



RIGHT to PROTECTION

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THE FIVE CIRCLES OF IDP VERIFICATION

CHECKS BY THE SECURITY SERVICE OF UKRAINE (LISTS)

Legislative framework: letter 6720/10-16/081 of the Ministry of Social Policy of Ukraine of 16.02.2016 on increasing control of IDPs, further to paragraph 7-1 over registration of the Cabinet of Ministers of Ukraine of 01.10.2014 on registration of internally displaced persons (IDPs), paragraph 12 of the Procedure of Controlling Payments of Social Benefits to IDPs at the Place of their Actual Residence/Stay approved by Resolution No.365 of the Cabinet of Ministers of Ukraine

of 08.06.2016 on certain aspects of paying social benefits to IDPs, and Article 12 of the Law of Ukraine on Guaranteeing Rights and Freedoms of IDPs.
Effective period: since February 2016
Purpose of checks: social security offices (SSOs) receive lists of IDPs allegedly compiled by the Security Service of Ukraine (SBU) and the State Border Guard Service of Ukraine (SBGS) which contain information regarding persons allegedly residing in areas uncontrolled

by the Ukrainian government (NGCA). In the spring of 2016, the Minister of Social Policy of Ukraine admitted the existence of these lists, which are used as grounds for unlawful revocation of IDP registration and/or social benefits payable to IDPs. Presently, according to certain regulatory acts which conflict with Ukrainian law, the SBU may provide information regarding the whereabouts of these persons to SSOs.
Problems for IDPs: Revocation of IDP registration entails termination of all social benefits

and IDP assistance. According to Resolution 365, eligibility for these social benefits may be restored only after 6 months. Resumption of payments (if the IDP registration was not revoked, often takes several months. Right to Protection often takes aware of numerous instances when IDP registration was revoked for persons who never traveled to the NGCA but who were still included on the SBU lists.
Violation of rights: the rights to social security, to receive a pension, property right.

CHECKS FOR STAYING IN THE NGCA FOR MORE THAN 60 DAYS

Legislative framework: Article 12 of the Law of Ukraine on Guaranteeing Rights and Freedoms of IDPs, Resolution 365 of the Cabinet of Ministers of Ukraine of 08.06.2016 on certain aspects of paying social benefits to IDPs.
Effective period: R2P has recorded this practice since late 2016

Purpose of checks: SSOs inquire with the SBGS regarding the whereabouts of IDPs who are absent during the physical verification of their registration residence address. In response to these inquiries, the SBGS provides information regarding the IDP's visits to the NGCA. If an IDP stays in the NGCA for more than 60 days, this IDP

is considered to have returned there for permanent residence, and therefore, the SSO revokes that person's IDP registration.
Problems for IDPs: Revocation of IDP registration entails termination of eligibility for all social benefits and assistance payable to IDPs. According to Resolution 365,

eligibility for these social benefits may be restored only after 6 months. R2P is aware of numerous instances when IDP registration was revoked for persons who never traveled to the NGCA.
Violation of rights: the rights to social security, to receive a pension, property right.

*not for all IDPs

VERIFICATION BY THE FINANCE MINISTRY

Legislative framework: Resolution 136 of the Cabinet of Ministers of Ukraine of 18.02.2016 of the Procedure of verifying and approving credibility of information provided by individuals applying for social payments, benefits, pensions, wages and other payments subsidies, from the state and local budgets, the Pension Fund of Ukraine and obligatory state social

insurance funds.
Effective period: from the effective date of the above Resolution - 04.03.2016
Purpose of verification: verifying and monitoring the credibility of information provided by individuals applying for social payments, benefits, pensions, and the other payments mentioned in Resolution 136. The Finance Ministry verifies by

collecting information from the relevant authorities procedure of approving monthly, specific-recipient assistance to IDPs, the lawfulness of IDPs receiving monthly specific-recipient assistance payments is often being disputed with the demand to return the money received. For instance, if an IDP has a nominal share of immovable property

in the GCA or a deposit account balance that exceeds 10 times the minimum subsistence income for able-bodied persons as of August (i.e. UAH 16,340). Having either is grounds for cancellation of monthly IDP assistance and requires return of any assistance received.
Violation of rights: this verification procedure does not formally violate IDPs' rights.

*not for all IDPs

PHYSICAL IDENTIFICATION BY THE OSHCHADBANK

Legislative framework: Resolution 637 of the Cabinet of Ministers of Ukraine of 05.11.2014 on payments of social benefits to IDPs
Effective period: since the start of issuance of electronic pension cards (EPC) on 01.08.2016; the rules concerning physical identification of retired IDPs without EPCs came into effect on 04.02.2017.
Purpose of identification: physical identification (PI) at the Oshchadbank is required for all IDPs whose pensions are paid into EPC and regular debit card accounts. IDPs who have not yet received an EPC are required to pass PI

every three months until receiving an EPC. After that, the next two identification procedures occur every 6 months, and yearly thereafter. To pass physical identification, an IDP must visit a Oshchadbank branch in person, bring his/her debit card or EPC and passport or another identity document, and make a cash withdrawal transaction or view the account balance via a POS terminal using his/her debit card or EPC. If a PI procedure is not passed within the required period, debit transactions on the IDP's card account will be automatically blocked, and the Oshchadbank will notify the IDP account

holder by SMS. Until the pensioner passes PI, cash withdrawals will remain blocked.
Problems for IDPs:
• lengthy waiting lines at Oshchadbank's branches, the need to travel to another town when an IDP lives in a town without a Oshchadbank branch;
• Sometimes IDPs are forced into fee-based transactions/services;
• card blocking if PI does not occur by the required deadline;
• handicapped IDPs have undergoing PI experience hardship if mobile terminals are

unavailable or if the Oshchadbank's personnel are unwilling to verify the IDP at their place of residence;
• and, relatedly, long waits for PI at handicapped IDPs; homes as well as in some Savings Bank branches.
Violation of rights: property rights; discrimination on the basis of social status (IDPs may receive pension payments only at Oshchadbank; only refer IDPs are required to regularly pass the aforementioned physical identification).

VERIFICATION OF THE IDP'S PLACE OF RESIDENCE

Legislative framework: Resolution 365 of the Cabinet of Ministers of Ukraine of 08.06.2016 on certain aspects of paying social benefits to IDPs
Effective period: from the effective date of the above Resolution - 14.06.2016
Purpose of verification: verification is required for every IDP receiving pension payments or other verification (social assistance, monthly specific-recipient assistance, etc.). This procedure is held every 6 months and

is conducted by SSO personnel. If there are valid reasons, SSOs or representatives of various public authorities (Interior Ministry, State Migration Service, SBU, National Police, State Financial Inspectorate, State Audit Service and Pension Fund of Ukraine) may conduct additional checks. Based on the results of regular or additional checks and the availability of other information regarding the IDP's whereabouts,

a special commission for approval of social benefits for IDPs may terminate the IDP's eligibility for social benefits.
Problems for IDPs:
• checks are conducted with delays thus delaying approval of social benefits for IDPs;
• IDPs must continuously remain at their place of residence;
• an IDP's absence during the verification procedure may result in termination of all social benefits if the IDP fails to pass

physical identification at a SSO within the required period;
• late several months; Landlords sometimes deny lease extensions to IDPs at premises which undergo verification at premises which
Violation of rights: the rights to privacy to family life, to freedom of movement, to inviolability of housing.



IDPs WHO WANT TO OBTAIN SOCIAL BENEFITS AND/OR PENSION