

### PROTECTION CONCERNS OF INTERNALLY DISPLACED PERSONS FROM CRIMEA



## BACKGROUND

Since 2014, many Crimean residents have left the peninsula. According to the Representative of the President of Ukraine to the Autonomous Republic of Crimea, out of the 1,492 590 internally displaced people (IDPs) registered with the Ministry of Social Policy (MoSP) of Ukraine, **30,107** are from Crimea.<sup>1</sup>

Displacement from Crimea continues - in the first quarter of 2018, 576 new IDPs from Crimea were registered with MoSP.

Although MoSP data is not disaggregated by ethnicity, according to the NGO Crimea SOS, Crimean Tatars constitute at least 50% of all Crimean IDPs.<sup>2</sup> Many of these have fled the peninsula due to fear of persecution and discrimination for their political opinions, following reported cases of abductions, disappearances, threats of violence and prohibition of mass gatherings.

## KEY PROTECTION CONCERNS

- **Freedom of movement:** crossing the Administrative Boundary Line (ABL) between mainland Ukraine and Crimea poses significant challenges. Train and bus connections were suspended in December 2014, so people who do not have private transport must walk for two kilometers. This particularly affects persons with disabilities, elderly, pregnant women and people with small children.

A number of Crimean IDPs report that they cannot visit Crimea due to fear of persecution. Some, including the leaders of the Mejlis, the representative body of the Crimean Tatars, have been banned from entering Crimea due to their criticism of authorities.

People who were registered as debtors in Crimea before 2014 face restrictions on travelling outside Ukraine, even if they have paid off their debts. Although the Ukrainian administrative services have been transferred to Kherson region from Crimea, due to lack of records, it is difficult for former debtors registered in Crimea to prove that debts have been paid off and to have their travel restrictions removed.

- **Access to documentation:** Children travelling to Crimea from mainland Ukraine – or those from Crimea who are returning from mainland Ukraine – may face difficulty crossing the ABL due to lack of documentation.

Many children only have a birth certificate to prove their identity and this is not accepted as a document for the purposes of crossing the ABL, as only national ID cards and international passports are accepted for this purpose. It takes 2-3 months for Ukrainian authorities to issue identity documents, during which time the child cannot travel to Crimea and must remain in mainland Ukraine, putting the child's family under financial strain.

Crimean IDPs face delays when receiving identity documentation: obtaining a passport, changing photos on identity documents at the age of 25 and 45, or restoring lost or damaged documents. Establishing identity is based on information from databases and registries.

### ADDITIONAL RESOURCES

For more guidance on addressing the protection needs of Crimean IDPs, please see the following reports:

- OSCE Report [“Freedom of Movement across the ABL with Crimea”, 2015](#)
- OSCE Thematic Report [“Conflict-Related Displacement in Ukraine: Increased Vulnerabilities of Affected Population and Triggers of Tension Within Communities”, 2016](#)
- UNHCR [“Protection of Minorities in Ukraine: Roma and Crimean Tatars”, 2016](#)
- OHCHR Report [“Situation of human rights in the temporarily occupied Autonomous Republic of Crimea and the city of Sevastopol \(Ukraine\), 2017](#)

<sup>1</sup> Letter to OHCHR from the Representative of the President of Ukraine to the Autonomous Republic of Crimea, February 22, 2018.

<sup>2</sup> CrimeaSOS statement, September 27, 2016, available at <http://krymsos.com/ru/news/presledovanie-krymskikh-tatar-v-krymu-okkupatsionnymi-vlastyami/>

Since most registries have remained in Crimea, IDPs must provide documents with a photo confirming their identity and/or ensure that witnesses can confirm their identity. In most cases, people do not have any other documents, except for their passport and birth certificate (while children have only their birth certificate). Therefore, the procedure for receiving ID cards is long and there have been cases of denial of ID card issuance.

- **Access to banking services:** People originating from Crimea cannot access banking services in mainland Ukraine unless they are registered as IDPs and have an IDP certificate. As a result, Ukrainian citizens who were residing in mainland Ukraine before 2014, but who had residence registration in Crimea, are compelled to obtain IDP status to be able to open a bank account. At the same time, IDP status carries more stringent civil registration requirements than for non-displaced people.<sup>3</sup> In some cases, the Departments for Social Protection has refused to issue IDP certificates to people who moved from Crimea before 2014. As a result, people with Crimean residence registration who are not IDPs or do not wish to be registered as IDPs, cannot use banking services.
- **Access to social benefits and pensions:** Crimean IDPs face challenges in accessing pensions and social benefits, needing to undergo a rigorous verification process. The procedure for the appointment and renewal of pension payments for Crimean IDPs and residents of Crimea requires transfer of a paper pension file from Crimea through the main office of the Pension Fund of the Russian Federation in Moscow, with the average time for obtaining paper records being 6-8 months. The procedure involves disclosure of personal data, including the current residential address in the area of displacement, which raises concerns among IDPs who were politically active in Crimea and may not wish to have their address disclosed. In addition, when applying for social payments other than pensions, IDPs are required to provide a declaration of the absence of citizenship of the Russian Federation, as well as information on accrued social and pension payments in Crimea. These requirements only apply to people with Crimean residence registration, including IDPs, and are not envisaged by Ukrainian legislation.
- **Cultural rights and freedom of religion:** Crimean Tatar IDPs face particular challenges in preserving their culture, language and religion. For a school to organize lessons of Crimean Tatar language there must be at least five children in the class. While this applies to all minority languages, it can be particularly difficult for Crimean Tatar IDPs residing in Kherson, Odessa regions, Kyiv or Lviv, and even more problematic in regions with smaller numbers of Crimean Tatars. Crimean Tatars may encounter difficulties in areas of displacement in organizing places of worship, as well as with obtaining land for cemeteries.

## RECOMMENDATIONS

### **Facilitate freedom of movement**

The Government of Ukraine should facilitate freedom of movement and improve conditions at checkpoints at the ABL by providing adequate sanitary facilities, shelter, medical services, information, rest areas and a service zone, including centers for provision of administrative services. To ensure a smooth flow of persons, the checkpoints should have sufficient staff and timely public transportation. Movement across the ABL should be accessible and affordable, taking into consideration mobility issues and vulnerabilities of people with specific needs, including older people, people with disabilities and families with children. To facilitate the process and ensure accountability, a single state authority should be identified for coordination of different aspects related to the functioning of checkpoints and sufficient funds should be allocated for their maintenance.

### **Ensure access to identity documentation**

The Government of Ukraine should simplify access to identity documentation for all people from Crimea, including IDPs, by reducing the timeframe for preparation of identity documents, as well as removing the requirement to provide additional supporting documents, which other Ukrainians do not need to provide and which are not required under relevant legislation.

### **Ensure access to banking services**

The Government of Ukraine should cancel the provisions of the Law of Ukraine 'About creation of the free economic zone 'Crimea'' defining people with Crimean residence registration as non-residents. This will allow all people with Crimean residence registration, to have access to banking services.

### **Ensure access to social benefits and pensions**

The Government of Ukraine should review what type of information is provided to the Russian Federation when requesting the transfer of a paper pension file from Crimea and should not disclose the current residential address in the area of displacement. The Departments of Social Policy should stop the requirement for Crimean IDPs to provide a declaration of the absence of citizenship of the Russian Federation and information about accrued social payments.

### **Facilitate social cohesion and ensure that Crimean Tatar IDPs can fully exercise their religious and cultural rights**

Minority internally displaced communities should be supported in maintaining their cultural heritage and identity. Local authorities are encouraged to ensure that Crimean Tatar IDPs have space to practice their religion, cultural traditions and that children can study their mother tongue. Local authorities are encouraged to facilitate dialogue between host and IDP communities to strengthen social cohesion.

<sup>3</sup> OHCHR Report on the human rights situation in Ukraine 16 November 2017 – 15 February 2018, pp. 23-24, para.130.