

Human rights situation of internally displaced conflict affected people

RIGHT TO PROTECTION DIGEST FOR MARCH 2018

1 904 primary legal consultations provided

1 192 beneficiaries received primary legal consultations

570 court cases are in progress

Court cases by type of issues

73% social benefits/pensions

9% personal documentation

7% HLP (Housing, Land Property)- except military occupation

4% job opportunities, the right to life, liberty and security, freedom of movement

3% family unity

2% IDP registration

2% other

2 066 persons received information on protection issues

431 monitoring visits

174 communities visited

Advocacy initiatives

17 national advocacy initiatives

18 local advocacy initiatives

Highlights

- In March, all entry-exit checkpoints (EECPs) to the non-government controlled area (NGCA) extended their working hours from 8:00-17:00 to 7:00-18:30. However, there was a mismatch in working hours for a few days at the Marinka and Maiorske EECPs because the NGCA-side EECPs worked only at 8:00-17:30. The issue was resolved.

- Demining activities began in the vicinity of Maiorske EECP in March.

- Residents of Novotroitske, Donetsk oblast, report anonymously that military representatives deploy military equipment within the town and recommend residents in the vicinity move out of their homes due to danger. The military representatives then occupy the civilian homes when the owners leave.

- Some Departments of Social Protection (DoSP) continue to interpret Cabinet of Ministers' (COM) Order 1085 incorrectly and

refuse internally displaced person (IDP) registration to people from localities not mentioned in the Order directly, but are located within or subordinate to raions specifically mentioned in the Order (e.g., the DoSP of Volnovaskyi raion refuses to register IDPs from Novolaspa, Starolaspa, and Bila Kamianka in Boikivskiy raion, Donetsk oblast).

- There is a problem obtaining social benefits and pensions in Novooleksandrivka of Popasniyskiy raion, gray zone, Luhansk oblast.

In the current version of CoM Order 1085, the village is classified as being in the NGCA though it is actually located in the government controlled area (GCA).

- Payment of social benefits and pensions continues to be the largest concern among IDPs. DoSPs receive information on physical identification (PI) of IDPs at Oschadbank. But information on PI is placed only on the DoSP's internal information system (the Automatic System for Processing Personal Documents), not on the Unified IDP Database, which is the main database to find information regarding an IDP's history. Lack of clear instructions causes inconsistencies: some DoSPs claim that they will not conduct home inspections of IDPs who have recently undergone PI while others consider home inspections obligatory regardless of whether an IDP has recently undergone PI.



Maiorske EECP. Disabled women waiting for assistance to get on a bus



Stanytsia Luhanska EECP. People are waiting in the line

Child Protection

An unaccompanied IDP girl (10 y.o.) from Donetsk was identified in Pokrovsk, Donetsk oblast. She has been staying with her godmother since 2014. Her parents are not in touch with the godmother or daughter.

The mother is abroad and the father is in the NGCA. The only documents available are copies of the girl's and father's birth certificates. The godmother intends to obtain legal guardianship over the girl.

IDP Registration and Personal Documentation

The total number of officially registered IDPs increased by 1,443 compared with the February reporting period (1,491,528 as of 26 March 2018 compared to 1,490,085 as of 26 February 2018). There have been few instances of first time registration of IDPs. Some DoSPs continue to impose additional requirements for IDP registration. These include requiring the presence of a landlord during registration, a landlord's written consent for IDPs' to reside in their property, monthly confirmation of presence at village councils, a certificate from

a local deputy and a village council, housing inspection reports for persons displaced within a settlement, etc. (Iziumskiy and Derhachivskiy raions of Kharkiv oblast, Vilnianskiy raion of Zaporizhzhia oblast, Bakhmutskiy, Marinskyy and Volnovaskiy raions of Donetsk oblast). Additionally, access to registration was hindered in some localities.

Cases of DoSPs refusing IDP registration were identified in Dnipropetrovsk oblast. Displaced students of the relocated Donetsk Law Institute from Donetsk and Luhansk

cannot receive IDP registration because the military barracks they are residing at is not classified as residential. A similar problem was identified in 2017 in Novoluhanske, Donetsk oblast (IDPs residing at a gardening co-operative). Some IDPs cannot obtain a passport due to the impossibility of reaching archives in the NGCA and finding witnesses to confirm the applicant's identity. Such cases were identified in Dnipropetrovsk and Zaporizhzhia oblasts.



Maiorske EECP. IDP consultation near Oshchadbank mobile office

Freedom of Movement

According to the March portion of Right to Protection's ongoing survey of people crossing the EECPs, most of the people crossing reside in the NGCA and travel to the GCA to solve issues with documents, withdraw cash and avoid payment suspension due to the 60-day limit of being away from the GCA. Those who go to the NGCA do so mainly to visit relatives.

Some local residents of Verkhniotoretske, Donetsk oblast can travel to the NGCA beyond the EECPs through local military checkpoints if they have documents certifying residence on the streets beyond the checkpoints. Restrictions of freedom of movement continue in Taramchuk, Donetsk oblast. Only residents with local registration, military and humanitarian representatives, monitoring missions, police and medical staff under the authority of the local military command unit are allowed in. The situation in the so-called "Chyhari" (separated part of Pivdenne village, Donetsk oblast) is similar but worse - only local residents and relatives mentioned on a

special list are allowed in. Neither police nor ambulances can pass beyond the checkpoint.

A temporary restriction of movement occurred on 3 March 2018 in Stanytsia Luhanska as the drivers of local private transport operators blocked the road at the intersection near the entrance to the settlement. The drivers held a protest against the restriction on private transport services at Stanytsia Luhanska EECP by traffic police. Passengers were forced to walk up to 5 kilometres from the private buses at the checkpoint in Makarove. This situation was very inconvenient for local residents and IDPs who wanted to travel through the EECP to the NGCA.

Advocacy

Right to Protection conducted 17 national advocacy initiatives in 7 directions. To illustrate, Right to Protection began to work with various state agencies on elaboration of bylaws related to implementation of Law 2268 on reintegration of Donbas. The other national advocacy topics included access to social and economic rights (PI by Oshchadbank) as well as monitoring access to targeted IDP assistance, CoM Order 1085 and same town IDPs, participation in events, roundtables, committees, and conferences related to HLP issues, in particular on compensation for damaged or destroyed housing, issues pertaining to the EECPs such as financing of the EECPs from local budgets in 2018, and preparation of amendments to the National Human Rights Strategy 2020 and its Action Plan.

Right to Protection also undertook 18 local advocacy initiatives on 17 issues including abuse of power by DoS in Mariinka regarding IDP registration, increased utilities cost for IDPs at the collective center in Pavlohrad, Dnipropetrovsk oblast, etc.

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Kostiantynivka, IDP group consultation

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

For more information please visit our website: r2p.org.ua
Should you have any questions, please contact us by e-mail: pr@r2p.org.ua
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For legal assistance please contact us by e-mail: vp.pravo@r2p.org.ua or call our hotline (Mon – Fri from 9:00 to 18:00): (099) 507 5090; (094) 905 6764; (063) 496 8088; (098) 597 6472; (044) 337 1764