

Key Advocacy Messages: Protection of IDPs and other conflict-affected people in Ukraine

Internal displacement and durable solutions

■ **Vulnerable IDPs must have access to temporary or social housing.** A significant proportion of IDPs continue to live in substandard housing conditions, with no prospects for alternate housing or return to their home areas in any foreseeable future. In the current context of protracted displacement, the Government should ensure that IDPs who still reside in collective centers or other temporary shelters in undignified living conditions have access to alternative adequate housing solutions. IDPs with disabilities and other specific needs should receive priority for temporary and social housing. It is possible to expand temporary and social housing options through assessment of available stocks and allocation of available premises to vulnerable IDPs.

■ **Durable housing solutions will help end displacement.** Many IDPs say that permanent housing is the top priority for their integration. Due to COVID-19, in 2021 the Government did not allocate funds for affordable housing program. It is important that affordable housing options and financial instruments (low interest rate, leasing, rent-to-buy etc.) are available to facilitate integration. They should be accompanied by proper state funding.

■ **Many IDPs have been displaced for eight years and want to find a durable solution.** The Ministry for Reintegration jointly with international organizations and NGOs is elaborating a new IDP Durable Solutions Strategy and Action Plan to it. The Strategy should mirror the eight integration criteria provided for in the IASC Framework on Durable Solutions (e.g., security, non-discrimination, access to housing and livelihoods, participation in public life, etc.). Implementation of the Strategy and Action Plan should be time-bound and measurable through concrete indicators, as well as linked to budgetary resources.

■ **Registration as internally displaced persons (IDPs) shall not be a precondition for accessing state services and benefits.** Currently, people with residence registration in non-government-controlled areas (NGCA) and Crimea who are displaced from these territories into GCA register as IDPs and receive IDP targeted financial assistance. While IDP certificate was initially used to demonstrate a new place of residence while in displacement, the legal framework turned it into a prerequisite for accessing different state services and benefits, such as pensions, documentation, banking, and educational institutions. The requirement of the IDP certificate in these cases maintain an unjustified distinction against IDPs, and hampers their local integration into host communities.

The IDP certificate should be required only for receiving benefits directly linked to internal displacement. The access of IDPs residing in GCA to any other services or benefits should not require the IDP certificate and should be accessible to IDPs under the same conditions as for other residents. IDPs should be able to access the same opportunities in their host communities as local residents, without additional requirements.

Impact of the armed conflict on rights

■ **All Ukrainian citizens should have equal access to pensions regardless of their place of residence or registration as IDPs.** Currently, residents of NGCA are required to register as IDPs in order to continue to access their rightful benefits. This obliges pensioners in NGCA to come to GCA, to register as IDPs and to regularly visit GCA for verification. The verification requirement has been suspended during the COVID 19 quarantine but will be reinstated 30 days upon the full lifting of COVID 19 restrictions.

Pensions are an accrued right of all citizens of Ukraine and should not be linked to IDP registration. Persons who have paid into the pension system for years should have their pensions paid irrespective of their place of residence or registration. After the lifting of COVID-related movement restrictions, most pensioners will be able to travel to GCA to receive their pension through Ukrainian banks. A simplification of the pension procedure is required to facilitate older persons' access to their pensions once the movement restrictions across the contact line are lifted. A mechanism to pay pensions to persons who cannot cross the contact line due to limited mobility will also be required.

■ **Movement of civilians across the contact line in safety and dignity must be facilitated.** People cross the contact line to visit relatives, go to banks and markets, and to access public services. Before the pandemic, the checkpoints were busy: during 2019, there was a monthly average of 1.2 mln crossings through the five checkpoints in the east and additional 223,000 through the checkpoints at the administrative boundary with Crimea. Since the closure of most EECs in March/April 2020, movements across the EEC have dropped by 90 percent.

In preparation to the possible reopening of the EECs, and at border crossing points used by people travelling between GCA and NGCA, steps are necessary to maintain/upgrade infrastructure and to ensure physical distancing, adequate waiting areas, queue management, sanitary conditions and the provision of emergency medical assistance. Based on the epidemiological situation, authorities may impose temporary restrictions. However, it is important to ensure that crossings on humanitarian grounds (such as family unification, death of a close relative or a medical emergency) are possible. If requirements such as self-isolation or observation must be imposed, the authorities should ensure that compliance is practical, rather than burdensome for people with low incomes, older models of telephones (which do not allow people to download the self-isolation application) and low digital literacy.

■ **Protection continues to be needed for civilians living near the contact line.** The ceasefire in late July 2020 has reduced risks to civilians' life and property along the contact line. Nevertheless, instances of shelling continue to pose risks to them and to vital civilian infrastructure like water, electricity and heating systems. Mines and unexploded ordnance pose a long-term danger to people, and may hamper the economic recovery. The military has occupied civilian property, and in many cases, these civilian residents do not have documentation confirming the requisition of their property.

To the extent possible, measures should be taken to remove military positions from civilian areas. It is also recommended to implement legislation on humanitarian mine action and to elaborate and adopt a framework for military requisition of civilian property, which would include compensation for utilities and any damage, as foreseen in the Action Plan for 2021-2023 to the Government's National Human Rights Strategy.

■ **Civilians living near the contact line need access to public services.** Currently many communities, especially those within five kilometres of the contact line, lack access to electricity, water and fuel supply, safe road access and public buses. Emergency services, such as the fire brigade and ambulance, do not reach them. These critical public services should reach all communities.

■ **Civilians should receive restitution or compensation for housing damaged or destroyed due to the conflict.** In 2019, the Government adopted a resolution regulating compensation for housing. This resolution covers an important, but relatively narrow set of circumstances: houses that were destroyed (not damaged) in

government-controlled areas. Implementation started in late 2020, during which a total of 74 cases receiving compensation and additional 164 during the first half of 2021. It is expected that in 2022 the government will allocate sufficient funding for compensation.

Comprehensive draft law #5177 on restitution or compensation for movable and immovable property damaged or destroyed during hostilities is currently under elaboration in the Parliamentary Legal Policy Committee. This initiative may enhance protection of rights of conflict-affected people.

■ **The Government should adopt a procedure for birth registration of children born at NGCA and Crimea** that is responsive to the specific needs of families. Without birth registration, children born in NGCA are at risk of statelessness. At present, parents can obtain registration of their child's birth only after a court proceeding. While courts prioritize consideration of these cases, the procedure imposes additional cost and waiting time for new parents, who should stay in GCA for three to six days. Furthermore, since movements across the Contact line have been limited in the context of the COVID 19 restrictions, parents in NGCA have not been able to access Ukrainian birth registration. As of mid-2021 at least 68.240 children residing at NGCA do not possess a birth certificate of a recognized state remaining under risk of statelessness. Due to covid related movement restrictions, there is a steep decrease in the number of birth certificates issued as a result of judicial procedure since March 2020.

Unless the process is simplified, a backlog of cases in courts is likely to form once the crossing points re-open, pressuring the judicial system. Introduction of digitalized opportunities for parents residing in NGCA and Crimea could improve access to birth registration. However, it does not remove the requirement of a court procedure. Also, it is available only to persons who have e-signature, which can only be obtained in GCA.

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