

THE GENDER DIMENSION OF INTERNAL DISPLACEMENT IN UKRAINE: LOCAL POLICIES, BUSINESS PRACTICES AND LEGAL INSTRUMENTS OF PROTECTION

Introduction

The last 50 years have significantly changed views on the need for gender approaches in public policy-making, the practice of applying legal acts, implementing local policies, using legal instruments and carrying out business practices. Since the adoption of the UN Convention on the Elimination of All Forms of Discrimination against Women in 1979 and commitments made under the Beijing Platform for Action in 1995, gender equality, women's representation in decision-making, and regard for disparities in opportunities have become integral parts of the public agenda.

The goal of internal displacement policies is to protect human dignity in times of crisis and to alleviate challenges faced by people in forced displacement. These policies need to provide a comprehensive response in accordance with the principles of humanity, neutrality and universality, with regard to the rights and needs of those affected by the conflict. This requires a detailed analysis of dynamics of actions of authorities, norms and roles that determine how and why people of different genders feel alienated in crisis situations and face various barriers and challenges. Conflict and related challenges affect people in different ways because of different gender roles, preferences and vulnerabilities. They cause traumatic, stressful and difficult experiences, which also depend on the gender of a person affected.

Analysis of the gender component in internal displacement objectively shifts the focus to women's rights, as studies show that the percentage of women among internally displaced persons is higher and the number of challenges faced by women is disproportionately higher. In most parts of the world, gender imbalance is constantly making women and girls more vulnerable. Though women are not only victims. They can also play an active and important role in promoting peace and resilience. Different gender groups have special potential, knowledge and perspectives that they can use to support revival, strengthen peace, and encourage sustainable development.

I. The gender dimension of forced displacement: historical background

The gender component of forced displacement was formed under the influence of a wider general trend of recognizing the need to take into account the gender dimension in policies and regulatory environment.

Since the early 1970s, approaches to analysis of social phenomena started to take shape, based on the thesis that the experience of women and the impact of various social changes on them differs from the experience of men. In addition, attention was drawn to the importance of intersecting identity markers such as gender, social class, race, nationality and ethnicity.

Gender analysis, the theoretical foundations of which were laid down during this period, recognizes that social attributes, expectations, and opportunities associated with 'being' a woman or a man may change over time and space and may be affected by accelerated social transformations, including conflicts and displacement. The evolution of approaches to gender mainstreaming in development has generally been attended by changes in studying forced migration and forced displacement. A separate area of research and public debate has appeared, 'women and forced migration'.

Since the 1980s, criticism of the refugee status of the 1951 Geneva Convention has included accusations that it portrayed a male paradigm as universal... female refugees face denial of their demands, because their experience remains unrecognized.

The issue of special needs and experiences of women in forced displacement, with a special focus on female refugees, was first raised in 1980 at the Second UN World Conference on Women in Copenhagen, the conference marked by political controversies over the situation of Palestinian women as a result of the Israeli occupation.

A more detailed and comprehensive report by the UNHCR was presented at the Third World Conference on Women held by the UN in Nairobi in 1985, although it also reaffirmed the view that humanitarian practices and international instruments and practices for internally displaced persons, primarily refugees, are gender neutral.

It was not until the early 1990s that the UNHCR and other key institutions dealing with forced displacement started to pay more attention to include gender issues into their programs.

Today, the following are recognized theses in the international security discourse:

- international commitments on gender equality and sustainable peace are interrelated;
- achieving gender equality and women's empowerment depends on understanding and reducing conflicts and instability, while building sustainable peace requires gender mainstreaming and empowerment of women and girls;
- conflict and vulnerability of their own situation affect women and men in different ways and create a significant burden for women and girls;
- pre-existing gender inequality and discrimination can exacerbate the effects of conflict on women and girls, while feminization of poverty often reduces women's ability to mitigate these effects;
- lack of access to information, resources and services (along with gender stereotypes, inequality and cultural constraints) can make some women and girls (e.g., from vulnerable socio-economic groups in female-headed households) even more vulnerable to relevant challenges and stresses that may no longer relate to the conflict, such as natural disasters, macroeconomic shocks, a strong decline in the national economy, etc.;
- peace-building and state-building processes in volatile and conflict situations can provide new opportunities to promote gender equality and empower women and girls;
- underpinned by unequal gender ideologies, internal displacement and related human rights violations can destabilize societies for generations, eroding human and economic development, revival, reconciliation, the rule of law and trust in institutions of state power.

II. Areas of vulnerability: global experience

The global experience of forced displacement shows that there are certain threats that make women and girls more vulnerable, regardless of the country in which these events take place. At the same time, it has to be mentioned that cultural, historical and national contexts definitely determine certain features.

Among the main areas of vulnerability for women and girls in forced displacement are the following:

- increased risk of sexual and other gender-based violence during displacement;
- lack of gender-based services, including medical care, psychological and social ones;
- pregnancy: relocation causes a greater risk of complications due to a stressful situation, possible financial problems, lack of pregnancy follow-up for a certain period;
- increased risk of sexual and other gender-based violence in the host community, which is often associated with economic vulnerability, absence of sustainable social ties, protection by family members and friends;

- increased risk of human trafficking: despair and the need to find alternative means of protection and economic survival can put displaced women in a vulnerable position and this is what traffickers focus on and exploit. These include forced prostitution, domestic slavery, forced labor, forced begging, etc.;
- psychological trauma and isolation: many displaced women and girls are traumatized by their experiences, while dangerous situations, in which some of them live, create additional stress. Lack of adequate and affordable psychological care exacerbates their vulnerability;
- limited access to livelihoods: many displaced women go to great lengths to find sufficient livelihoods (for themselves and often for their displaced families). A dangerous work environment increases the risk of sexual harassment for displaced working women;
- insufficient assistance in situations of forced displacement often makes women neglect their health, preferring to take care of health and welfare of their children and husbands.

III. The role of local policies, business practices, legal instruments of protection and actions of public organizations in focusing on the gender dimension of internal displacement

Local policies

Safeguarding the rights of women in internal displacement at the local level is particularly important, because local policies affect the daily lives of men and women. This includes sectors that affect the quality of life and have the potential to change people's lives in the long run, in particular education, employment, social services and economic development.

It is the role of self-government in contemporary world that determines the role of local policies in safeguarding women's rights and gender equality. One of the most important indicators of the level of democracy in societies is effective local governments, being as close as possible to populations. That is why the institution of local self-government is recognized today as a flagship of public administration, an integral part of a democratic, social and legal state.

Business practices

Companies are part of the social structure wherever they operate; they influence politics, economics, legal, social and cultural norms and practices. With such power, the business community undertakes to ensure, at least, that human rights are not harmed, that companies are not engaged in direct or indirect discrimination, including that based on sex, etc. It is not enough to declare a commitment to human rights and it is strange to deny own obvious influence on human rights, especially the rights of vulnerable individuals, including internally displaced women and girls. Gender mainstreaming should be fully incorporated into every area of companies' policies and practices, as it is currently recognized that companies' impact on human rights is not gender neutral.

The UN Guiding Principles on Business and Human Rights, the key soft law document in this area of relationships, pay special attention to respect for human rights by businesses in times of conflict. They emphasize that as conflict-affected areas pose a heightened risk of gross human rights abuses, including by businesses, states should provide guidance, assistance and enforcement mechanisms to ensure that businesses are not involved with such abuses.

Taking into account the situation of internal displacement and assessing conflict sensitivity should be integral parts of a procedure for undertaking due diligence on human rights — a set of interrelated

mechanisms that should include the following main components: identification and assessment of actual or potential negative human rights effects (human rights impact assessment; measures taken to prevent, stop or mitigate these effects; eliminating the impact; use leverages to prevent or mitigate the impacts caused by others, including partners of a joint venture, public authorities, suppliers, etc.; monitoring of the effectiveness of measures and procedures addressing the mitigation of negative effects on human rights to ensure that these measures and procedures really work; provision of information on measures taken and demonstration to stakeholders, especially to affected ones, that relevant human rights strategies and procedures are in place.

Legal instruments of protection

Gender equality is one of the conditions for ensuring social development. At the same time, remedies play an important role in eliminating specific manifestations of injustice caused by socio-economic, political, cultural or other factors.

The uniqueness of legal protection instruments in ensuring gender equality is that, unlike legal procedures, they are mechanisms for ensuring and promoting respect for human rights, they create an area, in which ideas and diverse interests of different social groups can be expressed. Legal instruments can be a powerful tool for social changes where their application is aimed at overcoming discrimination and reaching gender equality. A decision made in a particular case may further become the general rule for all similar cases.

Particular attention should be paid to the role of the judiciary in ensuring gender equality and overcoming sex-based discrimination in situations of internal displacement. This is largely due to the fact that judges are vested with a fairly wide range of powers: they can raise before the court of constitutional jurisdiction the issue of unconstitutionality of a certain legal provision as being discriminatory in nature; they have the opportunity not to wait for the adoption of a specific regulation to provide protection against discriminatory treatment that leads to human rights violations; they can render decisions aimed at overcoming established discriminatory approaches and practices; they can use in their decisions the language of international and regional human rights treaties (even if this treaty has not been ratified, it can be used as a convincing, not binding, legal source), which will increase the legitimacy of a decision made by this court in a particular case; they have the possibility of direct application of constitutional provisions that guarantee protection against discrimination, enshrine equality, in particular gender equality; they may refer to the case law of international and regional judicial institutions to give arguments for their opinion in the case, etc.

Public organizations

In Ukraine, like in other countries with experience of forced internal displacement, civil society has become a decisive factor. The situation of internal displacement has forced many different public organizations to reorient and reconsider their objectives. New public organizations were set up, including at the initiative of internally displaced persons, to protect their rights. Some organizations focused on providing humanitarian assistance, others on developing legal solutions to problems in the lives of internally displaced persons, or on encouraging political activity of internally displaced persons

The situation of internal displacement clearly proves that the understanding of civil society actors purely as ‘watch dogs’, a critical mass tasked to control actions of the government and other political forces, needs to be reconsidered in the modern world: civil society institutions effectively identify people’s needs, especially the needs of vulnerable people, provide them with assistance, raise public awareness of human rights and tools for their protection, act as a means of communication between public or local

authorities and the population, etc. It is civil society institutions that often have the expertise of situations that society and the state face for the first time. Without civil society institutions, it is impossible to comply with the requirement of a democratic society to include in decision-making persons to be affected by relevant decisions. It is civil society institutions that often put problems faced by internally displaced persons on the agenda of public and local authorities.

Moreover, the inaction of the state machinery gives a push to greater efforts of civil society institutions that 'bridge the gap' to some extent.

IV. Areas of vulnerability: Ukrainian experience

Based on studies of the situation of internal displacement in Ukraine, generalized international experience of forced displacement, international and regional standards of gender equality and protection of the rights of internally displaced persons, applying such fundamental legal concepts as respect for human autonomy and life, the principle of equality, the requirement of non-discrimination and the gender equality concept, we identified situations (in the form of hypotheses) that, in our opinion, pose the highest vulnerability risk for women and girls in forced displacement in Ukraine.

These hypotheses were discussed in four pilot regions of Ukraine — Kharkiv, Rubizhne, Vinnytsia and Poltava — with male and female participants in trainings (a total of 120 people) and during focus groups and interviews. At the final phase, our recommendations on incorporating the gender dimension of internal displacement in local policies, business practices, legal protection instruments and activities of public organizations were discussed in a series of final webinars with male and female representatives of the four target groups of the project — local authorities, businesses, legal community and public organizations.

In terms of each hypothesis formulated, attention was focused on the following:

- (1) how to make a gender analysis of a relevant area of relationships, which indicators can help confirm or refute a hypothesis;
- (2) how to adapt local policies, legal instruments and business practices to specific needs and opportunities of women, girls, boys and men;
- (3) how to prevent or mitigate negative effects; and
- (4) how to ensure the proper participation of all gender groups concerned.

The hypotheses were formulated based on answers to the following questions:

- 1) What roles do women, girls, boys, men and those who control resources in households and in society traditionally play? Are there gender groups being discriminated against in society, including their access to housing, employment, justice, etc., and are they particularly vulnerable?
- 2) How does the armed conflict and internal displacement differently affect different gender groups and their roles?
- 3) What opportunities do different populations have to overcome, respond and recover after internal displacement?
- 4) What are special needs of women, girls, boys and men for assistance and protection?
- 5) Are there particularly vulnerable groups that need particular types of assistance? If an initiative targets only one gender or several specific groups, how can other groups get involved and what are the effects of their non-involvement (e.g. tensions, stigmatization, failure to achieve goals, etc.)?

We identified the following main areas of vulnerability of women and girls in forced displacement in Ukraine:

1. Housing needs

1.1. Additional challenges for women are caused by the fact that, on average, lower incomes make it more difficult for women to buy housing, especially if heads of households are women (due to various circumstances — a woman lives alone; a woman raises a child/children on her own; a husband is unemployed, a husband died/remained in the occupied territory/takes no part in the upbringing/maintenance of children).

1.2. When a decision on housing provision is within the competence of a local community, stereotypes about a man as a more useful community resource may work in his favour in decision-making in contrast to a woman with children, who may create additional social obligations for the community.

1.3. Failure to conclude official housing rental agreements, a widespread practice in Ukraine, agreement (due to landlords' desire to evade taxes on rented housing) has a negative impact on IDPs, as they are not entitled to social benefits without official rental agreements. This situation seriously affects women, who statistically earn less than men.

1.4. The reluctance to enter into housing rental agreements with IDPs who have children may also be prompted by fears that children will be registered in rented accommodation.

Recommendations

at the local policy level the following measures may be taken to respond to the above problems:

- make inventory of unoccupied housing stock;
- local councils may allocate housing as service-provided accommodation;
- inform IDPs about available housing opportunities with regard to special vulnerability of women;
- develop regional (or at the level of amalgamated territorial communities) housing programs for particularly vulnerable groups, which will include analysis of housing needs (based on various factors), analysis of available housing, analysis of available resources, including inventory of non-governmental initiatives and programs being implemented in a relevant territory, analysis of professional resources of the population, registered in employment centres, etc.;
- pay attention to the needs of IDPs when making social territorial passports of amalgamated territorial communities;
- ensure certainty on the issue of internally displaced persons being members of a relevant territorial community through making a decision of a city council/executive committee, or relevant provisions in statutes of territorial communities;
- monitor the housing situation of IDPs, including on the basis of gender factor;
- carry out awareness campaigns;

in business practices:

- employers are recommended to analyse the level of wages in their companies to minimize risks of violations of women's rights;
- companies implementing programs to finance housing for internally displaced persons are recommended to take into account additional vulnerability of internally displaced women as added value, not as a barrier (explicit or implicit) to participation in the programs;
- real estate intermediary agencies are recommended to develop brief guidelines for their agents who work directly with clients, explaining the negative effects of a failure to conclude official housing rental agreements;
- online platforms for rent ads are recommended to place explanatory notes and send them to e-mail of each client, who places a rent ad, on the inadmissibility of any kind of discrimination

against potential tenants and on illegality of rent without official registration of housing rental agreements; monitoring rental ads for discriminatory restrictions, in particular non-rental of housing to tenants from Donetsk or Luhansk, etc.;

in activities of public organizations:

- improve the applicable national mechanism for safeguarding the housing rights of internally displaced persons, taking into account the gender dimension:
 - legally oblige local councils to consider the creation of housing stock for IDPs;
 - exemption from taxes on income of landlords who provide housing for rent to internally displaced persons;
 - legally enshrine incentives for businesses (in particular, through tender procedures, tax incentives, etc.) to offer IDPs, primarily vulnerable groups of IDPs, preferential conditions for the purchase of housing;
 - take into account special vulnerability of women in setting priorities of housing provision/assistance in housing acquisition;
 - exercise state control of and respond in an effective manner to cases of denial to enter into housing rental agreements with an internally displaced person due to his/her status and/or minor children, etc.

2. Employment, entrepreneurship

2.1. The need for childcare can be a barrier to employment (even if children to kindergarten or school, they usually do not stay there all the time while parents work; being in a new locality is usually attended with severance of social ties and no opportunity to get help with children from grandparents, other friends and relatives; statistically, women more often than men have to tackle logistics issues regarding the stay of their children in different education institutions).

2.2. Women statistically receive lower wages, which increases vulnerability of female IDPs, as wages must be sufficient to rent housing and meet other basic needs. This often serves as an additional reason for women to deny formal employment.

2.3. The stereotypical division of occupations into female and male ones deprives women of access to a number of high-paying jobs in the absence of an official ban.

2.4. Surveys show that IDPs face denials of employment by employers more often than other jobseekers; female IDPs, especially those with minor children and/or those aged 40 and above, make up a particularly vulnerable group.

2.5. Relocation creates additional challenges for women in terms of living arrangements, which is traditionally deemed to be primarily a woman's area of responsibility in most cases.

2.6. Women's market integration does not automatically mean an increase in their economic empowerment. New obstacles may appear, social ties may be lost, or women may suffer from lack of time. Many programs encouraging women to go into business may result in a situation of significant mental stress. This is especially true where small businesses focus on timely and efficient growth, measured in quantitative and qualitative terms, and profit-making success. Notwithstanding good intentions of such 'programs and incentives for women's business', the pressure to succeed pushes into the background the need to take into account the social complexity and small-scale dynamics, and may even hamper gender-justice initiatives.

2.7. Banks more often deny women loans and other financial instruments, especially when it comes to additional risks such as the status of an internally displaced person.

2.8. Statistically, the situation where a woman did not work and was a housewife before the conflict is more common among women than among men. The conflict and displacement essentially change the situation of the family: women who have not worked for long face special employment challenges.

2.9. Internal displacement can be an additional vulnerability factor in terms of sexual harassment in the workplace. Furthermore, employees from among internally displaced persons may suffer from other workplace harassment and bullying to a greater or lesser extent due to their status.

Recommendations

at the local policy level the following measures may be taken to respond to the above problems:

- provide local authorities dealing with IDPs with the required number of staff, raise their awareness of women's rights in times of conflict and internal displacement, international and regional standards of protection of IDPs, including vulnerable groups; conduct training and education activities to upgrade knowledge and skills of relevant executive officials;
- schedule and conduct awareness campaigns to raise awareness of employers and employees about their rights and responsibilities, in particular, if a job seeker has the status of internally displaced person; give examples of discriminatory practices, explain what needs to be done if a person is denied employment on the grounds of, in her/his opinion, gender and/or internally displaced status;
- conduct, on a regular basis and at the level of amalgamated territorial communities, analysis of the needs of internally displaced persons relating to the stay of children in preschool and primary school institutions;
- offer internally displaced women opportunities of vocational education and training providing for entertainment and care programs for children of all ages;
- develop partnerships for job creation and training to coordinate public sector programs and the needs of local self-governments and the private sector;
- participate in dialogue platforms with the involvement of national and international stakeholders, share their knowledge of the local context, local conditions and needs;
- work in partnership with conflict-sensitive third parties, including mediation and arbitration;
- participate in national dialogue and consultation processes to ensure that national action (development) plans are in line with the needs and priorities of society or the community concerned;

promote initiatives such as women's legal clinics, etc.;

in business practices:

- all employers:
 - a job ad may initially contain an indication, such as 'The employer takes action to promote a family-work balance by all employees.' Another alternative may be a development of relevant policies and their posting on the company's website to make potential candidates for the vacant position take this factor into account as a relevant one for their employment;
 - during an interview or other recruitment procedure of a company, its responsible representatives may separately make a candidate(s) acquainted with the company's policies for equality and non-discrimination, assistance to women in employment,

- supporting programs for female and male employees with family responsibilities with a special emphasis on vulnerable groups of women;
 - prevent the practice of informal employment, develop information materials to explain potential negative effects of informal employment;
 - analyse the level of wages by gender, age, IDP status, parental status, etc.;
 - survey employees on what they deem to be barriers to their professional growth;
 - analyse which of female or male employees have been sent for training and advanced training in the last three years;
 - take, on a regular basis, measures to raise women's awareness of their rights, values of gender equality, impact of social stereotypes on the exercise of women's and men's rights, the distribution of productive and reproductive work, etc.;
 - make statistical analysis of the number of female and male employees in various positions at a company;
 - develop guidelines for employees responsible for employment that will minimize risks of discriminatory treatment of female and male candidates for vacant positions;
 - carry out awareness raising activities on conducting interviews and taking other actions to find and hire female and male employees on a non-discriminatory basis;
 - offer female and male candidates for vacant positions the opportunity to give feedback on the quality of the hiring procedure;
 - develop programs to prevent sexual and other harassment in the workplace or to amend the existing ones by providing that vulnerable groups of women are at particular risk of such misconduct;
 - conduct training on the inadmissibility of sexual and other harassment for all female and male employees;
 - introduce mechanisms for complaints of sexual and other harassment, including the opportunity to file complaints anonymously and with effective mechanisms for responding, compensating for damages, and protecting female and male applicants;
- companies providing services for the acquisition of new professional skills, including online training:
 - analyse training programs with respect to gender stereotypes and established views on female and male roles in society;
 - conduct training of trainers and program developers to increase their gender awareness;
 - incorporate gender approaches in the positioning of services provided in advertising campaigns;
- Mass media, internet platforms, advertising agencies:
 - analyse materials published or otherwise made available to the public for stereotypical portraits of women and men, people with family responsibilities, materials that portray the ideal worker as a young man capable of devoting all his time to work, etc.;
- education institutions:
 - analyse curricula and activities not covered by official curricula with regard to available stereotypes about social roles of women and men;
 - carry out awareness raising activities for teachers and students to raise awareness of gender equality;
- businesses that develop and implement programs to support women's entrepreneurship:
 - make gender analysis of developed programs, in particular, analyse the current situation and plan the outcomes to be achieved under a particular program with regard to specific effects for women participating in this program;

- conduct education activities to raise gender awareness among both developers of such programs and their participants;
- banks and other financial institutions:
 - make statistical analysis with a breakdown by gender and other characteristics that may cause vulnerability (internally displaced person status, single mother status, disability, etc.) in terms of provided loans and other financial instruments and loan denials;
 - make gender analysis of the procedure for processing applications for loans and other financial instruments;
 - train, on a regular basis, employees to enhance their gender awareness, understanding of mechanisms of influence of gender stereotypes on decision-making;

Apart from the above steps, all companies that have supply chains should:

- use their influence on suppliers to safeguard the rights of women in the supply chain, which will also help manage risks in the supply chain and ensure their long-term sustainability;
- raise suppliers' awareness of the importance of gender equality;
- promote the incorporation of gender dimensions in corporate tools, such as codes of conduct, self-assessment issues, audits;
- encourage suppliers to collect data disaggregated by gender and other vulnerabilities (including the IDP status). This helps make the needs of women, in particular their vulnerable groups, visible and centre attention on them.

in activities of public organizations:

- improve the applicable national mechanism for safeguarding the housing rights of internally displaced persons, taking into account the gender dimension:
 - introduce tax holidays for IDPs engaged in entrepreneurial activities;
 - introduce state programs to support entrepreneurial activity of women with the status of internally displaced persons;
 - support social entrepreneurship, with a focus on women;
 - encourage employers to implement gender equality programs, with special attention to vulnerable groups of women, at companies and organizations;
 - introduce legal incentives for businesses to promote their efforts to respect, protect and mitigate the negative effects of conflict and internal displacement on the rights of internally displaced persons;
 - introduce a regulatory requirement for undertakings to implement a policy of sensitivity to conflict and internal displacement (by analogy with anti-corruption programs of legal entities).

3. Family disputes (divorce; recovery of alimony for support of a child and/or ancillary relief, recovery of alimony for support of an adult child who is studying; identification of a child's place of residence; deprivation of parental rights)

3.1. Due to the conflict, there were situations where a woman with a child/children lives in the government-controlled territory, whereas her husband (a father of a child/children) resides in the non-government controlled territory (or is not registered in the government-controlled territory). This essentially obstructs access to justice in cases of divorce, alimony for and residence of a child, deprivation of parental rights, because:

- there are additional difficulties linked to informing the defendant of the case, requesting documents and other evidence (especially when it comes to alimony for support of an adult child who is studying, as the court should examine additional evidence of financial situation and other material circumstances

of the defendant; identification of a child's place of residence — it is difficult for the court to call witnesses, get information on characteristics of a wife/husband at the place of work/residence in the non-government controlled territory, information on participation in the upbringing and maintenance of a child)¹;

- there is a high risk of impossibility to enforce a court decision, which obliges the defendant to pay the appropriate amounts in favour of the female plaintiff.

3.2. As a rule, the income of an internally displaced woman is statistically lower than that of an internally displaced man. This may create additional risks of identification of the place of residence of a child with a husband due to poor financial conditions of a wife to support a child.

Recommendations

at the local policy level the following measures may be taken to respond to the above problems:

- guardianship authorities are recommended to take into account the situation of internal displacement (the same approach is often applied for persons from government-controlled territories and IDPs) — there should be a comprehensive approach to IDPs, including women, their financial capacity to maintain a child;

provide employment of parents who are internally displaced persons, consider opportunities for additional support;

in business practices:

all employers:

provide for the possibility of employees, where applicable, to be absent from the workplace during working hours in case of the need to obtain information and data to be used in legal proceedings, with retention of payment for this time. It is important to make this a general rule provided in advance, not decided upon a female or male employee's application, as for the latter this can be a barrier to initiating legal proceedings;

analyse the level of wages, with regard to gender and vulnerability of employees, so as to bridge the gap in wages;

analyse the company's career policies.

in activities of public organizations:

- improve the applicable national mechanism for safeguarding the housing rights of internally displaced persons, taking into account the gender dimension:
 - introduce a norm on keeping a register of enforcement proceedings, which cannot be enforced because the debtor resides in the non-government controlled territory. The government should pay compensation to these women.

¹ In accordance with Article 182 of the Family Code of Ukraine, while determining the amount of alimony, the court takes into account: 1) the state of health and financial situation of the child; 2) the state of health and financial situation of the alimony payer; 3) if the alimony payer has other children, disabled husband, wife, parents, daughter, son; 4) if the alimony payer owns, holds or uses property and property rights, including movable and immovable property, cash, exclusive rights to the results of intellectual activity, corporate rights; 5) expenses of the alimony payer proved by the alimony collector, including for the purchase of movable and immovable property, the amount of which exceeds ten subsistence minimums for an able-bodied person, if the alimony payer has not demonstrated the source of funding for these expenses; 6) other significant circumstances.

The court shall not limit its decision to the amount of earnings (income) of the alimony payer in case of establishing that he has expenses exceeding his earnings (income) and cannot demonstrate the source of funding for these expenses.

4. Domestic violence

4.1. The situation of internal displacement increases the risk of domestic violence. This primarily concerns the impact of a stressful situation, which may cause manifestations of domestic violence.

4.2. The situation of internal displacement breaks usual social ties and may also increase the economic dependence of women on men.

Recommendations

at the local policy level the following measures may be taken to respond to the above problems:

- develop information materials on detecting, preventing and responding to domestic violence and using available means of assistance in cases of domestic violence to be disseminated among social services dealing with internally displaced persons;
- develop action plans at the level of local communities open to visitors and actively disseminate information on these plans, with a special emphasis on internally displaced persons. Actions may be neutral in terms of their subject matters (decoration of sweets for the holiday, children's creative laboratories, yoga/zumba, etc.). These events are an opportunity to join the community, get acquainted, feel being a community part. Besides, these events are an opportunity to have communication outside the family, to be occupied with something. At these events, it is recommended to distribute, along with leaflets about other planned interesting events, information on domestic violence, what to do and where to go in cases of domestic violence;
- explain to business community that socially responsible businesses are aware that the workplace is often the only tool of socialization, especially for an adult person who is forced to relocate and finds himself/herself in a situation where he/she is deprived of usual social ties. If in such a situation a person becomes a victim of domestic violence, the person concerned is especially vulnerable, as there is nowhere to go and no one to turn to; the person concerned often has a feeling that both internal displacement and domestic violence are 'life failures' and does not want to admit that he/she needs help in this situation. The employer has the opportunity to offer a consultation with a psychologist, other assistance;

in business practices:

all employers:

- keep employees aware of signs of domestic violence and possible ways to respond to cases of domestic violence;
- offer the opportunity of psychological assistance to employees who became victims of domestic violence, including work with the family in general;
- involve organizations dealing with domestic violence in the development of programs to help employees who face the problem of domestic violence;

in activities of public organizations:

- improve the applicable national mechanism for safeguarding the housing rights of internally displaced persons, taking into account the gender dimension:
 - make legal amendments on the need to record cases of domestic violence not only on the grounds of sex, but also the IDP status of participants in domestic violence cases.

5. Trafficking in human beings and modern slavery, gender-based violence

5.1. The situation of internal displacement makes people particularly vulnerable to human trafficking/modern slavery, gender-based violence: people seek opportunities to earn a living amid limited employment opportunities and accept dubious employment offers.

5.2. These categories of crimes are in most cases latent, as they are often committed against people whom no one will look for, people who will be ashamed to tell, etc.

Recommendations

at the local policy level the following measures may be taken to respond to the above problems:

- carry out educational activities, launch anonymous hotlines.

in business practices:

the following is recommended for organizations that provide employment services, primarily abroad:

- develop questionnaires for potential employers aimed at identifying risks of human trafficking and the use of forced labour;
- inform job seekers about possible signs of trafficking in human beings and the use of forced labour, explain ways of protecting their rights;
- monitor compliance of employers who hired an employment company's client with the terms of his/her employment contract;

in activities of public organizations:

- improve the applicable national mechanism for safeguarding the housing rights of internally displaced persons, taking into account the gender dimension:
 - introduce legal guarantees of the possibility to be interviewed by a female investigator in gender-sensitive cases, starting from the stage of submitting reports on alleged crimes.

6. Crossing the line of contact, freedom of movement

6.1. There is a common problem of unreasoned refusals of crossing the line of contact, though women face it more often, as they statistically much more often than men cross the line of contact (internally displaced women go to the non-government controlled territory to visit parents/other relatives and look after abandoned houses more often than men).

6.2. Another common problem is de facto restrictions on internally displaced persons in terms of their freedom of movement around Ukraine. These restrictions are introduced indirectly: in the situation of formal equality of Ukrainian citizens regarding the exercise of freedom of movement around Ukraine, internally displaced persons are required to undergo the identification procedure and confirm registration at their place of actual residence on a regular basis. In practice, this restricts citizens from among IDPs from moving around Ukraine. According to surveys, women are more mobile, because they traditionally have a social responsibility to care for family members who need help, visit relatives, children who may live/study in other cities, etc.

Recommendations

at the local policy level the following measures may be taken to respond to the above problems:

- set up hotlines for reporting rights violations by those who believe that their rights have been violated when crossing the line of contact;

- disseminate at checkpoints information about the rights of persons crossing the line of contact, possible risks, where to go in case of rights violations, etc.;
- keep the population aware about the rights of internally displaced persons and persons crossing the line of contact, disseminate social advertising;

in business practices:

the following is recommended for companies that provide transportation services:

- monitor transportation prices, especially in critical situations, ensure passenger safety;

in activities of public organizations:

- improve the applicable national mechanism for safeguarding the housing rights of internally displaced persons, taking into account the gender dimension:
 - take action to simplify the entry/exit procedure at checkpoints, in particular, amend the applicable procedure for crossing the line of contact through establishing the requirement to officially record reasons bans to cross the line of contact.

7. Property disputes, including in transitional justice

7.1. In property disputes, in particular the division of property acquired in marriage in the event of divorce, a woman may have additional difficulties in proving property co-ownership, if this property was registered in the name of her husband. The situation is especially complicated if a man and a woman lived in a ‘de facto relationship,’ not official marriage. In this case, co-ownership of community property acquired in de facto relationship requires additional evidence, which is difficult to provide if such property is located in the non-government controlled territory.

7.2. If property is located in the non-government controlled territory and the succession was opened after Ukraine lost control of this territory, it may be difficult to prove the ownership of this property.

7.3. If the right to property was not registered under the legal procedure (this situation often occurs in rural areas where a family, for instance, may live in the same house, own the same land parcel for several generations and therefore have no issue with the proper official registration of the right to this property), this will further create additional barriers to proving the lawful possession of the property concerned to obtain reimbursement in the event of property loss as a result of the conflict.

8. Receiving social and pension benefits

8.1. Statistically, women deal with social benefits, other types of family assistance in connection with internal displacement and preparation of necessary documents much more often than men. Specifically, women most often perform all formal procedures in case of a need to confirm legally significant facts that took place in the non-government controlled territory, in particular the facts of birth, death, etc.

8.2. Ukraine’s legislation provides for a number of restrictions on internally displaced persons compared to other Ukrainian citizens: the obligation to use only services of Oshchadbank to receive pension benefits; the requirement to undergo the identification procedure every three months for the use of banking services to receive pension and other social benefits (in contrast to the general requirement of every three years), etc. As the number of female IDPs eligible for relevant benefits is statistically higher than that of male IDPs, they face these additional barriers more often.

Recommendations

in business practices:

the following is recommended for banks:

- analyse the applicable law in terms of compliance with effective international treaties, in particular, on non-discrimination standards; refrain from the application of acts that obviously run counter to the recognized human rights standards and may have discriminatory effects;
- analyse internal procedures and regulations in terms of their compliance with the standards of human rights in general and gender equality in particular.

in activities of public organizations:

- improve the applicable national mechanism for safeguarding the housing rights of internally displaced persons, taking into account the gender dimension:
 - abolish the requirement for internally displaced persons to undergo the identification procedure at their place of actual residence on a regular basis.

9. Participation in decision-making, political life and public associations

9.1. In Ukraine, the level of representation of women in public authorities and local self-government does not allow them to influence government decision-making. Internal displacement is an additional barrier to women's access to the decision-making process, political life of a community and the country in general.

9.2. National policies and local programs respect the principle of participation, in particular, the representation of women and girls, including from various vulnerable groups, in decision-making, development of programs to be implemented, their implementation, evaluation and monitoring.

Recommendations

at the local policy level the following measures may be taken to respond to the above problems:

- ensure the proper participation of internally displaced women in the preparation, implementation and evaluation of local policies and programs;
- form an understanding that the proper participation necessarily consists of the following two key elements:
 - Participation-based approach. Participation-based approach is widely used in the development, implementation, monitoring and evaluation of initiatives to address affected populations;
 - Appropriate team composition. To successfully implement programs for the integration of internally displaced persons into new communities, local authorities need to form their teams in a manner enabling them to interact and reach out all relevant gender and age groups. Specifically, older people may feel uncomfortable sharing their concerns with young employees, and women may be reluctant to talk to male team members. In many cases, this means the need to form mixed teams consisting of men and women of different age, and to have team members with experience of incorporating gender and age aspects into different initiatives;
- ground local policies and programs on the principle of proper participation, which helps:
 - understand specific needs and vulnerabilities of different gender and age groups;

- understand and mobilize their opportunities to overcome, respond, recover;
- optimally adapt assistance to specific needs and vulnerabilities of different gender and age groups;
- identify risks or potential negative effects of ongoing initiatives and develop mechanisms to address or mitigate them;
- strengthen vulnerable groups and thus reduce their vulnerability and increase resilience.

When it comes to the composition of teams dealing with internal displacement issues, in order to ensure the effective participation of different gender and age groups, the following is recommended:

- diversify staff: one of the reasons of reluctance of certain gender or age groups to participate is that they do not deem the composition of a team dealing with internal displacement at the local level as appropriate. The best option is teams composed of men and women of different age having experience in incorporating gender and age aspects into different initiatives;
- analyse attitudes in a critical manner: attitudes of female and male employees who deal with internal displacement issues at the local level have a very strong influence on participation. How do they treat internally displaced persons, as ‘victims’ or as ‘recipients’? Or do they see them as agents who respond to the crisis and determine their own destiny? What assumptions are made about different gender and age groups and what stereotypes do they reflect?
- pay attention to those absent: Are there gender or age groups that are not represented in the consultation and discussion and other decision-making processes? Are there groups that are represented, but are not actively involved?

analyse barriers to participation: If a group is absent, it is necessary to analyse the main reasons, so as to address the major barriers. Potential barriers include venue, time, facilitation techniques, content, language and media.

10. Access to medical services

10.1. Women tend to prioritize the health of husbands and children over their health, especially in difficult economic circumstances.

Recommendations

at the local policy level the following measures may be taken to respond to the above problems:

- ensure that provided medical services meet priority needs of the most vulnerable groups. These may include sexual and reproductive health services, clinical management of rape, or treatment of elderly diseases such as hernias, diabetes and other chronic diseases;
- conduct additional training for community health workers in areas related to health, hygiene and care of infants, young children and the elderly;
- allocate reception hours for providing members of vulnerable groups (elderly people, pregnant women and children) with services in medical facilities out of turn.

11. Access to information

11.1. Female IDPs more often (and in some cases much more often) than male IDPs apply to all public authorities and local self-governments, social security services, humanitarian organizations

supporting IDPs, and human rights organizations working to protect the rights of IDPs, the State Migration Service of Ukraine, courts, the Office of the Ukrainian Parliament Commissioner for Human Rights and law enforcement authorities. At the same time, women more often complain about the requirement to provide additional documents, certificates, copies; the unavailability of information about procedures, answers to most frequently asked questions, lack of explanation/insufficient explanation for employees, violation of service period, poor arrangement of premises (absence of waiting area/chairs, WC facilities, heating, lighting), disrespectful attitude of public service employees to them as to IDPs. In other words, access of internally displaced women to information and services is somewhat more complicated than that of internally displaced men; and they have a greater need for explanation than internally displaced men.

Recommendations

at the local policy level the following measures may be taken to respond to the above problems:

- make on a regular basis a gender analysis of communication channels with IDPs, with regard to the need of internally displaced women for greater availability of information and additional explanations;
- ensure better arrangement of premises and more respectful attitude to IDPs;
- develop new services to meet the need for access to information, especially for female IDPs.

Moreover, in all these areas, public organizations can also help take into account the gender dimension of internal displacement by means of the following:

1. Promoting gender-sensitive approaches to national policies and strategies for internal displacement

Ukraine adopted a number of policy and strategic documents that cover or should cover internal displacement issues, but, as a rule, no attention is paid in these documents to the gender dimension of internal displacement. It is important that public organizations get involved in the process of reviewing and amending these programs and strategies, promote gender-sensitive approaches in their implementation.

Specifically, as for the Strategy of Integration of Internally Displaced Persons and Implementation of Long-Term Solutions to Internal Displacement until 2020, which is currently subject to revision, it is possible to more fully account for the gender component of internal displacement in the following two ways:

- through a cross-cutting approach, i.e. the inclusion of gender-sensitive instruments in the sections of the Strategy, or
- through adding a new section to the Strategy, fully dedicated to the gender dimension of internal displacement and related challenges.

When working on these policy and strategy documents, it is important to remember that the effective overcoming of additional barriers for women in a situation of internal movement may be possible in some cases without a direct emphasis on gender in a certain problematic situation. Most problems are relevant for both women and men, but they have a gender component because women are statistically more often face a relevant problem or effects of this barrier are more pronounced for them, which increases their vulnerability.

Ukraine currently lacks a clear government policy to help protect the rights of IDPs against violations on the part of companies and employers, prevent and mitigate the effects of internal displacement, and

assess the impact of the business community on these processes. Public organizations can play the role of facilitating the development and adoption of these programs.

2. Building associations/networks in order to jointly address identified problems and coordinate efforts

In overcoming internal displacement, it is important to coordinate efforts of institutions involved in identifying and responding to challenges faced by IDPs. This can be achieved through the following objectives:

- establish communication between public organizations concerned, share available experience and information, develop joint initiatives;
- set up coalitions, networks and other formats of associations of organizations concerned;
- develop a register of implemented and ongoing projects to avoid duplication of efforts and increase available opportunities to join already-launched initiatives, record reasons for denial to participate in a certain initiative;
- monitor the effectiveness of implemented initiatives;
- participate in dialogue platforms with the involvement of national and international stakeholders, share knowledge of the local context, local conditions and needs.

3. Identifying individuals and groups in need of legal, social and other assistance, providing this assistance;

Possible tools for collecting information may be as follows: questionnaires for women and girls; surveys; statistics on income of IDPs by gender; analysis of court decisions; reports of centres for free legal aid provision; statistics on IDPs with disabilities, IDPs of unemployable age, IDPs with HIV/AIDS by gender, average income; state statistics on payment of pensions and other social benefits by gender; reports and studies of non-governmental organizations; statistics of housing provided to IDPs by gender; statistics of employment centres on IDPs by gender; information of banks on grounds for loan denials; analysis of availability of kindergarten services; reports of international and national non-governmental organizations; interviews with experts; inquiries to public authorities and self-governments; statistics on who heads households in IDP families; media analysis.

Among the necessary measures the following has also to be mentioned:

- make on a regular basis a gender analysis of communication channels with IDPs, with regard to the need of internally displaced women for greater availability of information and additional explanations;
- set up hotlines for reporting rights violations by those who believe that their rights have been violated when crossing the line of contact;
- set up and maintain anonymous hotlines for the prevention of domestic violence, human trafficking and other forms of gender-based violence, etc.

4. Raising awareness of public authorities, local self-governments and undertakings about problems and related risks in safeguarding the rights of internally displaced women in Ukraine, providing them with the necessary information

Measures that may be initiated by public organizations to implement the objective of raising awareness of public authorities, local self-governments and undertakings include the following:

- schedule and carry out awareness campaigns to raise awareness of employers and employees about their rights and responsibilities, provide examples of discriminatory treatment and actions needed to be taken in these cases, with a special focus on risks faced by internally displaced women;

- provide executive authorities (central and local) dealing with IDPs with the required number of employees, raise their awareness of women's rights in times of conflict and internal displacement;
- promote the introduction of mandatory training courses on gender equality, with a special emphasis on the conflict and internal displacement, for various professionals as part of training and retraining;
- collect information on the situation of human rights, which are at particular risk of violations due to the conflict and internal displacement, and ensure open access to this information;
- promote the introduction of training programs on gender equality, with a special focus on the conflict and internal displacement in higher education institutions that train experts in the area of jurisprudence and international law;
- collect and disseminate among undertakings information on the applicable standards of their proper conduct in situations of conflict and internal displacement, inform them of the possibility of consultations by the government and/or the expert community;
- develop recommendations for business on potential risks associated with the conflict and internal displacement in operating activities;
- ensure that the population, in particular potential tenants and landlords, is aware about benefits of entering into housing rental agreements and changes in the legislation on renting housing for internally displaced persons by individuals.

As a result of this project, a training program and materials were developed on the gender component of internal displacement and its incorporation into local policies, business practices and legal instruments of protection. The training is aimed at:

- Deepening the understanding of the legal, social and economic contexts of internal displacement and special challenges faced by women in forced displacement;
- Reviewing international and regional standards for the protection of the rights of internally displaced persons, getting familiar with recommendations and best practices for their application with regard to the need to ensure gender sensitivity;
- Analysing gaps and challenges faced by Ukraine in safeguarding the rights of internally displaced women;
- Considering the potential of local policies, business practices and non-governmental initiatives to empower internally displaced women and girls;
- Getting familiar with the best case law, positive examples of gender mainstreaming in the provision of legal assistance in cases related to internal displacement;
- Developing practical skills in the application of cross-cutting gender approaches to addressing internal displacement issues.

5. Monitoring the implementation of Ukraine's international commitments to protect the rights of internally displaced women and girls, preparing alternative reports for international monitoring bodies, primarily for the UN Committee on the Elimination of Discrimination against Women (CEDAW)

Monitoring is required to track Ukraine's compliance with its international commitments in the area of women's rights and gender equality in the situation of internal displacement, which should consist of the following elements:

- well-thought-out, extensive collection of data on the nature and scope of violations that may be caused by both deficient of legal provisions (including instructions, letters and regulations on their implementation) and the quality of law enforcement;

- processing of data obtained and their comparison with the standards established primarily by CEDAW and its Recommendations, as well as other international legal documents and national legal regulations, which should also be evaluated for compliance with the CEDAW's basic principles;
- investigation into the reasons for violations and development of recommendations to address the problem and remedy the existing situation;
- collection of materials for follow-up actions (legal, educational, political or public) to implement systemic changes.²

Gender-sensitive monitoring is conducted for the three main and equally important components that together support the overall result:

1. Demonstrate to all stakeholders the impact on women's empowerment, gender equality and human rights as a result of the implementation of various programs and activities.

2. Gather authentic and reliable information on available programs and activities, practice of their implementation and available effects, resource allocation and stakeholder needs assessment for further decision-making to remedy the situation.

3. Assess regulatory, operating and coordination activities on gender equality and women's empowerment, including the identification of best practices, gaps and shortcomings.

The subject matter may be violations of certain human rights or their aspects in relationship of internally displaced women with public and local authorities or undertakings.

With regard to legal instruments of protection, the incorporation of the gender component of internal displacement in their application should be based on the capacity to identify additional barriers faced by internally displaced women, direct or indirect discrimination against them, provide appropriate legal arguments and find appropriate legal mechanisms for the protection against rights violations or solutions to other legal situations.

² See Human rights monitoring / Marek Nowicki and Zuzana Fialova. Warsaw, Helsinki Foundation for Human Rights, 2001. p 210. <https://www.lawtrend.org/social-actions/monitoring-prav-cheloveka-marek-novitski-zuzana-fialova>.

All project products are presented in detail in the following publications:

- Olena Uvarova, Mariya Yasenovska. **Gender dimension of internal displacement: the global experience and the situation in Ukraine.** Kharkiv, 2020.
- Olena Uvarova, Mariya Yasenovska. **Internal displacement in Ukraine: the gender component in local policies.** Kharkiv, 2020.
- Kateryna Buryakovska, Olena Uvarova, Mariya Yasenovska. **Gender dimension of internal displacement: legal instruments of protection.** Kharkiv, 2020.
- Olena Uvarova, Mariya Yasenovska. **Corporate responsibility to respect human rights in terms of internal movement: the gender component.** Kharkiv, 2020.
- Olena Uvarova, Mariya Yasenovska. **Ensuring the rights of women and girls who experienced internal displacement: the role of public organizations.** Kharkiv, 2020.
- Olena Uvarova, Mariya Yasenovska, Kateryna Buryakovska, Marianna Lyubchenko. **The gender component in addressing internal displacement issues: local policies, legal instruments and business practices:** training materials. Kharkiv, 2020.