

SUSPENSION OF PENSIONS AND SOCIAL ASSISTANCE FOR INTERNALLY DISPLACED PEOPLE

November 2016

BACKGROUND

In November 2014, the Government of Ukraine (GoU) took a number of measures to address its lack of control over certain areas of Donetsk and Luhansk regions. These measures, justified by the security situation, included the suspension of local authorities and the interruption of banking services.

Subsequently, the Cabinet of Ministers (CoM) of Ukraine adopted specific resolutions, including CoM Resolutions no. 595 and 637, to address pension and social assistance payments for persons registered in non-government controlled areas. The new resolutions meant that payments could only be made with proof of registration as an Internally Displaced Person (IDP) registered in the government-controlled area. Recipients remaining in the non-government controlled areas were obliged to register for IDP status in the government-controlled areas in order to receive pensions or other social assistance, although not necessarily displaced. This effectively linked pension and social assistance payments with IDP status.

Pensions are an acquired right of all citizens of Ukraine and are paid upon retirement to older people and to certain professionals eligible for early retirement and should not have been linked to IDP registration. Equally, social assistance is linked to a particular vulnerability and not to displacement. Social assistance is provided for: **single parent families, families with three or more children, child birth and child care, adoptive parents, caregivers, the disabled and for those ineligible for a pension due to lack of seniority**. By forcing persons entitled to a pension or social assistance to register as IDPs, the Government breaches the 'Guiding Principles on Internal Displacement' by creating additional displacement. It also acted in disaccord with Ukrainian legislation, as acknowledged by a decision of the Administrative High Court, on 16 October 2015.

UNHCR considers access to pensions and social assistance a priority and specifically advocates the Government to de-link the payment of pensions and social assistance from IDP registration and to revoke contested CoM resolutions since February 2016.

On 17 February 2016, Parliament held initial hearings on '*The status of the observance of the rights of internally displaced persons and Ukrainian citizens residing in the temporarily occupied territory of Ukraine and in the temporarily uncontrolled territory in the area of the anti-terrorist operation*'. UNHCR participated in the hearings and shared UNHCR's position on de-linking the payment of pensions and other social assistance from IDP registration.

On 17 March 2016, a draft law no. 4257, "*On amendments to the Law of Ukraine 'On Compulsory State Pension Insurance' on realization of a right to a pension for citizens who live in settlements in the territory of which the public authorities temporarily do not exercise their powers*" was registered by Parliament. The draft law aims to de-linking the payment of pensions and other social assistance from IDP registration. The Recommendations of the Parliamentary Hearings on IDP protection, adopted on 30 March 2016, asked for the immediate consideration of the draft law.

In the meantime, from February 2016, the Ministry of Social Policy (MoSP) instructed its local offices to suspend pension and social assistance payments. The move affected around **500,000-600,000 IDPs in eastern Ukraine, pending verification of their presence in the government-controlled areas and their residence at the address indicated on their IDP certificate**. The stated objective of address verification was to fight fraud.

While recognizing that the Government has the right to combat fraud, UNHCR expressed concern for the lack of procedural transparency in the suspension of pensions and social assistance, including the lack of communication of decisions to those affected and absence of criteria used to decide who would have their benefits suspended. No information was provided to those affected on how to reinstate pensions or social assistance payments.

UNHCR, its partners and other members of civil society reported on the terrible impact of pensions and social assistance payments, especially on vulnerable groups who were most affected by the loss of income, such as older persons, persons with large families, disabled persons and single parents. UNHCR used various mechanisms to voice its concern, including by addressing two joint letters with OHCHR (on 28 March and 5 May 2016) to the Government, recommending the de-linking of pensions and social assistance which are an acquired right of all citizens who meet certain eligibility requirements and are not linked to displacement. To date, no response has been received to the letters.

An [‘Update on the suspension of social benefits and pensions to IDPs’](#) issued by the Protection Cluster in June 2016, provides statistics on the status of reinstatement of social benefits and pensions as well as the impact on persons of concern.

On 31 May 2016, draft law no. 4257 de-linking the payment of pensions and other social assistance from IDP registration was not included on the Parliamentary agenda as it did not receive a required number of votes (it fell 29 votes short for inclusion on the agenda).

In June 2016, new CoM regulations introduced a verification system and additional mechanisms discriminating against those receiving pensions and social assistance based on their place of residence. The new rules mean that pensions and social assistance are cancelled if a recipient is absent for more than 60 days from the place of residence stated on the IDP certificate. Verification of the place of residence includes an assessment of the living conditions and should be conducted every six months. Payments automatically stop if verification does not take place.

CURRENT SITUATION

The verification IDP places of residence is ongoing and the payment of pensions and social assistance remains suspended or denied for a significant number of people. The procedure and instructions for verifying or reinstating payments vary by region. Statistics collected by UNHCR from the Ministry of Social Policy, the Pension Fund or the State Emergency Service are problematic, as they do not provide a clear breakdown of pension, social assistance and displacement-related assistance recipients.

UNHCR closely monitors the impact of the suspension of payments and estimates that it has affected up to 400,000 recipients of social assistance since June 2016.

Reinstatement of pensions and social assistance remains a lengthy process due to a large number of persons undergoing the verification procedure and the lack of capacity of regional Department of Social Protection offices. Queues and persistent tensions with regional authorities in regions with large numbers of IDPs have been reported. The regulations do not provide for specific treatment for the most vulnerable people.

UNHCR is highly concerned with the possible impact of the implementation of regulations stipulating the cancellation of pensions and social assistance after six months for recipients who, for reasons beyond their control, were not verified.

To date, draft law no. 4257 stipulating the de-linking of pensions from IDP registration has not been considered by Parliament.

RECOMMENDATIONS

UNHCR calls on the Government of Ukraine for a resolution to the issue of the payment of pensions and social assistance that is not discriminatory towards internally displaced people. UNHCR joins others to call on the Government to de-link the payment of pensions and social assistance from IDP registration.

UNHCR considers irrelevant the fact that citizens in certain areas of Ukraine receive any form of compensation from de facto authorities.

UNHCR suggests that draft law no. 4257 stipulating the de-linking of pensions from IDP registration be considered by Parliament.

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