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**INTERNALLY DISPLACED PERSONS: A NEW CHALLENGE
FOR UKRAINE**

The process of internal displacement in Ukraine during the six months since it has begun is described in the article. Secondary research was done that included analysis of statistical data, Ukrainian legislation, reports of international organizations, statements of NGOs and Ukrainian authorities. The author distinguishes between two groups of internally displaced persons according to the region of origin – from Crimea and from the Eastern part of Ukraine. An analysis of the main characteristics of different groups of internally displaced persons such as number, growth dynamics, and destination is presented. The author pays attention to the following issues of development of the Ukrainian state policy towards internally displaced persons: terminology, Ukrainian legislation and state bodies, registration system of internally displaced persons, their access to accommodation, social care, and registration of residence. The author proposes the following recommendations: adoption of law regulating and defining special status of internally displaced persons; developing state programs and finding durable solutions for this group of people taking into account their different life strategies; working with public opinion and preventing negative attitudes to the internally displaced persons; amending tax legislation in order to receive financial assistance from different donors.

Key words: internal displacement, state policy, Ukraine.

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ВНУТРІШНЬО ПЕРЕМІЩЕНІ ОСОБИ: НОВИЙ ВИКЛИК ДЛЯ УКРАЇНИ

Розглянуто процес внутрішнього переміщення осіб в Україні протягом перших шести місяців після його початку. Дослідження проведено на основі вторинної інформації – використані статистичні дані кількості зареєстрованих внутрішньо переміщених осіб, законодавчі акти України, звіти міжнародних організацій, заяви представників неурядових організацій і державних органів України. Визначено основні характеристики процесу внутрішнього переміщення в Україні. З'ясовано, що внутрішньо переміщені особи (ВПО) формують дві групи – з Автономної Республіки Крим і зі Східних областей України, які мають свої особливості. Проведено аналіз формування державної політики України щодо внутрішньо

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переміщених осіб. Увага приділена наявним проблемам у таких сферах: розбудова термінологічного апарату, створення системи реєстрації внутрішньо переміщених осіб, формування законодавчої бази і державних інституцій, забезпечення житлом, реєстрація перебування, доступ до соціального захисту і вирішення вітальних потреб даної групи. Встановлено, що потребує ухвалення закон, який визначатиме статус внутрішньо переміщених осіб. Необхідно прийняття державних програм, спрямованих на забезпечення потреб двох категорій ВПО з урахуванням їх життєвих стратегій. Серед завдань держави – робота з громадською думкою і попередження негативного ставлення до переселенців, внесення змін до податкового законодавства країни з метою залучення фінансової допомоги донорів.

Ключові слова: внутрішнє переміщення, державна політика, Україна.

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ЛИЦА, ПЕРЕМЕЩЁННЫЕ ВНУТРИ СТРАНЫ: НОВЫЙ ВЫЗОВ ДЛЯ УКРАИНЫ

Рассмотрен процесс внутреннего перемещения лиц в Украине в первые шесть месяцев после его начала. Исследование проведено на основе вторичной информации – использованы статистические данные количества зарегистрированных внутренне перемещенных лиц, законодательные акты Украины, отчеты международных организаций, заявления представителей неправительственных организаций и государственных органов Украины. Обозначены основные характеристики процесса внутреннего перемещения в Украине. Определено, что лица, перемещенные внутри страны, составляют две группы – из Автономной Республики Крым и из восточных областей Украины, имеющие свои особенности. Проведено анализ формирования государственной политики Украины по отношению к лицам, перемещенным внутри страны. Внимание уделено существующим проблемам в таких сферах: создание терминологического аппарата, государственная система регистрации лиц, перемещенных внутри страны, формирование законодательной базы и государственных институций, обеспечение жильем, регистрация места пребывания, доступ к системе социальной защиты, решение витальных потребностей данной группы. Установлена необходимость принятия закона, определяющего статус вынужденных переселенцев. Необходима разработка государственных программ, направленных на обеспечение потребностей двух категорий вынужденных переселенцев в зависимости от их жизненных стратегий. Среди заданий государства – работа с общественным мнением и упреждение негативного отношения к переселенцам, внесение изменений в налоговое законодательство страны с целью получения финансовой помощи от доноров.

Ключевые слова: внутреннее перемещение, государственная политика, Украина.

Introduction. The annexation of the territory of Ukraine's Autonomous Republic of Crimea by the Russian Federation in March 2014 and the start of an anti-terror operation in May 2014 in Lugansk and Donetsk regions (oblasts) by the Ukrainian Government led to massive internal displacement of people in Ukraine. Therefore, a new group of people has appeared in the Ukrainian society – internally displaced persons (IDPs) and the Ukrainian state has faced new challenges.

Study of recent publications. IDPs as a result of a military conflict are a new phenomenon for scientific community in the independent Ukraine. There is a lack of scientific publications on this topic for now in Ukraine. However, international organizations – the United Nations High Commissioner for Refugees (UNHCR) and the International Organization for Migration (IOM) – have significant experience in analysis of situation, monitoring and developing policy recommendations for the authorities of the countries that face internal displacement. The reports of international organizations about IDPs' problems in Ukraine which were published in May [4], July [7] and August [6] 2014 have presented statistic data and description of the main needs of the IDPs.

The aim of the article is to define positive results and drawback of Ukrainian state policy towards IDPs during the first six months of internal displacement (March–August 2014). The following questions have been raised: 1) what special characteristics does the process of internal displacement in Ukraine have? 2) what are the current main measures of the Ukrainian state for solving the IDPs' issues? For this purpose the secondary research was done that included analysis of statistical data, Ukrainian legislation, reports of international organizations, statements of NGOs and Ukrainian authorities. The author used analysis, synthesis and comparative methods in the research.

Basic results of the research. *The process of internal displacement* in Ukraine. According to the Guiding Principles on Internal Displacement [1] internally displaced persons are «persons or groups of persons who have been forced or obliged to flee or to leave their homes or places of habitual residence, in particular as a result of or in order to avoid the effects of armed conflict, situations of generalized violence, violations of human rights or natural or human-made disasters, and who have not crossed an internationally recognized State border».

The number of IDPs is quite high in the world – 28.8 million as of the end of 2012. Compared with the same period in 2011, there has been an increase of 2.4 million and the highest level ever recorded has been reached [2, p. 8]. The reason for the significant increase of IDPs' numbers is the rise in the number of violent conflicts, especially in the Middle East and North Africa.

The first data about the IDPs in Ukraine were released by the UNHCR at the end of March 2014. At that moment 3,000 people from the Crimea were seeking asylum in the Ukrainian mainland. During the summer 2014, the number of IDPs increased rapidly: there were 190,087 IDPs in Ukraine as of 19.08.2014.

The statistics of the UNHCR is based on the data from state and local authorities that have been collecting the IDPs' calls. Taking into account that not all of the IDPs report to the state authorities for different reasons the number of IDPs in Ukraine can be much bigger.

There are two groups of IDPs in Ukraine: the IDPs from the Crimea and the IDPs from the East of Ukraine. The distinctions between the two groups are following.

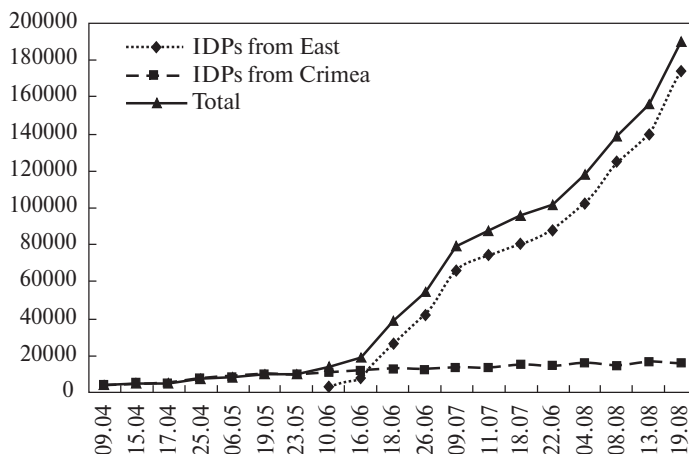


Fig. 1. Dynamics of increasing number of IDPs in Ukraine, 09.04.2014 – 19.08.2014 (persons)

Source: UNHCR. The UN Refugee Agency [3].

First of all, there are different causes of internal displacement. The displacement process of people from the Crimea started after the referendum on independence of the Crimea and consequent integration of the peninsula into the Russian Federation. The start of an anti-terror operation in the East of Ukraine led to forming the second group of the IDPs from this region.

Secondly, the groups are different by size. The main part of the IDPs from the Crimea moved to the mainland since the end of April till the middle of May 2014. After that there has been a negligible increase of the group's numbers (see Figure 1). The official statistics has been counting the IDPs from the East of Ukraine since 10.06.2014, when the number of the group measured up to 3,134 people. During June–August 2014 the number of the IDPs from the East increased dramatically and became much bigger than the first one – 85% of all IDPs.

Thirdly, the causes of the displacement process provided for the conditions of displacement. The main factors that triggered movement from the Crimea were increasing insecurity for journalists and political activists; religious persecution in case of Muslims and evangelical Christians; uncertain future for people whose action were linked to Ukrainian professional licenses (small business owners, pharmacists, lawyers, accountants, etc.); a wish to continue Ukrainian education. In other words IDPs from the Crimea had the opportunity to plan their movement more or less carefully.

The crucial factors that triggered movement from the East are the military operation, shortage in food stocks and other essentials, economic downturn, reprisals against non-supporters of secession. Therefore the IDPs from the Eastern part of Ukraine are not only the largest but also the most vulnerable group.

Fourthly, there is a difference in settlement strategy between the groups of the IDPs in Ukraine that identifies their future living strategy – to stay in a new place or to return back. For instance, the IDPs from the Crimea most often move to Central (45%) and Western Ukraine (26%) [5]. Their largest groups were located in Kyiv oblast, Lvivska and Odesska oblasts as of 19.08.2014. The members of this group prefer to stay in Ukraine or to seek asylum in the EU member-states. This can be explained by two factors: there are many Crimean Tatars among the IDPs from the Crimea in Western Ukraine (80% of the IDPs) and in the Kyiv region (25% of the IDPs), and there are many cases of impairment of their rights on the peninsula.

The main places of destination of the IDPs from the East are the nearest regions from the conflict zone – Kharkivska and Donetsk regions. This goes to prove that these people are not going to change the place of residence but will try to wait for the end of military operation in a safer location. For instance, the UNHCR reported [8] about the first 100 families that returned to their homes in Slavyansk town (Donetsk oblast).

There are also some common characteristics of internal displacement in Ukraine. Women and children compose the majority of the IDPs' population. According to the IOM report [9, p. 4], there are many cases when men have removed their families to mainland Ukraine and returned back to the Crimea to protect the property.

People are on the move: some people are in search of accommodation or employment; others travel back to their region with the purpose of solving some problems. There are secondary movements when the IDPs had to move two times – at first from the Crimea and later from the Eastern region of Ukraine. The last trend is typical for Lugansk and Donetsk oblasts where the number of IDPs has decreased since May 2014.

An escalation of the conflict in Ukraine has forced some Ukrainian citizens to seek asylum abroad: as of 19.08.2014, there are 70.3 thousand such people. The number of

Table 1. Number of Ukrainians seeking asylum (persons)

| Country of asylum | 11.07.14 | 18.07.14 | 22.07.14 | 04.08.14 | 08.08.14 | 13.08.14 | 19.08.14 |
|-------------------|----------|----------|----------|----------|----------|----------|----------|
| Belarus | | | 108 | 199 | 199 | 283 | 291 |
| Poland | | | 558 | 1067 | 1,067 | 1,160 | 1,196 |
| Slovakia | | | 4 | 4 | 4 | 4 | 4 |
| Hungary | | | 14 | 23 | 23 | 23 | 29 |
| Romania | | | 23 | 23 | 23 | 23 | 20 |
| Moldova | | | 18 | 22 | 22 | 36 | 38 |
| Russia | | | 31,329 | 48,000 | 55,261 | 68,800 | 68,800 |
| Total | 20,909 | 20,909 | 32,054 | 49,338 | 56,599 | 70,329 | 70,378 |

Source: UNHCR. The UN Refugee Agency.

people who have applied for refugee status in the EU member-states is increasing but very slowly: 599 people applied as of July, and 1,249 people as of 19.08.2014. The main increase is fixed in Poland (from 558 people as of 22.07.2014 to 1,196 people as of 19.08.2014). There are Ukrainians who seek asylum in Belarus as well as in Moldova. However, the largest part of Ukrainians has moved to the Russian Federation. During August their number has increased more than twofold: from 31.3 thousand as of 22.07.2014 to 68.8 thousand as of 19.08.2014.

The measures of Ukrainian authorities for solving the IDPs' issues. Notwithstanding the fact that the Ukrainian state was not ready for the appearance of the IDPs on its territory, many important measures were provided by the state authorities during the first six months of internal displacement.

At the end of March 2014 the Ministry of Social Policy of Ukraine assumed the role of coordinator for the central and local authorities' social support measures for citizens moving from the Crimea to other regions of Ukraine for temporary residence. A governmental telephone «hot line» for the IDPs was created; social protection agencies were mobilized; procedures of receiving pension and insurance benefits through social insurance funds were simplified; employment services for the IDPs were provided by the Ministry. Recreation and retreat centers were provided for the IDPs as temporary accommodation. The passport services for the IDPs from the Crimea were replaced to the State Migration Service offices on the mainland. The procedure for transferring students from the universities of Crimea to other Ukrainian universities was simplified by the Ministry of Education and Science of Ukraine. The issues of resettlement, health care, education of children in kindergartens and schools, employment and retrieval of lost documents were assumed by the Regional State Administrations.

However, most of the measures were taken in order to improve the emerging situation. The main strategic issues remained unresolved. First of all, the term «internally displaced persons» has not found unanimous support in the Ukrainian society, even though it represents the essence of the phenomenon and is enshrined in international law. The alternative terms «forced relocates» that exists only in Russian legislation or even a more inaccurate one – «refugees» – were often used by the Ukrainian mass-media concerning the IDPs.

The situation in Ukrainian legislation is also not regulated. There are terms «citizens who have resettled from the temporarily occupied territories» in the Law of Ukraine «On guaranteeing the rights and freedoms of citizens and on the legal regime on the temporarily

occupied territory of Ukraine» or «persons who have left their place of residence forcedly» in the draft law «On the legal status of persons who are forced to leave the residence because of temporary occupation of the Autonomous Republic of Crimea and the City of Sevastopol, and circumstances surrounding the conduct of anti-terrorist operation on the territory of Ukraine». This situation leads to confusion in terms and shows legal nihilism of the Ukrainian lawmakers. Moreover, terms that are not harmonized with international law can lead to difficulties and additional legislation work in the future.

Secondly, the system of IDPs registration is noted among the priority issues by state authorities, international and non-governmental organizations. Only a small number of people have been registered in the state registration system for the IDPs as in Ukraine people do not trust the state authorities. In addition, the registration system was not uniform and did not reflect the gender, age and basic needs of the IDPs. As a result, the state had no information about the real extent of displacement and the IDPs' needs. Consequently, there was no possibility to apply for financial support to international organizations that require a clear list of issues and their scope. However, the Ministry of Social Policy of Ukraine and the Ministry of Regional Development worked together with the assistance of the UNHCR on developing the tools for IDPs registration and data collection.

Thirdly, the legal framework for the IDPs in Ukraine has been developing slowly. Thus, it does not meet the urgent needs of this group of people.

Taking into account the number of IDPs in the world, the main recommendations were identified in the «Guiding Principles on Internal Displacement» [1] by the United Nations in 1998 to the states that have faced the phenomenon of displacement. Among basic human rights of IDPs the Guiding Principles define equality with other persons in their country, the right to seek asylum in another country, the right to protection and humanitarian assistance from the national government, the right to the unity of families and to an adequate standard of living (food, water, clothing, shelter, medical care and so on), the right to get lost documents, the right to education, to protection of property possessions left behind against destruction and arbitrary and illegal appropriation, occupation or use. In the document special attention is paid to the prohibition to call the IDPs in the armed forces, or to call children who have been internally displaced into the army.

The Law of Ukraine «On guaranteeing the rights and freedoms of citizens and on the legal regime on the temporarily occupied territory of Ukraine» was adopted on 15 April 2014 – a month after the first IDPs from the Crimea appeared.

According to the Law Ukraine does not recognize the annexation of the Crimea (Art. 1), guarantees property rights in the Crimea (Art. 11) and agrees that human rights and freedoms, cultural heritage on the temporarily occupied territory will be protected (Art. 5). However, the Ukrainian state has completely lost control of the peninsula and because of this reason there is no possibility to fulfill these provisions of the law.

Among the positive achievements of the law are permission for free movement of people between the Ukrainian mainland and the Crimea, protection of the rights to employment, pensions, compulsory state social insurance, social services, education, document recovery, electoral rights of people who have left the temporarily occupied territory (Arts. 6, 7, 8). The appropriate mechanisms were described in the bylaws of the responsible ministries and agencies.

However, the Law does not apply to the IDPs from the Eastern Ukraine that is currently the largest and the most vulnerable group of the IDPs. According to the Law special status is not granted even the IDPs from the Crimea. The law neither covers such important issues as provision of housing, registration of temporary residence and business, etc.

The situation around the Law of Ukraine on IDPs, which would cover the IDPs from the Crimea and the Eastern part of Ukraine, is uncertain. The draft law «On Protection of Rights and Freedoms of the internally displaced persons», that was developed with public participation and met the principles of the UN, was removed from the vote in the Ukrainian Parliament. Instead of it, on June 19, a new draft law «On the legal status of persons who are forced to leave the residence because of temporary occupation of the Autonomous Republic of Crimea and the City of Sevastopol, and circumstances surrounding the conduct of anti-terror operation on the territory of Ukraine» was adopted by the Ukrainian Parliament after rapid consideration. Representatives of the NGOs have found that this draft does not meet international standards and contains numerous flaws (for instance, declarativity, redirection of solving the key issues to the future decisions of the Cabinet of Ministers of Ukraine, the placement of «burden of proof» on the IDP status seekers, etc.). They appealed to the President of Ukraine with a request to veto the draft. The President of Ukraine in his remarks on the draft [11] identified the document as «failing to create an integrated mechanism for providing assistance and protecting the rights and interests of the IDPs by the state, and containing provisions that violate the Constitution of Ukraine». In spite of the fact that on July 19 the draft was vetoed by the President of Ukraine, the members of the responsible Committee of the Ukrainian Parliament have made a decision to proceed and placed the draft for the Parliament's repeated vote.

Various Ministries and state agencies, governors and mayors are currently involved in solving the issues of the IDPs. On 11.06.2014 a new interagency coordination body was established by the Cabinet of Ministers of Ukraine on the basis of the State Emergency Service [12]. In addition, the Department of occupied territory and social adaptation was created [13] as a part of the Executive Office of the President of Ukraine as well as the Department of the Autonomous Republic of Crimea and the City of Sevastopol was established within the Cabinet of Ministers of Ukraine at the end of May 2014.

However, the need for an executive body with a special status for social rehabilitation and integration of the IDPs was emphasized by the IDPs and the voluntary organizations at the 1st National Congress of the IDPs from the Crimea on 23.05.2014 (Kyiv). Two months later the Minister of Regional Development, Construction and Housing and Communal Services of Ukraine announced [14] that the Cabinet of Ministers of Ukraine had issued the decision on the establishment of the State Service for displaced persons from the East Ukraine and the Crimea. The mission of the new state body is to coordinate the activities of all state departments, international organizations and associations of the volunteers who work with temporary displaced persons.

Permanent accommodation is the key issue for the IDPs in Ukraine. Currently they are living in state sanatoria, local churches, in private sector or with relatives. In many cases accommodation is not suitable for different reasons: bad or lacking basic conditions, buildings that are not suitable for winter time. Besides, such accommodation is often situated in rural areas with minimal employment opportunities. From the beginning of the displacement process the local population, the owners of hotels and local authorities have been providing free temporary accommodation for the IDPs. This accommodation can not be used as a durable solution.

The Ukrainian Government has appropriated funds (UAH 25 Million) as a financial support for the IDPs [15]. However, this amount covers the needs only of the IDPs from the Crimea. The amount of money is also not enough. According to the calculations of the Head of Lviv Regional State Administration in March 2014 [16] when the number of the IDPs was approximately 1,000 people in the area, the Lviv region demanded about UAH 2.2 million per month for providing targeted assistance to the IDPs.

Substantial aid to the local authorities and the IDPs in Ukraine is provided by the UNHCR. For instance, USD 131,000 were allocated for a cash assistance program to support more than 650 most vulnerable IDPs in Lviv region; USD 15,000 – for settle-in grants for 30 most vulnerable families in Vinnytsia region; USD 17,000 of technical assistance to local authorities [17].

Registration of residence is one of the most important issues for the IDPs. According to the Ukrainian legislation, registration of persons' temporary residence is accomplished with a ticket cancelling their previous registration of residence or with documents confirming the right of living in the new location (authorization to an apartment, property title, rental contract or approval of proprietor on the registration of residence) [18]. Taking into account the fact that the majority of the IDPs have been living in resorts or living privately or renting housing unofficially (without a contract with owners) the registration in the new place is not possible.

Furthermore, in the case of urgent departure from the anti-terror operation zone many IDPs do not have a ticket cancelling their previous registration of residence. Absence of registration leads to restrictions in realization of social and economic rights according to Ukrainian legislation (employment, registration of business, medical and social care, ownership and so on).

For solving the registration issue the UNHCR has offered to register the IDPs in the institutions of social services and social protection¹. On the basis of this approach the first case of the IDPs from the Crimea was successfully solved by one of the implementing partners of the UNHCR [4, p. 6].

The level of solving social care issues depends on the region and category of the IDPs. Many aspects of social benefits for the IDPs from the Crimea are already solved as there is relevant legislative framework in Ukraine. In addition, some regions are trying to provide additional assistance for this group such as one-time cash grants, support for rent payments, etc. In the case of the IDPs from the East of Ukraine the situation is worse as they are the largest group with major subgroups concentrated in few administrative regions (oblasts), and there is no appropriate legislation concerning the IDPs from the East.

From the first days of displacement Ukrainian civil society and volunteers have been providing food and clothes to the IDPs. The UNHCR also participates actively in providing humanitarian aid to the towns in Eastern Ukraine (Sviatohorsk, Krasny Liman, Slavyansk) and Kyiv region [17]. However the experts of international organizations highlight [4, p. 4] that charitable response capacity is limited and there is a need for systematic countrywide solution-oriented coordination mechanism for support of this group of people.

In addition, the IDPs have faced other problems: lack of timely actions for creation of a «corridor» for the IDPs from towns that are located in the anti-terror operation zone; imperfect work of the governmental telephone «hot line»; lack of information about assistance for the IDPs; lack of access to bank accounts and deposits of the IDPs; difficulties with re-registration of businesses; lack of places in kindergartens or need to pay fees in kindergartens; the need for psychological assistance and adaptation to new conditions for children, etc.

Conclusions. The Ukrainian state was not ready for the appearance of the IDPs on its territory. Nevertheless, many important measures were provided by the state and local authorities for solving the problems of the IDPs during the six months after beginning of the displacement process. But the major strategic issues remained unresolved.

¹ Homes for the elderly and the disable people, geriatric institutions, pensions for veterans; neuropsychiatric boarding; territorial centers of social services for pensioners and single disabled people; night shelters, homeless people reintegration centers, centers for social adaptation of persons released from prisons; social hotels designed for temporary shelter of adult homeless people [19, p. 3].

First of all, the Parliament should adopt a law regulating and defining their special status as internally displaced persons, their rights and the mechanisms for implementation of these rights as well as a procedure for financing expenditure from the state budget.

Secondly, there are two different life strategies among the IDPs in Ukraine – to stay in a new place or to return home. This fact should be taken into account for developing state programs and finding durable solutions for the IDPs. The program for people who prefer to stay in a new place should include integration measures; for people who prefer to return – restoration of damaged households.

Thirdly, special attention should be paid by the Ukrainian state to working with public opinion and preventing negative attitudes to the IDPs in Ukrainian society.

Finally, taking into account the dire economic situation in the country there is a high probability that the Ukrainian state will not assume exclusive responsibility for solving actual problems of the IDPs. For this reason the Parliament should amend tax legislation in order to receive financial assistance from different donors (foreign countries, international and voluntary organizations).

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