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ASSESSING THE NATIONAL RESPONSE

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P R O C E E D I N G S

MS. FERRIS: Why don't we go ahead and get started. Good morning, and welcome to Brookings. My name is Beth Ferris. I'm a senior Fellow here at Brookings, and Co-Director of the Brookings-LSE Project on Internal Displacement.

For almost 22 years, we've been working on issues around IDPs, or Internally Displaced Persons in all regions of the world, but I think this is the first time we've done something on Ukraine. I know it's the first time we've done something on Ukraine, where the scale of displacement in the course of a year has gone over 1.2 million people, with another 900,000-plus have sought refuge in other countries.

So this is a big issue, one that doesn't receive the attention it deserves in terms of the scale of the problem. So we were delighted to host this event together with HIAS, the Hebrew Immigrant Aid Society, with two of their colleagues from the Ukraine. And then our dear friend from the International Committee of the Red Cross, who will also be speaking from humanitarian dimensions, of providing assistance in Ukraine right now.

And the idea for this particular research, and then the report, came when Kateryna was a participant in a course we organize every year, together with the U.N. High Commissioner for Refugees, on how to write good laws and policies on IDP. We have this course once a year in San Remo, Italy. And this year we had, for the first time, three participants from the Ukraine, and that Kateryna Moroz who had been working on the Government's laws and policies in the Ukraine, and was added for information on how to develop good laws that really respect the rights of IDPs in ways that are consistent with national legislation.

And so, as we talked, after she returned to the Ukraine, and I came back to Washington, about, what could we do that would be helpful to the Ukrainian Government? That would raise awareness of what is happening inside the Ukraine?

And we came up with the idea of doing some joint research, using a tool we developed some 10 years ago, called the Framework for National Responsibility, where we set out 12 benchmarks, or ideas, or suggestions, of things, concrete things that governments can do to ensure the rights and needs of IDPs in their territory are fully respected.

And we agreed that we would take this framework, and that Kateryna and her colleague, Alyona, would apply this framework to the current situation in Ukraine. So that's what we'll be talking about, today, and to report those 12 benchmarks, as set out on page 2, I believe.

You know, these are variety of things, some of which are really hard, really hard to prevent this displacement, really hard to resolve displacement or find solutions for IDP. Others are much more doable. Collecting information, or setting up a focal point, or engaging in national human rights institutions. But together, we think that they provide a good introduction to what governments can do, assuming that governments want to do the right thing, with respect to IDPs.

And I'll just mention that a few years ago, we did a fairly comprehensive study, you can see how thick this volume is, of 15 governments. You know, looking at each of these 12 benchmarks, you know, how is Uganda doing, and Kenya, and Columbia, and Sri Lanka, and Yemen; trying to provide some feedback to governments who often do want to do the right thing and just don't know how to begin.

Certainly in the case of the Ukraine, there wasn't much experience with internally displaced persons, and you have a million people in the course of a year leads to lots of questions of, where do we start? And what shall we do? So, we hope that this research will help the Ukrainian Government and its supporters, and others who are working on the issue, to come up with concrete things to improve the lives, and hopefully

find solutions for the almost 2 million people who have been forced from their communities.

So to start things off, we are going to start with Alyona Vynogradova, which means grapes in Ukrainian I'm told. She's going to talk about the first six benchmarks; and then we'll turn to Kateryna Moroz who will talk the last six benchmarks. They are both lawyers working with the highest organization in Kiev, it's known as Rights to Protection Locally.

They've both worked on veracious human rights issues. Alyona was a Government Official, and you've worked more on the human rights NGO side, I think. Kateryna will be coming to University of Miami this fall to continue her studies with a Fulbright Grant.

And then we'll turn to our International Committee of Red Cross, we have François Stamm, who many of you have seen before on this platform. He's the ICRC Representative here in Washington. He's worked everywhere. He's worked in Geneva, and Asia, and Africa, and India, and now he's dealing with issues around the U.S. including all this interesting topic of Guantanamo, which we will not be discussing today, but I'm sure it's something very much on his mind.

Let's turn now to Ukraine, and Alyona, tell us how the Government is doing with respect to the first six benchmarks. And welcome.

MS. VYNOGRADOVA: Thank you, Beth. Good morning, everyone. It's a pleasure to be here, and it's a pleasure to have an opportunity to present what's going on in Ukraine, concerning the IDP policy.

Of course, Ukraine did not expect the occupation of Crimea, and did not expect the armed conflict will be in the east part of the country. And Ukraine was not ready to respond to the internal displacement. But beyond their circumstances it was --

the government can't control, like winter or intensification, or the ceasefire, which led to the increasing of displacement. Government took many decisions that dramatically increased the number of internal displacement.

For example, in autumn 2015, the government adopted a resolution under which all government institutions were closed in nongovernmental-controlled territory. The government stopped provide social support to people, to older people, disabled people, who live on nongovernment-controlled territories, and these people make sure they were first to flee from nongovernment-controlled territory.

Also in January, government limited the excess of humanitarian assistant to nongovernment-controlled territory. People were left without any support; they faced the need to buy food, to buy clothes and shoes, and so on. That's why the level of displacement increased dramatically in January and February this year. Also government did not ensure that the accommodation of those who were displaced were sufficient.

For example, living conditions of displaced people were of very poor quality, and their camps -- was in the rural areas, and people were left without any possibility to get jobs and to provide themselves with first basic needs. Many IDPs, relies only on volunteers and humanitarian organization, because government did not provide them with any assistance. Also government for today still denied the IDP crisis in the country.

There haven't been any messages in support of IDPs, there is a pneumatic stigma in our country that people are from the East, they are guilty for the conflict because they supported -- they used to support our ex-President, and they welcomed Russia's invasion. That's why, like people, many people accuse them of what we call not in the country, and many people don't want to help IDPs, and don't want the

government to help them.

Of course the government did something, like there were some attempts to provide IDPs with information on what can they get, or what payments are they entitled to. For example, there were some hotlines established by the government, but the phone numbers did not answer; like, they didn't work. There were some websites from the government on how to find work, or how to find accommodation, but the information was not updated, and very, very soon, this website became like, inappropriate.

And this year, in winter this year, Internews published a report on how government respond to information needs of IDPs, and the conclusions of the support was very sad because the main source of information for IDPs and for communities, on how to behave, how to treat IDPs, were word-of-mouth, and social network, like Facebook, or contacted our local social network, there were no government sources of information, as it were, like reliable resources of information for IDPs.

This also was influenced by the fact that government, from the very beginning, did very, very few attempts to collect data on IDPs. From the very beginning when it was -- when it were IDPs only from Crimea, the government established like paper-based system of registration of IDPs, and it was more or less enough for the number of IDPs from Crimea.

But from the rise -- intensification of the conflict, when the number of IDPs decreased -- increased, I'm sorry, increased dramatically, the paper-based system of collecting data on the numbers of IDPs was not enough to meet the needs of displacement.

And only in December, and late December 2015, the government established electronica system of registration of internally displaced people, but there are many, many problem with the registration. For example, a person has to show his or her

ID document, internal passport, to be registered as IDP. Many people who fled from their nongovernmental-controlled territory are left without any documentation. That's why they face many difficulties to be registered.

Then such categories of people like foreigners, stateless people, some minorities such as Roma people they can't be registered because of some legislative obstacles. Also, many people who don't get -- don't have, like we have Propiska System. It's a system of registration of domicile, and people who don't have this Propiska internal passport, they can't be registered as IDPs as well.

That is why, as for today, we have officially registered 1,200,000 -- more than 1,200,000 IDPs, but the number of internally displaced people can be twice as big as it is officially announced.

Also, there is now no system of training government officials on international standards of IDP policy. The key policymakers, they hardly can provide you with the information on international standards and IDP policy, to say nothing about local authorities.

Laws and regulations which were adopted in Ukraine on IDP issues, in many provisions, contradict to international standards; especially contradict to guiding principles of internally displaced people. And government doesn't have any system of training government officials, and neither government plans to adopt such a system.

Sometimes representatives from Minister of Social Policy, or Ukrainian Ombudsman's Office, they visited young protection across the regions, or trainings which are organized by NGOs, but the participation is very seldom, and it depends on their personal will. The legal frameworks, as I was -- as I said, contradict many international standards.

For example, the law of Ukraine on ensuring rights and freedom of IDPs

was adopted like half-a-year after internal displacement began, and at the moment of the adoption there were 0.5 million internally displaced people, and there were no specific legislation on how to ensure their rights. There were no special procedures which helped them to get jobs, to get social payments, and so on and so forth.

The Cabinet of Ministers tried to resolve this problem earlier, but the resolutions under which people can be registered as IDPs and can be -- and can get some government assistance, they were introduced in October 2013, while the first wave of displacement began in April 2013, so people lived half-a-year without any government assistance. They were left on their own. They were helped only by volunteers and humanitarian organizations.

In fact, we have many gaps in legal -- in legislation which creates many problems for IDPs. For example, government resolutions, they set different rules for IDPs than it is written in the law. That's why foreigners, for example, and stateless people, they can't realize their rights, and they can't get the government assistance as IDPs. They actually, they are left on their own.

Also many people who lives -- who still live in nongovernment-controlled territory, they are like invisible because the government, there are no special legislation, except a government resolution on their rights. The government just rejected that they have rights to receive social payments, to receive government assistance, and so on.

Also there are no special policies on IDP. Government actually has not yet adopted any program documents which set frameworks on how our state will respond to the IDP crisis. There are some attempts to draft program on reintegration of IDPs, but the program is not adopted yet, and hardly, it will be adopted in nearest months. That's like -- that's okay.

MS. FERRIS: Thank you very much for that, somewhat grim picture in

terms of the government's response to the IDPs. Let's turn now to Kateryna, for the other six indicators.

MS. MOROZ: I would also like to thank, Beth. Thank you for having us here. It's a really -- it's an honor for us, because since the beginning of internal displacements, since that very first day that we got involved in this issue, the first place where we ran -- the first source where we ran to the search for information for the guidance on how to deal with this problem, which was very new to all of us was the website of the Brookings Institution. Thank you so much for your valuable work.

I will continue on the last six benchmarks, just to add a little bit to the whole picture, I would like to tell you a story of how the law, how the very first law in internal displacement was adopted.

Alyona mentioned, it was a law on issue on the rights and freedoms of internally displaced people, and actually the law -- this one, this reduction, is the fourth one. The first one was terrible, I don't know who was drafting it, it was some governmental lawyers, it was terrible. It was a copy of the law on refugees. We should understand that refugees and internally displaced people are an absolutely different things.

Now, as UNHCR and other NGOs criticized the first adoption of the law, and then the second was drafted, it was elaborated together with the NGOs, with OC, with UNHCR, OCHA and so on. It was okay. It could be adopted. It would amended later, but it was all right. Suddenly on the day of the voting, the third reduction appeared on the governmental website, and again it was terrible.

It was very, like, as the first reduction. And these law, too, was adopted, but before the President signed it, UNHCR and all the civil society has publicly appealed to the President requesting him not to sign to veto this law. And finally, eventually on the

last -- on the very last day before the deadline, the President vetoed it. And then the fourth reduction was elaborated, it was huge work, with all the civil society representatives, presidential administration, and other specialists from the international organizations.

It was maybe the better reduction, the best one, however, during all those stages, all this law was passing, all the institutions and the presidential administration and so on, and it has been amended, and as Alyona mentioned, many valuable and very important things were withdrawn from that law.

For example, the Article 1 which provides the -- understanding who the internally displaced persons are, was amended, and foreigners and stateless people were withdrawn from the whole scope of those would be registered as IDPs. And there are many and many amendments, where you need to budget and so on. However, finally we'll have this framework, and we continue to -- our attempts to establish preparation with the government.

From the very beginning I asked Elizabeth whether it would be all right if I criticize the government, and she said, yeah, you should say truth. And I will try to be as objective as I can, but yeah, there are many gaps that are to be elaborated on.

So the next benchmark is the suggestion to the government to involve the national human rights institutions to get involved in the problem of internal displacement. And in Ukraine these institutions are represented by the Presidential Commissioner for Human Rights, and by the -- excuse me -- Parliamentary Commissioner for Human Rights, and by the Presidential Commissioner for Children's Rights.

I can say that the Ombudsman is involved in these problems from the very beginning. For example, she was pretty open, her name Valeria Lutkovska, she

was pretty open to get the relationship with civil society from the first days of internal displacement. The Ombudsman's Office was pretty open to providing a space for different discussions, for different work groups, and she pretty actively participated in the elaboration of the legal framework.

For when the law was adopted, the Ombudsman participated in a working group on elaboration of amendments to the Cabinet of Ministers Resolutions, and they did pretty accurately. On the other hand, she receives a lot of requests from the different IDPs, from Crimea and from the East, and as far as we know, she has a lot of individual cases of those who fled Crimea.

However, she doesn't respond adequately. As far as we know, no adequate response was provided to those cases, even considering their strategic meaning for Ukrainian legislation, but this is -- maybe the very important concern, the very first concern.

Speaking about the Presidential Commissioner for Children Rights, he's pretty active too. He travels around the country, he visits, very often, the Eastern Regions affected by the conflict. He collaborates actively with the civil society. I just would just want to mention that the preparation -- the initiative, those from the civil society, not from the human rights institutions, but still they are quite open.

I just wanted to mention that according to this benchmark, the government has suggested to involve human rights institutions. In our situation the human rights institutions tried to involve the government in solving these issues. But the government does a lot, but the governmental officials do not pay attention to the recommendations provided by the civil society, by the human rights institutions. So, to sum to up, I would say that this benchmark is implemented in the Ukraine. Maybe like 80 percent, but still.

Speaking about the next one, ensure the participation of IDPs in decision-making. We do have problems with communication with internally displaced people. From the very beginning when government did its first attempts to create some coordination bodies, the regular internally displaced people were not invited to participate, just regular, I mean, because there are some very active internally displaced people, who came from Crimea, who came from the Eastern Regions, and established their own NGOs, and volunteer initiatives not to give up, but to try to other people and to help themselves.

So, the internally displaced have been involved from the very beginning in the decision-making process, but it was by their own initiative, and it caused them attempts, it caused them time, and energy. But the government is reluctant to appeal to the societies, the Internally Displaced Society and to ask them, to involve them in decision-making.

In terms of decision-making, the UNHCR Agencies tried to do focus group discussions, they go to the collective centers, they go to ousting families, who accept about 60, I would say, 70 percent of IDPs in Ukraine, and ask them questions, talk about their point of view on certain -- their strategic questions for them.

Like, what do they think about reconciliation? What difficulties do they face finding jobs? Are they thinking about returning to their own regions, and so on? Thus, UNHCR gathers this information, and analyzes it, and provides the situation reports. However, I don't know whether government really uses it; though this information is prepared, but might be not that useful as it could be.

So, again, to sum up, I would say that, like, 60 percent of this benchmark is implemented, because, yes, the IDPs are involved in the decision-making process, but the most active, the human rights activists, and those who initiated this participation.

Otherwise they would never ever be involved in these processes.

The next one is support durable solutions. It's a disaster. As Alyona already mentioned, there is not any specific -- any special policy on housing, land and property rights. I guess as we know, a lot of people from the Eastern Regions have lost their houses, they have been destroyed, they've lost everything they had. And there is -- in nearest future there's opportunity to get this back together, their houses back.

We need special policy for reconciliation, for integration and reintegration, because still, there are some people who planning to return, so the government has to provide all the possible support to those who are planning to return to their regions. And to integrate those who are planning to stay in the places new for them, to integrate in the society.

Also, when it -- if you think carefully about the strategy for reconciliation, because as Alyona had already mentioned, because of the media, because of people's mentality, some negative information circulating in the society about IDPs, created a bad image IDP in the society; as Alyona said, within -- not we -- not us, but the society, on a whole, think that they are guilty of what is happening.

So we need to create a program where we would get -- we would make possible for IDPs and non-IDPs to get together, and to collaborate together on some very important issues for the Ukraine in the future. We do not have such a policy, only human rights actors, nongovernmental human rights actors try to elaborate such a strategy, it's called (inaudible), and aided under human rights response; prepared by the UNHCR agencies together with other international organizations but, again, we do not know whether the government will use it, or not.

By the way, just an example, just for you to understand what difficulties can we face in the future? The rest are some soldiers that are demobilized from the

army, from the so-called APL Zone -- Yeah, I'll be quick, sorry. So, they are returning and the 20 percent of them return with a psychosocial -- psychological disabilities, with mental problems, and 90 percent of those 20 get divorced from their wives. And we have only psychologists in Ukraine working with such cases.

So you can imagine, combined with the amazing amount of our -- weapon brought from the occupied territories. These persons who might be aggressive, who might be disappointed, who might be depressed, you can imagine what can happen in the future if we do not think about the strategy, so this benchmark is implemented very poorly for the Ukraine.

And the last two, allocate adequate resources to the problem. Well, Ukraine has been weakened by the ongoing conflict, and all the possible resources go to buy weapons, to provide army and so on. As Alyona already mentioned, from the very beginning of the conflict, Ukraine was maybe the only country who didn't recognize the real scale of the problem.

However, in 2015, the President finally applied to the international society, requesting for help from abroad, financial help, yeah, mostly to ask for financial help. However, I want to mention that we really need advice, and we really need specialists, for example, the psychologists who can work with affected population.

When the government finally understood the scale of the problem, they prepared the amendments to the budget which can be adopted in the third quarter of 2015, however, we are not sure whether it will be done or not. Of course the Minister of Social Policy, the very key ministry for dealing with internal displacement, do not have adequate resources.

Travelling around and in the field, and I can say that I saw, in place of these -- of this Minister of Special Policy in the fields who register IDPs, and you can

imagine the picture, 10 employees of Minister of Social Policy, a big queue of IDPs, and only three or five computers, laptops, for all of them; no printers. And it doesn't mean that we are at war. For example, the Minister of Social Policy has been provided with some equipment by UNHCR, however, for almost four months, because of some administrative issues, they couldn't receive it.

So, yeah, adequate resources were not allocated to go with the problem, however, I am very happy that the government finally recognize the scale of the problem, and appealed to the international community for help. The only thing I would like to say to potential donors is that the potential donors don't have to just give money and think that the mission is -- yeah, is done. They have to provide some monetary mechanism to see where the monies go, whether the government works in line with international standards. This is the main message.

And then finally, the last benchmark is preparation with international community when national capacity is insufficient. I think I answered this question already. Because as I said, it's very difficult for international organizations to get in touch with the government, to make the government listen to them, because in Ukraine I had a very good friend working for OC, and she was telling me, can you imagine when we would go to the meeting with governmental officials, as the OCO representative, the first they ask, what can you give us? I mean any material help?

If not, we are sorry, we don't have time to talk to you; because, you know, too many initiatives from the international organizations wanting to coordinate activities, wanting to provide some advice and professional advice, but not able to give money, to give funds, to give something to innovate the roles, the damaged infrastructure; so that the government is reluctant to cooperate with them.

However, with the support of the national NGOs, with the civil society,

Ukrainian civil society, volunteers, international organizations established themselves -- to some extent manage to establish calculation with the government. But it takes a lot of time and energy to make them listen to you. Thank you.

MS. FERRIS: Okay. Thank you very much, Kateryna and Alyona for your presentation on the benchmarks. Just to sum up the conclusions of the study. You know, no government in the world behaves terrifically on IDP issues, but if you look across the board, there are certain things that the government can do, and what we recommend is, first to establish a focal point within the government to be a catalyst for IDP policies, legislation information, some of the problems we've heard about in terms of registration.

Secondly the focus on training; and this is an area where there is possibility for international cooperation, both at the national and local level. And third, to start thinking about durable solutions now; unfortunately as somebody works with the IDP situations globally, this has all the hallmarks of becoming a long-term, protracted displacement situation.

You know, it will be awful to look, for example, at countries like Georgia and to see this as a model for what might happen in the Ukraine unless people start thinking how to bring about solutions. But before we get to solutions let's talk more about what ICRC is doing in the Ukraine, and some of the dilemmas and difficulties in providing humanitarian assistance. Welcome François.

MR. STAMM: Thank you, Beth. And thank you, again, for the invitation, it's always a pleasure to be here. Thank you very much for your presentations. Yes, as you said, I will focus more on our work in the areas of Ukraine affected directly by the conflict.

First, I think for us the first thing to remark is that it is a new operation.

We were not present in Ukraine when things started to go wrong. Our first delegate arrived there in November 2013. We could provide the Ukraine and Red Cross with the first assistant in December 2013. So far the first challenge was actually to put together a large and complex operation as quickly as possible.

I mention this because the ICRC, although you might have the impression, that we are the kind of firemen that jumps one day, on the fire to put it out, it's not so much like this, if you look at our top operations, these are places like Afghanistan, like Israel, like Columbia, where we've been for decades, 50 years in the case of Israel and Columbia, for instance; but Afghanistan, 20, 30 years; Iraq same thing.

So that was really a new operation. We now have 10 new offices in the region including of course in Kiev, Donetsk, Luhansk, of course also seem overall in Crimea, and also in the region. We also had strengthened on the Russian side, we have an office in Rostov-on-Don, in the Russian Federation, and it is now the fifth largest ICRC operation, thanks to a recent budget extension, we have a budget for 2015 of \$70 million for Ukraine.

Overall, it is a very dire situation, more than one year of crisis. We agree with the U.N. figures of 6,000 persons killed, 15,000 wounded, well over 1.5 million persons displaced. Over half the population in the affected areas has been displaced, that's very important, extensive damage to infrastructure as well.

Also major problems in terms of conduct of hostilities, disrespect of the law of armed conflict, of international humanitarian law, especially when it comes to shelling; a lot of indiscriminate shelling on both sides in this conflict. Health and public services in the Donbass are especially affected, because of the conflict, but also because of the suspension of the services of the support provided by the central state.

We see some hope with the Minsk II Agreement; it has resulted in a

ceasefire. We all know that it is violated on a regular basis, but it's still much better, and it has opened up windows for us, of opportunities that allowed us to scale up our operation. And this is also why we had to launch an extension, that's because we could actually do more following the Minsk II Agreement, and relative shaky ceasefire that came out of it.

Just briefly in terms of our activities. We provide a lot of basic assistance, very basic assistance, such as food and essential household items, hygiene items, blankets, tarpaulin, plastic sheeting, to over 150,000 persons in the Donetsk and Luhansk regions. We focus on the most vulnerable, hospitals, orphanages, and elderly homes. We also provide construction materials, cement, bricks, timber, roofing sheets, we repaired the electricity distribution networks.

A lot of medical supplies, also because of the suspension in the support to those hospitals, 18 hospitals in Luhansk and Donetsk, and 24 other hospitals in opposition health territories are directly supported by the ICRC. You know, the ICRC visits detainees in relations to conflict; we do this also in Ukraine. We have access to around 200 separatist held by the Ukraine Government. We have visited a handful of Ukraine soldiers held by separatists who have been since released.

Importantly, near Donetsk, especially, we provide important support to penitentiaries, several, who hold actually 16,000 detainees, but pre-conflict detainees, just an existing penitentiary that happened to be there, that now is not supported again by the central government. So we have also to provide food and hygiene items to these detainees, and engage in a discussion with the authorities that run the place now. We also allow those prisoners who are supposed to exchange news with their families through the exchange of records, messages.

Missing, every conflict, regretfully, produces cases of missing, we are

currently following up around 300 cases of persons reported missing, together with the Ukrainian Red Cross, and the ICRC has also assisted in the handover of mortal remains of Ukrainian soldiers back to Ukraine from the Donbass.

We engage with the parties, especially in the conduct of hostilities, we make interventions when we see violations of international humanitarian law, and also of detention of course, as in any contact when we visit prisons, we assess the conditions of detention and treatment, and we engage in a bilateral and confidential relationship dialogue with the authorities. This is also what we do there.

Also, on exploded ordinance is an important problem in those areas because of the heavy shelling in urban areas, so we are not into demining yet, but we are into awareness campaign, so we are producing leaflets, posters to make people aware of the risk of these objects not to touch them, to identify them, to report them, and especially important with the children. And would also like to highlight that support and the cooperation that we have with the Ukrainian Red Cross, with whom we do a lot of these activities.

Working there is very difficult. As you know, it's a very politicized, very polarized environment, the security situation is very difficult. We have lost a staff, a delegate in Donetsk in October 2014. It was an international staff working for us, who just left the office after his day, and he was very close to a location where a shell just landed.

It was not a -- we were not targeted, it was just a case of being at the wrong place at the wrong time, but still there was absolutely object of military value anywhere near where this shell landed, which is a regular occurrence in this conflict, unfortunately.

The ICRC assistance into the opposition health areas is coming in from

Ukraine, following a very lengthy and difficult administrative process. We are able to ship around 50 trucks a week, we'd like to do more, but again, the administrative process is very difficult. We are currently unable to bring assistance there from Russia, the Ukrainian Government is not agreeable to the idea; they want to check the assistance that we get into this part of the Ukraine.

Just to highlight the ICRC is not involved in the Russian convoys that enter the Donbass from Russia. We have offered our services to both parties, but we have, so far, not find the modus operandi that would be agreeable to both Russian and Ukrainian Governments, and meet our standards for independent and neutrality. We are still working with these governments, we hope it can be done one day, but so far we have not found this -- this common ground.

Just a remark on the means process, we really hope that the four working groups that should start soon, hopefully, under the auspices of the OSC on security, political, economic and humanitarian issues will start soon. We will follow up very closely the working group on humanitarian issues, with a focus on ensuring better access for, and security, for humanitarian organizations, as well as a proper mechanism for the release of prisoners.

There were some prisoners released, but that was not done within a comprehensive agreement. We'd like to have something better organized; we don't like to mention prisoners exchange because this involves a notion of 10 for 10 or 100 or 100. We like the notion of simultaneous releases, and we hope that this working group will be able to put this together. The ICRC has a lot of experience in dealing with these problems, and we will, of course, make our service available, hopefully, to secure the release of prisoners.

I would just end by saying that, as always, in conflict it is not

humanitarian aid that will solve the crisis, and clearly more energy more efforts are needed to find a political situation -- solution, sorry, for this crisis to end. Thank you.

MS. FERRIS: Thank you very much, François. I think that adds an important dimension to looking at what's happening in the Ukraine. Maybe, before we open it up for discussion, I might ask Kateryna and Alyona about the composition of this 1.2 million internally displaced persons.

I mean the statistics seem to suggest that some 60 percent of those registered are over the age of 65, but only 15 or 16 percent of the Ukraine's population is in that age category. Is it just that older people are more likely to register to get their pensions? Or is it in fact the conflict is having a particular effect on the elderly?

MS. VYNOGRADOVA: As I mentioned we have this strange Propiska System, it's a system of registration of place of permanent residence, and if you live somewhere you have to have a mark in your internal passport in which it's stated, where do you live. If you don't have this mark you'll like debriefed of anything. You can't your pension, you can't get anything.

And when the Cabinet of Minister introduced the resolution under which people who live in nongovernment-controlled territory -- counties, is their pensions, their government said that, if you would like to receive your pensions or your social payments, you have to move to the government-controlled territory, and register yourself as IDPs, and then after getting the IDP Certificate, in which your new place of your residence is stated, you can re-register your pension.

That way people who live only -- can survive only by getting pensions, but first to move to the government-controlled territories and register themselves as IDPs, and only then they can get their pension and social payments. At the same time, people who can work, who can find jobs, who have savings, and who don't want to receive social

payments from the government they just don't get registered at all.

That is due to many reasons, because they don't want to be checked by a State Immigration service, by Minister of Social Policy, men don't want to get mobilized to the Ukraine Army, and they don't want to fight in the East, and that's way many people who are under 65 and who can work, they just don't get registered.

MS. FERRIS: So therefore the actual number IDPs could be far higher than the number registered.

MS. VYNOGRADOVA: Yeah. As I said, it can be twice or even three times more than the official numbers that government has announce.

MS. FERRIS: Why don't we open it up for discussion? We have people with microphones. Maybe we'll take two or three questions, and then give you a chance to respond to several. We'll do one, two. If you could stand up and introduce yourself that would be helpful.

MS. BINETTI: Certainly. Hi. My name is Ashley Binetti, I'm with the Georgetown Institute for Women, Peace and Security. Thank you for a very informative Panel. My question actually relates a little bit to the composition of the IDP population. UNHCR recently reported that 66 percent of IDPs are women and girls, and there have been increased reports of sexual violence, domestic violence in that population, and I was wondering how gender has figured into your research, and what is being done and should be done to protect this population. Thank you.

MS. FERRIS: Thank you very much. And we have the gentleman, here?

QUESTIONER: Hello. I'm Albert Katz, of the Embassy of Ukraine. I actually have two short comments. On behalf of Ukrainian Government, I would like to thank the Brookings Institution Foreign Policy, the wonderful girls from Ukraine, and

thank you for your participation, for your cooperation. Of course I would like to admit all the -- well, some inadequacy of the policies for Ukrainian Government because, frankly speaking, they were not prepared at all.

The last displacement, internal displacement in the Ukraine happened -- took place in 1986 after Chernobyl catastrophe. So, afterwards my country enjoyed the peaceful development and independence so, yes, we were unprepared.

Secondly, all the decisions which were mentioned, where they were forced -- we were forced to do so; first of all about the -- the Ukrainian Government ceased the payment of social -- the difference, social -- the needs of Donbass people, because, not advanced, after the conflict started, but because we have reliable information that those money were allocated, and then expropriated by the separatists and they were used to -- for the different purposes.

Having nothing to do with the social needs of the population, so that's why all the pensioners, all the socially vulnerable people from Donbass, they can receive their payments, but not in the -- only the government-controlled areas. Yeah, this is a problem.

The second one is that we just -- the Ukrainian Government ordered all the officials to leave the separatist controlled areas. It was also the first decision because -- forced decision, because people were harassed, people were abducted, they were not secure in terms of their personal security. They were harassed and abducted by the separatists, so we were forced to do so, to order them to leave, and people left. The great majority, 90 percent left, so it is approved how the -- well those people were relying on the Ukraine, they believe -- they still believe in Ukraine.

So, the next problem is, of course, the registration and the lax in the registration in calculating the number of IDPs. We cannot help with the -- if people do not

want to register because they are afraid of being mobilized, we cannot help with that. It is a personal decision so we tried -- we provided people with every opportunity the Ukrainian Government had at the moment.

The second part -- the second point is that we believe that the situation and the issue is temporary. Even in summer we believe, in the previous year, that it would be the short-term problem, the Constitution and the Ukrainian sovereignty would be restored on the whole territory of Ukraine, and people will return to their homes, to their offices, everywhere, in Donbass.

Now, it turns out to be that the problem was a little bit underestimated, so that's why, of course, we greatly expect that under the Minsk Agreement II, we will start the process of reconciliation. And the people will return to their homes in Donbass. And the great majority, the 70 percent of the internally displaced people, they are expecting it will end soon.

So that's why we are -- of course we are greatly hoping that the situation will have this positive solution, but of course all the flaws of the Ukrainian social system, all the flaws of Ukrainian Government policies towards this problem cannot be explained only by the situation, there are many problems, mainly because we are facing the aggression, and we just were not prepared for this. Well, this is my -- and my question to all the participants --

MS. FERRIS: Put one in.

QUESTIONER: Yeah. Thank you, for your patience. My question is, how would you compare the scale of the international support for the -- for example, to Syrian refugees? Of course those are a little bit different issues, but to international support, to Turkey, Jordan, Lebanon, which are facing basically the same problems with refugees, and to Ukraine which has internally displaced people. But the problem is

basically the same. How could you compare those two humanitarian operations, and could you comment on that? Thank you.

MS. FERRIS: Okay. Let's take one more, perhaps, and then give our panelists a chance to -- Yes, please? Okay, yes, go ahead.

QUESTIONER: Thank you. Anna Moxham, with the American Bar Association and Local Initiative. Kateryna, you mentioned that there are many cases that are in the pipeline waiting for the resolution with the Ombudsman Office. And I know there was a modification to the law, and the physical aid. So my question is, if you could comment. If legal aid is available, what type of local aid is still needed, and how it's addressed in different regions, including for people who fled from Crimea and how they can get it, in here or somewhere else? Thank you.

MS. FERRIS: Okay. So we have three questions, one on particular gender, sexual gender-based violence. One on how the situation -- international support for Ukrainian displacement compares with others, and a third on the existence of legal aid. Who would like to jump in first? And so you will start then?

MR. STAMM: On the comparison, I mean, for us, we can -- of course we usually do the work ourselves. I mean, we deliver a system, but it's interesting to note how well our respective appeals are funded, are responded to by our donors. And here, Ukraine is, unfortunately, not a very good example. We struggle to find financial support for our operations in Ukraine. Unlike in other more publicized conflict as you mentioned, for instance.

So that's -- I don't know how it's translating, and it's true that we are pretty much alone. I mean, with our Ukrainian partners. We have excellent political access, or President, Peter Maurer, was in the region, (inaudible) Poroshenko, he met with President Putin. I mean there's great access, and that's not a problem, but to find

actually the money to support our activities is proving a challenge.

MS. MOROZ: I think in terms of the U.N. humanitarian appeals, I figure that somewhere around 35 percent which is somewhat similar to Syria. I mean, the scale is different but in terms of the response. But you know, it's not really fair to compare internal displacement in the Ukraine with refugees in Syria. I mean refugees are, I figure, a different kind of response often than in IDP.

MS. FERRIS: The questions on gender and legal aid?

MS. MOROZ: You can start.

MS. FERRIS: Either one can start.

MS. VYNOGRADOVA: Concerning the gender aggression, as you mentioned that most of the IDP populations, are women with children. Mainly it's because male representatives are afraid of moving from nongovernment-controlled territory, but they are afraid of being mobilized to their so-called separatists groups. And then they are afraid to be mobilized in the Ukrainian Army, and there are many domestic conflicts within distant government territories, when supported the Russian separatist groups.

And women supported this, and they don't want to participate in these political issues, and they just go to safe territories in Ukraine. About gender-based violence, there are many reports, and rumors that there is a huge increase of gender-based violence in nongovernmental -- nongovernment-controlled territories, but because of the procedure of registration, such cases, like we don't have any official data on how many such cases are there, and actually the government does not collect -- does not even try to collect this information.

And to be honest, the cases of gender-based violence are at the far bottom of the agenda of Ukrainian Government. They are trying to meet first needs of

IDPs, say, provide them with food, some accommodation, and they pay no attention on such issue, unfortunately. The only actors who deal with gender-based violence -- is volunteers or some nongovernmental organizations, national or international.

MS. FERRIS: On legal aid, would you like to respond Kateryna?

MS. MOROZ: Yes. Just to add to the previous question about gender. In the Ukraine, we use the cluster system, clusterization. So there is a protection cluster, and there are some sub-clusters, so gender-based violence is the sub-cluster which are attended by the very key national and international organizations, and the U.N.// agencies. And what we are again seeing is that this sub-cluster fairly -- lacks information on the gender-based violence cases.

But we are sure that there are some cases, because even that 1 percent of IDPs living in the collective centers, they are not protected, and they are mainly women with children without the protection of men, and there is no security provided by the government or local authorities. So we are pretty much sure that some kind of violence can happen in the collective centers, and then there are some cases of violence happening in the families.

Mainly because, as I mentioned, the men, they are mobilized from the army, return mentally affected, with post traumatic -- with post traumatic stress disorder, so there may be cases of aggression, and it may deteriorate in the future. However, it is very difficult for us to gather information, because you should be a psychologist, not just a lawyer, to get that information; to find a way to talk to a woman, to make her want to tell you her story.

Yeah, and definitely there are a lot of gender-based violence, of cases of GBD under nongovernmental-controlled area, but unfortunately, they have very limited access to their territory, and plus women facing that kind of aggression are just afraid to

tell about that.

MS. FERRIS: François?

MR. STAMM: Just a very quick remark on gender-based violence. I think the question we ask ourselves, is not if it takes place, it's what should be done about it? I mean, the bottom line is that, I mean, gender-based violence always takes place in situations of conflict, that's a fact, so now we are really trained to -- I mean to look for it but -- and also to try and find solutions, but as you said, it's very difficult now with the limited access and the security situation in the Donbass to actually come up with developed responses. But of course, it takes place.

MS. MOROZ: Definitely need some specially-trained psychologists to find the common approach to the category of women. And yeah, and the question about legal aid; first of all, people who suffer from internal displacement need consultations, and there may be the main problem is they lack information. People who live far from civilization in the collective centers, they are just isolated, and they do not know -- they might not even know about those amendments to the law, giving them the right to free legal aid.

So the first thing, is raising awareness, we need to raise awareness on the rights, and available services that the IDPs have. Then, definitely, they need consultations on where to apply for social assistance, how to register, how to submit a complaint to the local authority for non-registration, and also we'll have to pay attention -- we have to pursue it, sometimes we have to pursue the IDPs to launch some court case, or a complaint, because they are just afraid, and they don't know that they have the -- actually the right to do so.

And then, of course, we would need some professional staff, professional lawyers' advocates to assist IDPs cases in the court, but we are just

approaching this stage, because the law on IDPs have been adopted relatively recently. So, there is not much court cases on IDPs' issues. However, there will be some; then of course when it's specialist on strategic litigation. As far as I know there are already some cases on behalf of IDPs preparing for -- to be launched by UNHCR, but we still need to consider such institutions as Committee against Tortures, as different U.N. institutions, and so on. So, definitely, professional advice would be needed.

MS. FERRIS: Okay. Let's just take another set of questions. Yes, over on the aisle here, one, two; and if you could identify yourself?

QUESTIONER: Valerie Chen, A.I.D. I understand that the government is coming up with a body of legislation on humanitarian affairs, and it had said that they may be developing an agency or an organization to deal with the matter. What is your understanding of the legislation, and the development of the organization which may or may not be precluded by the legislation?

MS. FERRIS: We'll take this, the woman over here.

MS. SAVINO: Hi. My name is Cathy Savino. I'm with USAID, too, the Victims of Torture Fund, and I just want to say I was in Ukraine last month looking at mental health issues, Kateryna, you kind of mentioned those as well. You know, it's such an educated population there, and while there are few psychiatrists there are so many psychologists. And we found some -- well, the Soviet-trained psychologists who just stopped there, they are ill-prepared for the trauma and torture they are seeing.

But we found an incredible urge to kind of get current on what's happening, and to get away from prescriptions and institutionalization. And there was incredible leadership as well, among a small group of people, so that was real heartening to hear, and I think we are trying to build on that. And I just want to mention it, because everyone is being diagnosed with PTSD, or kids catching autism there, so that was a

bright light in the Ukraine for us.

My question to you is, after Maidan and the volunteer spirit that you see, I wonder how, or if you think that volunteer groups can be incorporated, or help the government come along with some of the frameworks that you were talking about? And lastly, I just wanted to ask you, from ICRC, whether you have seen Russian convoys, whether they are really coming in? Thank you.

MS. FERRIS: Another question right here?

QUESTIONER: Good morning. My name is Oliver K. Mamay, Reporter with an Austrian Newspaper, called Die Presse. Do you have an estimate of how many school children are amongst the displaced? And how -- is there schooling being provided for -- is there funding by both Ukrainian Government? What happens to displaced children in school age within the separatist-held territories? Is it possible to pin that down to a couple of numbers? Because this might be a longer thing, and they might need to get their school education finished. Thank you.

MS. FERRIS: Okay. So, we have questions on the status of humanitarian affairs, legislation, organization; thank you for the bright spot about the interest in working with some of the psychological difficulties, for the question about the role of volunteer groups there. And then a question about how many students in both government and nongovernment-controlled areas, and what the particular needs are. And then of course the question on, have you seen Russian convoys?

MR. STAMM: Well, everybody has seen them. I mean, of course they are coming in. No, there are Russian convoys in certain numbers, and it is not secret, that is public information. I don't know exactly how many, but quite a few. And what I said, is that we are -- do you remember last summer there was -- I mean the ICRC was involved, there was a lot of discussions, sometimes tensions as to whether the ICRC

would play role, kind of monitoring, inspecting those convoys.

But again, we are more a humanitarian organization, we are not so much an inspecting body, so if there is a mutual willingness on both governments to have the ICRC play a role, so that these operations can take place, we are still willing to do it, but as I said, we could not find common ground between the Russian positions, the Ukrainian position, and our need for neutrality and impartiality, and independence. This is still not possible, but the Russian conveys, yeah, they do come in.

MS. FERRIS: Questions, the other questions?

MS. VYNOGRADOVA: On the humanitarian legislation. Now everybody agreed, and Ukrainian Government agreed that humanitarian legislation is too outdated, and the administered procedures under which humanitarian organization should go through to provide the assistance are very complex and they sometimes take turn, or even more days to just get the permission to assist the people. And now there is a working group led by OCHA, which is in turn -- which intends to elaborate new legislation on humanitarian assistance.

And as it was said, the legislation will be a -- will go in compliance with international standards, and the procedures will be simplified, and many tax issues will be resolved. Or organization must be -- that is taking part in this, in the work of this working group; are like -- I would say that the draft of the first -- the very first draft of the legislation will be presented in a month -- like a month, or more or less and, like, it can be adopted, not early as in half-a-year, because of different procedures.

So, as for today, I think that till the end of the year, this humanitarian legislation will exist with all of this complex procedure and -- that exist. Also as I was told, we have the order which limits the excess of humanitarian and assistance to the nongovernment-controlled territory, and the state security service hardly will agree to

withdraw this temporary order. So, yeah, and if we have new legislation on humanitarian assistance, we have some security issues which will create many obstacles to humanitarian assistance in reality.

MS. FERRIS: Any estimates on the number of children or on the role of voluntary groups?

MS. VYNOGRADOVA: Concerning the children, actually the educational -- the educational question, was the most successful part of government response to internal displacement. Minister of Education did really great job, because almost -- no one faced difficulties with school education. There were only difficulties with children guardians, but actually even without armed conflict, Ukraine faced these problems before.

There are very few children guardians in Ukraine, there are very few of them in Ukraine, and there were many complaints from the parents and so on. This basic need, because the system is organized in that way, that people don't face, usually, problems with moving, if the children want to study in the other school it can be easily resolved.

MS. FERRIS: On the government-controlled area?

MS. VYNOGRADOVA: Yeah. Again, I said, about registered children, because none of them are registered, it's approximately 10, 12 percent overall number of IDPs are children. But like Minister of Social Policy is responsible for aggregating the data on number of IDPs, and it has not presented, yet, the total picture of IDPs. So, publicly we don't know how many children are of pre-school age, of school age, or like was in 16 years. So we know that 10 percent are children, but the children -- it's the people from their birth to 18 years.

MS. MOROZ: Just speaking about the nongovernmental-controlled

area, it's not an official data, of course, but I've heard about 15 percent of school-age children attending the schools in the nongovernmental-controlled area, and some will face a problem with educational system, because there will be -- they will be attending the programs led -- according to the Russian Legislation, and they will receive the certificates according to Russian Legislation.

However, as of today, Russia denies the possibility of officially issuing such certificates. So the children, if they further will decide to move to the Ukraine territory, the governmental-controlled territory, they will be recognized as those who didn't finish, finish their education. Maybe we'll have to start this year again under the governmental-controlled area.

MS. VYNOGRADOVA: Thank you for -- Cathy, for a question about volunteers. Volunteers are the main engine, in the main power, in trying to resolve IDP issues, and of course it is very important to involve them in the decision-making process and in the policy development, because they are the only ones who, all the time, are present in the field. You can communicate directly with IDPs who are getting involved in very tiny questions that are unseen for the rest of us who remain mainly on the central (inaudible).

Whether we should involve them? Yes. For example, the Minister of Social Policy lacks staff, lacks resources, human resources and of course financial resources; volunteers are already -- state that they are ready to assist the Minister of Social Policy staff in registering IDPs, in raising awareness about all the programs available for IDPs, distributing leaflets with the kind of roadmaps on what to do step by step to get registered to solve -- to get social payments and so on.

And the government, as far as I know, now is considering the possibility of officially involving IDPs, and giving them access to a sudden bunch of information that

the Ministry of Social Policy has.

MS. MOROZ: As of today there are no legal frameworks for cooperation between government and volunteers, that is why some agencies are afraid to cooperate with volunteers because they are afraid of being charged with, like, some interest in the activity, or something.

MS. FERRIS: I think we have time, maybe, for two more questions. So I think this gentleman here, and this woman right up front.

QUESTIONER: My name is Ted Condack. I'm with the State Department. Thank you very much for the wonderful presentation. I have a question about the inordinately large number of elderly people registered as IDPs, and juxtaposed with the government policy on pension payments, what is your response to the potential that most of these people aren't IDPs at all; they are just registered outside the separatist-controlled areas so they can get their pensions?

MS. FERRIS: This lady right here?

QUESTIONER: -- Guthrow. I'm from ICRC. And just a question, we talked a lot about assistance about people who are pensioners and they are looking for assistance -- assistance. You haven't mentioned anything about whether Ukrainian Government does enable anything for those people who are looking for employment. For meaningful employment, because I'm convinced that this is a long-term solution that has to be found in this connection, does ICRC -- sorry.

The Ukrainian Government does anything for giving incentives for corporate structures and employers to give jobs to people, because I'm sure about like 50 percent of people displaced they are of working age, and looking for jobs so that they can provide themselves and their close ones. So what is done in this respect? Thank you.

MS. FERRIS: Two good questions; one on pensions and the inordinate

number of registered elderly people, or pensioners; and secondly, on the role of the government in promoting employment opportunities.

MS. VYNOGRADOVA: Well on the pensions, indeed people are just getting out from nongovernment-controlled territory, get their IDPs -- get an IDP certificate, they register their pension on government-controlled territory. Then come back to nongovernment-controlled territory, and as far as in Ukraine, pensions are paid once a month, they just come back once a month to government-controlled territory, withdraw their pensions through ATM, and come back again to nongovernment-controlled territory.

Our government called this phenomenon pension tourism, and they accuse these people of fraud, that they are like -- they don't want to be -- they don't want to live in a safe territory -- safe Ukraine I mean, and they just want to get our money, and give them to the separatists, something like this.

And the government established a system of checking the real presence of these people in government-controlled territory. If government officials don't find these people at the place they say they are living in, they just withdraw their pensions. We advocate for, and government sees the way to secure budget money, not to allow budget money to finance terrorist, something like this. And even taking into account the average Ukrainian pension is amount to \$7 a month; yes, \$7, and hardly again, somehow support the separatists.

We advocate that Ukrainian Government should introduce some amendment to the legislation, so that people will not need to register as IDPs. Because they are not IDPs, they have their rights to get their pensions, whenever they want to get them, and they just can -- they can just come to the Ukraine and get their pension and come back to the place where they live, without getting IDP Certificate, without being

recognized as IDPs, and without all these complex procedures of registering, or not registering, and so on.

MS. FERRIS: Employment?

MS. MOROZ: Yeah here, just have to mention, here are the double standards of the government. On the one hand would say that they are our people, they are Ukrainian nationals, this is our territory. On the other hand, government says, okay, if they don't want to come here, then we do not support them. And then we've got electrician, we've got water supply and so on.

As to employment, and thanks for the question, it's a very important question. And it concerns the policy, the government is to develop still, however, international organizations along with volunteer initiatives, and national NGOs, think about it, and there were some funds, providing some amount of money for trainings for IDPs who can get new professions, who can trainees and how to start new business, or how to orient their businesses, because as far as we know about 90 percent of small businesses, and middle-sized businesses, were oriented to Russian market. Right, in Crimea and in the East, so these people have to accept new standards, and start from the very beginning.

In this case, government should provide support to this initiative, to insert this into the governmental strategy, because it is a huge support. However, what we see in the Eastern Ukraine, some employment centers like -- are very open to such initiatives, and they can provide a list of those who had small businesses to work with these people further. Some employment centers are just reluctant even to talk to the international agencies with such -- in these issues. So now there is nongovernmental program but, yes, there are some very good initiatives from the nongovernmental side.

MS. FERRIS: Well, I want to thank you for very much for coming from

Kiev, and for the work that you've done on this report. We'll trust you to keep your keep your eyes open for changes, and policies on the part of the government. Thanks, too, François for adding the always useful perspectives of ICRC, and how to operate in such a territory.

So, please join me in thanking our Panelists? (Applause) Thank you very much.

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