

THEMATIC REPORT

**Conflict-related Displacement in Ukraine:  
Increased Vulnerabilities of Affected Populations and Triggers of Tension within  
Communities**



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## 1. Summary

In August 2014 the OSCE Special Monitoring Mission to Ukraine (SMM)<sup>1</sup> published its first thematic report on internal displacement in Ukraine.<sup>2</sup> The existence of critical voices in some host communities towards internally displaced persons (IDPs) was raised as an emerging issue. Two years after the start of the conflict in and around Ukraine, similar concerns to the ones voiced in 2014 still exist and are now compounded by new challenges. The SMM monitors spoke to more than 1,600 IDPs and members of host communities across the country in order to assess the impact of the ongoing conflict and long-term displacement on IDPs and their relations with host communities.

While the findings are not a complete assessment of the IDP situation in Ukraine, the SMM found that many IDPs continue to be exposed to severe hardship and suffer from the protracted displacement. The SMM notes, however, that the challenges faced by displaced persons in the non-government controlled areas may be of a different nature than the concerns of IDPs in the government-controlled areas. The SMM points out that the lack of access to specific data in non-government controlled areas precludes an overall comparative appraisal of the situation.

While the challenges facing host communities are often of a different nature to those faced by IDPs, this report considers both groups as their situations are to a large degree mutually dependent. IDPs however, have specific protection concerns linked to displacement which add to their vulnerability including survival and physical security, livelihoods or limited freedom of movement.

Displacement and polarization of people due to the conflict were voiced as greatly affecting social cohesion and family unity both for IDPs and host communities.

Shared challenges faced by host communities and displaced persons such as lack of employment and inadequate housing opportunities have been identified as major potential triggers for strained relations and secondary displacement.

Different perceptions generated by the government's response to the specific needs of IDPs represent another source of possible tension among conflict-affected populations in terms of unequal access to civil and political rights as well as socio-economic opportunities and create barriers hampering future integration.

In addition, respondents identified a number of security risks preventing their safe return: armed hostilities, mines and unexploded ordnance (UXO), presence of armed groups in some areas of Donetsk and Luhansk regions, reports of human rights abuses against inhabitants of non-government-controlled areas, as well as lack of rule of law and accountability for human rights violations.

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<sup>1</sup> In accordance with its mandate the SMM has been monitoring the situation of IDPs including displaced Crimean Tatars. See [Permanent Council Decision No. 1117 | OSCE](#).

<sup>2</sup> OSCE SMM, *Internal displacement in Ukraine*, 12 August 2014, <http://www.osce.org/ukraine-smm/122620>.

Limited freedom of movement of civilians across the contact line aggravates all the above-mentioned protection concerns and security risks for those living in the conflict-affected areas of Donbas, including their access to medical care, social payments and ability to obtain personal documents.

Displaced Crimean Tatars face additional challenges to preserve and practise their language, culture and religion.

With these findings the SMM attempts to present the negative effects of the conflict in certain areas of Donetsk and Luhansk regions of Ukraine and of the current situation in Crimea on different segments of the civilian population in the country. Additionally it emphasizes the need for undertaking appropriate measures to restore trust within communities, reduce risks related to displacement and promote durable solutions.

## 2. Background

The conflict in and around Ukraine has forced thousands of people to leave their homes and seek refuge elsewhere.<sup>3</sup> Two primary factors caused the displacement of a significant number of people within Ukraine and outside the country. First, the annexation of the Autonomous Republic of Crimea and the City of Sevastopol (Crimea) prompted people including Crimean Tatars to leave the Crimean peninsula and secondly, the “proclamation of independence” by “Donetsk People’s Republic” (“DPR”) and “Lugansk People’s Republic” (“LPR”) members as well as intensification of hostilities in eastern Ukraine in mid-2014 caused a drastic increase in the number of displaced persons. The available figures of IDPs remain contradictory. As of 4 April 2016 the number of officially registered IDPs has exceeded 1.76 million according to the Ministry of Social Policy of Ukraine. Many of these people relocated to government-controlled areas while others remain displaced within the non-government-controlled areas and regularly cross the contact line.<sup>4</sup> Thousands of people sought refuge in neighbouring countries.<sup>5</sup>

Some common concerns and challenges can be identified, but each IDP faces specific personal circumstances. The factors that cause people to leave their homes and influence their choice to either return or resettle permanently are diverse and individual. A combination of economic and political motivations was often the reason for flight. Amongst Crimean IDPs,

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<sup>3</sup> According to the Guiding Principles on Internal Displacement, an Addendum to the Report of the Representative of the Secretary-General of the United Nations of 11 February 1998 (E/CN.4/1998/53/Add.2), (G.A. Res. 60/L.1, 132, U.N. Doc. [A/60/L.1](#)) (UN Guiding Principles on Internal Displacement), “IDPs are persons or groups of persons who have been forced or obliged to flee or to leave their homes or places of habitual residence, in particular as a result of or in order to avoid the effects of armed conflict, situations of generalized violence, violations of human rights or natural or human-made disasters, and who have not crossed an internationally recognized State border”.

<sup>4</sup> According to the Humanitarian Response Plan (HRP) for Ukraine, between 800,000 and 1 million IDPs reside permanently in GCAs, while others move frequently across the contact line. For different reasons some displaced have not registered as IDPs which makes accurate numbers of IDPs more difficult to estimate.

<sup>5</sup> UNHCR Moscow, *Situation of Ukrainian refugees in the Russian Federation*, September 2015, <http://unhcr.org.ua/attachments/article/1299/UNHCR%20UKRAINE%20Operational%20Update%2024DEC15.pdf>.

flight from persecution was the prevailing factor, while for the majority of Donbas IDPs physical security was the primary concern.

People's decisions on where to relocate were influenced by the availability of economic opportunities, personal ties or more secure housing.<sup>6</sup> A number of IDPs were able to leave the conflict zone and live in displacement thanks to support by families and financial savings. Over time, as their displacement became protracted and no other income opportunities were possible, they have exhausted their savings and were left without financial resources.

Interlocutors repeatedly called for peace. This was especially pronounced in eastern Ukraine, where people on both sides of the contact line told the SMM that all that mattered was the end of the conflict.

### 3. Methodology

This report is based on the findings of focus group discussions and individual interviews with conflict-affected populations in Donbas and other parts of Ukraine. The methodology for the focus groups was developed in co-operation with the United Nations High Commissioner for Refugees (UNHCR).<sup>7</sup> Prior to the assessment, the SMM staff received training supported by UNHCR and United Nations Children's Fund (UNICEF).<sup>8</sup>

Focus group discussions and individual interviews were conducted between August and November 2015 in 19 regions across Ukraine: Chernivtsi, Vinnytsia, Khmelnytskyi, Dnipropetrovsk, Zaporizhzhia, Ivano-Frankivsk, Zakarpattia, Kharkiv, Poltava, Kherson, Mykolaiv, Cherkasy, Chernihiv, Zhytomyr, Kyiv, Lviv, Odessa, Donetsk and Luhansk.

Over 1,652 interlocutors took part in 161 focus group discussions and 39 individual interviews. In total 1,419 IDPs and 233 representatives of host communities participated. Interviewed IDPs comprised 982 women and girls (69 per cent) and 437 men and boys (31 per cent) and reflect findings that women account for the majority of IDPs.<sup>9</sup>

In terms of age, 10 per cent of interviewed IDPs were 14 to 18-year olds (44 per cent male and 56 per cent female), 68 per cent were 18 to 60-year olds (31 per cent male and 69 per cent female), and 22 per cent were 60 or older (30 per cent male and 70 per cent female). Of

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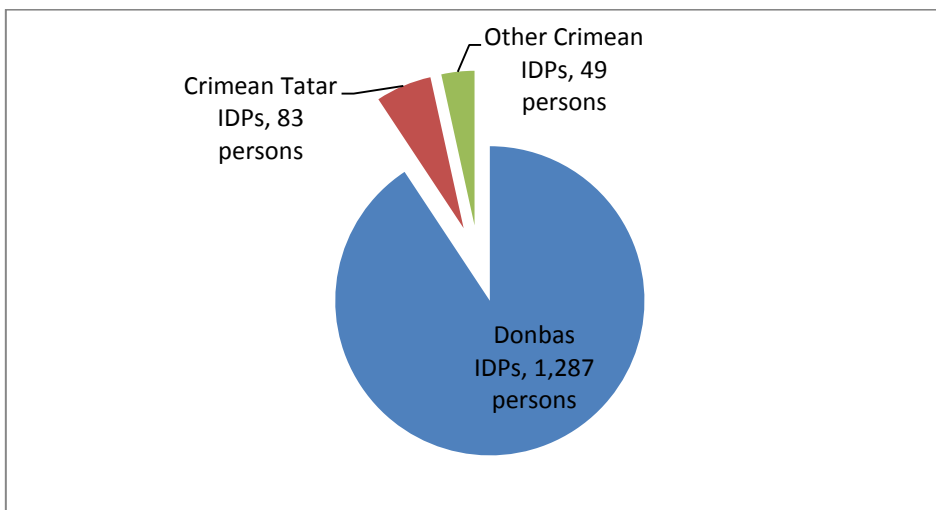
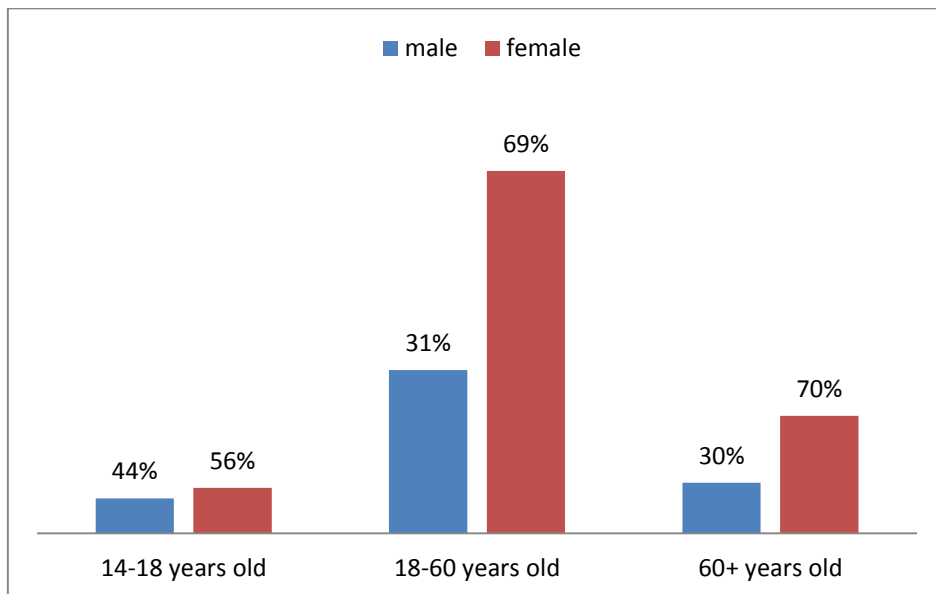
<sup>6</sup> See also the Shelter and NFI Needs Assessment, August 2015 (REACH Assessment), [www.sheltercluster.org/sites/default/files/docs/reach\\_ukr\\_report\\_shelter\\_and\\_nfi\\_assessment\\_august2015.pdf](http://www.sheltercluster.org/sites/default/files/docs/reach_ukr_report_shelter_and_nfi_assessment_august2015.pdf).

<sup>7</sup> On 18 July 2014, an Operational Agreement between both organizations was signed, which facilitates coordination on the ground and regular information sharing as well as capacity building activities on IDP issues as a continuation of the SMM-UNHCR co-operation which led to the SMM's first thematic report on internal displacement in 2014.

<sup>8</sup> 51 SMM monitors and language assistants were trained on how to effectively use focus group discussions as an information gathering tool. SMM monitors also became familiarized with the joint OSCE-UNHCR *Protection Checklist Addressing Displacement and Protection of Displaced Populations and Affected Communities along the Conflict Cycle: A Collaborative Approach*, <http://www.osce.org/secretariat/111464?download=true>.

<sup>9</sup> Overall approximately 65 per cent of IDPs are women and children, based on *UN Women* (7 October 2015), "UN tackles gender and humanitarian impacts of Ukraine's eastern conflict". <http://eca.unwomen.org/en/news/stories/2015/10/ukraine-un-tackles-gender-and-humanitarian-impacts>.

these 1,287 (91 per cent) IDPs interviewed originated from eastern Ukraine and 132 (9 per cent) from Crimea; 83 (5.8 per cent) were Crimean Tatar IDPs. The number of participants in focus group discussions ranged from 4 to 30 persons.



The SMM met with IDPs, host families, representatives of host communities as well as local authorities such as regional state administrations, regional councils, city councils, village councils, departments for social protection as well as the State Emergency Service of Ukraine. The SMM spoke to IDPs residing in private accommodation as well as collective centres, both in rural and urban areas and in government-controlled areas and non-government-controlled areas.<sup>10</sup>

<sup>10</sup> However, in non-government-controlled areas, particularly in “LPR”-controlled areas, security and access challenges prevented some interviews from taking place.

#### **4. Relations between IDPs and Host Communities**

As IDPs were often unable to return due to ongoing security concerns, their relationships with host communities became an integral component of their new life. As reported in SMM's 2014 thematic report on internal displacement, civil society organizations such as non-governmental organizations (NGOs) and churches carried the main responsibility for providing humanitarian assistance to IDPs. IDPs confirmed that this support continued and gave multiple examples of host communities' ongoing assistance providing free accommodation, food, clothes and toys for children. In nearly all locations, parents reported that their children were welcomed with a few isolated incidents. People displaced within the area directly affected by hostilities often fled from one village to the next while escaping from shelling. They told the SMM they were welcomed with solidarity and understanding. Over time the resources of the host communities became scarcer and expressions of solidarity and support shifted to frustration or indifference towards the displaced population. During this reporting period IDPs reported feeling this shift in attitude and felt they were being perceived as a burden on the local communities.

The deteriorating socio-economic situation in the country and the allocation of limited assistance to injured and demobilized soldiers was often perceived by both IDPs and host communities as leading to fewer resources being allocated to IDPs. Change in attitude of host communities was noticed upon the arrival of different waves of IDPs fleeing intensified hostilities in Donbas. IDPs reported being targets of verbal abuse in the street, on public transportation and in the market. Young and adult male IDPs in particular were less accepted by local communities and often confronted by local residents whose relatives were serving or just returned from the conflict zone.

Numerous IDPs reported that they did not want to "advertise" their status, preferring to "blend in" and "keep a low profile". A female Crimean Tatar student said she was "forced to feel as an IDP because of all the paperwork". Some preferred not to share experiences from the conflict, their previous lives or their current living conditions stating that the host community would not understand.

Where displaced persons have been engaged in volunteer work with the local population, IDPs reported increased acceptance. SMM talked to IDPs who joined or initiated actions to help those still trying to integrate by being active in community life and also to people or combined their knowledge and energy and created NGOs.

IDPs and host communities felt women engaged more easily with the local population and in building social connections. Given that there is a general stereotype that "men should be fighting" as confirmed through focus group discussions (FGDs), male IDPs were not always well accepted by local communities.

According to both IDPs and local residents, women and children are able to play a significant role in the IDPs' integration process and contribute to building trust. The role of women as agents for peace was also highlighted by many discussants. Representatives of the Lviv-based NGO Women's Perspectives stressed that IDP women play the most important role in facilitating dialogue with their host communities. In non-government-controlled Makiivka (Donetsk region) women requested "DPR" members to refrain from digging trenches close to a residential area. As a result, the "DPR" members reportedly moved to an area where the threat to civilians was lower.



## 5. Displacement and Polarization as Factors Affecting Social Cohesion and Family Unity

Displacement led to separation in many families as personal, communication, social and cultural ties were cut.<sup>11</sup> Unaccompanied and separated children, female-headed households and elderly persons have especially been affected. Polarization of people as a result of the conflict affected social cohesion and family unity for both IDPs and host communities. However, the separation from their families, friends and social support networks caused by displacement makes IDPs particularly vulnerable. Many IDPs felt disconnected from their communities of origin while simultaneously feeling unstable living in a protracted uncertain situation in the new areas of residence.

Numerous IDPs from Donbas expressed concern that if they did return home they might face challenges reintegrating and finding common ground with the population that stayed behind. Some IDPs fear that those who stayed in Donbas might perceive returning IDPs as traitors who escaped the difficulties and hardships of the conflict. In non-government-controlled areas, an interlocutor stated that he had lost all contact with his former friends after they left for government-controlled areas. Another said that his father-in-law had threatened to kill his own daughter because she had followed her husband to government-controlled areas.

### 5.1. Unaccompanied and Separated Children

The best interest of the child shall be a primary consideration and be systematically fulfilled in any action or decision that affects children.<sup>12</sup> Unaccompanied and separated children in situations of internal displacement require special attention due to the particular risks they may face.<sup>13</sup> Some IDPs complained that IDP children were not able to apply for IDP registration on their own<sup>14</sup> and as a result, they were often unable to access assistance. Unaccompanied minors who fled non-government-controlled areas with relatives other than their parents or legal guardians may only be registered as IDPs through various government

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<sup>11</sup> The right to family life is recognized in universal and regional legal instruments and the right to family unity is inherent in the right to family life: [The Universal Declaration of Human Rights United Nations, http://www.echr.coe.int/Documents/Convention\\_ENG.pdf](http://www.echr.coe.int/Documents/Convention_ENG.pdf) entered into force in respect of Ukraine on 11 September 1997, [UNHCR - Guiding Principles on Internal Displacement](http://www.unhcr.org/4098b3172.html)

<sup>12</sup> Compare Article 3, UN General Assembly, *Convention of the Rights of the Child*, 20 November 1989, United Nations, Treaty Series, vol. 1577, p. 3, entered into force in respect of Ukraine on 27 September 1991.

<sup>13</sup> *The Inter-Agency Guiding Principles on Unaccompanied and Separated Children*, <http://www.unhcr.org/4098b3172.html>. All children are entitled to protection and care under a broad range of international, regional and national instruments. Of particular relevance for separated children are: the right to a name, legal identity and birth registration; the right to physical and legal protection; the right not to be separated from their parents; the right to provisions for their basic subsistence; the right to care and assistance appropriate for their age and developmental needs; the right to participate in decisions about their future.

<sup>14</sup> Under the Resolution of the Cabinet of Ministers of Ukraine “*On Registration of Internally Displaced Persons*” of 1 October 2014, no. 509 (*Resolution no. 509*), only adult IDPs or their authorized representatives are entitled to file for IDP registration. The SMM notes that according to recent amendments to the Law of Ukraine “*On Securing the Rights and Freedoms of Internally Displaced Persons*” of 20 October 2014, no. 1706-VII (*IDP Law*), children, including those who are not accompanied by their parents or legal guardians are, in principle, now expressly entitled to be registered as IDPs.

child protection services.<sup>15</sup> The existing laws allow for adults to authorize a representative through a notarized power of attorney to receive an IDP targeted financial assistance for unaccompanied children.<sup>16</sup> However, Ukrainian notary services are not available in areas outside of government control.<sup>17</sup>

The ongoing conflict has continued to have an impact on unaccompanied internally displaced children. For example, when a parent contributing to child support resides in non-government-controlled areas and either has no means or stops transferring funds, the child remains without financial support from the parent and has no recourse to seek the enforcement of support payments.

Family separation has also affected students from schools and colleges who have relocated to government-controlled areas, but whose parents have remained in non-government-controlled areas. While trying to cope without family support, young people face an increased risk of various forms of abuse.<sup>18</sup>

## 5.2. Female-Headed Households

The conflict in Ukraine transformed many families into female-headed households, affecting female IDPs as well as women from host communities. Many women lost their husbands due to hostilities in certain areas of Donetsk and Luhansk regions of Ukraine. Thousands of other women left their places of origin and relocated with their children, while their husbands stayed behind. Many of them lack a social network, income, access to housing, and opportunities for employment and professional development.<sup>19</sup>

In Nova Hreblya village in Vinnytsia region, the majority of the Crimean Tatar women's husbands are serving in the conflict zone or have stayed in Crimea. This has affected their family life. The displacement has also resulted in a number of cases of divorce or legal separation.

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<sup>15</sup> The IDP Law as amended allows children over 14 years old to apply for IDP registration in their own name regardless of whether they are accompanied by their parents or relatives. For minors under 14 years old in general, the law continues to require applications to be filed by their parents and legal guardians, additionally allowing relatives with whom these minors reside to file applications, with child protection services involved in other cases.

<sup>16</sup> Section 3<sup>2</sup> of the Resolution of the Cabinet of Ministers of Ukraine "On the Provision of Monthly Targeted Assistance to Internally Displaced Persons to Cover Living Expenses, Including Utilities", 12 October 2014, no. 505 (Resolution no.505).

<sup>17</sup> See Section 5.2.1, OSCE SMM, *Access to Justice and the Conflict in Ukraine*, December 2015, <http://www.osce.org/ukraine-smm/212311?download=true>. Under the Order of the Ministry of Justice of Ukraine "On Immediate Measures Related to the Protection of the Rights of Citizens on the Territory of Carrying Out the Anti-Terrorism Operation" of 17 June 2014, no. 953/5, the access to all state registers, including the unified register of powers of attorney in certain areas of Donetsk and Luhansk regions have been limited until the end of the ATO.

<sup>18</sup> Due to the lack of funds and family support young people need financial means to pay their expenses. This can put them at risk for different types of abuse especially if they become involved with criminal groups, drug trafficking or prostitution.

<sup>19</sup> See also Section 6.2 Economic Situation and Access to Employment.

### **5.3. Elderly Persons**

The separation from family and friends has increased the vulnerability of elderly persons who are in general more dependent on the assistance of others. Elderly IDPs throughout Ukraine expressed a strong attachment to their homes and wish to return as soon as possible. They maintain regular contact, mainly through phone calls, with their family and friends in their places of origin. Some elderly IDPs are acting as primary caregivers for children and adolescents who stayed behind and are now separated from their parents. While at increased risk of health disorders or with limited mobility, they now have added responsibility for their grandchildren. Elderly people with limited mobility who are dependent on humanitarian aid have to overcome the additional challenge of trying to access the aid as it is not always delivered to them directly. Many elderly were unable to flee with other members of their family due to disability or limited mobility. IDPs whose elderly relatives did not relocate with them were very concerned about their well-being and were taking additional risks to visit and look after them, including long waits at checkpoints surrounded by minefields and travelling to areas close to the conflict zones which are often shelled.

## **6. Challenges to Durable Solutions: (Re) Integration and Return**

Communities hosting IDPs are experiencing a loss of jobs in key sectors of the economy due to the conflict as well as increased rental prices driven by the influx of IDPs. Allocation of social benefits to IDPs resulted in host communities viewing IDPs as negatively impacting their own situation and creating a competing demand. Both communities face similar and often unsolved challenges. However, IDPs' particular protection concerns render them more vulnerable and this shapes their relations with host communities. Difficulty in coping with rising living costs and not being able to access adequate housing opportunities, employment and social benefits can cause secondary displacement for some and trigger tension for others. They also constitute future challenges for integration and attaining durable solutions.<sup>20</sup>

### **6.1 Access to Adequate Housing**

Access to housing for IDPs remains a significant challenge with protracted displacement.<sup>21</sup> Nearly all IDPs interviewed stressed the unavailability of adequate affordable housing. Many IDPs lost their homes due to heavy damage making return impossible and many continue to live in temporary accommodations or in IDP centres.

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<sup>20</sup> Similar challenges were reported by the UNHCR *Summary of Participatory Assessment*, April-June 2015.

<sup>21</sup> IDPs' right to safe and adequate housing is guaranteed by UN Guiding Principles on Internal Displacement, (Principle 18), Constitution of Ukraine of 28 June 1996 (Articles 47-48) and IDP Law (Article 9(1)). See also Norwegian Refugee Council, *Housing, Land and Property Rights of Displaced and Conflict-Affected Communities in Eastern Ukraine*, Executive Summary November 2015, [https://www.nrc.no/globalassets/pdf/reports/nrc\\_housing-land-and-property-ukraine\\_full.pdf](https://www.nrc.no/globalassets/pdf/reports/nrc_housing-land-and-property-ukraine_full.pdf)

### **6.1.1. Collective Centres<sup>22</sup>**

With protracted displacement the use of collective centres to host IDPs is no longer temporary, draining resources. Some IDPs cannot afford to rent private apartments and thus continue residing in the collective centres.<sup>23</sup> Often accommodation for IDPs was provided in facilities designed for other purposes such as facilities for homeless people, homes for the elderly, summer camps, etc. The absence of medical care, unsuitable living conditions and isolation are among the main concerns shared by IDPs living in shared spaces. In many collective centres people are faced with the risk of eviction or have left already. Many centres are located far from cities, and there is limited access to healthcare, education facilities and job opportunities.

The elderly and persons with disabilities accommodated in collective centres remain the most vulnerable categories affected by limited access to healthcare assistance. One medical nurse, an IDP herself, was hired by the sanatorium hosting IDPs to help almost 200 people, including bedridden persons. Another negative factor is that there are no wheelchair accessible buses operating on some routes between the collective centres and the nearest towns.

People living in some IDP centres also reported deteriorating relations with the centres' administration and local residents. The host community of the government-controlled Sviatohirsk resort city (Donetsk region) reported concerns about the number of IDPs being twice as high as the local population. Summer tourism suffered because of the conflict, meaning less or no income for the local inhabitants. They perceived their own situations as being worse than those of the IDPs. Some facilities were not given funds to cover the costs of IDPs' stay. As a result some facilities incurred debt and had to fire or suspend the employment of personnel.

Many IDPs said they felt like second-class citizens. Some described their situation as "without a future" and "hopeless". Some IDP women with children, who lack money and support from relatives, said they felt "trapped". For single-female-headed households, having to take care of children also made their job search difficult. In a collective centre in Donetsk city the centre's co-ordinator reported some IDP mothers have turned to alcohol. The SMM saw a teenage boy living with his two grandmothers in a single room. However, in some other locations situated close to or within bigger cities, where humanitarian aid is easily delivered and accessed, IDPs said they had a positive perception of their living conditions.

### **6.1.2. Challenges to Secure Private Accommodation**

Respondents in all regions said rental costs and utility bills have increased drastically since the conflict started making it difficult for both IDPs and host community members to find suitable and affordable accommodation, resulting in tensions between the two groups. The

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<sup>22</sup> The SMM could not receive sufficient information to provide a comparative picture as to the situation in non-government-controlled areas.

<sup>23</sup> Some 14,000 displaced persons live in some 300 collective centres across the country in government-controlled areas, according to the *UNHCR Operational Update Ukraine 20 January-9 February 2016*.

IDPs are perceived by the host communities as the reason for increased rental prices and for creating a competing demand for available accommodation.<sup>24</sup>

Numerous IDPs reported a reluctance of owners to rent them apartments. Others alleged that some landlords demanded a full year's rent in advance because they did not trust IDPs to pay on a regular basis. Examples were given of owners cancelling already agreed rental arrangements upon learning the tenants were IDPs. They also reported cases of owners not willing to sign rental contracts for tax reporting reasons.<sup>25</sup> IDPs talked about the instability resulting from not having rental agreements. No leases and owners' refusal to register IDPs at the rental address were seen by some IDPs as an obstacle to receiving utility subsidies.<sup>26</sup> Many IDPs claimed they were paying higher rents than other tenants.

### **6.1.3. Allocation of Land**

IDPs have a legal right to receive land owned by the state or community in their actual current place of residence.<sup>27</sup> In Lviv region, civic initiatives requesting allocation of land for IDPs have started. At the time of writing, plots of land had also been allocated to former participants in the anti-terrorism operation<sup>28</sup> that led to tensions between the host community, civil society organizations, combat participants and IDPs.

The head of the village council in Vorotsiv (Lviv region) told the SMM that plots of land had been allocated to 24 IDP families and that some local residents were opposing this. The village council has also been involved in the allotment of land plots to former combat participants. According to the interlocutor there had not been any conflicts between IDPs and combat participants regarding the land plots. However, the NGO Movement of Donbas IDPs said they had asked the authorities to exchange the land plots for other locations in the village because the soil in the allotted plots was allegedly not suitable for construction. The NGO said village authorities also requested certain conditions which were not part of the original

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<sup>24</sup> In addition, some IDPs have refused offers to be accommodated in rural areas far away from opportunities to find work, and access to adequate education or health care.

<sup>25</sup> Renting out property triggers tax related obligations for apartment owners and landlords are reluctant to rent to IDPs fearing they would use their rental address when registering as IDPs which could result in additional taxes for landlords.

<sup>26</sup> The Resolution of the Cabinet of Ministers of Ukraine "On Simplification of the Procedure for Providing Subsidies to Population to Reimburse their Expenses for Utility Payments, Purchase of Natural Gas, Solid and Liquid Household Fuel" of 21 October 1995, no. 848 allows tenants who actually reside in a dwelling based on a rental agreement in certain circumstances to benefit from subsidies for utility payments.

<sup>27</sup> According to Articles 11(8) and 11(9) of the IDP Law, local state and self-governing authorities within their powers shall ensure that IDPs acquire rights to state or community owned land accordingly at the place of their actual residence pursuant to the laws of Ukraine.

<sup>28</sup> Participants of Anti-Terrorism Operation (ATO) held according to the Decree of the President of Ukraine "On Decision of the Council of National Security and Defence of Ukraine" of 13 April 2014 "On Immediate Measures to Rebuff Terrorism Threat and to Retain Territorial Integrity of Ukraine" of 14 April 2014, no. 405/2014, who qualify as combat participants under Article 6 of the Law of Ukraine "On the Status of War Veterans and Guarantees of their Social Protection" of 22 October 1993, no. 3551-XII (Status and Guarantees Law) are entitled to land allocation on a priority basis according to Article 12(1)(14) of the Status and Guarantees Law.

agreement. Reportedly some people were afraid the IDPs would form a separate settlement and possibly endanger the community's peace and order.

## **6.2. Economic Situation and Access to Employment**

IDP respondents identified the lack of socio-economic security as a main concern of IDP respondents, generating a feeling of uncertainty triggering secondary displacement or even return for many IDPs. In the context of a depressed job market the influx of unemployed IDPs may be perceived as a threat by the host communities. Several IDPs returned to their places of origin due to lack of employment opportunities or accommodation. Men reportedly enrolled in the military as the only remaining opportunity for income. Lack of economic resources was considered by many IDPs as a disadvantage preventing them from being equal citizens in the local community.

Finding a job in areas of their displacement was particularly difficult for single mothers and middle-aged women. One of the single mothers residing in Ivano-Frankivsk with four children, including a child with disabilities, stated she could not cope with the high costs of living and was therefore planning to return to Donbas despite the security risks. In many locations, especially in rural areas, there are not enough places in kindergartens to accommodate all the IDP and local children. A place in a kindergarten for their children is a precondition for many women to be able to work.<sup>29</sup>

According to some IDPs, displacement has sometimes reinforced traditional gender roles. Crimean Tatar female IDPs from Nova Hreblya stated they are mainly engaged in domestic activities and do not have time to seek employment.

### **6.2.1. Skills Mismatch**

Numerous IDPs from Donbas who worked in heavy industry or the mining sector in their places of origin relocated to agricultural areas, which require different skills. Some IDPs were unable to find matching employment in their new locations. Many IDPs accepted jobs for lower salaries or in lower positions compared to their previous jobs.

In some cases, when work was offered to IDPs that did not match their professional profile and skills or their salary expectations, they did not take the job. There were cases of IDPs with higher education and significant professional work experience refusing low-paying jobs. Instances of IDPs refusing jobs led to the perception in some host communities that IDPs did not want to work and preferred instead to live on government benefits.

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<sup>29</sup> Many IDPs reported difficulties securing places in kindergartens, especially those who relocated at the later stage of the conflict. People also reported that in rural areas there were almost no kindergartens. At the same time, numerous IDPs in different regions confirmed that their children had been given priority for kindergarten admission which caused resentment in the host community where families had been on the waiting list for these places for years.

### **6.2.2. Challenges to Secure Employment**

Several IDPs believed that lower salaries were linked to having IDP status. They stated that employers were not always eager to hire and invest in training IDPs who may not stay in the long term. Laws providing certain benefits for employers who hire IDPs have been passed, but some IDPs stated these measures do not work as intended.<sup>30</sup> Some said they were denied employment due to their Donbas origins; as an example, one IDP stated that one potential employer rejected him after seeing his residential permit showed his place of origin as Donetsk. Another IDP claimed he received 40 per cent less pay for the same job than his host community colleagues. The NGO Crimea SOS won a court case on behalf of a Crimean IDP who was paid less and had poorer working conditions than the other employees where he worked. When he raised the issue with the employer he was fired. Pursuant to the court ruling, the claimant obtained compensation and was reinstated with equal conditions and salary as the other employees.

### **6.2.3. Increased Risk of Human Trafficking, Including Labour Exploitation**

Lack of job security, irregular employment, low salaries and delays in payments increase the risk for men and women to become victims of human trafficking.<sup>31</sup> The likelihood that IDPs engage in informal, unprotected employment is high, especially for women who are the majority of the adult work force. In this context there is a higher risk for displaced women to become victims of criminal networks that promote trafficking in human beings. In one non-government-controlled village in Donetsk region approximately 300 IDPs returned in September 2015, where prior to the conflict many had worked in the local mines or for the railroad. Upon returning they had no jobs and remain unemployed. In July 2015 the Lviv Regional Prosecutor's Office informed the SMM that six cases of human trafficking were identified and prosecuted in Lviv region; five victims were displaced women from Donbas and one a displaced woman from Crimea. In "DPR"-controlled villages such as Amrosiivka and Khartsyzk the SMM was told about cases of labour exploitation; men aged 20-30 reported they did strenuous physical work for which they were underpaid by their employers.

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<sup>30</sup> Certain measures to facilitate employment of IDPs were introduced by the Law of Ukraine "On Amending Certain Laws of Ukraine on Enhancing Social Protection of IDPs" of 5 March 2015, no. 245-VIII. In particular, these measures include specified salary compensation (refund) to those employers who hired IDPs for short term employment provided other conditions are also met. This IDP compensation for IDP salaries was implemented on 25 September 2015 by the Resolution of the Cabinet of Ministers of Ukraine "On the Procedure for Carrying Out the Measures to Facilitate Employment, Return of the Funds Allocated for Financing Such Measures In Cases where the Employment Guarantees for IDPs are Violated" of 8 September 2015, no. 696.

<sup>31</sup> Nine cases of trafficking (or attempted trafficking) of IDPs have been recorded by the International Organization for Migration (IOM) in 2015. IOM also assisted three persons who were subjected to forced labour and torture in the NGCA, IOM *Human Trafficking in Ukraine – Situation Analysis 2015*, [http://stoptrafficking.org/sites/default/files/mom/documents/CT\\_situation%20analysis%20DEC%202015%20ENG\\_0.pdf](http://stoptrafficking.org/sites/default/files/mom/documents/CT_situation%20analysis%20DEC%202015%20ENG_0.pdf).

### **6.3. Access to Social Protection**

IDPs have the same right to social protection as all citizens of Ukraine.<sup>32</sup> In many instances, the removal of government benefits from non-government-controlled areas<sup>33</sup> contributed to the initial displacement from Donbas. Displacement, however, renders IDPs more vulnerable and government authorities are responsible for actively supporting displaced persons in the realization of their rights.<sup>34</sup>

#### **6.3.1. Suspension of Pensions in Non-Government-Controlled Areas and Relocation of Social Services**

Suspension of pension payments to people living in non-government-controlled areas negatively impacted all persons but in particular the elderly and single female-headed households, leaving them with no or limited financial means. In addition, the relocation of government services has negatively impacted persons relying on these institutions as they have become increasingly difficult to access.<sup>35</sup> Shelters for victims of sexual and gender-based violence and some specialized medical services have been closed in Luhansk leaving many people without access to specialized assistance. IDP women in Sievierodonetsk (Luhansk region) emphasized that they moved to government-controlled areas due to the availability of social services. In this context IDP women and women's rights activists from civil society organizations highlighted the problem of domestic violence. According to the NGO Women's Perspectives based in Lviv, female victims from IDP families, some with a history of domestic violence in their places of origin, had become more vulnerable to experiencing violence without reporting it or accessing protection services, because they had no alternative accommodation and no other option but to continue living with their abusive partner.

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<sup>32</sup> Articles 21, 24 and 46, the Constitution of Ukraine of 28 June 1996; Articles 2, 7 and 14, IDP Law; and Principles 1, 2 and 19, UN Guiding Principles on Internal Displacement.

<sup>33</sup> The Resolution of the Cabinet of Ministers of Ukraine "On the Temporary Procedure for Financing State Budget Institutions, Conducting Payments to the Population and Providing Financial Assistance to Certain Enterprises and Organizations of the Donetsk and Luhansk Regions" of 7 November 2014, no.595 (Resolution no. 595) suspended all budget payments, including pensions, to the residents of the Donetsk and Luhansk regions where the Ukrainian state authorities do not carry out their authorities. On 16 October 2015, these provisions of the Resolution no. 595, however, were invalidated by the High Administrative Court of Ukraine in case no. K/800/19418/15, but to date the decision remains unimplemented. The SMM notes that the Package of Measures for the Implementation of the Minsk Agreements in its Section 8 includes "definition of modalities of full resumption of socio-economic ties, including social transfers such as pension payments and other payments (incomes and revenues, timely payments of all utility bills, and reinstating taxation within the legal framework of Ukraine)".

<sup>34</sup> Articles 21, 22, 24 and 46, the Constitution of Ukraine of 28 June 1996; Articles 2, 7 and 14, IDP Law; and Principles 1, 2, 3, 4 and 19, UN Guiding Principles on Internal Displacement.

<sup>35</sup> See OSCE SMM thematic report *Findings on Formerly State-Financed Institutions in the Donetsk and Luhansk Regions*, <http://www.osce.org/ukraine-smm/148326?download=true>.



### 6.3.2. Challenges Related to IDP Registration and Humanitarian Assistance

A registered displaced person receives an IDP certificate issued by government authorities.<sup>36</sup> Obtaining an IDP certificate is a pre-condition for receiving pensions, social allowances, benefits<sup>37</sup> and other payments intended to assist IDPs.<sup>38</sup> Many IDPs reported the registration process as being complex and cumbersome. A lack of adequate information on IDP entitlements, as well as the absence of a “one-stop shop” to receive assistance, was identified by many IDPs as obstacles to effectively exercising their rights. In all regions, IDPs consistently complained about having to re-register every six months in order to continue receiving the allowances.<sup>39</sup>

Allocation of social benefits and humanitarian assistance to IDPs was sometimes perceived as unfair by the local inhabitants. In some locations respondents believed the subsidies which used to be provided for other social groups (e.g. Chernobyl survivors) were reduced so that more public money could be allocated to IDPs.

Although many local inhabitants expressed their understanding for the challenges faced by IDPs, several IDPs said they had been confronted by members of the host community regarding the assistance they received. Some IDPs also faced accusations of using their IDP status to receive financial benefits while continuing to live in non-government-controlled areas.<sup>40</sup> In Kharkiv, local residents told the SMM they felt discriminated against because IDPs were receiving services free of charge or by special procedures, such as separate queues for IDPs provided in some local institutions. Some host community respondents felt it was not right that unregistered IDPs who were self-employed did not pay local taxes such as

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<sup>36</sup> Article 4, IDP Law.

<sup>37</sup> Section 1, the Resolution of the Cabinet of Ministers of Ukraine “*On Carrying Out Social Payments to Internally Displaced Population*” of 5 November 2014, no. 637; and Section 8, Resolution no.595.

<sup>38</sup> Ukrainian law provides for the following specific IDP related financial assistance: (a) monthly targeted assistance to cover living expenses, including utilities, in the amount of 442 UAH for each family member and 884 UAH for pensioners and children, but in any case not exceeding 2,400 UAH per family (Resolution no. 505); and (b) a one-time financial assistance payment the amount of which is determined on a case-by-case basis and paid out of private contributions (the Resolution of the Cabinet of Ministers of Ukraine “*On the Approval of the Procedure for the Use of Funds Received from Individuals and Legal Entities for the Provision of One-Time Financial Assistance to Affected Population and Internally Displaced Persons*” of 1 October 2014, no. 535).

<sup>39</sup> Recent amendments to the IDP Law introduced by the Law of Ukraine “*On Amending Certain Laws of Ukraine in Relation to Strengthening the Guarantees for Securing the Rights and Freedoms of Internally Displaced Persons*” of 24 December 2015, no. 921-VIII simplify the registration procedure for IDPs. According to these amendments, the IDP certificates will no longer be limited to six months and will be issued for an indefinite period of time. The SMM notes that in practice, however, state authorities sometimes still apply the Resolution no.509 which has not been aligned with the IDP Law as amended.

<sup>40</sup> The SMM notes that according to the Letter of the Deputy Minister of Social Policy of Ukraine of 16 February 2016 “*On Strengthening the Control Over IDP Registration*” (*Letter*), local departments for social protection have been instructed to suspend social payments to registered IDPs based on information received from: the Ministry of Internal Affairs, the National Police, the Security Service of Ukraine, the State Border Service or other state authorities. According to the Letter, such suspensions should remain effective until the residence address for IDPs is confirmed by either the State Migration Service authorities or IDPs in person. The SMM was told that as a result of major verification procedures related to IDPs registration taking place all over the country as described in the Letter, hundreds of thousands of IDPs have had their social payments suspended for an indefinite period of time.

property taxes, vehicle taxes or contributions for social services while receiving aid from local organizations. Both IDPs and representatives of host communities said government aid should be provided to all citizens in need and not only displaced persons.

IDPs reported that the distribution of assistance by humanitarian providers was unclear to them. IDPs in western or central regions of Ukraine expressed the view that only IDPs in eastern regions of Ukraine were receiving humanitarian assistance. An IDP woman in Stanytsia Luhanska however, felt that the IDPs living near the contact line received less aid than those living further away. IDPs in Chernihiv believed their region was ignored by aid agencies since there were lower numbers of IDPs there compared to other places.

Finally, documents “issued” by “DPR” and “LPR” “structures” in Donbas, as well as by Crimean *de facto* authorities, are not recognized by the Ukrainian authorities, so absence of birth registration and various other certificates<sup>41</sup> impede IDPs’ access to social benefits, education<sup>42</sup> and health care. Lack of death certificates makes it difficult to manage, inherit or reclaim lost property. Under Ukrainian law, a court decision is necessary to obtain legal recognition of civil action documents issued in non-government-controlled areas, perceived by IDPs as a lengthy and cumbersome process.<sup>43</sup> IDP respondents from Donbas and Crimea reported challenges in having documents recognized if issued in non-government-controlled areas, preventing them from exercising their rights. Crimean IDPs mainly reported difficulties in obtaining Ukrainian birth certificates for children born in Crimea.

#### **6.4. Participation in Local Elections**

According to international standards, IDPs should have the right to vote and to participate in government and public life.<sup>44</sup> IDPs could not vote in local elections held throughout Ukraine in October and November 2015.<sup>45</sup> Under Ukrainian law, voting in a local community requires

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<sup>41</sup> See Section 5.2.1, SMM, *Access to Justice and the Conflict in Ukraine*, December 2015, <http://www.osce.org/ukraine-smm/212311?download=true>.

<sup>42</sup> During focus group discussions numerous IDPs from Donbas and Crimea shared a concern related to future education and the non-recognition of diplomas and certificates issued in non-government-controlled areas.

<sup>43</sup> On 24 February 2016, the amendments to the Civil Procedure Code of Ukraine became effective, which should expedite and simplify judicial proceedings for establishing the facts of birth and/or death on non-government-controlled areas. In particular, under these amendments, any authorized person shall now be able to file for recognition of birth on non-government-controlled areas at any court located on government-controlled areas. Similarly, the relatives or their authorized representatives of any deceased should be able to file to establish the fact of death on non-government-controlled areas. Such cases shall be decided immediately upon receiving the relevant applications, with the judicial decisions issued in such cases being subject to immediate enforcement.

<sup>44</sup> See Article 21, UN General Assembly, *Universal Declaration of Human Rights*, 10 December 1948, 217A (III), U.N. Doc A/810 at 71 (1948); Article 25, UN General Assembly, *International Covenant on Civil and Political Rights (ICCPR)*, 16 December 1966, G.A. res. 2200A (XXI), 21 U.N. GAOR Supp. (No. 16) at 52, U.N. Doc. A/6316 (1966), 999 U.N.T.S. 171, entered into force in respect of Ukraine on 23 March 1976; Principle 22, *UN Guiding Principles on Internal Displacement*; Section 9, Recommendation Rec (2006) 6 of the Committee of Ministers of the Council of Europe to member states on internally displaced persons.

<sup>45</sup> Local elections were held on 25 October and 15 November 2015 throughout Ukraine except for Crimea and certain areas of Donetsk and Luhansk regions, and on 29 November 2015 in Mariupol and Krasnoarmiisk (Donetsk region). See Law of Ukraine “*On Particularities of Voting During Scheduled Elections of Deputies of Krasnoarmiisk City Council, Krasnoarmiisk Mayor (Donetsk region) and Deputies of Mariupol City Council*,

the voter to register their residential address<sup>46</sup> so in order to vote, displaced persons residing in host communities would need to re-register. Re-registration could lead to the loss of IDP status and its corresponding benefits.<sup>47</sup>

Those interviewed by the SMM viewed this as a violation of their basic rights and an obstacle to building positive relations within host communities. In numerous locations displaced persons felt they should have the right to vote in local elections in order to enjoy equal participation in the local communities. They felt that political parties would otherwise have no incentive to consult them and to protect their rights. An IDP expressed his disappointment with the situation saying “When it comes to paying bills, mobilization and taxes, we are considered citizens of Ukraine. But when it comes to voting in the community where we reside we have been deprived of our rights”.

### **6.5. Security Concerns Preventing Safe and Sustainable Return**

The SMM observed that armed hostilities, reported human rights abuses in non-government-controlled areas and constraints in accessing justice were presented as factors preventing safe and sustainable return. The unstable security situation, presence of armed groups, fear of persecution, destroyed infrastructure and damaged houses as well as restricted access to property in conflict-affected areas discourage IDPs from returning. Several interlocutors expressed their concerns regarding the presence of mines and unexploded ordnance (UXOs) as a serious obstacle to return.

Regardless of age or gender, respondents cited ongoing hostilities, shelling and general insecurity as the main reasons for their displacement.<sup>48</sup> Armed hostilities in certain areas of

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*Mariupol Mayor (Donetsk region)*” of 10 November 2015, no.775-VIII. See the OSCE/ODIHR recommendations in the Election Observation Mission Final Report from Ukraine’s Local Elections of 25 October 2015 (“The authorities should take measures to ensure equal suffrage and provide the right to vote in local elections to different groups of citizens, including IDPs, after a certain period of residence”), <http://www.osce.org/odihr/elections/ukraine/223641?download=true>. Also voting in local elections in Donbas foreseen by Minsk Agreements might be challenging for IDPs.

<sup>46</sup> Members of local communities who have a registered residence address within this community, confirmed by a passport or temporary citizenship ID are entitled to vote (Article 3 of the Law of Ukraine “*On Local Elections*” of 14 July 2015, no. 595-VIII).

<sup>47</sup> While there was no explicit provision in the law stating that IDP status would be lost, Article 4 of IDP Law as applied in 2015 during local elections stated that the requirement for IDP registration was a registered place of residence on the territory affected by the armed conflict or other circumstances defined by law as of the date when such circumstances occurred. Accordingly, re-registration could have required IDPs to lose this required place of registration which might then have resulted in their loss of IDP status and benefits.

<sup>48</sup> Some IDPs expressed concerns about being vulnerable to shelling and mortar attacks when waiting in queues for humanitarian aid. Others mentioned health issues, including breathing problems, resulting from exposure to rocket explosions. Many individuals were living under regular shelling and constant fear for their lives and for the safety of their children. Some have witnessed the shelling of kindergartens, hospitals and schools resulting in shattered windows and shrapnel-damage. Others mentioned bus and railway stations being shelled and people killed as a result. According to the Office of the United Nations High Commissioner for Human Rights (OHCHR) since mid-April 2014 up to 2,000 civilians have been killed in armed hostilities in Ukraine, bringing the estimated casualty figures since the beginning of the conflict to 30,903 people, including 9,371 killed and

Donetsk and Luhansk regions of Ukraine have also damaged infrastructure leaving thousands of people without access to water, electricity and heating.<sup>49</sup> A displaced woman from Donbas living in the Cherkassy region recalled an incident when, despite active shelling, people laid on the road to prevent water delivery trucks driving away without distributing drinking water.

Numerous IDPs from Donbas expressed concerns about the presence of armed groups in their places of origin. Women in particular spoke of security and safety risks, the prevalence of armed men in residential areas as well as a lack of protection mechanisms. In government-controlled Manhush (Donetsk region) respondents were concerned about the presence of armed soldiers walking around the city which prevented their children from walking to school unaccompanied. The risk of gender-based violence in such an environment is high. One teenage girl told SMM about her experience in “LPR”-controlled areas. While walking with her mother along a road, a car with armed men stopped and tried to push her into the car; her mother convinced them not to take her.

Discussants from Donbas expressed their fear of persecution should they return to non-government-controlled areas because of their perceived political views, due to their participation in pro-Ukrainian rallies or for choosing to relocate to government-controlled areas. Many IDPs mentioned abductions, illegal detentions, forced labour and extrajudicial killings as threats to their personal security in case of return.

Others<sup>50</sup> mentioned the absence of freedom of speech and the persecution of religious groups other than the Ukrainian Orthodox Church (UOC) in areas not under government control. The SMM received several statements by IDPs of alleged property takeovers of Jehovah’s Witnesses’ temples, abduction, unlawful arrest and beating or torture of members of their congregations in non-government-controlled areas of both Donetsk and Luhansk. An evangelical pastor from Chernivtsi alleged that members of his church were persecuted and executed in “DPR”-controlled areas.<sup>51</sup> A pastor of a protestant religious community from one of the “DPR”-controlled areas, re-settled in Dnipropetrovsk region said “DPR” members seized their community centre and many from their religious community had left after that. He was afraid to return as there was a reward offered by “DPR” members for his arrest.

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21,532 injured (figures include civilians as well as Ukrainian armed forces, and members of armed groups). See [http://www.ohchr.org/Documents/Countries/UA/Ukraine\\_14th\\_HRMMU\\_Report.pdf](http://www.ohchr.org/Documents/Countries/UA/Ukraine_14th_HRMMU_Report.pdf)

<sup>49</sup> See OSCE SMM, *Access to water in conflict-affected areas of Donetsk and Luhansk regions*, September 2015 <http://www.osce.org/ukraine-smm/183151?download=true>.

<sup>50</sup> Focus group discussants only referred to certain religious groups, which does not mean that potential persecutions are restricted to the above mentioned groups.

<sup>51</sup> UN Human Rights Monitoring Mission in Ukraine continues to report about violations of freedom of religious belief, including minority Christian denominations in territories controlled by armed groups: [http://www.un.org.ua/images/stories/12th\\_OHCHR\\_report\\_on\\_Ukraine\\_EN.pdf](http://www.un.org.ua/images/stories/12th_OHCHR_report_on_Ukraine_EN.pdf). See also the report of the Centre for Civil Liberties and International Partnership for Human Rights, *When God becomes the weapon. Persecution based on religious beliefs in the armed conflict in Eastern Ukraine*, April 2015, available at [http://iphronline.org/wp-content/uploads/2015/07/when\\_god\\_becomes\\_the\\_weapon\\_may2015.pdf](http://iphronline.org/wp-content/uploads/2015/07/when_god_becomes_the_weapon_may2015.pdf)

Some IDP boys in Kherson region told the SMM that schoolmates (aged 16 and 17) were mobilized by “DPR” members to dig trenches which increased their anxiety about returning. Some female teenagers were aware of cases of abduction and arbitrary detention of relatives and acquaintances. One elderly woman told the SMM about three openly pro-Ukrainian families whose members had been allegedly shot dead.

An IDP woman in “LPR”-controlled Molodohvardiisk (Luhansk region) told the SMM that her brother and husband were “LPR” members so she would not feel safe returning to government-controlled areas. She was also concerned that her younger son would be mobilized by the Ukrainian Armed Forces if she returned to government-controlled areas. Finally, numerous IDPs from Donbas expressed concern their houses may have been occupied, looted or destroyed in their absence.<sup>52</sup> One IDP said armed men were living in his summer cottage. Another IDP received a call from his neighbour asking if and when he was coming back because the neighbour had been told to report if the apartment was vacant.

IDPs also complained that they continue to receive utility bills for their abandoned properties in certain areas of Donetsk and Luhansk regions of Ukraine, and expressed concern about amassing considerable debt.

## **7. Freedom of Movement as an Aggravating Factor for Displaced Population**

The SMM observed that freedom of movement across the contact line remains another serious protection concern for the civilian population, including IDPs, in certain areas of Donetsk and Luhansk regions of Ukraine, posing serious threats to the physical safety of those trapped in conflict areas.<sup>53</sup> The limited number of checkpoints at the contact line requires individuals to travel long distances and wait in long queues.<sup>54</sup> Checkpoints can be closed on short notice and people are exposed to the risk of mines and unexploded ordnance (UXOs) when crossing the contact line at unauthorized points.

While numerous IDPs settled far from the contact line, many chose to stay closer to their place of origin. For them freedom of movement restrictions and the required permit system present a serious challenge affecting their daily lives. The measures in the Temporary Order on Control of the Movement of People, Transport Vehicles and Cargo along the contact line in Donetsk and Luhansk (“Temporary Order”) have affected freedom of movement of IDPs from Donbas who resettled throughout Ukraine and occasionally take short trips to their places of origin to assess the security situation, check on their property, help relatives or to collect their belongings.

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<sup>52</sup> According to the report of the Norwegian Refugee Council, *Housing, Land and Property Rights of Displaced and Conflict-affected Communities in Eastern Ukraine*, January 2016, the “LPR” “structures” have issued a decree saying that property vacant for 45 days is subject to confiscation.

<sup>53</sup> See OSCE SMM, *Protection of Civilians and their Freedom of Movement in the Donetsk and Luhansk regions*, <http://www.osce.org/ukraine-smm/156571>.

<sup>54</sup> According to OCHA, in March 2016 the State Border Guard had observed some 96,000 people crossings through the checkpoint in Stanytsia Luhanska, On average 8,000 people per day strived to pass through Zaitseve, significantly more than the projected daily capacity of 5,500 people, Humanitarian Bulletin Ukraine, Issue 9, 1-30 April 2016, [http://reliefweb.int/sites/reliefweb.int/files/resources/humanitarian\\_bulletin\\_ukraine\\_-\\_issue\\_09\\_eng%20%281%29.pdf](http://reliefweb.int/sites/reliefweb.int/files/resources/humanitarian_bulletin_ukraine_-_issue_09_eng%20%281%29.pdf).

The restrictions to freedom of movement have affected family unity by limiting interaction between relatives living on different sides of the contact line, making reconciliation and safe and voluntary return more difficult. Elderly people have been particularly affected by these factors. Elderly IDPs reported problems using information technology to obtain an online permit due to lack of access or skills. They also complained about long waiting periods at check points, unbearable in hot and cold weather conditions. Winter conditions made crossing the contact line dangerous, particularly for elderly persons with disabilities and people with limited mobility.

Mines and UXOs present a further threat to IDPs travelling to and from their area of displacement. Several displaced persons expressed feeling unsafe at checkpoints which could be targeted by shelling. An IDP woman interviewed in Kreminna (Luhansk region) who lived close to the contact line recalled an incident involving an acquaintance who had a diabetic episode during the night. Emergency ambulance services could not reach the individual as the checkpoints are closed at night.

IDPs from Crimea said they felt it was difficult and unsafe to return home. Crimean Tatar women living in a collective centre in Kyiv region said their husbands who remained in Crimea do not cross the Administrative Boundary Line (ABL) for fear they would not be able to return. They also said it had become more difficult to cross the ABL due to the suspension of public transport and because of a traffic and cargo blockade of the ABL introduced by activists on 20 September 2015.<sup>55</sup>

## **8. Specific Concerns for Crimean Tatar Displaced Persons**

Ukrainian authorities do not record statistics on displaced persons according to their ethnic or indigenous origin. For their own reasons, many IDPs do not officially register as such, including numerous Crimean Tatars, making statistical assessments more difficult.<sup>56</sup> The exact figure of Crimean Tatar IDPs who moved to government-controlled areas is not known.<sup>57</sup> Most of them settled in private accommodations mainly in the western and central regions of Ukraine. Other specific challenges have been reported by Crimean Tatar IDPs relating to their language, culture and religion.

### **8.1. Relations between Crimean Tatars and Host Communities**

The relations between Crimean Tatar IDPs and host communities were generally assessed as very positive by both IDPs and host communities in Lviv, Chernivtsi and Kyiv regions.

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<sup>55</sup> Activists ended their blockade of crossing points close to the boundary line after the Cabinet of Ministers' decree banning commercial trade with Crimea entered into force on 17 January 2016.

<sup>56</sup> Some Crimean Tatars explained they did not want to have their passports stamped with their new address. Others are not willing to disclose their personal data without a guarantee it will not be shared with other actors.

<sup>57</sup> During the hearings in the Verkhovna Rada of Ukraine an official figure of 21,636 persons was given as of 23 December 2015, <http://ru.krymr.com/content/news/27558534.html>. According to Mustafa Dzhemilev, leader of the Crimean Tatar people, approximately 35,000 persons have left Crimea since March 2014, the majority of which are from the Crimean Tatar community <http://www.unian.ua/society/1213359-djemilev-chiselnist-pereselentsiv-z-okupovanogo-krimu-stanovit-35-tisyach-osib.html>

Crimean Tatars were often seen through the prism of their history and deportation from the Crimean peninsula in 1944. Compounded by the recent displacement, they enjoy sympathy for their political loyalty and opposition to the events in Crimea. Crimean Tatars have been perceived by their host communities as very open and willing to contribute culturally and in other ways to the community. They were often praised by local resident respondents for having been active in the life of the host community and for being financially independent.

Crimean Tatars have a different religion, culture, language and traditions. Despite the overall positive attitude towards Crimean Tatar IDPs, some tensions have also been reported with host communities. In the Nova Hreblya village in Vinnytsia region, some 150 Crimean Tatars are accommodated in a dormitory rented from the village council. In September 2015 the SMM was informed by the head of the village council that the housing contract with IDPs had not been extended. He also categorically denied any tension within the community due to cultural or religious background. Local residents however told SMM they did not know which “branch” of Islam the Crimean Tatar IDPs belonged to. This contributed to the lack of understanding and mistrust. Women were covered and most of the time they remained in the dormitory. Men were combat participants returning from the conflict zone on a rotating basis. Crimean Tatar women said they did not have much interaction with women from the host community except for brief moments while shopping. They believed the villagers perceived them as uneducated, although there were doctors and nurses among them.

IDPs cited a few incidents between villagers and Crimean Tatar IDPs in 2015, at least two of which ended in physical violence and injury. According to the Head of the Nova Hreblya Village Council they were caused by “a few radical religious IDPs” who in his view spread fear among the villagers. Local villagers told the SMM they perceive Crimean Tatar IDPs as isolated by choice but at the same time felt they were contributing positively to the economic growth of the village.

## **8.2 Challenges Related to Language, Culture and Religion**

Nearly all Crimean Tatar IDPs interviewed expressed concern over the issue of language. They told SMM they mostly speak their native language at home. Since most of these IDPs are widely dispersed throughout Ukraine, there are not enough Tatar children in any school to organize classes in the Crimean Tatar language.<sup>58</sup>

The NGO Crimea SOS took the initiative to establish a Crimean House in Lviv. In December 2015 the Lviv City Council approved the allocation of premises for use as a Crimean Tatar cultural centre. In Drohobych (Lviv region) the city council provided Crimean Tatars with free premises for a cultural and religious centre. A Crimean Tatar IDP noted the importance of this, which, when added to the continuous support from the Caritas foundation, had enabled his community to have a prayer room, set up a cultural centre and organize an

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<sup>58</sup> According to the *Procedure for Splitting Classes into Groups for Learning Certain Subjects in General Education Institutions*, as approved by the Order of the Ministry of Education of Ukraine of 20 February 2002, no. 128, there should be no less than eight children learning the language of a national minority, such as Crimean Tatar language, per group with two different groups allowed per class.

exhibition in the town's museum. The department of social protection in Drohobych also helped Crimean Tatar IDPs to conduct awareness-raising activities about their culture.

Displaced Crimean Tatars reported there were an insufficient number of Muslim burial sites in their area of displacement which constituted a serious religious issue. A Crimean Tatar woman settled in Kyiv told the SMM of the difficulties she had encountered when she had to bury her father after he died (in Kyiv) because there was only one Muslim cemetery in Kyiv region. In December 2015 the city council in Lviv allocated an additional parcel of land for burial according to Muslim tradition in one of the city cemeteries.

Almost all Crimean Tatar respondents told the SMM that they mostly pray at home, however they were aware of the existence of mosques in their area of displacement. One Crimean Tatar woman from the collective centre in Litky (Kyiv region) said that it took approximately three hours to get to the nearest mosque and transportation was not always available. In Lviv the opening of a new Islamic Centre in June 2015 provided the community with a sizeable prayer space.

Being scattered across Ukraine, many Crimean Tatars expressed concerns over the lack of a community network in the area of displacement and not being able to visit relatives in Crimea to participate in family celebrations.

### **8.3 Concerns Linked to Return**

Many Crimean IDPs said the reason they fled and were unwilling to return home was their fear of being persecuted by the *de-facto* authorities in Crimea for their political opinions, particularly for expressing dissenting views. Nearly all Crimean Tatars interviewed left Crimea due to their fears of political persecution and discrimination, namely their right to security, liberty and to freedom of religion. They gave accounts of serious human rights violations such as failure to investigate cases of disappearances, abductions and illegal detentions in Crimea as examples of violations preventing their return.

People expressed concern there could be possible searches for "extremist" religious literature carried out in their homes, fearing prosecution by *de facto* authorities in Crimea for possessing Islamic books. Others said the house searches are a source of "concern and humiliation". Crimean Tatar women said they were not given time to cover themselves during the searches. A Crimean Tatar woman settled in Kyiv, the wife of an activist and member of the Mejlis, described the search of their house: "On the morning of 16 September 2014, five or six armed men entered our house and asked where the forbidden literature, weapons and drugs were kept. They searched everywhere; even the children's toys were searched. They did not find anything and I presume it was done to intimidate us."

## **9. Concluding Remarks**

Based on the information gathered by the SMM from speaking with IDPs and host community interlocutors across Ukraine, the SMM has found a number of concerns that require closer attention and action from all concerned.

- First and foremost, all IDPs should have equal access to the enjoyment of their civil and political rights;



- They should also be treated equally when accessing housing, employment and social protection;
- Measures should be undertaken to restore family unity and the social fabric, to rebuild trust within communities, and to eradicate the prejudices against IDPs, all of which would help them to return safely, reintegrate and reconcile successfully;
- Restrictions to freedom of movement of civilians should not disproportionately affect displaced persons crossing the contact line nor prevent their safe return.

Any measure aimed at improving the IDPs' situation should be beneficial for both the local community and IDPs in order not to create tension within the communities, with additional initiatives undertaken to enhance IDPs' access to socio-economic opportunities to help improve their self-reliance and minimize their dependence on state support.

IDPs should also have access to clear information about IDP registration, benefits and legislative developments affecting them. In relation to displaced Crimean Tatars, all levels of government need to address their specific challenges with regards to preserving and practicing their language, culture and religion. Finally, the international community should assist and support Ukrainian authorities in identifying solutions to the concerns described in this report.