



Inclusion of Internally Displaced Persons



Credit: OCHA Ukraine/A.V.Shuvayev

KEY MESSAGES

- Link support to IDPs to their needs and not to IDP registration; holding an IDP certificate should not be a precondition for receiving services and accessing rights.
 - Collect comprehensive and reliable data on the numbers, locations and conditions of IDPs residing throughout the country to inform relevant policies and programs.
 - Adopt the National IDP Integration and Durable Solutions Strategy and Action Plan to it, followed by regional/local action plans and programmes. Ensure effective implementation of the strategies, action plans and programmes, including by allocation of sufficient funding.
 - Ensure that IDPs are involved in the policy and decision-making processes at all levels of governance.
- Ensure that IDPs have access to transitional justice measures, including reparations.
 - Diversify longer-term housing solutions for IDPs, including housing programmes, low-interest loans, and access to compensation for destroyed and damaged housing; allocate sufficient funds for implementation of these solutions.

IMPACT ON SOCIAL COHESION

If the Government of Ukraine implements these recommendations, internally displaced persons (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, as of 27 January 2021, there are 1 459 086 registered IDPs in Ukraine.¹ The UN estimates that approximately 745,000 IDPs reside more permanently in the government-controlled areas (GCA) of Ukraine.²

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.³ As of June 2020, the employment rate among IDPs stood at 46 per cent compared to 58 per cent

1 Ministry of Social Policy of Ukraine, <https://www.msp.gov.ua/timeline/Vnutrishno-peremishcheni-osobi.html>

2 Humanitarian Needs Overview for Ukraine 2021. https://www.humanitarianresponse.info/sites/www.humanitarianresponse.info/files/documents/files/hno_2021-eng_-2021-02-09.pdf

3 IOM, National Monitoring System Report, June 2020, https://iom.org.ua/sites/default/files/nms_round_17_eng_web.pdf

nationwide. The displaced also have to overcome physical and administrative hurdles to access payments and compensations.⁴ NRC Ukraine's Profiling demonstrates that one major difference between displaced and non-displaced population relates to access to adequate housing and livelihoods, while housing expenditures (rent and utility cost) often constitute the largest proportion of IDP household budgets. Lack of access to housing and predictable income are the main reasons for many, especially elderly, to return to the NGCA while preserving their IDP registration. Access to housing and livelihood opportunities, including predictable income, are the main factors influencing the IDPs' decision to stay, to return or to relocate elsewhere, including abroad.⁵

Still, according to IOM's survey, eighty-two per cent of IDPs have lived in the current settlement for over three years, and 39 per cent have no intention to return.⁶ Therefore, access to livelihoods and employment opportunities, adequate housing and equal access to essential services should be increasingly provided to IDPs in the locations they currently reside in.⁷


Displacement has lasted for over six 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.”⁸

“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.

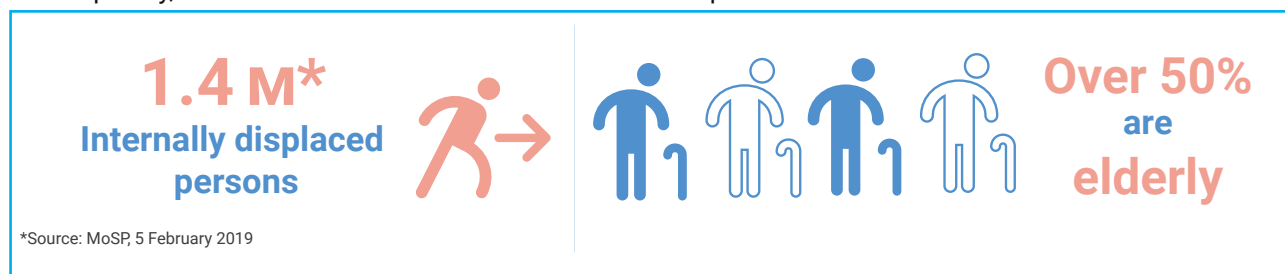
MAIN CHALLENGES AND RECOMMENDATIONS

Policies are turning IDP registration into a permanent status

 Current Government policies link access to various rights and services to IDP registration. For example, 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. Though the Government amended some by-laws, the issue is yet to be resolved. Pensioners residing in the NGCA are compelled to register as IDPs in CGA to be able to access their pensions.⁹

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. In practice, people with NGCA residence registration may be required to show their IDP Certificates to get a medical certificate to drive a vehicle or in bank institutions. Thus, IDPs residing in GCA cannot renounce their IDP registration even if they feel integrated in the new communities and express a desire to remain there: their IDP certificate is the key to access multiple public services, hampering their integration and inclusion.

Consequently, the national authorities of Ukraine lack comprehensive information about the exact numbers



4 IOM, National Monitoring System Report, June 2020, https://iom.org.ua/sites/default/files/nms_round_17_eng_web.pdf

5 NRC Ukraine, Profiling of IDP situation in Luhansk region, December 2020, <https://www.nrc.no/resources/reports/profiling-of-IDP-situation-in-luhansk-region-ukraine/>

6 IOM, National Monitoring System Report, June 2020. https://iom.org.ua/sites/default/files/nms_round_17_eng_web.pdf

7 Humanitarian Needs Overview for Ukraine 2021. https://www.humanitarianresponse.info/sites/www.humanitarianresponse.info/files/documents/files/hno_2021-eng_-2021-02-09.pdf

8 IASC Framework on Durable Solutions for Internally Displaced Persons, <https://www.unhcr.org/50f94cd49.pdf>

9 See more - UN BN Pensions for IDPs and persons living in the areas not controlled by the Government in the east of Ukraine, January 2020, https://www.unhcr.org/ua/wp-content/uploads/sites/38/2020/03/Briefing-Note-on-Pensions_2020.pdf

and locations of IDPs, their needs related to displacement and preferred durable solutions.

According to international standards, internal displacement is described as a factual state and, unlike from International Refugee Law, there is nothing like a “legal IDP status”. 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. The purpose of the IDP registration system should be for monitoring the actual number of IDPs to ensure that specific needs caused by displacement are fully addressed.

Recommendations:

- Review current policies regarding rights and benefits for IDPs with a view toward targeting needs, rather than “status”, eliminating disincentives for those who integrate. Amend the current legislation ensuring that IDPs can enjoy their rights equally and with no reference to IDP registration requirements.
- Revise the IDP registration system and improve the data collection mechanisms on the numbers, locations, needs and intentions of IDPs to inform relevant policies and programmes.

“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

Need for strategic and evidence-based policies on durable solutions



In 2017, the Government of Ukraine adopted the National Strategy on IDP Integration and Durable Solutions, followed by the 2018 Action Plan. Both documents expired in 2020, yet they were not fully implemented due to insufficient funding and coordination. The Government has not yet adopted the Strategy and Action plan for the next period. The adoption of these nation-wide strategic documents is important to determine the main priorities in addressing displacement and to set the benchmarks

for regional and local authorities in developing their action plans and programs

IDP integration primarily happens at the local level. For the last six years, there are several positive examples regarding implementation of the policies supporting IDP integration. The regional and local authorities are choosing different approaches: adoption of the regional strategies and action plans, targeted programmes for IDPs or extension of the existing programmes to include IDPs as beneficiaries. However, without reliable data, due budgetary allocations, adequate implementation and monitoring procedures various strategic documents are likely to retain a rather declarative and theoretical character.

Recommendations:

- Adopt the National Strategy for IDP Integration and Durable Solutions and an Action Plan for the next period in line with international standards. Develop data-driven regional and local action plans and programmes for IDP integration. Ensure sufficient budgetary allocations and strengthen coordination for implementation of these policies.

IDPs prioritise housing solutions



Among all their concerns, IDPs prioritize housing.¹⁰ 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-

“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

¹⁰ UNHCR Ukraine Participatory Assessment, 2019, https://www.unhcr.org/ua/wp-content/uploads/sites/38/2019/08/2019-08-19-PA_ENG.pdf

interest loans or rent-to-own programs, are suitable for IDPs who have a stable source of income. 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.

In September 2020, the Cabinet of Ministers amended the compensation procedure for destroyed housing located in GCA (Resolution no. 767) with UAH 20 million (app. USD 714,286) allocated from the State Budget of Ukraine. Thus, the owners, including IDPs, whose housing located in the GCA has been destroyed as a result of the hostilities April 2014, have a right to compensation for up to UAH 300,000 (app. USD 10,714). For 2021, the Government is committed to allocate UAH 114 million (app. USD

4 mln). Still, during the pilot implementation of the procedure certain short-comings were identified.¹¹ Yet, there is no law establishing a comprehensive and accessible mechanism for restitution and compensation for lost or damaged housing, land and property. Access to compensation is important for IDPs, as money received can be used to purchase new housing or to conduct the necessary repairs.

"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

Recommendations:

- Ensure that housing solutions are tailored to specific needs of IDPs. Diversify housing solutions, including affordable and social housing programs, as well as low interest loans; allocate sufficient funds for these programs' implementation.
- Ensure that IDPs have access to compensation for lost housing, land and property.

Transitional justice measures are inherent part of durable solutions for IDPs

The Government of Ukraine is currently developing a transitional justice framework, which should take into account the particular situation of IDPs. IDPs should be involved in the design, planning and implementation of transitional justice measures directed towards them. Access to reparations and restitution programmes, aimed at overcoming the material obstacles and psychological impact that IDPs face as a result of their displacement, will help them find durable solutions.¹²



Recommendations:

- Ensure that IDPs are involved in the transitional justice process and have access to its mechanisms.

IDP participation in public affairs remains low

To integrate in the host communities, IDPs must be able to participate in local policy-making and have their voice heard. On October 25, 2020, the local elections were held in Ukraine. Prior to that, in December 2019, the Parliament adopted a new Electoral Code giving IDPs the right to vote in local elections. However, only 100,310 Ukrainian citizens, including IDPs, have changed their voting address for October elections.¹³ This number is significantly lower in comparison to the parliamentary elections (280,922) and the presidential elections (315,725) in 2019.¹⁴ One of the contributing factors could have been low awareness among IDPs on how to vote in local elections, as well as confusion between the voting address, IDP registration and residence registration. In 18 communities of Donetsk and Luhansk oblasts, which officially host the highest numbers of IDPs, the local elections were not held.¹⁵ Access to the local elections is only one mechanism to ensure IDP participation in public affairs. IDPs should have access to other instruments of local democracy (such as hearings, participatory budgets etc.) and be involved in decisions affecting them, in particular through focus groups, consultations, advisory bodies and working groups.



Recommendations:

- Strengthen participation of IDPs in decision-making processes affecting their well-being and integration.

¹¹ These include the burdensome logistics, difficulties in assessment of destruction, lack of property ownership documents and procedure for damaged housing.

¹² Report of the Special Rapporteur on the human rights of internally displaced persons, July 2018 https://www.ohchr.org/Documents/Issues/IDPersons/A73_173.pdf

¹³ State registry of voters (as of 21 September 2020). https://www.dr.gov.ua/ords/portal!/cm_core_cm_index?option=ext_num_voters&pdt=8&pmn_id=127&fbclid=IwAR2BfiDSR4p_F8RtvxfFFhCiCJcFzC-Ab5Nlo2cvMMVXHBxex_FrINZQJVA

¹⁴ Ibid, https://www.dr.gov.ua/ords/portal!/cm_core_cm_index?option=ext_num_voters&pdt=6&pdv=911&pmn_id=127

¹⁵ The local elections were not held in 10 communities in Donetsk oblast and 8 communities in Luhansk oblastio. <https://zakon.rada.gov.ua/laws/show/v0161359-20#n34>

Conduct public awareness campaigns to inform IDPs about how to exercise their right to participate in public affairs.

ANNEX

Legal framework

International standards

According to Principle 6 of the **Guiding Principles on Internal Displacement**, “internal displacement shall last no longer than required by the circumstances”.

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.” 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.”

According to the **Inter-Agency Standing Committee Framework on Durable Solutions for Internally Displaced Persons**, “a durable solution is achieved when internally displaced persons no longer have any specific assistance and protection needs that are linked to their displacement and can enjoy their human rights without discrimination on account of their displacement”. It can be achieved either through sustainable reintegration at the place of origin (return); through sustainable local integration in areas where internally displaced persons take refuge (local integration); or through sustainable integration in another part of the country (settlement elsewhere in the country). The durable solution is achieved when IDPs no longer have specific assistance, and protection needs that are linked to their displacement and such persons can enjoy their human rights without discrimination resulting from their displacement. The IASC Framework on Durable Solutions for IDPs sets eight criteria to measure the progress of their achievement: 1) safety and security; 2) adequate standard of living; 3) access to livelihoods; 4) restoration of housing, land and property; 5) access to documentation; 6) family reunification; 7) participation in public affairs; and 8) access to effective remedies and justice.

Several other guiding and supporting documents have framed the conversation around IDP durable solutions, including:

- Framework for National Responsibility (2005)
- Principles on housing and property restitution for refugees and displaced persons (“Pinheiro principles”, 2005)
- UN Secretary-General Decision on Durable Solutions (2011)
- The 2030 Agenda for Sustainable Development
- The Reports and recommendations of the Special Rapporteur on the human rights of internally displaced persons
- Specific guidance by UNHCR, Brookings-Bern University Internal Displacement project, Protection Cluster, the Internal Displacement Monitoring Centre.

National legislation

- The Law of Ukraine “**On Ensuring the Rights and Freedoms of Internally Displaced Persons in Ukraine**”

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 with the legislation of Ukraine and international agreements.” It prohibits discrimination on the basis of internal displacement.