

*This statement is delivered on behalf of*

*NGOs "CIVIL HOLDING "GROUP OF INFLUENCE", and DONBAS SOS*

## **The ongoing problem with the provision of social benefits and services to internally displaced persons (IDPs) and people in occupied territories**

Military aggression by the Russian Federation and the occupation of Ukrainian territories has led to a large-scale displacement of people in our country.

As of July 30, 2018, according to the Ministry of Social Policy of Ukraine, reports that, 1,516,246 internally displaced persons have been registered from the occupied territories of the Donetsk and Luhansk oblasts and Crimea.

Despite the continuation of military actions, a large part of the population - about 4.5 million people – continue to reside in Temporarily Occupied Territories (TOT).

We also observe that Ukraine as a state does not take all appropriate and necessary measures to ensure the exercise of the basic rights of persons who were affected by the conflict.

The right to social protection is a fundamental right enshrined in the provisions of international law and domestic legislation of Ukraine. Due to the military aggression by the Russian Federation, starting from the fall of 2014, the social protection system in separate areas of the Donetsk and Luhansk regions was virtually paralyzed, and the funding and distribution of social benefits or pensions have been significantly restricted.

Currently, residents of territories controlled by illegal armed groups can use only mechanism provided to IDPs to receive any social support or pension from the state.

All social benefits can be restored only if residents go to the government-controlled territory (GCA) and register as IDPs.

According to the Ministry of Social Policy of Ukraine, approximately 1.278 million citizens who are eligible for the state pension were residing within the current temporary occupied territory of Donbas in 2014. As of June 2018, only 501 thousand pensioners were obtaining their pension payments by registering as IDPs.

In practice, this system forces people to become IDPs in order to exercise their Constitutional provided rights to social security. This approach is contrary to the UN Guiding Principles on Internal Displacement, which prohibit coercion to relocate. IDPs should not be discriminated against when exercising any of their rights and freedoms based on the grounds that they are internally displaced persons inside the country.

Instead, so far, social and economic rights of IDPs are being violated, state policy does not comply with the Guiding Principles.

The policy linking IDP registration and pensions has negative consequences: it led to unnecessary displacement, distorted statistics on IDPs, and deprived the most vulnerable people of their benefits.

For the time being, additional discriminatory conditions have been set up for IDPs to receive their retirement payment. Thus, pensioners registered as IDPs should periodically go through a so-called verification procedure at the Oshadbank of Ukraine. In case of the absence of a pensioner at his/her place of residence at the TOT, pensions may be terminated for an indefinite period.

Unpaid sums of pensions payments for the past period are not being returned.

The government required residence verification of IDP pensioners and suspended the pensions of anyone they believed resided in TOT. As a result of the established verification procedures, pensioners from among IDPs are unable to travel outside the territory of Ukraine without a risk of their pension being suspended. In 2016, the situation significantly deteriorated for all pensioners registered in TOT.

If IDPs cross the contact line (the contact line is a conditional separation of the TOT and GCA) and do not return within 60 days, all their social payments are terminated. This has a significant impact on the lives of thousands, as for many, pensions are the only source of income.

Moreover, people with limited mobility unable to come to GCA have no chances to receive their pension.

In addition, from 2017 displaced persons who changed their residence registration and refused IDP certificate because of the discriminatory procedures of verification lost their access to pension on general terms. In order to receive their pension, they are forced to register back as IDPs which is contrary to the Constitution of Ukraine as well as to the current pension legislation.

#### **RECOMMENDATIONS to UKRAINE:**

1. To Improve the procedure for provision of social benefits and control over social benefits to IDPs by cancelling Resolution №365 and adopt non-discriminatory procedures.
2. To Exclude the provision by which an IDP certificate is an obligatory requirement for pension and social benefits payment through amendment of the Government Resolution No. 637 "On social benefits for IDPs".
3. To Adopt Draft Law No. 6692 which was proposed by non-governmental organizations and shows mechanism for payment of pensions to people from TOT.
4. To involve representatives of international humanitarian organizations to ensure payment of pensions to retirees with limited mobility who reside in TOT.

5. To allow IDPs to choose any banking institution where they can receive social payments or pensions.
6. To cancel the verification of the place of residence of an IDPs. To reduce the identity verification of a recipient of payments at a banking institution to no more than once a year.

**To RUSSIAN FEDERATION:**

To withdraw its troops from the territory of Ukraine and stop providing the illegal armed groups with military supplies.