skyi raion of Donetsk oblast and Novooleksandrivka in Luhansk oblast, which are close to the line of contact (LoC), obtained the possibility to receive social benefits as local citizens per amended CMU Order 1085 as of 13 June 2018.

- The Ministry of Social Policy (MoSP) is planning to merge the two databases used by Departments of Social Protection (DoSP). The Unified Internally Displaced Person Database will be merged with the Automatic System for Processing Personal Documentation. This should optimize the work of DoSPs. The database merger is planned for July per info received by DoSPs in Dnipropetrovsk and Zaporizhzhia oblasts.

- DoPFU representatives in Kharkiv, Donetsk (except Nikolskyi raion), Dnipropetrovsk, Zaporizhzhia, Luhansk and Lviv oblasts and Kyiv confirm that IDP pensioners can have their pensions delivered via Ukrposhta.

**IDP Registration and Personal Documentation**

Hindered access to DoSP services was observed in June: (1) in Novoaidar of Luhansk oblast due to an unannounced change in the location of the facility serving IDPs. The announcement was placed at the DoSP only after R2P's intervention; (2) in Sviatoshynskiy district of Kyiv due to excessive staff workload. 4 DoSP specialists are supposed to verify the actual residency of approximately 14,000 IDPs.

The DoSP of Kharkiv'skyi raion in Kharkiv oblast unlawfully refused to register a female IDP with an international passport as she lost her internal Ukrainian passport.

Although most State Migration Service (SMS) offices do not hold onto passports for the whole 1-2 month period of identification, some SMS offices in Kharkiv oblast continued withdrawing passports for the entire 1-2 month period. When withdrawing passports, the standard practice is for the SMS to provide certificates confirming submission of documents. However, one person in Kharkiv was left without identification documents and no temporary certificate. Even with the temporary certificate, the lack of passport can cause limited freedom of movement and hindered access to a number of social, banking, and medical services.



Stanysia Luhanska, queue near Oshchadbank

Stanychno-Luhanskyi raion residents have limited access to SMS services when obtaining ID cards and international passports because the SMS suboffice in Stanysia Luhanska has a limited number of services, so residents only submit documents there and then must travel to Bilovodsk raion for digital photos and fingerprint scans.

## Social Benefits and Pensions

DoSPs receive lists of IDPs who require additional verification mainly based on the Arkan system related to crossing state borders and the LoC. DoSP representatives admit the information provided is often outdated and incorrect. Some IDPs on the lists never crossed the LoC at all. Other lists mentioned by DoSP representatives were provided by the Security Service of Ukraine (in Pokrov, Kryvyi Rih and Marhanets of Dnipropetrovsk oblast). At the same time DoSPs in Donetsk oblast claim they have received instructions from the Oblast DoSP to suspend payments and cancel IDP certificates immediately after receiving the lists. Nevertheless, local DoSPs

follow the legislative regulations and conduct verification including home inspection before they refer information to the commission for making decision on payments (except for Kostiantynivka City DoSP which cancels IDP certificates of IDP pensioners without prior verification).

Social assistance access has become very limited in Avdiivka, Donetsk oblast as the only Oschadbank branch stopped accepting applications to open accounts for targeted assistance in June. To access these services, IDPs must travel 70 km to Kostiantynivka. In Kostiantynivka however a new branch was opened for IDPs, reducing the load elsewhere.



Maiorske EECP, queue for a bus

## Freedom of Movement

The number of persons crossing the Entry-Exit checkpoints (EECPs) to the non-government controlled areas (NGCA) remains high. Long queues were observed at EECPs at times. EECP Maiorske ceased working for 2 hours on 8 June due to a red regime. On 16-17 June EECP Maiorske did not function due to reconstruction work on the NGCA side. Results of the monthly EECP Survey on reasons for and conditions of crossings conducted by R2P since 2017 show that reasons for crossing the LoC remain the same. Most people crossing EECPs reside in the NGCA and travel to government-controlled areas (GCA) to solve issues with documents, avoid payment suspension due to the 60-day limit of being away from the GCA, withdraw cash, visit relatives, and shop. Those who go to the NGCA mainly visit relatives and check on property. Among positive developments at the EECPs were: (1) installing additional shades and benches at Maiorske EECP; (2) three additional wheelchairs were

provided for transportation of persons with limited mobility at Stanytsia Luhanska EECP. Now five wheelchairs are available instead of two.

Persons crossing the LoC continue to face difficulties when transporting items for personal use that are not mentioned in Ministry of Temporarily Occupied Territories and IDPS Order 39. For example, a man was not allowed to cross with spare auto parts at Maiorske EECP. Additionally, Fiscal Service representatives sometimes confiscate cigarettes and drinks produced in the NGCA, even if unsealed and are clearly for personal use.

As people are sometimes unaware of how to re-apply for a permit to cross the LoC if they have lost their registry login and password, they sometimes pay third parties for assistance. In some cases, clear information (in particular from R2P community assistants) can prevent third party involvement and additional expenses.

## Access to Health Services

First aid at Mariinka, Novotroitske and Maiorske EECPs is only available from 9.00-15.30 due to working hours of Premiere Urgence Internationale (PUI) while the EECP works till 20.00. There are no State Emergency Service (SES) paramedics at these locations. PUI staff was also reduced at Maiorske EECP as they withdrew staff at the NGCA direction. A SES paramedic will be withdrawn from Hnutove EECP. As of 2 July, no first aid will be available there.

A considerable understaffing of medical personnel was observed in Novoaidarskyi raion. Only 28 doctors, including 10 dentists, are employed instead of the 54 envisaged due to poor conditions and proximity to the LoC.



Mariinka EECP, doctors provide medical assistance to a woman

## Advocacy

Previously, R2P addressed the Ombudsman regarding violations of the physical identification of IDPs at Oschadbank, such as requiring the purchase of banking services. R2P provided documentary proofs consisting of a Oschadbank tariff chart for physical identification of IDPs, and a chart of violations identified by monitors in different regions. Resultantly, the Ombudsman initiated proceedings in June.

R2P continues working on improving of the legislation on social guarantees to children who has suffered from hostilities and armed conflict. We published instructions on how to obtain the «conflict-affected children» status and are working to shorten the number of practical gaps in implementation of Resolution 268.

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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