

Inequality of Internally Displaced Persons (IDPs) in Ukraine, 2014 - 2019

This research was funded by the Preludium grant of the National Science Centre, Poland [Narodowe Centrum Nauki]. Project number: 2017/25/N/HS6/01174. Project Name: Influence of party ideology and characteristics of parliamentarians on legislative actions on war, corruption and inequality in Ukraine [Wpływ ideologii partii i charakterystyk parlamentarzystów na działania ustawodawcze w sprawie wojny, korupcji i nierówności na Ukrainie].

The annexation of Crimea and the subsequent military conflict in Eastern Ukraine has been devastating to millions of people and has adversely affected both the performance of local and state government bodies and the functioning of local state institutions.

This dire situation created new 1.8 million minority in need of political, economic, and social protection: Internally Displaced Persons (IDPs). The Guiding Principles on Internal Displacement developed by UN Commission on Human Rights in 1998 define IDPs as “...persons forcibly uprooted from their homes by violent conflicts, gross violations of human rights and other traumatic events, but who remain within the borders of their own country.” These principles highlight that IDPs should enjoy equal rights and opportunities and should not be discriminated against by other citizens. Nonetheless, while an instrument of protection of the rights and freedoms of IDPs, the Guiding Principles are not legally binding. This situation leaves the responsibility for guaranteeing protection of the rights of IDPs and reassuring their equality to the national authorities.

The key actors who, by law, are responsible for the political representation of IDPs are in the legislative and executive branches at the national and local levels. They are the parliamentarians who have been elected to office and the appointees in the executive branch. These are also political parties and blocs organizing the political interests and, in so doing, narrating the issues of internal displacement through creating electoral manifestos, voting and debating in the parliament.

The Ukrainian government and the *Verkhovna Rada* (Ukraine’s parliament) have introduced and passed laws, regulations, and directives, i.e. documents of different binding force, designed to address the problems of these groups. Parliamentarians have a possibility to address current issues during their electoral campaigns, e.g. vocalize the needs of persons affected by the military conflict. However, some of these newly introduced policy elements may seem contradictory; others have a clearer, but not necessarily positive, direction.

The analysis of electoral manifestos of Ukrainian political parties and blocs that stood for the elections in 2014 and 2019 shows that issues of IDPs were rarely mentioned. By the time

of parliamentary elections 2014, the number of the displaced persons had been growing rapidly. This military conflict created humanitarian issues that parties should have been trying to address. However, only one party that had electoral interests in the region addressed the issues of IDPs in their manifesto. During the parliamentary elections of 2019 there were few mentions of IDPs in the manifestos, and when they appeared, IDPs were mentioned in general terms. In short, despite the complexity of the situation, the majority of parliamentary candidates - who have been mostly preoccupied with winning the elections - paid little or no attention to the issues of IDPs in their political manifestoes.

Similarly, the analysis of legislative debates that took place between 2014 and 2018 shows how lawmakers discuss the importance of reassuring political and electoral rights and the guarantee of decent living conditions of IDPs. Whereas many parliamentarians agree that displaced persons need state protection, the MPs have been divided because of the differences in their ideological views and political calculations. Some of the MPs consider the issues of the IDPs to be of secondary importance in comparison to the question of securing territorial integrity of the country.

The legislation and regulations implemented by the Ukrainian government restricted access to financial aid for persons who do not comply with strict bureaucratic regulations and registration procedures. According to the Ukrainian legislative framework, not all displaced persons are entitled to government aid. Furthermore, the pace of implementation of legislation and regulations lagged behind new challenges that the displaced population faced and the regulation made by the Cabinet of Ministers had imposed inflexible rules on displaced persons wishing to retain the IDP status. Moreover, according to the electoral legislation and regulations that were in place for the previous presidential and parliamentary elections 2014, the administrative measures and state bureaucracy impeded displaced persons' ability to exercise their political rights and freedoms fully and equally with their fellow citizens. These rights have been hindered when it came to casting ballots for the candidates in single-member electoral district during the elections to *Verkhovna Rada*. Political participation for all persons affected by the military conflict has been limited to registered IDPs. Furthermore, during the local election 2015, the electoral rights of IDPs have been severely restricted by newly adopted legislation. Overall, the parliament was divided over the question of electoral freedoms of the IDPs: parties and blocs that did not count on the electoral support of the IDPs were reluctant to defend their voting rights; the Central Election Commission introduced few administrative facilitation for IDP wishing to vote during the elections; and the Cabinet of Ministers introduced a number of regulations that imposed constraints on freedom of movement for the IDPs.

While it is clear that there are certain limitations for the Ukrainian government to exercise its power on the disputed territories, there is no reason why the rights and freedoms of any category of the population should be restricted. Yet, there are few legislative acts adopted by the Ukrainian Parliament or regulation signed by the Cabinet of Ministers and the Central Election Commission of Ukraine that concentrate on political and electoral rights of residents of military conflict affected areas and displaced persons without registration. The legislation adopted so far restricts access of registered IDPs to rights and freedoms guaranteed to them by the constitution and other laws of Ukraine. In addition, there has been little consensus in the previous parliament as for what legislation should have been adopted. In 2014 - 2015, the representatives who enjoyed the support of the population in the past – previously members of the ‘Party of Regions’ - supported the legislation dealing with political and electoral rights of IDPs because they counted on their electoral support. Other parliamentarians, whose political future depend on electoral support of the residents of different *oblasts*, seem to be sympathetic towards humanitarian issues of the displaced persons in their speeches, but are reluctant to advance their political rights fearing electoral competition.