

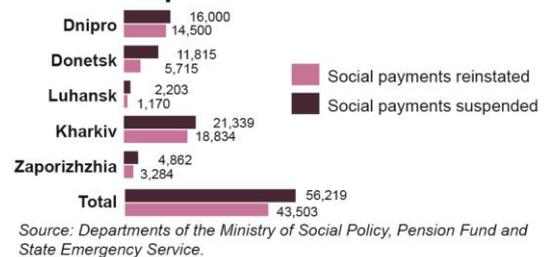
UPDATE ON SUSPENSION OF SOCIAL BENEFITS AND PENSIONS TO IDPs



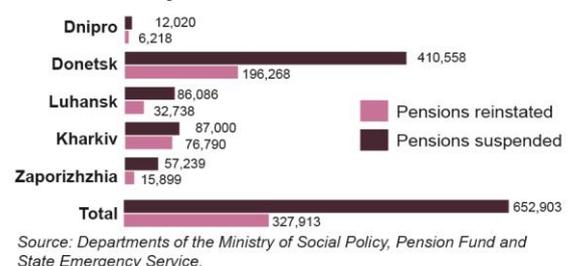
BACKGROUND

- In February 2016, the Government of Ukraine suspended social payments and pensions to some 500,000-600,000 IDPs in eastern Ukraine, pending verification of their continued presence in the place of IDP registration. Suspension of social benefits and payments has also been reported in Central and Western Ukraine.
- The suspended benefits include benefits paid to displaced persons under Cabinet of Ministers Resolution No. 505 as well as other types of social benefits, including pensions.
- Given that social benefits are received mostly by IDPs with specific needs, the most severely affected are the most vulnerable groups, including older persons, persons with large families, disabled persons and single mothers.
- Loss of income has resulted in documented cases of eviction due to non-payment of rent. Persons met at checkpoints by NGOs have indicated that they have returned to Non-Government Controlled areas (NGCA), due to the inability to financially survive in the Government Controlled Area (GCA). Cases of persons indicating that they have to choose between the purchase of food, and life-saving medicine, have been recorded.
- The suspension of payments order was issued without accompanying regulations clarifying procedures as to how benefits can be reinstated. As a result, procedures for reinstatement have varied, with some regions processing reinstatement, while others refuse to take action.
- According to a monitoring report conducted by the NGO 'Right to Protection', in order to have their benefits reinstated, in 40% of cases IDPs had to personally visit the Department of Social Protection with a passport and IDP certificate; 26% had to also prove their place of residence by bringing neighbors or their landlord with them to the Department of Social Protection, while others had to bring certificates from school or kindergarten proving enrollment. This has led to documented queues surpassing six hours at regional offices of the Department of Social Protection, as they are only able to process a limited number of people per day. As such, displaced people have been forced to line up for hours, and sometimes to come back day after day, to find out if their financial assistance payments have been suspended, and if so, to initiate reinstatement. Some older persons have been required to wait in long lines for multiple hours.
- At the same time, all social benefits and pensions have been suspended for IDPs who do not have an SMS registration stamp on their IDP certificate. According to amendment to the Law of Ukraine 'On ensuring the rights and freedoms of IDPs', which was adopted on December 24, 2015, there was no longer a need to have this SMS stamp. However, since the beginning of April 2016, MoSP and the Pension Fund have refused to provide payments for IDPs who do not have an SMS stamp, because of Cabinet of Ministers Resolution 509, which was not harmonized with the Law. The Amendments to Resolution 509 were only adopted on June 8, 2016.
- On June 8, 2016, the Cabinet of Ministers adopted Amendments to Resolution 637 stipulating grounds for suspension of social payments and pensions. However, according to the Ukrainian Constitution, social payments and pensions can only be regulated by Acts of Parliament and not by Cabinet of Ministers Resolutions, which do not carry the same weight as legislation.
- The Ministry of Social Policy is developing an IDP registry to monitor IDP movements to and from NGCA, which will be operational as of September 1, 2016. Information on individual IDP movements between GCA and NGCA will be tracked by the State Border Service and shared with the Ministry of Social Policy. IDPs staying in the NGCA for more than 60 days will have their IDP certificate cancelled and social payments suspended. The Pension Fund will administer the registry, as the majority of IDPs receiving financial assistance are pensioners.

Social benefits suspended and reinstated



Pensions suspended and reinstated



KEY PROTECTION CONCERNS

- Social benefits and pensions are often the only source of income for IDPs, including single-headed households, pensioners and people with disabilities. Suspension of payments puts IDPs at risk of eviction and homelessness, as well as inability to meet basic needs such as food and medicines.
- This, in turn, may increase the likelihood of some IDPs resorting to harmful coping practices, including joining military groups, as well as survival sex.
- Suspension of social benefits and pensions can also lead to forced secondary displacement as IDPs who are unable to meet their living costs in GCA are forced to return to NGCA, where they may have accommodation or relatives with whom they can stay. For example, in one case a single mother with four children requested assistance from an IDP hotline, saying that she would be forced to return to NGCA. At least there, she could live with her elderly mother, who has a house and a cow, as she could not afford to pay for rent and food in the GCA due to the suspension of her social benefits.
- Due to the need to reinstate social benefits, people living in NGCA are exposed to safety risks related to crossing check points.
- Suspension of benefits has impacted children, who may be vulnerable to additional exploitation and neglect if their caregivers are unable to afford accommodation or food due to the suspension of social benefits and pensions. For instance, from February to March 2016, one Kharkiv-based NGO was approached by more than 800 families, which include 1000 children, who had been adversely affected and required assistance because of the suspension of benefits.
- Older people form a significant proportion of the population affected by the conflict. In order to reinstate their pensions, older people have to wait long hours at the Pension Fund. Particularly, people living in the “grey zone” or in remote villages (where there is little or no public transport) have to travel to the administrative center to get to the Pension Fund.
- The Protection Cluster is concerned about another disruption to financial assistance for IDPs that may occur at the end of July given that according to Resolution 167, as of July 1, 2016 all IDP social benefits and pensions must be paid through Oshchadbank. The procedure for transferring individual IDP case files from local departments of social policy to bank branches can take several months, during which time financial assistance does not accumulate (unlike pension payments, which do). This means that IDPs may be left without any financial assistance for several months.
- There is a concern that according to Resolution 167, IDPs, including older people and people with disabilities, must go personally to a bank branch to open a bank account and also visit the branch once every 6 months and later once a year, in order to keep receiving social benefits and pensions. This is particularly onerous for elderly and disabled IDPs, as well as others who may have difficulties with mobility.

AMENDMENTS TO RESOLUTION OF CABINET OF MINISTERS NO. 637

- According to Resolution 637 as of 8 June 2016, IDPs who receive social payments will be checked by mobile groups composed of representatives of State Migration Service (SMS), State Security Service (SBU), national police, State Financial Inspection, State Audit Service, Pension Fund of Ukraine and Department of Social Protection.
- There is no clear understanding as how the home checks by these mobile teams will be conducted and what exactly will be checked. commissions set up to review re-instatement or cancellation of benefits will also have the right to request information from the State Boarder Guard Service on the movement of the person across the contact line.
- IDPs whose payments have been wrongfully suspended, can have the payments reinstated only after a period of two months following an appeal, during which time social benefits are lost. If the IDP certificate was cancelled (rather than suspended), payments can only be reinstated after a period of six months following a successful appeal. This is the same for IDP pensioners. This means that people, including older people, people with disabilities, and families with children, may be left with no source of income for extended periods of time, and unable to meet their basic needs.

RECOMMENDATIONS/KEY MESSAGES

- While recognizing that the Government of Ukraine has the right to combat fraud, the Protection Cluster is concerned about the lack of transparency concerning suspension of social benefits and pensions, including the lack of communication of the decision to those affected, as well as criteria used to decide whose will have their benefits suspended.
- Clear instructions should be sent from the Ministry of Social Policy to its regional branches to ensure a systematic application of the procedure. Clear information should also be shared with the concerned individuals as to how they can have their social benefits and pensions reinstated.
- The Protection Cluster is also concerned that thousands of IDPs are being excluded from receiving targeted assistance to which they are entitled, including social payments and pensions. Displaced persons must have access to social services, benefits, pensions and bank services without restrictions and limitations, equal to any other citizen of Ukraine.
- The Government of Ukraine should de-link pensions– which are an acquired right of all citizens who meet certain eligibility requirements and are in no way linked to displacement – from the additional requirement of registering as an IDP and establishing a residence in GCA. This additional requirement is discriminatory. The Government should implement the Supreme Administrative Court decision of October 16, 2015, which held that the Government’s suspension of pensions for citizens residing in non-government controlled areas to be unlawful.
- The Government of Ukraine should not introduce additional verification mechanisms for payment of pensions and social benefits to IDPs, that are not established by law for citizens of Ukraine who have not been displaced.
- The Government of Ukraine should consult with civil society, including IDPs themselves, when taking decisions that will affect them.