

HUMAN RIGHTS SITUATION OF THE INTERNALLY DISPLACED AND CONFLICT AFFECTED POPULATION

RIGHT TO PROTECTION DIGEST FOR MAY 2018

2 103 primary legal consultations were provided to

1 536 individuals

526 court cases are in progress

Court cases by type of issue

71% personal documentation

23% social benefits and/or pensions

2% IDP registration

2% family unity

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

1% other

1 990 persons received information on protection issues

390 monitoring visits

164 communities visited

Advocacy initiatives

5 national advocacy initiatives

21 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

- Internally displaced person (IDP) utility subsidy application procedures were simplified in May. IDPs no longer need a formal lease agreement to apply – only a home inspection report signed by the landlord and a declaration.
- The Supreme Court rendered a decision on a model case concerning suspension of pension payments. The Court ruled in favor of the claimant, a woman displaced from Donetsk and living in Bakhmut district, whose pension was suspended because she appeared on a list of pensioners allegedly residing in non-government controlled areas (NGCA) prepared by the Security Service of Ukraine, pursuant to a Cabinet of Ministers (CoM) resolution. The Supreme Court ordered the Pension Fund to resume pension payments and pay one year of arrears. The Supreme Court held that the government cannot cancel a pension based on a CoM resolution because the law on pensions has higher legal force. This precedent will help a huge number of future court claimants access their pensions.
- At the same time the Government created additional bureaucratic obstacles for IDP pensioners by adopting the new CoM Resolution # 335.
- The procedure for obtaining status of a conflict-affected child was greatly simplified as a result of the advocacy efforts of civil society. According to the amended text of Resolution # 268, every IDP child can obtain this status by providing an IDP certificate, ID card or certificate of birth, the legal representative's ID, and confirmation of kinship, along with a conclusion/diagnosis from the center of social services for children, families and youth.
- R2P began monitoring and legal assistance to IDPs in Kyiv and Lviv cities and oblasts.

Social Benefits and Pensions

Pension Fund representatives report that a delay in pension payments in May was connected with changes in the mechanism for verifying the recipient as well as with a delay in state budget pension financing. Most pension delays were for 2-3 days, though some were up to 2 weeks. Those IDPs who did not receive pensions in May had their pensions suspended and must address the Pension Fund for reinstatement.

In Kyiv, IDPs with a household income under 2700 UAH can apply for one-time financial aid at the Department of Social Policy within a local support programme.



Stanytsia Luhanska, queue near Oschadbank

Child Protection

The Center for Psychosocial Rehabilitation of Children in Lysychansk of Luhansk Oblast has high food debts due to lack of funds. This may leave the children without food. The Center has applied for increased food funding to the City Council, but, solving this issue will take time. At the moment meals are provided for 40 UAH per day. In addition, the Center needs to improve living conditions. However, the Center cannot buy new beds, mattresses, chairs, or toilets due to lack of funds.

The Toretsk Center of Psychosocial Support for Children of Donetsk Oblast was damaged due to shelling on 21 May; 28 children were evacuated to the local hospital. On 22 May, children were taken to the recreation complex "Smarahdove Misto" (Sviatohirsk) with the support of the Donetsk Oblast Military Civil Administration support. It is unknown how long they will stay in Sviatohirsk.

Freedom of Movement

As the temperature rises, more cases of deteriorating health occur. For example, at the Stanytsia Luhanska Entry Exit Checkpoint (EECP) to the NGCA, up to 100 people daily applied to the ICRC to measure their blood pressure. 74 cases of loss of consciousness were registered on 21-25 May. At least 5 casualties and 2 fatalities occurred at Stanytsia Luhanska and Marinka EECPs in May. The situation may worsen during summer heat waves. That is why it is important to provide fast servicing and proper waiting conditions (sufficient water, sunshades and air circulation under the shades).

In May, the number of State Emergency Service (SES) employees working at Stanytsia Luhanska EECP were reduced from 12 to 5.

According to the regular EECP Survey, most of the people crossing the EECPs reside in the NGCA and travel to the GCA to solve issues with documents, avoid payment suspensions due to the 60-day limit, withdraw cash, visit relatives and shop. Those who go to the NGCA do so mainly to visit relatives and check on property. There was an increase in transportation of seedling across the line of contact (LoC) due to the planting season. These items were permitted even though these items are not mentioned in the list of allowed goods in Order 39.

Due to the Joint Forces Operation, reorganization of internal checkpoints will occur in Donetsk and Luhansk Oblasts. According to the office for Civil Military Cooperation of the Armed Forces of Ukraine, there will be 24 stationary checkpoints in the two oblasts. Some will likely be new. Mobile checkpoints will be created in case of need. New additional checkpoints were deployed in Blahodatne of Volnovaskyi raion (not currently operational), Ocheretyne of Yasynuvatskyi Raion and Bohdanivka village of Volnovaskyi raion of Donetsk Oblast. According to Bohdanivka villagers, they can pass through without problems, while their relatives who visit are sometimes denied entry. At the same time, the internal checkpoint near Svitlodarsk (Bakhmutskyi Raion of Donetsk Oblast, close to the LoC) was removed. This will improve freedom of movement.



Marinka EECP, doctors help a woman who lost consciousness

Access to Health Services

Residents of locations along the LoC are worried about possible reductions of staff in ambulatory and rural health facilities due to medical reform. The residents are worried there will be no medical aid at all due to the

lack of medical workers in remote villages (V. Bohdanivka, Sotenne, V. Chernihivka, Shyrokyi of Stanychno-Luhanskyi raion and Zolote-3 of Popasnianskyi raion of Luhansk Oblast).

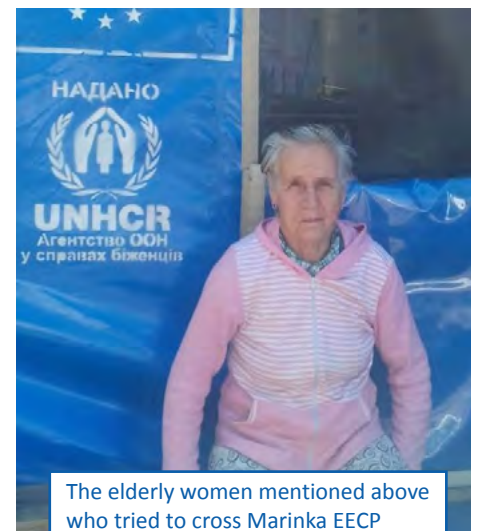
Family Unity

A case of family separation was identified at Marinka EECP. An elderly woman tried to cross the EECP in the direction of the NGCA having no passport and, when failing to cross, stayed in the SES tent for almost a week. The police found out that the woman came from Kyiv, where she left her documents, because of a quarrel with her daughter. R2P staff obtained information about the woman's other children from her brother in the NGCA. R2P contacted another daughter, who agreed to take her mother to her home. Humanitarian Mission Proliiska brought the woman to Kyiv, where her daughter met her.

Advocacy

When the official text of the Supreme Court's decision was published, R2P organized a round table "Pension Fund, it's time to pay the debts". The event was conducted with participation of respective Ministries and state institutions, international organizations, CSOs and experts. The participants mainly discussed the legitimacy of pension payments suspension to IDPs and protection of IDPs rights to pensions in courts. R2P legal experts presented their analysis of the Supreme Court's decision on the model case, commented on its specific details, and explained the legal outcomes to the general public in the context of IDP rights protection.

21 local advocacy activities were carried out on 19 issues including: social benefits, pensions to non-IDPs, IDP registration, crossing EECPs, access to medical care, access to water, social stipends for IDP students, and more. Several initiatives were successful such as organizing free transportation for IDPs to Maryinka and Novotroitske EECPs, registration of IDPs who had place of residence registration in non-livable premises.



The elderly women mentioned above who tried to cross Marinka EECP without her documents and stayed at the SES tent for almost a week

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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