



POLICY BRIEF

**THE SOCIAL CONSEQUENCES
OF POPULATION DISPLACEMENT
IN UKRAINE:
THE RISKS OF MARGINALIZATION
AND SOCIAL EXCLUSION**

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Introduction. Soon after the illegal occupation and *de facto* annexation of the Crimean Peninsula by the Russian Federation in February-March 2018, the Donbas was plunged into a brutal – albeit undeclared or ‘hybrid’ – war that pitted Russia and its proxy military forces against Ukraine. In total, between 14 April 2014 and 15 November 2017, the UN recorded 35,081 war-related casualties, including 10,303 people killed and 24,778 injured. Today, there are 1 491 528 internally displaced people or 1 217 071 families, most of them from war-torn territories (Ministry for Social Policy 23 March 2018). Over 80% of the IDPs have found temporary residence in just five Ukrainian regions: the government-controlled districts of Donetsk and Luhansk oblasts (42% and 13% respectively), the neighbouring Kharkiv and Zaporizhia oblasts (10.9% and 7.4% respectively), and Kyiv (8%). Of the remaining Donbas inhabitants, two to three million currently reside in non-government controlled areas, with another 600,000 being caught in the so-called ‘grey zone’, living within 5km either side of the 457km frontline.

The humanitarian crisis has prompted a widespread response from civil society: IDPs and social activists have organised numerous NGOs across the whole country, providing social support, legal advice and ongoing help to IDPs. The international community's role is also crucial, as they continue to provide support for IDPs. However, there is a lack of adequate funding; in 2017, over 80% of requests for funds for humanitarian needs in Ukraine were unmet (van Metre, Steiner, Haring 2017). Since the Ministry for Temporarily Occupied Territories and IDPs was established in 2016, its role in facilitating regional and central government support has become increasingly important.

This policy brief focuses on the most urgent issues raised by internally displaced people during meetings and interviews: housing, property, healthcare, registration and pensions. The analysis begins by looking at the role of the international community and, the economic impacts of the conflict before accessing issues around housing, health care, pensions and property rights. On the basis of our research, we provide recommendations for international organisations, civil society and the authorities to prevent the marginalisation and social exclusion of internally displaced people.

Methods. This project explores the experiences of Ukrainians displaced by Russia's annexation of Crimea and its *de facto* invasion of Ukraine's eastern regions through the use of intersectional and interdisciplinary approaches. The project uses qualitative methodologies, namely, in-depth and semi-structured interviews with IDPs (n=104) and representatives of NGOs, international organisations, central authorities and regional authorities in Lviv, Kyiv, Chernihiv, Kharkiv, Dnipro, Zaporizhia and Mariupol oblast (n=25), as well as two focus groups with IDPs in northern oblasts. The project has also involved collaboration with the Ukrainian Catholic University, and with the NGOs Dobrochyn, the Chernihiv Centre for Human Rights, Donbas SOS and the Platform for Cultural Initiatives IZOLYATSIA. The empirical work for this project was conducted in 2017-2018, which allows reflection on changes in IDPs' situation after almost four years of conflict (see Kuznetsova 2017), as well as evaluation of the social consequences of recent changes in legislation regarding displaced people in Ukraine.

In addition, the project team gathered secondary statistical data to facilitate the economic analysis. The study has also made use of a number of large-scale IDP needs assessments and cash assistance reports which, funded by the European Union, USAID and the governments of Japan and Canada, have been implemented by the International Organization for Migration and other UN agencies, with the assistance of Ukraine's Ministry of Social Policy and Ministry for Temporarily Occupied Territories and IDPs. The economic analysis also relies on a series of accounts by investigative journalists and personal testimonies from the non-government controlled areas of Donetsk and Luhansk oblasts.

Protecting IDPs: What can the international community do?

(Rilka Dragneva)

Since the early days of the IDP crisis, the international community has played a crucial role in advocating for effective protection for Ukraine's IDPs. In particular, a range of international agencies and NGOs, as well as individual country aid organisations, have engaged in the following activities:

- *Situation monitoring*, including monitoring of the scale of displacement and the abuse of rights. For example, the OSCE Special Monitoring Mission to Ukraine, established in March 2014, has been very important.
- *Humanitarian aid* to provide essential relief through food and basic supplies. The UN Office for Humanitarian Affairs (OCHA) has been instrumental in estimating funding needs and directing donor contributions to the relief effort. For example, in 2017 the Humanitarian Response Plan for Ukraine encompassed 94 projects put forward by 45 organisations.
- *Legislative monitoring and advocacy* for Ukraine's government to afford legislative protection consistent with international norms and best practice. The Council of Europe has been particularly active in this area, using as benchmarks the UN Guiding Principles on Internal Displacement, as well as international and European human rights norms. Similarly, the UN High Commissioner for Refugees has issued regular legislative updates and recommended areas for improvement.
- *Technical assistance* in building the response capacity of state and non-state actors.

However, despite these efforts, the humanitarian crisis in eastern Ukraine remains acute and the level of protection of IDP rights inadequate, for two principal reasons.

First, although the Ukrainian state has formally accepted its responsibility to protect IDPs and has cooperated with the international community to address the challenge of the IDP crisis, its actions have tended to be minimal and fragmented. The government has been slow to recognise the scale and gravity of the IDP problem, and its legislative responses in defining the status and rights of IDPs have been partial and piecemeal, resulting in conflicting provisions, gaps and significant implementation problems. There has been poor administrative coordination between the different agencies dealing with IDPs, and action has been constrained by the lack of financial resources to commit to resolving the problem. While there have been no forced returns of IDPs, some of the government's actions have worsened their plight. Moreover, humanitarian aid access, although it has improved recently, remains problematic.

Ultimately, much has been left to local government and civil society organisations, including the activism of IDPs themselves. On balance, a clear and coherent national strategy for protecting the rights of IDPs has been slow to emerge, with other concerns dominating political priorities. In general, responses have reflected

the existing systemic weaknesses of state capacity and reproduced deeply ingrained patterns of legal formalism (e.g. the prominence of administrative registration requirements) and legal nihilism (e.g. strong reliance on social networks).

Secondly, the efforts of the international community are hampered by a range of problems. Notably, international funding for Ukraine has been insufficient: according to the UNHCR, only 35% of the funding requirements for 2017 were met (UNHCR October 2017). Ironically, the fact that displaced populations have not compounded wider regional migration problems has meant that international attention has waned. More generally, the area of IDP protection has suffered from the lack of a strong coordinating agency such as the UNHCR. The international community is also inherently limited by the mechanisms it can deploy to force state action. Such mechanisms, which centre on 'soft' pressure and advocacy, make little material difference to the incentives of domestic policy makers, and are particularly unsuited to providing remedies to deep-seated, path-dependent issues.

Within this international context, the EU stands out as an actor that is uniquely placed to stimulate effective domestic responses in Ukraine. In addition to the tools available to other international actors, the EU can rely on a wide range of coordinating mechanisms available under its Association Agreement with Ukraine. It has already directed its effort towards key issues underlying the protection of IDP rights, such as rule of law and justice reform. It has established innovative instruments, such as the Support Group for Ukraine, which have the capacity to pool assistance effort and match it to local needs. However, the EU has not made full use of its leverage to engage in high-level political pressure and promote deep-seated reforms (Ash et al. 2017).

Sitting on the ruins? The impact of the war on the Donbas economy and the role of IDPs in the Ukrainian economy

(Vlad Mykhnenko)

The Donbas has long been recognised as the industrial heartland of Ukraine, with 35% of the country's mining and quarrying activities located in the region, 22% of its manufacturing output, 20% of its energy supply and 18% of its water supply. On 1 January 2014, the relative share of the Donbas as a whole in the Ukrainian economy stood at 14.5% of the nation's gross domestic product, amounting to UAH220 billion (\$27.5bn/€20.7bn) in 2013 prices. Demographically, the Donbas accounted for 14.5% of Ukraine's total population, with the majority of the region's 6,583,400 inhabitants living in Donetsk oblast (4,343,900), and the remaining 2,239,500 living in Luhansk oblast. Before the war, Donetsk oblast, in the west of the region, was one of the richest in Ukraine, with annual gross per capita income standing at UAH37,680 (\$4,714/€3,551), 12% above the national average. 24 of Ukraine's

top 200 companies (including System Capital Management, Metinvest, DTEK, ISD and DonetskSteel) were headquartered in Donetsk, the Donbas's largest city. By contrast, Luhansk oblast, to the east, was lagging behind, with its annual gross per capita income standing at only UAH31,692 (\$3,965/€2,986), more than 6% below the national average.

Under post-Communism, economic growth in the region has been sluggish, lagging far behind Ukraine's average throughout the 2000s, such that the relative size of the Donbas economy has been steadily declining (see Fig. 1).

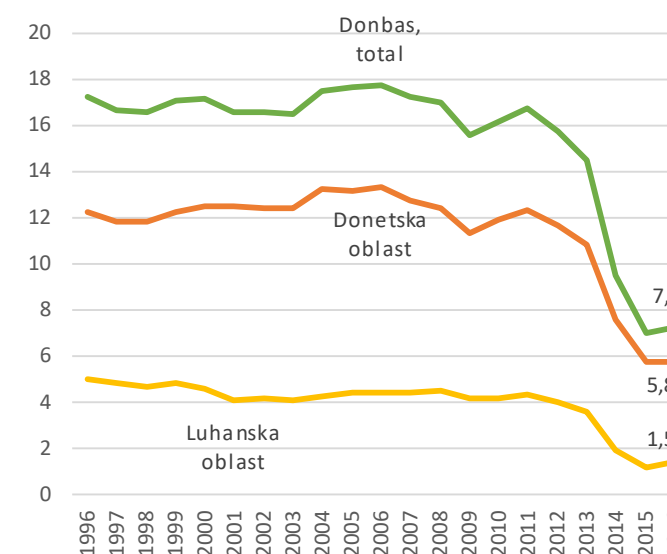
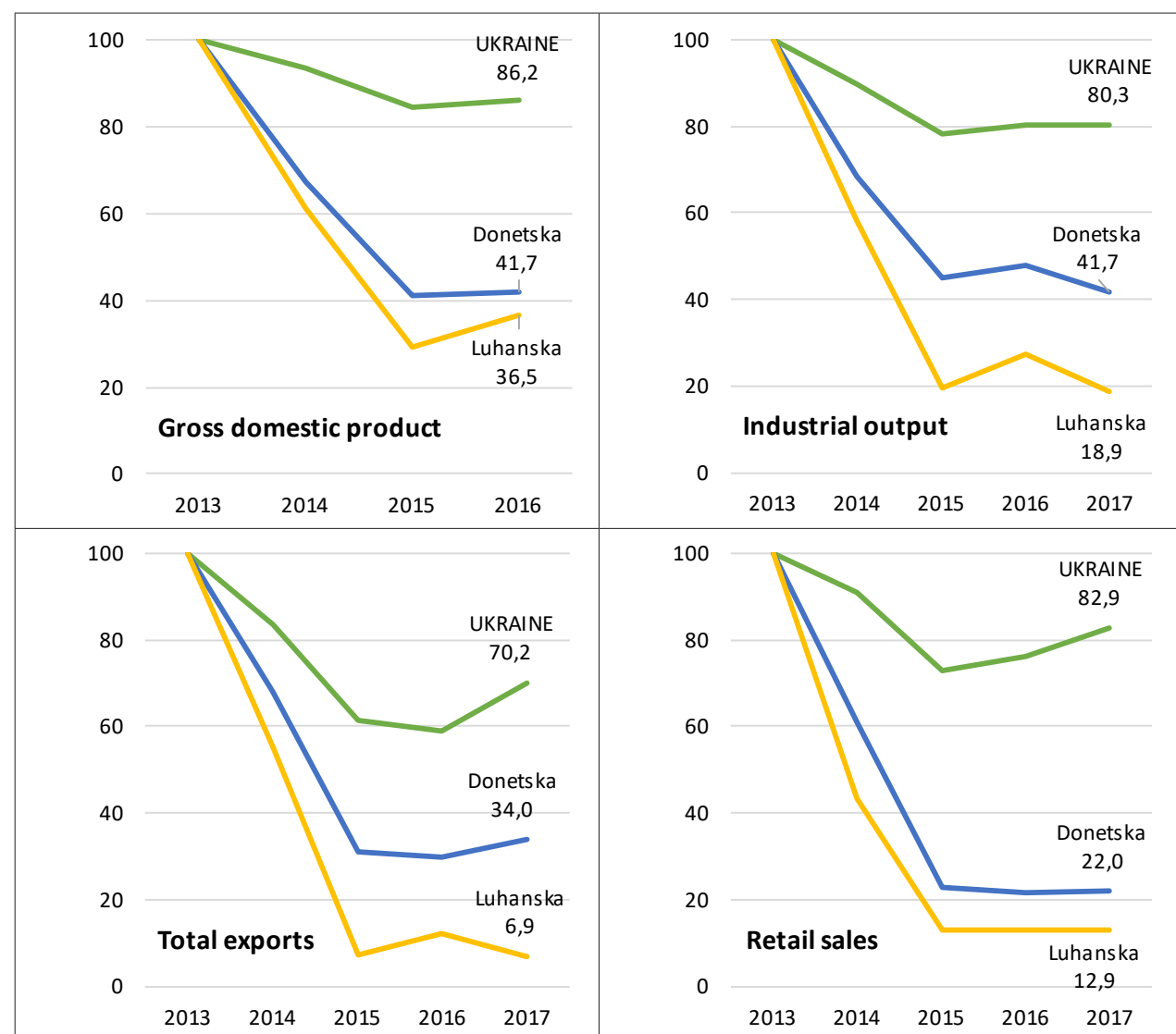


Figure 1. The shrinking role of the Donbas economy: The Donbas's GDP as a percentage of Ukraine's total

Before the outbreak of the armed conflict in eastern Ukraine in April 2014, the Donbas was already a shrinking region, having lost a total of 1.7 million inhabitants between 1990 and 2014. At the same time, due to extremely low fertility rates and population ageing, the number of old-age pensioners and sickness and disability retirees in the region had been steadily rising, reaching 2,122,694 people (15.7% of Ukraine's total pensioner population) by 2014. As a result, the regional public pension bill had become wholly unsustainable, standing at UAH44bn (\$5.5bn/€4.1bn) in 2013, or 20% of the regional GDP. For comparison, public pension spending in the high-income industrially-advanced economies of the OECD stands on average at 8% of GDP.

The impact of the war on the Donbas economy has been devastating, with thousands of enterprises closed, looted or dismantled, countless homes, urban infrastructure, roads and railway lines destroyed, coalmines flooded, and farmland littered with the explosive remnants of war – unexploded ordnances and land mines. Reportedly, the Donbas has become the third most mine-contaminated stretch of land in the world. The regional GDP has declined by over 60% in constant local currency prices, or 75.5% in foreign exchange terms, with the Donbas economy losing \$20.8bn worth of output by 2017. The collapse of regional foreign trade has been profound, with Donetsk oblast's exports declining by 66%, and Luhansk oblast's virtually disappearing. Mass unemployment, currently standing at 15% of the working age labour force in Donetsk oblast and 17.4% in Luhansk oblast, and widespread impoverishment have resulted in a dramatic decline in consumer

demand, with registered retail sales in the region amounting to less than a fifth of their pre-war level (see Figs. 2-5).



Figures 2-5. The impact of war on the Ukrainian Donbas: GDP, industrial output, total exports, and retail sales, 2013-2017 (percentages of 2013 figures)

A further blow to the regional economy was dealt in early 2017, when a group of aggrieved ATO (Anti-Terrorist Operation) war veterans imposed a blockade on trade between the government controlled and non-government controlled territories in the Donbas – an action approved and legalised by the Ukrainian National Security and Defence Council on 15 March 2017. This coincided with the 1 March 2017 decision by the militants in the non-government controlled areas to illegally seize all economic assets owned by non-Russian firms and interests, including 43 large industrial enterprises, steelworks and collieries belonging to companies headquartered elsewhere in Ukraine. Whilst it is too early to assess the full impact of the disruption caused by these hostile acts, Luhansk oblast appears to be particularly badly hit: after industrial production in the oblast had recovered sharply (by 39%) in 2016, its industrial output fell in 2017 by 31%, returning to just 18.9% of its pre-war level. As a result, foreign trade exports from Luhansk oblast declined by 42.9% in 2017. In Donetsk oblast in 2017, industrial output also declined by 12.6%.

reversing a modest growth trend established the previous year. By contrast, both foreign and local retail trade in Donetsk oblast actually grew in 2017. Nevertheless, unemployment in the Donbas has reached unprecedented levels, with ILO unemployment rates in the region since 2014 being the highest in Ukraine. Reportedly, the disruption of the business-as-usual in the non-government controlled areas of the Donbas has had the most severe impact on the local economy, with senior management fleeing, existing production lines and logistics dismantled and flows of capital and trade abruptly halted. The majority of the companies seized by militants in 2017 have stopped production, worsening the humanitarian situation even further. Food insecurity has doubled in the non-government controlled areas since 2016, with 1.2 million people seeking food aid from charitable sources. In such circumstances, a fresh wave of IDPs originating from the Donbas is the most like scenario.

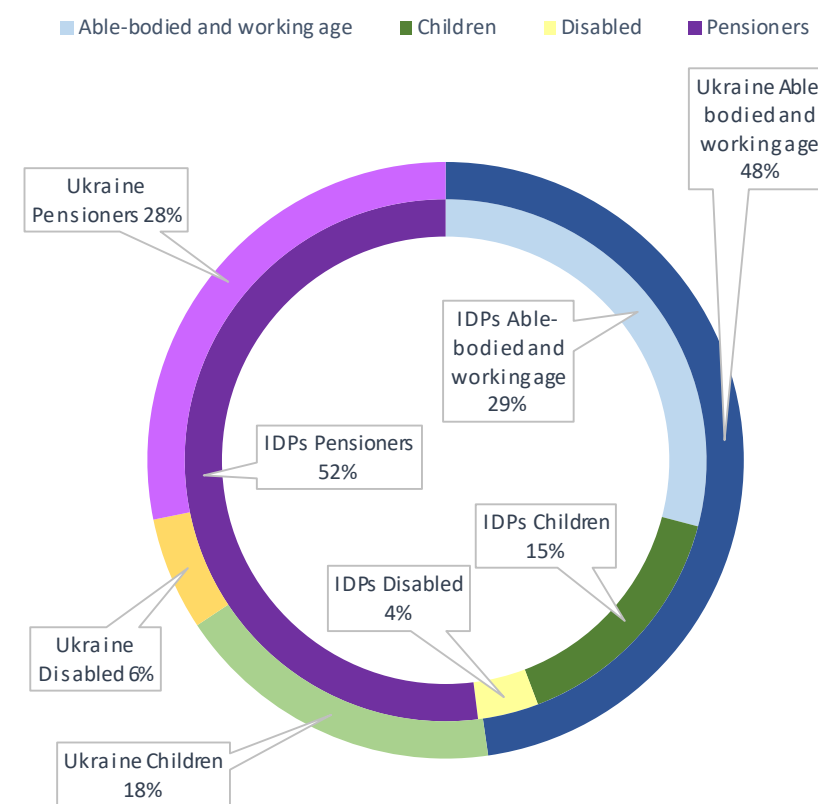


Figure 6. The majority of Ukraine's IDPs are pensioners: A breakdown of Ukraine's IDPs and general population by basic labour-market cohorts

The impact of the IDPs on Ukraine's economy has on the whole been fairly neutral. According to official statistics and larger-scale IDP surveys, the local authorities and host communities across Ukraine have been able to gradually absorb the IDP influx and provide basic public services to additional school pupils, university students, hospital patients and recipients of public funds, including old-age pensioners. That said, personal experiences of Ukrainian IDPs we interviewed vary dramatically with regard to the availability and quality of public service provision. However, regardless of the degree to which IDPs have been successfully integrated, this study has, with two notable exceptions, not found sufficient convincing

evidence to indicate a measurable positive effect of IDPs on their host communities either in terms of increased consumer demand or faster economic growth.

The main reason for this lies in the demographic composition of Ukraine's IDPs, which is heavily skewed towards women (comprising 60% of the IDP population), old-age pensioners and people with disabilities. The share of working age people amongst Ukraine's IDPs accounts for just 29% in total (see Fig. 6), although we found a proportion of IDP pensioners continuing to work full-time. Nevertheless, with the number of working-age IDPs barely reaching 0.5 million (around 2% of Ukraine's labour force), it is hard to envisage this group of citizens playing a radically transformative role in boosting growth across Ukraine or in reconstructing the ruins of the Donbas economy on their return. Donbas IDPs will not be able to regenerate the regional economy by themselves without a comprehensive large-scale publicly- and international donor-funded reconstruction programme. The magnitude of this task, however, is daunting, since the war, economic depression and chronic unemployment that have ravaged the frontline and non-government controlled areas since 2014 have resulted in the deskilling of the remaining workforce.

The two remarkable exceptions, which require further investigation, are Kharkiv and Zaporizhia oblasts, where IDPs, who account for over 7% of the total population, have played a transformative economic role in the local host economies. These oblasts have been able to radically shift their economic gears: having lagged behind the rest of Ukraine in terms of economic growth in the period 2011-2013, they have become regional growth leaders, outperforming the national rate of GDP growth during 2014-2016. The massive influx of IDPs has evidently stimulated the two regional economies. Additionally, there is growing evidence of the positive impact of IDPs on Ukraine's business and entrepreneurial development: outside the Donbas theatre of war, this study has found a strong positive relationship between high concentrations of IDPs and the growth of small firms and micro-enterprises in the host region.

Registration at the place of residence and issues of documentation

(Irina Kuznetsova and Oksana Mikheieva)

One of the key barriers IDPs face in their desire to once again become fully-fledged citizens is the extreme difficulties in registering in their new place of residence. This is necessary in order to receive a pension or other social benefits, to obtain a school place, to access healthcare, etc. In many cases, the registration is impossible or delayed. For example, in Kyiv oblast alone, liaison officer Oleksandra Mahurova received 60 appeals from IDPs who had lost their IDs because of the armed conflict. Non-registered status, which can last from several months to several years, excludes people from the legal labour market, pensions and social

security. The delays with registration are also often connected with difficulties finding accommodation, as landlords are unable to register such tenants.

Those younger than 16 years old who reside in NGCA and would like to move to GCA and receive a passport, face both bureaucratic difficulties, as procedures could involve court, investigations and long waiting times, and also psychological stresses as respondents often mentioned the negative attitudes of officials towards them. It is not only pensions for retired people, but also benefits for people with disabilities, single parents and parents with many children that can only be received after registration as an IDP if a person came from NGCA. Such requirements put many people at further risk, considering that the situation of displacement is stressful by itself.

In 2001, the Constitutional Court of Ukraine recognised that the registration of place of residence system was a violation of human rights. The former Soviet approach to registration was therefore replaced with another form of registration of citizens, which, however, did not change the system of providing the majority of public services to citizens on a territorial basis. Recent reforms in 2016 have not resolved the problem of binding a person to the address registered in his/her passport. This becomes obvious when a person needs to use public services in a different location, e.g. assignment and payment of financial assistance for childbirth, pension payments, registering with tax authorities, etc.

Marginalisation of elderly people

(Irina Kuznetsova and Oksana Mikheieva)

Elderly people, who constitute a significant share of IDPs in Ukraine, are often the most marginalised because of the suspension of their pensions, the lack of affordable accommodation, problems in accessing healthcare and limited opportunities in the labour market.

Ukrainian citizens from the NGCA (non-government controlled areas) must register as IDPs in order to receive pensions and social benefits (for disability for example). Authorities verify IDPs' place of residence in GCA (government controlled areas) every six months. According to most of our respondents, this process of verification is very frustrating, although checks have been cancelled for some categories of IDPs and those who passed the verification via Oschadbank. Nevertheless, interviews revealed that the checks at the place of residence are still exist even for those whose ID was verified via bank. Those pensioners who still reside in NGCS, have to cross the line of control in order to receive their pensions several times per year. They must thus risk their lives and be subjected to humiliation in queues lasting several days to cross the frontline, simply in order to receive their honestly-earned pensions that are owed to them under the law. Due to ongoing verification, 'the number of persons from the NGCA receiving pensions dropped dramatically from 956,000 in January 2016 to 391,000 in April 2017 [...]. This represents

only 30 per cent of pensioners who were residing in the NGCA in August 2014. More than 500,000 Ukrainians lost their pensions since January 2016' (UNHCR, August 2017). Pensions have also been suspended for many retired people residing in GCA because of frequent mistakes in the verification system.

Draft law no. 6692, which was drawn up by Rights for Protection, Donbas SOS, UNHCR and other international and local organisations, as well as various MPs, was registered on 12 July 2017, but has not had its first reading yet. It aims to decouple pension payments from IDP status and from place of residence, thus ensuring that they are not considered a form of social payment and that the right to a pension is guaranteed irrespective of place of residence. The law also aims to reduce verification procedures and cancel the restrictions on receiving an unclaimed pension for just three years for this category of persons.



Photo: Ben Robinson

The stigma of 'pension tourists' and 'social benefits tourists' transmitted by some public officials via the mass media creates a negative image of displaced people and those who live in NGCA and thus discourages the processes of social cohesion and reconciliation.

There is also a lack of legal procedures for IDPs from Crimea to receive their pensions, resulting in numerous violations of personal information and human rights. As Anna Rossomakhina, advocate of Helsinki Group for Human Rights, mentioned in an interview, 'Nowadays the pension fund of Russia has personal data of all pensioners who became IDPs in Ukraine. They have all the databases, covering several thousand people.' The process of receiving pension documents from Crimea ranges from several months to a year, as they must go via Moscow or Krasnodar.

Elderly IDPs in Ukraine face a deeply frustrating degree of marginalisation. Even being able to receive a pension does not solve many problems, since its size is still too low to rent suitable accommodation. As a result, people either become dependent on their children (if they have any) or have to live in temporary accommodation provided by charities – although after three years, many of these (as one in Dni-pro, for example) are about to be closed down. Moreover, displacement for many elderly people entails the loss not only of home, but also of a garden or allotment,

which would have been used for subsistence, production for the informal economy through selling or bartering surplus produce and, perhaps most importantly, stress relief. Those pensioners who are able to work seek either formal or informal, full-time or part-time employment; however, the situation in the labour market means that there are insufficient opportunities to use all their skills and education. Our research found that part-time work and work from home are not common in official employment bureaus, and that people are sometimes exploited in informal labour markets. Another barrier is the gender and age bias in the Ukrainian labour market, which impacts particularly on elderly women. As a result, many elderly people have had to move back to the NGCA. As a 44-year-old male from Mariupol, now living near Kyiv, told us:

Ukraine calls – come here! But what do we have in reality – could my retired parents really move here? You have to have money to move, and money to live, and they will not live in rented accommodation – they are elderly. Also, my father has two greenhouses and grows vegetables. A bird in the hand is better than two in the bush. My parents would love to move. But where they could move?!

Housing is the most crucial issue for internally displaced people (Irina Kuznetsova)

Most IDPs live in rented apartments. The living conditions in many cases are not appropriate for the size of families and/or special needs. In other cases, the IDPs' social benefits and pensions are not enough to afford accommodation. Moreover, it can be very difficult to rent an apartment because owners often do not want to rent to IDPs out of prejudice that they will not be able to pay on time; even if they are willing to rent to IDPs, they often increase the price. In some towns, the rental market has become very tight because of the number of IDPs. The market of apartments for rent is mostly informal in Ukraine, which renders most IDPs vulnerable to short notice to move out, rent increases, etc.

There are no regional differences in access to housing, but there are differences stemming from social and economic factors, for example, income, work and size of a family. The high prices for accommodation in Kyiv stop many IDPs from moving there.

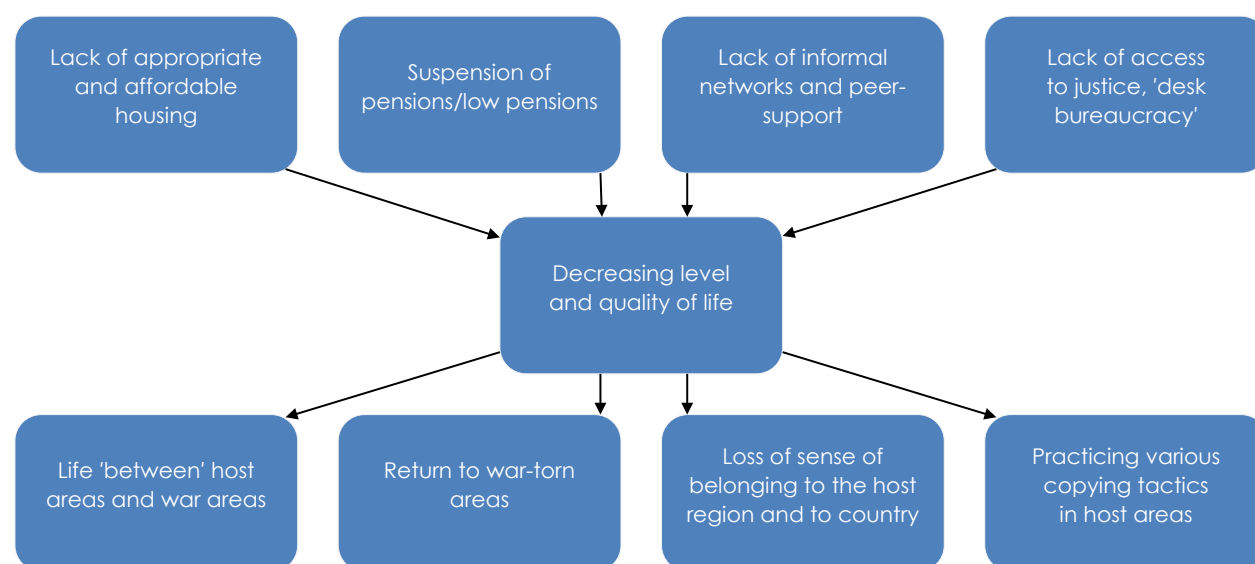
Dormitories provided by the state for IDPs do not have the capacity to accommodate everyone in need. Furthermore, some have asked IDPs to leave; some have increased their prices; and some are still under construction. The new dormitory in Kirovohrad oblast does not have many IDPs because of its undesirable location – it is remote, with little work nearby (see TSN.ua 10/10/2017). In many cases, decisions about who will live in temporary dormitories are made on a first come, first served basis, which creates inequality between different categories of IDPs.

There are no legal mechanisms for providing social housing for the most vulnerable categories of IDPs (the elderly, people with disabilities, single parents).

The new 50/50 scheme introduced by the state, whereby IDPs receive half the price of a property and must cover the rest themselves, has not met with enthusiasm from either IDPs or NGOs, as the timelines and conditions are opaque, while vulnerable categories of IDPs are excluded.

Interviews conducted among IDPs during our research showed that housing issues are one of the most crucial factors when they think about their prospects of living in GCA. Even when the family can cope with the high rent, they still cannot afford the mortgage and thus consider going back. Moreover, since it is so often impossible to bring elderly parents (again, usually because of housing issues), the choice to go back to the self-proclaimed republics may become unavoidable, although not desirable. In June-July 2017, the organisation Right to Protection conducted a survey of 4290 people crossing the 'line of contact' at the five EECs (entry/exit checkpoints) in Donetsk oblast (Maiorske, Marinka, Hnutove and Novotroitske) and Luhansk oblast (Stanytsia Luhanska). The survey shows that 46.2% of them had moved to GCA but were returning (Right to Protection 2017). For about half of them, high rent was the main factor in making this decision.

Internal drivers of return after forced displacement



Civilians with physical and mental health traumas caused by war: The need for an integrated approach

(Irina Kuznetsova and Oksana Mikheieva)

Access to healthcare is highly problematic throughout Ukraine. Due to inadequate resources and low wages, informal payments are embedded at all levels of medical help (see Stepurko et al. 2015, Williams et al. 2013, etc.). Moreover, people often have to buy medication when they are in hospital. For forcibly displaced people, this situation is aggravated by the fact that health services in the NGCA are 'running out of essential medicines and facing serious shortage of doctors' (Holt 2015). Many are therefore facing life-threatening conditions before arriving in GCA, and need urgent support. However, almost all our respondents who had to apply for medical support found it very difficult, for a range of reasons: the need to have the right IDP document; the necessity of informal or formal payments; and even, in some cases, hate speech.

According to respondents, whereas in 2014 the status of IDP provided access to free medical services, nowadays nobody pays any attention to this status, which means that IDPs are forced to become involved in corrupt practices and pay for medical services informally, in the same way as local residents. All informants in our research had to pay for medicines and x-rays while in hospital. One fifth of those who sought medical help faced difficulties because they had not been registered in that medical centre or were not able to provide the document proving IDP status.

Our informants with war injuries insisted that civilians who had received injuries as a result of armed conflict must be considered war veterans. Currently they rely only on treatment paid for by charitable foundations and international organisations and do not receive any special pension or other compensation. Owing to inadequate disabled access in most workplaces, their chances of employment tend to be very low, which makes them dependent on other family members and increases their risk of marginalisation. As we heard from the 37-year-old wife of an injured man, from Debaltsevo but living in Kharkiv:

The only help we received is from charities. And clothes, medication... Our authorities, by contrast – nothing, everywhere we approached, just impossible. But he is a victim, but for what? He is a civilian. He was at home. But there should be some support from the state, a status. [...] The last time he had surgery – the Canadian mission paid for his surgery and medication, but we had to pay the public hospital for every day. So, Canada helps us, but our own state does not. But what about people who do not have family support? I know a woman from Kramatorsk, she lost both her legs, 50% of her body has burns. She has a small son and nobody else, and they have to survive from her pension as a disabled person.

About 4% of registered IDPs have disabilities – 66,434 persons in 2016. According to the UNHCR, the main issues facing these people are access to disabilities benefits, and lack of accessible and affordable transport (UNHCR 2016). Our research

also revealed the discrimination in the job market and the lack of reliable jobs that can be done from home.

People with disabilities who live in the NGCA have to cross the line of control to access pensions; if, as is often the case, they are not mobile and have nobody to help, they are unable to access their benefits. Meanwhile, those who move to GCA face difficulties extending their disability status because of the lengthy bureaucratic process. Many families thus have to live 'between' government and non-government controlled territories so as to provide assistance to those who have to stay in the NGCA.



Photo: Ben Robinson

About one third of IDPs experience various forms of mental health issues, but only 26% have applied for professional help (see Roberts et al.'s 2017 survey of 2000 IDPs). The current project, as well as research from the project 'Mental health and well-being of internally displaced people: Coping tactics and resilience in conflict-affected societies' (Kuznetsova, Catling and Round; funded by the Wellcome Trust), also confirms that even when informants experience anxiety and symptoms of PTSD, they do not seek professional help. This is often connected with prejudices and stigma about mental health in Ukraine in general. There is also a lack of free services and professionals who can work with people who have suffered from war. General practitioners are not trained to provide mental health consultations and treatment. Crucially, the precarious conditions of many IDPs, their lack of resources, and the necessity of coping with everyday issues are the principal barriers to applying for mental health support.

The harm the war has inflicted on children who have had to flee or stay in the war-affected territories has been underestimated. The loss of family members or being a victim or witness to violence can have long-term consequences for children's mental health and general development. According to Oleksandra Magurova, a lawyer from Radnyk in Kyiv, the organisation is preparing, together with UNICEF, a law initiative to establish a status of 'child victims of war' and to create a database of all children in the NGCA at the time of the ATO. This would make it possible to take steps to address both psychological and physical traumas.

Property rights of IDPs in Ukraine

(Gulara Gulyieva)

Since 2014, military activities in eastern Ukraine have caused damage or destruction of an estimated 17,000 buildings (Norwegian Refugee Council 2017). The OSCE Special Monitoring Mission to Ukraine has reported extensive conflict-related damage to properties of civilians in Luhansk and Donetsk oblasts (OSCE 2017). Moreover, repeated violations of the ceasefire has caused further destruction to the property of IDPs (OSCE 2017). Despite the scale of the problem, there is no domestic mechanism to address these losses. After four readings of a draft law, the Ukrainian parliament has not settled on a procedure for compensation of damaged property.

In addition to the uncertainty caused by the lack of legal framework, IDPs experience a number of difficulties in seeking compensation. First, they are discouraged by the financial burden of court proceedings – court fees amount to 1% of the value of the property claim. Secondly, assessment of damages by the authorities is challenging owing to the difficulty of accessing properties located in the occupied territories. As of July 2017, there were only 110 cases being heard in court, which is less than 1% of all potential claims (Norwegian Refugee Council 2017). The success rate of these cases is likely to be low, as the lack of rules for compensation from the state budget generates direct opposition from the judiciary (Current state of the rights.. 2017). Finally, further complications arise from the three-year statute of limitation prescribed by Ukrainian legislation. In 2018, many IDPs are thus at risk of losing the opportunity to seek compensation through the national court system.

The lack of an effective national remedy for property losses of IDPs has resulted in a wave of individual applications to the European Court of Human Rights (around 4000 pending cases). However, the lack of evidence is already causing practical difficulties to IDPs in acquiring restitution or compensation in Ukraine.¹ Further problems are caused by the relocation of notary and other services from Eastern Ukraine to government-controlled territories, which has resulted in the loss of files.²

One practical way for Ukraine to ensure IDPs' entitlement to effective remedies is to follow the practice of Georgia of collecting and preserving evidence about abandoned homes. By relying on satellite photography and informal evidence to support undocumented property claims, Ukraine could create a basis for the future restitution claims of its displaced nationals.

¹ See, for example, *Lisnyy v Ukraine and Russia* (Application no. 5355/15), 28 July 2016.

² See, for example, *Khlebik v Ukraine* (Application no. 2945/16), 25 July 2017.

Recommendations:

Ukraine's economic growth and post-war reconstruction

The Ukrainian authorities should take legal action against persons, organisations and foreign governments involved in instigating, sponsoring and prolonging the military intervention in eastern Ukraine through making a legal reparation claim for war-related damages and losses caused since March 2014. The claim should cover war-related casualties, as well as the destruction of housing, social and technical infrastructure and productive economic assets. It should also cover the likely cost of environmental degradation and public safety measures, including the clearance of landmines and unexploded ordnances. Finally, Ukraine's reparation claim should also include the \$20.8bn/€15.6bn worth of economic output lost as a direct result of armed conflict in the Donbas.

The Ukrainian government and international donors should ensure that the Donbas post-war reconstruction programme aims primarily at economic regeneration through newly-created business activities and sectors, in addition to the restoration of the region's previously viable economic functions. However, the post-war reconstruction programme must be realistic in acknowledging the long-term westward shift in Ukraine's economic geography, which positions the Donbas on the periphery, far from the Ukraine-EU trade border.

The Ukrainian government and Verkhovna Rada should reform the country's pension system to ensure its long-term sustainability and reduce the pension burden for local firms, especially during the post-war reconstruction.

The Ukrainian government and international donors should promote business growth and foster the entrepreneurial dynamism of the Crimea and Donbas IDPs by providing credit to assist with setting up new firms, reducing barriers to entry, and further strengthening market competition and a business-friendly regulatory environment.

Pensions and social inclusion of elderly and people with special needs

The Verkhovna Rada should accept the law to decouple IDPs' status from pensions.

The Ministry of Finance, the Ministry of Social Policy and the Ministry for Temporarily Occupied Territories and IDPs should develop a programme of social insurance for pensioners from the NGCA, including social care and social housing/social rent. They should inspect temporary dormitories for IDPs and explore the possibilities of accommodating more people in need.

The Ministry of Social Policy, the State Labour Service, the Ministry for Temporarily Occupied Territories and IDPs, and the oblast administrations should develop programmes of professional training for elderly people and people with special needs and find opportunities for decent work, including part-time jobs and work from home.

Municipalities should develop programmes of community gardening to allow pensioners and other interested people to grow fruit, vegetables and flowers. The extra products could be sold and the income could be used for developing other social initiatives within communities, including reading clubs, playgrounds, computer rooms, etc. This would also help combat the consequences of PTSD and other mental health issues. As many researchers have shown, community gardening is a highly effective way of enhancing people's mental health and well-being.

Healthcare

The Ministry of Health and the Verkhovna Rada should decouple registration of place of residence from healthcare provision.

The Ministry of Finance, the Ministry of Social Policy, the Ministry of Health and the Ministry for Temporarily Occupied Territories and IDPs should create special category of 'civil veterans' to include civilians with injuries received during armed conflict and maximise their access to healthcare and employment support.

The Ministry of Finance, the Ministry of Social Policy and the Ministry for Temporarily Occupied Territories and IDPs should give all children who have been in the NGCA during the armed conflict the status of victims of war.

The Ministry of Health and the Ministry for Temporarily Occupied Territories and IDPs should organise a system of regular monitoring of IDPs' mental health and provide opportunities for treatment, training and consultancy.

Property rights

The Verkhovna Rada and government of Ukraine should:

- establish a domestic institution with a special mandate to offer appropriate remedies to IDPs in relation to their lost property;
- introduce legal mechanisms to address IDPs' property rights;
- extend the statute of limitation on property claims for IDPs; and
- provide the Ministry for Temporarily Occupied Territories and IDPs with appropriate resources to collect and store information on IDPs' properties in the NGCA.

Consolidating the efforts of NGOs, the authorities and international organisations

The Ministry for Temporarily Occupied Territories and IDPs should initiate public discussions about developing programmes and strategies.

The administrations of oblasts and municipalities, NGOs and international organisations should develop a Cities of Sanctuary movement – to make particular cities or oblasts more welcoming to migrants and IDPs. This could involve mapping all free services and opportunities in a city (such as foodbanks, reading clubs, dancing sessions, walks, etc.) and providing a platform for networking and volunteering.

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Abbreviations

| | | |
|-------|---|---|
| NGCA | – | not-Government-controlled area |
| GCA | – | Government-controlled area |
| IOM | – | International Organization of Migration |
| UNHCR | – | the UN Refugee Agency |

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