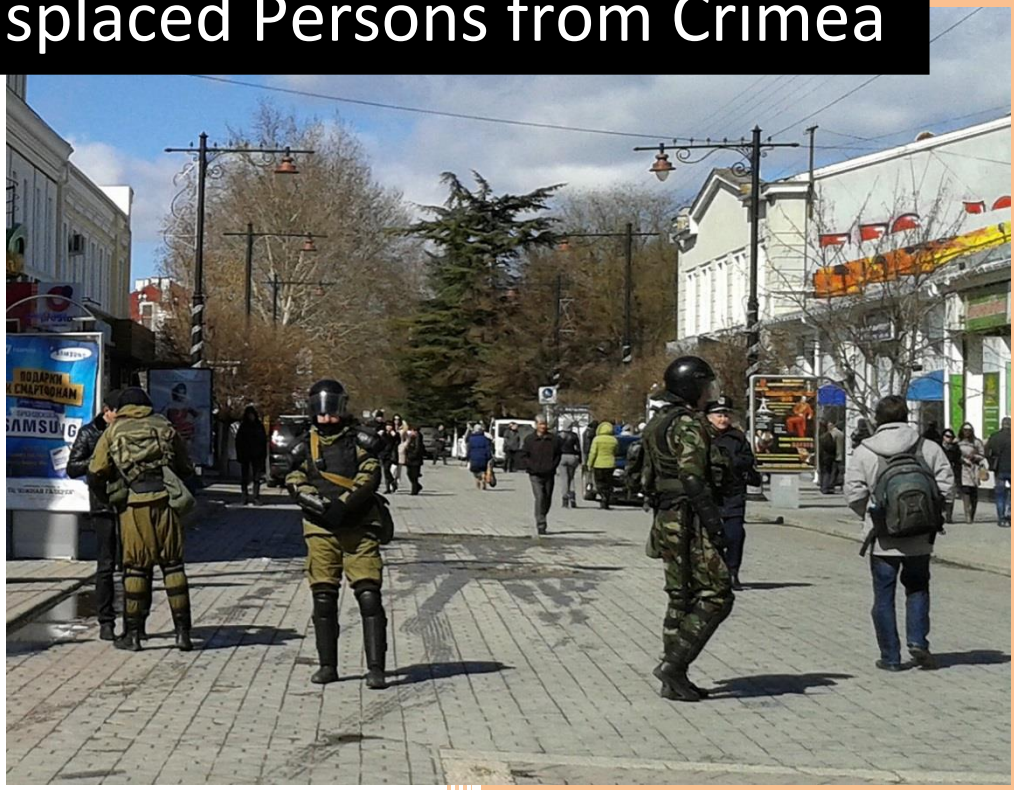
May 2014

In Search of New Lives: Situation of Internally Displaced Persons from Crimea



International Partnership for Human Rights (IPHR) works with civil society groups from numerous countries to raise human rights concerns at the international level and promot respect for the rights of vulnerable communities, such as human rights defenders; political prisoners; victims of torture and unfair trials; ethnic, religious and other minorities; women and children from marginalised communities and independent journalists and others who are at risk because they challenge government policies. We seek to assist these groups in delivering their message to international actors and to call attention to human rights issues that otherwise may not reach the agenda of international organisations and institutions.

The **Civic Solidarity Platform (CSP)** was created to bring together nongovernment organizations in Europe, Eurasia and North America committed to improving the human rights situation in Eastern Europe and Central Asia. It provides a common space for these groups to share their experience in conducting research, advocacy and public organizing. It fosters new channels of communication and improves methods for working cooperatively. The Platform serves as a conduit through which civic activists can build alliances, strengthen mutual support and solidarity and improve their influence on national and international human rights policy.

This report has been prepared by: Tolekan Ismailova, Andrei Aliaksandrau and Simon Papuashvili

International Partnership for Human Rights would like to express special gratitude to Open Society Foundations for its support to the Ukraine project under which this publication was made possible.

Contact details: International Partnership for Human Rights

Contact: International Partnership for Human Rights (IPHR)

Avenue des Arts 3-4-5, 8th Floor
1210 Brussels, Belgium
Tel. +32 2 227 6145 (landline) +32 475 39 21 21 (mobile)
Email: iphr@iphronline.org

Contents

EXECUTIVE SUMMARY 4
BACKGROUND 5
PRELIMINARY FINDINGS 7
IDP profile 7
Pre-displacement background and reasons for displacement 7
The process of displacement 9
Housing 10
Children 11
Access to healthcare 11
Employment 11
Other issues 11
RECOMMENDATIONS 13

Situation of Internally Displaced Persons from Crimea

EXECUTIVE SUMMARY

This report was prepared following a fact finding mission to Ukraine by representatives of the Civic Solidarity Platform (CSP). The purpose of the mission, which took place between 16 and 23 April 2014, was to investigate about the process of internal displacement from the Crimean peninsula and to examine closely the problems that face internally displaced people (IDPs) in the process of displacement.

26 in-depth, semi-structured interviews were conducted at various locations in Kiev and Lviv with randomly selected respondents. While the general situation of instability and insecurity was pinpointed as a major reason for displacement, some interviewees reported that they or their family members were subjected to physical and verbal abuse. Inability to freely express an opinion on political matters due to the fear of persecution, obstacles for Muslim believers to practice religion and legislative/administrative obstacles of various kinds were similarly identified as conditions that led to forced displacement.

As of May 2014, the displacement of different segments of the Crimean population is substantial and is likely to continue in the coming months. This is a result of increased insecurity and discrimination following Russia's annexation of the Peninsula. Respondents described their decision to relocate from Crimea as long term. They did not seem to believe that Russia's de facto control of the Peninsula is going to change in the foreseeable future. The majority of the respondents explained that they were soon to be re-joined by their family members and acquaintances who temporarily remained in Crimea to settle administrative and property issues.

Furthermore, as armed groups continue to seize administrative buildings illegally in several Eastern regions of Ukraine and are committing gross human rights abuses, including killings, abductions, harassment and unlawful detentions a significant wave of displacement from the East of the country is highly probable.

Owing to the combined response of the Ukrainian government and private contributors, the most urgent humanitarian needs of the first wave of IDPs have so far largely been met. Nevertheless, finding long term solutions to the outstanding problems of the displaced will require a coordinated effort and commitment from Ukrainian authorities and humanitarian organizations mandated to provide assistance in such situations. Any delays in action or mismanagement of the situation can lead to social tensions and hamper the integration of displaced people in their new location. Government of Ukraine should to this end promptly enact a comprehensive legislation that would provide guarantees for IDPs, and ensure that sufficient budgetary resources are allocated to meet the basic need of the growing number of displaced persons.

BACKGROUND

International Partnership for Human Rights (IPHR) is currently implementing a project to gather comprehensive and reliable information concerning the human rights situation in Ukraine. The project aims to galvanize international solidarity among human rights defenders and their beneficiaries as they continue their work despite increasing insecurity, and to prompt the international community to take substantive action against human rights abuses.

The project is implemented through the Civic Solidarity Platform (CSP), which was created in 2011 to bring together non-governmental organizations in Europe, Eurasia and the US committed to improving the human rights situation across the OSCE region. It provides a common space for these groups to share their experience in conducting research, advocacy, and public organizing and to find new channels of communication and improved methods for working cooperatively.

The deterioration of the situation in the Crimean Peninsula has led to the large scale displacement of various segments of the population. IPHR was approached in mid-April by a number of Ukrainian organizations with a request to take a closer look at the situation relating to internally displaced people (IDPs) from Crimea. According to estimates by the UNHCR Regional Representation for Belarus, Moldova and Ukraine, by May 2014 the number of IDPs across 24 regions of Ukraine is well over 10000.[1] This number is likely to grow substantially in the coming months as the situation in Crimea remains volatile and those inhabitants who did not welcome Russia's annexation of the Peninsula experience discrimination at different levels.

Based on consultations with Ukrainian CSP members, IPHR initiated a fact finding mission, which would:

- Examine the reasons for displacement of various groups including political, security, legal, economic and social impetuses;
- Explore the adequacy of the response of the Ukrainian government in terms of providing assistance to the recent wave of Crimean IDPs;
- Identify key needs and challenges faced by Crimean IDPs and minority groups still residing on the territory of the Crimean Peninsula;
- Elaborate recommendations towards major stakeholders, including the Russian and Ukrainian Governments, IGOs, INGOs and other actors that provide humanitarian or other forms of assistance to IDPs.

The research was conducted through individual, face-to-face, semi-structured interviews based on a pre-prepared list of open and closed questions. The questionnaire included the following sections, each containing detailed set of questions: personal information; pre-displacement background; reasons for

[1] Source : UNHCR http://www.unhcr.org/537b24536.html

displacement; property related issues; current place of residence; living conditions; access to healthcare; children and people with special needs.

26 in-depth interviews were conducted at several locations with the largest concentrations of IDPs in the Kiev and Lviv areas. In order to ensure the fair representation of different groups of IDPs, interviewees were randomly selected at the compact IDP settlements and other locations visited by mission members during the period of 16-23 April.

In addition to IDPs, the mission members met with representatives of the local authorities in charge of IDP assistance (coordination centres in Kiev and Lviv) and civil society initiatives dealing with displacement related issues including Crimea SOS and the No Borders Project.

PRELIMINARY FINDINGS

IDP profile

Age and gender: 26 individuals interviewed by the mission represented variety of age groups from 16 to 74 years old. Approximately 64% of the interviewees were female, closely reflecting the gender composition of the current Crimean IDP population. The majority of the respondents came from Crimea in families of different size, often comprised of two or more children.

Ethnic identity: 34% of the respondents identified themselves as ethnic Ukrainian, 28% as Crimean Tatar, 22% as ethnic Russian, 14% as having a mixed ethnic background (mostly Ukrainian-Russian) and 2% identified as other.

Nationality: Over 95% of the respondents were Ukrainian passport holders, others included nationals of the Russian Federation and Georgia, with Crimean permanent residence.

Language: All interviewees spoke fluent Russian (the language used for interviews) and most had either fluency in Ukrainian or were at least able to communicate without difficulties. Part of respondents reported that their ability to speak Ukrainian was limited. This occasionally made interaction with local inhabitants difficult, especially in the Western part of the country. Some highly skilled respondents reported that in order to enter the job market at their current place of residence, they would require at least some language training in Ukrainian.

Educational background and occupation: the majority of the respondents held diplomas of higher education in a range of disciplines. Before the displacement, most had paid jobs (permanent or seasonal) and some were self-employed or engaged in various forms of income generating activity.

Pre-displacement background and reasons for displacement

Most of the respondents lived in Crimea for long periods before their displacement and all 26 interviewees responded that they did not have an intention to move away from Crimea before February 2014. In response to the question "have you experienced any form of persecution or discrimination while living in Crimea before February 2014?" the answer was mostly negative. However, some respondents reported tensions related to language and political orientation, implying that non-Russian speakers who identified themselves as pro-Ukraine occasionally experienced problems in the work place, in educational environments, while accessing public services, etc.

The general situation of instability and insecurity combined with the overall feeling of hostility against those who identify themselves as pro-Ukraine was pinpointed as a major reason for displacement. More concrete examples described by the respondents include:

Physical and verbal abuse based on political orientation and/or ethnic identity.

According to the respondents, the situation was already tense before unidentified men dressed in green military camouflage appeared in Crimea in February. However, the situation dramatically worsened with the increased presence of the Russian military. Although 'green men' (as they were often referred to by interviewees) did not wear any visible insignia, they were associated with the presence of the Russian state on the Crimean Peninsula from early on. However, cases of physical and verbal abuse witnessed by the respondents did not feature Russian military servicemen. Instead, the abuse came from pro-Russian mobs acting in a private capacity, but which were encouraged by the presence of Russian military servicemen who openly tolerated the violent actions of such groups.

Inability to freely express one's opinion on political matters due to the fear of persecution

Respondents described a situation in which they would be treated with hostility and alienated if they criticized Russia's annexation of Crimea or if they openly articulated that they wanted Crimea to remain part of Ukraine. Over time, it became practically impossible to organize any manifestation or demonstration that would challenge Russia's annexation of Crimea. Moreover, several respondents reported losing employment, both in public and private sectors and in violation of the laws regulating employment related issues, solely due to their political orientation and the fact that they refused to acquire Russian nationality.

Obstacles to Muslim believers to practice religion

Several Muslim believers interviewed by the mission cited the threat of persecution by the Russian government based on their religious beliefs as a major reason for displacement. Such fear was based, in part, on the notorious application of Russia's anti-extremist legislation which, according to the respondents, is already used as a tool of pressure against several segments of the country's Muslim population. Two respondents described a situation in which the representatives of Russia's Federal Security Service were allegedly visiting mosques regularly and interviewing believers who came to attend the service. Such acts are perceived as highly intimidating and constitute interference in one's right to practice religion.

Legislative and administrative obstacles

Among the legal obstacles identified by the respondents was Russia's Federal constitutional law FKL N 6 of March 21, 2014 'On admission to the Russian Federation of the Republic of Crimea and the formation of the new subjects of federal significance of the Russian Federation: Republic of Crimea and Sevastopol City.' According to the law, citizens of Ukraine and people without citizenship who reside on the territory of Crimea as of 18 March 2014, will be granted Russian citizenship. Those wishing to maintain their current citizenship or remain without citizenship were obligated to declare their intentions within one month of the law's 18 March entry into force. This does not apply to persons who, during one month after 18 March, declared about their willingness to maintain their current

citizenship, or wish to remain without citizenship. Respondents explained that the law created a legal regime under which the ability to effectively exercise their civil rights would be conditional on their acceptance of Russian citizenship and those who, for whatever reason, refused to take Russian citizenship would suffer discrimination. Several respondents explained that they left Crimea due to the fear that they would not be able to leave the Peninsula later due to legal constraints and after border control between Crimea and mainland Ukraine became intensified. This fear was further reinforced by proposed Ukrainian legislation related to the rights and obligations of citizens on the territory of the Autonomous Republic of Crimea that would effectively restrict the freedom of movement and possibility of engagement in economic activity across the boundary. However, the scope of application of said law is limited.

Respondents did not expect the situation in Crimea to change positively in the foreseeable future and assumed their displacement to be long-term. Many interviewees indicated that some of their family members remained in Crimea to settle administrative and property related issues and were intending to rejoin their families soon on the Ukrainian mainland.

The majority of the interviewees stated that they own immovable property. They expressed fears about being unable to effectively exercise their property rights due to the legal ambiguity over property transactions – any transaction carried out under Russian law will not be recognized by Ukrainian authorities and transactions over Crimean property conducted in accordance with Ukrainian legislation will not be recognized by the Russian authorities.

The process of displacement

IDPs often left with few personal belongings since the decision to flee was often made hurriedly. Some respondents explained that they did not bring belongings because they feared they would look suspicious and might be denied the permission to leave the Peninsula.

Most of the IDPs chose to travel by train, though some arrived in personal or rented vehicles. Representatives of the Coordination Centers in the Kiev and Lviv municipalities explained that information about support services available to Crimean IDPs was widely publicized through traditional and new media outlets. This included a hot line number and basic information about what to expect from the coordination centers. Information was also visibly displayed in the train stations.

IDPs themselves described the process of arrival positively, stating that they were well informed about where to go and what to expect. They were treated with care and respect by the representatives of the coordination centers who, in most cases, found solutions for those in need.

Housing

By 23 April, the special IDP coordination center, organized by the Kiev Municipality's Department of Social Politics, received requests for assistance from 998 families of Crimean IDPs. 363 families were provided with housing solutions and others were either redirected to private support initiatives or were in the process of finding a housing solution. The situation was similar in the city of Lviv where over 320 families were accommodated thanks to the joint efforts of the local municipality's coordination center and private initiatives.

Mission members were able to identify two types of housing for IDPs:

Government provided housing

IDPs were offered unused or under-used health and recreation facilities, student dormitories and other government owned buildings which provided acceptable living conditions. In those facilities IDPs had permanent access to potable water and hygiene standards were generally satisfactory. Alimentation was centralized, with food being served three times a day. The typical daily diet included a range of cereals, fruits, vegetables, as well as fish and meat. Compact settlements regularly received food supplies, clothes, household items, etc. from private voluntary contributors. Rooms, which were relatively small, were often shared by 5-6 family members, including children. Most of the buildings had functional centralized heating systems and were well lit and ventilated.

Housing offered by private individuals

Significant numbers of IDPs were offered accommodation by private individuals. This included flat/house shares with the owners both in urban and rural areas. Some IDPs were accommodated in hotels offered by the owners. In such cases, IDPs were often given a timeframe (one to three months) in which to vacate the rooms. Coordination Centres in the municipalities and private support initiatives generated lists of privately offered accommodation which were used in the process of finding housing solutions.

The mission believes that neither of the two housing solutions can be considered permanent. Although compact centers offer satisfactory conditions for a transitional period, long-term residence in most of the facilities offered is not sustainable, partly due to the lack of space – the facilities are overcrowded and families are not provided with sufficient living space. Additionally, privately offered housing is for a temporary, transitional period in most cases and IDPs will have to find long term solutions for accommodation. Such solutions can only be found with effective coordination and leadership from the Ukrainian government.

Children

The majority of the families that mission members spoke to came from Crimea with children. As a result of the coordinated effort of Ukrainian authorities, school age IDP children were admitted to schools at their current place of residence immediately, without formalities. Mission members were pleased to find that displaced children had little or no interruption in schooling and were supplied with sufficient text books and other necessary educational materials.

The situation of children who have not yet reached school age was significantly different. Mission members discovered that many of IDP children between the ages of 1 and 6 were not yet offered places at nursery schools. This problem seems rooted in the lack of available places at the nursery schools throughout the country.

Most of the compact IDP settlements had specially designated indoor and outdoor playgrounds which were well supplied with toys for children of different ages. Child psychological counselling services were also operational for children living in both compact settlements and privately offered housing.

Access to healthcare

Respondents who reported having health issues explained that, in most cases, they were able to seek qualified medical assistance at their current place of residence. As a rule, IDPs were given priority treatment at hospitals. Medications were mostly provided by private contributors and in some cases they were in short supply. Only one respondent was aware of having health insurance. IDPs had information about emergency medical services close to their place of temporary residence.

Employment

Some respondents were able to locate employment within a short period of time after their arrival to the Ukrainian mainland. However, a large majority of the IDPs do not have jobs or any other source of income. This puts IDPs in a particularly vulnerable situation as they rely heavily on assistance to meet their basic needs including food and housing.

Beneficiaries of different social security schemes, including pensioners, were in the process of finding a solution to continue receiving assistance without interruption.

Other issues

Problems arising due to the lack of registration in Crimea: the mission encountered two cases in which IDPs from Crimea were not able to access government assistance, including temporary housing, due to the lack of formal registration in Crimea. While such formalities can be essential to deter unjustified claims for assistance, decisions should be made based on careful examination of the

individual circumstances of each individual/family case. Otherwise, some actual Crimean IDPs could be left in detrimental situation due to the lack of registration.

RECOMMENDATIONS

To the Government of the Russian Federation:

- Bearing in mind that the Russian government is currently exercising effective control over the Crimean Peninsula and is therefore responsible for securing human rights and fundamental freedoms on the ground, it has an obligation to ensure that all factors which led to the forced displacement of segments of the Crimean population are fully eliminated;
- The Russian government must prevent the occurrence of any forms of violence, harassment or discrimination against Crimean inhabitants and ensure prompt, effective and transparent investigation when such acts occur;
- The Russian government must ensure that the Crimean Tatars, as a particularly vulnerable group, are not subjected to discrimination and are guaranteed practical possibilities to use their language and participate in the administration of public affairs;
- The Muslim population of Crimea must not be persecuted due to their religious beliefs, and must be given an opportunity to practice their religion without interference from the state or private actors;
- The Russian government must ensure that the exercise of human rights and fundamental freedoms is not conditional to the acquisition of Russian citizenship and those individuals who wish to retain Ukrainian citizenship are guaranteed the same rights, including the right to peaceful enjoyment of property rights.

To the Government of Ukraine:

- Being mindful of the needs of internally displaced persons from Crimea, the Ukrainian government should ensure that IDPs are given special status and that they receive the benefits necessary for subsistence in the new location of their choosing. The Ukrainian government should enact a law on internally displaced people which would, in accordance with the UN Guiding Principles of Internal Displacement, define the procedure of acquiring IDP status, provide detailed guarantees for securing the fundamental rights of IDPs, designate a specialized government agency mandated to administer issues of internal displacement and more broadly define government obligations in handling the humanitarian needs of the displaced;
- Bearing in mind the pressing social needs of IDPs and despite economic challenges, the Ukrainian government must allocate necessary budgetary resources to meet the immediate needs of the displaced, including housing, food, medical care and education for children of all ages;
- The Ukrainian government should, before the enactment of the law on IDPs, designate a high level government agency to be responsible for the effective coordination of the delivery of government assistance;

- With the view of having a clear picture regarding the needs of IDPs, the Ukrainian government should consistently collect segregated data on IDPs. In order to facilitate coordination of the aid delivery humanitarian assistance providers and other specialized international bodies such as UNHCR, as well as local and international civil society organizations, should be given unhindered access to this information.

To the humanitarian assistance providers:

- Considering economic difficulties that Ukraine is currently experiencing, addressing most essential needs of the growing number of IDPs seems unmanageable. In order to avoid major humanitarian crisis it is important one the one hand that humanitarian assistance providers continue to closely monitor the displacement process and on the other hand ensure that sufficient and well-coordinated direct support is made available for the internally displaced.