



# UKRAINE

## PROTECTION STRATEGY

JUNE 2015

## I. CONTEXT

Since the conflict in Ukraine began in mid-April 2014, more than 6,000 people (including at least 375 women and 63 children) have been killed and 14,740 have been wounded. As of 6 April, the Ministry of Social Policy reports 1,213,011 registered IDPs across the country.

Parties to the conflict have demonstrated a widespread disregard for the principles of proportionality and distinction, resulting in excessive harm to the civilian population. Many of the more than one million civilians who have been forcibly displaced by the violence are of heightened vulnerability; many of those who have been unable to flee from areas of intensified violence are also at particular risk. In recognition of the scale of the protection crisis, under the overall leadership of the Resident/Humanitarian Coordinator (RC/ HC), a protection cluster was established in December 2014.

This strategy is developed in support of the wider humanitarian response in Ukraine. As many as 5 million people are estimated to be in need of protection and assistance in areas such as shelter, health, food security and nutrition.

Given the scale of the protection crisis, the proliferation of perpetrators and limited capacity on the ground, this strategy aims to provide a realistic response to priority protection concerns. The protection response of the humanitarian community, as outlined in this strategy, cannot be a substitute for concerted action by all relevant stakeholders – the full protection of the affected population can only be achieved through a resolution to the current conflict that is founded on the respect for human rights and the rule of law.

This strategy is a broader umbrella strategy, comprising of and informed by the work and the strategic directions of the Child Protection and Gender-Based Violence (GBV) sub clusters (and any other future sub-clusters or working groups established under the Protection Cluster).

The aim of the Protection Cluster is to ensure a coordinated, predictable, accountable and effective response by humanitarian organizations to the protection concerns stemming from the current conflict in Ukraine. Additionally the protection cluster aims at advising the Humanitarian Coordinator, the Humanitarian Country Team and the other clusters on protection risks and assists them in mainstreaming protection in all activities.

Humanitarian principles provide the fundamental foundation for humanitarian action and underpin the work of the cluster and this strategy; (i) humanity (ii) neutrality (iii) impartiality.

## II. IDENTIFICATION OF PROTECTION RISKS

The following provides a summary analysis of current key protection concerns in Ukraine. This is not an exhaustive situation analysis but rather identifies key issues to address within the cluster. This prioritization does not preclude partners from responding evolving gaps and needs as they emerge on the ground. It is important to note that the risks, concern, needs and responses are significantly different in the areas controlled by the Ukrainian Government and the non-government controlled areas (NGCA) The focus of the protection cluster is on conflict affected population, particularly (i) IDPs and (ii) the population living in the NGCA and the groups at risk as identified below.

### 2.1 VIOLATIONS OF THE RIGHT TO LIFE: SAFETY AND SECURITY

In a year, since the start of the security operation in mid-April 2014, over 6,200 people (both military and civilian) have been killed and over 15,500 have been wounded. These figures are estimates as of 20 April 2015, and the actual number of casualties could be considerably higher. The casualties have been underreported throughout the whole conflict period. Hundreds of people remain missing and hundreds of bodies are still pending recovery and/or identification.

There are reports and allegations of arbitrary executions, torture and ill-treatment of people in captivity of the armed groups, and of arbitrary and secret detention and ill-treatment of detainees by the Ukrainian armed forces and law enforcement agencies.

- **MINE ACTION RELATED RISKS:**

While no official surveys have been carried out, it is expected that the humanitarian impact of mines, explosive remnants of war (ERW) and improvised explosive device (IED) are significant. Mines and booby traps are reported to have been strategically laid to block access to essential infrastructure as well as to forested areas where people gather wood to heat their homes. Cluster munitions use in urban and rural areas is blocking access to family allotments and collective farms; serious implications in an area where a lot of the population rely on agriculture. Anecdotal reports of landmine/ERW/IED

casualties in the media and from humanitarian NGOs/ civilian volunteer networks. Data formally collected by government ministries, but not made public. civilian volunteer networks. Data formally collected by government ministries, but not made public.

As a consequence, the risks are the following: situation of people who remained in possible contaminated conflict affected areas; effect on the return of IDPs and on the reconstruction of essential infrastructure in non-cleared conflict affected areas; impact on the safe and secure delivery of humanitarian assistance in non-cleared areas.

- **EVACUATIONS:**

Humanitarian evacuations have been taking place to ensure access to safety of civilians trapped in the conflict zone. A number of protection concerns have emerged during these evacuations, namely: difficulty to organize evacuations from special institutions for disabled, older people or children, including documentation (personal ID, medical files, etc.), identification of space in other facilities in GCA; necessity to obtain consent of the individuals which can be hard to obtain (due to their number, due to their disabilities, etc.) or simply because persons are not willing to go; security situation at the time of evacuation (heavy shelling) and in some cases refusal of DNR and LNR de facto authorities to allow for evacuation; organization of transportation and reception facilities for the evacuees; separation of families. Coordination amongst actors has also been cited as an issue.

## **2.2 FREEDOM OF MOVEMENT**

Widespread restrictions, both temporary and longer-term, on the freedom of movement of civilians continue to be imposed by parties to the conflict. 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. The order introduced special passes that one has to apply for in advance, and there is a 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. The Order directly affects civilians and IDPs attempting to flee the conflict in search of safety. It also directly isolates people in non-government-controlled areas, hampers solutions and hinders reconciliation. Travel and other restrictions are also inhibiting people from accessing healthcare beyond their administrative regions (oblasts), including life-saving treatment for HIV and Tuberculosis.

## **2.3 ACCESS TO BASIC SERVICES**

The November 2014 Presidential Decree ending Government financing of State institutions, such as hospitals, in non-government controlled areas potentially has serious implications for a wide range of economic and social rights. The conflict affected population continue to be subject to denial or obstructed access to health services including shortage of drugs, food aid, water and sanitation, as well as education. The payment of salaries, pensions and social benefits for those living in territories controlled by the armed groups also stopped in November 2014. At the very least, 400,000 pensioners in Luhansk and Donetsk regions have been left without regular income due to the cessation of the allocations from the State budget.

There are also concerns related to basic services in Government controlled areas mainly due to pressure on public services to the influx of IDPs. Despite the efforts of regional authorities, IDP reception centres in many locations are overwhelmed, under-resourced and under-prepared for possible high levels of expected new arrivals following the upsurge in fighting in some areas and essential evacuations.

## **2.4 ISSUES WITH REGISTRATION**

Despite the high numbers of IDPs registered, many IDPs who are not registering because of manifold difficulties with the registration. IDPs from minority groups are not registered because they never had ID documents before and the procedures can be confusing to many people, especially the elderly and those in need of care and Ukraine does not have enough social workers compared to need. The MoSP does not apply a consistent procedure to registration and social workers do not assist people to register. In addition, procedures which in normal times are protective- e.g. the requirement to prove legal guardianship over a child- are preventing the registration of unaccompanied and separated children as IDPs travelling with extended family or other care-givers. IDPs who do not need assistance are not registering with MoSP and some may avoid registration if they see an associated risk, e.g. single men of mobilization age. Many IDPs do not seek out aid or register as IDPs for government services, fearing that male members of displaced families might be conscripted, or concern over how they may be treated by the authorities, as well as anxiety over the consequences that registering may have vis-à-vis separatist de facto authorities in their home areas. Furthermore, it is widely believed that those IDPs who register are among

the most vulnerable subset of the IDP population and most in need of social support. These concerns are exacerbated by poor adherence to data protection law. A potentially large group of unregistered IDPs are displaced persons in territories not listed by the Government- not IDPs according to legislation. There is an absence of expedited process for persons with disabilities, elderly or unaccompanied children.

## 2.5 INDIVIDUALS AND GROUPS AT PARTICULAR RISK

**a) Persons in institutions:** Penitentiary institutions, nursing homes, psycho-neurological and other facilities continue to function albeit without financing by the Ukrainian state thus have till now depended entirely on humanitarian aid. Humanitarian actors report a constant shortage of medicine and hygiene kits.

**b) Disabled persons:** Disabled persons and bed-ridden persons are at risk during active conflict due to limitations to flee and even if there was to be organized evacuation there has been a lack of appropriate transport, these individuals are often dependent on medication and special equipment which is limited or non-existing in the non-government controlled areas. The breakdown of social support systems and dependency on volunteers has also led to less support. Collective centres and apartments in host communities often lack access for persons with disabilities including access to water and sanitation as well as access to specific services, such as rehabilitation cares, protection and specific items (assistive devices, specific hygiene's items)

**c) Minorities:** Religious communities and other minorities such as Roma have reportedly been threatened and attacked within the areas controlled by armed groups. Roma often lack the papers needed for apply for passes to move across the contact line or to rent apartments as IDPs and there are also reports of Roma IDPs who are discouraged from settling and have not been provided basic services in neighborhoods they have arrived to;

**d) Older persons:** The situation lonely elderly in small towns and villages is dire, as many have not received support neither by the so-called 'local authorities' nor by humanitarian organizations for long periods of time. The end to payments of social benefits have also led to what is often their entire income being removed.

## 2.6 VIOLATION OF CHILDREN'S RIGHTS

The conflict is having a particular impact on children's rights. It is estimated that children account to 18 per cent of the displaced population. A significant number of minors have fled the violence with relatives but are not accompanied by their parents. Separated children with adults who are not their legal guardians are not registered as IDPs and thus do not receive social benefits. The prolonged separation, including children being sent abroad, also poses challenges to maintaining family unity. This is a serious concern in a country where child prostitution and trafficking in children, both cross-border and internally, was already a problem before the conflict. Furthermore, the disruption of basic social services in non-government controlled areas hampers the response to abuse, exploitation, neglect and violence.

The institutions providing care to orphans, children with disabilities and other needs in the affected areas are overcrowded or unattended and limited access is hindering monitoring and a proper response. A number of these civilian institutions, including schools, kindergartens, and hospitals that cares for children with HIV/AIDS and orphanages have been destroyed or damaged during the conflict. Gender Based Violence toward adolescent girls by military actors has been punctually reported through rapid assessments. Adolescents, particularly boys but not only, are reportedly being encouraged to join the armed groups or to support them, however, even if the risk is high, no information has been received till now of underage recruitment by the armed groups.

Following months of shelling and conflict, the need of psychosocial support is high as supported by findings through protection monitoring and discussions with IDPs. Special attention should be paid to children, on both sides of the conflict line and in Luhansk and Donetsk where the children are still exposed to violence. The lack of services, the limited capacity and the reduced number of social workers in these areas is particularly affecting children in need of case management and referral.

## 2.7 GENDER BASED VIOLENCE

Gender-Based Violence (GBV) was recognized by all communities as a major concern during the crisis and remains a significant risk in crisis affected areas of Ukraine. In one of the most recent needs assessments report, rape and harassment by armed men were raised as a concern in few individual interviews .

Further, the assessments have noted that in the current crisis, many risk factors for violence were evident and directly associated with IDPs' on-going struggle to meet their basic survival needs. According to UNFPA in-depth Needs Assessment in 16 oblasts of Ukraine (January 2015) various forms of violence have been faced by women IDP including threaten with weapon (9,3%), psychological (24%), sexual (1.3 %), intimidation (15,6 %) and domestic (1 %).

High levels of violence against women by both returned fighters and non-combatant men who find themselves idle in displacement are reported, as well as harassment, intimidation and violence against non-combatant men themselves. There are also undocumented reports of high levels of sexual violence in the conflict area, which require substantiation and medical, psychosocial and legal redress. Risk and exposure to HIV is a real threat in this context.

Even before the crisis other types of GBV, such as intimate partner violence and sex trafficking, were being reported. The Council of Europe's Group of Experts on Action against Trafficking in Human Beings (GRETA) has stated concerns about the negative consequences of the current crisis on anti-trafficking activities, and has noted that the growing number of IDPs is vulnerable to human trafficking.

## **2.8 DISPLACEMENT**

Forced displacement has been a prominent feature of the conflict in Ukraine; as of 6 April, the Ministry of Social Policy reports 1,213,011 registered IDPs across the country. The accommodation capacities in regions neighbouring the conflict area are almost exhausted. New IDPs from conflict-affected regions who arrive at locations such as Sloviansk or Kharkiv have been encouraged by the State Emergency Service to travel to western and southern regions of Ukraine. The majority of the displaced in Ukraine have moved at least twice in the course of their displacement. A third have moved three or more times. Repeat movements are typically driven by a search for secure, adequate and reasonably priced accommodation but should be understood as disruptive episodes in the lives of the displaced as they search for improved circumstances.

The patterns of displacement in eastern Ukraine are similar to crises in other countries. Women and children represent a sizeable proportion of the IDP population: for the eastern five oblasts, the numbers of able-bodied, working-age women (who often leave with their children) averaged 34% of IDPs in September and October of 2014. This proportion has since fallen, as the number of disabled and elderly among new IDPs has increased significantly – from 17% in December to 70% in January 2015. The relatively small number of disabled and elderly residents leaving in early waves of displacement is common to forced displacement crises, due to mobility challenges, fear of the unknown in displacement, misinformation or hearsay, or the insistence by long-time residents (who are also typically past fighting age) to stay in their home areas near what they know. The current increase in displacement among older and disabled residents is due to circumstances including an inability to access official financial support. In general, since September 2014, the percentage of able-bodied men among registered displaced persons in the east has remained constant, averaging 15%-17% of the total number of IDPs in the east.

Information about the characteristics of IDPs is collected from various sources. The data collected from registration is not disaggregated by age, gender or other factors and does not provide a profile of the displaced population. The only available information is the following: 60% are pensioners (persons receiving social benefits) 4% are persons with disabilities, and 12% are children.

## **2.9 PROTRACTED NATURE OF DISPLACEMENT/ LACK OF DURABLE SOLUTION PROSPECTS**

While many desire an early return to their homes when conditions allow it, recognition of the likely protracted nature of the displacement for many IDPs is essential. IDPs unable to return to their homes must be properly integrated into other regions of Ukraine on a voluntary basis and in full consultation with them. Article 2 of the law on IDPs guarantees the right of a displaced person to return and to reintegration, however, it sets no guarantees for integration in other parts of Ukraine as required by international standards, including the Guiding Principles on Internally Displaced Persons.

## **2.10 RISKS TO HOUSING, LAND AND PROPERTY RIGHTS**

According to the Ukrainian Law on IDPs, internally displaced persons have the right to be provided by state executive bodies, local governments free temporary accommodation (though IDPs should pay utility bills) for a period of up to six months from the date of registration as an IDP; for large families, persons with disabilities and elderly persons this period may be extended. To date, the Government has not adopted regulations to implement this provision of the Law on IDPs. In practice, the Government is providing emergency housing to only 3-5% of the IDPs in collective centers. Nevertheless, according to the Government, there are still 15,000 spaces to house IDPs, of which 12,000 are for vulnerable children and the rest for adults. Most of the provinces in the East, in the areas of high concentration of IDPs and where IDPs wish to stay have exhausted their housing absorption capacity.

The Ukrainian Law on IDPs contains several provisions related to housing, land and property. The Law on IDPs does not contain provisions for the protection, recovery and compensation for loss of property. Several amendments to the IDP Law are currently being discussed by the Parliament, which touch upon HLP rights.

The main risks identified on the ground are related to the limited access IDPs have to their property in conflict-affected areas; the lack of procedure to register damages, lack of a system for compensation.

## 2.11 PSYCHO SOCIAL NEEDS

Following months of shelling and conflict, the need of psychosocial support is high as supported by protection monitoring and discussion with IDPs. Special attention should be paid to children, above all in Luhansk and Donetsk where the children are still exposed to violence. The lack of services, the limited capacity and the reduced number of social workers in these areas is particularly affecting those in need of case management and referral. There is a risk for an increase in domestic violence as demobilized soldiers do not receive appropriate social and psychological services as well as based on the deconstructive aspect of displacement and its impact on family structures

## III. PROTECTION CLUSTER OBJECTIVES

As per the 2015 Humanitarian Response Plan (HRP) , the Protection Cluster, including with the sub-clusters for child protection and gender-based violence and any other future sub-clusters or working groups established under the Protection Cluster, aims to protect, support and strengthen the resilience, well-being and family unity of the conflict-affected population. Its objectives are framed by International Human Rights Law (IHRL) and International Humanitarian Law (IHL).

**The overall strategic objectives of the Ukraine Humanitarian Response Plan are to:**

1. Respond to the protection needs of displaced and other conflict-affected people, with due regard to international humanitarian norms and standards.
2. Provide life-saving assistance and ensure non-discriminatory access to quality essential services for displaced and other conflict-affected people, with emphasis on the most vulnerable.
3. Improve the access of displaced and conflict-affected people to high-impact early recovery activities with a focus on livelihoods opportunities, normalisation of basic services, return and post-conflict reconciliation programming, with attention to reducing social inequalities.

**In line with this the Protection Cluster objectives are:**

1. Protection of people of concern strengthened
2. People of concerns benefit from full access to services without discrimination
3. Durable solutions are developed

The protection cluster will focus on the geographical areas outlined in the HRP, particularly zone 1, 2, 3 . Protection risks faced by children are given special attention through the work of the Child Protection sub cluster that will develop its own strategy and work plan along the lines of the Protection Cluster strategy. Similarly, a specific response on Gender Based violence will be coordinated through a GBV sub-cluster with the development of a tailored strategy and action-plan.

## IV. PROTECTION CLUSTER PRIORITY RESPONSES

OBJECTIVES	RISKS	RESPONSE
Protection of people of concern strengthened	<p>2.1 - Violations of the Right to Life: safety and security</p> <p>2.2 - Freedom of movement</p> <p>2.5 - Individuals and groups at particular risk</p> <p>2.6 Violence of children’s rights</p> <p>2.7 - Gender-based Violence</p> <p>2.8 - Displacement:</p>	<p><b>A multipronged approach to response</b></p> <p><b>Monitoring, assessments and reporting</b> on protection issues including IHL and IHRL violations in order to inform, respond, advocate and respond to protection need, with particular attention to groups and individuals that may be more vulnerable to protection risks;</p> <p><b>Advocacy and policy guidance on legislation and procedures</b> that may have protection impact; the PC will seek to address particularly the issue of freedom of movement and legislation</p>

<p><b>People of concerns benefit from full access to services without discrimination</b></p>	<p><b>2.3</b> - Access to basic services  <b>2.4</b> - Issues with registration  <b>2.11</b> - Psycho social support</p>	<p>related to IDPs. The PC will ensure informed decision making at the HCT and continue to undertake advocacy towards member states in relation to key protection and funding issues;</p> <p><b>Respond to protection needs by providing psycho social support</b>, legal aid, referrals to specialized service providers, targeted assistance i.e. cash assistance, mine action related activities as well as <b>targeted support to groups at risk</b>, particularly children;</p> <p><b>Develop action-based coordination</b> necessary to identify gaps/overlaps and responses; develop information management tools such as 3Ws (who, where, what) and by developing</p>
<p><b>Durable solutions are developed</b></p>	<p><b>2.9</b> - Protracted nature of displacement/ lack of durable solution prospects  <b>2.10</b> - Housing, Land and Property rights</p>	<p><b>Contingency planning</b>; identify lessons learned and areas to address should there be escalation of conflict</p> <p><b>Awareness raising and capacity building</b> through trainings and development of tools/guidance notes on protection matters including protection mainstreaming throughout the humanitarian response and to develop mechanisms for accountability to affected people.</p>

**V. EXPECTED IMPACT OF THE WORK OF UKRAINE PROTECTION CLUSTER**

- Areas of priority protection concerns, gaps and challenges are identified;
- Awareness of key protection issues and capacity of key stakeholders on protection matters have increased;
- Effective overall coordination of protection activities responding to the identified key concerns in Ukraine is ongoing;
- Resource mobilisation initiatives for the Cluster and its participants has been supported;
- Through advocacy key protection issues prevalent in Ukraine are flagged for enhanced understanding of key stakeholders, including the Government of Ukraine and armed groups.

**VI. RISKS AND CONSTRAINTS**

- Deterioration of security situation and lack of access to conflict affected areas may impact on the presence of protection actors on the ground;
- Lack of funding means that activities cannot be carried out;
- The activity based 2015 Humanitarian Response Plan leads to challenges in identifying which projects are funded and carried out by which partner and already overburdened partners are required to provide detailed information in order to identify gaps and overlaps;
- Ad-hoc issues arise and focus is shifted away from priority issues as identified in this strategy

**VII. KEY DOCUMENTS**

- Humanitarian Response Plan [HRP]
- Protection Cluster Terms of Reference
- Protection Cluster Advocacy strategy