Home Office

Country Information and Guidance

Ukraine: Crimea, Donetsk & Luhansk

Version 2.0

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Preface

This document provides country of origin information (COI) and guidance to Home Office decision makers on handling particular types of protection and human rights claims. This includes whether claims are likely to justify the granting of asylum, humanitarian protection or discretionary leave and whether – in the event of a claim being refused – it is likely to be certifiable as 'clearly unfounded' under s94 of the Nationality, Immigration and Asylum Act 2002.

Decision makers must consider claims on an individual basis, taking into account the case specific facts and all relevant evidence, including: the guidance contained with this document; the available COI; any applicable caselaw; and the Home Office casework guidance in relation to relevant policies.

Country Information

The COI within this document has been compiled from a wide range of external information sources (usually) published in English. Consideration has been given to the relevance, reliability, accuracy, objectivity, currency, transparency and traceability of the information and wherever possible attempts have been made to corroborate the information used across independent sources, to ensure accuracy. All sources cited have been referenced in footnotes. It has been researched and presented with reference to the Common EU [European Union] Guidelines for Processing Country of Origin Information (COI), dated April 2008, and the European Asylum Support Office's research guidelines, Country of Origin Information report methodology, dated July 2012.

Feedback

Our goal is to continuously improve the guidance and information we provide. Therefore, if you would like to comment on this document, please e-mail us.

Independent Advisory Group on Country Information

The Independent Advisory Group on Country Information (IAGCI) was set up in March 2009 by the Independent Chief Inspector of Borders and Immigration to make recommendations to him about the content of the Home Office's COI material. The IAGCI welcomes feedback on the Home Office's COI material. It is not the function of the IAGCI to endorse any Home Office material, procedures or policy.

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Information about the IAGCI's work and a list of the COI documents which have been reviewed by the IAGCI can be found on the Independent Chief Inspector's website at http://icinspector.independent.gov.uk/country-information-reviews/

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Guidance

Updated: 7 January 2016

1. Introduction

1.1 Basis of Claim

1.1.1 Fear of persecution or serious harm by state or non-state actors as a consequence of the general security and human rights situation in Crimea or in the so-called Luhansk and Donetsk People's Republics.

1.2 Other Points to Note

1.2.1 Where a claim falls to be refused, it must be considered for certification under section 94 of the Nationality, Immigration and Asylum Act 2002 as Ukraine is listed as a designated state.

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2. Consideration of Issues

2.1 Is the person's account credible?

2.1.1 For further guidance on assessing credibility, see sections 4 and 5 of the Asylum Instruction on Assessing Credibility and Refugee Status.

2.1.2 Decision makers must also check if there has been a previous application for a UK visa or another form of leave. Asylum applications matched to visas should be investigated prior to the asylum interview. See the Asylum Instruction on Visa Matches, Asylum Claims from UK Visa Applicants

2.1.3 Decision makers should also consider the need to conduct language analysis testing. See the Asylum Instruction on Language Analysis.

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2.2 Is the person at risk of persecution or serious harm?

Crimea

2.2.1 Following the annexation of Crimea by Russia and introduction of Russian Federation legislation, there has been a deterioration in citizens rights with regard to freedom of expression, peaceful assembly, association, religion or belief. Reports included a number of cases of abduction, unlawful arrest and detention by unidentified armed groups, harassment, and violence against peaceful demonstrators (see Rule of law:Crimea).

2.2.2 Those who oppose the Russian de facto authorities in Crimea face intimidation by the authorities and discrimination, particularly in the areas of education, employment and property rights. Russian-speakers have not been subject to such treatment. The introduction of Russian legislation in Crimea has reportedly allowed for intensified searches for so-called 'extremist' literature and activities, in particular targeting the Mejlis (the Crimean Tartar executive commission) and Crimean Tatar population more generally, leading to confiscation of religious literature, as well as incidents of detention, interrogations and the imposition of fines (see Rule of law:Crimea and Crimean Tatars).

2.2.3 Given the Russian Federation's restrictive legal framework regarding sexual orientation and gender identity, LGBT persons are reportedly facing increased risks (see also country information and guidance on Ukraine: Sexual orientation and gender identity).

2.2.4 There are also reports of discrimination affecting those who have refused to acquire Russian citizenship. Only Russian passport holders are allowed to occupy government and municipal jobs, leading to discrimination in access to employment. It has also been reported that the use of the Ukrainian language has been severely limited in schools and universities located in Crimea (see Rule of law:Crimea).

Donetsk and Luhansk

2.2.5 Following the uprising in the Donetsk and Luhansk regions, regional governments ceased to function, as did the police and judiciary. Banks were robbed, coal mines were attacked, with many forced to close. Railways were blown up and salaries, pensions and other social welfare payments were stopped in places under the control of the armed groups (see Rule of law:Donetsk and Luhansk).

2.2.6 There are reports of incidents of abductions, physical and psychological torture, ill-treatment and other serious human rights violations. People are abducted for ransom, for forced labour and to be exchanged for fighters held by the Ukrainian authorities. There is however no information available regarding the scale of abductions or whether particular profiles of people are targeted for abduction or whether it is random (see Rule of law:Donetsk and Luhansk).

2.2.7 Persons opposed, or perceived to be opposed, to the de facto authorities are reported to be particularly at risk. This includes persons displaying Ukrainian national or cultural symbols or using the Ukrainian language. It also includes those attending churches that do not belong to the Moscow patriarchate of the Orthodox Church, such as Protestants and Jehovah's Witnesses, or criticising the de facto authorities (see Rule of law:Donetsk and Luhansk).

2.2.8 For further guidance on assessing risk, see section 6 of the Asylum Instruction on Assessing Credibility and Refugee Status.

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2.3 Are those at risk able to seek effective protection?

2.3.1 The Ukrainian judicial and law enforcement authorities are powerless to prevent or punish human rights abuses in Russian-occupied Crimea and separatist-held regions of Donetsk and Luhansk (see Rule of Law:Crimea and Rule of Law:Donetsk and Luhansk). Effective state protection against ill treatment/persecution at the hands of non state agents is not therefore available. There is no evidence that the armed separatist militia groups are willing and able to provide effective protection to those at risk.

2.3.2 For further guidance on assessing the availability or not of state protection, see section 8.1 of the Asylum Instruction on Assessing Credibility and Refugee Status

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2.4 Are those at risk able to internally relocate to escape the risk?

2.4.1 Decision makers must give careful consideration to the relevance and reasonableness of internal relocation on a case-by-case basis taking full account of the individual circumstances of the particular person. UNHCR's January 2015 guidelines state that in the current circumstances in Ukraine, internal relocation is likely to be a relevant consideration for many individuals in areas of the country not affected by recent events.

Crimea

2.4.2 Persons crossing from occupied Crimea to the mainland are subjected to strict passport controls by the Ukrainian authorities and there have been incidents reported of some Ukrainian citizens being forced to return to Crimea and also demands being made for bribes to cross into mainland Ukraine. However the country evidence does not suggest that such treatment is widespread. Other practical obstacles have included non-recognition of documents issued after the annexation of Crimea as well as the suspension of public bus and railway transport to and from Crimea (see Freedom of movement: Crimea).

Donetsk and Luhansk

2.4.3 Movement into and out of the Donetsk and Luhansk regions is tightly controlled by the Ukrainian authorities. A temporary order introduced in January 2015 limits the movement of civilians, passenger and cargo vehicles to seven corridors. The order also introduced special passes issued at 'coordination centres' located in four district police departments. Those wishing to travel are required to apply for passes and submit documentation including a valid passport and a copy of a document justifying the necessity to travel (e.g. proof of residence; proof of illness of a relative; certificate of employment, etc.). Civilians living in and wishing to leave territories controlled by armed groups have to travel to the checkpoints at least twice: to submit documents and to receive a pass. There is no way to replace lost or destroyed documents without traveling to the government controlled territory. This lack of documentation is a significant barrier for those who are not in possession of them (see Freedom of movement: Donetsk and Luhansk).

Internally displaced persons

2.4.4 As of September 2015, there were over 1.46 million IDPs registered by the Ukrainian Ministry of Social Policy after having been displaced mostly from from Donetsk and Luhansk but also from Crimea.

2.4.5 Persons from the geographic areas outside government control must register as IDPs. Government aid is available to those registered as IDPs. The process of IDP registration and aid distribution, however, is reportedly slow and inefficient. Registration also enables people to transfer their pensions and social benefits to a region where the government is capable of making payments. The influx of IDPs exceeded the capacity of existing societal mechanisms to respond. The UN and other humanitarian actors stepped in to provide assistance more actively from September 2014. The influx of IDPs has placed a strain on the hosting population, in particular in areas with a

high ratio of IDPs compared to local population. The response so far has focused on the most vulnerable due to the lack of resources and capacities. As a result, a large part of the population, especially those in rural areas and along the conflict line, have received little or no assistance (see Internally displaced persons (IDPs)).

Conclusion

2.4.6 Movement out of Crimea and the Donetsk and Luhansk regions to areas under the control of the Ukrainain authorities, although difficult, does not in general present insurmountable obstacles. Internal relocation is therefore likely to be viable in many cases. Similarly, those returning from the UK would in general be able to return to areas of Ukraine outside their home area.

2.4.7 The humanitarian situation for IDPs in Ukraine is not in general such as to present a need for international protection.

2.4.8 For further information on considering internal relocation and the factors to be taken into account, see section 8.2 of the Asylum Instruction on Assessing Credibility and Refugee Status

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2.5 If refused, is the claim likely to be certifiable as 'clearly unfounded'?

2.5.1 Where a claim falls to be refused, it is likely to be certifiable as 'clearly unfounded' under section 94 of the Nationality, Immigration and Asylum Act 2002 unless the person's individual circumstances are such that they would be unable to internally relocate.

2.5.2 For further information on certification, see the Appeals Instruction on Certification of Protection and Human Rights claims under Section 94 of the Nationality, Immigration and Asylum Act 2002 (clearly unfounded claims).

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3. Policy summary

3.1.1 Following the annexation of Crimea by Russia and introduction of Russian Federation legislation, there has been deterioration in the human rights situation. Those who oppose the Russian de facto authorities face intimidation by the authorities and discrimination, particularly in the areas of education, employment and property rights. The Crimean Tatar population are also targeted by the authorities in Crimea, leading to confiscation of religious literature, as well as incidents of detention, interrogations and the imposition of fines.

3.1.2 In Donetsk and Luhansk regions, the regional governments ceased to function after the uprising, as did the police and judiciary. There are reports of incidents of abductions, physical and psychological torture, ill-treatment and other serious human rights violations. Persons opposed, or perceived to be opposed, to the de facto authorities are reported to be particularly at risk.

3.1.3 The Ukrainian judicial and law enforcement authorities are powerless to prevent or punish human rights abuses in Russian-occupied Crimea and separatist-held regions of Donetsk and Luhansk. Effective state protection against persecution or serious harm by non state agents is not therefore available.

3.1.4 Internal relocation to government controlled areas of Ukraine is likely to be available in most cases in order to escape any risk.

3.1.5 If a claim is refused it is likely to be certifiable as clearly unfounded.

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Country Information

Updated: 24 November 2015

4. Background

4.1.1 For the evolution and timeline of events in Ukraine see the BBC's 'Ukraine crisis in maps'[1] and the resources available on the UNHCR Ukraine website[2] and the UNOffice for the Coordination of Humanitarian Affairs (OCHA)'s Reliefweb website[3].

4.1.2 The Congressional Research Service report of 12 February 2015, 'Ukraine: Current Issues and US Policy', noted:

'A pro-reform, pro-Western government has emerged in Ukraine after the collapse of the government of Ukrainian President Viktor Yanukovych on February 21, 2014. Russia responded to the change of government in Kyiv by seizing Ukraine's Crimea region and annexing it on March 18, 2014. Since April 2014, armed pro-Russian separatists have seized parts of the Donbas region of eastern Ukraine, which was made possible by men, weaponry, and leadership from Russia. A cease-fire agreement signed in Minsk, Belarus, in September 2014 failed to halt the fighting. After a summit meeting of the leaders of Russia, Ukraine, France, and Germany in Minsk, the sides agreed on February 12 [2015] on a new cease-fire.'[4]

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5. Crimea

5.1 Legal situation

5.1.1 The UNHCR published the following in September 2015: 'Following a referendum, which was not authorized by Ukraine, in the Autonomous Republic of Crimea in 2014, the legislative framework of the Russian Federation has been applied across the territory of Crimea as of 1 January 2015.'[5]

5.1.2 The UNHCR further stated: 'The introduction of Russian Federation legislation, in contravention of General Assembly resolution 68/262, hampers the enjoyment of human rights and fundamental freedoms.'[6]

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[1] BBC. 'Ukraine crisis in maps,' dated 18 February 2015. http://www.bbc.co.uk/news/world-europe-27308526 Date accessed: 20 August 2015.
[2] UNHCR Ukraine website. http://unhcr.org.ua/en Date accessed: 28 August 2015.
[3] UN Office for the Coordination of Humanitarian Affairs (OCHA)'s Reliefweb website. http://reliefweb.int/country/ukr Date accessed: 28 August 2015.
[4] Congressional Research Service - Ukraine: Current Issues and US Policy', 12 February 2015 https://www.fas.org/sgp/crs/row/RL33460.pdf Date accessed: 4 August 2015
[5] UN High Commissioner for Refugees (UNHCR). 'International Protection Considerations Related to the Developments in Ukraine – Update III,' dated 24 September 2015. Available at: http://www.refworld.org/docid/56017e034.html Date accessed: 29 September 2015.
[6] UN Human Rights Council, Report of the United Nations High Commissioner for Human Rights on the situation of human rights in Ukraine A/HRC/27/75. 19 September 2014. Paras 28 -29, 83 – 87 and 89. available at: http://www.refworld.org/docid/5436a7dd4.html Date accessed: 25 August 2015.

5.1.3 See Referendum of March 2014 for further information on this subject.

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5.2 Citizenship

5.2.1 The UNHCR published the following in September 2015:

'According to the Federal Constitutional Law of the Russian Federation of 21 March 2014, Ukrainian citizens and stateless persons permanently residing in the Autonomous Republic of Crimea and the city of Sevastopol automatically acquired citizenship of the Russian Federation, although there was a possibility to opt out. It is therefore believed that the vast majority of residents of Crimea acquired Russian citizenship. Those who did not are considered foreigners and reportedly face challenges in accessing public services, including health care, access to employment, as well as concluding property-related contracts. The Government of Ukraine still considers Ukrainian citizens residing in Crimea and the city of Sevastopol to be Ukrainian citizens, even if they have acquired Russian citizenship. In order to be able to acquire or renew Ukrainian passports or other civil documentation, Crimeans must travel to mainland Ukraine.'[7]

5.2.2 The UNHCR stated the following in January 2015: 'There are also reports of discrimination affecting those who have refused to acquire Russian citizenship. For example, only Russian passport holders are allowed to occupy government and municipal jobs, leading to discrimination in access to employment. It has also been reported that the use of the Ukrainian language has been severely limited in schools and universities located in Crimea.'[8]

5.2.3 See section on Freedom of movement - Crimea for information about the difficulties of movement between Crimea and mainland Ukraine.

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5.3 Abuses of human rights

5.3.1 The OHCHR published the following in June 2015:

'Pressure and intimidation against all those who oppose the de facto authorities or officially sanctioned views about events in Crimea continued. They usually take the form of arbitrary arrests, house searches, abusive questioning as suspects or witnesses, the imposition of fines and job dismissals. They also frequently involve the vague and unsubstantiated accusation of promoting extremism and intolerance.'[9]

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[7] UN High Commissioner for Refugees (UNHCR). 'International Protection Considerations Related to the Developments in Ukraine – Update III,' dated 24 September 2015. Available at: http://www.refworld.org/docid/56017e034.html Date accessed: 29 September 2015.

[8] UN High Commissioner for Refugees (UNHCR), International Protection Considerations Related to the Developments in Ukraine – Update II, 15 January 2015. Para 10. Available at: http://www.refworld.org/docid/54c639474.html Date accessed: 25 August 2015.

[9] The United Nations Office of the High Commissioner for Human Rights (OHCHR) - 'Report on the human rights situation in Ukraine from 16 February to 15 May 2015', released June 2015 http://www.ohchr.org/Documents/Countries/UA/10thOHCHRreportUkraine.pdf Date accessed: 6

5.3.2 A March 2015 Freedom House Report, 'Human Rights Abuses in Russian-Occupied Crimea', noted: 'The crisis, which began in February 2014, continues to intensify due to Russian legislation and a series of oppressive measures carried out by the region's de facto authorities.

'These actions, which are not widely reported abroad, include the imposition of Russian citizenship, restrictions on freedom of speech and assembly, takeover of private and Ukrainian state property, clampdowns on independent media outlets, persecution of annexation critics and proponents of Ukrainian unity, and harassment of ethnic and religious groups perceived as disloyal to the new order.' [10]

5.3.3 The UN High Commissioner for human rights stated In September 2014: 'In Crimea, the human rights situation has been marked by multiple and continuing violations… Residents in Crimea who are known for their "pro-Ukrainian" position face intimidation; many face discrimination, particularly in the areas of education, employment and property rights.

'Residents of Crimea have seen a deterioration in their rights with regard to freedom of expression, peaceful assembly, association, religion or belief. In addition, no serious attempts have been made to investigate allegations of human rights abuses committed by the so-called Crimean self-defence forces, following the "referendum" in March 2014… Furthermore, recommendations addressed to the local authorities and reflected in the OHCHR monthly reports on Crimea have so far been ignored.'[11]

5.3.4 UNHCR's January 2015 position paper stated that:

'Human rights observers report concerns about the protection of rights in Crimea… The introduction of Russian legislation in Crimea has reportedly allowed for intensified searches for so-called "extremist" literature and activities, in particular targeting the Mejlis and Crimean Tatar population, leading to confiscation of religious literature, as well as incidents of detention, interrogations and the imposition of fines. Given the Russian Federation's restrictive legal framework regarding sexual orientation and gender identity, individuals of diverse sexual orientations and gender identities are reportedly facing increased risks. .. The process of "nationalization" and illegal seizure of private property and businesses by the de facto authorities is reported to be ongoing.'[12]

August 2015

[10] Freedom House - 'Human Rights Abuses in Russian-Occupied Crimea', March 2015 https://freedomhouse.org/sites/default/files/CrimeaReport_FINAL.pdf Date accessed: 4 August 2015

[11] UN High Commissioner for Refugees (UNHCR). 'International Protection Considerations Related to the Developments in Ukraine – Update III,' dated 24 September 2015. Available at: http://www.refworld.org/docid/56017e034.html Date accessed: 29 September 2015.

[12] UN High Commissioner for Refugees (UNHCR), International Protection Considerations Related to the Developments in Ukraine – Update II, 15 January 2015. Para 10. Available at: http://www.refworld.org/docid/54c639474.html Date accessed: 25 August 2015.

5.3.5 The Organisation for Security and Co-operation in Europe published the following in June 2015: 'The annexation of Crimea had also severe implications for human rights activists, Crimean Tatars and others who were detained and interrogated at the ABL [administrative boundary line between the Kherson region in mainland Ukraine and Crimea] or expelled from the peninsula by the de facto authorities in Crimea.'[13]

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5.4 Ethnic groups

5.4.1 The UN Human Rights Council published the following in September 2014:

'It is widely assessed that Russian-speakers have not been subject to threats in Crimea. Concerns regarding discrimination and violence were expressed by some ethnic Ukrainians members of minorities, and especially Tatars, as indigenous peoples. In a meeting with authorities in Crimea these concerns regarding inter-ethnic tensions were dismissed, assuring that ethnic Russians, ethnic Ukrainians and Crimean Tatars and other minorities receive sufficient protection, with their three languages recognized as official languages. Despite this, Tatars largely boycotted the referendum and remain very concerned about their future treatment and prospects. Although there was no evidence of harassment or attacks on ethnic Russians ahead of the referendum, there was widespread fear for their physical security. Photographs of the Maidan protests, greatly exaggerated stories of harassment of ethnic Russians by Ukrainian nationalist extremists, and misinformed reports of them coming armed to persecute ethnic Russians in Crimea, were systematically used to create a climate of fear and insecurity that reflected on support to integration of Crimea into the Russian Federation.'[14]

5.4.2 The September 2014 report of the UN High Commissioner for human rights stated:

'Crimean Tatar leaders have been banned from entering Crimea, and Crimean Tatar activists face prosecution and limitations on the enjoyment of their rights. Most residents could not participate in the presidential elections on 25 May 2014 because of the uncertainties and costs associated with travelling, in advance, out of the region in order to be able to vote.

'The protection of the rights of Crimean Tatars regarding restitution of property, including land or compensation for its loss related to their deportation from Crimea during times of USSR has been a concern since their return after the independence of Ukraine. Recent events have led to a renewed sense of uncertainty among Tatar representatives. According to Mr. Refat Chubarov, chairman of the Mejlis of Crimean Tatars, and other civil

[13] The Organization for Security and Co-operation in Europe Special Monitoring Mission to Ukraine - 'Freedom of movement across the administrative boundary line with Crimea', 19 June 2015 http://www.osce.org/ukraine-smm/165691?download=true Date accessed: 5 August 2015

[14] UN Human Rights Council, Report of the United Nations High Commissioner for Human Rights on the situation of human rights in Ukraine A/HRC/27/75. 19 September 2014. Paras 28 -29, 83 – 87 and 89. available at: http://www.refworld.org/docid/5436a7dd4.html Date accessed: 25 August 2015.

society actors in Crimea, there are reports of unidentified uniformed men claiming rights on properties and land. Several statements from the authorities in Crimea and officials in the Russian Federation, indicate plans to relocate or resettle within Crimea some of those Crimean Tatars who have occupied land illegally in recent years while waiting for their land to be returned. The authorities in Crimea have assured the Crimean Tatars that their rights would be protected, including through positive measures such as quotas in the executive and legislative organs. However, Crimean Tatar representatives have expressed reservations regarding the reality of these assurances. In addition to land squatting issues, concerns were also raised with regard to recent statements by some authorities that certain land segments will be alienated for public purposes.' [15]

5.4.3 The United Nations Office of the High Commissioner for Human Rights (OHCHR)'Report on the human rights situation in Ukraine from 16 February to 15 May 2015', released June 2015, noted:

'During the reporting period, another four Crimean Tatars were arrested and placed in pre-trial detention in connection with the events of 26 February 2014. All four Crimean Tatars were charged with participation in mass riots and risk prison terms of three to eight years. On 23 March, several other Crimean Tatars, including two senior Mejlis officials and a businessperson were also summoned for questioning as witnesses in relation to the February 2014 events, and the 'police' searched their houses. These actions followed the arrest of the deputy head of the Mejlis, Ahtem Chiygoz, on 29 January 2015, who was placed in detention until 19 May on suspicion of organising mass riots, a charge which carries a prison sentence of four to 10 years.' [16]

5.5 Banking

5.5.1 Human Rights Information Center noted the following in September 2015: '… the human rights activists are trying to struggle with the National Bank of Ukraine, who still hopes to make the Crimean people be the non-residents, i.e. actually "non-citizens of Ukraine."

'The paragraph 1 of the resolution No.699 of November 3, 2014, adopted by the National Bank of Ukraine, was repealed by the decision of the Kyiv Administrative Court of Appeal on September 1. According to the NBU's resolution, the citizens, who reside in Crimea or are registered in this area, are recognized as the non-residents within the banking and financial relations. After the resolution was repealed, the banks should have stopped to deny citizens with Crimean registration provision of banking services (money exchange, deposit withdrawals, using bank accounts), but it did not happen.

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[15] UN Human Rights Council, Report of the United Nations High Commissioner for Human Rights on the situation of human rights in Ukraine A/HRC/27/75. 19 September 2014. Paras 28 & 88. available at: http://www.refworld.org/docid/5436a7dd4.html Date accessed: 25 August 2015.

[16] The United Nations Office of the High Commissioner for Human Rights (OHCHR) - 'Report on the human rights situation in Ukraine from 16 February to 15 May 2015', released June 2015 http://www.ohchr.org/Documents/Countries/UA/10thOHCHRreportUkraine.pdf Date accessed: 6 August 2015

'"Unfortunately, we currently observe a kind of sabotage on part of the banks, or, perhaps, on part of the National Bank of Ukraine. The Crimean people address us virtually every day. They complain that they continue facing discrimination as the banks deny them providing banking services. This happens despite the valid court decision, which is binding on the entire territory of Ukraine. Thus, the Crimean people are the residents of Ukraine, while the National Bank has exceeded its authority, recognizing them as the non-residents of Ukraine within the banking relations," Darya Svyrydova [expert of the Ukrainian Helsinki Human Rights Union] says.

'"Moreover, we are getting the impression that the National Bank instructs the banks, so to speak, not to abide by the court's decision. The customers have been told that the NBU reported nothing to the banks, and that the banks will continue to abide by the old ruling and that they have not heard nothing of this decision, even if you bring this decision and show it to them," Darya Svyrydova notes.'[17]

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5.6 Referendum of March 2014

5.6.1 The UN Human Rights Council published the following in September 2014: 'The delegation met with sources, who claimed that there had been alleged cases of non-Ukrainian citizens participating in the referendum, as well as individuals voting numerous times in different locations.

'Preliminary findings, based on publicly available information as well as reports from civil society representatives in Crimea, suggest that the referendum of 16 March [2014] raised a number of concerns in terms of respect for human rights standards. Such concerns relate to the free communication of information and ideas about public and political issues. This implies a free press and other media are able to comment on public issues without censorship or restraint and to inform public opinion. A local Ukrainian journalist reportedly received threats through posters, which were disseminated near his place of residence. According to other reports, people in Crimea had limited access to information during the week prior to the referendum. According to some reports, Ukrainian TV channels were blocked since 10 March.

'For the full enjoyment and respect for the rights guaranteed in articles 19, 21 and 22 of the International Covenant on Civil and Political Rights, it is necessary to ensure, inter alia, freedom to debate public affairs, to hold peaceful demonstrations and meetings, to criticize and oppose, to publish political material, to campaign and to advertise political ideas. Bloggers and local civil society representatives reported cases of human rights violations

[17] Human Rights Information Center. Human Rights Defenders to protect Crimean 'non-residents' in ECHR, dated 15 September 2015 http://humanrights.org.ua/en/material/pravozahisniki_zahishhatimut_krimskih_nerezidentiv_u_jevropejskomu_sudi?cl=en Date accessed: 7 October 2015

regarding journalists and civil society representatives who were perceived to be against the referendum.

'Reports included a number of cases of abduction, unlawful arrest and detention by unidentified armed groups, harassment, and violence against peaceful demonstrators. Some activists and journalists were arbitrarily detained or disappeared. According to information provided by civil society groups, seven persons were known to have gone missing. Some previously considered missing were later released but found to have been subjected to torture or other ill-treatment. Some victims were kept in the Military Drafting Center (Voenkomat) in Simferopol. For example, on 9 March, two persons – Mr. Andrei Schekun and Mr. Kovalski – were allegedly kidnapped and later released on the administrative border with Kherson Oblast – with signs of ill-treatment or torture. However, the media reported soon after the referendum about the disappearance of a Crimean Tatar, Mr Reshat Ametov, who had been missing for several days. Reportedly, he was taken away by uniformed men. Mr. Ametov's body was found on 16 March in the village of Zemlyanichne, in the Belogoski district of Crimea, with alleged signs of torture, hand-cuffed and with adhesive tape over his mouth. The HRMMU [Human Rights Monitoring Mission in Ukraine] is verifying the whereabouts of all those who went missing.

'The presence of paramilitary and so called self-defence groups as well as soldiers without insignia, widely believed to be from the Russian Federation, was also not conducive to an environment in which the will of the voters could be exercised freely. According to reports, some individuals had their documents/ passports taken away before the poll by unidentified militias, and searches and identity checks were conducted by unauthorised or unidentified people, in the presence of regular police forces.

'The ASG [Assistant Secretary-General] was assured that the authorities in Crimea will conduct thorough investigations of all human rights violations. These investigations should also cover crimes and human rights abuses allegedly committed by members of self-defence units. All cases of abductions and forced disappearances, arbitrary detentions, torture and ill-treatment, reportedly by so-called self-defense militia and disbanded Berkut, should be fully and impartially investigated and the results of these investigations made public. The authorities in Crimea should react promptly to any similar violations that may occur in future and decisively condemn them.'[18]

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[18] UN Human Rights Council, Report of the United Nations High Commissioner for Human Rights on the situation of human rights in Ukraine A/HRC/27/75. 19 September 2014. Paras 28 -29, 83 – 87 and 89. Available at: http://www.refworld.org/docid/5436a7dd4.html Date accessed: 25 August 2015.

6. Donetsk and Luhansk

6.1 Civilians caught in the conflict

6.1.1 The UNHCR reported the following in September 2015:

'A Package of Measures for the Implementation of the Minsk Agreements adopted on 12 February 2015 resulted in a notable decrease in the intensity and scope of hostilities in eastern Ukraine. However, the situation remains volatile. Between mid-April 2014 and mid-August 2015, at least 7,883 people (both military and civilians) were killed and at least 17,610 injured in Eastern Ukraine. People were reportedly killed or injured by landmines and unexploded ordnance in the conflict-affected areas in both government-controlled areas (GCAs) and NGCAs. Human rights monitors near the line of contact in both GCAs and NGCAs have recorded new allegations of killings and torture, as well as cases of illegal deprivation of liberty, abductions, forced labour, looting, ransom demands and extortion committed by all parties to the conflict.' [19]

6.1.2 The UN Human Rights Council stated the following in September 2014:

'In [the context of conflict], the principles of international humanitarian law in the conduct of hostilities, including the principles of necessity, distinction, proportionality and precaution should be recalled and respected in order to ensure the protection of civilians. There is need for accountability for the crimes committed. Indeed, no matter who the perpetrators or the victims are, every effort must be made to ensure that anyone who has committed serious violations of international law is brought to justice. That is essential in order to overcome divisions and pave the way for reconciliation.

'Furthermore, the armed groups continued to carry out abductions, physical and psychological torture, ill-treatment and other serious human rights violations. People were abducted for ransom, for forced labour and to be exchanged for fighters held by the Ukrainian authorities.'[20]

6.1.3 In a September 2014 report, the UN High Commissioner for human rights stated:

'As documented by the Human Rights Monitoring Mission in Ukraine [HRMMU], the rule of law was replaced by the rule of violence in the Donetsk and Luhansk regions, where the regional governments ceased to function effectively, as did the police and judiciary. Banks were robbed, coal mines were attacked, with many forced to close. Railways were blown up and

[19] UN High Commissioner for Refugees (UNHCR). 'International Protection Considerations Related to the Developments in Ukraine – Update III,' dated 24 September 2015. Available at: http://www.refworld.org/docid/56017e034.html Date accessed: 29 September 2015.
[20] UN Human Rights Council, Report of the United Nations High Commissioner for Human Rights on the situation of human rights in Ukraine A/HRC/27/75. 19 September 2014. Paras 13 - 16, available at: http://www.refworld.org/docid/5436a7dd4.html Date accessed: 25 August 2015.

salaries, pensions and other social welfare payments were stopped in places under the control of the armed groups.'[21]

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6.2 Legal situation

6.2.1 The UNHCR provided the following information in September 2015:

'In March 2015, the Ukrainian Parliament adopted Resolution No. 254-VIII on the recognition of some districts and settlements of Donetsk and Luhansk regions as "temporary occupied territories". De facto authorities in Donetsk and Luhansk regions are reported to have taken steps to establish parallel legislative frameworks and parallel systems for the administration of justice (with "police", "prosecutors", "courts", as well as an "ombudsman's office"). "Laws" and "by-laws" have been adopted to create an institutional framework for "Ministries" and to regulate governance in areas such as security, external relations, internal affairs, civil protection, labour, healthcare, education, social protection and the environment. Some of these raise significant protection concerns.'[22]

6.2.2 A Radio Free Europe/Radio Liberty report of 31 July 2015, 'Ukraine's Constitutional Court Approves Decentralization Bill', noted: 'Ukraine's Constitutional Court has ruled that draft constitutional amendments that would decentralize power do not violate the country's constitution.

'The Deputy Chairman of the Constitutional Court, Vasyl Bryntsev, said on July 31 that the draft law on constitutional amendments "conforms with the requirements of Articles 157 and 158 of the Ukrainian Constitution" and are "not directed against the territorial integrity and sovereignty of Ukraine." Bryntsev also said "the peculiarities of the local self-government in some areas of the Donetsk and Luhansk regions will be defined by a separate law."

'On July 16, Ukrainian lawmakers voted to send President Petro Poroshenko's proposed constitutional amendments to the Constitutional Court for review. According to the draft amendments, "a special law will regulate peculiarities of local self-government" in the districts which are being held by Russian-backed separatists in Donetsk and Luhansk regions in eastern Ukraine.

'Poroshenko submitted the bill to parliament on July 15 after pressure from Western leaders to grant those areas some self-rule powers as promised in February's cease-fire deal that was agreed in Minsk. The separatists insist

[21] UN Human Rights Council, Report of the United Nations High Commissioner for Human Rights on the situation of human rights in Ukraine A/HRC/27/75. 19 September 2014. Paras 13 - 16, available at: http://www.refworld.org/docid/5436a7dd4.html Date accessed: 25 August 2015.
[22] UN High Commissioner for Refugees (UNHCR). 'International Protection Considerations Related to the Developments in Ukraine – Update III,' dated 24 September 2015. Available at: http://www.refworld.org/docid/56017e034.html Date accessed: 29 September 2015.

that special status of the districts they control should be mentioned in the constitution.' [23]

6.2.3 A Jamestown Foundation report of 3 August 2015, 'Elections in Donetsk-Luhansk People's Republics and Russia's New Conflict-Freeze Model', noted:

'…Western diplomacy currently supports Moscow's goal for local elections to be staged in the Russian-controlled territory of Ukraine's east. If validated as apparently intended by the Organization for Security and Cooperation in Europe (OSCE), such elections would legitimize the pro-Russia authorities in the territory. Holding an electoral mandate, but fronting for Russia, the authorities of Donetsk and Luhansk could then be seated at the table with Ukraine's central government, to negotiate an "internal" Ukrainian constitutional settlement.' [24]

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6.3 Abuse of human rights

6.3.1 UNHCR's January 2015 position paper stated that:

'Observers note that the human rights and political situation continues to be volatile in the areas outside of government control. Human rights monitors report incidents of detention, expropriation of property and forced labour. Persons opposed, or perceived to be opposed, to the de facto authorities are reported to be particularly at risk. This includes persons displaying Ukrainian national or cultural symbols, using the Ukrainian language, attending churches that do not belong to the Moscow patriarchate of the Orthodox Church, or criticizing the de facto authorities. The space for freedom of expression, as well as the freedom of the press is reported to have been severely curtailed and working conditions for media professionals are said to remain dire due to security concerns.

'The economic and social conditions in the areas outside of government control have deteriorated dramatically. Due to the disruption caused by the conflict, industrial production is reported to have dropped by an estimated 60 per cent in Donetsk oblast and by 85 per cent in Luhansk oblast, leaving many with no source of income.'[25]

6.3.2 In September 2015, the UNHCR noted: 'In the NGCAs, the exercise of freedom of expression, assembly and religion has reportedly been curtailed, with reports of acts of persecution against members of certain religious

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[23] Radio Free Europe/Radio Liberty - 'Ukraine's Constitutional Court Approves Decentralization Bill', 31 July 2015 http://www.rferl.org/content/ukraine-approves-decentralization-bill/27162787.html Date accessed: 5 August 2015

[24] Jamestown Foundation - 'Elections in Donetsk-Luhansk People's Republics and Russia's New Conflict-Freeze Model', 3 August 2015 http://www.jamestown.org/single/?tx_ttnews%5Btt_news%5D=44247&tx_ttnews%5BbackPid%5D=228&cHash=5ed3408feb7b159ff438b8f5c6854f24#.VcRsHfmqpBc Date accessed 7 August 2015

[25] UN High Commissioner for Refugees (UNHCR), International Protection Considerations Related to the Developments in Ukraine – Update II, 15 January 2015. Para 6 – 7. Available at: http://www.refworld.org/docid/54c639474.html Date accessed: 25 August 2015.

groups in particular. Concerns were also expressed about human rights violations in the GCAs against persons suspected of separatism or terrorism.'[26] The UNHCR also reported on the situation for religious minorities in NGCAs: 'Religious minorities, including Protestants and Jehovah's Witnesses, are also reported to be facing persecution in NGCAs, with buildings of worship being seized by armed men, and worshippers being abducted and beaten.'[27]

6.3.3 Amnesty International reported the following in October 2014:

'There are also reports of execution-style killings by insurgent groups in eastern Ukraine that have been widely reported in the media and not contested by the alleged perpetrators. In late May, for example, the Russian media reported that the DNR's [Donetsk People's Republic] self-proclaimed Minister of Defence, Igor Strelkov (Ghirkin), had ordered the execution of two local commanders by a firing squad - for looting, armed robbery, kidnapping and desertion - and that the two had been put to death. Strelkov was quoted in the media as confirming the account, and copies of his written order for the killings, dated 26 May 2014, were circulated.'[28]

6.3.4 The Freedom House 2015 Countries in Transit report for Ukraine, released 2015, noted: 'The need to reform the judicial and law enforcement systems, and their inconsistency with democratic standards, became more evident against the backdrop of the Euromaidan protests and the brutal response by security forces.

'…The Ukrainian judicial and law enforcement authorities were largely powerless to prevent or punish human rights abuses in Russian-occupied Crimea and separatist-held portions of the Donbas during 2014. Although Ukrainian officials have investigated claims of human rights violations by progovernment forces in the east, these efforts have been criticized as inadequate.'

'…[In October 2014] President Poroshenko established the Council on Judicial Reform…The council was tasked with drafting and submitting proposals on judicial reform for consideration by the president. The process of finding and punishing those responsible for the shooting of protesters in early 2014 was ongoing…Members of the riot unit Berkut as well as unidentified snipers were thought to be responsible for the deaths of scores

[26] UN High Commissioner for Refugees (UNHCR). 'International Protection Considerations Related to the Developments in Ukraine – Update III,' dated 24 September 2015. Available at: http://www.refworld.org/docid/56017e034.html Date accessed: 29 September 2015.
[27] UN High Commissioner for Refugees (UNHCR). 'International Protection Considerations Related to the Developments in Ukraine – Update III,' dated 24 September 2015. Available at: http://www.refworld.org/docid/56017e034.html Date accessed: 29 September 2015.
[28] Amnesty International. 'Summary killings during the conflict in eastern Ukraine' [EUR 50/042/2014], dated 20 October 2014 http://www.amnesty.org/en/library/asset/EUR50/042/2014/en/ca812126-c42c-45f9-9557-d7c4b117be31/eur500422014en.pdf Date accessed: 21 August 2015.

of demonstrators. However, a number of senior officials who allegedly ordered these crimes…fled the country.' [29]

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6.4 Freedom of assembly

6.4.1 The United Nations Office of the High Commissioner for Human Rights (OHCHR) 'Report on the human rights situation in Ukraine from 16 February to 15 May 2015', released June 2015, noted:

'During the reporting period, in the "Donetsk people's republic" and "Luhansk people's republic", an atmosphere of intimidation imposed by the armed groups continued to prevent people from demonstrating publicly. On 6 April, the rally of miners of the Kirov mine in the city of Makiivka controlled by the armed groups (Donetsk region), who protested against the increase of the working hours from six to eight, was reportedly dispersed.

'On the territory controlled by the Government, freedom of peaceful assembly was generally respected although the authorities imposed some restrictions in some instances, invoking security concerns. In some cases, law enforcement officials did not prevent "pro-unity" supporters from disturbing gatherings of people supporting other political views, and in a few instances, police even took part in such disruptions.

'On 16 April, the NGO Police of Odesa, which officially notified the authorities of a rally in advance, was prevented by the police and "pro-unity" supporters from gathering in front of the Odesa City Council to protest against the increase in utility payments. The HRMMU observed the detention of 50 protestors, including 17 minors; some were handed to the police by "pro-unity" activists. Adult activists (all male), minors and their parents were later charged for administrative offences.' [30]

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6.5 Freedom of expression

6.5.1 The United Nations Office of the High Commissioner for Human Rights (OHCHR)'Report on the human rights situation in Ukraine from 16 February to 15 May 2015', released June 2015, noted:

'Safety of media professionals remains a serious issue in the conflict area due to fighting. On 28 February, a photographer of the Ukrainian newspaper Segodnia (Today) was killed during the mortar shelling attack by armed groups near the village of Pisky (Donetsk region). He was the eighth journalist killed in the east of Ukraine since the beginning of the conflict. On 12 April, two local media professionals were wounded near Donetsk airport when their car was hit by a shell. On 14 April, a local Donetsk journalist

[29] Freedom House – Countries in Transit, Ukraine, 2015 https://freedomhouse.org/report/nations-transit/2015/ukraine Date accessed: 7 August 2015

[30] The United Nations Office of the High Commissioner for Human Rights (OHCHR) - 'Report on the human rights situation in Ukraine from 16 February to 15 May 2015', released June 2015 http://www.ohchr.org/Documents/Countries/UA/10thOHCHRreportUkraine.pdf Date accessed: 5 August 2015

working for the Russian TV channel Zvezda was seriously wounded when he tripped a mine trap in the contested village of Shyrokyne (Donetsk region).

‘The HRMMU [Human Rights Monitoring Mission in Ukraine] continued to receive reports of media professionals held by armed groups. On 11 March, a journalist from the city of Makiivka (Donetsk region), controlled by the armed groups, was reportedly abducted by armed groups. After his 80-year-old mother filed a complaint to “local police”, the armed groups conducted a search of her house and intimidated her. The journalist was released on 10 May.

‘On 16 April, Oles Buzyna, a Ukrainian journalist, writer and former editor of the newspaper Segodnia, was killed close to his home in Kyiv by two unknown masked men. He was known for his criticism of the Government, in particular in relation to the Maidan events and the conflict in the east. The President of Ukraine called the murder of Mr. Buzyna “a provocation”, aimed at destabilization of the situation in Ukraine. He also called for prompt investigation into two killings and regular reporting on its progress. The police initiated investigation into the incident under Article 115 (intentional homicide) of the Criminal Code of Ukraine.

‘On 14 May, the Parliament passed a law amending the Criminal Code of Ukraine, strengthening accountability for the threats to or violence against journalists. In addition to existing provision of Article 171 (preclusion of legal professional activities of journalists), which was rarely applied in practice, due to its ambiguity, four additional articles were added. They envisage criminal liability for threats and infliction of injuries to journalists or their families, intentional damage of property of a journalist, trespass against life and hostage taking of a journalist. The HRMMU notes that the law may positively contribute to the protection of media workers and promote freedom of expression in Ukraine.

‘The armed groups continued to limit freedom of expression and impede the work of media professionals on the territories they control. On 10 March, the so-called “council of ministers” of the “Luhansk people’s republic” issued an order demanding telecommunications operators to remove 23 Ukrainian TV channels and the Russian TV channel Dozhd from the broadcasting network on the grounds that they “pose threat to ‘state’ security”. The “ministry of infrastructure, transport and communication” was assigned to control the implementation of the decision.

‘Residents in the territories controlled by the armed groups often reported to the HRMMU that available media outlets presented only biased information. As many people did not have access to the Internet for technical reasons, access to any alternative sources of information was difficult. Journalists informed the HRMMU that during interviews with the so-called local “authorities” only pre-cleared questions are allowed. Reportedly, journalists are sometimes demanded not to include parts of the interviews in their reports. On 1 May, two journalists from the Russian Federation were reportedly abducted by the armed groups in Donetsk and forced to delete some photos from a public rally. They were then released.

'The Government of Ukraine also attempted to impose restrictions on some media outlets. Following the resolution by the Parliament, adopted on 19 February, the SBU identified over 100 media outlets (including TV channels, information agencies, newspapers and Internet resources) from the Russian Federation that are not allowed anymore to attend press events of the State bodies until the end of the security operation. The resolution instructed the State bodies to implement the decision by 21 February. While no suspension has reportedly occurred, a number of reporters from the Russian Federation have not been allowed to enter Ukraine and banned from entry for the next five years. Also, the resolution ordered the Government to develop the procedure of accreditation of all foreign media professionals in Ukraine; however as of 15 May this has not yet been done.' [31]

6.5.2 A New Statesman report of 10 June 2015, 'From Ukraine to the UK, academic freedom is under threat', noted:

'…the report from academic Tatyana Malyarenko in Ukraine about how the fighting in her country has led to massive divisions between those working at universities. Special committees have been set up at universities in Ukraine to uncover "separatist" attitudes among those teaching on campuses. Reports, like those made to witch trials centuries ago, are being filed by students and other faculty to these attestation committees. Those named are being calling before committees for investigation, where lecturers can end up being denounced and losing their posts.' [32]

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6.6 Humanitarian situation

6.6.1 UNHCR stated the following in September 2015:

'Some areas close to the line of contact [between GCAs and NGCAs] reportedly continue to experience problems with access to basic services, including electricity, gas and water utilities. In particular, more than 470,000 people including 118,000 children are reported to have difficulties in getting safe drinking water in the NGCA of Luhansk region. Nearly 30 per cent of the conflict-affected population in the NGCAs are reported to be suffering from an inadequate diet, with the price of many standard food items in the NGCAs reportedly almost twice as high as in the GCAs. As of June 2015, 52 per cent of residents in NGCAs reported a shortage of medicines, while those medicines that are available are largely unaffordable. The situation is reported to be particularly acute for persons suffering from chronic decreases, including for the 8,000 HIVpositive patients who face a critical shortage of antiretroviral treatments and opioids. There has also been severe damage to property and increased difficulties in accessing

[31] The United Nations Office of the High Commissioner for Human Rights (OHCHR) - 'Report on the human rights situation in Ukraine from 16 February to 15 May 2015', released June 2015 http://www.ohchr.org/Documents/Countries/UA/10thOHCHRreportUkraine.pdf Date accessed: 5 August 2015

[32] New Statesman - 'From Ukraine to the UK, academic freedom is under threat', 10 June 2015 http://www.newstatesman.com/politics/2015/06/ukraine-uk-academic-freedom-under-threat Date accessed: 5 August 2015

employment. The critical need for adequate housing as well as additional assistance to cover heating costs and basic needs will be particularly acute in the upcoming winter season, especially in the absence of available employment and livelihoods opportunities.'[33]

6.6.2 The UNHCR published the following in January 2015:

'Electricity, gas and water systems continue to function in most areas within the Donetsk central administrative area, although areas around the airport and close to the confrontation line report problems with access to the same facilities, which are crucial, particularly for the winter months. The majority of people in the conflict area report that the food supplies are the most pressing need and many are dependent on food assistance. Material to repair damaged houses and flats is another urgent need. Access to education is limited, mainly due to the destruction of buildings and general insecurity. There are reportedly serious shortages of medicine and medical personnel, and increased mortality rates in the most affected medical institutions, including mental hospitals. The situation has deteriorated following the government's decision to evacuate all government institutions, including hospitals, from the territory controlled by armed groups and to stop funding those institutions as of 1 December 2014. This has reportedly hastened the already broad exodus of qualified medical personnel.'[34]

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7. Freedom of movement

7.1 Crimea

7.1.1 The US State Department report covering events in 2014 stated:

'Individuals crossing from occupied Crimea to the mainland were subjected to strict passport controls at the administrative border between Kherson and Crimea oblasts. Human rights groups complained government border guards unnecessarily searched Ukrainian citizens. Additionally, some border guards forced some Ukrainian citizens to return to Crimea and demanded bribes to cross into Kherson oblast.' [35]

7.1.2 The Organization for Security and Co-operation in Europe Special Monitoring Mission to Ukraine in a report of 19 June 2015, 'Freedom of movement across the administrative boundary line with Crimea', noted:

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[33] UN High Commissioner for Refugees (UNHCR). 'International Protection Considerations Related to the Developments in Ukraine – Update III,' dated 24 September 2015. Available at: http://www.refworld.org/docid/56017e034.html Date accessed: 29 September 2015.

[34] UN High Commissioner for Refugees (UNHCR), International Protection Considerations Related to the Developments in Ukraine – Update II, 15 January 2015. Para 6 – 7. Available at: http://www.refworld.org/docid/54c639474.html Date accessed: 25 August 2015.

[35] US Department of State, Country Report on Human Rights Practices 2014, Ukraine, 26 June 2015, Section 2 d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2014&dlid=236588 Date accessed: 25 August 2015.

'Crossing the administrative boundary line (ABL) between the Kherson region and Crimea became increasingly difficult as freedom of movement between mainland Ukraine and the peninsula had been gradually limited by various measures. These include the setup of crossing points at the ABL by the Russian Federation and the Ukrainian authorities' non-recognition of documents issued after the annexation of Crimea as well as the suspension of public bus and railway transport to and from Crimea. The measures particularly affected the most vulnerable and economically disadvantaged groups.'[36]

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7.2 Donetsk and Luhansk

7.2.1 The US State Department report covering events in 2014 stated that 'The constitution and law provide citizens with freedom of internal movement, foreign travel, emigration, and repatriation. The government generally respected these rights, although the conflict in the eastern part of the country restricted freedom of internal movement.' [37]

7.2.2 The UNHCR stated the following in September 2015:

'Since November 2014, Ukrainian authorities have adopted a series of measures to regulate the movement of individuals, transport and cargo across the line of contact between the GCA and NGCA. As of January 2015 a permit is needed to cross the line of contact in both directions. This procedure has severely restricted freedom of movement for all individuals, limiting their ability to leave conflict-affected areas and/or to return home to visit family members, to check on property, or to engage in agricultural tasks or other activities related to livelihoods (in particular during the spring-summer season). Irregular application of the rules as well as interruptions to the electronic pass system at check-points have led to long queues, with vehicles and passenger buses having to wait several hours or days at check-points, often without access to water or sanitation services. The difficulty in obtaining permits is reported to have resulted in civilians trying to circumvent the checkpoints by crossing through fields and forests. This exposes them to landmines and explosive remnants of war, and there have been reports of people being injured or killed while trying to cross the contact line irregularly.

'Amendments to the permit system adopted on 12 June 2015 allow for online applications and the issuance of electronic permits. However, this means that applicants need to have Internet access. Moreover, delays are reported to continue. Furthermore, although the revised version of the temporary order waived the requirement to obtain a permit for emergency situations,

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[36] The Organization for Security and Co-operation in Europe Special Monitoring Mission to Ukraine - 'Freedom of movement across the administrative boundary line with Crimea', 19 June 2015 http://www.osce.org/ukraine-smm/165691?download=true Date accessed: 5 August 2015

[37] US Department of State, Country Report on Human Rights Practices 2014, Ukraine, 26 June 2015, Section 2 d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2014&dlid=236588

crossing the contact line in such situations essentially remains at the discretion of officers at checkpoints.'[38]

7.2.3 A February 2015 report by UN Office of the High Commissioner for Human Rights (OHCHR) reported that:

'On 21 January 2015, a temporary order regulating travel into and out of the conflict area came into effect. With reference to national security concerns, it limited the movement of civilians, passenger and cargo vehicles to seven corridors in the Donetsk and Luhansk regions. The order also introduced special passes issued at "coordination centres" located in four district police departments. Those wishing to travel are required to provide their itinerary and duration of stay in the area – whether it be in Government-controlled territory or territory under the control of armed groups; a valid passport; and a copy of a document justifying the necessity to travel (e.g. proof of residence; proof of illness of a relative; certificate of employment, etc.). The HRMU was informed of various problems in implementing the order: hotlines providing information on the procedures could not be reached or did not work; passes were not provided to offices authorized to issue them; coordination centres were overwhelmed with up to 3,000 applications in each in the first days of their operation. Lack of a specific provision for civilians wishing to move solely due to security concerns largely left such crossing at the discretion of local security officers, frequently leading to the payment of bribes. No legal procedure has been established to appeal against the refusal to issue a pass.

'Civilians living in and wishing to leave territories controlled by armed groups have to travel to the checkpoints at least twice: to submit documents and to receive a pass. They have faced constant danger as shelling and attacks on Ukrainian checkpoints intensified. On 26 January [2015], at a checkpoint near Mariinka, an explosive device in a car went off killing the driver and one Ukrainian soldier. Mortar shelling began simultaneously. The discontinuation of State services, including postal service, in areas controlled by armed groups added to the difficulty of providing required documents. No alternative provisions were envisaged for people whose identification documents were lost or taken away, which is a widespread problem. Interviews conducted indicate that some people who experienced problems obtaining passes to leave via the line of contact are leaving the conflict zones through the Russian Federation territories and then having to bribe Ukrainian border officials to re-enter Ukraine (some paying 10 times the official fine of UAH 170). On 27 January, the Commissioner of the President of Ukraine for Children's Rights announced that families with children may

[38] UN High Commissioner for Refugees (UNHCR). 'International Protection Considerations Related to the Developments in Ukraine – Update III,' dated 24 September 2015. Available at: http://www.refworld.org/docid/56017e034.html Date accessed: 29 September 2015.

leave the territories without a special pass and reports received by the HRMU indicate that this has been the case.'[39]

7.2.4 In a report covering the period 16 February to 15 May 2015, OHCHR noted:

'Although criticized by international and national organizations, the system of permits, introduced on 21 January 2015 by the Temporary Order, remained operational and continued to limit the freedom of movement of civilians across the contact line, isolate residents of the areas controlled by the armed groups, generate corruption and impede humanitarian aid. On 6 April, the Kyiv Circuit Administrative Court rejected a lawsuit that was brought by two individuals from Luhansk region, ruling that the Temporary Order was adopted legally. According to the ICCPR [International Covenant on Civil and Political Rights] and the Constitution of Ukraine, however, freedom of movement may be limited only by law.

'According to the SBU [security service of Ukraine], from 21 January to 6 May [2015], 349,496 people applied for permits and 274,755 received them. Despite the fact that the President and the Ombudsperson of Ukraine declared the need to simplify the procedure for civilians to obtain permits, the process remained arduous and inconsistent. On 20 March [2015], the SBU allowed the electronic submission of documents to apply for permits and receive them electronically. The majority of people, however, continued to apply in person, due to lack of information on the electronic system (especially in the areas controlled by the armed groups), low computer literacy, interrupted Internet access, and a distrust towards online applications. Also, the coordination centres issuing permits have been overwhelmed with applications due to limited capacity: lack of computer equipment, problems with connectivity, and of trained staff. Some applicants reportedly had to stay in the street near to a coordination centre for up to four days before being able to submit their documents. During this time some people approached them with offers to issue a permit faster for a price varying from UAH 600 to 1,500 (US$ 29 to 71).

'The HRMMU [UN Human Rights Monitoring Mission in Ukraine] interviewed people, mostly older persons, who had applied for permits at the end of January and still had not received them by mid-May. Prisoners in penitentiary institutions in the cities of Horlivka and Yenakieve controlled by the armed groups and older persons from two geriatric facilities in Luhansk (visited by the HRMMU in March and April) reported that their relatives could not visit them any longer as they could not obtain permits.

'Irregular application of rules at check-points has caused confusion and frustration among residents. To cross the contact line, vehicles and passenger buses have, at times, to spend up to 11 hours at check points, without access to water and sanitation facilities. Reports suggest that exceptions are made more often for women with children than for a man. On

[39] UN Office of the High Commissioner for Human Rights (OHCHR), Report on the human rights situation in Ukraine, 15 February 2015. Para 42 – 43. available at: http://www.refworld.org/docid/55115a7d4.html Date accessed: 25 August 2015.

25 April, the HRMMU learned from a bus driver who regularly drives across the contact line that at some Ukrainian checkpoints people with Donetsk license plates were not allowed to pass although they had permits. Consequently, people often circumvent the checkpoints, which may be dangerous, as shown in the case of a bus travelling from the Government-controlled town of Artemivsk to the city of Horlivka controlled by the armed groups, which hit a land mine, resulting in the death of three passengers. On 28 April, the head of the Luhansk Regional Military-Civil Administration stated that since 1 May, only passenger vehicles and pedestrians were allowed to pass through the check point in Luhansk region. The movement of buses and cargo was stopped until the Government of Ukraine fully regulates the permit system. The exceptions were made for humanitarian aid and specialised transport, including medical and that of companies restoring infrastructure and utilities (gas, water, electricity).

'On 12 May [2015], the head of the Luhansk Regional Military-Civil Administration, issued an order further limiting the movement of civilians from the territories controlled by armed groups. It instructed that only people holding a Ukrainian passport would be allowed to pass across the contact line; no provisions were made for people who have lost their documents.

'On 5 May [2015], the SBU established a working group that included NGOs to improve the permit system and prevent human rights violations.

'The HRMMU is concerned that no arrangements have been made so far to allow civilians to flee the conflict area in accordance with international law. Those seeking safety and security must be allowed to do so without having to apply for a permit in advance, and without going through pre-designated check-points, which exposes them to risks and arbitrary decisions. The permit system severely limits civilians' access to safe areas and life-saving assistance.' [40]

7.2.5 In June 2015, UNHCR stated that "There are significant barriers to obtaining or replacing official documentation for people living in NGCA. There is no way to replace lost or destroyed passports and identity documents without traveling to the government controlled territory. However, without a valid passport or identity document, such travel is not possible and there is no remedy or resolution in such cases."[41]

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[40] The United Nations Office of the High Commissioner for Human Rights (OHCHR) - 'Report on the human rights situation in Ukraine from 16 February to 15 May 2015', released June 2015 http://www.ohchr.org/Documents/Countries/UA/10thOHCHRreportUkraine.pdf Date accessed: 4 August 2015

[41] UNHCR. Protection Cluster Fact sheet - June 2015. 30 June 2015. http://reliefweb.int/report/ukraine/protection-cluster-fact-sheet-june-2015 Date accessed: 28 August 2015

8. Internally displaced persons (IDPs)

8.1 Introduction

8.1.1 The US Department of State's Country Reports on Human Rights Practices for 2014, published in June 2015, stated:

'The government cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to internally displaced persons, refugees, returning refugees, asylum seekers, stateless persons, and other persons of concern. International and domestic organizations reported the system for protecting asylum seekers, stateless persons, and other persons of concern did not operate effectively.'[42]

8.1.2 The UNHCR published the following in September 2015: 'Gaps in the legal and regulatory framework relating to IDPs continue to have an adverse effect and create difficulties for IDPs in accessing state assistance, including basic services.'[43]

8.1.3 In September 2015, the UNHCR reported that the number of internally displaced persons (IDPs) registered by the government of Ukraine had more than doubled since January 2015 to over 1.46 million:

'As of 7 September 2015, the Ukrainian authorities report that 1,460,000 persons have registered as displaced. The majority are living in regions bordering the conflict-affected areas, such as in the areas of Donetsk and Luhansk regions (52 per cent) controlled by the Ukrainian Government, as well as in Kharkiv, Dnipropetrovsk and Zaporizhia regions and in the city of Kyiv. Elderly persons reportedly make up 59 per cent of total registered IDP population and children nearly 13 per cent. Persons living with disabilities account for around 4 per cent of the displaced population. This information indicates a high number of IDPs with specific needs.'[44]

8.1.4 See sub-section on IDPs with specific needs for further information on this subject.

8.1.5 The UNHCR published the following in September 2015:

'Crimeans report leaving for a variety of reasons, including the fact that they do not want their children to be educated in the Russian school system. Others reportedly leave because they fear that they or their children would be subjected to compulsory military service in the Russian army. Some

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[42] US Department of State, Country Report on Human Rights Practices 2014, Ukraine, 26 June 2015, Section 2 d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2014&dlid=236588 Date accessed: 25 August 2015.

[43] UN High Commissioner for Refugees (UNHCR). 'International Protection Considerations Related to the Developments in Ukraine – Update III,' dated 24 September 2015. Available at: http://www.refworld.org/docid/56017e034.html Date accessed: 29 September 2015.

[44] UN High Commissioner for Refugees (UNHCR). 'International Protection Considerations Related to the Developments in Ukraine – Update III,' dated 24 September 2015. Available at: http://www.refworld.org/docid/56017e034.html Date accessed: 29 September 2015.

groups are reported to be at particular risk of being subjected to unlawful limitations on the rights to freedom of religion and freedom of expression, association and assembly. For example, control by the local de facto authorities over religious associations and their exercise of the right to freedom of religion is reported to continue to strengthen, and religious groups such as the Ukrainian Orthodox Church, Jehovah's Witnesses, and Muslims are reportedly facing increased control of their activities. Furthermore, Crimean Tatars who are perceived to express political views opposing the Russian de facto authorities in Crimea have reportedly faced restrictions on their right to freedom of assembly. This is reported to be one of the reasons for additional displacement of members of the ethnic Tatar population from Crimea.'[45]

8.1.6 See sub-section on Ethnic groups for further information on the situation for Crimean Tatars.

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8.2 Humanitarian issues

8.2.1 The UNHCR published the following in September 2015:

'In March 2015 the government extended the financial assistance programme for IDPs, which was first established in October 2014. However, in most cases, the amount provided is reported to be insufficient to cover accommodation, food, clothing, medical and other living expenses. The financial assistance provided is also for a limited timeframe, and as there are also many administrative and practical hurdles to accessing this assistance, many IDPs continue to face acute financial difficulties in meeting their basic needs. In addition, there is no compensation foreseen for damaged or destroyed property in NGCAs. This, together with the lack of access to savings in bank accounts in NGCAs, further complicates the situation for IDPs. Many IDPs have already exhausted the government-provided financial assistance, along with savings that IDPs may have been able to take with them.'[46]

8.2.2 The US Department of State's Country Reports on Human Rights Practices for 2014, published in June 2015, stated: 'IDPs settled around Mariupol lived in extreme hardship, often sleeping in tents or cars and with insufficient toilet facilities and no potable water. Romani activists expressed concern some

[45] UN High Commissioner for Refugees (UNHCR). 'International Protection Considerations Related to the Developments in Ukraine – Update III,' dated 24 September 2015. Available at: http://www.refworld.org/docid/56017e034.html Date accessed: 29 September 2015.
[46] UN High Commissioner for Refugees (UNHCR). 'International Protection Considerations Related to the Developments in Ukraine – Update III,' dated 24 September 2015. Available at: http://www.refworld.org/docid/56017e034.html Date accessed: 29 September 2015.

Roma in eastern Ukraine could not afford to flee the conflict areas, while others had no choice but to leave their homes.'[47]

8.2.3 The UNHCR stated the following in September 2015: 'Although humanitarian aid is distributed to children and people aged over 60, unemployed adults (21-60 years old) are not entitled to assistance, with many adults becoming increasingly vulnerable due to both shortages of assistance and lack of employment opportunities in the NGCAs.'[48]

8.2.4 The US Department of State stated the following in the Country Report on Human Rights Practices for 2014, published in June 2015:

'On November 19 [2014], President Poroshenko signed into effect the Law on the Protection of Rights and Freedoms of Internally Displaced People. The law provides … hryvnia [the amount has changed since publication of this document] per month for children and persons with disabilities… Aid to children and persons with disabilities was provided for up to six months. Authorities reduced aid for those able to work by half after two months and stopped it after four months. Families may receive no more than … hryvnia [the amount has changed since publication of this document] a month for six months. The process of IDP registration and aid distribution, however, was slow and inefficient.'[49]

8.2.5 See the sub-section on Registration of IDPs for further information on this subject.

8.2.6 In the Country Report for Human Rights Practices for 2014, published in June 2015, the US Department of State noted: 'The bulk of assistance for IDPs was provided on a temporary basis by local and civil society organizations, and eventually by international humanitarian organizations. UN agencies commented the ability of grassroots organizations to continue absorbing IDPs was limited.'[50]

8.2.7 Shelter Shelter published the following in June 2015:

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[47] US Department of State, Country Report on Human Rights Practices 2014, Ukraine, 26 June 2015, Section 2 d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2014&dlid=236588 Date accessed: 25 August 2015.

[48] UN High Commissioner for Refugees (UNHCR). 'International Protection Considerations Related to the Developments in Ukraine – Update III,' dated 24 September 2015. Available at: http://www.refworld.org/docid/56017e034.html Date accessed: 29 September 2015.

[49] US Department of State, Country Report on Human Rights Practices 2014, Ukraine, 26 June 2015, Section 2 d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2014&dlid=236588 Date accessed: 25 August 2015.

[50] US Department of State, Country Report on Human Rights Practices 2014, Ukraine, 26 June 2015, Section 2 d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2014&dlid=236588 Date accessed: 25 August 2015.

'Initially, with moderately low numbers of displaced persons, hosting communities and volunteer groups tackled the crisis well. However, with further increase of IDPs coming per day the needs exceeded the capacity of existing societal mechanisms to respond. The UN and other humanitarian actors stepped in to provide assistance more actively from September 2014. In December 2014 the Cluster system was announced to enhance coordination among members of the humanitarian community.'[51]

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8.3 IDPs with specific needs

8.3.1 The UNHCR reported as follows on the situation for eldery and disabled IDPs in September 2015:

'Certain categories of IDPs are reported to face particular challenges in meeting their basic needs, including persons with limited mobility and other disabilities, persons of preretirement age, female-headed households, and elderly persons, particularly those with no family members or host community to support them. For these groups, the general obstacles faced by all IDPs are compounded by a lack of dedicated reception facilities and social assistance schemes for persons with specific needs, with a lack of accommodation for those with limited mobility a particular problem. With access to housing, education, and employment opportunities being a challenge for many IDPs throughout the country, displaced persons living with disabilities face even more obstacles in this regard…

'Isolated non-mobile people (such as elderly persons and persons living with disabilities) in NGCAs are particularly vulnerable. Given the breakdown of social services in NGCAs, in particular in rural areas and areas close to the contact line in GCAs, these people may remain without assistance for extended periods of time. People living in institutional care facilities are also reported to be at risk, with reports of an increased death rate due to stress-related causes, malnutrition, as well as a lack of access to medicine in some facilities. Elderly IDPs and IDPs living with disabilities, who may previously have had access to subsidized medication, reportedly cannot always access these subsidies as the health budget in the areas of displacement does not provide for this, making medication unaffordable. Interruptions in supply and shortages of life-saving medicines for IDPs have also been reported. Other concerns which impact on persons living with disabilities include the inaccessibility of bomb shelters to those who have restricted mobility, as well as lack of access to information about rights and services, particularly for those who are vision and hearing impaired, resulting in difficulties in accessing assistance.

'From 1 December 2014 the government suspended payments of pensions and other social benefits in NGCAs until the re-establishment of control over these territories by Ukraine. Given that this was the only source of income

[51] Shelter Cluster. Shelter Cluster Strategy. 15 June 2015. http://www.sheltercluster.org/sites/default/files/docs/shelter_nfi_cluster_strategy_final_june2015_eng_0.pdf Date accessed 28 August 2015

for many people living with disabilities and elderly people, this disruption had a serious impact on their ability to afford basic goods such as food and medicine. It also led to displacement, since people had to move from NGCAs to GCAs if they wished to continue receiving state benefits ... Pensioners have reportedly been receiving pension payments from the de facto authorities in "Donetsk People's Republic" (DPR) and the "Luhansk People's Republic" (LPR) since April 2015. Reportedly IDPs do not have to register as IDPs in NGCAs in order to receive pensions, but will be paid their pensions in Russian rubles on a monthly basis at the local Pension Fund administration in NGCAs.'[52]

8.3.2 The UNHCR also reported on the situation for women IDPs:

'The situation of women is of particular concern. The laws and policies to protect and assist IDPs in Ukraine do not recognize particular vulnerabilities related to gender. Instances of sexual and gender based violence (SGBV) have been reported both during and after displacement in GCAs. There have also been reports of women engaging in sexual relations with soldiers, in exchange for material support or money. Moreover, the risk of domestic violence in Ukraine is reported to have risen sharply in the context of the ongoing conflict and the deteriorating economic situation. Traumatized men returning from military service are reported to be responsible in part for the increase in domestic violence.

'Ukraine is a country of origin, transit and destination for trafficking in men, women and children, with IDPs being particularly vulnerable to exploitation, due to economic hardship and weak ties with host communities.'[53]

8.3.3 The UNHCR reported as follows on the situation for child IDPs:

'Children often bear the brunt of displacement, with many children reported to be traumatized by the conflict and in need of specialized psychosocial support. Gaps in the legal framework related to IDP protection further exacerbate the situation of children affected by displacement; for example, children born in NGCAs experience difficulties in obtaining Ukrainian birth certificates in GCAs, since hospital certificates, which are the basis for receiving birth registration certificates, are often not recognized in GCAs if they bear the stamp of "DPR" or "LPR".

'Some IDP children also report being stigmatized by their peers at school. Students completing high school in NGCAs report having difficulties in accessing university in GCAs, with high school certificates issued in NGCAs not recognized by the Ministry of Education and Science of Ukraine.

'Concerns have been expressed about the militarization of children in NGCAs, with the introduction of military education in schools. The de facto

[52] UN High Commissioner for Refugees (UNHCR). 'International Protection Considerations Related to the Developments in Ukraine – Update III,' dated 24 September 2015. Available at: http://www.refworld.org/docid/56017e034.html Date accessed: 29 September 2015.
[53] UN High Commissioner for Refugees (UNHCR). 'International Protection Considerations Related to the Developments in Ukraine – Update III,' dated 24 September 2015. Available at: http://www.refworld.org/docid/56017e034.html Date accessed: 29 September 2015.

authorities in the DPR have also introduced a "law" lowering the age at which individuals can be employed on a full-time basis to 14 years. This raises particular concerns in relation to displaced children who, as a result of increased economic vulnerability, face a heightened risk of being engaged in child labour and other human rights violations.'[54]

8.3.4 The UNHCR reported further on the situation for Roma IDPs:

'Since the conflict began, approximately 10,000 Roma people are estimated to have fled from their residences in the eastern part of the country. Since many Roma have never held identity documents, they are often unable to register as IDPs and access government assistance and services. There is a general lack of awareness among IDP Roma regarding the importance and benefits of IDP registration. Roma IDPs are highly marginalized as a result of multiple forms of discrimination and stigmatization. In addition to reports of physical violence, they have also been targeted by anti-Roma political discourse in the media. Host populations are reported to be less likely to show the same generosity to Roma IDPs as to other IDPs; as a result, many Roma IDPs face additional obstacles in finding employment and accommodation.'[55]

8.3.5 The UNHCR reported in September 2015 on the situation for diplaced people of diverse sexual orientations:

'Particular concerns have been expressed about the situation of individuals of diverse sexual orientations and gender identities in the NGCAs. These individuals are also reported to face serious risks in Crimea. Due to broader patterns of discrimination in society, individuals of diverse sexual orientations and gender identities who become internally displaced are likely to face additional barriers in accessing assistance.'[56]

8.3.6 See also the country information and guidance on Ukraine: Crimea, Donetsk and Luhansk.

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8.4 Returnees and those who remain in their home areas

8.4.1 UNHCR's January 2015 position paper stated that:

'… many IDP families are socially vulnerable, including elderly persons or unaccompanied women with children. In addition, many families are experiencing separation, since some family members remain at home to look after property or other family members. Given the dismantling of Ukrainian legal structures in the non-government controlled territories and the rise in

[54] UN High Commissioner for Refugees (UNHCR). 'International Protection Considerations Related to the Developments in Ukraine – Update III,' dated 24 September 2015. Available at: http://www.refworld.org/docid/56017e034.html Date accessed: 29 September 2015.
[55] UN High Commissioner for Refugees (UNHCR). 'International Protection Considerations Related to the Developments in Ukraine – Update III,' dated 24 September 2015. Available at: http://www.refworld.org/docid/56017e034.html Date accessed: 29 September 2015.
[56] UN High Commissioner for Refugees (UNHCR). 'International Protection Considerations Related to the Developments in Ukraine – Update III,' dated 24 September 2015. Available at: http://www.refworld.org/docid/56017e034.html Date accessed: 29 September 2015.

general insecurity, people report being afraid that their property will be expropriated, looted or stolen if they do not remain to occupy it. Usually adult male family members remain behind. Furthermore, it is reported to UNHCR and partner organizations that men stay behind for other reasons, such as difficulties in crossing checkpoints or because they are supporting the de facto authorities.

'Following the cease-fire agreement in eastern Ukraine, some IDPs returned, at least temporarily, to the affected regions of Donetsk and Luhansk regions. Others continue to leave, reportedly for reasons related to the ongoing violence, economic collapse, and lack of access to public services.'[57]

8.4.2 UNHCR published the following in September 2015:

'Accurate statistics on the number of returnees remain unavailable, as the registration system does not provide data on returns or secondary movements within the country. According to monitoring reports and interviews, people who return generally do so when the security situation allows, to protect their property from looting or expropriation and to visit family members unable or unwilling to move and who have thus been left behind. IDPs have also returned during the spring-summer period to engage in agricultural activities. Some IDPs also return to NGCAs due to a lack of financial means in the GCAs. However, most IDPs in Ukraine have chosen not to return to their homes as the security and political situation remains unstable.'[58]

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8.5 Registration of IDPs

8.5.1 The UNHCR published the following in January 2015: 'Until 1 October [2014], there was no central registration system for IDPs in Ukraine, leading to difficulties in knowing with precision the real numbers and location of the displaced…

'As of 15 October [2014], the Ministry of Social Policy (MoSP) launched a system of IDP registration and financial assistance, which includes incentives for IDPs to come forward. Later, the Government announced that persons from the geographic areas outside of government control must register as IDPs in order to transfer their pensions and social benefits to a region where the government is capable of making payments. Persons who transferred those benefits before the new registration procedure came into effect in mid-October have until 1 February 2015 to register as IDPs, or their benefits will be suspended. The suspension of government payments in the non-government controlled areas is considered to have contributed to additional displacement, since all beneficiaries of social benefits must

[57] UN High Commissioner for Refugees (UNHCR), International Protection Considerations Related to the Developments in Ukraine – Update II, 15 January 2015. Para 11 - 13. Available at: http://www.refworld.org/docid/54c639474.html

[58] UN High Commissioner for Refugees (UNHCR). 'International Protection Considerations Related to the Developments in Ukraine – Update III,' dated 24 September 2015. Available at: http://www.refworld.org/docid/56017e034.html Date accessed: 29 September 2015.

register as IDPs to receive their entitlements. In some regions, as many as 50 per cent of newly registered IDPs have been pensioners. The deadline of 1 February only relates to those who already transferred their social benefits payments to offices in government-controlled areas before mid-October, those who have been displaced after this date have been able to register with the MoSP as of the date of their displacement.' [59]

8.5.2 Shelter Cluster reported in June 2015 stated:

'In October 2014, the Government of Ukraine announced a dedicated new IDP registration system (Resolution #509) along with a resolution on state provision of cash assistance to cover utility bills for all registered IDPs for 6 months (Resolution # 505). A Law on IDPs was adopted by the Government of Ukraine in October 2014, including provisions for the new registration system and outlining of establishment of rights of IDPs to free accommodation and employment….' [60]

8.5.3 The UNHCR published the following information in September 2015:

'Despite the increasing numbers of registered IDPs, certain categories of displaced persons face administrative hurdles to register as IDPs, including persons who lack the required documentation (particularly for those from minority groups such as Roma); and new-born children with birth certificates issued in the NGCAs. In practice some IDPs do not register due to lack of information on the benefits of registration, or because they are ineligible for and therefore do not see a reason to register. Others fear military conscription; discrimination in the employment or rental market; or they are afraid that registration could be seen as a political stand, which may have negative consequences for relatives who remain in the NGCAs or in terms of property they own in the NCGAs. IDPs who for various reasons were unable to register, or who opted not to register, have reportedly been generally unable to access any State assistance, including both targeted financial assistance for IDPs and regular social welfare entitlements. Some humanitarian actors have also required IDP registration certificates prior to delivery of assistance.

'In March 2015 the Cabinet of Ministers adopted a new resolution to amend IDP registration procedures. The amendments provided for verification of IDP residence by law enforcement agencies, and the power to de-register individuals found not to be living at their place of residence. As a consequence, more than 8,000 IDPs have reportedly had their registration certificates "cancelled" after not appearing during the government-mandated "spot-checks" foreseen under the resolution. The resolution has led to concerns about restrictions on freedom of movement, given the difficulty of de-registering in one location and then registering in another. This is of

[59] UN High Commissioner for Refugees (UNHCR), International Protection Considerations Related to the Developments in Ukraine – Update II, 15 January 2015. Para 11 - 13. Available at: http://www.refworld.org/docid/54c639474.html

[60] Shelter Cluster. Shelter Cluster Strategy. 15 June 2015. http://www.sheltercluster.org/sites/default/files/docs/shelter_nfi_cluster_strategy_final_june2015_eng_0.pdf Date accessed 28 August 2015

particular concern given that the majority of IDPs report having moved at least once following their initial displacement, often due to the lack of available assistance and/or employment opportunities in the first place of displacement.'[61]

8.5.4 The UNHCR also reported in September 2015 on the eligibility of IDPs to vote:

'IDPs are eligible to vote in national elections. However, in July 2015 Parliament passed Law No. 1706-VII,142 which limits IDP participation in local elections scheduled for 25 October 2015. According to this law, a person needs to be a permanent resident in the relevant constituency in order to exercise the right to vote. As most IDPs have not yet been able to establish themselves as permanent residents in the constituencies where they now live, they are effectively disenfranchised. Independent analysts have criticized this law for being contrary to the Constitution and laws of Ukraine, as it may impede IDPs' involvement in the governance of host communities. IDPs have themselves expressed frustration with their non-participation.'[62]

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8.6 Tensions between Eastern and Western Ukrainians

8.6.1 UNHCR's January 2015 position paper stated that:

'IDPs are increasingly reporting difficulties when trying to rent apartments or when seeking work. Tensions between IDPs and the local population in certain locations in western Ukraine have arisen around a number of issues. Over the summer months, some western Ukrainians perceived themselves as being disproportionately targeted for conscription, stating that IDPs from the East were exempted from military service. IDPs find themselves competing with locals for jobs and for other scarce resources, such as nursery school places. Rental prices in many cities hosting IDPs have risen sharply, leading to resentment by the host community. The conflict has also given rise to political tensions. In some host communities, the local population blames persons from Donetsk and Luhansk oblasts for the crisis and accuses IDPs of politically supporting separatist movements. Negative stories or rumours about IDPs spread quickly through social media. This has further contributed to discrimination against IDPs in employment and housing.' [63]

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[61] UN High Commissioner for Refugees (UNHCR). 'International Protection Considerations Related to the Developments in Ukraine – Update III,' dated 24 September 2015. Available at: http://www.refworld.org/docid/56017e034.html Date accessed: 29 September 2015.

[62] UN High Commissioner for Refugees (UNHCR). 'International Protection Considerations Related to the Developments in Ukraine – Update III,' dated 24 September 2015. Available at: http://www.refworld.org/docid/56017e034.html Date accessed: 29 September 2015.

[63] UN High Commissioner for Refugees (UNHCR), International Protection Considerations Related to the Developments in Ukraine – Update II, 15 January 2015. Para 18. Available at: http://www.refworld.org/docid/54c639474.html Date accessed: 25 August 2015.

8.6.2 The US State Department report covering events in 2014 stated: 'As displacement continued, tensions emerged between host populations and IDPs as competition for resources increased.

'Critics accused internally displaced men who moved to western Ukraine of evading military service, while competition rose for housing, employment, and educational opportunities in Kyiv and Lviv. The UN's HRRM also reported IDPs who left their homes without their "labor book" experienced difficulties securing employment or acquiring insurance payments for unemployment.'[64]

8.6.3 UNHCR publish regular reports on IDPs by region in Ukraine which can be accessed at: http://www.refworld.org/country,,UNHCR,,UKR,,,,0.html

8.6.4 Other sources of current information regarding the IDP situation can be found on resources available on the UNHCR Ukraine website[65] and the UNOffice for the Coordination of Humanitarian Affairs (OCHA)'s Reliefweb website[66].

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[64] US Department of State, Country Report on Human Rights Practices 2014, Ukraine, 26 June 2015, Section 2 d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2014&dlid=236588 Date accessed: 25 August 2015.
[65] UNHCR Ukraine website. http://unhcr.org.ua/en Date accessed: 28 August 2015.
[66] UNOffice for the Coordination of Humanitarian Affairs (OCHA)'s Reliefweb website. http://reliefweb.int/country/ukr Date accessed: 28 August 2015.

Map

Pew Research Center. http://www.pewglobal.org/2015/06/10/nato-publics-blame-russia-for-ukrainian-crisis-but-reluctant-to-provide-military-aid/ukraine-map_web/

Version Control and Contacts

Contacts

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Clearance

Below is information on when this version of the guidance was cleared:

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