

THE PROTECTION CLUSTER INCLUDES SUB-CLUSTERS ON CHILD PROTECTION, GENDER BASED VIOLENCE AND MINE-ACTION



PROTECTION CONCERNS

- Weekly data received on 24 June from the Ministry of Social Policy indicated a total of 1,357,918 registered IDPs (59% elderly, 23% persons of working age, 13% children, 5% persons with disabilities). This number does not include individuals displaced within the NGCA, as well as those IDPs whose registration was cancelled. 50% of IDPs are registered in the government-controlled area (GCA) of Donetsk and Luhansk Regions, 14% in Kharkiv, 7% in Kyiv and 5% in Dnipropetrovsk.
- Freedom of movement remains a primary concern. The new Temporary Order of 12 June 2015 was issued by the Security Service of Ukraine. A number of provisions may facilitate the movement of civilians across the contact line but improvement will depend on actual implementation. Public transport (regular bus routes) cannot cross the contact line, which seriously limits the ability of people not owning vehicles to cross the contact line. There are increasing reports of civilians from Non-Government Controlled Area (NGCA) traveling via the Russian Federation to reach government-controlled territory and, in many cases, facing an administrative fine when attempting to enter Ukraine from Russia.
- There are significant barriers to obtaining or replacing official documentation for people living in NGCA. There is no way to replace lost or destroyed passports and identity documents without traveling to the government-controlled territory. However, without a valid passport or identity document, such travel is not possible and there is no remedy or resolution in such cases.
- It is not possible to formally register a newborn birth or obtain a Ukrainian birth certificate without crossing the line of contact and applying in GCA. Children born in the NGCA may face difficulties in obtaining birth certificates in GCA, as there is no common instruction to the local authorities on how to address this issue, the practice varies.

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Key Documents:

Protection Cluster Strategy
Protection Cluster 3W
Key Advocacy Messages

- The displaced population can be more at risk of trafficking due to their economic hardship and lack of ties in their host communities. Anti-trafficking police units in the Dnipropetrovsk and Kharkiv regions reported to OSCE SMM an increase in cases of human trafficking of women and of IDPs for sexual exploitation since the beginning of 2015, a reverse trend from previous years in which the majority of victims were men trafficked for labor exploitation.¹

HIGHLIGHTS

- Protection Cluster partners monitor and report on the protection situation in both Government Controlled Areas and Non-Government Controlled Areas. In particular, Protection Cluster partners are engaged in advocacy on a number of draft legislation instruments regulating movement of persons and cargo to mitigate their potential impact on civilians. There is a concern that the consequences of such measures, if fully implemented, could be severe for civilians in the conflict affected areas of the regions of Donetsk and Luhansk, and in violation of international humanitarian law and international human rights law.
- Protection cluster partners advocated for adoption of the draft law amending free legal aid, which makes IDPs eligible for free legal aid throughout Ukraine. Currently IDPs have to rely on a few NGOs who provide legal aid counseling, but this draft law gives IDPs the right to receive free legal assistance from the Ministry of Justice, which has a network of legal aid centers in each region and some districts. This will significantly increase access of IDPs to legal assistance and also representation in national courts.
- DonbasSOS hotline has received 8,346 calls during March-May 2015. 25% of calls were from the non-government controlled area. 75% of calls were made by women. 91 % of all calls were to request information, the main issue being IDP registration and documentation, as well as the procedure for crossing the line of contact. There was an increase in the number of requests for legal support, responses requiring specific knowledge on civil law and IDP rights, document recovery, labour law etc. as well as an increase of requests for expensive medical care. At the same time, there was a decrease of requests related to search of accommodation.
- Since January 2015, child protection partners have provided psychosocial support to 31,250 children through a network of community support.
- Mine Action sub cluster had its first meeting which was attended by state authorities and has developed terms of reference for the work of the sub cluster.
- IOM has developed an information leaflet to provide IDPs with targeted safe migration and trafficking prevention messages, as they can be particularly targeted by unscrupulous intermediaries who offer brokerage services for emigration and receiving refugee status abroad. The National Migrant Advice and Counter-Trafficking Hotline 527 reported that the number of IDPs who call to enquire about refugee status abroad and immigration is growing steadily.
- In May 2015 UNHCR has conducted a participatory assessment engaging IDPs and affected population in Donetsk Region (non-government controlled area). The prioritized protection risks are freedom of movement, access to social benefits, and civil documentation. Other key concerns identified include the need to improve information dissemination to inform and the affected population about humanitarian aid, services available and access to shelter. The findings show the importance of incorporating protection considerations into shelter and NFI interventions to promote durable solutions and prevent further displacement. The results of the Participatory Assessment will inform an advocacy and protection strategy including addressing material needs that have not been met.

¹ Thematic Report of the OSCE Special Monitoring Mission to Ukraine: Gender Dimensions of SMM's Monitoring: One Year of Progress