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**LOST IN PAPERS:
Observing Social Rights
of Internally Displaced
Persons**

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The publication presents complex analysis of the issue of observing social rights of internally displaced persons as a result of the armed conflict in Eastern Ukraine. International and legal responsibilities of states are characterized in terms of protecting social rights and freedoms of people. The analysis of open sources and the survey conducted by UHHRU experts was used to define the status and to highlight the issues regarding the protection of social rights of internally displaced persons.

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INTRODUCTION



On June 20 – the World Refugee Day – the global community expresses its solidarity with people who had to flee from their homes and seek protection in other countries due to wars, armed conflicts or violence. However, this is the day when internally displaced persons should get their share of attention. Contrary to refugees, seeking asylum in other countries, internally displaced persons stay in their own country and cannot claim any international protection.

Ukraine faced the problem of internally displaced persons (IDPs) as a result of the armed conflict in Eastern Ukraine and the annexation of Crimea in 2014. This problem has not vanished in the three years that have passed since then. Almost every day Ukrainian IDPs have to face a number of difficulties: unavailability of accommodation, lack of working places, problems with getting pensions

and social payments, legal paperwork, registration of the place of residence, etc.

The experts of the Ukrainian Helsinki Human Rights Union studied the data of open sources and conducted the survey which allowed them to determine the state and to highlight problematic areas of IDP social rights protection. In particular, they have analyzed the total number of internally displaced persons in need of protection of their social rights, and studied the social rights related to social protection, employment, and adequate standards of living.

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Arkadiy Bushchenko,
Executive director of UHHRU

SUMMARY

Safe existence and provision for the needs of vulnerable categories of people in the areas of labor, social provision and health care in accordance with the law is possible through the realization of their social rights. Due to the situation of armed conflict, the importance of protecting social rights is growing even more. This problem is also relevant for Ukraine. At the same time, as the research results demonstrated, it is unknown how many people are currently displaced because of the Crimea annexation and armed conflict in Donetsk and Lugansk regions: due to the fact that accounting the data vary for different state bodies. Thus, according to the data of the departments of social protection of the population of Kyiv city state administration and Kyiv regional state administration as of July 24, 2017, 1,580,646 migrants or 1,270,372 families from Donbas and Crimea were registered. The data of local departments of the State Emergency Service on the number of IDPs, located in the region, differ from this number. This gives grounds to talk about two groups of IDPs: 1) the registered persons with the IDP status who receive state aid or are entitled to receive it; 2) the persons who moved from the ARC, Donetsk or Lugansk regions but do not have the IDP status and do not claim any state aid. The results of the survey carried out as a part of the research demonstrated that 7% of IDPs reported that none of their relatives is registered in the social security authorities. In other cases, there are mostly 1 or 2 family members (48%) registered in the social security authorities, since only the persons who are entitled to receive certain social benefits or services can register.

The focus of the research is the analysis of normative acts, covering social rights at the international, regional and national levels, as well as the study of the state of protection of the social rights of internally displaced persons as a result of the armed conflict in Eastern Ukraine. The research materials prove that the most common problems of IDPs are:

- the arrears in payments to IDPs (pensions, targeted aid);
- assistance in solving housing issues (providing housing, concluding a rental contract, etc.);
- defining of actual residence;
- subsidy registration;
- housing and communal services payments;
- annulment of the IDP certificate due to the verification.

Based on the findings, the specific recommendations aimed at improving the protection of social rights of internally displaced persons are proposed.

² There are 1 580 646 IDPs registered – the data of the Ministry of Social Policy of Ukraine:
Access mode: <http://www.msp.gov.ua/news/13639.html>.

CONCLUSIONS AND RECOMMENDATIONS

1. Pursuant to the legislation, the realization of social rights gives a person an opportunity to receive necessary benefits from the state to fulfill the needs in three main areas: work, social provision and health care. At the international level, the International Labor Organization played a key role in the adoption of a number of conventions and recommendations aimed at improving and protecting both workers and social provision. The most complete catalog of social rights established at the level of an international regional treaty is the European Social Charter (revised): it combines and defines 31 social human rights and also contains obligations of states to ensure them. In addition, indirect protection of social rights is possible through the interpretation of civil and political human rights within the framework of the European Convention for Human Rights. At the national level, in addition to the Constitution of Ukraine, social rights are protected by the norms of a number of other normative legal acts. And the liability for their violation is established in accordance with the law.

In this regard, it is recommended that: the structures providing legal services and legal aid to IDPs use more widely not only national but also international and regional mechanisms and apply for protection of violated rights to the ECtHR under the Articles 6, 8, 3, 2, 14 of the Convention and Protocol 12, as well as Article 1 of Protocol 1 in case of infringement of social rights of IDPs.

2. The cases when pension payments to the residents of Donbas were granted as of the date of issuance of a registration certificate of IDP, although the payment of arrears for the previous period was denied, are quite common. As a normative justification, the bodies of social protection and the pension fund referred to the norms of the Procedure of granting (restoring) social payments to internally displaced persons, approved by the Cabinet of Ministers of Ukraine on June 8, 2016, No. 365, from 01.05.2016. However, this by-law normative act is not a law and therefore can not narrow the rights of citizens established by normative legal acts of higher legal force.

The pensioners from the the non-government controlled areas (NGCA) who do not have an opportunity to reside in the territories controlled by Ukraine, do not receive pensions in accordance with the law, although they paid their contributions to the Pension Fund of Ukraine. And this applies exclusively to the pensioners from NGCA in Donetsk and Lugansk regions, since the pension payment mechanism to citizens of Ukraine who reside in the territory of the Autonomous Republic of Crimea and the city of Sevastopol was developed and normatively fixed in July 2014. Accordingly, such a situation can be characterized as discriminatory.

In this regard, it is recommended that:

– the Government of Ukraine (the Cabinet of Ministers of Ukraine, the Ministry of Social Policy of Ukraine) guarantee the possibility to realize the right to receive pensions regardless of the place of residence of pensioners and an availability of the IDP status. To do this the Government of Ukraine should:

– develop amendments to the Law of Ukraine «On General Mandatory State Pension Insurance» in accordance to which the pension payment to the citizens of Ukraine who live in the territory where the state bodies temporarily do not exercise their authorities are carried out in the territory under Ukraine's control in order, determined by the Cabinet of Ministers of Ukraine provided that an application for extension of payment is submitted annually until December 31. The accrued amounts of pensions for the past time are paid without restriction of any period to the persons who had the right to be paid;

– divide conditionally the pensioners living on the occupied territory into the persons who are physically able to move out to the territory under the control of the Government of Ukraine and those who can not seize this opportunity due to their physical state;

– develop and approve the pension payment mechanism for the citizens residing on the occupied territory who are capable of moving out to the territory under the control of the Government of Ukraine.

This mechanism should ensure the right of such citizens to receive pension in the territorial offices of the Pension Fund of Ukraine, selected in accordance with the Resolution of the Cabinet of Ministers of Ukraine No. 595 as early as in 2014, regardless of their actual place of residence, without any need to register as internally displaced persons or obtain any other status or reference on the basis of electronic files available in such offices. This mechanism should also provide the possibility of identifying such pensioners during their application to the management of the Pension Fund of Ukraine, for example, once every six months (year);

- develop and approve the pension payment mechanism for the citizens residing in the occupied territory who are unable to move out to the territory under the control of the Government of Ukraine due to their physical state. This mechanism should ensure the right of such citizens to receive pension in the territorial offices of the Pension Fund of Ukraine selected in accordance with the Resolution of the Cabinet of Ministers of Ukraine No. 595 as early as in 2014, regardless of their actual place of residence, without any need to register as internally displaced persons or obtain any other status or reference on the basis of electronic files available in the offices upon condition of the authorised representatives of such pensioners. The credentials of such representatives can be certified by power of attorney with assistance of the representatives of international organizations working in the corresponding NGCA. Also, the mechanism should provide for the possibility of identifying such pensioners when they appeal to the representatives of international organizations working in the corresponding NGCA;

- The Verkhovna Rada of Ukraine should introduce amendments to the legislation on the realization of the right of citizens of Ukraine to pension regardless of the status of IDP and their place of residence.

3. Ensuring the protection of IDP from poverty and social exclusion is an important condition for their reintegration into host communities. As it turned out today the situation around this problem is extremely ambiguous. Along with the normatively defined forms and methods of the activities of authorities in this direction, the most important points remain vague. In particular, no act has interpreted the concepts of «poverty» and «social exclusion». Such terminological gaps in legislation lead to a different interpretation of these categories. There still remains a significant defect regarding the uncertainty of the status of a part of the territories of Donetsk and Lugansk regions. This reason makes it impossible to fully realize the constitutional rights for the residents of these territories, including social rights. Unfortunately, the perception of IDPs by the residents in a host community remains a problem. Discrimination of the Donbass population that was moved from the antiterrorist operation zone only complicates the situation of people and leaves them alone with their problems. Thus, their adaptation to the conditions of a peaceful society is almost impossible, that is primarily a problem for the state.

In this regard, it is recommended:

- to amend the relevant laws and by-laws on the definition of «poverty» and «social exclusion»;
- to coordinate the provisions of the current legislation on the status of the occupied territories;
- that the Government of Ukraine should review its budget policy, in particular the cost of social protection for IDPs, since the basis of most problems is an insufficient funding. One of the options is the introduction of the institution of social entrepreneurship that will provide IDPs with an opportunity to increase their own well-being at the expense of personal labor and will improve their material and social situation;

- to draw attention to the positive experience of those European countries that once overcame the consequences of separatism and united the society around an idea of integrity and independence.

1. SOCIAL RIGHTS AND FREEDOMS OF PEOPLE: NOTIONS, TYPES, CONTENT

Human social rights as rights of the «second generation» won their international, legal and constitutional recognition at the beginning of XX century. French legal expert Nicole Delperee noted that «social rights are the ones, set to provide safe existence for everyone. These rights are to provide everyone with the existence, characterized by the possibility of self-expression, and to prevent social exclusion. They are targeted at ensuring freedoms, equality and dignity of a personality regardless of economic and social conditions, age, and health condition of any citizen»². Therefore, one may claim that the realization of social rights provides a person with the possibility to obtain necessary benefits from the state in accordance with the law to meet the needs in three main spheres: professional experience, social protection and health care.

One of the first *documents of the international law*, highlighting the category of human rights and social rights as their integral constituent, is the Universal Declaration of Human Rights³. Although this declaration has a status of recommendation, i.e. it is not a legally binding document, and the signatories thereof merely expressed their agreement with the provisions, stated therein⁴, still it has become the basis for two key agreements which are legally binding and relevant both for protection and determination of social rights, and for the international system of human rights in general⁵. These agreements are the International Covenant on Economic, Social, and Cultural Rights⁶ and the International Covenant on Civil and Political Rights⁷, adopted by the General Assembly of the United Nations on December 16, 1966⁸.

Human social rights are also stated in a number of other conventions, in particular, in the International Convention on the Elimination of All Forms of Racial Discrimination (adopted on December 21, 1965), clause 2 of Article 2 of which states as follows: «States-parties shall, when the circumstances so warrant, take, in the social, economic, cultural and other fields, special and concrete measures to ensure adequate development and protection of certain racial groups or individuals belonging to them, for the purpose of guaranteeing them the full and equal enjoyment of human rights and fundamental freedoms»⁹.

The UN Convention on the Elimination of All Forms of Discrimination Against Women, adopted on December 18, 1979, was no less relevant as Article 3 thereof stated that the States Parties shall take in all fields, in particular, in the social and economic fields, all appropriate measures to ensure the full development and advancement of women on a basis of equality with men. Thus, clause 1 of Article 11 states a view that the States Parties shall take all appropriate measures to eliminate discrimination against women in the field of employment in order to ensure, on a basis of equality of men and women, the same right, in particular: a) The right to work as an alienable right of all human beings;...

«d) The right to equal remuneration, including benefits, and to equal treatment in respect of work of equal value, as well as equality of treatment in the evaluation of the quality of work;

² Delperee N. Protection of rights and freedoms of the elderly / translation from French by L. M. Intin / N. Delperee. – M.: Delovaya kniga, 1993. – p. 35.

³ Universal Declaration of Human Rights [Electronic resource]. – Access mode: http://zakon2.rada.gov.ua/laws/show/995_015.

⁴ Khazova Viktoria Yevgenievna, Klyga Tatiana Viktorovna. International legal protection and protection of human rights // Monitoring of law enforcement. 2012. No. 2 P.54.

⁵ Gneusheva A.A. Analysis of universal conventions, ensuring the realization of the concept of generations of human rights // Scientific notes of OGU. Series: Liberal arts and social sciences. 2013. No. 5 P.166.

⁶ http://zakon3.rada.gov.ua/laws/show/995_042.

⁷ http://search.ligazakon.ua/l_doc2.nsf/link1/MU66003U.html.

⁸ Abashidze A.Kh. Legal nature of responsibilities of states – parties to international covenants on human rights // Vestnik RUDN. Series: Legal sciences. 2009. No. 5 P.210.

⁹ http://zakon4.rada.gov.ua/laws/show/995_105.

e) The right to social security, particularly in cases of retirement, unemployment, sickness, invalidity and old age and other incapacity to work as well as the right to paid leave;

f) The right to protection of health and to safety in working conditions, including the safeguarding of the function of reproduction»¹⁰.

Special norms, envisaging the protection of social rights of certain, most vulnerable, categories of people, are stated in: the Convention on the Rights of the Child of 1989¹¹ (Articles 18 – 20, 22 – 24, 26, 31); Conventions on the Rights of Persons with Disabilities of 2006¹² (Articles 4, 6, 7, 9, 11, 19, 24 – 30).

A relevant institutional body, directly involved in the protection of social rights, is the International Labour Organization (ILO)¹³, which played a key role in adopting a number of conventions, aimed at improving working conditions and protecting workers¹⁴. In particular, these conventions list: the Convention of ILO on paid leaves No. 132 (revised in 1970)¹⁵; the Convention concerning the Reduction of Hours of Work to Forty a Week No. 47¹⁶; the Convention No. 131 concerning Minimal Wage Fixing with Special Reference to Developing Countries¹⁷; the Convention No. 102 concerning Minimal Standards of Social Security¹⁸, the Convention concerning Basic Aims and Standards of Social Policy No. 117¹⁹; the Convention concerning Equality of Treatment of Nationals and Non-Nationals in Social Security No. 118²⁰, etc.

Noteworthy are a number of ILO recommendations, relevant for social protection, namely, Recommendation concerning Income Security No. 67²¹, Recommendation concerning Medical Care No. 69²², Invalidity, Old-Age and Survivors' Benefits Recommendation No. 131²³, Recommendation concerning the Establishment of an International System for the Maintenance of Rights to Social Security No. 167²⁴, Recommendation concerning National Floors of Social Protection No. 202²⁵.

As for the documents of *the regional level*, setting the standards of social, cultural and economic rights, noteworthy is the European Social Charter (revised), part I of which establishes 31 social rights of people and part II explains these rights and the responsibilities of the states concerning their guarantees²⁶. Thus, it yields a conclusion that the European Social Charter (revised) is the most extensive catalogue of social rights, set at the level of international regional agreement.

In European countries, the Convention for the Protection of Human Rights and Fundamental Freedoms of the Council of Europe is of special relevance²⁷. However, it was fair of A. L. Fedorova to note that the authors of the Convention were proceeding from the premise that the object of the document

¹⁰ The United Nations Convention on Elimination of All Forms of Discrimination Against Women, dated 18.12.1979 [Electronic resource]. Access mode: http://zakon3.rada.gov.ua/laws/show/995_207.

¹¹ http://zakon3.rada.gov.ua/laws/show/995_021.

¹² http://zakon2.rada.gov.ua/laws/995_g71.

¹³ <http://www.ilo.org/global/lang--en/index.htm>

¹⁴ Tkachenko Alexandr Alexandrovich. International Labour Organization is 90 years old // *Vlast*. 2009. No. 4 P.7–13.

¹⁵ http://zakon3.rada.gov.ua/laws/show/993_022.

¹⁶ http://zakon3.rada.gov.ua/laws/show/993_145.

¹⁷ http://zakon3.rada.gov.ua/laws/show/993_149.

¹⁸ http://zakon5.rada.gov.ua/laws/show/993_011.

¹⁹ http://zakon3.rada.gov.ua/laws/show/993_016.

²⁰ http://zakon3.rada.gov.ua/laws/show/993_017.

²¹ http://zakon3.rada.gov.ua/laws/show/993_323.

²² http://zakon4.rada.gov.ua/laws/show/993_216.

²³ http://zakon3.rada.gov.ua/laws/show/993_070.

²⁴ http://zakon2.rada.gov.ua/laws/show/993_277.

²⁵ <http://docs.cntd.ru/document/499076410>.

²⁶ European Social Charter (revised) as of May 03, 1996 [Electronic resource]. – Access mode: http://zakon3.rada.gov.ua/laws/show/994_062.

²⁷ Convention for the Protection of Human Rights and Fundamental Freedoms [Electronic resource]. – Access mode: http://zakon2.rada.gov.ua/laws/show/995_004.

should be civil and political rights solely. Therefore, the catalogue of rights, foreseen by this Convention and adopted later in 14 additional protocols, is limited to this very group of rights. The exception may be found only in the right to peaceful ownership and the right to education, which were set in Protocol 1 in 1952. However, it should be noted that the judgments of the European Court of Human Rights highlighted that the European Convention on Human Rights is a flexible instrument which should be interpreted in the light of modern conditions and realities and even more rights, not reflected directly in the Convention and protocols, are covered by the controlling conventional mechanism and become the subject of the Court proceedings. This proves the relevance of the indirect protection of social rights of people within the framework of ECHR.

The foundation for the consideration of social and economic rights via the interpretation of traditional civil and political rights was laid as far as in 1979 while hearing the case *Airey v. Ireland*, when the Court acknowledged the absence of a clear boundary between civil, political, and socio-economic rights²⁸, expanded the possibilities of indirect protection of social rights via the interpretation of civil and political rights and promoted the development of the notion of positive duties within the framework of the European Convention²⁹.

At present, the European Court hears the issues, related to the protection of social rights within the framework of many articles of the Convention, however, in general the practice of the European Court in the sphere of protecting social rights is concentrated in the judgments related to Articles 6, 8, 3, 2, 14 of the Convention and Protocol 12, as well as Article 1 of Protocol 1³⁰. We shall name a few of these judgments.

In the judgments for cases *Muller v. Austria* (1975), *Gaygusuz v. Austria* (16.09.1996)³¹, *Stec and Others v. the United Kingdom* (12.04.2006)³², *Suk v. Ukraine* (10.03.2011)³³, etc., the European Court proceeded from the premise that the notion of ownership in Part I of Protocol I has autonomous meaning, which is not limited to the right of ownership for physical objects and is independent from formal classification in the national legislation. Thus, this notion also covers payments of social insurance or social security. Therefore, if according to the national legislation a person has a substantiated right to receiving payments within the framework of the national system, of social security and if the corresponding conditions were met, the authorities cannot refuse the claims to such payments while these payments have been stipulated by the legislation.

There is a considerable volume of ECtHR practice in cases versus Ukraine, related to infringing the right to fair trial in the combination with infringing the right to peaceful ownership of property (*Voytenko v. Ukraine* (29.06.2004)³⁴, *Chervonets v. Ukraine* (24.04.2008)³⁵, *Tyshchenko v. Ukraine* (25.09.2008)³⁶, *Voskoboynik v. Ukraine* (12.03.2009)³⁷ and others), when failures to implement the judgments of national courts concerning the adjudgment of different kinds of benefits and payments from the system of social

²⁸ *Airey v. Ireland*, Judg. 9 October 1979.

²⁹ Palmer E. Protecting socio-economic rights through the European convention on Human Rights: trends and developments in the European Court of Human Rights//Erasmus Law Review. – 2009. – Volume 02, Issue 04. – P. 398.

³⁰ Fedorova A. L. Protection of social rights within the framework of the European Convention of Human Rights [Electronic resource]: scientific report. – Access mode: jusintergentes.com.ua/archives/fedorova_22.doc.

³¹ *Gaygusuz v. Austria* (16.09.1996) – URL : http://european-court.eu/uploads/ECHR_Gaygusuz_v_Austria_16_09_1996.pdf.

³² *Stec and Others v. the United Kingdom* (12.04.2006). – URL : <http://hudoc.echr.coe.int/app/conversion/pdf/?library=ECHR&id=001-70087&filename=001-70087.pdf>.

³³ *Suk v. Ukraine* [Electronic resource]. – Access mode: http://zakon3.rada.gov.ua/laws/show/974_715.

³⁴ *Voytenko v. Ukraine* [Electronic resource]. – Access mode: http://zakon2.rada.gov.ua/laws/show/980_223.

³⁵ *Chervonets v. Ukraine* [Electronic resource]. – Access mode: http://zakon2.rada.gov.ua/laws/show/974_413.

³⁶ *Tyshchenko v. Ukraine* [Electronic resource]. – Access mode: http://zakon2.rada.gov.ua/laws/show/974_408.

³⁷ *Voskoboynik v. Ukraine* [Electronic resource]. – Access mode: http://zakon3.rada.gov.ua/laws/show/974_468.

security were acknowledged by the Court as the violation of Article 6 of the Convention along with Article I of Protocol I³⁸. In the judgment of the case *Svintytsky and Honcharov v. Ukraine* (04.10.2005) the Court noted its decisional law and highlighted that the impossibility for the claimant to receive the result of implementing the judgment in his/her favour means infringing the right to peaceful ownership of property, set in paragraph 1, Article I, Protocol I to the Convention³⁹. In addition, the European Court stressed repeatedly that in cases, when the government has lost a case in the national court, its revision and abolishment in the manner of a protest due to adopting new legislation with reverse effect may also constitute a violation pursuant to Article 6 of the Convention⁴⁰.

Social issues were repeatedly considered within the framework of ensuring the non-discrimination principle, set in Article 14 of the Convention and Protocol 12 hereto. For instance, the abovementioned cases *Muller v. Austria* (1975), *Gaygusuz v. Austria* (16.09.1996), as well as cases *Schuler-Zgraggen v. Switzerland* (24.06.1993), *Wessels-Bergervoet v. the Netherlands* (04.06.2002), *Stec and Others v. the United Kingdom* (12.04.2006), *Andreeva v. Latvia* (18.02.2009) had the acknowledgment of discrimination concerning pension provision in such terms as place of residence, citizenship, and gender.

It should be stressed that the Court still proceeds from the premise that the states cannot be directly limited in conducting their social and economic policy, in solving the issue of the forms and kinds of social provisions, in defining the amounts of social payments. At the same time, the Court reminds that the Convention does not guarantee socio-economic rights as such, for instance, the right to employment, to free medical aid, the right to demand that the State should maintain a certain standard of living. At the same time, the Court acknowledges that living conditions of a person may be covered by Article 3 of the Convention (prohibition of tortures) if a minimal level of severity has been reached (cases *Panchenko v. Latvia*, *Larioshyna v. Russia*, *Nitecki v. Poland*, *Budina v. Russia*). However, having acknowledged the claimants' complaints concerning the abovementioned cases to be unacceptable, the Court did not explain the minimum to determine the degrading treatment within the framework of Article 3 and the criteria to be applied.

The issue of ensuring the right to proper medical aid was also viewed by the European Court within the framework of Article 3 of the Convention via the prism of prohibiting tortures. These cases were related to the aggravation of health of persons under the state control – the detained or sentenced ones (*Malenko v. Ukraine*, *Isayev v. Ukraine*, *Visloguzov v. Ukraine*, *Kaverzin v. Ukraine*, *Logvinenko v. Ukraine*, *Kharchenko v. Ukraine*, *Okhrimenko v. Ukraine*, *Ukhan v. Ukraine*, *Pokhlebin v. Ukraine*, *Melnik v. Ukraine*, *Davydov and Others v. Ukraine*)⁴¹.

While hearing cases, related to the violation of Article 8 of the Convention, which sets the right to respect to private life, the European Court also had to interpret certain social aspects and rights, in particular, paternal rights, legal status of children, born out of wedlock, deprivation of paternal rights or providing aid to low welfare families and families with many children (for instance, *Kostiantyn Markin v. Russia*, judg. 22.03.2012); different aspects of the right to accommodation (for instance, *Chapman*

³⁸ Hnatovsky M., Fedorova A., Krasovsky K., Vlasenko O. Study of the practice of the European Court of Human Rights to determine the National standards of compensating for the infringement of human rights by the state. – Kyiv: Atika, 2011., p. 68-71.

³⁹ *Svintytsky and Honcharov v. Ukraine* [Electronic resource]. – Access mode: http://zakon3.rada.gov.ua/laws/show/980_449.

⁴⁰ Fedorova A. L. Protection of social rights within the framework of the European Convention of Human Rights [Electronic resource]: scientific report. – Access mode: jusintergentes.com.ua/archives/fedorova_22.doc.

⁴¹ *Malenko v. Ukraine*, judg. 19 Feb. 2009; *Isayev v. Ukraine*, judg. 28 May 2009; *Visloguzov v. Ukraine*, judg. 20 May 2010; *Kaverzin v. Ukraine*, judg. 15 May 2012; *Logvinenko v. Ukraine*, judg. 14 October 2010; *Kharchenko v. Ukraine*, judg. 10 February 2011, *Okhrimenko v. Ukraine*, judg. 15 October 2009, *Ukhan v. Ukraine*, judg. 18 December 2008, *Pokhlebin v. Ukraine*, judg. 20 May 2010, *Melnik v. Ukraine*, judg. 28 March 2006, *Davydov and Others v. Ukraine*, judg. 1 July 2010.

v. the United Kingdom, judg. 18.01.2001, *Mellacher v. Austria*, judg. 19.12.1989, *Dubetska and Others v. Ukraine*, judg. 10.02.2011).

National legislation, ensuring required social rights at the territory of sovereign states, is based on constitutions first and foremost. Here the specifics of enshrining this category of rights of a person and a citizen in some foreign constitutions lies in the fact that these rights are fixed verbatim within the framework of the same structural part of the main law along with personal, political, economic, and cultural rights (the constitutions of Bulgaria, Poland, Russian Federation, France, etc.), while in others, on the contrary, this group of rights is set aside (the constitutions of Italy, Spain, Portugal, Turkey, etc.)⁴². The system of social rights, enshrined in the Constitution of Ukraine, is presented in the Main Law after economic rights and consists of the following rights:

- right to labour (Article 43): «Everyone shall have the right to labour, which envisages the possibility to earn one's living via labour, which one freely chooses or to which one freely agrees... Everyone shall have the right to proper, safe, and healthy working conditions, to remuneration, which is not lower than the state-set standard. It is prohibited to use the labour of women and minors in work, which is hazardous for their health. Citizens shall be guaranteed protection from unlawful discharge. The right to timely remuneration shall be protected by the law.»;

- right to strike (Article 44): «Those who work shall have the right to strike to protect their economic and social interests... Nobody can be made to participate or abstain from participation in the strike. The prohibition of a strike is possible only based on the law»;

- right to rest (Article 45): «Everyone, who works, shall have the right to rest. This right shall be ensured with providing the days of weekly rest as well as with a paid annual vacation...»;

- right to social protection (Article 46): «Citizens shall have the right to social protection, including the right to receive provision in case of complete, partial or temporary disability, loss of a breadwinner, unemployment due to circumstances beyond their control, as well as in old age and in other cases, stipulated by the law...»;

- right to accommodation (Article 47): «Everyone shall have the right to accommodation. The state shall create the conditions when every citizen has a possibility to build his/her accommodation, buy it into his/her ownership or lease it... Nobody can be deprived of his/her accommodation by force other than according to the law and pursuant to the court ruling.»;

- right to a sufficient standard of living (Article 48): «Everyone shall have the right to a sufficient standard of living for himself/herself and his/her family, which involves sufficient food, clothes, and accommodation)»;

- right to health care (Article 49): «Everyone shall have the right to health care, medical aid, and medical insurance. Health care shall be ensured by state financing for relevant socio-economic, medical, sanitary, prevention and rehabilitation programs. The state shall create conditions for medical services, efficient and available for all the citizens...»;

- protection of family, childhood, motherhood, and fatherhood (part 3 of Article 51, part 3 of Article 52): «Family, childhood, motherhood, and fatherhood shall be protected by the state», «Keeping and upbringing orphan children and children, deprived of their parents' care, shall be vested upon the state»⁴³.

In addition to the Constitution of Ukraine, social rights are protected by norms of other normative and regulatory acts – the Code of Law on Labour of Ukraine, the Law of Ukraine «On Labour Protec-

⁴² Babkova T. V. Notions and kinds of social rights and freedoms of a person and a citizen [Electronic resource]. – Access mode: <http://visnyk.iful.edu.ua/wp-content/uploads/2015/10/21-8-13.pdf>.

⁴³ The Constitution of Ukraine: dated June 28, 1996. [Electronic resource]. – Access mode: <http://zakon2.rada.gov.ua/laws/show/254%D0%BA/96-%D0%B2%D1%80>.

tion», «On Procedure of Settling Collective Employment Disputes (Conflicts)», «On Pension Provision», «On Housing Fund Intended for Social Needs», «Fundamentals of Ukrainian Legislation on Mandatory State Social Insurance», «Fundamentals of Legislation on Mandatory Insurance», and others, and the responsibility for violating them is set according to the law.

The analysis of international, foreign and domestic legal documents allowed T. V. Babkova to come to the conclusion that the right to labour, the right to social protection and the right to a sufficient living standard are so called key, structure-forming, social rights, which become the centre of their own specific subgroup of social rights. For instance, *the right to labour* encompasses such rights as: the right to proper, safe, and healthy working conditions, the right to remuneration, the right to strike, the right to rest. *The right to social protection* becomes more specific via its reflection in such rights as the right to provision in case of complete, partial or temporary disability, the loss of a breadwinner, unemployment due to circumstances beyond one's control, as well as in old age and in other cases, stipulated by the law, and is realized via the system of social insurance and provision of compensating social risks first and foremost. Such a key social right as the right to a sufficient standard of living is closely related to such social rights as the right to accommodation, the right to health care, medical aid, and medical insurance⁴⁴.

⁴⁴ Babkova T. V. Notions and kinds of social rights and freedoms of a person and a citizen [Electronic resource]. – Access mode: <http://visnyk.iful.edu.ua/wp-content/uploads/2015/10/21-8-13.pdf>.

2. THE STATUS OF THE ISSUE OF IDP SOCIAL RIGHTS PROTECTION DURING THE ARMED CONFLICT IN EASTERN UKRAINE

The importance of the issue of protecting social rights of people is growing during the armed conflict. For instance, the publication of the United Nations Office of High Commissioner on Human Rights «Human Rights: Fact Sheet No. 33. Frequently Asked Questions on Economic, Social, and Cultural Rights» reads that «There is no express permission under human rights law for States to derogate from their obligations in relation to economic, social, and cultural rights during emergencies, disasters or armed conflicts. In fact, in such circumstances, more attention is often required to protect economic, social, and cultural rights, in particular those of the most marginalized groups of society. Economic, social and cultural rights are often grossly and systematically violated during emergencies and armed conflicts»⁴⁵.

As stated in the previous section, the system of social rights is a complex and structured phenomenon. Grouped together, its elements, i.e. certain categories of rights, form a unified integral legal construction which functions as a relatively independent legal institution. We shall analyze the status of protection of social rights of internally displaced persons due to the armed conflict in Eastern Ukraine in finer detail.

2.1. Method of the research

The study of the status of the issue of IDP social rights protection during the armed conflict in Eastern Ukraine was conducted in December 2016 – February 2017 using the following methods:

- analysis of responses to information inquiries to local authorities, entitled to implement the policy of observing the rights of internally displaced persons;
- survey among internally displaced persons;
- analysis of the practice of public reception offices of the Ukrainian Helsinki Human Rights Union;
- study of the activities of departments of labour and social protection of population at the state district administrations;
- study of the activities of the Centers of social services for family, children, and youth (social workers at village councils);
- analysis of publications in open sources.

Information inquiries to local authorities, entitled to implement the policy of observing the rights of internally displaced persons. The data about the number of internally displaced persons and their being provided with temporary accommodation was requested from the corresponding regional offices via the department of the State Emergency Service of Ukraine (hereinafter – SES). Local social protection bodies were expected to provide the information about the number of internally displaced persons, about maintaining the corresponding register and providing such people with relevant social payments. The information about receiving social services, including services to families with children, was received from the Centers of social services for family, children, and youth. Finally, state assistance in getting employment for internally displaced persons was illustrated in the data of local Employment Centers.

The survey among internally displaced persons was conducted via interviews and surveys based on a specially designed questionnaire (Addendum A). Interviewing and filling in questionnaires was not anonymous and thus was conducted only with people, who gave their consent accordingly. A total of 54 people was interviewed.

⁴⁵ Human Rights: Fact Sheet No. 33. Frequently Asked Questions on Economic, Social, and Cultural Rights. - P. 33.

The analysis of the practice of public reception offices of the Ukrainian Helsinki Human Rights Union was conducted via studying the reports of 32 public reception offices, located in 23 regions as well as via interviewing their workers (Addendum B). Special attention was paid to the claims which became the basis for strategic cases of UHHRU.

The study of the activity of the department of labour and social protection of population at the state district administrations and the Centers of social services for family, children, and youth (specialists in social work at village councils). The study of their own reports was conducted along with questioning their visitors based on specially developed forms (Addenda C and D). The mentioned survey was anonymous; it was conducted only at respondents' consent. A total of 86 people was interviewed.

The analysis of publications in open sources – different publications in mass media, Internet, scientific publications, etc. were studied.

2.2. The right of internally displaced persons to social protection

Unfortunately, internally displaced persons (hereinafter – IDPs) still face many bureaucratic hindrances in the realization of their rights and discrimination treatment towards themselves due to legislative acts, adopted both at the national and local level. In particular, there were and still are considerable difficulties for IDPs concerning the impossibility of implementing their elective rights, registration as IDP, freedom of movement, restoration of lost documents, access to housing and means of living, quality and availability of state and municipal services, etc. In addition, they are regularly checked by state and local authorities.

All the above facts do not promote the integration of IDPs into host communities, quite the opposite – they create a threat of their marginalization (social exclusion).

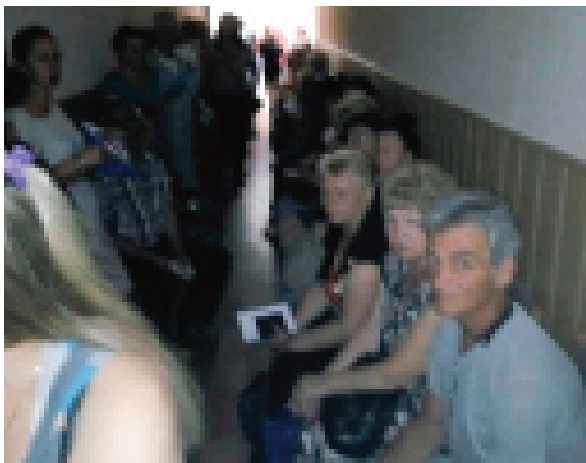
We shall present an example using the information of the human rights group «SICH», which told us about the district commission in the city of Dnipro, dealing with the issues of allocations. «The resolution of the session of the Industrialna district council in the city of Dnipro No. 208, dated June 23, 2016 approved the Provisions on the district commission regarding the issues of granting (restoring) social payments to internally displaced persons. Clause 7 of the Provisions states the right of the commission members to summon all the internally displaced persons, registered in this district, to their meetings.

How does it look like in reality? There is a narrow corridor of the state council building with 30–40 people standing along the walls (there are not enough chairs for everyone), waiting for their turn to enter the room, where the officials will ask them several questions, mark something on their papers and let them go until the next visit for physical identification. The very room for the commission to meet is more like «the International Criminal Court» of local significance: the tables for «highly esteemed» commission members are placed in the semicircle, there is one chair in front of them, placed for the person in question, it is prohibited to ask the commission about anything and generally one should answer using a few words and sticking straight to the point. There is no way to find out anything about the composition and authorities of the commission – there are no information boards in the corridor.

...It was discovered while talking to visitors that according to the procedure, approved by the Resolution, all of them actually had undergone scheduled examination of the accommodation which, under normal conditions, is the basis for the confirmation of the person's residence at the place of temporary registration, and, as a consequence, for the extension of accruing social payments. However, on Friday evening, all of them received a call from a person who was not willing to identify himself/herself and invited them to the commission meeting on Monday morning. Nobody was explained what the reason was and which questions the commission had. It is clear that the fear of IDPs to be left without any payments does not let them refuse such a visit – even those who understand the illegal nature of commission

actions – thus they ask for a permission to leave at their jobs, leave children with their acquaintances, spend their time regardless of their personal plans, weather or health conditions. They don't ask any additional questions either, although they are indignant at such an attitude»⁴⁶.

«These actions (requirements) of the representatives of the Department of labour and social protection of population of the Industrialny district of the city of Dnipro are illegal, they violate the rights of internally displaced persons, as repeated identification of a person (if this fact has been confirmed with the act of examining living conditions) is not envisaged by the law. The relevant Procedure allows demanding that IDPs should come personally to the structural unit on the issues of social protection of population to have physical identification only in case of the absence of an internally displaced person at the actual place of residence/staying», as stated by Ksenia Onyshchenko, a lawyer.



In her opinion, while fulfilling their duties, the members of the commission and the employees of the Department of labour and social protection of population of Industrialny district of the city of Dnipro misinterpret the norm, stated in clause 7 of the Provisions on the district commission regarding the issues of granting (restoring) social payments to internally displaced persons. The lawyer believes that they interpret it in the way that while exercising control over granting social payments to internally displaced persons at their actual place of residence (staying) regardless of the results of such checks, all the IDPs should come to the meeting of the commission and undergo the personal identification once again. At present the lawyers of SICH intend to make a complaint about this novelty, demand clarity for this clause of the Provisions, along with due apologies for humiliating honour and dignity of the citizens of Ukraine who have to be called IDPs⁴⁷.

While estimating the government-run mandatory procedure of physical identification of pensioners, who are internally displaced persons, in Oshchadbank offices, the United Nations Office of High Commissioner of Human Rights declared it to discriminatory and such that creates additional unjustified hindrances for receiving of pensions, as well as creating hindrances for hundreds of thousands of Ukrainians who have to cross the front line⁴⁸.

The specialists of public reception offices of UHHRU reported that 4,501 IDPs came to them during 2016. Over 80% of appeals were related to the protection of their social rights. Below is the structure of

⁴⁶ What's not prohibited, is allowed. All-powerful officials with no trust to each other are a burden for internally displaced persons [Electronic resource]. – Access mode: <https://helsinki.org.ua/articles/scho-ne-zaboroneno-te-dozvoleno-vsevladni-chynovnyky-yaki-ne-doviryayut-odne-odnomu-hore-dlya-pereselentsiv/>

⁴⁷ Ibidem.

⁴⁸ Report on the situation with human rights in Ukraine, February 16 – May 15, 2017 [Text] / United Nations Office of High Commissioner of Human Rights, P. 40.

IDPs' appeals to public reception offices of UHHRU concerning the issues, related to the protection of their social rights (Fig. 1).

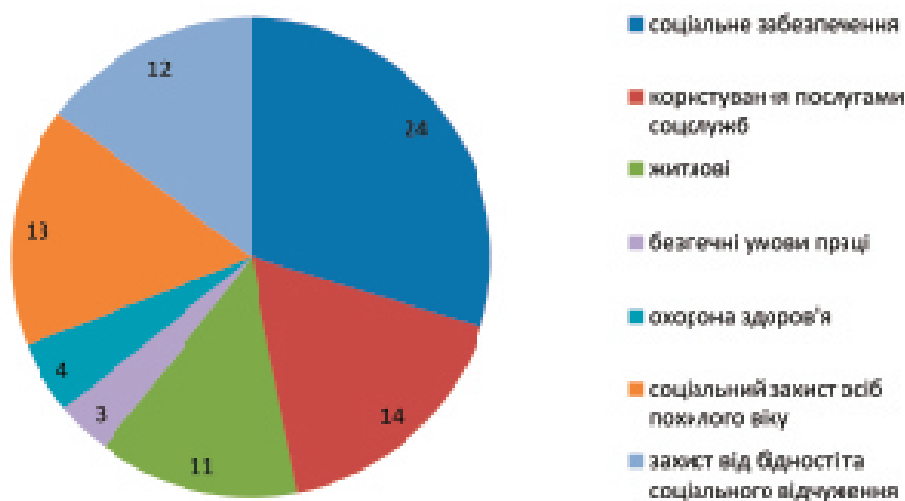


Fig. 1. The structure of IDPs' appeals to public reception offices of UHHRU on the issues related to protection of their social rights

<i>Legends to Fig. 1</i>	
<i>Соціальне забезпечення</i>	<i>Social provision</i>
<i>Користування послугами соціальних центрів</i>	<i>Using services of social centers</i>
<i>Житлові</i>	<i>Accommodation</i>
<i>Безпечні умови праці</i>	<i>Safe working conditions</i>
<i>Охорона здоров'я</i>	<i>Health care</i>
<i>Соціальний захист осіб похилого віку</i>	<i>Social protection of elderly people</i>
<i>Захист від бідності та соціального відчуження</i>	<i>Protection from poverty and social exclusion</i>

The most frequent appeals were related to:

- the arrears in payments to IDPs (pensions, targeted assistance);
- assistance with solving housing issues (providing accommodation, concluding a rental contract, etc.);
- defining actual residence;
- subsidy registration;
- housing and utilities payments;
- annulment of the IDP certificate due to the verification.

The least number of appeals were related to problems with the right to safe and healthy working conditions – these were received at 3 public reception offices only.

2.2.1. The total number of internally displaced persons who need their social rights to be protected

The results of the survey carried out by us as a part of the research demonstrated that only 7% of IDPs reported that none of their relatives was registered with the social security authorities. Generally, 1–2 members of the family are registered (48%) with such authorities as only people entitled to some social payments get registered (pensioners, women with babies). There is no sense for other family members not entitled to any payments to get registered.

This gives grounds to talk about two groups of IDPs: 1) the registered persons with the IDP status who receive state aid or are entitled to receive it; 2) the persons who moved from the ARC, Donetsk or Lugansk regions but do not have the IDP status and do not claim state aid. And while it is actually impos-

sible to determine the number of IDPs of the second group, it is possible to estimate the number of IDPs of the first group using statistics of the registration.

The data about IDPs in terms of regions were traced by us via comparison of the data of local social protection bodies about the registration of IDPs against the provided relevant inquiries and the data of local departments of SES concerning IDPs, located in the region. In addition, attention was paid to the territory, which these people left (temporarily occupied territory of ARC and Donetsk, Lugansk regions).

The comparison of indices of two different departments demonstrates discrepancies in the data of some regions. For instance, as of January 1, 2017 there are 563,057 people, registered in the departments of social protection in the Donetsk region, whereas the SES department reports locating 120,017 people in the region, which is confirmed with official information⁴⁹. Obviously, a high number of IDPs, registered with the authorities of social protection of the population, is explained by the scale of humanitarian situation in certain districts, where the government of Ukraine does not exercise its authorities or does so in the insufficient manner. At the same time, these data serve as an additional argument in favor of the necessity of simplifying social payments for residents of NGCA.

The situation is quite the opposite in Lugansk region. According to the official information of SES, 292,224 IDPs were located in the region. The social protection authorities report only 284,759 people with the registered status of IDP. Even if we add 145 people who were refused (which is one of the highest indices of refusing to register IDP), the data will be somewhat different.

It is almost the same for Kharkiv region. As of the beginning of 2017, the data of local authorities of social protection of the population report 113,900 people. In total, the department gave the IDP status to 193,800 people. At the same time, SES bodies report 193,719 people, located in the region as of December 27, 2016. As per the official information of the Interdepartmental coordination office, 194,822 people were located in the region as of January 24, 2017. More information about regional distribution of IDPs is presented in Table 1.

Table 1.

The data on the number of internally displaced persons broken down by regions

Region	Number of IDPs, registered with the DLSP	Number of IDPs, located in the region as per the SES data ⁵⁰
Vinnitsia	14466	18663 as of December 2016 – 12273
Volyn	4770	5070 as of January 2017 – 5124
Dnipropetrovsk	January 2017 – 77205	as of December 2016 – 80340 January 2017 – 80278
Donetsk	563057	120017
Zhytomyr	No information provided	7295
Zakarpattia	Registered – 5062. as of December 2016 – 3517	as of December 2016 – 4162 January 2017 – 4209
Zaporizhzhia	93300	as of December 2016 – 69461 January 2017 – 69595
Ivano-Frankivsk	Registered – 4345.	as of December 2016 – 4724 as of January 2017 – 4830

⁴⁹ The data of the Interdepartmental coordination office as of 24.01.2017
<http://www.dsns.gov.ua/ua/Mizhvidomchiy-koordinaciy-niy-shtab.html>.

⁵⁰ Ibidem.

Kyiv	No information provided	as of December 2016 – 57032 as of January 2017 – 56264
Kirovograd	5976 out of 14901 registered IDPs, as of the beginning of 2017.	5976 IDPs lived in the region out of 14905, who appealed as of December 2016.
Lugansk	284,759 registered IDPs.	as of January 2017 – 292573
Lviv	12098 out of 12220 registered IDPs, as of the beginning of 2017.	11999 IDPs lived in the region out of 12005, who appealed as of December 2016.
Mykolayiv	No information provided	8593 IDPs lived in the region out of 8605, who appealed as of December 2016.
Odessa	No information provided	The number of IDPs, who appealed to the coordination office, was 42013 people. There were 42675 people in the region as of January 2017.
Poltava	25987 registered IDPs.	No information provided
Rivne	3204 people appealed for IDP status.	3326 IDPs lived in the region out of 5828, who appealed as of December 2016.
Sumy	as of early January 2017 - 16284 IDPs	No record is kept.
Ternopil	2855 registered IDPs.	As of December 2016 – 2517 people. As of January 2017 - 2522 IDPs.
Kharkiv	113900 out of 193800 registered IDPs were in the region, as of January 2017.	In December 2016, 193719 IDPs were in the region. There were 195394 IDPs as of January 2017.
Kherson	No information provided	3255 out of 16588 IDPs, who came for help to the coordination office, were deregistered.
Khmelnysky	as of January 2017 – 6919 IDPs	In December 2016, 6919 IDPs were in the region.
Cherkasy	No information provided	In December 2016, 14353 IDPs were in the region.
Chernivtsi	3431 IDPs are registered.	2327 IDPs were in the region out of 2842, who appealed as of December 2016. As of January 2017 - 2828 IDPs.
Chernihiv	9600 people came to get IDP status.	No information provided
the city of Kyiv		156258 IDPs came to the coordination office.

The data of the Table confirm the discrepancies in the information, submitted by the Regional coordination office via SES, and those of local authorities of social protection of the population. It is safe to assume that internally displaced persons do not always come for their social payments. A long procedure of executing relevant payments, constant confirmations of IDP status testify favourably to this assumption.

The bodies of social protection of the population do not have equal methods of recording numbers of IDPs in the part of territories where these people lived. Volyn, Ivano-Frankivsk, Lugansk, Poltava, and Ternopil regions have separate records for people, who have moved therein from ARC, Donetsk and Lugansk regions. Vinnytsia region has a combined record for Donetsk and Lugansk regions. Other local bodies of social protection do not keep their records in terms of territories of previous residence of IDPs.

2.2.2. The right of elderly people to social protection

a) pension provision for IDPs

Our survey demonstrated that it is rather common for pension payments to Donbas residents to be accrued since the date of issuing the certificate of registering an internally displaced person, while refusing to pay the arrears for the previous period. The bodies of social protection and the Pension Fund used the norms of the Procedure of granting (restoring) social payments to internally displaced persons, adopted by the Resolution of the Cabinet of Ministers of Ukraine No. 365 dated June 8, 2016 as of May 1, 2016, as their regulatory substantiation⁵¹.

For instance, an IDP, a woman from Donetsk region, an old-age pensioner since 2011, came to the public reception office of UHHRU in Khmelnytsky region. She said that she received a certificate of registration as an IDP on May 23, 2016, then she went to the Pension fund bodies with the claim to receive the arrears for her pension for the period of being in the temporarily occupied territory (August 2015 – April 2016). However, her pension was restored as of May 1, 2016, and she was refused the payment of the arrears as the certificate of registration as an IDP was dated May 2016, so this was chosen to be the period for the pension to be restored according to the Resolution No. 365.

This position of the bodies of social protection and the Pension Fund contradicts the norms of the legislation of Ukraine in force and infringes the rights of IDPs in the sphere of pension provision, namely Article 19 of the Constitution of Ukraine, which reads that the state and local government bodies and their officials should act only governed by and within the framework of their authorities and in a way, envisaged by the Constitution and the laws of Ukraine.

According to Article 22 of the Constitution of Ukraine, the rights and freedoms of a human being and a citizen, stated in the Constitution, are not exclusive. The constitutional rights and freedoms are guaranteed and cannot be abolished. No narrowing of the content and extent of existing rights and freedoms is allowed while adopting new laws or amending the ones in force.

According to Article 46 of the Constitution of Ukraine, citizens have the right to social protection, including the right to receive provision in case of complete, partial or temporary disability, loss of a breadwinner, unemployment due to circumstances beyond their control, as well as in old age and in other cases, stipulated by the law. Pensions, other kinds of social payments for dependent care assistance, which is the main source of income, should ensure the standard of living, not lower than the minimum subsistence level, set by the law.

The main laws, regulating the pension provisions for the citizens of Ukraine, including the procedure of granting and paying pensions, establishing the amount of the pension, is the Law of Ukraine «On Pension Provision» and the Law of Ukraine «On General Mandatory State Pension Insurance».

Thus, part 1 of Article 47 of the Law of Ukraine «On General Mandatory State Pension Insurance» stipulates that the pension shall be paid every month by the organizations, making payments and delivering pensions, in the term not later than the 25th of the month, for which the pension is paid, in cash ex-

⁵¹ The Procedure of granting (restoring) social payments to internally displaced persons, adopted by the Resolution of the Cabinet of Ministers of Ukraine: The Resolution of the Cabinet of Ministers of Ukraine dated June 8, 2016. No. 365 [Electronic resource]. – Access mode: <http://www.kmu.gov.ua/control/ru/cardnpd?docid=249110200>.

clusively at the actual place of pensioner's residence in the territory of Ukraine, indicated in his statement, or shall be transferred to the banking account, indicated by this person, in the order, stipulated by the legislation⁵².

According to Article 64 of the Constitution of Ukraine, the constitutional rights and freedoms of a person and a citizen shall not be limited, except for cases, stipulated by the Constitution of Ukraine. There may be some limitations of rights and freedoms in circumstances of military or emergency states, with the indication of the validity period of these limitations.

Neither military nor emergency state has been introduced in Ukraine in general or on any certain territories of Donetsk and Lugansk regions up till now.

According to Article 92 of the Constitution of Ukraine, only the laws of Ukraine define the fundamentals of social protection, forms and kinds of pension provisions. However, as of now there have been no amendments to the Law of Ukraine «On General Mandatory Pension Insurance» concerning the limitation to the right of people, whose place of residence is registered in the territory of Donetsk and Lugansk regions, to receiving pension payments.

There have been no amendments to the Law of Ukraine «On Temporary Measures for the Period of Conducting Anti-Terrorist Operation», defining temporary measures to support economic entities, conducting their activity in the territory of anti-terrorist operation, and people, who are residing in the zone of conducting the anti-terrorist operation or have left it while it is being conducted.

According to part 3 of Article 4 of the Law of Ukraine «On General Mandatory State Pension Insurance», whose norms define the constituents of the legislation on pension provision in Ukraine, only the laws on pension provision define the following categories: kinds of pension provision; conditions of participation in the pension system or in its levels; pension age for men and women, upon reaching which a person has a right to receive pension payments; sources of forming the finances, allocated for pension provision; conditions, norms, and procedure of pension provision; organization and procedure of management in the system of pension provision.

Article 5 of the Law of Ukraine «On General Mandatory State Pension Provision» stipulates that this Law regulates the relations which occur among subjects of the system of general mandatory state pension insurance. The scope of other normative and regulatory acts may cover these relations only in cases, stipulated by this Law, or in the part, which does not contradict this Law. In particular, only this Law defines the principles and the structure of the system of general mandatory pension insurance; the category of people, subject to the general mandatory state pension insurance; kinds of pension payments; conditions of acquiring the right and procedure of defining the amounts of pension payments; pension age of men and women, upon reaching which a person is entitled to being granted the old-age pension; minimal amount of the old-age pension; the procedure of making pension payments according to the general mandatory state pension insurance; the order of using the finances of the Pension fund and the accumulation system of the pension insurance.

The analysis of the Resolution of the CMU dated 08.06.2016, which is used as a reference by the bodies of social provision and Pension Fund, demonstrates that it has set a special procedure of making social payments for people, who have temporarily moved from the zone of conducting the anti-terrorist operation, including the specificities of paying pensions to internally displaced persons.

However, the abovementioned by-law normative act is not a law, thus it may not narrow down the rights of citizens, which have been set by the regulatory and normative acts of higher legal efficacy.

⁵² On General Mandatory State Pension Insurance: The Law of Ukraine dated 09.07.2003 No. 1058-IV // Vidomosti Verkhovnoi Rady Ukrayiny. – 2003. – NoNo 49-51. – Art. 47.

Clause 19 of the Resolution of the Plenary Session of the Supreme Court of Ukraine «On Independence of the Judicial Power» No. 8 dated 13.06.2007 explained that according to Articles 8 and 22 of the Constitution of Ukraine, it is not possible for courts to apply laws and other regulatory and normative acts, which abolish the constitutional rights and freedoms of a person and a citizen, as well as to apply new laws, narrowing down the content and extent of the rights and freedoms, set in the Constitution of Ukraine and laws in force. While defining the legal validity of laws and normative and regulatory acts regarding their activity, courts should be governed by the Constitution of Ukraine as the directly applicable act⁵³.

According to Article 8 of the Administrative Court Procedure Code of Ukraine, while hearing a case, a court shall be governed by the principle of the rule of the law, according to which a person, his/her rights and freedoms are considered to be the highest values, defining the content and direction of the state activity. The court shall apply the rule of the law with the consideration of court practice of the European Court of Human Rights. It is guaranteed that a person may apply to the administrative court to protect his/her rights and freedoms as a person and a citizen on the immediate basis of the Constitution of Ukraine. It is prohibited to refuse proceeding and resolving an administrative case based on the motives of incompleteness, unclarity, contradiction or absence of legislation, regulating matters in controversy.

As stated by the European Court of Human Rights (hereinafter – ECtHR) in the judgment of *Pichkur v. Ukraine*, which was finalized on February 07, 2014, the right to receiving a pension as such became dependent on the claimant’s place of residence. This triggered a situation when a claimant worked in his country for many years and paid his contributions to the system of pension provision but was completely deprived of his right to the pension for the sole reason that he was no longer living in the territory of Ukraine (clause 51 of the judgment).

In clause 54 of the abovementioned judgment the ECtHR stated that the abovementioned considerations of the ECtHR are sufficient to make a conclusion that the difference in treatment, which is the cause of the claimant’s complaint, was the violation of Article 14 of the Convention for the Protection of Human Rights and Fundamental Freedoms (hereinafter – the Convention), pursuant to which exercising the rights and freedoms, stipulated in the Convention, shall be provided without any discrimination by any feature – gender, race, skin colour, language, religion, political or other beliefs, national or social origin, belonging to national minorities, financial status, birth, or any other feature, along with Article 1 of the First Protocol to the Convention, which envisages the right of any individual or legal entity to peaceful ownership of his/her property and stipulates that nobody shall be deprived of his/her property other than in the interests of the society and on conditions, envisaged by the legislation and general principles of international law.

In the judgment dated 08.07.2004 for *Ilashku and Others v. Moldova and Russia*, while ruling in favour of the claimant v. Moldova, the ECtHR acknowledged that the Government of Moldova, which is the only legal Government of the Republic of Moldova according to the international law, did not exercise its power over a part of its territory, which is under the effective control of the Pridnestrovian Moldavian Republic (PMR). However, even at the absence of effective control over the Transdnister region, pursuant to Article 1 of the Convention, Moldova still has a positive obligation to take measures within its power and pursuant to the international law, to protect the claimants’ rights, guaranteed pursuant to the Convention⁵⁴.

Taking into consideration the fact that the ruling of ECtHR is the source of law, binding for Ukraine according to Article 46 of the Convention, while hearing cases, courts should consider the practice of ECtHR, including the judgments in cases *Pichkur v. Ukraine*, *Ilashku and Others v. Moldova and Russia*,

⁵³ On Independence of Judicial Power: The Resolution of the Plenary Session of the Supreme Court of Ukraine dated 13.06.2007 No. 8 [Electronic resource]. – Access mode: <http://zakon3.rada.gov.ua/laws/show/v0008700-07>.

⁵⁴ The ruling of the Grand Chamber for *Ilashku and Others v. Moldova and Russia* [Electronic resource]. – Access mode: http://zakon4.rada.gov.ua/laws/show/980_344.

as the legal source according to Article 17 of the Law of Ukraine «On Implementing Rulings and Applying Practice of the European Court of Human Rights».

As stated above, according to the norms of parts 1 and 2, Article 7 of the Law of Ukraine «On Ensuring Rights and Freedoms of Internally Displaced Persons», exercising the rights to pension provision of a registered internally displaced person shall be possible according to the legislation of Ukraine.

Ukraine takes all the possible actions to solve the problems, related to social protection, in particular, to restore all the social payments to internally displaced persons.

In addition, the norms of clause 15 of the Procedure of granting (restoring) social payments to internally displaced persons, approved by the Resolution of CMU No. 365 dated 08.06.2016, envisage a direct possibility of reimbursing the arrears of social payments for the previous period according to the legislation.

According to Article 46 of the Law of Ukraine «On General Mandatory State Pension Provision», the accrued amounts of pension, to which a pensioner was entitled but did not receive on time through his/her own fault, shall be paid for the past period, but not longer than for three years prior to the day of appeal about receiving a pension. In this case some part of the non-received pension, but not more than for 12 months, is paid as a single payment, and the remaining amount is paid in equal parts, not exceeding the monthly amount of the pension, every month.

Therefore, the accrued amounts of the pension, not received through the fault of the body, granting and paying the pension, are paid for the past period without limiting any term with the accrued compensation for the loss of a part of income. The compensation for a loss of a part of pension due to the violation of the terms of its payment to pensioners is granted according to the law.

Individual suits of complaints against actions (failures to act) of the government still remain rather working instruments of protecting the infringed rights of pensioners – internally displaced persons. Another example thereof may be found in a life situation of a couple of pensioners P., who had to flee from the previous place of residence due to the armed conflict in Donetsk, and found their refuge in Shepetivka, Khmelnytsky region. Due to temporary leave with the purpose of taking out their personal belongings, their certificates of registration as internally displaced persons were abolished, which, in its turn, resulted in termination of pension payments, which was the only source of income for the family. Roman Rachok, the lawyer of the public reception office of UHHRU in Khmelnytsky region, prepared a statement of a claim and presented the interests of one member of this family in the proceedings of the relevant administrative claim. The judgment of Shepetivka city district court of Khmelnytsky region dated 07.06.2017 in case No. 688/1196/17 stated that the claim be satisfied, and the Shepetivka Joint Department of the Pension Fund of Ukraine was bound to pay the pension for the period of June-November 2016⁵⁵.

b) issues regarding the realization of the right to pension of people, residing in the non-government controlled areas (NGCA)

Pensioners from NGCA who do not receive their pensions because they do not have a possibility to live in the territories controlled by Ukraine, come to the public reception offices of UHHRU. All of them paid their contributions to the Pension Fund of Ukraine, therefore they are entitled to receiving their pensions. Here the arguments of the authorities that they are unable to pay pensions due to absence of Ukrainian control over the territory where these people reside sound unreasonable as many of such pensioners have a possibility to come to the territory controlled by Ukraine and to receive their pension

⁵⁵ Thanks to UHHRU lawyers, a family of internally displaced persons succeeded in receiving their pension, which they had not been receiving for six months [Electronic resource]. – Access mode: <https://helsinki.org.ua/articles/zavdyaky-yurystam-uhspl-rodyna-pereselentsiv-domohlasya-vyplaty-pensiji-yaku-ne-otrymuvala-pivroku/>.

there. According to different estimates, there are 1–1.5 million such people in Ukraine, thus this is a problem of massive nature.

The Law of Ukraine «On Freedom of Movement and Free Choice of Place of Residence in Ukraine»⁵⁶ states that the registration of the place of person's residence or staying or the absence thereof shall not be the condition for exercising rights and freedoms, stipulated by the Constitution, laws or international agreements of Ukraine, or be the reasons for their limitation. Regardless of the abovementioned, the right to pension provision, guaranteed in Article 46 of the Constitution of Ukraine, is dependent on the place of residence (registration) due to the legislation in force⁵⁷. Until 2014, this dependence of exercising the right to pension provision was not the reason of massive infringement of the rights of Ukrainian citizens. However, on 07.11.2014, the Cabinet of Ministers of Ukraine adopted its resolution No. 595 to approve the Temporary procedure of financing governmental institutions, making social payments to population and providing financial support to specific enterprises and organizations of Donetsk and Lugansk regions⁵⁸, which reads that «...in residential places of Donetsk and Lugansk regions, in the territory of which the state government bodies do not exercise their authorities or do so to the insufficient extent, the payments from the state budget, the budget of the Pension Fund of Ukraine and budgets of other funds of general mandatory state social insurance shall be made only after the mentioned territories have been returned under the control of the state government bodies...»

According to the estimates of the Pension Fund of Ukraine as of August 2014, there were about 1.278 million registered pensioners in the residential places of Donetsk and Lugansk regions, in the territories of which the state government bodies temporarily do not exercise their authorities or do so to the insufficient extent⁵⁹. In the Resolution of the Cabinet of Ministers No. 595, the Government of Ukraine states that, starting with November 2014, pensions for about 1.278 million citizens of Ukraine shall be paid on condition of their moving to the government-controlled territory and registering in accordance to the Procedure of executing and issuing a certificate of registering a person, moving from the temporarily occupied territory of Ukraine or the zone of conducting the anti-terrorist operation, approved by the Resolution of the Cabinet of Ministers dated 01.10.2014 No. 509.

The Law of Ukraine «On Ensuring Rights and Freedoms of Internally Displaced Persons» envisages that local state administrations shall use their authorities to ensure: providing internally displaced persons with livable accommodation or social housing on the temporary basis and on condition of the mentioned persons paying the utilities according to the legislation; and within their authorities, local government bodies shall: provide livable municipal housing to internally displaced persons for their temporary free usage (on condition of their paying the utilities according to the legislation).

However, actually, neither local state administrations nor local government bodies are capable of providing internally displaced persons (IDPs) with livable accommodations on condition of the mentioned persons paying the utilities, which forces IDPs to lease their accommodation on the paid basis.

According to the notice of the State Statistics Service of Ukraine, the average amount of pension in 2014 was UAH 1526.10, in 2015 – UAH 1581.50, in 2016 – UAH 1699.50⁶⁰. In addition, pensioners – IDPs may rely on receiving targeted aid for IDPs to cover their living expenses, including paying the utilities in the amount of UAH 884.00 per person⁶¹. Thus, on condition of receiving the average amount

⁵⁶ zakon.rada.gov.ua/laws/show/1382-15 [Electronic resource].

⁵⁷ <http://zakon2.rada.gov.ua/laws/show/z1566-05> [Electronic resource].

⁵⁸ <http://zakon2.rada.gov.ua/laws/show/595-2014-%D0%BF> [Electronic resource].

⁵⁹ <http://glavcom.ua/publications/130325-glava-pensijnogo-fondu-oleksij-zarudnij-jakshcho-ti-hochesh-mati-bilshu-pensiju-vidkladaj-sobi-bilshu.html> [Electronic resource].

⁶⁰ <http://www.ukrstat.gov.ua/> [Electronic resource].

⁶¹ <http://zakon5.rada.gov.ua/laws/show/505-2014-%D0%BF> [Electronic resource].

of pension and targeted aid, an average pensioner–IDP could rely on his/her monthly income of UAH 2410.10 in 2014, UAH 2465.5 – in 2015, UAH 2583.5 – in 2016, which made it absolutely impossible for him/her to live in the territory controlled by the Government of Ukraine, in a leased and paid-for accommodation.

Therefore, the Government of Ukraine created a situation, when, starting with November 2014, a considerable number of pensioners, whose place of residence (registration) is the temporarily NGCA of Donetsk and Lugansk regions, came to the territory controlled by the Government of Ukraine, got registered as IDPs and went back to their registered place of residence. This contradicted the official standpoint of the Government of Ukraine: to receive his/her pension, a pensioner should live as an IDP in the territory controlled by the Ukrainian authorities⁶². And it is absolutely irrelevant whether this pensioner-IDP has a possibility to pay for his/her housing, utilities, and provide for his/her living (purchasing food, medicine, hygiene means, etc.) using the average monthly income. The return of a pensioner to his/her registered place of residence is deemed by the Ministry of Social Policy of Ukraine to be «pension tourism of residents of so called «LPR» / «DPR»⁶³.

For some strange reason, the abovementioned position of the Ministry of Social Policy of Ukraine and the Pension Fund of Ukraine is related only to pensioners from residential places of Donetsk and Lugansk regions, in the territory of which the state government bodies temporarily do not exercise their authorities or do so to the insufficient extent. The mechanism of paying pensions to the citizens of Ukraine, residing in the territory of AR of Crimea and the city of Sevastopol was approved (the Resolution of the Cabinet of Ministers of Ukraine dated 02.07.2014 No. 234): persons, residing in the temporarily occupied territory of Ukraine and not receiving their pensions from the Pension Fund of the Russian Federation, are granted a possibility of receiving their pension in the bodies of the Pension Fund of Kherson region without being granted the IDP status⁶⁴.

Normative and regulatory foundation to confirm the mechanism of receiving pensions in the NGCA

In 2015, to improve the activity in asserting and ensuring the rights and freedoms of a person and a citizen of Ukraine, pursuant to part II of Article 102 of the Constitution of Ukraine, the National strategy in the sphere of human rights was approved, which, *inter alia*, envisages the following: «Ensuring the rights of the citizens of Ukraine, residing in the residential places of Donetsk and Lugansk regions, in the territory of which the state government bodies temporarily do not exercise their authorities or do so to the insufficient extent.

At present, there is a constant threat to life and health of the citizens of Ukraine, residing in the residential places of Donetsk and Lugansk regions, in the territory of which the state government bodies temporarily do not exercise their authorities or do so to the insufficient extent, there is no possibility to properly ensure economic, social, and other rights of such citizens.

Strategic aim: ensuring the realization and protection of rights of the citizens of Ukraine.

Expected outcomes: vital needs of the citizens of Ukraine, residing in the corresponding residential places of Donetsk and Lugansk region, have been met; proper conditions for restoration of social payments to such citizens have been created; measures have been taken to ensure their rights to health care and education»⁶⁵.

⁶² <http://www.radiosvoboda.org/a/28285268.html> [Electronic resource].

⁶³ http://www.mlsp.gov.ua/labour/control/uk/publish/article?art_id=186542&cat_id=107177 [Electronic resource].

⁶⁴ <http://zakon5.rada.gov.ua/laws/show/234-2014-%D0%BF> [Electronic resource].

⁶⁵ <http://zakon3.rada.gov.ua/laws/show/501/2015> [Electronic resource].

On 23.11.2015, the Action Plan in implementing the National Strategy in the sphere of human rights for the period up to 2020 was approved, which envisages⁶⁶:

1) elaboration of the mechanism of providing pension and other social payments to the residents of the territories, in which the state government bodies temporarily do not exercise their authorities or do so to the insufficient extent, which would abolish the necessity of registering internally displaced persons, residing in the residential places of Donetsk and Lugansk regions, in the territories of which the state government bodies temporarily do not exercise their authorities or do so to the insufficient extent;

2) the mechanism of providing pension and other social payments to the residents of territories, in which the state government bodies temporarily do not exercise their authorities or do so to the insufficient extent, has been elaborated.

As of December 2016, this clause of the plan has not been fulfilled. The work at designing the normative and regulatory act to ensure pension and other social payments to the residents of the territories is not being done by the party, responsible for the elaboration of the project⁶⁷.

During 2016, the international institutions paid attention to the problematic arrears in pensions for the residents of territories, uncontrolled by the state authorities. For instance, in August 2016, in the final notes of the periodic reports 22 and 23 of Ukraine, the Committee in eliminating racial discrimination recommended the Member State to take the following measures: «...b) not to relate social payments to the internally displaced persons with the registered status or the obligation to get registered or reside in the districts under control of the member state»⁶⁸.

In October 2016, the Parliamentary Assembly of the Council of Europe adopted two resolutions on Ukraine, in which it stated that numerous residents of the zone of conflict in Donbas... also face serious social problems, enhanced with restrictive measures, introduced by the Ukrainian authorities regarding the pension provision... Based on the abovementioned, the Assembly is asking the Ukrainian authorities: to simplify, to the maximum possible extent, everyday life of the residents of uncontrolled territories... at the expense of shortening administrative procedures regarding the access to payment of pensions... to regularly review and consider the decisions of Ukraine about deviations from the implementation of the International Convention in civil and political rights as well as the European Convention on Human Rights, based on the principles of necessity, proportion and non-discrimination...⁶⁹»

Regardless of the abovementioned, the Ministry of Social Policy of Ukraine still claims that the pensions for residents of uncontrolled territories of Donbas will be paid after the latter have been freed⁷⁰.

2016 became the year of absolute restriction of pension provision of the citizens of Ukraine, residing in the territories, uncontrolled by the state authorities. Moreover, 2016 became «the year of fighting» of the Cabinet of Ministers with pensioners – citizens of Ukraine, whose place of residence is the uncontrolled territory.

For instance, since February 2016, the Ministry of Social Policy of Ukraine together with the National Security Inspectorate of Ukraine conducted an unprecedented campaign in terminating pension payments to citizens, who are IDPs and do not reside at the indicated place of residence, as such a payment does not correspond to the adopted «normative and regulatory» acts⁷¹.

⁶⁶ <http://www.kmu.gov.ua/control/uk/cardnpd?docid=248740679> [Electronic resource].

⁶⁷ <http://hro.org.ua/index.php?id=1481229017> [Electronic resource].

⁶⁸ <http://www.un.org.ua/ua/information-centre/news/2058> [Electronic resource].

⁶⁹ http://news.liga.net/ua/news/politics/13142631-storichna_rezolyuts_ya_par_po_ros_povniy_tekst.htm [Electronic resource].

⁷⁰ <http://www.radiosvoboda.org/a/news/28268139.html> [Electronic resource].

⁷¹ http://www.mlsp.gov.ua/labour/control/uk/publish/article?art_id=186542&cat_id=107177 [Electronic resource].

In February-April 2016 the Ministry of Social Policy reported its active fighting «criminal schemes of financing terrorism»⁷², which also included the fact of pensioners receiving their pension without actual moving to the territory, controlled by the Government of Ukraine⁷³, firmly standing at the position of mandatory moving⁷⁴ and assuring that this was the only possible way of ensuring the right to pension provision for the citizens of Ukraine from the uncontrolled territories⁷⁵, the Ministry of Social Policy of Ukraine claims that «...the state of Ukraine... does not have a mechanism to pay pensions...in the occupied territory»⁷⁶.

At the same time, the Cabinet of Ministers of Ukraine introduced a number of amendments to many normative and regulatory acts, which leave at least 50 thousand of citizens of Ukraine without any means for existence (taking into consideration the estimated data of the Ministry of Social Policy of Ukraine as of November 2016, about 900 thousand pensioners who moved into the territory, controlled by the Government of Ukraine, got settled there and receive their pensions. Out of 300 thousand pensioners, remaining in the territories of Donetsk and Lugansk regions, uncontrolled by the state authorities, only 50 thousand pensioners require actual aid in the opinion of the Ministry of Social Policy of Ukraine)⁷⁷.

Thus, on 17.03.2016, the amendments to the Resolution of the Cabinet of Ministers No. 637 «On Making Social Payments to Internally Displaced Persons» came into force, according to which, starting with 01.07.2016, the payment of pensions... granted to internally displaced persons, is made via the accounts and network of institutions and devices of the public joint stock company «Derzhavny Oshchadny Bank Ukrayiny»⁷⁸.

On 26.04.2016, the resolution of the Management Board of the Pension Fund of Ukraine No. 7-1 «On Implementing the Resolution of the Cabinet of Ministers of Ukraine dated March 14, 2016 No. 167 «On Amending Certain Resolutions of the Cabinet of Ministers of Ukraine» came into force, according to which «...in order to identify the recipients of pensions, who are internally displaced persons, and to ensure paying them pensions, there is emission of payment cards, which at the same time are a pension certificate with the indication of graphic and electronic information about the owner and his/her electronic digital signature.

The validity period of cards which are simultaneously a pension certificate shall be set up to three years on condition of client's undergoing physical identification in the institutions of the public joint stock company «Derzhavny Oshchadny Bank Ukrayiny» for the first two times every month, and further on – every 12 months. ...In case of a failure of pension recipients to undergo physical identification, the public joint stock company «Derzhavny Oshchadny Bank Ukrayiny» shall terminate the payment transactions on the current account until the client's appeal, and shall inform the Ministry of Finances about it every month»⁷⁹.

On 14.06.2016, the Resolution of the Cabinet of Ministers of Ukraine No. 365 dated 08.06.2016 «Some Issues of Making Social Payments to Internally Displaced Persons» came into force, confirming new conditions for pensioners-IDPs to exercise their right to pension provision, which had not been envisaged by the legislation. This Resolution set two Procedures: «The Procedure of granting (restoring) social payments to internally displaced persons» and «The Procedure of exercising control over making social payments to internally displaced persons at the place of their actual residence/staying».

⁷² http://www.mlsp.gov.ua/labour/control/uk/publish/article?art_id=186443&cat_id=107177 [Electronic resource].

⁷³ http://www.mlsp.gov.ua/labour/control/uk/publish/article?art_id=187590&cat_id=107177 [Electronic resource].

⁷⁴ http://www.mlsp.gov.ua/labour/control/uk/publish/article?art_id=186752&cat_id=107177 [Electronic resource].

⁷⁵ http://www.mlsp.gov.ua/labour/control/uk/publish/article?art_id=186754&cat_id=107177 [Electronic resource].

⁷⁶ http://www.mlsp.gov.ua/labour/control/uk/publish/article?art_id=187761&cat_id=107177 [Electronic resource].

⁷⁷ <http://rian.com.ua/economy/20161125/1019041447.html> [Electronic resource].

⁷⁸ <http://zakon0.rada.gov.ua/laws/show/637-2014-%D0%BF/ed20160317> [Electronic resource].

⁷⁹ <http://zakon0.rada.gov.ua/laws/show/z0633-16/paran21#n21> [Electronic resource].

These Procedures fixed the grounds to terminating pensions for pensioners—IDPs which are absent in the laws of Ukraine, regulating the right to pension provision. Until 2016, the exclusive list of reasons to refuse a person in granting a pension was set by the laws of Ukraine, approved by the Verkhovna Rada of Ukraine and signed by the President of Ukraine, thus, according to the Constitution, having higher legal efficacy compared to the acts of the Government. In 2016, rather extended reasons and procedures of «terminating pension payments» were fixed at the level of the resolution of the Cabinet of Ministers of Ukraine, which resulted in the possibility to implement unsubstantiated, illegal, unlawful, anti-constitutional schemes of controlling the displaced population, to violate the right of citizens to social protection, and to completely exclude the possibility for pensioners, whose place of actual residence and registration is a temporarily uncontrolled territory of Donetsk and Lugansk regions to exercise their right to pension provision without moving to the territory, controlled by the state authorities⁸⁰.

At the end of 2016, the Cabinet of Ministers of Ukraine adopted the Resolution No. 1028 «On Amending Clause 1 of the Resolution of the Cabinet of Ministers of Ukraine dated November 5, 2014 No. 637» in which it confirmed the necessity for recipients of pension payments, who are IDPs, to undergo physical identification until they have received an electronic pension certificate in the established order. In particular, the resolution envisages physical identification of a client with an open current account in the institutions of the public joint stock company «Derzhavny Oshchadny Bank Ukrayiny» to receive his/her pension until this pensioner has received a payment card, which is simultaneously a pension certificate, in the set order, every three months since the day of opening an account.

Taking into consideration the amendments to the legislation of Ukraine, initiated by the Ministry of Social Policy of Ukraine and the Cabinet of Ministers of Ukraine, the year of 2016 was targeted at depriving pensioners of the possibility to receive their pensions without actually moving to the territory, controlled by the Government of Ukraine, and not at creating the mechanism of this payment.

The Verkhovna Rada of Ukraine was not an exception in this matter, as its meeting of 31.05.2015 did not introduce the draft law No. 4257 to the agenda, while it envisaged the mechanism of paying pensions to citizens, residing in the uncontrolled Donbas territory. The draft law envisaged guarantees of pension payments to the citizens of Ukraine, residing in residential places, in the territory of which the state government bodies temporarily do not exercise their authorities or do so in the insufficient extent (uncontrolled territory of ATO)⁸¹.

In different normative acts, the Government of Ukraine constantly initiates a number of actions, which should have promoted the formation of constant dialogue with citizens, as one of the vital characteristics of democracy is a real possibility of citizens to influence the legislative process. Unfortunately, during 2016 we saw not a dialogue but rather two parallel monologues in the issue of creating the mechanism of paying pensions to citizens, actually residing in the territories, uncontrolled by the state authorities, – those of the authorities and citizens, which cast a reasonable doubt at any actual further interaction and cooperation in the given issue.

2.2.3. Social protection of families, children and youth

The issues of receiving aid within social protection of family, children, and youth is no less relevant than social protection of elderly people. Each fourth IDP, interviewed by us, said that they personally or members of their families are entitled to and receive aid in the framework of social protection of family, children, and youth, in particular: due to pregnancy and delivery; after the delivery of a child; for fostered

⁸⁰ <http://zakon2.rada.gov.ua/laws/show/365-2016-%D0%BF/paran66#n66> [Electronic resource].

⁸¹ http://w1.c1.rada.gov.ua/pls/zweb2/webproc4_1?pf3511=58437 [Electronic resource].

children; for children of single mothers; as members of a lowfare family; for a disabled child. Only single IDPs (two families with many children) actually employ the services of social services. As for others, either they do not even know about the existence of the Centers of social services for family, children, and youth (hereinafter – CSSfFCY), or did not appeal to them as they did not have any need in their assistance, or do not use their services, as they are not provided required services in the full scope (the issue was related to the rehabilitation of a disabled child).

It should be noted that there are positive changes in the legislation which regulate the order of providing monthly targeted aid to internally displaced persons in the issue of social protection of families with disabled children. For instance, on July 4, 2017 there were amendments, made to the Resolution of the Cabinet of Ministers of Ukraine dated October 1, 2014, No. 505, according to which disabled children shall receive their financial assistance similarly to disabled adults (in the amount of the subsistence minimum for people who became disabled)⁸².

The information about the quantitative data on receiving social services was obtained from the coordination office and the Centers of social services for family, children, and youth. The information was requested in terms of the number of provided informational services, in particular, informing IDPs; psychological services – provision of psychological assistance to displaced persons in need thereof, social and pedagogical services; socio-economic services, including the ones related to receiving humanitarian aid, monthly targeted aid; socio-medical services; legal services, including assistance in restoring documents.

We have to admit that the information, submitted by the coordination office, is the closest to reflecting actual situation with estimating the needs. Unfortunately, not all the regions submitted their data, but one may trace some correlation between the number of people, who received social services, and meeting the needs of IDPs. In some spheres, the Centers of social services provide more detailed information. At the same time, this information is mainly the confirmation of the work of CSSfFCY, but it does not allow estimating the level of meeting the needs of internally displaced persons. Moreover, there is an impression that centers of social services estimate their efficacy in numbers of provided services, not really bothering that a repeated appeal of a person may be a consequence of inadequate provision of services.

In *Vinnysia region*, social services were provided to 365 persons out of 5569 of the ones, who came to centers of social services, which is 6.55%. 250 people were provided psychological services, and 115 – legal ones. However, the exact nature of the provided services is not indicated in responses. 16446 families receive targeted monthly aid in the amount of UAH 116.8 million, which is 95.25% from the number of families who appealed for help (17266 families). 5776 persons were provided assistance in restoring pension payments. In addition, the coordination office of the region provided its assistance in restoring banking accounts for pensions, social aid or other settlements. This kind of assistance was provided to 7109 persons which is 96.12% from the total number of appeals.

In spring 2016, the coordination office of *Volyn region* approved the action plan for the implementation of the Complex state programme of support, social adaptation, and re-integration of citizens of Ukraine, who moved from the temporarily occupied territory of Ukraine and districts of conducting the anti-terrorist operation to other regions of Ukraine, up till 2017. However, there are currently no indices on the implementation status of this action plan⁸³. At the same time, 106 persons / 485 families appealed to the CSSfFCY in Volyn region and were provided 2513 services. The lion share of these services were of informational nature – 1032 services. Such a high number of services may be explained by conducting

⁸² On providing monthly targeted aid to internally displaced persons to cover their living expenses, including the utilities [Electronic resource]: The Resolution of the Cabinet of Ministers of Ukraine dated 01.10.2014, No. 505. – Access mode: <http://zakon3.rada.gov.ua/laws/show/505-2014-%D0%BF>.

⁸³ According to the materials of «Law enforcement index of the region» project.

various actions in informing a considerable number of IDPs, distribution of materials, in particular, the ones regarding this service or another. There were a number of provided psychological services, which reflected a more sufficient meeting the actual needs – 443, in particular, psychological help and psychological support was provided to 222 families (45.77% from the number of families, which addressed the center) and 69 persons (65.09% from the number of appeals). At the same time, psychological help could be simultaneously provided to certain groups of displaced persons, namely, families with children, disabled persons, elderly people. Such services could be provided in permanent institutions of social protection, territorial centers of servicing, where these persons were located. In addition, 373 socio-economic services were provided, in particular, humanitarian aid was received by 286 families (58.97% from the number of families, who came for aid) and 74 persons (69.81%). Obviously, 13 provided services were of a different nature, which is reflected in other sources, in particular, two internally displaced persons in the town of Kovel were provided aid from the local budget⁸⁴. Internally displaced persons received 291 legal services, in particular, 20 families and 8 persons were provided assistance in restoring their documents. As for targeted monthly aid, the information is available only regarding 5199 appeals. However, the number of persons with the registered IDP status in the region is smaller, amounting to 4770 persons. It is possible to assume that there could be a considerable share of refusals in receiving this kind of assistance.

The data of the coordination office of *Dnipropetrovsk region* demonstrate that psychological help was received by 3117 persons, which is 3.88% from the number of internally displaced persons, located in the region.

In *Donetsk region*, the services of psychological help were provided to 4365 families (27.28% from the number of families, who came for services of this or that nature). 6800 families were provided humanitarian aid (42.5). The services in restoring documents were provided to 2887 families. Unfortunately, no institution has provided any information about providing monthly aid.

In *Zhytomyr region*, internally displaced persons received services of different kinds. A total of 13523 services were provided. The largest share of services constituted informational ones – 5965. In this respect, there is a similarity with Volyn region, when they could relate different consultations and records of a number of services to the informational services, instead of recording the actual meeting the needs. Unfortunately, it is impossible to trace who exactly was provided services or assistance, whether these were families or single persons. This fact does not allow calculating a share of IDPs in need of such assistance. According to the data of centers of social services, 1154 psychological services were provided, here 172 people were provided psychological help, whereas SES reports providing psychological help to 1032 persons which is 14.15% from the number of IDPs, located in the region. In addition, 3614 socio-economic services were provided, in particular, 170 persons received humanitarian aid. The coordination office reports that 11006 persons receive social aid. Such a number of IDPs is considerably higher than the number of internally displaced persons, located in the region – 7295. Unfortunately, due to the absence of the data about the number of registered IDPs, one has to doubt the validity of this figure. The assistance in receiving pension was provided to 4468 persons, and the assistance in opening accounts was received by 1666 persons. 143 legal services were provided, in particular, 89 persons were assisted in restoring their documents.

898 social services were provided to the internally displaced persons in *Zakarpattia region*. The largest share of services constituted informational ones – 557. In addition, 97 psychological services were provided, in particular, psychological help was received by 69 persons. 121 socio-economic services were received by the internally displaced persons. Humanitarian aid was provided to 42 persons. Social aid

⁸⁴ Ibidem.

was received by 4104 persons which is 81.07% from registered IDPs. In addition, 64 legal services were provided, in particular, assistance in restoring documents was received by 65 persons. This may testify to another nature of legal assistance, provided by centers of social services to internally displaced persons. At the same time, the coordination office reports executing or restoring documents for 798 persons.

In *Zaporizhzhia region*, the provision of social rights to internally displaced persons is introduced into local programs of social protection of the population, in particular, to the Municipal complex program of social protection of the population of Zaporizhzhia for 2016–2018, approved by the decision of Zaporizhzhia City Council dated 25.12.2015 No. 9. One of the events, scheduled in the program, is the support of internally displaced persons, who moved into the territory of Zaporizhzhia. The number of persons, covered by the events in 2016, is 868. UAH 16.712 million were allocated to implement the abovementioned program in 2016⁸⁵. According to the information of centers of social services, 2250 internally displaced persons were provided psychological help. Humanitarian aid was provided to 1677 persons. As for receiving humanitarian aid, it is more likely related to displaced persons, not residing in the regional center, as it is known from other sources that internally displaced persons didn't appeal to the municipal authorities⁸⁶. According to the data of the center of social services, assistance in restoring documents was provided to 552 persons, whereas the regional office reports assistance in executing / restoring passports for 11079 internally displaced persons.

Ivano-Frankivsk region. According to the information of the regional office, 2231 IDPs received psychological help, which is 47.22% from the number of IDPs, located in the region. 2352 persons (49.79%) received legal services. Out of 4635 IDPs, who came for targeted monthly aid, the latter was received by 4411 persons, which is a somewhat higher figure than the number of IDPs, registered as of the beginning of 2017 – 4345.

Kyiv region. The centers of social services report providing psychological help to 585 families of IDPs which is 23.1% from all the families, who appealed to CSSfFCY for help, at the same time the regional office reports having provided such aid to 135 IDPs. 665 families (26.25%) received humanitarian aid. The assistance in restoring documents was provided to 194 families, which is 7.66% of families who came to the centers of social services.

The regional office of *Kirovograd region* reports having provided 321 legal services, including restoring documents to 86 persons. 4526 internally displaced persons received services of psychological help which is 75.74% of IDPs, residing in the region. 10105 out of 10368 IDPs, who came to receive targeted monthly aid, actually receive the latter.

The data on receiving social services and social aid in Lugansk region were received from both the regional office via SES, and from centers of social services for family, children and youth. The data about the number of services, provided by these two institutions, are different. They are compared in the Table.

Kind of services	Information of coordination office + % from the number of families, who addressed the office	Information of CSSfFCY
Informational	896 families (7.08%)	1536
Psychological	887 families (7.01%)	710
Socio-economic	1161 families (9.17%)	-
Legal	510 families (4.03%)	271

⁸⁵ According to the materials of «Law enforcement index of the region» project.

⁸⁶ Ibidem.

It is possible to assume that the difference in the number of provided informational and psychological services may mean the way of providing these services. Obviously, the regional office provided informational services in the form of consultations to IDPs, hence such precise recording. As for centers of social services, they could distribute some materials or hold public events. At the same time, it is not clear what exactly these both institutions meant by psychological services, as the number of families, who received psychological help or psychological rehabilitation is 877, which is 10 fewer than the total number of recipients of psychological services (SES) whereas CSSfFCY reports about 269 families, which received the corresponding help.

According to the data of social services, 1186 families received humanitarian aid. The regional office reports 1682 families. 2626387 IDPs received assistance in restoring documents or executing passports. The centers of social services provided the same assistance to 1085 families. 1161 families had their social payments restored which corresponds to the number of recipients of socio-economic services.

According to the data of the coordination office of *Lviv region*, 664 persons were assisted in restoring their documents, which is 5.53% from the total number of IDPs in the region. The assistance in receiving pensions was provided to 3464 IDPs. 1910 internally displaced persons were receiving pension payments as of December 2016.

In district centers of *Mykolayiv region*, the assistance to internally displaced persons is provided within the framework of social protection programs for the population⁸⁷. In total, centers of social services inform about their having provided 27793 services. Almost half of them – 12488 – is constituted by informational services. 4319 psychological services were provided, in particular, 682 families, 349 persons received psychological help. In addition, 4577 socio-economic services were provided by CSSfFCY, including 1288 persons who received humanitarian aid. At the same time, social payments were restored for 4667 persons, and 2921 IDPs were paid the arrears in their payments. The data of other sources testify that, for instance, in *Voznesensk*, humanitarian aid is provided via charitable organization. The framework of the program of social protection of the population covered paying the total amount of UAH 10.7 thousand to 25 families of internally displaced persons, and providing aid in the form of food, second hand things, household cleaning products for the total amount of UAH 6.0 thousand⁸⁸. Social payments were restored to 3735 persons. Internally displaced persons received 2181 legal services, in particular, 164 persons were provided assistance in restoring their documents.

The coordination office of *Odesa region* provided information about the number of persons, who received psychological help – 17365, which is 41.32% from the number of IDPs, located in the region.

There is nothing exceptional in the information of the centers of social services for family, children and youth in *Poltava region*. The prevailing majority – 17826 – is constituted by informational services. 9310 psychological services were provided, in particular, psychological help was received by 5117 persons. 5723 services were of socio-economic nature. At the same time, humanitarian aid was provided to 9243 persons, which casts reasonable doubt at proper recording of this kind of services. One may assume that the aid to one and the same person / family could be provided several times, but this approach would not correspond to the experience of centers of social services recording provision of their services. 539 IDPs were assisted in restoring their documents.

Rivne region. The data of the coordination office testify that 1195 IDPs were provided psychological help which is 20.5% from the number of IDPs, located in the region. At the same time, centers of social services report their having provided 2232 psychological services and 972 persons were assisted

⁸⁷ According to the materials of «Law enforcement index of the region» project.

⁸⁸ Ibidem.

in restoring their documents (16.68%). Social payments were restored for 1166 persons (20.01%) and 111 families were provided humanitarian aid.

Sumy region. The coordination office reports 172 IDPs, who were provided psychological help (1.06% from the number of IDPs, registered by social protection bodies), whereas centers of social services submit the data about 484 persons, who were provided the corresponding help. The assistance in restoring documents was provided to 153 persons, whereas centers of social services report 374 such persons. 677 persons received humanitarian aid.

Ternopil region. The regional office submits the information about 1564 internally displaced persons, who were provided psychological help (62.14% from the number of IDPs, located in the region). It should be mentioned that centers of social services report only 268 IDPs, provided with the relevant help. The assistance in restoring documents was provided to 226 persons. Social payments were restored to 190 persons. Humanitarian aid was received by 384 internally displaced persons.

The officials of *Kharkiv region* claim that the provision of required conditions for living and medical treatment of IDPs and other children became possible thanks to colossal help from volunteer, non-governmental, including international, organizations⁸⁹. According to the data of the coordination office, psychological help in the region was received by 26629 IDPs which is 13.75% from the displaced persons, residing in the region. 38809 IDPs (20.03%) were assisted in restoring their documents. 120810 out of 142858 families (98.03% from the number of IDP families, residing in the region), who came for targeted social aid, receive the latter. In other words, this is 84.75% from the number of families who appealed for such aid. Social / pension payments were restored and granted to 51590 IDPs which is 26.62% from the number of internally displaced persons, registered by DLSPP. 2445 persons / 6767 families came to receive the services of centers of social services for family, children and youth. Most often, these centers offered informational services – 10679. In addition, 4341 psychological services were provided, in particular, for 3878 IDPs. 6621 socio-economic services were provided, in particular, 5616 IDPs were provided with humanitarian aid. 5616 IDPs were assisted in restoring their documents. The information, submitted by the Centers of social services allows for the assumption that the records of services, provided by them, were taken into consideration by the coordination offices, which would be logical. At the same time, similar to other regions, the record of services, provided in terms of their kinds, does not allow tracing the level of meeting the needs and is more like the demonstration of quality indices of CSSfFCY activity.

Kherson region. According to the data of the coordination office, psychological help was provided to 3457 internally displaced persons (20.84% of IDPs, located in the region). Humanitarian aid was provided to 372 IDPs. 17469 families receive targeted monthly aid in the amount of UAH 76327.2 thousand.

The coordination office of *Khmelnysky region* reports 261 families who were provided psychological help. 389 IDPs were assisted in restoring and executing their passports. Humanitarian aid was provided to 600 families – 328 families received aid in 2014–2015, and 282 – in 2016. The assistance to internally displaced persons in servicing banking accounts consists in opening accounts to receive the aid in Oshchadbank which may be due to depriving the displaced persons any right in choosing the bank. 5787 out of 5951 IDPs (97.94%), who came to receive targeted monthly aid, actually receive the latter. Social payments were restored and granted to 725 persons.

Cherkasy region. 8403 out of 8692 families (95.47% from the number of IDP families, residing in the region), who came for targeted social aid, received the latter (96.68% of the appeals). 2322 IDPs were assisted in restoring their documents. Social payments were restored to 7297 persons. The centers

⁸⁹ Ibidem.

of social services provided 8348 services, including 1947 – psychological services and 619 – legal ones. 1947 families were provided psychological help. Humanitarian aid was provided to 1930 families (21.2% of families, located in the region).

In *Chernivtsi region*, the assistance to internally displaced persons is provided via a number of programs of social protection of the population. At the same time, a considerable share of help to IDPs is provided in the framework of international programs. For instance, the source of financing for the project «Improving living conditions and social adaptation of internally displaced persons in Chernivtsi region» is a grant from the Representative Office of the European Union in Ukraine⁹⁰. The regional office did not submit a considerable amount of data about ensuring social rights of internally displaced persons. There is available information only about 389 persons, who had their social payments restored. 229 families came to receive the services of centers of social services for family, children and youth and received 2625 services, including 998 informational ones. 365 psychological services were provided, in particular, psychological help was received by 271 persons. The main donors of humanitarian aid for IDPs are Red Cross and NGO «Volunteer movement of Bukovyna». Taking into consideration the fact that local government bodies are not distributors of humanitarian aid, these authorities provide relevant informational support when addressed by the donors or recipients⁹¹. The mentioned aid was received by all the families who came to the centers of social services.

614 families of internally displaced persons came to the Centers of social services for family, children and youth in *Chernihiv region*, and received 552 services. These included 357 – psychological services and 195 – legal ones. 386 families (62.87% from the number of families, who came to CSSfFCY). 86 families were assisted in restoring their documents.

The coordination office of *the city of Kyiv* reports granting targeted aid to 143407 persons (91.78% from the number of IDPs, who came to the coordination office), the procedure of granting is under way for 13532 persons. Generally, the number of recipients and potential recipients of such aid is much higher than the number of IDPs, submitted by the local coordination office. As detailed data are absent, one may assume that the number of IDPs, registered by the social protection bodies, is higher than the number of internally displaced persons, located in the city. 310 IDPs were provided psychological help. Humanitarian aid was received by 372 internally displaced persons in 2015 and 817 – in 2016.

We received additional information via our own empirical research. For instance, the visits to CSSfFCY and the survey of their visitors demonstrated that these centers are sufficiently accessible for disabled persons: the pavements, leading to the centers, are asphalted or covered with paving flagstone; steps are convenient and safe; the entrance is equipped with a ramp; the width of the door allows disabled persons to come in (ride in) without any hindrances. The billboards or handouts for visitors present information concerning social services, which are provided, the schedule of visiting hours of the management and specialists. It should be noted that our visitors did not see many people in CSSfFCY, usually they had no visitors at all. A maximum of 4 people was noted. There were no IDPs' complaints about the attitude of employees of these centers. Our respondents reported that they came to CSSfFCY concerning the following problems: assistance in executing or restoring documents; help with getting employed; receiving psychological support; assistance in registering the place of residence or staying. All of them were seen by relevant specialists and received a required consultation. A person, who came to ask about assistance with employment, was directed to the Employment center.

⁹⁰ According to the materials of «Law enforcement index of the region» project.

⁹¹ Ibidem.

2.2.4. Right to protection from poverty and social exclusion

Rather a relevant element of the system of social rights is a right to protection from poverty and social exclusion. Due to the circumstances IDPs found themselves in, the problem of poverty and social exclusion became rather urgent for the mentioned category of people.

Destroyed houses, business seized by terrorists, physical and psychological traumas, and finally, forced movement conditioned a number of problems, related to poverty and social exclusion. Taking this situation into consideration, let us analyze the right of IDPs to protection from poverty and social exclusion. We shall start with the analysis of normative and regulatory fundamentals of the implementation of this right, paying attention both to domestic legislative acts, and international law documents, ratified by Ukraine.

Normative and regulatory provision. At the constitutional level, this right is regulated by a number of articles of the Main law, which guarantee that everyone, including IDPs, has a right to: entrepreneurial activity (Article 42); right to labour and possibility to earn one's living (Article 43); right to accommodation (Article 47); right to a sufficient living standard for himself/herself and his/her family (Article 48); right to health care and medical treatment (Article 49); right to education (Article 53); right to freedom of literary, art, scientific and technical creativity, protection of intellectual property and copyright (Article 54). Here, Article 21 of the Constitution of Ukraine states that all rights and freedoms of a person are inalienable and irrevocable⁹². Therefore, a complex of social rights is set at the constitutional level, the implementation of which allows avoiding poverty and social exclusion. However, it should be noted that the norms of the Main law do not contain a direct definition of the «right to protection from poverty and social exclusion», which is an evident drawback.

A key international legal document in the sphere of social rights of a person is the European Social Charter (revised) (ETS No. 163), ratified by Ukraine in 2006. Article 30 of this document registers the responsibilities of parties regarding taking measures to provide the persons, who are or may be in the situation of social exclusion or poverty, as well as members of their families, with efficient access to employment, housing, occupational training, education, culture, and social and medical help⁹³. Having ratified this international legal act, Ukraine actually undertook a responsibility of not only taking the mentioned measures, but constantly revising them, improving them with the consideration of the status of social relations. We would like to highlight that IDPs are absolutely definitely getting into the «risk zone» and require attention of the authorities and society.

It is noteworthy that the number of legislative acts, presenting detailed information about the right to protection from poverty and social exclusion, includes as follows:

- the Law of Ukraine «On Entrepreneurship», which sets general legal, economic, and social fundamentals of conducting entrepreneurial activity and its state support⁹⁴. At present, the mentioned normative and regulatory act is extremely relevant for the provision of the IDPs' right to protection from poverty and social exclusion, as the state policy and the aid of European financial donors is targeted at getting IDPs involved in establishing their own business, which will bring stable income that will allow avoiding poverty and adapting to conditions of a peaceful society;

- the Law of Ukraine «On Employment of Population», which defines organizational, legal and economic fundamentals of implementing the policy of employment of the population and guarantee of

⁹² The Constitution of Ukraine dated June 28, 1996. // Vidomosti Verkhovnoi Rady Ukrayiny. – 1996. – No. 30. – Article 141.

⁹³ European Social Charter (revised) (ETS No. 163) dated May 03, 1996 [Electronic resource]. – Access mode: http://zakon0.rada.gov.ua/laws/show/994_062

⁹⁴ On Entrepreneurship: the Law of Ukraine dated February 07, 1991. No. 689-XII // Vidomosti Verkhovnoi Rady Ukrayiny. – 1991. – No. 14. – Art. 168.

social protection from unemployment⁹⁵. At present, the problem of unemployment is one of the most common for IDPs, which does not allow them to get integrated into normal social environment. At the present stage, the sphere of IDPs' employment is the most problematic in the aspect of protecting from poverty and social exclusion, which is conditioned both by economic reasons and psychological attitude of citizens of host communities to IDPs. The Law of Ukraine «On Amending Some Laws of Ukraine regarding Enhancing Social Protection of Internally Displaced Persons» in 2015 introduced some amendments to the Law of Ukraine «On Employment of Population», in particular, a system of measures, promoting the employment of IDPs, was introduced⁹⁶;

- the Law of Ukraine «On Ensuring Rights and Freedoms of Internally Displaced Persons». This legislative act laid the foundation of the legal status of IDPs. *Inter alia*, it defines the right to health care, housing, pension provision, employment, medical treatment, etc. Special relevance is attributed to the norms of this legislative act, which define the responsibility of the state to get IDPs integrated at the new place of their residence in Ukraine as well as to protect their rights and freedoms⁹⁷. So, it means that the right to protection from poverty and social exclusion is *a priori* guaranteed for IDPs and is viewed by the state as an integral element of their legal status;

- the Law of Ukraine «Fundamentals of Legislation of Ukraine on Health Care» defines legal and organizational mechanisms for the functioning of health care system and provision of medical help. According to Article 25 of the Law, the conceptual fundamental for the health care system to function in a state is creating healthy and safe living conditions. For this reason, the state ensures the living standard of population, including food, clothes, housing, medical treatment, social servicing and provision, which is necessary to maintain the health of population⁹⁸;

- the Laws of Ukraine «On Education»⁹⁹, «On Higher Education» define general fundamentals of implementing the right to education. They contain a number of provisions regarding IDPs and residents of temporarily occupied territories. For instance, Article 44 of the Law of Ukraine «On Higher Education» defines that the state guarantees targeted support for getting higher education in state and municipal educational institutions to children, registered as internally displaced persons¹⁰⁰. To implement this law, the Government has already claimed giving this support to children, registered as IDPs, having posted relevant information at the governmental portal¹⁰¹. It should be noted that this guarantee is also envisaged in Article 9² of the Law of Ukraine «On Temporary Measures for the Period of Conducting Anti-Terrorist Operation»¹⁰².

⁹⁵ On Employment of Population: the Law of Ukraine dated July 5, 2012. No. 5067-VI // Vidomosti Verkhovnoi Rady Ukrayiny. – 2013. – No. 24. – Art. 243.

⁹⁶ On Amending Some Laws of Ukraine regarding Enhancing Social Protection of Internally Displaced Persons: the Law of Ukraine dated March 05, 2015 No. 245-VIII // Vidomosti Verkhovnoi Rady Ukrayiny. – 2015. – No. 21. – Art. 140.

⁹⁷ On Ensuring Rights and Freedoms of Internally Displaced Persons: the Law of Ukraine dated October 20, 2014 No. 1706-VII // Vidomosti Verkhovnoi Rady Ukrayiny. – 2015. – No. 1. – Art. 1.

⁹⁸ Fundamentals of Legislation of Ukraine On Health Care: the Law of Ukraine dated November 19, 1992 No. 2808-XII // Vidomosti Verkhovnoi Rady Ukrayiny. – 1993. – No. 4. – Art. 19.

⁹⁹ On Education: Law of Ukraine dated May 23, 1991 No. 1060-XII // Vidomosti Verkhovnoi Rady Ukrayiny. – 1991. – No. 34. – Art. 451.

¹⁰⁰ On Higher Education: Law of Ukraine dated July 01, 2014 No. 1556-VII // Vidomosti Verkhovnoi Rady Ukrayiny. – 2014. – No. 37-38. – Art. 2004.

¹⁰¹ Five categories of citizens, including combat veterans and children of combatants, who died in ATO, will receive state targeted support to get occupational training and higher education [Electronic resource]. – Access mode: http://www.kmu.gov.ua/control/ru/publish/article?art_id=249518364&cat_id=244313416.

¹⁰² On Temporary Measures for the Period of Conducting Anti-Terrorist Operation: Law of Ukraine dated September 02, 2014 No. 1669-VII // Vidomosti Verkhovnoi Rady Ukrayiny. – 2014. – No. 44. – Art. 2040.

At the by-law regulatory level, the right of IDPs to protection from poverty and social exclusion is regulated with a number of executive orders. Firstly, this is the Resolution of the Cabinet of Ministers of Ukraine «On Approving the Strategy of Overcoming Poverty». This strategy foresees the study of the possibility of establishing the institute of social entrepreneurship for employment of vulnerable categories of citizens, including IDPs. In addition, the document contains a number of conceptual directions of overcoming poverty, including enhancing the competitiveness of IDPs in the labor market, psychological support for IDPs, introduction of new approaches to forming state social standards, ensuring the availability of social sphere services, introduction of social investments into economy, etc¹⁰³. The strategy is aimed at complex socio-economic support of IDPs, which would ensure overcoming poverty and social exclusion of the abovementioned category of people. Actually, this is the first conceptual act, in which the state both acknowledges the problem of poverty and social exclusion and suggests an action plan to overcome this social phenomenon.

Another relevant by-law regulatory act is the Resolution of the Cabinet of Ministers of Ukraine «On approving the complex state programme of support, social adaptation, and re-integration of citizens of Ukraine, who moved from the temporarily occupied territory of Ukraine and districts of conducting the anti-terrorist operation to other regions of Ukraine, up till 2017». The action plan for implementation of the abovementioned program, *inter alia*, envisages a number of actions, aimed at protecting IDPs from poverty and social exclusion.

These may include as follows: providing internally displaced persons with temporary housing, financial support and food for families of internally displaced persons, simplification of the procedure of issuing documents to displaced persons instead of the ones they have lost, providing IDPs with medical aid, allocating land plots, psychological rehabilitation of IDPs, conducting cultural and art events, inviting international financial donors for their participation in programs of supporting IDPs, etc¹⁰⁴. The benefit of this program is setting clear criteria, which can be used to estimate its efficacy, in particular, the number of IDPs who have received the service, the number of held events, the volume of expenses from state and local budgets, the volume of involved donor finances, the average area of housing received per one person, the percentage of the total number of IDPs who have received social services, etc.

Some acts are adopted at the local level to protect IDPs from poverty and social exclusion. They are of local relevance, but they are very important, as the host community should define the priorities of its policy regarding the support of IDPs. The example of such acts may be found in the Decision of Vinnytsia City Council dated January 29, 2016 No. 99 «On approving the Procedure of spending the finances, allocated in the municipal budget to provide financial support of municipal non-governmental organizations to internally displaced persons who have moved from temporarily occupied territory of Ukraine and districts of conducting the anti-terrorist operation»¹⁰⁵.

Status of IDPs' implementing their right to protection from poverty and social exclusion. The efficacy of the state policy in a specific sphere is estimated not by a number of adopted normative and regulatory acts but the efficiency of mechanisms, defined therein. This efficiency may be estimated only while study-

¹⁰³ On Approving the Strategy of Overcoming Poverty: The Resolution of the Cabinet of Ministers of Ukraine dated March 16, 2016. No. 161-r // *Uriadovyi kurier*. – 2016. – No. 21.

¹⁰⁴ On approving the complex state programme of support, social adaptation, and re-integration of citizens of Ukraine, who moved from the temporarily occupied territory of Ukraine and districts of conducting the anti-terrorist operation to other regions of Ukraine, up till 2017: The Resolution of the Cabinet of Ministers of Ukraine dated December 16, 2015. No. 1064 // *Uriadovyi kurier*. – 2015. – No. 17.

¹⁰⁵ On approving the Procedure of spending the finances, allocated in the municipal budget to provide financial support of municipal non-governmental organizations to internally displaced persons who have moved from temporarily occupied territory of Ukraine and districts of conducting the anti-terrorist operation: The Decision of Vinnytsia City Council dated January 29, 2016. No. 99 [Electronic resource]. – Access mode: <http://www.vmr.gov.ua>.

ing the practice of law enforcement and the reasons, influencing its formation. To facilitate the analysis, let us divide and analyze in fine detail the situation regarding specific aspects which collectively characterize the content of the right to protection from poverty and social exclusion, while paying attention to law-making and law enforcement.

a) employment

We used the data of local employment services to trace the state support in getting internally displaced persons employed.

According to the data of the employment service, in *Vynnytsia region* 592 internally displaced persons have been employed (3.17% from the number of IDPs who came to the coordination office. Social unemployment benefit is received by 2417 IDPs (12.95% from the number of IDPs who came to the coordination office and 16.61% from the number of persons who received a relevant certificate of IDP).

324 internally displaced persons were employed in *Volyn region* (6.32% from the number of internally displaced persons, located in the region. Social unemployment benefit is received by 494 IDPs (9.64% from the number of IDPs located in the region and 10.36% from the number of persons who received the status of IDP).

The data of coordination office in *Dnipropetrovsk region* demonstrate that there are 2271 employed IDPs (2.83% from the number of IDPs located in the region). Social unemployment benefit is received by 3482 IDPs (4.32% from the number of IDPs located in the region and 4.51% from the number of persons who received the status of IDP).

3412 internally displaced persons are employed in *Donetsk region* (2.84% from the number of IDPs, located in the region). Social unemployment benefit is received by 9149 IDPs (7.62% from the number of IDPs located in the region and 1.62% from the number of persons who were registered at DLSPP).

466 internally displaced persons are employed in *Zhytomyr region* (6.39% from the number of IDPs located in the region). Social unemployment benefit is received by 744 persons (10.2%).

211 internally displaced persons succeeded in getting employed in *Zakarpattia region* (5.01% from the number of IDPs located in the region). Social unemployment benefit is received by 334 IDPs (7.94% from the number of IDPs located in the region and 6.60% from the number of persons who received the status of IDP).

1118 internally displaced persons are employed in *Zaporizhzhia region* (1.61% from the number of IDPs located in the region). Social unemployment benefit is received by 2804 IDPs (4.03% from the number of IDPs located in the region and 3.01% from the number of persons who received the status of IDP).

Ivano-Frankivsk region. 349 internally displaced persons are employed (7.23% from the number of IDPs located in the region). Social unemployment benefit is received by 658 IDPs (13.62% from the number of IDPs located in the region and 15.14% from the number of persons who received the status of IDP).

Kyiv region. 978 internally displaced persons are employed in the region (1.71% from the number of IDPs located in the region). Social unemployment benefit is received by 1927 persons (3.38%).

425 internally displaced persons have found a job in *Kirovograd region* (2.83% from the number of IDPs who came to the coordination office). Social unemployment benefit is received by 885 persons (5.94%).

1395 internally displaced persons are employed in *Lugansk region* (0.48% from the number of IDPs located in the region). Social unemployment benefit is received by 2312 IDPs (0.79% from the number of IDPs located in the region and 0.81% from the number of persons who received the status of IDP). 63 persons were supported in organizing their own business.

767 internally displaced persons are employed in *Lviv region* (6.39% from the number of IDPs located in the region). Social unemployment benefit is received by 1050 IDPs (8.75% from the number of IDPs located in the region and 8.59% from the number of persons who were registered at DLSPP).

According to the local employment services, 541 persons are employed in *Mykolayiv region* (6.3% from the number of IDPs located in the region). Social unemployment benefit is received by 772 persons (8.98%).

The data of employment centers of *Odesa region* demonstrate the employment of 796 persons (1.87% of the IDPs located in the region). Social unemployment benefit is received by 1320 IDPs (3.09%).

1160 internally displaced persons are employed in *Poltava region* (4.46% of IDPs registered at DLSP). Social unemployment benefit is received by 1955 persons (7.52%).

405 IDPs are employed in *Rivne region* (6.95% from the number of IDPs located in the region). Social unemployment benefit is received by 521 persons (9.94%).

104 persons are employed in *Sumy region* (0.64% of IDPs registered at DLSP), including 3 who started their own business. Social unemployment benefit is received by 1162 persons (7.14%).

251 persons are employed in *Ternopil region* (9.95% from IDPs located in the region). Social unemployment benefit is received by 354 IDPs (14.04% from the number of IDPs located in the region and 12.40% from the number of persons registered at DLSP).

2398 internally displaced persons are employed in *Kharkiv region* (1.23% from the number of IDPs located in the region). Social unemployment benefit is received by 4014 IDPs (2.05% from the number of IDPs located in the region and 2.07% from the number of persons registered at DLSP).

429 internally displaced persons are employed in *Kherson region* (2.58% from the number of IDPs located in the region). Social unemployment benefit is received by 750 persons (4.52%).

432 internally displaced persons are employed in *Khmelnytsky region* (6.24% from the number of IDPs located in the region). Social unemployment benefit is received by 95 persons.

676 internally displaced persons are employed in *Cherkasy region* (4.71% from the number of IDPs located in the region). Social unemployment benefit is received by 1125 IDPs (7.84%).

161 internally displaced persons are employed in *Chernivtsi region* (5.69% from the number of IDPs located in the region). Social unemployment benefit is received by 351 IDPs (12.41% from the number of IDPs located in the region and 10.23% from the number of persons registered at DLSP).

435 IDPs found a job in *Chernihiv region* (4.53% from the number of IDPs registered at DLSP). Social unemployment benefit is received by 791 persons (8.24%).

In *the city of Kyiv*, 1762 internally displaced persons are employed (1.13% of IDPs, residing in the city). Social unemployment benefit is received by 407 persons (0.26%).

The Ministry of Social Policy of Ukraine together with the Government take required actions with the purpose of IDPs' exercising their right to protection from poverty, in particular:

- reimbursement of actual transportation expenses of a registered unemployed person who is an internally displaced person to move to another administrative and territorial unit of the place of employment;

- reimbursement of actual expenses of a registered unemployed person who is an internally displaced person to pass preliminary medical examination and drug test in accordance to the legislation if required for employment;

- reimbursement of employer's expenses on remuneration for employment on terms of fixed-term employment contracts with registered unemployed persons who are internally displaced persons;

- reimbursement of employer's expenses for re-training and upgrading qualifications of registered unemployed persons who are internally displaced persons¹⁰⁶.

¹⁰⁶ On approving the Procedure of taking actions to promote employment, reimbursement of finances, spent to provide for such actions, in case of violating the guarantees of employment for internally displaced persons: The Resolution of the Cabinet of Ministers of Ukraine dated September 8, 2015. No. 696 // *Uriadovyi kurier*. – 2015. – No. 14.

Regardless of taking these actions, the situation with employment of IDPs is still quite ambiguous. A considerable percentage of IDPs (44%) are unsatisfied with the state support in the employment sphere as they constantly meet discrimination at a new working place. There are many cases when IDPs are refused employment when informed that this person has moved from Donbas, especially from the uncontrolled territories. Due to this fact, some people lose hope to find a job with proper income. It deepens the problem of poverty and social exclusion of IDPs.

The main reasons of refusals in employing IDPs: absence of vacant working places, unwillingness to employ a person from the occupied territory, belonging of IDPs to uncompetitive occupations (a miner, a steel worker, etc.), no possibility to get re-training and upgraded training, loss of documents about labor activity, impossibility to go to the temporarily occupied territories to get certificates, required for employment¹⁰⁷. Therefore, the IDPs' exercising their right to employment is aggravated with a complex of objective (unavailability of vacancies) and subjective (discrimination by the feature of the origin), the combination of which influenced the unemployment level among the persons of this category.

During our survey, no respondent deemed his/her own employment possibilities and those of adults in his/her family to be very high. Only every tenth person indicated that he/she has high possibilities. The majority deemed their chance in getting a job to be average (37%) and low (33%) and explained it with the following reasons: the level of suggested salary is unsatisfactory (19%); unavailability of working places in my occupation (15%); a few working places in a residential place we have moved into; pension and pre-pension age; presence of a dependent disabled child (5 each – 13%).

It should be noted that internally displaced persons demonstrated rather high activity in searching for a job: 48% of respondents came to the state employment service for help; 33% – came to their acquaintances; 7% – to relatives; almost 60% were looking for a job independently; about 4% more – looked for a job in the Internet. Almost nobody expected finding support using one source only, so they used two or more ways to find a job. Only 7% estimated the efficiency of their search to be very high, and found a job very quickly. About 40% indicated that they found a job, but they spent a lot of time for that, or they found a job, but not according to their occupation. About the same number of respondents (37%) estimated their appeals for help in looking for a job as inefficient – they still have not found a job.

b) occupational training and education

The issue of IDPs' employment is closely related to their occupational training and getting education. Only 11% of our respondents-IDPs indicated that they have high possibilities to obtain occupational training. A little over 35% of respondents deemed their own possibilities to be average; 15 more – to be low and very low due to their age (50 years old and above) or the presence of disability of group III. Here 22% IDPs reported that due to their good level of occupational training, they did not come for help in getting occupational trainings after they had moved at all. Others stated that they came to the state employment service (about 20%) or to their acquaintances and relatives, received occupational training at their own expenses or studied independently.

Generally, the access to education is ensured. There have been no reports of infringing the rights of children-internally displaced persons to education from public reception offices of UHHRU or during surveys among IDPs. Thus, the issue of registering children-IDPs with kindergartens and schools was mostly solved positively and very fast. In particular, internally displaced persons told us that the administrations of schools and preschool institutions met them halfway and registered children with already set classes and groups, relieved them from paying for kindergarten services, provided school children with school uniform and school things free of charge. Great help was provided by charitable organizations.

¹⁰⁷ The report on ensuring the rights of internally displaced persons in Ukraine [Electronic resource]. – Access mode: <http://ua.odfoundation.eu/d/6740,zvit-zabezpechennya-prav-vnutrishno-peremishchenih-osib-v-ukrayini>.

When requested to estimate their own possibilities or possibilities of their family members to receive higher education, 26% of respondents characterized those as high, and indicated that there are enough educational institutions in the region of their residence. About 18% more do not have such a need at all. About 20% deemed such possibilities to be average due to the fact that «it will take a long time to sort it out with the documents» and 7% – to be low due to the absence of sufficient finances to receive the second higher education diploma for the occupation, which would help them find a job in a new place of residence.

Nevertheless, the sphere of IDPs' receiving higher education remains problematic, as there are considerable inconsistencies at the legislative level. On the one hand, the state guarantees the possibility for such people to study at any state and municipal educational institutions, located in the territory, controlled by Ukraine. On the other hand, there is discrimination of IDPs at the legislative level. In particular, according to provisions of the Law of Ukraine «On Amending Article 7 of the Law of Ukraine «On Ensuring Rights and Freedoms of Citizens and Legal Status on Temporarily Occupied Territory of Ukraine» in terms of Ensuring the Right to Getting Education», the citizens of Ukraine, residing in temporarily occupied territory, have a right to get or continue getting a certain educational level in the territory of other regions of Ukraine using the finances of the state budget with the provision of places in hostels for the period of study¹⁰⁸.

However, not all the categories of people, residing in the occupied territories, have a possibility of exercising this right. For instance, Article 3 of the Law of Ukraine «On Ensuring Rights and Freedoms of Citizens and Legal Status on Temporarily Occupied Territory of Ukraine» defines temporarily occupied territory as the Crimean peninsula only¹⁰⁹. At the same time, according to the Resolution of the Verkhovna Rada of Ukraine «On Declaring Some Districts, Cities, Towns, and Villages of Donetsk and Lugansk Regions to Be Temporarily Occupied Territories», some districts, cities, towns, and villages of Donetsk and Lugansk regions have been declared to be temporarily occupied territories¹¹⁰.

This creates the conflict of laws. Although a part of territory of Donetsk and Lugansk regions is related to the category of «temporarily occupied territory» in the Resolution of Verkhovna Rada of Ukraine, it is defined in the same way in the specialized law. Therefore, the residents of this territory do not have a right to move to Ukraine and study at the controlled territory. This is a considerable limitation of constitutional rights of citizens and a great drawback of current legislation.

According to «Rules of admission to higher educational institutions in 2017», school graduates from temporarily occupied territories of Donbas and the Crimea also have a right and possibility to get education in Ukrainian higher educational institutions¹¹¹. Those, who had a chance to pass external independent testing and received the secondary school diploma of Ukrainian standard, may enter any higher educational institution of Ukraine on general terms, i.e. according to their rating.

In addition, in 2017 the Ministry of Education preserves the quota for those with privileges and internally displaced persons (as substitution of the right to out-of-competition admission in 2016). The quota for IDPs who left the occupied Crimea after January 1, 2017, did not pass external independent testing and do not have Ukrainian documents on education, is 20% from the state demand, but only in the authorized

¹⁰⁸ On Amending Article 7 of the Law of Ukraine “On Ensuring Rights and Freedoms of Citizens and Legal Status on Temporarily Occupied Territory of Ukraine” in terms of Ensuring the Right to Getting Education: Law of Ukraine dated March 17, 2016 No. 1038-VIII // Vidomosti Verkhovnoi Rady Ukrayiny. – 2016. – No. 16. – Art. 167.

¹⁰⁹ On Ensuring Rights and Freedoms of Citizens and Legal Status on Temporarily Occupied Territory: Law of Ukraine dated April 15, 2014 No. 1207-VII // Vidomosti Verkhovnoi Rady Ukrayiny. – 2014. – No. 26. – Art. 892.

¹¹⁰ On Declaring Some Districts, Cities, Towns, and Villages of Donetsk and Lugansk Regions to Be Temporarily Occupied Territories: The Resolution of Verkhovna Rada of Ukraine dated March 17, 2015 No. 254-VIII // Vidomosti Verkhovnoi Rady Ukrayiny. – 2015. – No. 17. – Art. 128.

¹¹¹ On Approving the Conditions of Admission to Study in Higher Educational Institutions of Ukraine [Electronic resource]. – Access mode: <http://zakon2.rada.gov.ua/laws/show/z1515-16>.

higher educational institutions (12 educational centers «Crimea-Ukraine» function on their basis from June 19 till September 30). These applicants are to pass 2 exams of the state final certification (Ukrainian Language and the History of Ukraine) and one entrance examination (to be defined by the higher educational institution) and to receive a temporary certificate at the secondary education institution (registered with the educational center) which is to be replaced with a document on education of a fixed state form in the course of 3 months. In addition, the applicants of this category are consulted regarding the execution of Ukrainian passports in these educational centers. To add to this, as per the Minister of Education and Science, L. Hrynevych, the applicants from the Crimea may enter not only the abovementioned higher educational institutions but those in 4 regions of Ukraine. «This year, the Parliament has adopted a law, stating that these applicants may enter all the higher educational institutions in the territory of 4 regions: Mykolayiv, Zaporizhzhia, Kherson, and Odesa. This will be an additional opportunity for our applicants from the occupied Crimea», Hrynevych said¹¹².

The centers «Donbas-Ukraine» will work on the basis of those higher educational institutions which moved, as well as those higher educational institutions of Lugansk and Donetsk regions where the military-and-civil administrations execute their authorities. The mentioned higher educational institutions have been located in the following cities: Kyiv, Bakhmut, Vinnytsia, Dnipro, Kramatorsk, Kreminna, Kryvyi Rih, Kostiantynivka, Pokrovsk, Lyman, Lysychansk, Mariupol, Rubizhne, Severodonetsk, Starobilsk, Sumy, Sloviansk, Kharkiv, Toretsk¹¹³.

c) access to culture

Successful adaptation of IDPs at a new place of residence and prevention of social exclusion requires establishing social connections of internally displaced persons (new acquaintances, communication, friends), meeting informational needs, leisure time, expanding world outlook in terms of history and traditions of new place of residence. About a fourth of our respondents-IDPs stated that they and their family members have very high and high possibilities to have access to culture and explained that there is required infrastructure at a new place of their residence, the departments of social protection have given them tickets to different theaters several times, either tickets to concerts are distributed among IDPs or they have a possibility to buy tickets. 21% of respondents deemed their possibilities to be average, and 15% – to be low and very low due to hard work, lack of time and unwillingness to visit any cultural events.

Therefore, these 15% of people did not do anything on their own to get any access to culture. Other respondents indicated that they and their family members had registered with libraries (30%), sport clubs or groups (5%), visited cultural events on their own (11%). The highest attention is paid by IDPs to cultural development of children: children are registered with and visit libraries, creativity centers for children and young people, different groups of amateur performance, sport groups, etc.

It is absolutely obvious that at present the right of IDPs to protection from poverty and social exclusion is exercised not to the complete extent, which is conditioned by the inadequacy of current legislation and by-law regulatory acts, absence of state material and financial possibilities to solve the problems of IDPs, negative attitude to this category from the population of the host community, unprofessional and corrupted manner of some officials, improper informational provision of IDPs. However, is this situation fine with the state? The answer to this question may be found in the analysis of the response of the state to infringement of IDPs' right to protection from poverty and social exclusion, which is reflected in the corresponding statistical data of law enforcement bodies and court practice.

¹¹² Admission process – 2017: What should you know [Electronic resource]. – Access mode: <https://www.ukrinform.ua/rubric-society/2255638-vstupna-kampania2017-so-treba-znati.html>.

¹¹³ Ibidem.

Law enforcement practice in terms of infringement of the right of IDPs to protection from poverty and social exclusion. It is normal for a civilized law-governed state to react to infringement of the rights of a person and a citizen in terms of law enforcement bodies and judicial power. This practice is present in Ukraine as well. Systemic infringement of rights taught IDPs to talk to the state in the language of complaints and claims. Domestic judicial practice demonstrates enough precedents when an IDP was a claimant. Let us consider Case No. 619/2045/16-a, heard on June 23, 2016 by Derhachiv District Court of Kharkiv region as an example. According to the materials of the case, the claimant – an IDP – demanded to rule the actions of the Department of labor and social protection of Derhachiv district state administration regarding the termination of payments of targeted aid to cover living expenses to be illegal. In the judgment, the court ruled in favor of the claimant and required that the defendant renew payments¹¹⁴. The analysis of the judicial practice allows the statement that the number of such claims increases constantly, and the courts rule in favor of IDPs almost all the time. Therefore, one may not talk about inefficiency of judicial power in the context of specifics of the problem under investigation.

As for the activity of the Prosecutor's Office, it should be noted that at present this office mainly uses two main forms of protecting the rights of IDPs in Ukraine: investigating claims about infringement of rights of IDPs and representation of their interests in court. The latter form is getting higher relevance as the participation of a public prosecutor is a legal guarantee of sanctity of rights¹¹⁵. The activity of the Ministry of Internal Affairs and the Security Service of Ukraine is very important in this sphere as they are responsible for investigation of crimes, related to illegal activity or failure to act of the bodies, authorized by the state to implement the policy regarding IDPs. Unfortunately, such cases are rather frequent. For instance, this year the Security Service of Ukraine has revealed the corrupted scheme of officials, who made profit on social and pension payments to pseudo-internally displaced persons. The money, which should have been received by people, who are actually forced to ask the state for money to move, were received by officials of the bodies of social protection, the Pension Fund of Ukraine and the Migration Service¹¹⁶.

2.3. Right to safe and healthy working conditions

The information regarding this issue was received by us via the survey among internally displaced persons. There is one or several working persons in 60% of all the families of respondents. The main spheres of their activity were named as follows: building and designing, education, health care, legal services, banking sphere, sphere of services, trade, production of food products, industrial production, entrepreneurial activity. The education level of working family members may be deemed to be high: 28% of working family members of respondents have secondary or vocational education, 4% – incomplete (basic) higher education; 68% – complete higher education.

Not all the respondents could answer our questions regarding the status of labor protection by their employer: some – because they did not have this information, some – due to the fact that they are self-employed persons or private entrepreneurs which makes them personally responsible for safety of their own labor. Therefore, the total sum of answers to some questions will be under 100%.

For instance, the question regarding the level of sanitary and routine working conditions, safety of means of production and personal protection devices, which should be provided by the employer free of charge, was not answered about approximately 36% of working members of respondents' families.

¹¹⁴ The judgment of Derhachiv district court of Kharkiv region dated June 16, 2016 [Electronic resource]. – Access mode: <http://www.reyestr.court.gov.ua/Review/58608680>.

¹¹⁵ Tsvihun D. P. Problems of protecting rights and freedoms of internally displaced persons by the prosecutor's office in civil courts / D. P. Tsvihun // *Naukovy visnyk, Uzhgorod National University*. – 2016. – No. 27. – P. 60-63.

¹¹⁶ Security Service of Ukraine stops frauds with pseudo-IDPs [Electronic resource]. – Access mode: <http://krnews.ua/content/view/51202/29/>.

Therefore, the ones, who answered these questions, stated that the level of sanitary working conditions was high and satisfactory (28% each respectively), and unsatisfactory – in 7% of cases. There were similar indices for answers to questions about safety of means of production: high level – 32% of responses, satisfactory level – 27%, unsatisfactory level – 5% of responses. As for provision with personal protection devices, the respondents noted that 18% of their working family members receive them, 9% – they do not receive them, 32% – do not need such devices. No family member of respondents' families works in complex and hazardous conditions, therefore, none of them receive corresponding benefits and compensations.

41% of working family members had their training in the issues of labor safety and 18% did not have it. Our respondents do not know whether such trainings have been conducted with 14% of their working relatives. In 42% of cases, medical examinations are required for workers, in 32% – they are not mandatory. As for employer's taking actions to prevent accidents and traumas, which may occur due to industrial production, may be related thereto, or may occur in the process of conducting it, the general picture is rather positive: no respondent indicated that there have been any accidents or traumas of workers at the place of work of their family members. Here most of them (60%) indicated that such actions are taken to the complete or sufficient extent. Only a little over 10% indicated that such actions are not taken. Thus, there is still a risk of workers' traumas.

2.4. Right to sufficient standard of living

2.4.1. Right to housing and assistance in settling the housing problem

The problem of housing is the most urgent problem for IDPs. The state and local authorities were not ready to such a number of people who would leave the occupied territory and move to the controlled territory of Ukraine. Most people faced a problem of searching for housing and solved it in different ways. The state suggested two main variants: housing in the state (municipal) sector and in the private sector (mainly rural areas). The authorities of the relevant communities were instructed to find, repair and re-furnish premises to house IDPs both using local budgets and inviting the finances of European financial donors.

To improve the situation with solving the housing problem, the Cabinet of Ministers of Ukraine adopted the Resolution «On providing monthly targeted aid to internally displaced persons to cover their living expenses, including the utilities». This document states that financial benefit is provided to internally displaced persons, registered with structural units in the issues of social protection of population at district state administrations, state administrations of Kyiv districts, executive bodies in the issues of social protection of population of city and district (if established) councils, since the day of appealing for this benefit, and is paid until the month of de-registration inclusively, but not longer than for six months¹¹⁷. Taking into consideration the fact that this financial benefit is limited by a certain period, and IDPs do not manage to find a job during this time, there is not much use of this benefit.

Very often the housing problem is subjective, i.e. IDPs are not willing to change their place of registration, as they have a hope to return home and they do not want to lose their status of an IDP either. This may be a hindrance while buying the property. There are also some cases of discrimination by the feature of origin when leasing an accommodation, especially in big cities. Still, there is an increasing percentage of IDPs who moved to rural areas, bought a house, and managed to start their own business already.

Providing with temporary residence places. The data about the number of displaced persons, who took advantage of benefits of temporary residence, were provided by the Centers of social services for family, children and youth and the Regional offices via SES. The table below presents the number of IDPs, who were provided assistance by one department or the other.

¹¹⁷ On providing monthly targeted aid to internally displaced persons to cover their living expenses, including the utilities: The Resolution of the Cabinet of Ministers of Ukraine dated October 1, 2014. No. 505 // *Uriadovyi kurier*. – 2014. – No. 28.

Table 2.

The number of IDPs who were assisted with temporary residence

Region	Coordination office	CSSIFCY
Vinnytsia	Everyone was located around the region	No information provided
Volyn	367 persons	13 families, 3 persons
Dnipropetrovsk	All IDPs live in sufficient premises	No information provided
Donetsk	No information available	1680 families
Zhytomyr	487 persons	37 (not specified, whether these are families or persons)
Zakarpattia	1193 persons	8 (not specified, whether these are families or persons)
Zaporizhzhia	852 persons	37 (not specified, whether these are families or persons)
Ivano-Frankivsk	Compensation to cover the expenses.	No information provided
Kyiv	No information provided	79 families
Kirovograd	587 (10814 – independently)	No information provided
Lugansk	No information provided	119 families
Lviv	No information provided	No information provided
Mykolayiv	No information provided	386 families
Odessa	No information provided	No information provided
Poltava	No information provided	No information provided
Rivne	1186 persons	29 persons
Sumy	No information provided	89 families
Ternopil	No information provided	157 persons
Kharkiv	40374 (17469 in other regions)	713 persons
Kherson	No information provided	29 persons
Khmelnysky	105 persons	31 families in 2014, 7 families in 2016.
Cherkasy	No information provided	632 families
Chernivtsi	1429 persons	122 families
Chernihiv	No information provided	59 families
the city of Kyiv	No information provided	688 – 2015, 638 – 2016. It is not specified whether these are families or persons.

The information provided by SES doesn't allow making a conclusion, who was provided with assistance in ensuring temporary residence. In particular, if this help was provided to families, were families with children included? In addition, there are insufficient data to define the share of internally displaced persons, who were assisted, from the total number of IDPs who came to coordination offices. The issues with some data from SES and CSSfFCY are still to be clarified. If the centers of social services provided their help with temporary residence, was this information submitted to coordination offices? Do the data, submitted by coordination offices, include the help, provided by social centers?

The submitted information allows determining the situation with temporary residence in several regions.

In Volyn region, it was more common to suggest living in private houses in rural areas, which were provided free of charge. People could not rely on any help with housing in the regional center, which reduced the possibilities for employment of displaced persons. Two institutions were offered (a geriatric home, place of permanent staying for elderly people). In these institutions, IDPs were suggested to live on condition of paying for their services, which may cast doubts on equal access to social protection for IDPs, compared to persons, who lived (stayed) in these institutions. A lonely elderly person has a right to use the services of permanent institutions without any additional restrictions and deductions, except for the ones, envisaged by the regulations of the institution. It was found out from other sources, that one permanent institution of social protection of the town of Kovel housed a lonely elderly person, who paid 75% of the pension¹¹⁸, which is in agreement with the Typical provisions on activity of the abovementioned institutions. According to the data of SES, the help with providing temporary residence was received by 367 persons, which is 7.16% from the number of IDPs, who came to coordination offices, and 7.69% from the number of IDPs, registered by the bodies of social protection of the population.

The regional center of Zhytomyr region was not very hospitable to internally displaced persons either. The housing was mainly offered in rural areas (the exception being towns of Korosten and Novograd-Volynsky). They were ready to accept displaced persons in the buildings of educational institutions, medical establishments, even in one village council. The help in ensuring housing was provided to 487 persons, which is 6.68% from the number of IDPs, who came to coordination offices for different kinds of assistance.

Zakarpattia region suggested that internally displaced persons may live in the hotels of cities of Uzhgorod and Khust at a lower price. The assistance was provided to 1193 persons (28.34% from the number of IDPs located in the region, and 33.92% from IDPs, registered by the bodies of social protection).

In Zaporizhzhia region, IDPs were suggested places for living in a transit modular settlement and in several hostels in the regional center. It is known from other sources that there is no payment for living in these objects, they are only to pay the cost of utilities with pay-as-you-go calculations. For instance, the cost of utilities in July of this year was UAH 85 per person, and in August – UAH 111¹¹⁹. In addition, places in the institutions of health care system, education system and social protection were offered, mainly in rural areas. The assistance was provided to 852 persons (1.22% from the number of IDPs located in the region, and 0.93% from IDPs, registered by the bodies of social protection).

As for Ivano-Frankivsk region, according to the information of authorized bodies, all the IDPs were provided with relevant compensation for living expenses. At the same time, the region has a possibility of locating 296 persons in orphanages, institutions of health care and social protection. This may testify

¹¹⁸ According to the materials of «Law enforcement index of the region» project.

¹¹⁹ According to the materials of «Law enforcement index of the region» project.

either to the fact that internally displaced persons looked for their housing independently and did not need any temporary residence, or to the assumption that these housing places are only a formal possibility and are actually not offered to IDPs.

In Kirovograd region, the premises for living were offered in municipal educational institutions, establishments of health care and social protection. There is an open issue regarding the status of people who lived in medical institutions. Was there any increased financing, offered to maintain these institutions? How was the number of beds and sick people recorded with the consideration of people, who could live therein, not being sick? At the same time, housing in orphanages, for instance, those of psychoneurological direction, could have included a share of people, who were evacuated from the corresponding institutions of Donetsk and Lugansk regions. Were these institutions overcrowded? There would have been an obvious need of additional financing for such institutions along with the expansion of staff. The assistance in housing matters was provided to 587 persons, which was 3.94% of IDPs who came for help to the Coordination office.

The situation in Mykolaiv region was similar to that of the Kirovograd region, where the premises, offered for living, included the premises of two psychoneurological orphanages and geriatric homes.

In Ternopil region, the premises for living were mainly offered in municipal educational institutions, establishments of health care and social protection. These included institutions of hospital and sanatorium type, occupational training establishments, and orphanages. They were suggested for families with children, disabled persons, and elderly people. Some institutions were envisaged only for children, which could be a threat of disuniting a family, if families with children were to come. The center of social services for family, children and youth reports having provided help to 157 persons. At the same time, the reliability of this information is doubtful, as families could be located in these premises.

Some number of places for temporary residence of IDPs in Kharkiv region were located in social protection institutions. For instance, the territorial center of social servicing had furnished places for living (in the dining room), as this center does not have any living quarters. At the same time, IDPs live in this center free of charge. The financing of one psychoneurological orphanage was increased for IDPs to live at its premises. At the same time, the project, financed by EU/UNDP, allocated finances for the repair of the institution and creating conditions of IDPs to live there¹²⁰.

Eight objects were suggested for temporary residence in Kherson region. Private houses and premises of secondary schools and medical institutions were offered in rural areas. According to the information centers of social protection, the region provided help in housing 29 persons.

Chernivtsi City Council, Chernivtsi Regional Council, and the Department of social protection of population of the regional administration are the recipients of the project «Improving living conditions and social adaptation of internally displaced persons in Chernivtsi region». The actions include repairing 2 residential houses in the villages of Mykhaylivka, Gluboka district, and Kostryzhivka, Zastavna district, for 22 families of IDPs with children. The city council of the regional center created the so called «maneuvre» fund for displaced persons, which was used to supply 10 families of internally displaced persons with housing¹²¹.

The analysis of the situation in separate regions allows stating a number of tendencies.

1. Mainly the educational, medical and social protection institutions were used for temporary accommodation. Moreover, in some regions these institutions could accept only persons, who were eligible according to the admission criteria for these institutions, stated in their respective provisions. For instance,

¹²⁰ According to the materials of «Law enforcement index of the region» project.

¹²¹ Ibidem.

the premises of hospitals, offered as places for temporary accommodation, could house people, who need hospitalization (Rivne region). Permanent institutions could accept elderly people and disabled persons (Mykolayiv, Ternopil regions). At the same time, some institutions of social protection provided social services only at additional payment (Volyn region). Children's sanatoria or medical institutions could accept only children (Ternopil region) which could result in separating families.

2. A small number of regions offered housing for IDPs in the regional center, while private houses, where a family could be directed, were located in rural areas. This complicated the possibility of speedy employment of such persons, especially in cases, when such a person was a breadwinner for a family with children. The latter could result in challenges regarding satisfying basic needs.

3. The total percentage of persons, who came for help with temporary residence in the regions, was really low. On average, it was 7.5% from the total number of IDPs, located in the region. A positive exception is Zakarpattia region, where about 30% of IDPs were assisted. This may be explained by the offer of hotel complexes of municipal ownership at a reduced price for the purpose of temporary residence.

A noteworthy positive tendency towards solving the housing problem of IDPs is the fact that on March 16, 2017, there were amendments to legislation adopted which envisaged state support of building (purchasing) available housing and/or privileged mortgage housing loan, provided to IDPs in the amount of 50 per cent of the cost of building (purchasing) available housing and/or privileged mortgage housing loan. However, the same law increased the interest of financing for mortgage loans, taken to build (purchase) available housing from 3% to 7% in case of providing loans from the state budget in the framework of a target program of building (purchasing) available housing¹²².

Stanislav Ivasyk, the lawyer and analyst of NGO «Legal Hundred», noted in his interview to Express newspaper that the applicants should be registered with apartment register of citizens, who need improvement of their living conditions. They should submit a number of documents (certificate of being included to the apartment register, a copy of passport, certificate, a certificate about the family composition, etc.). There also has to be a certificate on the right to participate in the program of available housing, which should also be obtained at the executive bodies. By the way, the role of this certificate is still not clear, as the legislation explains that those who are registered with the apartment register are entitled to participation in the program. There should also be an income statement. Only persons, whose average monthly income together with their family members as per one person does not exceed the five-fold amount of the average monthly salary in the corresponding regions, calculated according to the data of the State Statistics Center, may become participants of the program. This amount varies for different regions. For instance, for Kyiv it is: UAH 11 094 x 5 = UAH 55 470 per person. All these documents are to be submitted to the regional department of the State fund of supporting housing building for young people. A person is registered at this fund. There are some specificities regarding the choice of housing in terms of its area and cost. The matter is that the program is financed in terms of specific area and specific cost. In particular, it is envisaged that the state will pay half the cost of housing taking into consideration 21 square meter per person plus 10.5 square meter per family. As for the cost, it should not exceed the threshold cost of one square meter of the general area, set by the resolution of the Cabinet of Ministers. For instance, this amount is UAH 7990 for Kyiv. Certainly, one can look for larger and more expensive housing, but the state financing will be provided only within the limits of these areas and amounts. There is also a list of building companies and banks, which executed their agreements with this fund, so one may choose housing only from them and get loans to buy property only in

¹²² On preventing the impact of the global financial crisis on the development of the building industry and house building [Electronic resource]: the Law of Ukraine dated December 25, 2008, No. 800-VI. – Access mode: <http://zakon2.rada.gov.ua/laws/show/800-17>.

those. For this law not to be populist, but help people indeed, the state should envisage some finances for its implementation as well¹²³.

The start of the project of international technical assistance «Housing for IDPs in Ukraine» is scheduled for 2018 with the support of the Government of Germany via the banking group Kreditanstalt für Wiederaufbau (KfW). As per the Ministry dealing with the issues of temporarily occupied territories and internally displaced persons, KfW will provide grants for the program in the amount of EUR 25.5 million. The completion of preparatory work is scheduled for the end of 2017, in particular, this will include creating the criteria of choosing the building objects. Local communities will be able to apply for financing according to these eligibility criteria. The execution of the intergovernmental agreement between the governments of Ukraine and Germany regarding this project is scheduled for the fourth quarter of this year. According to the KfW representatives, their institution does not plan to limit itself with Donetsk and Lugansk regions or adjacent regions where the highest number of IDPs is concentrated, but will be open to projects in the whole territory of Ukraine. The main eligibility criterion will be the quality of the suggested project and the capability of the community to further maintain the exploitation of the built objects at a proper level¹²⁴.

Obtaining targeted aid by internally displaced persons to cover their living expenses, including the utilities. According to the Procedure of providing monthly targeted aid to internally displaced persons to cover their living expenses, including the utilities, the financial benefit is provided to IDPs who moved from the temporarily occupied territory of Ukraine, residential places, in the territory of which the state bodies temporarily do not exercise their authorities, and residential areas, located at the frontline, as well as IDPs, whose housing has been destroyed or become uninhabitable due to conducting the anti-terrorist operation and who are registered with the structural units in the issues of social protection of population of district state administrations, the state administrations of the Kyiv districts, executive bodies in the issues of social protection of population of city and district (if established) councils, since the day of appealing for this benefit, and is paid until the month of de-registration inclusively, but not longer than for six months¹²⁵.

Two thirds of IDPs, surveyed by us, indicated that they receive this benefit. Still, they complained about delays. Others noted that they do not receive it (3% – because they do not need it at all, and 34% were refused due to the fact that some of their family members had a bank deposit or some real estate, or because employable family members did not get employed in the course of 2 months). It should be noted that many IDPs (both those who receive the benefit and those who don't) complained about the humiliating procedure of executing this benefit.

In this respect, we would like to remind that according to the abovementioned resolution of the Cabinet of Ministers of Ukraine dated October 01, 2014 No. 505, in order to receive a financial benefit ... an authorized representative of a family should come to the institution of the authorized bank at the actual place of residence (staying) of the family to open a current account pursuant to the fixed procedure, present the passport of the citizen of Ukraine or another document, identifying his/her personality and confirming the citizenship of Ukraine..., and submit an application to the authorized body about

¹²³ The program of providing accommodation to ATO combatants and internally displaced persons started its work [Electronic resource]: – Access mode: <http://expres.ua/news/2017/05/09/241513-pochala-diyaty-programa-zabezpechennya-zhytlo-m-uchasnykiv-ato-pereselenciv>.

¹²⁴ The Ministry and KfW coordinated the working parameters for building of social accommodation for internally displaced persons [Electronic resource]. – Access mode: <http://mtot.gov.ua/ministerstvo-ta-kfw-pogodyly-parametry-roboty-z-budivnytstva-sotsialnogo-zhytla-dlya-pereselentsiv/>.

¹²⁵ On providing monthly targeted aid to internally displaced persons to cover their living expenses, including the utilities [Electronic resource]: The Resolution of the Cabinet of Ministers of Ukraine dated 01.10.2014, No. 505. – Access mode: <http://zakon3.rada.gov.ua/laws/show/505-2014-%D0%BF>.

granting the financial aid (for the first granting of the financial aid) or the application, wherein he/she reports the absence of changes, which would impact granting of the financial aid (in case of granting financial aid for the following six-month-period, if its payment has not been previously made via the institutions of the authorized bank). The authorized representative of the family addresses the contact-center of the authorized bank to define the date, time, and address of submitting the application.

The application states the following data about all the family members who claim the financial aid:

- surname, name, and patronymic name;
- day, month, and year of birth;
- series, number of the passport of a citizen of Ukraine, when and by whom it was issued, or the data of the document, identifying the personality and confirming the citizenship of Ukraine, as for foreigners and persons without citizenship – a document, identifying a person and confirming his/her special status;
 - registration number of the registration card of a tax payer;
 - registered and actual place of residence (staying);
 - ownership by any family member of any accommodation/part of any accommodation located in other regions than the temporarily occupied territory of Ukraine, residential areas in the territory of which the state bodies temporarily do not exercise their authorities and residential areas, located at the frontline;
 - information about the availability of accommodation which has been destroyed or become uninhabitable due to conducting the anti-terrorist operation;
 - ownership by any family member of a deposit banking account with available finances in the amount, exceeding 10-fold amount of the subsistence minimum, set for employable persons;
 - place of work of employable persons and time, since which a person has been working there.

The application should be attached a copy of the certificate from the military regiment on being involved in conducting the anti-terrorist operation (for military men/women who are internally displaced persons, defend the independence, sovereignty and territorial integrity of Ukraine and take direct part in the anti-terrorist operation, ensuring its progress, being in immediate zones of conducting anti-terrorist operation), a cope of marriage certificate, copies of birth certificates of children, certified with the personal signature of the authorized representative of the family, a consent written in a free form by other family members regarding the payment of the financial benefit, the consent to processing of personal data, as well as written consent to the authorized bank disclosing the information, containing banking secrets regarding the current account, opened for the authorized representative of the family in the units of the authorized bank. In case of availability of an accommodation, which has been destroyed or become uninhabitable due to conducting the anti-terrorist operation, located in regions, other than the temporarily occupied territory of Ukraine, the residential places, in the territory of which the state bodies temporarily do not exercise their authorities, and residential places, located at the frontline, there should be a copy of the certificate from the military regiment on being involved in conducting the anti-terrorist operation (for military men/women who are internally displaced persons, defend the independence, sovereignty and territorial integrity of Ukraine and take direct part in the anti-terrorist operation, ensuring its progress, being in immediate zones of conducting anti-terrorist operation), and a copy of the relevant certificate on technical condition.

The application in which the authorized representative of the family reports the absence of any changes, which impact granting the financial benefit should have the attachment with copies of document, certified with the signature of the authorized representative of the family¹²⁶.

¹²⁶ On providing monthly targeted aid to internally displaced persons to cover their living expenses, including the utilities [Electronic resource]: The Resolution of the Cabinet of Ministers of Ukraine dated 01.10.2014, No. 505. – Access mode: <http://zakon3.rada.gov.ua/laws/show/505-2014-%D0%BF>.

While studying the activity of the departments of labor and social protection of the population (hereinafter – DLSP) and surveying their visitors, we have established the following information. Our respondents estimated their availability for disabled persons (quality of pavements; availability of a ramp at the entrance, the descending angle of which allows disabled persons to get up and down independently; convenience and safety of steps; whether the width of the doors allows disabled people to ride in (ride out) without any complications) to be generally a little above the average. The main complaints were related to low quality of pavements, absence of ramps, quality and safety of steps, insufficient width of the entrance doors.

The conditions for visitors of DLSP were deemed to be good (45% of respondents) and satisfactory (40%). 15% of our respondents complained about bad conditions. In particular, the following drawbacks were mentioned: «bad light», «small stuffy rooms», «narrow corridors», «it was stuffy in the room», «not enough toilets», «constant lines», «no xerox», «shortage of forms», «insufficient number of staff», «uneven distribution of districts among working specialists», «there are no directions where IDPs should go with which questions».

As the financial benefit is granted for six months, and visitors come to DLSP with many other questions (receiving of a certificate, certifying the status of an internally displaced person; receiving state benefit for a family with children; receiving state benefit as a low-welfare family; receiving state benefit for a disabled person; servicing for family members of war and labor veterans; transfer of the pension case of IDP and procedure of pension payment; receiving subsidies), to prolong receiving this benefit for the next six months, the authorized representative of the family should submit an application to the relevant body and submit the certificates of all family members about being registered as internally displaced persons. Therefore, it creates considerable lines. For instance, the IDPs, surveyed by us, reported that they had to stand in lines from one to five hours. Here, the number of visitors in such lines was at least 10 persons (65% respondents), though some lines were longer (about 25–30 persons – 18%), and one person indicated that there were 70–80 people in line (Shevchenkivsky district of the city of Kyiv).

This working load along with clearly insufficient number of specialists in DLSP leads to the fact that they are physically incapable of processing the submitted documents. Our respondents reported that the offices were stuffed with folders with unprocessed documents, which were even piled on the floor. Therefore, the payments are not timely, with 1–2 months in arrears.

2.4.2. Right to health care and medical aid

There is rather a complicated situation with the rights of IDPs to receiving medical aid. According to the Ministry of Emergency Situations, as per the end of 2015, 178 402 adult IDPs (113 983 were included into the medical register) and 100 048 children (62 983 persons were included into medical register) came for medical aid. 38 588 adults and 21 667 children were admitted to the hospitals. 227 805 medical instrumental examinations and tests were conducted for IDPs. The women of the mentioned category delivered 4167 babies.¹²⁸ Based on the analysis of legislation, one may assert that IDPs are citizens of Ukraine, thus they exercise the whole complex of rights in terms of medical aid. Therefore, formally IDPs have a right to free medical aid in the state and municipal medical institutions, free or privileged obtaining of medical means.

Contrary to the employment sphere, the quality of providing medical aid is rather acceptable. Most persons, coming to medical institutions for help, receive it on time. However, there are cases of refusing

¹²⁸ Відмовляючи ВПО у наданні меддопомоги, порушуються їхні конституційні права – Ольга Богомолець [Електронний ресурс]. – Режим доступу: <http://podpricelom.com.ua/>.

IDPs in providing medical aid. For instance, Olha Bohomolets, a people's deputy, appealed to the Ministry of Health of Ukraine with the inquiry of the NGO «Krymska Diaspora», asking how long the infringement of the rights of internally displaced persons to receiving medical aid would continue. In her opinion, these cases are a direct infringement of constitutional rights of IDPs. In addition, there is a common problem for the whole state, related to the shortage of privileged and free medical means which should be received not only by IDPs but also the local population of the host territorial community. This leads to the loss of trust to the state bodies and asserting the idea among IDPs that they have been left by the state to survive.

The information, submitted by the coordination offices and centers of social services for family, children and youth, allows determining the number of internally displaced persons, who were provided medical aid in the boundaries of a certain region. Unfortunately, the indices of hospitalization or registering with hospitals, provision with medical means are combined, thus, it is hard to define the share of internally displaced persons who were offered aid of this or that level. At the same time, the data, provided by the centers of social services for family, children and youth and the data of departments of the State service in emergency situations regarding the number of people, who received psychological aid, are different. This may be explained by separate psychological services of these departments. It is not possible to talk about the representation of regions as not every region submitted the relevant information. At the same time, the analysis of the number of people, who live in the region, against the data of the coordination office, makes us think that the indices of providing medical aid include several times of admitting a person to the hospital or provision of a number of medical services to one person, each service being recorded separately.

The highest number of IDPs who received medical aid is in Kharkiv region – 120 620 persons. This is 62.27% from the total number of IDPs, located in the region (193 719). At the same time, 793 persons received a benefit for the purchase of medicine or other medical means, which is only 0.66% of those who received medical aid. Taking into consideration the level of financial provisions for medical services, one has to assume that IDPs paid for these services on their own. And their level did not meet the proper standard for many internally displaced persons. According to the data of centers of social services, the services of psychological help and psychological rehabilitation were received by 3878 persons, which is a considerably lower index than that for coordination offices – 26629 IDPs which is 13.75% from the number of persons, located in the region.

A smaller number of IDPs were provided with medical aid in Kyiv region (39476). However, the share of displaced persons-recipients of medical aid was somewhat higher than that for Kharkiv region – 70.16% from the number of persons, located in the region. Unfortunately, there is no information about the number of persons, who were provided assistance with free provision with medicine and medical services. Psychological help was provided to 135 persons.

In the city of Kyiv, medical aid was received by 39014 persons which is 24.97% from the number of IDPs, residing in the city. Free medicine and medical means were received in the framework of humanitarian aid, but it is impossible to define the number of people who received this help. Psychological help was received by 688 internally displaced persons in 2015, and 638 – in 2016.

According to the information of the coordination office, 27817 internally displaced persons received medical aid in Zaporizhzhia region which is 39.97% from the number of persons, who moved to the region. At the same time, the assistance with receiving free medicine and medical means was received by 1677 persons which is 6.03% from the number of persons, who received medical aid.

We received additional information about the status of ensuring the right to health care via surveying internally displaced persons. 78% of them stated that while living as IDPs they had a need to go to the

doctor to treat some diseases. Two persons indicated that they and their family members needed medical attention, but they actually did not go to medical institutions for help. When asked, why it happened, they answered as follows: «we were self-doctoring because we don't have money»; «we rent an apartment and are not registered in it, so we don't know which polyclinic belongs to our district, where we should go». In addition, 26% of respondents indicated that during the last 12 months they and their family members went to doctors with another purpose – mainly, to prevent diseases.

The most frequent visits of IDPs and their family members were to municipal (state) polyclinics (which is indicated in 95% of surveys and interviews); about 50% each went to private clinics and municipal (state) hospitals; almost 20% – called emergency aid (as people went to several kinds of medical institutions, the total sum exceeds 100%). The staffing level (number of doctors) of the abovementioned medical institutions was estimated in almost similar proportions as rather high and average. 3% of IDPs-visitors complained about insufficient staffing of municipal (state) polyclinics with medical specialists. As for the level of professionalism of medical specialists, the highest grades were given only to communal (state) hospitals (5%) and the children's emergency crew (2%). The qualifications of about 52% were estimated as rather high, and of about 37% – as average. The lowest grade was given to the qualification level of 2% of medical specialists of municipal (state) polyclinics. In addition, about 3% of respondents indicated that the emergency team did not come to their call at all.

Conclusions and recommendations

1. Pursuant to the law, the implementation of social rights gives a person a possibility to obtain the required benefits from the state to meet the needs in three main spheres: labour activity, social protection and health care. At the international level, the International Labour Organization played a key role in adopting a number of conventions and recommendations, directed at improving and protecting workers and social protection. The widest catalogue of social rights, set at the level of international regional agreement, is the European Social Charter (revised), which sets and explains in a fine detail 31 social right of people and also contains the obligations of the states regarding guaranteeing them. In addition, there is a possibility of the indirect protection of social rights via interpretation of civil and political rights of people in the framework of the European Convention for Human Rights. At the national level, in addition to the Constitution of Ukraine, social rights are protected with the norms of a number of other normative and regulatory acts, and the responsibility for violating them is set according to the legislation.

In this respect, it is recommended:

- in case of infringement of IDPs' social rights, the structures, providing legal services and legal assistance to IDPs, should employ wider application of both national and international and regional mechanisms, and address the ECtHR pursuant to Articles 6, 8, 3, 2, 14 of the Convention and Protocol 12 as well as Article 1 of Protocol 1.

2. It is rather common for pension payments to Donbas residents to be accrued since the date of issuing the certificate of registering an internally displaced person, while refusing to pay the arrears for the previous period. The bodies of social protection and the Pension Fund used the norms of the Procedure of granting (restoring) social payments to internally displaced persons, adopted by the Resolution of the Cabinet of Ministers of Ukraine No. 365 dated June 8, 2016 as of May 1, 2016, as their regulatory substantiation. However, the abovementioned by-law regulatory act is not a law, thus it may not narrow down the rights of citizens, which have been set by the regulatory and normative acts of higher legal efficacy.

According to the legislation, the pensioners from the uncontrolled territories who don't have a possibility to live in the territory, controlled by Ukraine, do not receive their pension, although they have paid contributions to the Pension Fund of Ukraine in due time. This is related only to pensioners from the uncontrolled residential places of Donetsk and Lugansk regions, as the mechanism of paying pensions to the citizens of Ukraine who live in the territory of AR Crimea and the city of Sevastopol was elaborated and set as a norm as far as in July 2014. Therefore, this situation may be deemed to be discriminatory.

In this respect, it is recommended:

- The Government of Ukraine (the Cabinet of Ministers of Ukraine, the Ministry of Social Policy of Ukraine) should guarantee the possibility for pensioners to exercise their right to receive pensions regardless of the place of their residence and availability of IDP status, and for this purpose:

- elaborate amendments to the Law of Ukraine «On General Mandatory State Insurance», which would stipulate that pensions to the citizens of Ukraine, residing in the residential places, in the territory of which the state government bodies temporarily do not exercise their authorities should be paid in the territory, controlled by Ukraine, in the order, defined by the Cabinet of Ministers of Ukraine, on condition of their submitting an annual application for payment extension until December 31. The accrued amounts of pensions, to which these persons were entitled, are to be paid for the previous period without being limited with any terms;

- have «conditional» division of pensioners who reside in the territory, uncontrolled by the Government of Ukraine, into persons, physically capable of coming to the territory, controlled by the Government of Ukraine, and those who are not capable of using this possibility due to their physical condition;

- elaborate and approve the mechanism of paying pensions to citizens who reside in the territory, uncontrolled by the Government of Ukraine, and are capable of coming to the territory, controlled by the

Government of Ukraine. This mechanism should ascertain that regardless of actual place of residence such citizens have a right to receive a pension in the territorial units of the Pension Fund of Ukraine, chosen according to the Resolution of the Cabinet of Ministers of Ukraine No. 595 in 2014, without mandatory registration as internally displaced persons or obtaining any other status or certificate, based on electronic files, present in such territorial units. Also, the mechanism should envisage the possibility of identifying such pensioners during their appeals to the units of the Pension Fund, for instance, once every six months (year);

- elaborate and approve the mechanism of paying pensions to citizens who reside in the territory, uncontrolled by the Government of Ukraine, and are not capable of coming to the territory, controlled by the Government of Ukraine, due to their physical condition. This mechanism should ascertain that regardless of actual place of residence such citizens have a right to receive a pension in the territorial units of the Pension Fund of Ukraine, chosen according to the Resolution of the Cabinet of Ministers of Ukraine No. 595 in 2014, without mandatory registration as internally displaced persons or obtaining any other status or certificate, based on electronic files, present in such territorial units, on condition that authorized representatives of such pensioners submit relevant appeals. The authorities of such representatives may be certified with powers of attorney, executed with the support of representatives of international organizations, conducting their work in the corresponding uncontrolled territory. Also, the mechanism should envisage the possibility of identifying these pensioners when they address the representatives of international organizations, conducting their work in the corresponding uncontrolled territory;

- the Verkhovna Rada of Ukraine should adopt amendments to the legislation in the part regarding the citizens of Ukraine exercising their right to pension provision regardless of the IDP status and place of their residence.

3. Ensuring the protection of IDPs from poverty and social exclusion is a principal condition of their re-integration into the host communities. It turned out that current situation with this problem is quite ambiguous. Regardless of normatively defined forms and methods of activity of state authorities in this direction, most relevant moments are yet to be determined. For instance, no act contains the explanation of the notions of «poverty» and «social exclusion». Such terminological gaps in the legislation lead to uneven interpretation of these categories. There is a considerable drawback in the absence of definition for the status of a part of territories of Donetsk and Lugansk regions which makes it impossible for residents of these territories to exercise their constitutional rights to the full extent, including social ones. Unfortunately, there is a problematic issue of IDP acceptance by the host community. The discrimination of the Donbas population who were moved from the district of conducting the anti-terrorist operation only complicates their situation and leaves them facing their problems alone. Therefore, their adaptation to the conditions of a peaceful society is almost impossible, which is a problem for the state first and foremost.

In this respect, it is recommended:

- to make amendments to the relevant legislative and by-law normative acts regarding the definition of notions «poverty» and «social exclusion»;

- to coordinate the provisions of current legislation on the status of the occupied territories;

- for the Government of Ukraine to review the budget policy, in particular, the volumes of expenses for social protection of IDPs, as most problems are based on insufficient financing. One of the variants is the introduction of the institute of social entrepreneurship, which would provide IDPs with the possibility of enhancing their own welfare using their personal labour that would promote improvement of their financial and social status;

- to pay attention to positive experience of those European countries which overcame the consequences of secessionism in their due time and united their society around the idea of integrity and independence.

ADDENDA

SURVEY

A questionnaire among internally displaced persons about observing their social rights

1. Surname, name, patronymic name _____
2. Gender: a) male; b) female 3. Дата і рік народження _____
4. Place of birth _____ 5. Telephone number _____
6. Current place of residence _____
7. Where have you moved from (region, residential place) _____
8. Number of your family members, residing with you _____
9. Social structure of the family (to be filled in for each family member):

*Choose one variant: Secondary school learner, learner of a specialized vocational school; student; perma-

Age	Occupation*	Education level**

nently employed; temporary employment; has own business; is registered as unemployed with the employment center; does not work and is not registered with the employment center; working pensioner; not working pensioner.

** Choose one variant: Incomplete secondary school, secondary school, vocational training, incomplete higher education (bachelor), complete higher education (specialist, master), scientific degree.

10. Presence of persons with special needs: a) disabled children (number) _____; b) elderly people in need of care _____; c) persons in need of care due to serious diseases _____; d) persons with complicated chronic diseases _____; e) disabled persons of group I _____; f) disabled persons of group II _____; g) disabled persons of group III _____; h) other _____

11. Have you been to the dangerous zone (shooting, combat actions): a) yes; b) no

12. When was the highest threat to your life and health _____

13. Was there any notice for vulnerable persons (children, disabled persons, etc.) about danger along with explanations of what you should do and how _____

14. Was evacuation organized for such persons: a) yes; b) no; c) I don't know; d) _____

15. Were evacuation means adjusted for persons with special needs? a) yes; b) no; c) I don't know

16. In what way did you and your family members leave the dangerous zone: a) evacuation was organized, special transportation was granted; b) using our own vehicles; c) using public transportation; d) other (please, specify) _____

17. Which problems did you have while moving out (choose all the applicable variants): a) there were no problems; b) problems with documents; c) problems with transportation (please specify in detail) _____; d) we were shot at; e) we were threatened _____; e) we were threatened _____

f) other (please specify) _____

18. Now you and your family members reside: a) in your own apartment/house/part of a house; b) with relatives/acquaintances; c) rent an apartment/house/part of a house or an apartment; d) in a social center; e) other (please specify) _____

19. Employment sphere of your working family members and the level of their labour safety, ensured by the employer (to be filled in for each working family member):

Sphere of employment*	Level of labour safety**						How many industrial accidents have there been during the last 12 months? (define the number or write 0, if there were no accidents)
	Sanitary conditions (excellent/satisfactory/unsatisfactory)	Safety of means of production (excellent/satisfactory/unsatisfactory)	Availability of personal protection devices (Yes/no/not needed/I don't know)	Benefits and compensations for heavy and hazardous labour conditions (yes/no/not needed/I don't know)	Was there any training in labour safety? (Yes/no/I don't know)	Is medical examination mandatory? (Yes/no/I don't know)	

*Agriculture, industry, building, wholesale and retail sale, transport, servicing, financial and insurance activity, education, health care, non-governmental and charitable organizations, sport and leisure, scientific and technical activity, state service and administrative activity, armed forces and enforcement departments, other (please specify).

**is provided by the employer free of charge*

20. Did you or your family members need to see a doctor to treat any disease during the period of living as IDPs? a) yes; b) no

21. If yes, did you go to doctors? a) yes; b) no

22. If not, why _____

23. If yes, which institutions did you go to and which features did they have and which qualifications did their medical specialists have (specify for all the institutions you went to)

	staffing with medical specialists*	qualifications of medical specialists*
private clinic		
municipal (state) polyclinic		
municipal (state) hospital		
Other (please specify) _____		

*Choose one variant: a) very high; b) sufficiently high; c) average; d) low; e) very low

24. Did you or your family members go to a doctor during the last 12 months for any other reason (for vaccination, prophylactics, etc.) _____

25. How many members of your family are registered with the social protection bodies of the district state administration _____

26. Do you (your family members) receive the aid to cover your housing, including the utilities: a) yes; b) no; if not, why _____

27. How many members of your family are entitled and how many of them actually receive (please specify using the division sign) social benefit due to incapacity to work _____/_____; please specify why persons, entitled to it, do not receive it _____

28. How many members of your family are entitled and how many of them actually receive (please specify using the division sign) social protection as war and labour veterans _____/_____; please specify why persons, entitled to it, do not receive it _____

29. How many members of your family are entitled and how many of them actually receive (please specify using the division sign) aid in the framework of social protection of family, children and youth _____/_____, in particular: a) due to pregnancy and delivery _____/_____; b) after the birth of a baby _____/_____; c) when a child is adopted _____/_____; d) for children, who have been granted custody or guardianship _____/_____; e) for children of single mothers _____/_____; f) as citizens, who suffered due to Chornobyl catastrophe _____/_____; g) as members of a low welfare family _____/_____; h) other (please specify) _____; please explain in detail why persons, entitled to this benefit, do not receive it _____

30. How many members of your family are entitled and how many of them actually receive (please specify using the division sign) social benefit in the framework of social protection of the unemployed _____/_____; please specify why persons, entitled to it, do not receive it _____

31. How many members of your family are entitled and how many of them actually receive (please specify using the division sign) social aid to solve the housing issue _____/_____; please specify why persons, entitled to it, do not receive it _____

32. Please, estimate your level of satisfaction with your appeals to social protection bodies of the district state administrations regarding the abovementioned or other issues: a) completely satisfied; b) sufficiently satisfied; c) equally satisfied and dissatisfied; d) rather dissatisfied; e) very dissatisfied.

33. If you haven't chosen a variant a) please explain, why exactly are you dissatisfied with your appeals to social protection bodies of the district state administration (choose all the applicable variants): a) impolite employees; b) slow work; c) incompetent employees; d) employees did not care about my issue; e) other (please specify) _____

34. How many members of your family are entitled to and how many actually use (please specify using the division sign) the services of social bodies: a) for elderly people _____/_____; b) for adults with functional limitations _____/_____; c) for children with functional limitations _____/_____; d) for children, left without parental care _____/_____; e) for youth _____/_____; f) social work with families (in CSSfCY) _____/_____;

35. With which issues did you and your family members address them _____

36. Please estimate your satisfaction with the results of such appeals: a) completely satisfied; b) satisfied; c) equally satisfied and dissatisfied; d) dissatisfied; e) very dissatisfied

37. Please explain your estimate in short _____

38. Do any volunteer, charitable, non-governmental organizations participate in providing social services to you and your family members: a) yes; b) no; c) I don't know

39. How many members of your family are entitled and how many of them actually receive (please specify using the division sign) social protection as elderly people _____/_____; please specify why persons, entitled to it, do not receive it _____

40. Please estimate the condition of your accommodation to the needs and health condition of pensioners or disabled persons who are members of your family: a) completely adjusted, they do not have any inconveniences; b) adjusted at an average level – there are some inconveniences; c) not adjusted

41. Please estimate the status of providing pensioners or disabled persons who are your family members with medical treatment and services (via social servicing centers for the population), required due to their health condition: a) provided completely; b) provided at an average level; c) not provided, but social protection bodies refuse to provide such services; d) _____

42. Does any pensioner or a disabled person who is a member of your family live in the orphanage or specialized homes: a) yes; b) no

43. If yes, please estimate the level of their receiving required assistance and participation in taking decisions, related to their living conditions: a) they receive assistance at a high level, participate in a decision-taking process; b) they receive assistance at an average level; c) low level of assistance, they are incapable of participating in a decision-taking process; d) _____

44. Please estimate the possibilities for you and adult members of your family to get employed and explain in short why you gave such an estimate: a) very high possibilities; b) high possibilities; c) average possibilities; d) low possibilities; e) very low possibilities _____

45. To whom did you or adult members of your family go for help with employment: a) state employment service; b) CSSfFCY; c) acquaintances; d) relatives; e) looked for a job independently; f) _____

46. How efficient was your appeal: a) very efficient, you found a job fast; b) rather efficient, you found a job, but you spent a lot of time to do it; c) inefficient – you still haven't found a job; d) _____

47. Please estimate the possibilities for you and members of your family to get occupational training and explain in short why you gave such an estimate: a) very high possibilities; b) high possibilities; c) average possibilities; d) low possibilities; e) very low possibilities _____

48. . To whom did you or adult members of your family go for help with getting occupational training (please choose all the applicable variants): a) state employment service; b) CSSfFCY; c) acquaintances; d) relatives; e) had occupational training at your own expense; f) _____

49. Please estimate the possibilities for you and members of your family to get education and explain in short why you gave such an estimate: a) very high possibilities; b) high possibilities; c) average possibilities; d) low possibilities; e) very low possibilities _____

50. Please estimate the possibilities for you and members of your family to get access to culture and explain in short why you gave such an estimate: a) very high possibilities; b) high possibilities; c) average possibilities; d) low possibilities; e) very low possibilities _____

51. Choose the points from the list below, which explain what you and your family members have done to get access to culture: a) got registered with the library; b) got registered with amateur clubs at the social protection units of the district state administration; c) got registered with CSSfFCY clubs at the place of residence; d) _____

52. Name your 2–3 most significant problems _____

53. In your opinion, who could help you to solve them and how _____

54. If you wish, you may additionally make some notes _____

Thank you for your assistance!

SURVEY

A questionnaire among employees of public reception offices of UHHRU regarding the appeals of internally displaced persons about infringement of their social rights

1. Location of your public reception office (region, residential place) _____
 2. How many IDPs came to your reception office during 2016 _____
 3. How many of these appeals were related to protection of their social rights _____
 4. Which problems with housing and living conditions were IDPs' appeals related to: _____
 5. Which problems with the right to safe and healthy working conditions were IDPs' appeals related to: a) labour safety; b) industrial hygiene; c) prevention of accidents and traumas, which occur in the course of industrial activity, are related thereto or may occur in the process of conducting it, for instance, via minimization of reasons of risks, inherent to industrial environment; d) _____
 6. Which problems with the right to health care were IDPs' appeals related to: a) prevention of diseases; b) failure to providing services of assistance in fighting alcohol and drug usage; c) failure to provide aid in treating tuberculosis, hepatitis C, HIV, diabetes, occupational diseases; d) refusal to register with a polyclinic; e) refusal of vaccination; f) _____
 7. Which problems with the right to social provision were IDPs' appeals related to: a) social protection in case of incapacity to work; b) social protection of war and labour veterans; c) social protection of family, children, and youth; d) social protection of the unemployed; e) assistance in solving a housing problem; f) social protection of victims of the Chernobyl catastrophe; g) social protection of other categories of population; h) _____
 8. Which problems with the right to using services of social bodies were IDPs' appeals related to: a) for elderly people; b) for adults with functional limitations; c) for children with functional limitations; d) for children, left without parental care; e) for youth; f) social work with families (in CSSfFCY) _____
 9. Which problems were IDPs' appeals related to: a) refusals regarding the participation of pensioners in public, social and cultural life; b) refusal regarding provision with the accommodation, adjusted to needs and health condition of pensioners or failure to provide proper aid to reconstruct their accommodation; c) failure to supply medical treatment and services, required by their health condition; d) failure to provide proper assistance and guarantee of participation in taking decisions, related to living conditions of elderly people, living in geriatric homes; e) _____
 10. Which problems regarding the right to protection from poverty and social exclusion were IDPs' appeals related to: a) refusal regarding the access to employment for IDPs who live or may get in a situation of social exclusion or poverty; b) refusal regarding the access to accommodation to IDPs who live or may get in a situation of social exclusion or poverty; c) refusal regarding the access to occupational training to IDPs who live or may get in a situation of social exclusion or poverty; d) refusal regarding the access to education or culture to IDPs who live or may get in a situation of social exclusion or poverty; e) refusal regarding the access to social aid to IDPs who live or may get in a situation of social exclusion or poverty; f) refusal regarding the access to medical aid to IDPs who live or may get in a situation of social exclusion or poverty
 11. Which infringements of social rights, not specified above, were IDPs' appeals related to _____
 12. Which infringements of social rights of IDPs were addressed in the highest number of appeals _____
-
13. If you wish, you may make some additional comments: _____

Thank you for your assistance!

FORM

The study of the activity of departments of labour and social protection of population (DLSPP) of district state administration with regard to observing social rights of internally displaced persons

1. Name of district state administration _____
2. Location of DLSPP _____
3. Availability of DLSPP for persons with limited possibilities: a) pavements are smooth, asphalted (yes, no) _____; b) entrance is equipped with the ramp _____; c) the ramp angle allows persons with limited possibilities to get up and down along it without any assistance _____; d) steps are convenient and safe _____; e) the width of the door allows persons with limited possibilities to come in (ride in) without any difficulties _____; f) availability of elevators, suitable to lift people in wheelchairs (if required); g) _____
4. Please estimate conditions for visitors of DLSPP: a) very good; b) good; c) satisfactory; d) bad; e) very bad; and explain your estimate in short _____
5. Which information is available for visitors-IDPs on billboards and in hand-outs: a) regarding social services which are provided (available /not available) _____; b) visiting hours for management and specialists _____; c) samples of applications and the list of documents, required to receive these or those payments, benefits, services; d) information for IDPs about the activity of other agents; e) _____
6. How many visitors were there in line to be serviced in DLSPP as of the moment of your visit _____
7. How long did you wait for your turn _____
8. Please estimate how well you were met by DLSPP employees: a) very well, they asked me which problems I had, listened to me attentively, explained to me, how I should fill in required documents, told me who and how can help me to solve them, talked to me nicely; b) well; c) in a normal way; d) badly; e) very badly; describe how it happened _____
9. Please describe, with which problem you came to DLSPP: a) obtaining a certificate to certify the status of an internally displaced person; b) granting (terminating) the aid for housing; c) granting (terminating) the aid to cover the utilities; d) receiving state aid for a family with children; e) receiving state aid for a low welfare family; f) receiving state aid for a disabled person; g) servicing of family members who are war or labour veterans; h) transfer of a pension case of an IDP and procedure of pension payment; i) assistance in getting employed; j) _____
10. What were you suggested to do to solve this problem _____
11. Were you documents accepted: a) yes; b) no; c) _____
12. If not, how was the refusal explained _____
13. Please estimate the politeness and tactfulness of the specialist who worked with you to solve your problem: a) very polite and tactful; b) rather polite and tactful; c) communicated in a normal way; d) not very polite and tactful; e) did not want to communicate, acted in a rude way; f) _____
14. . Please estimate the professionalism of the specialist who worked with you to solve your problem: a) very professional; b) rather professional; c) normal specialist; d) bad specialist; e) very bad specialist;
15. Were you closer to solving your problem after the visit to DLSPP: a) yes, my issue was completely solved; b) yes, now I know what I should do and in what way; c) no, I have not been explained anything; d) _____
16. If the problem was not solved at once, when was the next appointment set for you _____
17. What were you dissatisfied with _____
18. Gender of the visitor: a) male; b) female
19. Age of the visitor _____

20. Which residential place did you move from (name, region) _____
 21. When did you move (year, quarter) _____
 22. Since what time have you been living in this (new) residential place _____
 23. If you wish, you may additionally make some notes _____
-

Thank you for your assistance!

FORM

of the study of the activity of the Centers of social services for family, children, and youth
(social workers at village councils) with regard to observing social rights of internally displaced persons

1. Name of the Center _____
2. Місце знаходження Центру _____
3. Availability of the Center for persons with limited possibilities: a) pavements are smooth, asphalted (yes, no) _____; b) entrance is equipped with the ramp _____; c) the ramp angle allows persons with limited possibilities to get up and down along it without any assistance _____; d) steps are convenient and safe _____; e) the width of the door allows persons with limited possibilities to come in (ride in) without any difficulties _____; f) availability of elevators, suitable to lift people in wheelchairs (if required); g) _____
4. Which information is available for visitors on billboards and in hand-outs: a) about social services which are provided (available / not available) _____; b) visiting hours of management and specialists _____; c) schedule of providing different kinds of social aid or services _____; d) _____
5. Which exactly kinds of social aid and services are provided to IDPs by the Center: _____
6. How many visitors, besides you, were there in the Center as of the moment of your visit _____
7. Please estimate how you were met by the employees of the Center: a) very well, they asked me which problems I had, listened to me attentively, told me who and how can help me to solve them, talked to me nicely, directed me to the corresponding specialist (unit) for specific work regarding my case; b) well; c) in a normal way; d) badly; e) very badly; describe how it happened _____
8. Please describe, with which problem you came to the Center: a) assistance with executing or restoring documents; b) assistance with looking for a temporary accommodation; c) help with the search for relatives and close people, restoration of family and social connections; d) assistance with getting accommodation; e) assistance with employment; f) receiving psychological help; g) receiving humanitarian aid; h) assistance with getting registered with a polyclinic; i) assistance with getting children into kindergartens, schools; j) assistance with getting children involved in extracurricular clubs and sections; k) assistance with obtaining free medical preparations; l) assistance with registering the place of residence or staying; m) _____
9. Did you manage to see the specialist (unit) you had been directed to for specific work _____
10. If not, why _____
11. If yes, please describe what you were suggested to do to solve this problem _____
12. Please estimate the politeness and tactfulness of the specialist who worked with you to solve your problem: a) very polite and tactful; b) rather polite and tactful; c) communicated in a normal way; d) not very polite and tactful; e) did not want to communicate, acted in a rude way; f) _____
13. Please estimate the professionalism of the specialist who worked with you to solve your problem: a) very professional; b) rather professional; c) normal specialist; d) bad specialist; e) very bad specialist
14. Were you closer to solving your problem after the visit to the Center: a) yes, now I know what I should do and in what way; b) no, I have not been explained anything; c) _____
15. What were you dissatisfied with _____
16. Gender of the visitor: a) male; b) female
17. Age of the visitor _____
18. Which residential place did you move from (name, region) _____
19. When did you move (year, quarter) _____
20. If you wish, you may additionally make some notes _____

Thank you for your assistance!