

HUMAN RIGHTS SITUATION OF THE INTERNALLY DISPLACED AND CONFLICT AFFECTED POPULATION

RIGHT TO PROTECTION DIGEST FOR NOVEMBER 2018

1 545 primary legal consultations were provided to

1 330 individuals

965 court cases are in progress

Court cases by type of issue

84% social benefits and/or pensions

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

6% personal documentation

1% job opportunity

1% family unity

1% the right to life, liberty and security

1% other issue

2 549 persons received information on protection issues

420 monitoring visits

181 communities visited

Advocacy initiatives

10 national advocacy initiatives

10 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

- R2P published its **analytical report on housing programs** for internally displaced people (IDPs) and presented it to diplomats, local officials, and international organizations including the Shelter Cluster.
- Increased requests for season-specific needs, such as winterization and winter

clothing, in addition to cash assistance, were noted during this reporting period. Ongoing infrastructure issues along the line of contact and at checkpoints are also a concern.

- Martial law came into effect. See a brief update in the section below.

IDP REGISTRATION AND DOCUMENTATION

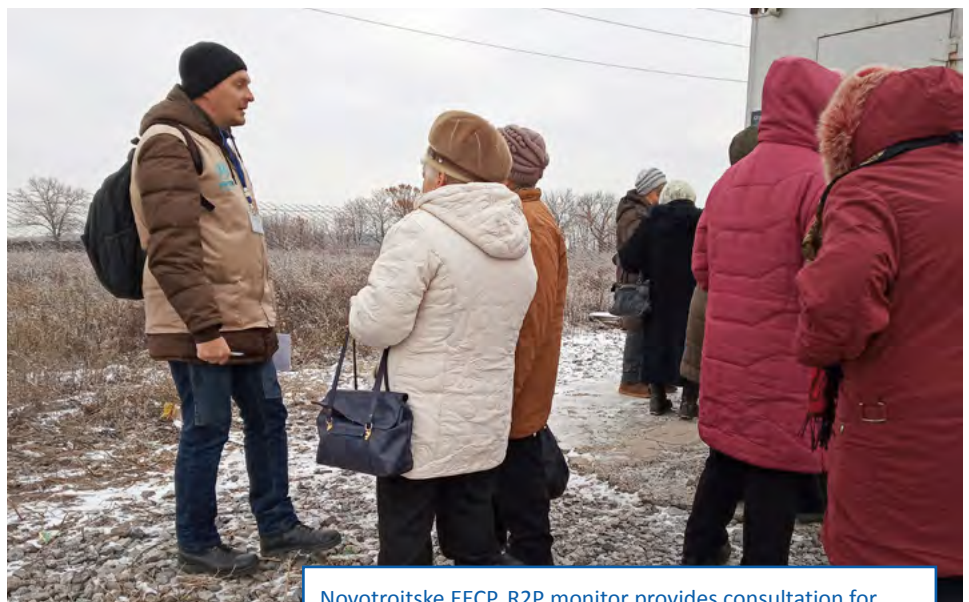
The number of officially registered IDPs decreased for the first time since February, although there are still over 1.5 million registered IDPs in Ukraine. There were 1,514,690 officially registered IDPs as of December 3.

The Unified IDP Database (UIDB) works relatively well, with short-term interruptions due to poor Internet connections. A new database was supposed to be launched on December 3, but it has been postponed. The new database will incorporate information from both the UIDB and automatic system for processing personal documentation (ASPPD). Further details about the new database are not available yet. However, Department of Social Protection Office (DoSP) staff expressed fear that some information may be lost during transfer.

IDPs and people with non-government controlled territory (NGCA) registration continue to ask about passport matters (updating photos, restoring lost passports, obtaining IDs, etc.), showing poor awareness about the necessary procedures. They mainly

seek consultations after facing negative consequences of personal documentation issues (inability to receive services and payments, to get employed, etc.)

Two new practices of State Migration Service (SMS) have caused issues for IDPs. First, SMS stopped automatically issuing Annexes to ID passports, so people need to specially apply for that. As DoSPs and other state agencies lack equipment for reading ID chips, IDPs without an Annex have to revisit SMS to obtain it. Such complaints were identified in Kharkiv, Kyiv, Dnipropetrovsk and Luhansk oblasts. Second, SMS stopped issuing certificates confirming that a person has applied for a new passport unless the person has NGCA registration. People are thus left without identification if they do not have an international passport or driver's license, and may face difficulties obtaining services and exercising their right to freedom of movement, especially in Donetsk and Luhansk oblasts with their numerous internal checkpoints. Such complaints were identified in Kharkiv, Kyiv, and Luhansk oblasts.



Novotroitske EECP. R2P monitor provides consultation for people near mobile Oschadbank office

PENSIONS AND SOCIAL BENEFITS

Though many DoSPs confirm receiving instructions from oblast departments to cancel IDP certificates for persons in Arkan lists (such as DoSPs in Luhansk, Dnipropetrovsk, Zaporizhzhia and parts of Donetsk Oblast), they mostly continue to conduct verifications by checking physical identification data and registration validity in the UIDB, calling IDPs to DoSP offices or by doing home visits. Not only do the Arkan lists continue to have many mistakes, but there is confusion over how to correct them. For example, the DoPFU in Dnipropetrovsk Oblast told IDPs that they could go to an entry-exit checkpoint (EECP) to correct the mistakes, but EECP staff denied this.

FREEDOM OF MOVEMENT AND CHECKPOINTS

Many people continue to cross the line of contact (LoC). At the same time, a significantly smaller amount of people (about 20,000 instead of the usual 30,000) travelled on November 11, the day of NGCA so-called elections. The regular EECP Survey shows no changes in the reasons for crossing the LoC. Most of the people crossing the LoC reside in the NGCA and travel to the government-controlled territory (GCA) to avoid payment suspension due to the 60-day limit of being away from the GCA, solve issues with documents, withdraw cash, visit relatives, and shop. Those who travel to the NGCA mainly visit relatives and check on property.

Reconstruction of Stanytsia Luhanska and Novotroitske EECPs is still in progress. Reconstruction started at Hnutove EECP in early November and Maiorske EECP in late November. This causes temporary inconveniences due to dismantling or moving constructions and booths.

Infrastructure issues continue at all checkpoints. These include: (1) Electricity

A positive practice initiated in Kamianske and Pokrov was also implemented in Synelnykove and Slobozhanske of Dnipropetrovsk Oblast. These DoPFUs allocate pensions on common grounds if an IDP provides a DoSP refusal to issue an IDP certificate. However, the practice is not widespread, as some DoSPs claim they do not have lawful grounds to deny IDP registration even if a person acquired housing.

In general, DoPFUs still do not pay pension arrears in cases of both reinstatement under Cabinet of Ministers (CMU) Resolution 365 or court decisions. Nevertheless, some positive cases were identified: pension arrears were paid following court decisions for 3 persons in Dobropillia of Donetsk Oblast.

disruptions, during which only a limited number of counters can continue working (Hnutove and Stanytsia Luhanska). (2) Water supply disruptions (Marinka). Only «Donetskheolohia» agency staff can fix it, but they are not present at the EECP. (3) A lack of disposable water cups (Maiorske). (4) Inadequate fuel supply to maintain a comfortable temperature in emergency tents (Maiorske). (5) Toilets in poor condition or not functioning (Stanytsia Luhanska). In addition, free buses were cancelled at Novotroitske due to increased fuel prices.

The most frequent concerns were long wait times (Novotroitske and Marinka), poor waiting conditions, poor road conditions, pedestrian areas or the bridge (mainly Stanytsia Luhanska and Hnutove) and the need to walk a long distance (mainly at Stanytsia Luhanska and Hnutove). The latter two are related to slippery roads. Concerns about transport significantly decreased at Marinka as a result of the changed bus schedule.



Maiorske EECP. Bus queue

MARTIAL LAW

Martial Law was imposed from November 26 till December 26 in accordance with the Presidential Special Decree. It is in effect in Donetsk, Luhansk, Zaporizhzhia, Mykolaiv, Kherson, Odessa, Kharkiv, Sumy, Chernihiv, and Vinnytsia oblasts, and the inland waters of Azov Sea and Kerch. According to the Head of the Donetsk Oblast Military-Civil Administration, the law mostly impacts military structures, while civil rights and liberties will remain intact. In practice, no significant changes were observed after the law came into effect, only some intensification of checks at checkpoints.

ADVOCACY

On November 19, R2P formally signed a Memorandum of Understanding and Cooperation with the Ombudsman of Ukraine, in which the two organizations will cooperate on human rights violations monitoring, with R2P providing analytical, operational, and monitoring support to the Ombudsman and receiving wider opportunities to monitor through better access and conducting common advocacy initiatives.

As part of its advocacy on IDPs' social and economic rights, R2P, in cooperation with a coalition of NGOs, elaborated set of legislative suggestions to replace existing mechanisms under CMU Resolution 365 and presented them to representatives of the Ombudsman, the Parliamentary Committee on Human Rights, the Ministry of temporarily occupied territories and IDPs, and Deputy Minister on Social Policy Shambir. R2P has joined a formal Ministry of Social Policy Working Group on these issues. R2P and DonbasSOS prepared an analytical note to the Parliamentary Committee on problems with the Arkan system, which negatively impact IDPs' rights, and recommendations to resolve the situation. Following R2P advocacy regarding systemic violations in physical identification of IDPs at Oschadbank procedure, the bank has initiated an internal investigation and bank's management contacted R2P reporting about all the measures taken to avoid violations in the future.

As part of its advocacy on housing, land, and property rights of IDPs, R2P also prepared and published its analytical report on housing programs for IDPs and presented it to diplomats, local officials, and international organizations during a series of public event organized by the Fund. Due to these and many other efforts, the Ministry of Finance confirmed the allocation of 100 million UAH for the Affordable Housing program next year. R2P's recommendations were also incorporated into the Ukrainian Government's Action Plan to National Strategy for IDPs, approved on November 21, regarding housing needs of IDPs, monitoring of implementation for housing programs for social housing, and the necessity to prepare legal acts providing IDPs with compensation for damages caused by occupation.

R2P continues promoting amendments to CMU Resolution 99 and Order 39 in order to ensure freedom of movement, particularly with respect to crossing the contact line. On November 15 it participated in the working group on issues with the abovementioned legislation and provided its recommendations. The Advocacy Unit also analyzed the Joint Forces Operation (JFO) Head's Order №p-3634 of 30.10.2018 limiting the number of contact line crossings with goods. R2P has addressed the Head of the JFO for clarification about procedure relating to this Order, as well as about the de facto absence of Coordination Groups at some EECPs. In response the JFO elaborated an Annex II to the Order clarifying that the limitations are not laid on the number of crossings by an individual but on the crossings with limited amount goods.

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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