



Inclusion of Internally Displaced Persons



Credit: OCHA Ukraine/A.V.Shuvayev

KEY MESSAGES

- Link support for IDPs to needs and solutions, not to IDP registration; IDP registration is not a legal status.
- Implement the Durable Solutions Strategy approved by the Cabinet of Ministers, including by allocation of sufficient funding.
- Extend to IDPs the right to vote in all elections.
- Expand affordable and social housing programs for IDPs.

IMPACT ON SOCIAL COHESION

If the Government of Ukraine implements these recommendations, IDPs will be able to integrate fully in their new home communities, if they wish. They will vote in local elections side by side with their fellow citizens, invest in their homes and businesses, and be counted as local residents. They will be able to choose their place of residence freely. Ukrainians from different parts of the country will deepen their social ties with one another. Because the state's policies will treat all citizens equally regardless of their region of origin, IDPs will have greater trust in state institutions.

GENERAL OVERVIEW

According to the Ministry of Social Policy, there are 1,361,912 registered internally displaced persons (as of 5 February 2019) in Ukraine. The UN estimates that of these, approximately 800,000-1,000,000 reside more permanently in the government-controlled areas of Ukraine. Among registered internally displaced persons (IDPs), 51 per cent are pensioners, and 14 per cent are children. Nearly 49,000 registered IDPs have disabilities.¹

IOM's survey data shows that some conditions have improved for many IDPs over time. For example, IDPs in government-controlled areas have access to education and medical care. Nevertheless, IDPs' employment rates and average incomes have stagnated over the past year, and registered IDPs have incomes considerably lower than average Ukrainian households and below the actual subsistence level. IDPs spend a significant proportion of their household incomes on rent and utilities.²

Despite the difficulties, many IDPs intend to remain where they are. When surveyed, only one per cent expressed an intention to return home in the near future. Among surveyed IDPs, 38 per cent state that they do not plan to return home, even after the end of the conflict.³

Displacement has lasted for over four years, and IDPs—both individually and in community groups—have forged tremendous progress for themselves.

People attain a durable solution and stop being considered as IDPs when they “no longer have specific assistance and protection needs linked to their displacement, and... can enjoy their human rights without discrimination resulting from their displacement.”⁴

1. Humanitarian Needs Overview for Ukraine 2018. https://www.humanitarianresponse.info/sites/www.humanitarianresponse.info/files/documents/files/ukraine_humanitarian_needs_overview_2018_en_1.pdf

2. IOM, National Monitoring System Report on the Situation of Internally Displaced Persons, September 2018.

3. Ibid.

4. Inter-agency Standing Committee, IASC Framework on Durable Solutions for Internally Displaced Persons, April 2010.

MAIN CHALLENGES AND RECOMMENDATIONS

Policies are turning IDP registration into a permanent status

 Current policies link various rights and benefits to IDP registration. For example, IDP pensioners who have made a new home in the government-controlled areas (GCA) must remain registered as IDPs in order to have access to their pensions and social benefits. Pensioners residing in non-government-controlled areas (NGCA) are able to get access to their pensions only if they register as IDPs in GCA. Even in cases where persons with residence registration in NGCA have moved abroad, they are required to register as IDPs in order to maintain access to their pensions.

"We want to stop being IDPs. We are full-fledged citizens of Ukraine!"

Woman at community meeting of IDPs; her words evoked spontaneous applause and cheers.

Similarly, private entrepreneurs originally from NGCA must register as IDPs in order to access tax and other administrative services pertinent to entrepreneurial work.

Under current practice, authorities register babies born to IDP parents as IDPs, which creates a new generation of the internally displaced, who have never experienced displacement. IDP parents have an incentive to register their newborn children as IDPs since IDPs receive certain benefits, such as financial assistance and exemption from waiting lists at state-run kindergartens.

Other government services, like health care and social benefits linked to disability, are also linked to one's place of residence registration. Therefore, persons from NGCA must register as IDPs to access these services in the community to which they have been displaced.

As a result, IDPs residing in GCA cannot renounce their IDP registration even if they feel integrated in host communities and express a desire to remain there: their IDP certificate is the key to all public services. This link creates a reality in which IDPs have no choice but to keep their IDP registration, which hampers their inclusion.

In international law, internal displacement is described as a factual state and, unlike in international refugee law, there is nothing like a legal "IDP status."

Like other residents of Ukraine, IDPs should have the right to establish a new place of permanent residence. Policies should neither penalize them for making that choice, nor create incentives for people to remain displaced indefinitely. It will benefit both IDPs and their host communities if IDPs make new homes, find jobs, start businesses and deepen commitments to their communities.

Recommendation:

- Review current policies regarding rights and benefits for IDPs with a view toward targeting needs, rather than status, eliminating disincentives for those who integrate, and linking support to solutions.

Durable solutions strategy is not yet implemented

 In November 2017, the Cabinet of Ministers adopted the "Strategy of Integration of Internally Displaced Persons and Implementation of Durable Solutions to Internal Displacement until 2020." The Strategy sets forth a vision for the social and economic integration of IDPs, including support for hosting communities. The Action Plan for implementation of this strategy was adopted on 21 November 2018, meaning that there was limited time to include its provisions into the state budget for 2019. The Action Plan includes 21 strategic goals and 86 activities focusing on housing, property rights, pensions

"What are my intentions? Prices for rent are high. If forced to move, I would be looking for a stable employment, if needed in a different region of Ukraine."

Head of household from Ivano-Frankivsk

1.4 M*
Internally displaced
persons



Over 50%
are
elderly

*Source: MoSP, 5 February 2019

and social rights, employment, education, medical services, and support to host communities. International donors can support implementation of this plan by incorporating links to development and recovery programs. Accountability for implementation of the action plan could be reinforced through regular inter-ministerial coordination and the involvement of IDPs.

Recommendations:

- Ensure accountability for implementation of the Action Plan through budgeting, coordination and direct participation of IDPs.
- Mobilize donor support for development and recovery programs to co-fund durable solutions for IDPs, in line with the Strategy.

Local communities do not formally include IDPs as residents



IDPs do not have permanent residence registration in their hosting communities. Thus, they are not formally included in these communities and there is no formal rule on considering them as members of communities without formal residency registration. As a negative implication, local officials have less incentive to consider the needs of IDPs when planning allocations of the local budget. Nationwide the decentralization policy is devolving greater power to communities, and innovative community groups are demonstrating initiative in solving problems at the local level. Meanwhile, due to the lack of legislative regulations and administrative procedures, IDPs' views and positions are not considered or incorporated.

"So an IDP certificate does not confirm my place of residence? I thought it replaces residency registration (propiska)."

A man at the focus group discussion in Lviv, February 2019

The central and oblast governments provide communities with subventions based on their registered population. Since the registration figures omit IDPs, communities that host IDPs are short-changed.

Recommendations:

- Allow IDPs to be registered as members of their local communities. This must not jeopardize their right to benefit from financial support for IDPs or their right to return home, if they choose to do so at a later date;
- Local communities to include IDPs in participatory decision-making;
- Ensure that local communities receive subventions for the entire population, including registered residents and IDPs.

IDPs do not have the right to vote in all elections



The current voting registration system links voting to a person's place of registered residence. Since IDPs hold residence registration in NGCA or the Autonomous Republic of Crimea, they cannot vote in the communities where they live – places where most have been settled for at least four years. They cannot vote in local elections; they also cannot vote for half the parliamentary seats (majoritarian seats).⁵ While IDPs have the right to vote in presidential elections, they must follow a special procedure to get access to their right to vote; only 31 per cent report being aware of these procedures. Forty-four per cent express their intention to vote in the forthcoming elections in 2019. Of those not intending to vote, 49 per cent believe that they do not have the right to vote, or they do not know how to vote.⁶

To integrate in new communities, IDPs must be able to participate and have their voice heard.

Recommendations:

- Conduct public awareness raising campaigns to inform IDPs about how to exercise their right to vote in presidential and parliamentary elections;
- Adopt legislation and administrative procedures enabling IDPs to vote in local elections and to enjoy full participation in parliamentary elections. This would be an opportunity to simplify voter registration for other citizens of Ukraine who relocate within the country.

5. IDPs can vote for the half of parliamentary seats that is filled by party lists; they cannot vote for the other half that is filled according to a majoritarian vote for individual candidates.

6. IOM, National Monitoring System Report on the Situation of Internally Displaced Persons, September 2018.

IDPs prioritize housing solutions



Among all their concerns, IDPs prioritize housing. The majority of IDPs are paying high rents that consume a significant proportion of their income. Most landlords do not offer formal rental agreements, leaving the tenants unprotected.

Many IDPs want to invest their monthly rental payments toward buying a home. Affordable housing schemes, such as low-interest loans or rent-to-own programs.

"We need opportunities to obtain housing. Affordable loans at the level of eight or ten per cent could make a lot of difference."

Woman during the MinTOT consultations on the Action Plan to the IDP Integration and Durable Solutions Strategy

Some IDPs are extremely vulnerable, and will need longer-term support in the form of social housing. Social housing is under the ownership of local administrations; therefore, such projects would help IDPs integrate into host communities.

A patchwork of housing programs exists across the country. Some good practices are emerging at local levels. For example, with funding from the national budget and international donors, the cities of Kramatorsk, Mariupol and Pokrovsk together with the Ministry of Temporarily Occupied Territories and IDPs have opened units of temporary housing to IDPs. Additionally, the State Youth Construction Fund has provided low-interest mortgage loans, co-funded from the state budget, to IDPs to buy new apartments. IDPs from rural areas have participated in the program called "My own home," which combines funding from state, regional and local budgets to help families purchase homes in rural areas. It is likely to take a combination of state funding and international financial support to scale up these programs to extend durable housing solutions to IDPs.

Recommendations:

- Allocate state funding in support of a variety of social and affordable housing programs for IDPs designed to build on their capacities and meet their differing needs.
- Mobilize donors' support in the form of loans and grants for affordable and social housing programs that include IDPs. Ensure that such mobilization is accompanied by transparent legal mechanism of allocation, use and reporting on funds.

ANNEX

International standards

The Guiding Principles on Internal Displacement (Principle 28) obliges the state to "establish conditions, as well as provide the means, which allow internally displaced persons to return voluntarily, in safety and with dignity, to their homes or places of habitual residence, or to resettle voluntarily in another part of the country. Such authorities shall endeavour to facilitate the reintegration of returned or resettled internally displaced persons."

This principle also calls for the "full participation of internally displaced persons in the planning and management of their return or resettlement and reintegration."

Principle 29 emphasizes that IDPs "shall not be discriminated against as a result of their having been displaced. They shall have the right to participate fully and equally in public affairs at all levels and have equal access to public services."

National legal framework

The Law on "Ensuring the Rights and Freedoms of Internally Displaced Persons in Ukraine" guarantees IDPs the "same rights and freedoms as other persons in accordance to legislation of Ukraine and international agreements." It prohibits discrimination on the basis of internal displacement.

Ukraine's "Strategy of Integration of Internally Displaced Persons and Implementation of Durable Solutions to Internal Displacement until 2020" states that the "rapid search for durable solutions to internal displacement is necessary in the interests of both IDPs and the state as a whole."