

DIRECTIONS FOR IMPROVING THE SOCIAL PROTECTION SYSTEM OF ATO PARTICIPANTS IN UKRAINE

The analysis of social protection of combats participating in anti-terrorist operation (ATO participants) and their families has been completed. There has been defined that the current social protection system is insufficient and requires great changes through systemic approach due to the disregard for objective factors and the lack of political will. The author identifies the main problems of the system and suggests the possible ways to their solution.

Keywords: social protection; anti-terrorist operation; participants of anti-terrorist operation; war veterans; participants of hostilities.

Problem setting. The events that took place in Ukraine in 2014 have led to the emergence of a new category of people as participants in the anti-terrorist operation. This category of persons, which did not exist before, is at the legislative level equated to participants in hostilities and, accordingly, is guaranteed to ensure their proper social protection [1]. The state authority that is in charge of ensuring the social protection of war veterans and ATO participants is Public Service of Ukraine for Veterans of War and Participants of Anti-terrorist Operation [2].

State policy in the field of social protection of war veterans and the anti-terrorist operation participants includes ensuring their adaptation and psychological rehabilitation, providing sanatorium treatment, technical and other means of rehabilitation, housing for war veterans, provision educational services, social and professional adaptation of servicemen, who are discharged from military service, other anti-terrorist participants operations and persons discharged from the military services, organization of their burial.

At the same time there is an important issue on the agenda about the ATO participants' families who also require adequate, timely and proper social protection.

However, family members of anti-terrorist operation participants are not separated into a separate legal entity category, and therefore should be guided by the general rules of the current family law, according to which family members are persons who live together, are connected by common life, have mutual rights and responsibilities.

Despite the fact that social guarantees are prescribed in domestic legislation, the experience confirms the existence of shortcomings in the field of social protection of participants in hostilities. This has a negative effect on moral and psychological condition of war veterans and reduces their stress resistance, leads to exacerbations of post-traumatic stress disorder and is significant threat to defense capabilities, social security of both individual regions and the state as a whole.

Recent research and publications analysis. Social protection of the anti-terrorist operation participants is an urgent problem, which attracts the attention of scientists both in Ukraine and abroad. Domestic scientists who studied this issue are O. Bilyovsky, V. Gorbulin, M. Kravchenko, O. Vlasyuk, and others. Among foreign scientists we note A. Green, I. Hrabchuk, B. Oppenheim, and others.

However, the social protection of combatants, anti-terrorist operation participants, in particular, and their families needs deep understanding, revision and improvement.

Paper objective is to analyze the current state of social protection of the anti-terrorist operation participants and their families in Ukraine, identify the main problems, and suggest ways to solve them.

Paper main body. For participants in hostilities, the legislation of Ukraine provides for 22 benefits, which are enshrined in Law № 45. According to the frequency of their provision, they are divided into one-time, monthly and annual. According to the degree of personalization, the benefits are individual and for families. Pursuant to Articles 10 and 15 of this Law, benefits are received by other persons, in particular: families of servicemen who died (went missing) or died as a result of injury, contusion or mutilation received in the course of military service, as well as due to illness, obtained during military service; wives (husbands) of deceased combatants and invalids recognized for life who have not remarried; children of deceased combatants who study full-time in higher educational institutions of I-IV levels of accreditation and vocational schools [3].

The social protection system performs two main functions: rehabilitation, to reduce the negative consequences of participation in hostilities by providing targeted social assistance (benefits, guarantees and compensation); and preventive, to prevent negative consequences by creating conditions for the participation of participants in hostilities in the system of compulsory state insurance and further life in society after demobilization.

Social protection measures have a dual focus – active and passive support of participation in hostilities. Passive support is provided in the form of social assistance – benefits, assistance in cash or in kind to a person or his family in case of disability or death. Active support of participation in hostilities is provided in the form of social insurance, government programs and projects that are aimed at supporting participation in hostilities and encourage them to be active after returning from places of military conflict. To solve the most important problems, state target programs are implemented, which are financed from the State Budget of Ukraine, have deadlines, composition of executors and resource provision.

According to the Ministry of Defense of Ukraine with regard to social guarantees for servicemen participating in the Anti-Terrorist Operation and called up for mobilization, this category of persons has a list of the following rights and guarantees:

- Receive full financial benefits, including all allowances and bonuses, at the level of contract servicemen (according to positions and military ranks), and not at the level of conscripts, as previously envisaged;

- Use the full range of guarantees of social and legal protection established by law for servicemen provided by the Laws of Ukraine “On Military Duty and Military Service”, “On the social and legal status of servicemen and members of their families”, and other regulations. The time spent by citizens of Ukraine on military service is included in their insurance record, length of service, length of service in the specialty, as well as length of service in the civil service. The state guarantees servicemen sufficient material (food, material), financial support (compensation for rent), health care and free treatment;

- All citizens who are called up for military service are guaranteed a job, position, average earnings at the enterprise, institution, organization, regardless of subordination and forms of ownership. At the same time, they receive financial support as servicemen; The state provides social and professional adaptation of servicemen who are discharged from military service:

- A one-time financial assistance is accrued, which will be paid on the day of demobilization;

- The right to entrepreneurial activity for private entrepreneurs is preserved, when they are called up for military service during mobilization. At the same time,

the state registration of entrepreneurial activity of natural persons-entrepreneurs is not terminated;

– The amount of pensions for reserve officers called up during mobilization is preserved. Upon demobilization, the pension of these officers will be increased to take into account new positions, military ranks and additional years of service. If the officers' new pension is lower than the amount they received in peacetime, the pension is paid to them in the previously established amount;

– Early assignment of military ranks;

– Assistance in conducting funerals and reimbursement of material costs for ritual services and for the construction of monuments in the amount of the state insurance of servicemen, taking into account the coefficient of indexation of money income;

– The right of family members of servicemen, persons discharged from military service, other persons who died (died) as a result of injury, contusion or mutilation received in defense of the Motherland to receive a pension of 70 percent of the cash (salary) of the deceased (deceased) breadwinner per disabled family member;

– One-time financial assistance in case of death (death), disability or partial disability without establishing the disability of servicemen, conscripts and reservists who are called for training (or testing) and special training or for service in the military reserve In case of death: 609 thousand UAH (from 01.01.14); 625 thousand UAH (from 01.07.14) 650.5 thousand UAH. (from 01.10.14);

– Medical support according to the Resolution of the Verkhovna Rada of 29.05.2014 № 1286-VII “On providing proper medical care to combatants who were injured during the anti-terrorist operation (ATO) in eastern Ukraine 2014”.

Analyzing the amount of expenditures on social protection of war veterans during hostilities, we can see that annual expenditures increased (by UAH 1,020.2 million) at the beginning of the war, gradually increasing over the following years. But in percent to the total amount of the consolidated budget, during 2015–2019, expenditures remained almost unchanged and correlated with 0.45–0.48 %. A significant increase in expenditures on social protection of servicemen and veterans took place in 2019–2020, the share of which increased by 8.37 and 7.94 % of the total consolidated budget and amounted to 2.07 % of GDP in 2019, which may indicate a political motivation to solve the problem of social security and protection of veterans.

The creation of the Ministry of Veterans Affairs in 2018 proves the intention of the state to pay more attention to the problems of the given category. Also, in connection with overcoming the disparities in the provision of funds to servicemen, including UBD, from 2019, expenditures on the Armed Forces, medical treatment, rehabilitation and sanatorium provision of the Armed Forces personnel and war veterans have significantly increased. On average, the state allocates 13,000 UAH a year for the social protection of one UBD compared to 10,000 UAH in 2015.

In addition, there are about 15 budget programs for social security and protection of combatants in the period 2014–2020.

Despite significant steps by the state to increase the level of social protection of participants in the anti-terrorist operation and their families, a number of issues remain open.

First, it is necessary to continue to increase financial assistance to anti-terrorist operation participants due to changes in the socio-economic situation of the country, economic processes, inflation, and so on.

Secondly, the solution housing problems of servicemen participating in the anti-terrorist operation are not effective. Although in Ukraine there is a

comprehensive support program housing for servicemen, privates and officers, officials customs officials and members of their families, however, due to chronic underfunding, the effectiveness of this program as a tool for solving housing problems of servicemen are extreme low.

For example, in 2015 from the state budget UAH 1,140.5 million for the construction and purchase of housing for servicemen of the Armed Forces of Ukraine, which will allow the Ministry of Defense to build and receive more than 3 thousand apartments. However, the part of apartments for servicemen-anti-terrorist operation participants is not determined [4].

Thirdly, there is a need to review the existing system of adaptation of ATO participants and their families to today's conditions, namely in terms of employment. In our opinion, it is necessary to reorient the social protection system to motivate ATO participants not to passively maintain social benefits, but to actively participate in the job search process. This approach will ensure the cyclical nature of budget funds, which in the form of taxes will compensate for the costs spent on retraining and training of ATO participants.

Fourth, it is necessary to change the approach to considering the place and role of the ATO participant and his family in the social protection system. We consider it expedient to actively involve ATO participants and their families in social protection policy as not only an object, but also an entity that can participate in its formation and implementation in accordance with their own needs. This approach requires expanding the range of subjects of social protection by involving members of the public, business, scientists to address pressing issues.

However, today funding for programs to support veterans' and disabled people's community organizations is declining. Thus, in accordance with the budget program "Financial support for public organizations of disabled and veterans, measures to visit military burials and military monuments and to perpetuate the Victory in the Great Patriotic War of 1941–1945", funding for which in 2020 compared to 2014 decreased by 70163.2 thousand hryvnias. It should be noted that in today's realities, the reduction of expenditures from the state budget to support public organizations of veterans leads to a decrease in communication between the government and the veterans' society.

Fifthly, granting the status of a participant in hostilities to obtain the right to social benefits and assistance is a big problem today. Due to the lack of a developed Procedure for granting the status of a participant in hostilities in the anti-terrorist operation zone, this category of persons has only the relevant certificate, which is not a confirmation of their special status. This is a violation of the rights of anti-terrorist operation participants.

Another problem is the refusal to confirm the injury precisely because of the so-called "budget savings", because without this confirmation a person is not entitled to appropriate medical and medical services.

Sixth, the problem of concessional travel is also a concern. Sources of funding for expenses that will allow to exercise the right of free travel by all types of urban, suburban and long-distance transport to members of the families of the military who died (missing) or died in [5] were not identified. At the same time, the Law of Ukraine "On Local self-government in Ukraine" gives the right to local self-government bodies independently determine what guarantees (in addition to the state ones) to establish for citizens [6], not only for the category of citizens "ATO participants and their members families".

The same problem exists in the issue of medical support of anti-terrorist operation participants. Thus, according to the law "On the status of war veterans,

guarantees of their social protection”, war veterans are entitled to a number of benefits in the field of medical care. However, in trying to realize their rights, the participants in the Russian-Ukrainian war face a number of obstacles in exercising such rights as free medicines, medical examinations, medical examinations, etc. This is largely due to lack of funding.

Financial support for dental prostheses, for example, is fully transferred to local budgets. Yes, the state has made a commitment, but has transferred responsibility for its implementation to local budgets. This has led to the fact that the money for the implementation of benefits is not included in all local programs, and if provided, then not enough.

Having analyzed the main problems that exist in the system of social protection of ATO participants, it is possible to identify ways for their solution, including: the creation of a single electronic database of all participants in hostilities indicating the term, place of service and rank in order to prevent denial of ATO participants status of combatants and restrain any speculation in this regard; build an effective model of social assistance to avoid duplication of different types of assistance and increase transparency and openness; to ensure the solution of the housing issue for ATO participants and their families, for example, by amending the legislation on obtaining land plots free of charge and the right of ATO participants and their families to participate in lending programs on preferential terms; develop an online free course for advanced training and retraining for ATO participants to solve the problem of employment, expand the network of regional employment centers or create separate units in existing centers to work with this category of people; ensure proper socio-psychological adaptation for ATO participants by expanding the network of psychological assistance centers with the active involvement of volunteers, create conditions for involving international organizations in the process of providing sanatorium treatment to ATO participants and allocate sufficient budget funds to cover all benefits and types of medical care.

Conclusions of the research. The existing number of problems in the social protection system of ATO participants and their families requires immediate improvement. Ineffective social protection has a negative impact on the quality of the Ukrainian army, increases dissatisfaction and reduces motivation to participate in the military. Today it is necessary to focus on such important issues as creating an effective system of financial support for this category of individuals and their families, solving the housing problem and ensuring the appropriate level of social and psychological adaptation by improving the health care system and employment of ATO participants.

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НАПРЯМИ ВДОСКОНАЛЕННЯ СИСТЕМИ СОЦІАЛЬНОГО ЗАХИСТУ УЧАСНИКІВ АНТИТЕРОРИСТИЧНОЇ ОПЕРАЦІЇ В УКРАЇНІ

Здійснено аналіз сучасного стану системи соціального захисту учасників антитерористичної операції та їх сімей. Визначено, що існуюча система соціального захисту даної категорії осіб має безсистемний характер та вимагає вдосконалення. Визначено, що кількість учасників антитерористичної операції зростає з кожним роком. Встановлено, що така категорія осіб як учасник АТО включено до категорії учасників бойових дій та, відповідно, має право користуватися набором пільг та допомоги, які встановлено для учасників бойових дій. Проте існує низка невідповідностей в законодавчому полі з приводу надання свідчень про набуття статусу учасника бойових дій, що унеможлиблює таких осіб користуватися системою соціального захисту учасника бойових дій.

Серед ключових проблем, які існують наразі в системі соціального захисту учасників АТО та їх сімей можна назвати наступні: недостатнє фінансове забезпечення; відсутність дієвих механізмів вирішення житлового питання для учасників АТО та їх сімей; високий рівень безробіття серед учасників АТО, відсутність належної системи перепідготовки цієї категорії населення; розглядання учасників АТО та їх сімей лише як об'єктів соціального захисту та соціальної політики, а не як повноцінних суб'єктів, залучаючи їх до вироблення та реалізації політики відповідно до власних потреб.

Спираючись на існуючі проблеми, можна запропонувати наступні шляхи вдосконалення системи соціального захисту учасників АТО та їх сімей, а саме створення єдиної бази даних учасників бойових дій із зазначенням місця, періоду, роду військ, звання під час служби та участі в АТО, що спростить процедуру отримання належних документів для отримання статусу учасника бойових для подальшого користування всіма відповідними правами та гарантіями; внесення змін в законодавстві щодо черги на житло або покращення житлових умов для учасників АТО та їх сімей для надання їх можливості брати участь у державних кредитних програмах; розроблення онлайн курсу для перекваліфікації учасників АТО, що дасть можливість адаптуватися до наявних вимог сучасного ринку праці; розширення мережі центрів із соціально-психологічної адаптації із залученням волонтерів; створення належних умов до залучення міжнародних організацій до надання належної медичної та санаторно-лікувальної допомоги даній категорії осіб.

Визначено, що невирішеність питань в системі соціального захисту призводить до нарощення рівня недовіри до влади, невдоволеності, погіршення психоемоційного стану учасників АТО та їх сімей та демотивує чоловіків до служіння на користь вітчизни, що є загрозою національній безпеці на рівні держави.

Ключові слова: соціальний захист; антитерористична операція; учасник антитерористичної операції; ветеран війни; учасник бойових дій.

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