

OVERVIEW ON STATE ASSISTANCE FOR IDPs

Following the challenges faced by some IDPs, especially vulnerable groups and individuals, in accessing social allowances, this note aims at providing an overview of the available state assistance as of January 2016, and proposes some recommendations with a focus on the Government controlled area.

BACKGROUND

To date, the Government has adopted a number of laws as well as amendments to laws introducing state assistance and benefits for IDPs and extending existing assistance and benefits to them.

Financial assistance:

- On 1 October 2014, the Cabinet of Ministers (CoM) adopted **Resolution No. 505** envisaging the state monthly targeted assistance for registered IDPs to cover accommodation costs and utilities up to UAH 884 (approx. USD 40) for unemployable people and UAH 442 (approx. USD 20) for able-bodied people, but not more than UAH 2,400 (USD 109) per family. Monthly targeted assistance was extended for 6 months (**Resolution No.212-VII** of 31 March 2015) and the amount for disabled people of category 3 was increased to UAH 1,074 (approx. USD 49) in **Resolution of CoM No. 95** of 11 March 2015.
- Resolution of CoM No. 535** of 01 October 2014 creates one-time cash assistance from money donated by individuals and legal entities in support of the conflict-affected population and IDPs. The assistance focuses on orphaned children whose parents died in the region of the Government of Ukraine's 'Anti-terrorist Operation', families with disabled people, families with serious medical cases, families with pregnant women and large families, and equals one minimum wage. The amount ranges between UAH 1,176 – UAH 2,352 (approx. USD 53 – USD 107) depending on the category of people receiving the assistance.
- The law **"On ensuring of rights and freedoms of internally displaced people"** No.1706-VII of 20 October 2014 envisages the right of IDPs to re-register and receive social and administrative services at the place of actual residence and envisages the right for free accommodation during the initial six months after IDP registration; assistance with transfer of movable assets; free transportation to the place of origin in case of return and provision of medicines, etc. However, there is no mechanism of implementation of the Law.
- The **CoM Resolution No. 595** dated 7 November 2014 suspends the payments of pensions and social payments in Non-Governmental Controlled Area (NGCA) until full control of these territories is re-established.

Specific assistance for various categories of IDPs:

- Amendments were introduced to certain laws of Ukraine on state support of combatants, their children, children who lost one or both parents in the region of hostilities as well as IDP children for accessing vocational and higher education in the form of a full or partial payment of tuition fees; reduced long-term loans for education; a social stipend; free books; free access to the internet in state and communal educational facilities; and free accommodation in dormitories (**Law No. 425-VIII of 14 May 2014**). However, these amendments were not budgeted for 2016.
- According to the **Law No. 1636-VII** of 12 August 2014 "On creation of the free economic zone 'Crimea' and on the peculiarities of performing economic activity on temporarily occupied territory", IDPs from Crimea are exempt from mortgage payments on property located on the territory that was occupied after signature of the mortgage agreement.
- The **Law No. 1669-VII** of 02 September 2014 'On temporary measures for the period of conduct of the 'Anti-terrorist Operation' establishes a moratorium on penalty charges for debt on credit obligations as well as for debts on utilities and a moratorium on immovable property located on territory of conduct of the 'Anti-terrorist Operation', either owned or in a mortgage for IDPs for the period of conduct of the 'Anti-terrorist Operation'.
- On 13 January 2015, the **Law No.85-VIII** "On guarantees protecting housing and property rights of the conflict-affected population and IDPs, envisaging repayment of debts on salaries, stipends and pensions accrued due to conduct of the 'Anti-terrorist Operation" was adopted; establishing a moratorium on forced sale of housing of the mentioned categories of people as well as a moratorium on penalty charges imposed by energy suppliers on them for late payment of energy bills. However, the budget 2016 didn't allocate the funds for implementation of the provisions of the Law.
- On 4 June 2015, the CoM adopted a procedure (**Resolution No. 356**) according to which the State provides financial assistance for orphan children, children deprived of parental care and to foster parents displaced from temporary occupied territories and the area of the 'Anti-terrorist Operation'.
- On 8 July 2015, the Cabinet of Ministers approved the **Action plan on employment and vocational education of IDPs** for 2015-2016 entrusting line ministries to take action on creation of new job places; facilitation of vocational education, professional (re)training and skills upgrading of IDPs; development of a compensation scheme for employers hiring IDPs; a scheme covering one-time transport costs of IDPs for relocation to the place of employment if located in another city; and provision of one-time payments for business start-ups (Resolution No.505 of 08 July 2015) The Government has allocated UAH 21 million (approx. USD 954,545) for implementation of the plan; Resolution No.696 of 08 September 2015 provides a mechanism for the compensation to employers who hire IDPs.
- The same day, the CoM of Ukraine amended the procedure of registration, re-registration of unemployed and keeping records on people looking for job simplifying the package of documents for IDPs to register as unemployed (**Resolution No. 473**). The Ministry of Social Policy of Ukraine developed a mechanism to obtain a duplicate of a work record book for IDPs which can be issued by a new employer in the place of displacement (**Order No. 720/1642/5 of 06 October 2014**).

STATE ASSISTANCE TO DATE

- According to MoSP, cumulatively, **705,386 IDP households** have applied for the targeted monthly financial aid and **661.086 received aid** from 1 October 2014 to 25 January 2016. Overall, **3,2 billion UAH** have been transferred to the IDPs' bank accounts.
- Under the **CoM Resolution No. 535**, cumulatively 4,094 affected persons, including IDPs, received the assistance from MoSP (total amount 6,2 million UAH) from 1 October 2014 to 01 December 2015.

RECOMMENDATIONS FOR HUMANITARIAN ACTORS AND AUTHORITIES

- Further advocacy for adoption, amendment and full implementation of laws** in response to IDP needs, particularly amendments currently under discussion concerning recovery and compensation for loss of property in non-government controlled areas;
- Awareness raising on available state assistance for IDPs** allowing all IDPs to have equal access to it, making the process of its distribution transparent and fair;
- Government agencies and humanitarian community to establish coordination** with the state agency on recovery of Donbas and the government commissioner for the Autonomous Republic of Crimea to elaborate a comprehensive response mechanism to internal displacement according to the Guiding Principles on Internal Displacement.
- Advocate for the **establishment of a specific state body responsible for coordination** of all the state structures and actors working with IDPs.

RECENT DEVELOPMENTS

- On 11 November 2015 the CoM of Ukraine adopted the Order **No. 1156-r** which envisages allocation of 49,5 million UAH for provision of assistance to the population residing in the districts of conduct of 'Anti-terrorist Operation' in Donetsk and Luhansk regions, particularly 28 million UAH for Donetsk region and 21,4 million UAH for Luhansk region for use according to the Procedure of provision of humanitarian assistance. However, the Order **No. 11-r** of 13 January 2016 cancelled the previous Resolution because the funds were not budgeted for 2016.
- On 30 November 2015 the Ministry of Social Policy sent to the Ministry of Justice the draft resolution on amendments to the Procedure of provision of monthly targeted assistance for IDPs planning to increase amount of the assistance for IDPs, particularly for disabled IDPs of I and II groups of disability, persons unable to work (pensioners, disabled of III group), children under 18 and disabled children, starting 1 January 2016. Moreover, it was suggested by MoSP to raise the maximum amount for one family up to 3,700 UAH and not to apply this limit to families with disabled IDPs either adults or children. For 2016, 2,9bn UAH were budgeted for social entitlements, representing 700,000 UAH less than in 2015.
- On 2 December 2015 Cabinet of Ministers adopted a procedure for a pilot project (from 1 Jul 2016 to 31 Dec 2017) in Lviv, Poltava and Kharkiv oblasts envisaging support of IDPs and vulnerable families in finding job; providing interest-free financial assistance to businesses to be reimbursed over a period of 1 year; and also facilitating involvement in community work (**Resolution No. 1154**).
- On 9 Dec 2015 CoM amended Resolution 505 (through Resolution No. 1014) by simplifying IDP Unaccompanied Minors' (UAMs) access to assistance by allowing close relatives (grandmother, grandfather, adult sister, brother, stepmother, stepfather) to apply on behalf of the registered IDP UAMs for financial aid; for registered IDP UAMs who do not have the above close relatives living in GCA, the Service for Children would apply for the monthly financial aid on their behalf.
- The CoM of Ukraine adopted **Resolution No. 1094** dated 16 December 2015 "On Comprehensive State Program of Support, Social Adaptation and Reintegration of IDPs from the Temporarily Occupied Territory of Ukraine and Regions of ATO Conduct to Other Regions of Ukraine for period until 2017 year". The Program foresees a number of measures to improve the situation of IDPs. However, no additional funds are allocated in the budget.
- On 24 December 2015 the **Law No. 921-VIII** amended the Law "On ensuring of rights and freedoms of IDPs". The amendments *i.a.* extended the IDP definition to foreigners and stateless persons permanently residing in Ukraine; removed the need to revalidate IDP certificates; canceled IDP residence checks and SMS verification stamps; allowed registration as IDPs for those who do not have passports and residence registration but have other forms of evidence of residence in Crimea or NGCA. By giving IDP certificate an unlimited term, IDPs can avoid discontinuation of pensions, social benefits, or other types of assistance/services. Implementation of the amendments after harmonization of the ordinances is expected by 13 April 2016.

SOME CHALLENGES REMAIN

- On 15 June 2015, the Cabinet of Ministers of Ukraine adopted the **Resolution No. 427** "On amendments to Resolution no. 505 designating the Public Joint Stock Company 'State Saving Bank of Ukraine' (Oshchadny bank) as a responsible body for opening accounts and accepting applications from IDPs for assistance under Resolution no. 505". It complicates and delays the application procedure for assistance, as IDPs have to submit the application to the bank which forwards it to the Department of Social Protection (DPS) for consideration before reverting to the applicant with comments (if any). The resolution also limits the right of IDPs to choose which bank they want to use.
- Lack of public awareness on state assistance** provided under Resolution no. 535 prevents some IDPs from enjoyment of their right to receive it. Moreover lack of understanding of financial entitlements and social benefits can be a push-factor for IDPs to return to NGCA.
- According to **Resolution of CoM No. 637 and 595**, persons living in the NGCA may receive pensions and other social payments only if they moved to the GCA, have been registered as IDPs and have applied for transfer of pension/aid. The regulations have caused many people to register as IDPs only in order to continue receiving benefits to which they are entitled and which they need to survive, although these benefits are not linked to displacement.
- The **linkage between IDP registration and receipt of social assistance**, as provided by the IDP Law, affects some vulnerable categories of IDPs who due to their specific needs cannot register. In order to receive their social benefits, people had to be registered and reside in the GCA, which has been especially difficult for the elderly and people with disabilities.
- On the 16 October 2015, the **Court of Cassation** acknowledged that the Resolution No. 595 of the CoM of Ukraine (in the part which stopped payment of pensions to the people living in the areas controlled by armed groups) was illegal and obliged the Cabinet to resume the payments. Until now the court decision remains unimplemented.
- To date, the Government has not adopted regulations to implement the provision of the **IDP Law on free temporary accommodation for IDPs**; neither does the Law 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 housing, land and property (HLP) rights.
- It is not defined how the **unlimited period of validity of the IDP certificate** envisaged by Law no. 921-VIII will influence the provision of monthly targeted assistance to IDPs.
- There is **no system on the automatic transfer of social services/assistance** in case a person moves to another region in GCA and on avoiding duplicated applications when assistance has already been granted.

KEY DOCUMENTS/LEGISLATION

- Law of Ukraine № 1207-VII as of 15 April 2014 "On guaranteeing the rights and freedoms of citizens and on the legal regime on the temporarily occupied territory of Ukraine";
- Resolution of the Cabinet of Ministers of Ukraine no. 588-p "On social security of the citizens of Ukraine displaced from the temporary occupied territory and areas of conduction of the 'Anti-terrorist Operation'" (11 June 2014);
- Law of Ukraine no. 1636-VII dated 12 August 2014 "On creation of the Crimea free economic zone and on peculiarities of creation of economic activities on temporary occupied territory of Ukraine";
- Resolution of the Cabinet of Ministers of Ukraine no. 505 dated 1 October 2014 "On the provision of monthly targeted assistance to people displaced from the temporary occupied territory of Ukraine, regions of conduction of the anti-terrorist operation and the population residing in settlements located on the line of contact for the purpose of coverage accommodation costs including utilities";
- Resolution of the Cabinet of Ministers of Ukraine no. 535 of 01 October 2014 "On the approval of Procedure on usage of funds provided by individuals and legal entities for provision of one-time assistance to affected people and people moving from temporary occupied territory of Ukraine and areas of conduction of ATO";
- Law of Ukraine no. 1706-VII dated 20 October 2014 "On ensuring of rights and freedoms of internally displaced people";
- Resolution of the Cabinet of Ministers of Ukraine No. 595 of 07 November 2014 "Some issues on financing state-funded institutions, effectuation of payment of social benefits to the population and provision of financial support to individual businesses and organizations in Donetsk and Luhansk oblasts";
- Law of Ukraine no. 85-VIII dated 13 January 2015 "On establishment of additional guarantees on protection of rights of citizens residing in the regions of conduction of the 'Anti-terrorist Operation' and limitation of liability of companies – performers/producers of utility services in case of untimely payment for consumed energy resources";
- Law of Ukraine no. 425-VIII as of 14 May 2015 "On amendments to state support to combatants and their children, children with one parent who died in the area of conduction of the anti-terrorist operation, hostilities or armed conflicts or during mass protests, children registered as IDPs for obtaining vocational and higher education";
- Resolution of the Cabinet of Minister of Ukraine no. 356 dated 4 June 2015 "On approval of procedure on ensuring functionality of foster families, foster houses of a family type who moved from temporary occupied territory or regions of conduction of the "ATO";
- Resolution of the Cabinet of Ministers no. 473 dated 8 July 2015 "On amendments to procedure of registration, re-registration of unemployed and keeping records of people who are looking for job";
- Resolution of the Cabinet of Ministers of Ukraine no. 505 as of 8 July 2015 "On approval of the main ways of solution of employment issues of IDPs for 2015-2016";
- Law of Ukraine no. 1669-VII dated 2 September 2015 "On temporary measures for the period of conduction of the 'Anti-terrorist Operation'";
- Resolution of the Cabinet of Ministers no.1156-p dated 11 November 2015 "On provision of assistance to the population that lives in the districts of conduction of antiterrorist operation in Donetsk and Luhansk regions";
- Resolution of the Cabinet of Ministers of Ukraine No. 1014 dated 16 December 2015 "On adoption of the Complex State Program on support, social adaptation and reintegration of the citizens of Ukraine who moved from the temporary occupied territory of Ukraine and regions of conduct of 'Anti-terrorist Operation' to other regions of Ukraine, for the period until 2017";
- Law of Ukraine no. 921-VIII of 24 December 2015 "On strengthening guarantees of rights and liberties of internally displaced persons.

The key information has been provided by UNHCR [contact Dmitry Pletchko, pletchko@unhcr.org]