

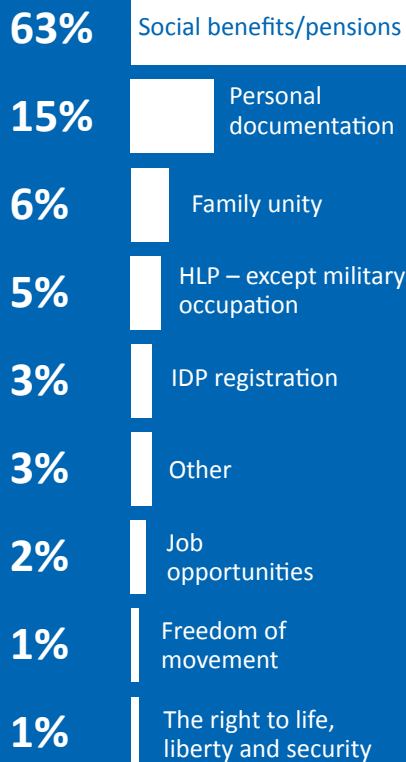
INTERNALLY DISPLACED AND CONFLICT AFFECTED POPULATIONS DIGEST FOR OCTOBER 2017

2969 primary legal consultations were provided to

1980 beneficiaries

586 court cases are being processed

COURT CASES BY TYPE OF ISSUES



1846 persons received information on protection issues

476 monitoring visits

68 persons with specific needs received individual protection assistance

HIGHLIGHTS

- On 20 October, there was a failed attempt to open the Zolote Entry-Exit Check-Point (EECP) to the cross into the non-government controlled area (NGCA) of Luhansk oblast. Although the facility was operational on the government-controlled side, the EECP did not open from the non-government controlled side supposedly due to lack of infrastructure.



Zolote EECP

- Misinterpretation of Council of Ministers' (COM) Order #1085, as well as the Order's limitations, continues to prevent some displaced persons who moved from localities along the line of contact (LoC) from obtaining IDP registration and from receiving targeted IDP payments or pensions.

- Two important decisions were issued by the High Specialized Court which will guide local courts in similar suspension of social payments cases: In one case the Court ruled that an IDP should reimburse the local Department of Social Protection (DoSP) for targeted social payments because the IDP owns a few square meters of housing in government controlled territory. In the other case, the Court reversed a lower court decision requiring an IDP to repay the local DoSP previously received social payments because the IDP owned housing in government-controlled territory along the line of LoC.

- The President submitted to the Verkhovna Rada a draft Law which if approved, will worsen the human right situation for conflict affected persons. The draft Law is titled "On Particularities of the National Policy on Ensuring Ukraine's

National Sovereignty over Temporarily Occupied Territories of the Donetsk and Luhansk Oblasts."

- The Ministry of Temporary Occupied Territories (MinTOT) will hold public discussions on the COM Draft Programme titled "On approval of the Strategy of integration of IDPs and implementing long-term solutions to internal displacement for the period till 2020".

- In mid-October, a Security Service of Ukraine (SSU) website malfunction caused massive delays in processing crossing permit extensions. The website began operating again on 26 October.

- Winterization issues are becoming more acute with the approaching cold season due to heating problems in several collective centres (CCs), poor conditions of housing facilities, and lack of financing for repairs and utility tariffs.

- Local elections in 201 newly elected communities took place on 29 October without IDP participation because no legislative changes were adopted to allow IDPs to vote in local elections.

IDP REGISTRATION AND PERSONAL DOCUMENTATION

The total number of officially registered IDPs continues to increase steadily (1,604,059 as of 23 October compared to 1,580,646 as of 24 July). The increase is caused mostly by re-registration of IDPs whose certificates were cancelled, IDP registration of pensioners after pension reform entered force, as well as migration of IDPs between locations due to employment, housing, transportation issues and service access.

IDP registration remains an urgent issue, mainly because to register, some DoSPs impose additional documentation requirements not mentioned in legislation, such as copies of a

landlord's passport, village council's confirmation certificate, utility payment receipts, etc... Further, R2P continues to identify cases of DoSPs refusing to register IDPs from NGCA localities not listed in CoM Order #1085.

Certain State Migration Service offices violate the procedure for restoring or changing passports. The waiting period for obtaining international passports still remains lengthy (up to 2 months) due to high numbers of applicants and insufficient human and technical capacity. At the same time, out of 74 court cases processed in October, the vast majority refer to birth and death certificates.

SOCIAL BENEFITS AND/OR PENSIONS

Payment of social benefits and pensions remain the main concerns among IDPs. While the number of beneficiaries requesting primary legal aid remains almost the same, more people asked for secondary legal assistance (93% in October compared to 80% in September). Key causes of problems identified during monitoring remain the same: the linkage of social benefit/pension payments to IDP registration and the consequent burdensome IDP verification mechanisms, frequent changes in legislation, absence of unified instructions and procedures, incompetence/disorganization among employees of state establishments and Oschadbank, as well as a lack of coordination.

DoSPs continue to refuse to allocate targeted assistance to IDPs from localities not explicitly mentioned in Order #1085, but are administratively subordinated to localities included on the list. The situation with pension payments to IDPs who own housing in the GCA or have registration at their actual place of residence and renounced their IDP status remains complicated. Most Departments of the Pension Fund (DoPFU) continue refusing to reinstate pensions to such persons.

The practice of DoPFUs refusing to pay pension arrears continues when reinstating payments. Such cases are being solved through the courts. Violations continue to occur during physical identification of IDP pensioners at Oschadbank offices. Some locations impose additional requirements including copies of passports and/or taxpayer IDs, photographing IDPs' with their written PIN code, photographing IDPs' with passports on personal phones. Others impose billable transactions: insurance, changing PIN codes, fees for "for physical identification", fees for withdrawing cash, etc...

Representatives of the majority of branches of DoSPs, DoPFUs and Oschadbank claim that they received some instructions related to implementation of Resolution #689 only in late October. Nonetheless, the practice of implementation varies from site to site. Specifically, the discrepancies relate to procedures of benefit recalculation and withdrawing cash from non-Oschadbank ATMs. Regarding the latter, the information about banks where IDPs can withdraw money from Oschadbank pension accounts without additional fees was released only after R2P's official request.

HOUSING, LAND AND PROPERTY (HLP)

The MinTOT has published the draft CoM Strategy "On approval of the Strategy of integration of IDPs and implementing long-term solutions to internal displacement for the period till 2020" for public discussion. The Draft Strategy focuses on solving major systemic problems in IDP integration, implementing long-term solutions to internal displacement and ensuring the realization and protection of IDPs with the interests of host communities and targets several major problem areas that need to be addressed, namely:

- simplification of the procedure of implementation and protection of property rights of IDPs;
- overcoming barriers of IDPs to livelihoods and realization of IDP rights to education and health services;
- supporting host communities in integration of IDPs.

Concerning property rights, the Strategy suggests elaborating necessary mechanisms aimed at providing IDPs with restitution for property in the NGCA. It is proposed establishing new property investigation and documentary procedures as well.

FREEDOM OF MOVEMENT



Maiorske EECP

The number of persons crossing EECPs remains high, with Marinka and Stanytsia Luhanska being the busiest and Hnutove being the least busy. Long queues in both directions (up to 2,000 persons) were observed at Stanytsia Luhanska EECP. Cases

of additional requirements for crossing were identified at Maiorske EECP on 20 October concerning transportation of food. Persons travelling across the EECP were requested to cut sausage and cheese to prove they would not subsequently sell these items.

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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