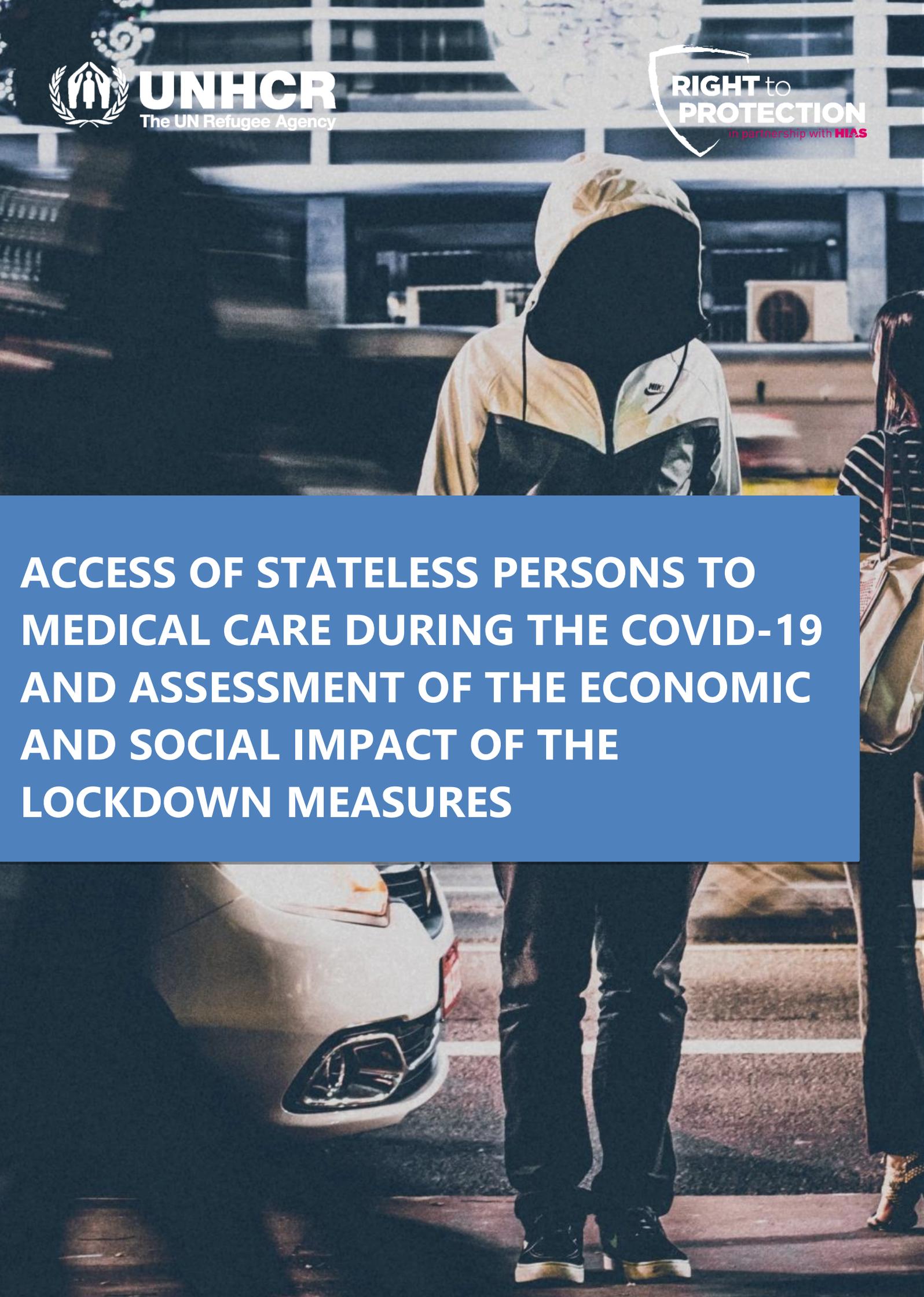




UNHCR
The UN Refugee Agency

A background photograph showing a person in a white and black hoodie standing on a street at night. The person's face is obscured by the hood. To the right, another person is partially visible, wearing a striped shirt and carrying a bag. A white car is visible in the lower left corner.

ACCESS OF STATELESS PERSONS TO MEDICAL CARE DURING THE COVID-19 AND ASSESSMENT OF THE ECONOMIC AND SOCIAL IMPACT OF THE LOCKDOWN MEASURES

Since March 12, 2020, in order to prevent the spread on the territory of Ukraine of acute respiratory illness COVID-19 caused by coronavirus SARS-CoV-2 (from now on – COVID-19), the Government of Ukraine introduced quarantine throughout Ukraine¹. Quarantine refers to administrative and health measures applied to the prevention of the spread of particularly dangerous infectious diseases². Temporarily, the work of the majority of business entities is prohibited throughout Ukraine, and movement is limited, as is access to public places and visits to crowded institutions and establishments. In March of 2020, administrative penalties were introduced for violation of quarantine rules, including a fine of UAH 17,000³. The Government of Ukraine has planned a gradual roll-back of the quarantine measures, with the first stage entering into effect on May 11⁴.

From April 21 to May 6, 2020, the nonprofit organization Charitable Fund 'Right To Protection' (from now on referred to as the Right to Protection) conducted a survey of 189 stateless persons⁵ (henceforth 'SP') and persons at risk of statelessness⁶ who receive free legal aid from the organization. The purpose of the survey is to identify existing restrictions on access to healthcare and possible restrictions on access to medical services in regards to COVID-19, as well as negative consequences (in particular, increased vulnerability) in connection with the introduction of the quarantine.

Among the respondents are 84 (44%) women and 105 (56%) men.

This publication has been produced with the assistance of the UN Refugee Agency (UNHCR). 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.

¹ Resolution of the Cabinet of Ministers of Ukraine 'On prevention of the spread of acute respiratory disease in Ukraine COVID-19 caused by coronavirus SARS-CoV-2' dated March 11, 2020, № 211, access address: <https://zakon.rada.gov.ua/laws/show/211-2020-%D0%BF>

² Definition by the Law of Ukraine 'On Protection of the population from infectious diseases', access address: <https://zakon.rada.gov.ua/laws/show/1645-14#n241>

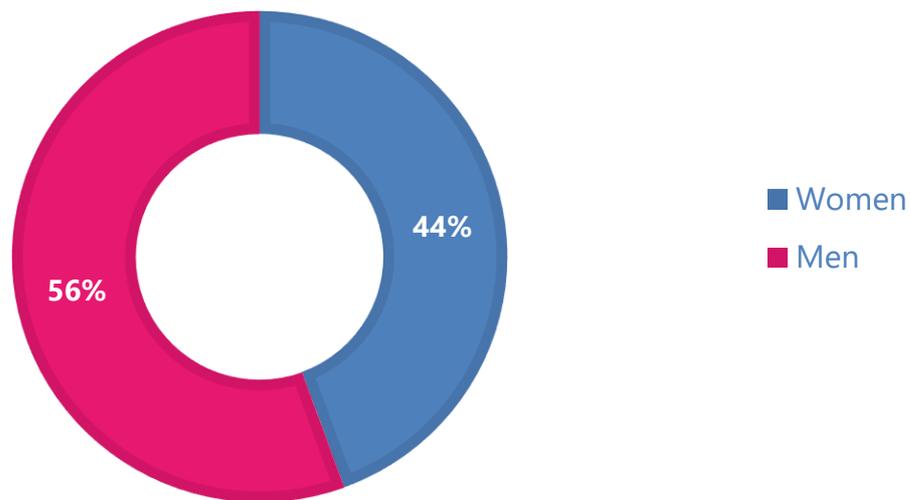
³ Amendments to the Code of Administrative Offenses of Ukraine were introduced by the Law of Ukraine 'On Amendments to Certain of legislative acts of Ukraine aimed at preventing the occurrence and spread of coronavirus disease (COVID-19)' address access: <https://zakon.rada.gov.ua/laws/show/530-20/ed20200418>

⁴ According to the infographic and the announcement published on the Government portal, the access address is: <https://www.kmu.gov.ua/news/premyer-minister-denis-shmigal-predstaviv-poetapnij-plan-znyattyaobmezhen>

⁵ Stateless person - a person who is not considered a citizen of any state under its legislation

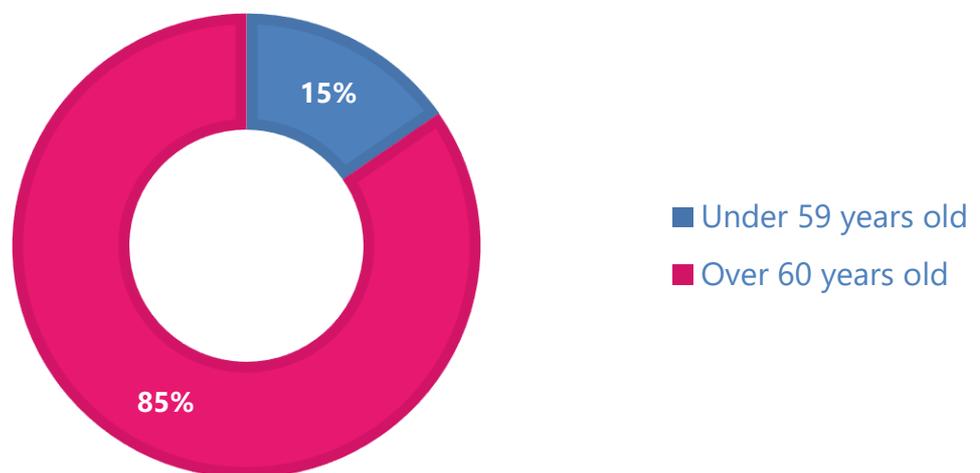
⁶ Persons at risk of statelessness are persons who have difficulty proving their connection with a particular state and cannot draw up an identity document, for example, due to contradictory laws on citizenship, gaps in legislation, etc.

GENDER OF RESPONDENTS



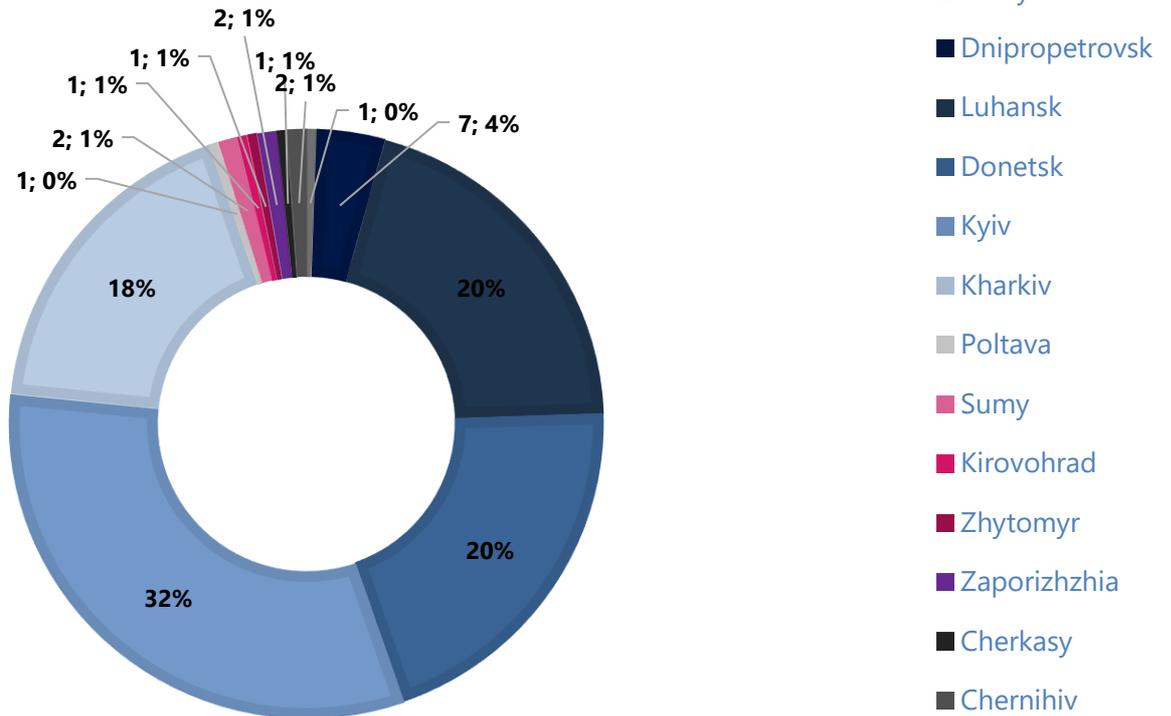
The vast majority of respondents are aged 18 to 59 years – 160 persons (85 %). 29 persons (15 %) – are over 60 years.

AGE OF RESPONDENTS



90% of respondents are in Luhansk, Donetsk, Kharkiv and Kyiv oblasts, but in general 13 oblasts were covered by the survey of Ukraine.

RESIDENTIAL AREA



ACCESS TO MEDICAL CARE IN CASE OF SUSPECTED COVID-19

The situation of stateless persons, undocumented persons and persons at risk of statelessness is generally characterized by limited access to social services and medical care.

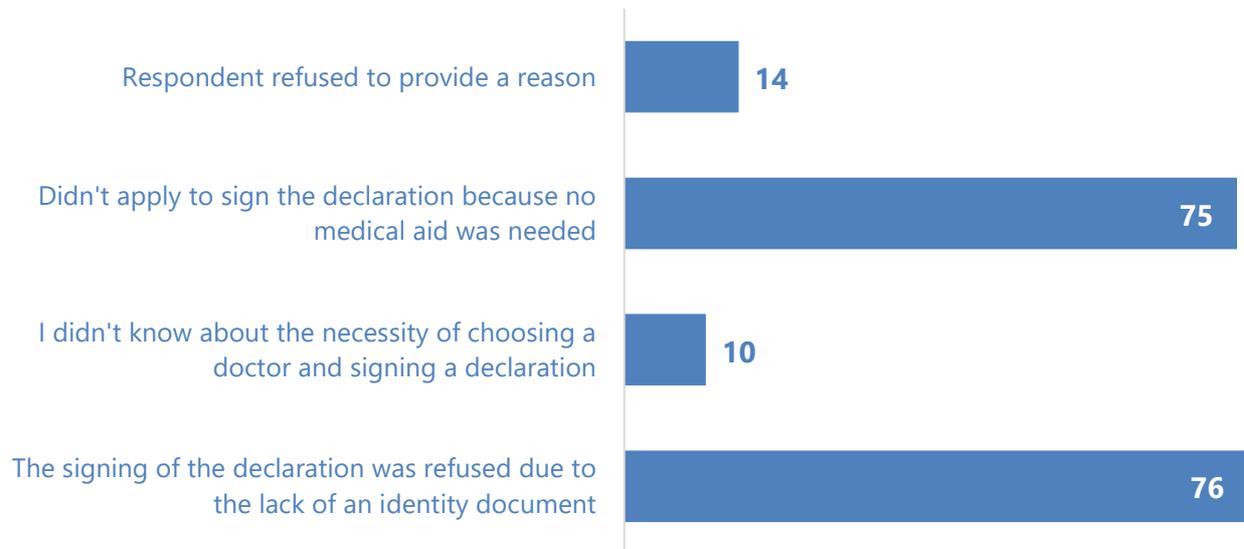
This is due to the lack of identity documents.

Without these documents, it is impossible to choose a family doctor and sign a declaration with him/her. This makes it impossible to receive primary care and other types of medical care.

92% of respondents (175 people) said they did not have the family doctor of their choice. Among them:

- 43 % – 76 respondents – answered that they had been denied signing a declaration with a family doctor due to lack of an identity document;
- 6 % – 10 people – said they did not know about the need to choose a doctor and sign a declaration;
- 43 % – 75 respondents – stated that they had not applied to sign a declaration because they did not need medical care;
- 8 % – 14 respondents – refused to answer.

REASONS FOR THE ABSENCE OF THE SIGNED DECLARATION WITH FAMILY DOCTOR



Access to medical services for children of stateless persons is also a challenge. According to the current legislation, a declaration with the pediatrician is signed by one of the parents for children under 14 years old, and this process requires both the parent's identity document and the child's birth certificate. A child who has reached 14 years can independently sign a declaration using a passport of a citizen of Ukraine and an ITN⁷. This feature of the declaration procedure with the family doctor partly explains why a small number of children born to undocumented persons still have access to free medical care.

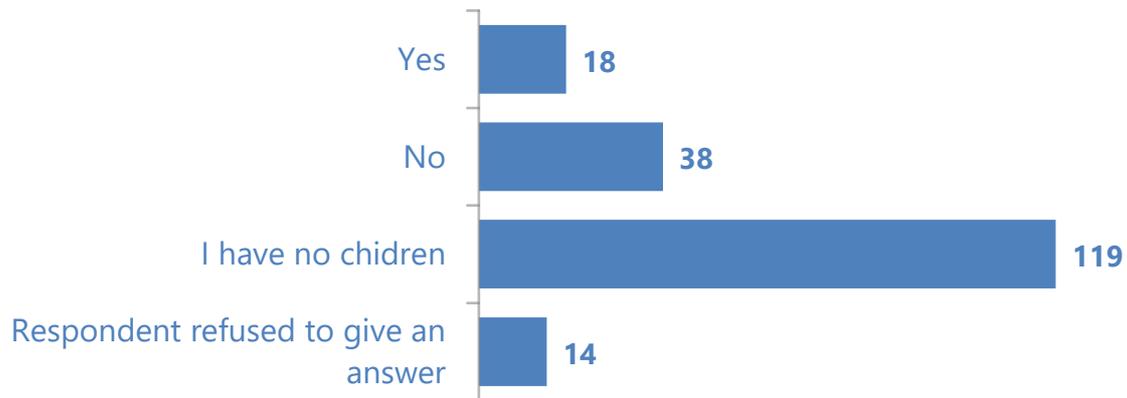
However, the general trend seems to be not very optimistic.

56 (30%) respondents answered the question whether children have a signed declaration with a doctor. Most of them, 38 (68%) reported that their children did not have a signed declaration with a doctor. As a result, those children cannot access medical services. And only 18 (32%) respondents said that their children had a signed declaration with a doctor. That is, only a third of respondents with children who have provided answers have a pediatrician chosen for their children.

⁷ In accordance with the Procedure for selection of a doctor who provides primary medical care and the form of the declaration on the selection of a doctor who provides primary medical care, approved by the relevant Order of the Ministry of Health from 19.03.2018 № 503, access address: <https://zakon.rada.gov.ua/laws/show/z0347-18>
ITN – individual taxpayer number.

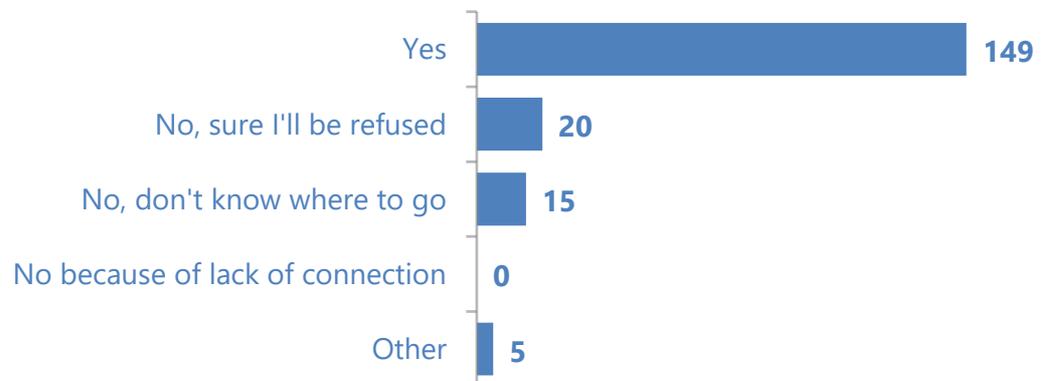


PRESENCE OF A SIGNED DECLARATION WITH A DOCTOR FOR CHILDREN



When asked about the possibility of seeking medical help in case of COVID-19 symptoms, 149 (79%) respondents answered that they have such an opportunity, 20 people (10%) answered that they are sure that they will be denied, 15 people (8%) said they did not know where to turn, 5 people (3%) answered otherwise.

POSSIBILITY OF SEEKING MEDICAL HELP IN CASE OF COVID-19 SYMPTOMS

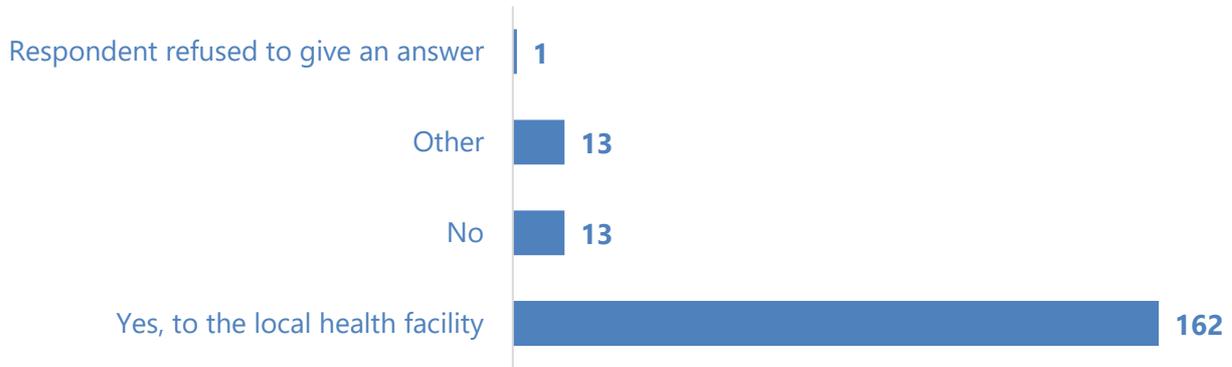


The state regional administrations, the Kyiv City State Administration, and the Kharkiv City Council responded to Right to Protection's requests saying that in the absence of a declaration, individuals could still receive a consultation at healthcare facilities by phone⁸. For his purpose, a duty office (or doctor on duty) operates in some institutions, while other institutions can be reached by calling their reception. The letter from the Donetsk Regional State Administration

⁸In April 2020 the Right to Protection sent inquiries to the Ministry of Health, the National Health Service of Ukraine, the Health departments of Kyiv, Kharkiv, Donetsk, Luhansk, Poltava, Sumy state regional administrations, Kyiv city state administration, Kharkiv City Council on the procedure for providing medical care to stateless persons who don't have identity documents and don't have a family doctor.

states that medical institutions should in any case provide a consultation by phone, and, if necessary, receive a person in a medical institution.⁹

DO YOU KNOW WHERE TO GO WHEN YOU DON'T HAVE A FAMILY DOCTOR OR HE/SHE ISN'T IN TOUCH?



When asked about receiving a refusal for hospitalization or medical care due to the lack of a passport, 7% of respondents – 13 people – answered in the affirmative. 84% – 159 respondents – did not receive a refusal for this reason.

“ When I had meningitis, I was denied hospitalization. They only took me after my condition became critical.

“ I have diabetes, but I cannot get treatment without documents; I cannot get insulin.

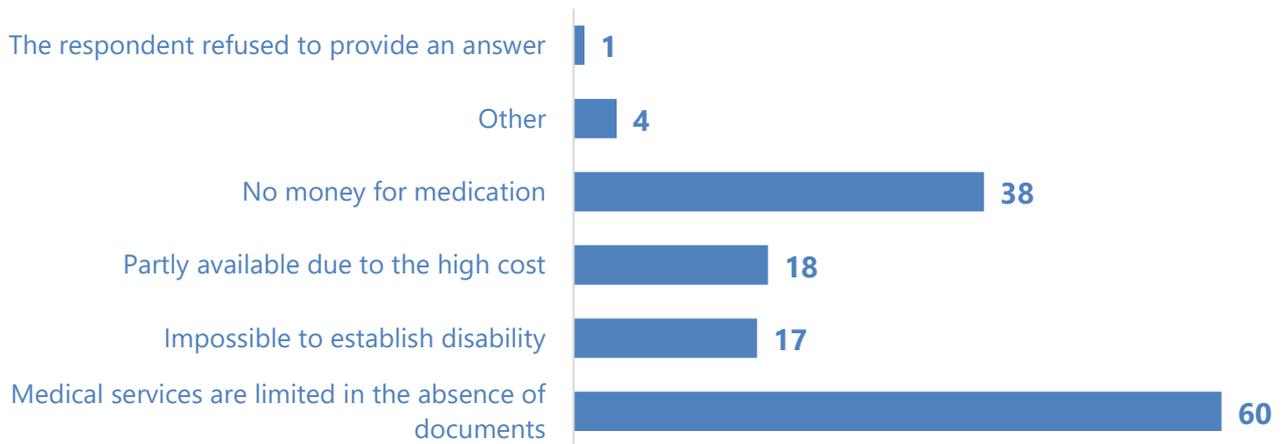
Responses from respondents

The situation with access to necessary medicines and medical services for stateless persons with a disability or serious chronic diseases is no better. 83 persons answered this question. The majority – 60 respondents (72%) – said that due to the lack of identity documents, access to medical services is limited. 38 (46%) respondents said there are no means for obtaining medicines, and 17 people (20%) answered that establishment of disability is impossible without identity documents. Less than a quarter indicated that medical services were only partially available due to their high cost.

⁹This position is fully in line with current health care legislation, which states that every citizen has the right to receive free medical care, including primary health care at state and municipal health care facilities. Additionally, the free choice of a doctor is a right, not a duty of a person. All this does not allow medical institutions to deny provision of primary health care to persons who do not have a declaration.



AVAILABILITY OF HEALTH SERVICES FOR CHRONIC DISEASE/DISABILITY (MULTIPLE OPTIONS MAY BE SELECTED)



“ ... I can't get chemotherapy from a government program because I don't have a passport.”

“ No money for medication, I'm in prison.”

“ I have no means for medicines, no possibility of determining disability status, no medication, and no treatment. I am in the medical unit for tuberculosis treatment.”

Responses from respondents

Only one person reported seeing a doctor on suspicion of COVID-19 (by a child); the test was performed free of charge. The child's mother does not have a signed declaration with a family doctor because she lacks an identity document. However, her child does have a pediatrician with whom she signed a declaration, which facilitated the timely examination and testing of the child for COVID-19.

14 (7%) people reported that they did not know how to protect themselves from contracting the disease, 10 (5%) people said they did not use personal protective equipment at all. 13 (7%) respondents do not know how to see a doctor in case of illness. Respondents reported that for personal protection against COVID-19 they mostly use disposable masks or disposable masks and antiseptics, as well as disposable masks, antiseptics and gloves.

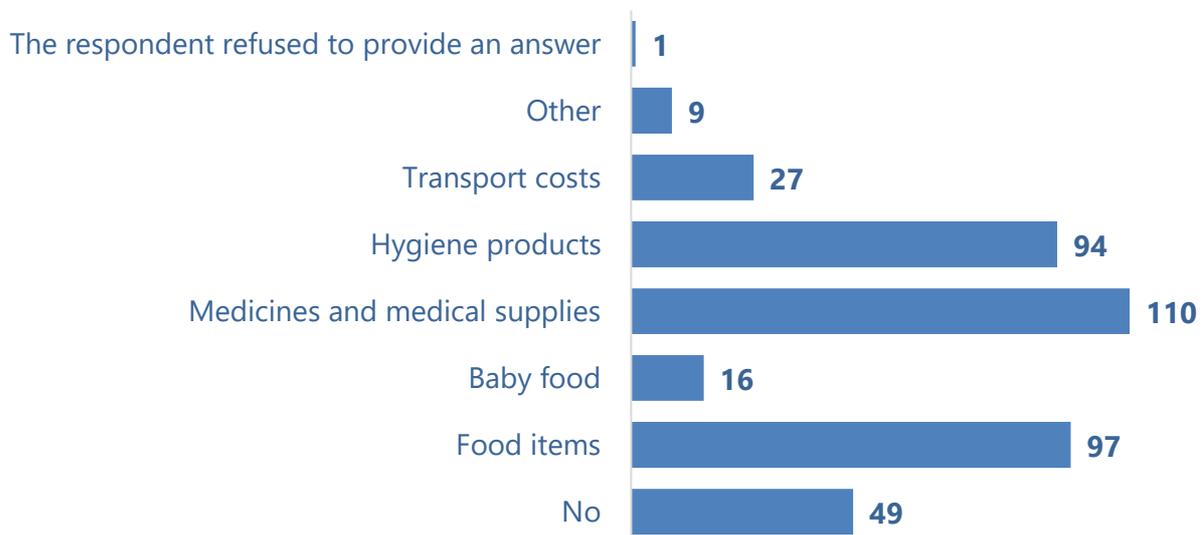
ADMINISTRATIVE LIABILITY FOR BREACH OF THE LOCKDOWN MEASURES

In April 2020, the Government introduced fairly strict quarantine regulations, in particular the prohibition of being on the streets without identity documents, confirming citizenship, or a special status¹⁰. This provision legally prohibits undocumented persons from being on the streets for any reason, such as acquiring basic necessities and products. The Government has stated on its official website that these documents will make it possible to check whether a person is obliged to be self-isolating or under supervision. It will also enable law enforcement agencies to apply administrative liability to quarantine violators¹¹. However, the Unified State Register of Court Decisions already contains a decision on administrative penalties in the form of a fine of UAH 17,000 simply for being on the street without documents¹².

BASIC NEEDS

26% – 49 people – noted the lack of a special needs provision in quarantine measures. 73% of those surveyed – 139 people – said they would need some kind of humanitarian assistance. Of these, the majority (110 people) indicated that they would require medicines and medical supplies, food (97 respondents), and hygiene items (94 respondents). The need for children's food, payment for transportation services, etc. was also mentioned.

THE NEED FOR HUMANITARIAN ASSISTANCE DUE TO LOCKDOWN? (MULTIPLE ANSWERS CAN BE SELECTED)



¹⁰ Decree of the Cabinet of Ministers of Ukraine "On Amendments to the Decree of the Cabinet of Ministers of Ukraine dated March 11, 2020 № 211" dated April 2, 2020 № 255, access address: <https://zakon.rada.gov.ua/laws/show/255-2020-%D0%BF>

¹¹ Government portal, access address: <https://www.kmu.gov.ua/news/rozyasnennya-shchodo-novih-obmezhuvalnih-zahodiv-na-periodkarantynu>

¹² Example: the courts of the Dnipropetrovsk region: <http://reyestr.court.gov.ua/Review/89102603> <http://reyestr.court.gov.ua/Review/89078809>



Any aid available is needed: masks, disinfectants. I am at Hospital One for the treatment of a stroke.



I need diapers.



I need a blood sugar machine to check my blood sugar level.



After surgery, in order to recover from a femoral neck fracture, I need medication.



Help needed with a child's medical examination.



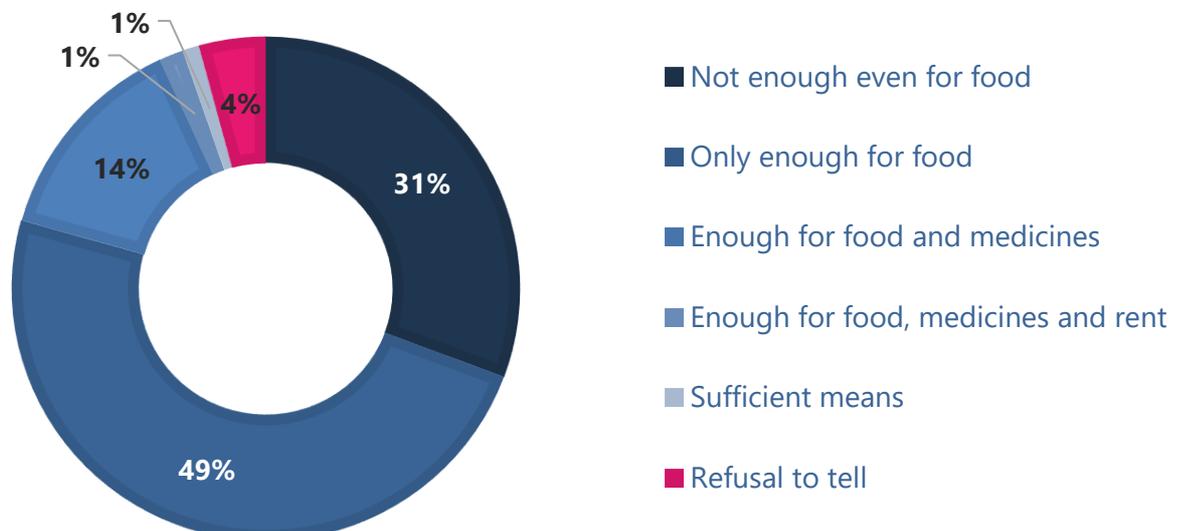
Medicines for tuberculosis, for kidney and liver diseases are needed. I need vitamins, masks, antiseptic drugs.

Responses from respondents

Eight of the people (4%) surveyed do not have access to clean drinking water. Another 1 respondent stressed that he only currently has water because he is in hospital.

When asked about the financial means and savings that would allow people to be quarantined until the end of the lockdown (at the time of the survey it was announced until April 24), and if it continues, 31% (58 people) said that their resources will not be enough even for food. About half of those surveyed said that there will be enough, but only for food.

FINANCIAL MEANS BY APRIL 24 AND FOR THE EXTENSION OF QUARNTINE MEASURES



CAPACITY TO SELF-SUSTAINMENT

Among Right to Protection's beneficiaries, the overwhelming majority are representatives of socially vulnerable groups: single people, homeless people, people released from prison, Roma, and residents of temporarily occupied territories of the Donetsk and Luhansk regions. Due to lack of identity documents, it is difficult for stateless persons to find work and to provide for themselves (or a family), and at the same time it is impossible to obtain state social protection. Without documents it is also impossible to receive a pension, which is why elderly people find themselves in very difficult situations. Therefore, quarantine, even though it is intended to prevent the spread of the epidemic, will have a negative impact on the situation of stateless persons.

This is also confirmed by the answers of the study participants.

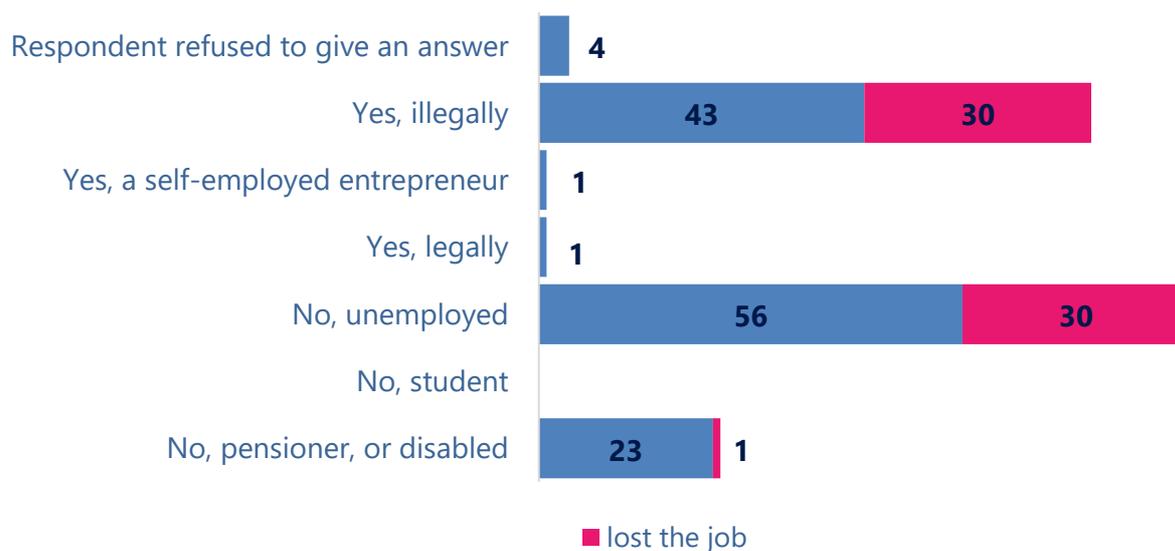
Thus, among those surveyed, 24 respondents (13%) indicated that they are pensioners or incapacitated. 161 respondents (85%) are able to work, but due to lack of documents they have no chance of getting an official job. Therefore, people are forced to work unofficially. In addition, many of the respondents have lost their jobs because of the lockdown. According to the results of the survey, most of the respondents - 66% (106 people) - among employable people were employed before the quarantine measures. But 57% of them (61 people) became unemployed due to the introduction of lockdown restrictions.



Lost my job (unofficial), I'm afraid there won't be enough food until the end of the lockdown. I contacted various humanitarian organizations, but never received any help. No money for food, no utilities.

Among the participants of the survey, 1 person was officially employed in accordance with labor legislation, and another 1 person indicated that he/she is an entrepreneur.

ARE YOU CURRENTLY WORKING?



ACCESS TO EDUCATION DURING THE LOCKDOWN

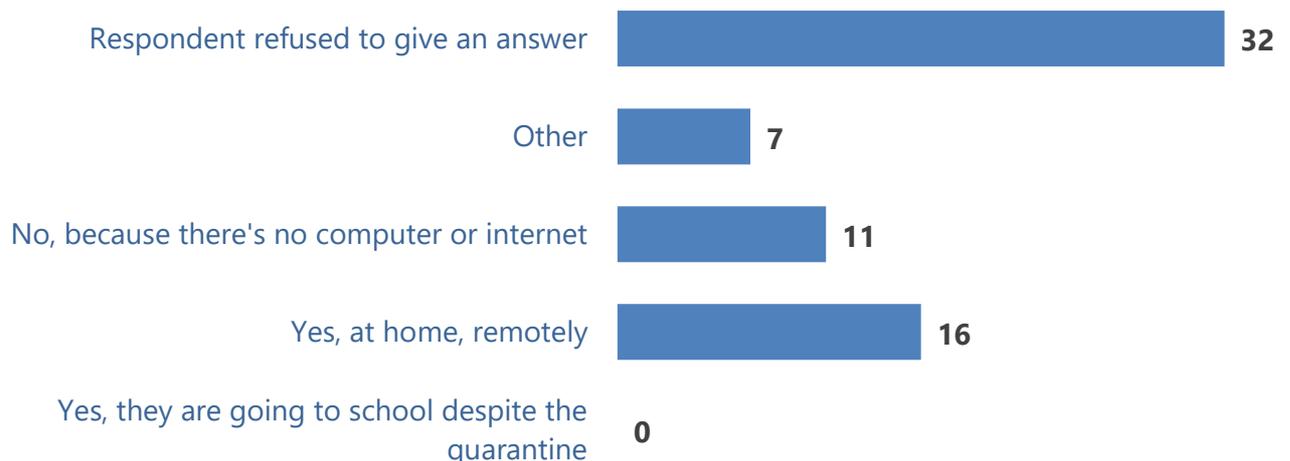


One child has been in the children's hospital for 5 months already, as tuberculosis has been detected, and the second child (8 years old) has a mental disease and requires treatment. This is why they are not going to school.

The woman's answer (requires food, medicines and medical products, hygiene items).

Eleven (6%) interviewed persons reported that their children did not have the possibility of studying remotely during the lockdown due to lack of a computer and / or internet. Only 72 of the interviewed persons – 38% – have an internet connection, which probably influences their level of awareness about the quarantine rules and personal protective equipment.

ARE YOUR CHILDREN STUDYING DURING THE LOCKDOWN?



SUMMARY

This survey was conducted for 189 stateless persons and persons at risk of statelessness living in 13 regions of Ukraine (the overwhelming majority in Kiev, Donetsk, Luhansk, and Kharkov regions). The number of male respondents slightly exceeds the number of female respondents, while the majority of those interviewed are employable people under the age of 59.

There is almost no opportunity to receive timely medical assistance in the absence of identity documents. According to the results of the survey, an absolute majority of persons (92%) did not sign a declaration with their family doctor. Almost half of the survey participants – 43% – went to a medical institution to sign a declaration, but they were refused. The majority of children of the surveyed participants also do not have a family doctor or access to medical services.

At the same time, the majority of respondents (79%) reported that they are convinced that they have the opportunity to see a doctor in case of symptoms of COVID-19. In addition, the majority of respondents (86%) believe that they should go to a local hospital if they do not have a family doctor. Certain expectations of people from medical institutions (state, municipal)

coincide with the readiness of local authorities to provide access to medical services to the persons who have not signed a declaration with a doctor.

However, there is almost no access to health services for stateless persons who have chronic diseases or disabilities. 17% of those interviewed reported having a disability or a chronic / cancer condition. But the answers of the respondents show that diseases like diabetes, meningitis, oncology-related diseases, and tuberculosis cannot be treated. People without documents cannot participate in state programs nor receive free medicines, they cannot have medical examinations (free of charge), nor establish their disability, and they have no money for medicines. Undocumented persons are hospitalized only in an emergency.

No respondent reported having been brought to administrative responsibility for violation of lockdown rules. However, this risk remains high for this category of persons, as they are unable to meet the requirement to have identity documents proving their citizenship or special status while on the streets¹³.

The majority of those interviewed (73%) need humanitarian assistance such as medicines and medical supplies, food and hygiene items, etc. 31% of respondents reported that their financial situation would not suffice even for food during the lockdown. About half of those surveyed indicated that their savings would only be sufficient for food. 11 respondents reported that their children cannot study remotely due to lack of computers and / or internet connections. The vast majority of employed persons work unofficially, while 66% of employable respondents had a job before quarantine started. Most of them lost their jobs due to quarantine.

RECOMMENDATIONS

To the Parliament of Ukraine: consider and adopt Draft Law № 2335 dd. 29.10.2019, "Draft Law on Amendments to Certain Legislative Acts of Ukraine regarding the recognition as a stateless person"¹⁴. By the time of its adoption, the Ministry of Health of Ukraine shall provide stateless persons and at risk of statelessness with medicines and medical devices that are purchased from public funds for the treatment of HIV / AIDS, tuberculosis, oncology, cardiovascular diseases, rare orthotic diseases, etc.

To local self-government bodies and local executive authorities:

- Provide social support to the vulnerable populations within the limits of their authority and under lockdown conditions, regardless of the existence of personal identification documents.
- Ensure access to primary healthcare in cases of suspected COVID-19 for stateless persons living in the district (locality).

Humanitarian, charitable and other non-governmental organizations: coordinate efforts, particularly in providing humanitarian support to the categories of persons mentioned in the report.

¹³ Art. 44-3 of the Code of Administrative Offences of Ukraine, paragraph 16, paragraph 2 of the Cabinet of Ministers of Ukraine "On preventing the spread in the territory of Ukraine of acute respiratory disease COVID-19 caused by coronavirus SARS-CoV-2" of 11 March 2020 № 211

¹⁴ Subject to the adoption of this legal act, stateless persons will be able to obtain a document confirming this status and to obtain a residence permit in Ukraine. In other words, to become a stateless person who is legally present on the territory of Ukraine. At present, Ukrainian legislation links the access of stateless persons to rights, social protection, support from the State, etc. with the availability of a stateless identity document and a document granting the right to legally stay on the territory of Ukraine. Such documents cannot be obtained by stateless persons until amendments are made to the legislation.