



Inclusion of Internally Displaced Persons



Credit: OCHA Ukraine/A.V.Shuvayev

KEY MESSAGES

- Link support for IDPs to needs and solutions, not to IDP registration; holding an IDP certificate should not be a precondition for receiving services.
- Expand the Cabinet of Ministers Durable Solutions Strategy beyond 2020 and adjust it in consultation with IDP communities based on their needs. Ensure the effective implementation of the Strategy, including by allocation of sufficient funding.
- Ensure that IDPs can meaningfully exercise their voting rights during local election under the newly adopted Electoral Code.
- Diversify housing solutions for IDPs, including affordable and social housing programs, as well as low-interest loans; allocate sufficient funds for these programs' implementation.

IMPACT ON SOCIAL COHESION

If the Government of Ukraine implements these recommendations, IDPs will be able to integrate fully in their host communities, if they wish. They will be able to choose their place of residence and access services freely, influence the local affairs of their communities and find permanent housing solutions. Ukrainians from different parts of the country will deepen their social ties with one another. Because the state's policies will treat all citizens equally regardless of their region of origin, IDPs will have greater trust in state institutions.

The UN's 2030 Agenda for Sustainable Development pledges to "leave no one behind" and "to reach those furthest behind first." It specifically mentions IDPs as a vulnerable group that must be empowered through efforts to implement the Sustainable Development Goals (SDGs) and places a strong emphasis on inclusion.

GENERAL OVERVIEW

According to the Ministry of Social Policy, there are 1 433 454 registered internally displaced persons (as of 8 January 2020) in Ukraine. The UN estimates that of these, approximately 800,000 reside more permanently in the government-controlled areas (GCA) of Ukraine. Among registered internally displaced persons (IDPs), around 51 per cent are pensioners, and 14 per cent are children. Nearly 49,000 registered IDPs have disabilities.¹ IOM's survey data shows that some conditions have improved for many IDPs over time. For example, IDPs in GCA have access to education and medical care. Nevertheless, registered IDPs have higher unemployment rates and incomes considerably lower than average Ukrainian households, some - below the actual subsistence level. IDPs spend a significant proportion of their household incomes on rent and utilities.² Housing remains one of IDPs' biggest concerns. Permanent housing is a key to integration, since it would allow IDPs to build social ties and find stable employment/private entrepreneurship.³

Despite the difficulties, many IDPs intend to remain where they are. ⁴ When surveyed, only one per cent expressed an intention to return home in the near future. Among surveyed IDPs, 36 per cent state that they do

¹ Humanitarian Needs Overview for Ukraine 2019.

https://www.humanitarianresponse.info/sites/www.humanitarianresponse.info/files/documents/files/ukraine_2019_humanitarian_needs_overview_en.pdf

² IOM, National Monitoring System Report on the Situation of Internally Displaced Persons, June 2019. http://iom.org.ua/sites/default/files/nms_round_14_eng_web.pdf

³ UNHCR Ukraine Participatory Assessment (2019) https://www.humanitarianresponse.info/sites/www.humanitarianresponse.info/files/2019/06/UNHCR_Ukraine_Participatory_Assessment_2019.pdf

⁴ UNHCR Ukraine Participatory Assessment (2019) https://www.humanitarianresponse.info/sites/www.humanitarianresponse.info/files/2019/06/UNHCR_Ukraine_Participatory_Assessment_2019.pdf

not plan to return home, even after the end of the conflict.⁵ Displacement has lasted for over five years, and IDPs—both individually and in community groups—have forged tremendous progress for themselves. People attain a durable solution and stop being considered as IDPs when they “no longer have specific assistance and protection needs linked to their displacement, and... can enjoy their human rights without discrimination resulting from their displacement.”⁶

“I am 62 years old pensioner. I cannot integrate here until I am sure that in case I lose my job and rented housing, I will not become homeless. I do not want to end my life in trash can due to the absence of housing programs for IDPs who cannot solve their housing problems without state support”.

62 y.o. female pensioner during a legal consultancy at the community center.

MAIN CHALLENGES AND RECOMMENDATIONS

Policies are turning IDP registration into a permanent status



Current policies link access to various rights and benefits to IDP registration. For example, IDP pensioners who have made a new home in the GCA must remain registered as IDPs in order to have access to their pensions and social benefits. Although some amendments were made to governmental resolutions to change this, they were incomplete. People remain tied to their IDP registration, which means undergoing additional verification of their eligibility and increases the risk of their pensions being erroneously suspended. Pensioners residing in the nongovernment-controlled areas (NGCA) are able to get access to their pensions only if they register as IDPs in GCA. Even in cases where persons with residence registration in NGCA have moved abroad, they are required to register as IDPs and periodically return home for identification procedures in order to maintain access to their pensions.

Similarly, private entrepreneurs originally from NGCA or Crimea must register as IDPs in order to access tax and other administrative services pertinent to entrepreneurial work.

Under current practice, authorities register babies born to IDP parents as IDPs, which creates a new generation of the internally displaced, who have never experienced displacement. IDP parents have an incentive to register their newborn children as IDPs since IDPs receive certain benefits, such as financial assistance and exemption from waiting lists at state-run kindergartens.

Other government services, like issuance of identification documents and social benefits connected with disability, are also linked to one’s place of residence registration. Therefore, persons from NGCA and Crimea must register as IDPs to access these services in the community to which they have been displaced.

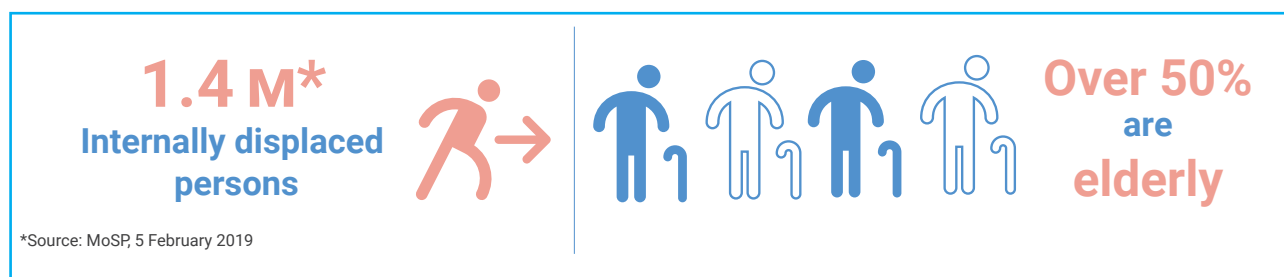
As a result, IDPs residing in GCA cannot renounce their IDP registration even if they feel integrated in host communities and express a desire to remain there: their IDP certificate is the key to multiple public services. This link creates a reality in which IDPs have no choice but to keep their IDP registration, which hampers their inclusion.

In international law, internal displacement is described as a factual state and, unlike in international refugee law, there is nothing like a legal “IDP status”.

Like other residents of Ukraine, IDPs should have the right to establish a new place of permanent residence. Policies should neither penalize them for making that choice, nor create incentives for people to remain displaced indefinitely. It will benefit both IDPs and their host communities if IDPs make new homes, find jobs, start businesses and deepen commitments to their communities.

Recommendation:

- Review current policies regarding rights and benefits for IDPs with a view toward targeting needs, rather than status, eliminating disincentives for those who integrate. Support should be linked to solutions, not to the IDP certificate.



5 IOM, National Monitoring System Report on the Situation of Internally Displaced Persons, June 2019 http://iom.org.ua/sites/default/files/nms_round_14_eng_web.pdf

6 Inter-agency Standing Committee, IASC Framework on Durable Solutions for Internally Displaced Persons, April 2010.

Durable solutions strategy is not yet implemented



The “Strategy of Integration of Internally Displaced Persons and Implementation of Durable Solutions to Internal Displacement until 2020” adopted by the Cabinet of Ministers in November 2017, expires in December 2020.

The Action Plan for the implementation of this Strategy focused on housing, property rights, pensions and social rights, employment, education, medical services, and support to host communities.

However, the Strategy’s vision for the social and economic integration of IDPs, has not been yet fully implemented, since there has been insufficient funding and inter-ministerial coordination. No progress reports have been published yet.

For the comprehensive implementation of durable solutions for IDPs, there is a need to update the Durable Solutions Strategy and an Action Plan to it for the next five-year period (2021-2025). It will be important to ensure sufficient funding and inter-ministerial coordination of this effort, as integration requires the whole-of-government approach. With their perspectives, talents and resources, IDPs themselves also can play a powerful role in setting strategic priorities, implementing activities and monitoring results. International donors can support implementation of durable solutions by incorporating links to development and recovery programs.

“The law says one thing and the state does the opposite. Here you obtain a right, instead of being deprived of hope. An IDP from Donetsk, for many years I have to “achieve” my right to social housing, meanwhile crowding in a small dormitory room with a stranger.”

Military pensioner residing in a dormitory in Kherson

Recommendations:

- Ensure effective implementation of the current IDP Integration and Durable Solutions Strategy
- Update the comprehensive Durable Solutions Strategy and Action Plan for 2021-2025, using the whole-of-government approach and including IDPs. Provisions of the IASC Framework on Durable Solutions could be used as a reference tool in developing this strategy.
- Ensure accountability for implementation of the Action Plan through adequate budgeting, coordination and direct participation of IDPs.
- Mobilize donor support for development and recovery programs to co-fund durable solutions for IDPs, in line with the Strategy.

Local communities do not formally include IDPs as residents



IDPs do not have permanent residence registration in their hosting communities. Thus, they are not formally included in these communities, and there is no formal rule on considering them as members of communities without formal residency registration. As a negative implication, local officials have less incentive to consider the needs of IDPs when planning allocations of the local budget. Nationwide the decentralization policy is devolving greater power to communities, and innovative community groups are demonstrating initiative in solving problems at the local level. Meanwhile, due to the lack of legislative regulations and administrative procedures, IDPs’ views and positions are not considered or incorporated.

The central and oblast governments provide communities with subventions based on their registered population. Since the registration figures omit IDPs, communities that host IDPs are short-changed.

Recommendations:

- Allow IDPs to be registered as members of their local communities. This must not jeopardize their right to benefit from financial support for IDPs or their right to return home, if they choose to do so at a later date;
- Local communities to include IDPs in participatory decision-making;
- Ensure that local communities receive subventions for the entire population, including registered residents and IDPs.

“We need money for solving IDP housing issues. For not solving these issues, we need plenty of working groups and various programs”.

A civic activist from Crimea

IDPs will participate for the first time in local elections



To integrate in the host communities, IDPs must be able to participate in local policy-making and have their voice heard. In December 2019, Parliament adopted a new Electoral Code giving IDPs the right to vote in local elections. This is a positive development, which means that in 2020, IDPs will have the right to vote in local elections for the first time. It will be important to ensure that IDPs have information about how to meaningfully exercise this right.

"We continue to receive so-called benefits, which in fact would facilitate tensions and negative treatment of IDPs by local residents instead of finding housing solutions..."

IDP woman with grandchildren regarding recent news on free meals for IDPs in schools

Recommendation:

- Conduct public awareness campaigns to inform IDPs about how to exercise their right to vote according to the new procedures.

IDPs prioritize housing solutions



Among all their concerns, IDPs prioritize housing.⁷ The majority of IDPs are paying high rents that consume a significant proportion of their income. Most landlords do not offer formal rental agreements, leaving the tenants unprotected.

There is no one-size-fits-all when it comes to housing solutions for IDPs, since IDPs and the communities where they live have different needs, resources and preferences. Ukraine needs a comprehensive housing strategy for IDPs that would expand availability of temporary and social housing for vulnerable persons, while also supporting a range of programs to make it affordable for IDPs to acquire permanent housing.

Some IDPs are extremely vulnerable and will need longer-term support in the form of social housing. In particular, many vulnerable residents of collective centers will require social housing. Social housing is under the ownership of local administrations; therefore, such projects would help IDPs integrate into host communities.

Other IDPs want to invest their monthly rental payments toward buying a home. Affordable housing schemes, such as low-interest loans or rent-to-own programs, are suitable for IDPs who have a stable source of income. A patchwork of housing programs exists across the country. Some good practices are emerging at local levels. For example, with funding from the national budget and international donors, the cities of Kramatorsk, Mariupol, Pokrovsk, Kryvyi Rih and Kharkiv together with the Ministry of Temporarily Occupied Territories and IDPs have opened units of temporary/social housing for IDPs. Additionally, in late 2019, the State Youth Construction Fund has provided low-interest mortgage loans, co-funded from the state budget, to IDPs to buy new apartments. IDPs from rural areas have participated in the program called "My own home," which combines funding from state, regional and local budgets to help families purchase homes in rural areas. It is likely to take a combination of state funding and international financial support to scale up these programs to extend durable housing solutions to IDPs.

Recommendations:

- Diversify housing solutions for IDPs, including affordable and social housing programs, as well as low-interest loans; allocate sufficient funds for these programs' implementation.
- Mobilize donors' support in the form of loans and grants for affordable and social housing programs that include IDPs. Ensure that such mobilization is accompanied by transparent legal mechanism of allocation, use and reporting on funds.

ANNEX

International standards

The Guiding Principles on Internal Displacement (Principle 28) obliges the state to "establish conditions, as well as provide the means, which allow internally displaced persons to return voluntarily, in safety and with dignity, to their homes or places of habitual residence, or to resettle voluntarily in another part of the country. Such authorities shall endeavour to facilitate the reintegration of returned or resettled internally displaced persons."

⁷ UNHCR Ukraine Participatory Assessment (2019)

https://www.humanitarianresponse.info/sites/www.humanitarianresponse.info/files/2019/06/UNHCR_Ukraine_Participatory_Assessment_2019.pdf

This principle also calls for the “full participation of internally displaced persons in the planning and management of their return or resettlement and reintegration.”

Principle 29 emphasizes that IDPs “shall not be discriminated against as a result of their having been displaced. They shall have the right to participate fully and equally in public affairs at all levels and have equal access to public services.”

The 2030 Agenda for Sustainable Development states (in paragraph 23) that:

“People who are vulnerable must be empowered. Those whose needs are reflected in the Agenda include... internally displaced persons.... We resolve to take further effective measures and actions, in conformity with international law, to remove obstacles and constraints, strengthen support and meet the special needs of people living in areas affected by complex humanitarian emergencies and in areas affected by terrorism.”

National legal framework

The Law on “Ensuring the Rights and Freedoms of Internally Displaced Persons in Ukraine” guarantees IDPs the “same rights and freedoms as other persons in accordance to legislation of Ukraine and international agreements.” It prohibits discrimination on the basis of internal displacement.

Ukraine’s “Strategy of Integration of Internally Displaced Persons and Implementation of Durable Solutions to Internal Displacement until 2020” states that the “rapid search for durable solutions to internal displacement is necessary in the interests of both IDPs and the state as a whole.”