

HUMAN RIGHTS SITUATION OF THE INTERNALLY DISPLACED AND CONFLICT AFFECTED POPULATION

RIGHT TO PROTECTION DIGEST FOR SEPTEMBER 2018

1 786 primary legal consultations were provided to

1 431 individuals

676 court cases are in progress

Court cases by type of issue

78% social benefits and/or pensions

10% personal documentation

5% HLP (Housing, Land, Property) - except military occupation

1% IDP registration

1% freedom of movement & voluntary return

1% family unity

1% the right to life, liberty and security

3% other issues

1 689 persons received information on protection issues

354 monitoring visits

178 communities visited

Advocacy initiatives

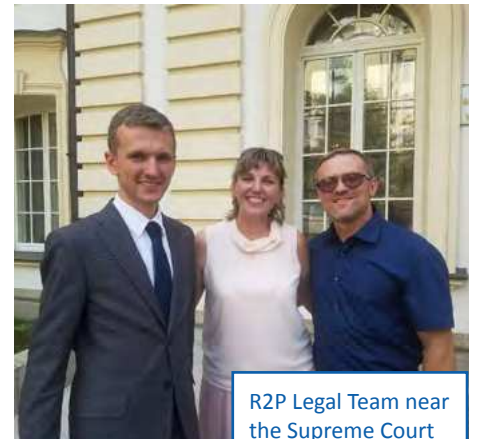
6 national advocacy initiatives

8 local advocacy initiatives

HIGHLIGHTS

- On September 4 the Supreme Court ruled in favor of an R2P beneficiary in a model case. The Supreme Court judgment should make the court procedure easier in cases on restoration of pensions. This has already been proved by the decisions in 12 cases decided since September 2018.

- Reconstruction at Mariinka and Stanytsia Luhanska EECPs has led to improvements in waiting conditions and, at Stanytsia Luhanska, turnover capacity, but infrastructure and other improvements are still needed at all checkpoints.



R2P Legal Team near the Supreme Court

IDP REGISTRATION AND DOCUMENTATION

The number of registered IDPs continues to increase, with 1,519,234 registered as of October 1. IDPs continue to face challenges when obtaining their registration, passports, and other documentation. Some Departments of Social Policy (DoSP) impose additional requirements for IDP registration, such as the landlord's presence or a hard copy of the landlord's passport, monthly confirmation of the IDP's presence at village councils, or certificates from local deputies or village councils. IDPs applying for new or updated passports often must wait 1-2 months, which sometimes hinders access to other services due to the absence of the passport and of any

certificate confirming the absence is due to the identification process. The State Migration Service (SMS) in Kharkiv continues to reject IDP passport applications, referring them to the SMS in the oblasts of their residence registration (Luhansk and Donetsk GCA). Due to these difficulties, some NGCA residents try to update their passports without going to GCA by using third parties, which may result in getting fake passports. These fake passports are confiscated when identified at EECPs. Finally, a general lack of awareness and additional, confusing requirements hinder children from receiving conflict-affected child status.



Stanytsia Luhanska EECp. A mobile Oschadbank office

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.

PENSIONS AND SOCIAL BENEFITS

Payment of social benefits and pensions remains the main concern of IDPs. Assistance with pension access is the most frequent issue in R2P's legal aid practice—64% of legal consultations in September involved this issue, and more than half of R2P's beneficiaries were aged 60 or older. Although the Supreme Court held that inspections of IDP residences contradict Ukrainian law, it did not abolish a house inspection report as a requirement for allocation or reinstatement of IDP benefits and pensions. Accordingly, non-homogenous verification procedures were observed across DoSP offices, including home visits by most DoSPs in Donetsk, Zaporizhzhia, Dnipropetrovsk, Kharkiv, Kyiv, and Lviv Oblasts, and inspections only with IDPs' written request or consent in Luhansk Oblast and Irpin of Kyiv Oblast.

Additional obstacles to accessing pensions reported to R2P this month included:

1. Pensioners, who lack hard pension profiles and are not registered as IDPs, being forced to obtain IDP certificates or written refusals to receive pensions (cases in several towns in Dnipropetrovsk Oblast, two raions of Donetsk Oblast, and Kyiv City)
2. IDP pensioners being required to obtain a digitalized pensioner ID to have their pensions reinstated
3. Limited access to Department of Pension Fund of Ukraine (DoPFU) services due to long lines or software issues (Donetsk Oblast, Luhansk Oblast)
4. Requirement of monthly visits to Social Insurance Fund to receive recoveries (Donetsk Oblast)

5. Requirement of bi-monthly visits to DoSP (Zaporizhzhia Oblast)

6. Imposing fees for services during physical identification at Oschadbank offices (Donetsk Oblast).

Additionally, even pensioners receiving reinstatement or favorable court judgments sometimes do not receive payment. For example, the pension is resumed, but pensioners only receive the pension from the time of the renewal, and not the outstanding debt. Second, there are often problems with the enforcement of court judgments, so several court decisions favorable to pensioners go un-executed.

FREEDOM OF MOVEMENT AND CHECKPOINTS

Most people crossing the contact line reside in the NGCA and travel to the GCA to solve issues with documents, avoid suspension of payments due to the 60-day limit on being away from the GCA, withdraw cash, visit relatives, and shop. Those traveling to the NGCA do so primarily to visit relatives or property. Long lines were observed at all EECPs. The most common concerns are poor waiting conditions, long wait times, poor road conditions, and the need to walk a long distance. Reconstruction projects have led to some improvements, but conditions vary across checkpoints. For example:

- **Mariinka:** Reconstruction was completed in mid-September. Waiting halls, shades, and inclusive sanitary zones were built. However, construction has restricted the movement of large buses, which cannot travel under the large new shade.



Mariinka EEC.
The new waiting hall

- **Stanytsia Luhanska:** Reconstruction is ongoing, although EEC operations were only suspended from September 2-7. Major changes have already been made, including improving conditions, enhancing the capacity, and significantly reducing the wait time. Waiting halls, inclusive sanitary zones, new shades, new seats, and a bomb shelter were added. A mobile Oschadbank office with 2 ATMs started operating, providing access to banking services including physical identification, and reducing queues in the settlement branches. This has greatly improved people's access to social benefits, pensions, physical identification, and other banking services. However, information stands were relocated to an inconvenient location and there is still a lack of shade and seats. Toilets remain in poor condition and desperately need cleaning and sanitation. The bridge is also in poor condition.
- **Novotroitske:** Reconstruction began on September 28, partially slowing down the crossing process. The area by the Oschadbank module lacks seats and shade. Overgrown ambrosia causes allergies and worsens health.
- **Hnutove:** The pedestrian areas at Hnutove are in especially poor condition. The need to walk a long distance at this EEC is also a concern.
- The State Border Guard Service control point in Milovskyi raion of Luhansk Oblast was moved due to the state border demarcation process without suspending operations—people could continue crossing the border with the Russian Federation.

ADVOCACY

R2P organized or participated in several advocacy meetings in September.

In order to continue addressing the issue of limited access to pensions, a number of high profile meetings with the Vice Prime Minister, the Ministry of Social Policy, the Ombudsman's Office, and the Committee of the Verkhovna Rada on Social Policy, Employment, and Pensions were carried out. As a result of these meetings, R2P recommendations were reflected in the Verkhovna Rada Committee's report on social protection of the elderly, the Ombudsman's recommendations to relevant state institutions, and a CoM directive.

In order to address the protection concerns caused by insufficient conditions at the check-points, R2P conducted a series of meetings in Mariupol, Severodonetsk and Kramatorsk. During these meetings R2P provided information on the problematic issues identified during monitoring which require coordination efforts between governmental and local counterparts. On some specific issues, the participants managed to reach an agreement and planned joint actions.

A coalition of NGOs, including R2P, presented the **Alternative Report on the Implementation of the International Covenant of Economic, Social, and Cultural Rights** for conflict affected persons in Ukraine submitted it to the UN Committee on Economic, Social, and Cultural Rights.

Local Government Advocacy: In September 2018, R2P's efforts on local advocacy were focused on meetings with public officials and letter campaigns regarding implementation of IDPs' rights and potential cooperation with local authorities. The main questions raised by local R2P teams are issues with the «Arkan» lists, suspensions of pensions, and non-execution of court decisions.

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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