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**PROBLEM ISSUES OF DEFINING AMOUNT OF HUMANITARIAN
MULTIPURPOSE MONEY AID FROM THE UNO FOR UKRAINIANS
ПРОБЛЕМНІ ПИТАННЯ ВИЗНАЧЕННЯ РОЗМІРУ
ГУМАНІТАРНОЇ БАГАТОЦІЛЬОВОЇ ГРОШОВОЇ ДОПОМОГИ ВІД
ООН ДЛЯ УКРАЇНЦІВ
ПРОБЛЕМНЫЕ ВОПРОСЫ ОПРЕДЕЛЕНИЯ РАЗМЕРА
ГУМАНИТАРНОЙ МНОГОЦЕЛЕВОЙ ДЕНЕЖНОЙ ПОМОЩИ ОТ
ООН ДЛЯ УКРАИНЦЕВ**

***Summary.** In connection with the war of the Russian Federation against Ukraine, which began on February 24, 2022, the UN began to pay out through various international organizations (the International Committee of the Red Cross in Ukraine, UNICEF, the UN Refugee Agency, the Norwegian Refugee Council and others) assistance to vulnerable categories of citizens of Ukraine in the amount of approximately UAH 2,200 per month for 1 person. According to the official response of the UN Resident Coordinator in Ukraine, the international organization pays UAH 2,220 to forced migrants and socially vulnerable persons, as "According to the monthly subsistence minimum established by the Ministry of Social Policy of Ukraine, compared to the total income of vulnerable households in Ukraine, the recommended amount of humanitarian of multi-purpose cash*

assistance from March to May 2022 is UAH 2,220 per month for one person in a family (including children) for three months. In the future, the amount may change, depending on the assessment of market and other factors, including inflation".

Our research showed that the minimum needs of a person in prices as of January 1, 2022 are not UAH 2,200 for 1 person, but are equal to UAH 10,686. According to scientist M.D. Savenko, a retired judge of the Constitutional Court of Ukraine, the living wage is understated in Ukraine, as when establishing it, the state proceeded from the principle of special legal cynicism, which migrated to the authorities of independent Ukraine as a legacy from the totalitarian Soviet past.

Under income from UAH 10,686 down to UAH 5,343 somatic health is disturbed, the duration of illnesses from poverty is from 0 to 6 days. In Ukraine, approximately 43.3% of the population or 18.1 million people suffer in such a way.

When the income is lower than UAH 5,343 per month – there is a violation of psychological health, the dependence of depression according to Beck's scale on income appears (20.7 million people, or 49.5% of the population suffer in such a way).

46% of the population, or 19 million people, have health problems due to poverty from 6 to 21 days (income from UAH 5,343 to UAH 3,143).

1.4% of the population, or 587,000 people, live on an income of UAH 3,143 or down to 1781 Hryvnias (illnesses from poverty are from 21 to 70 days).

710,000 people (1.7%) live on an income below UAH 1,781.

From the point of view of law - 2672 Hryvnias per person defines the state of torture (Article 127 of the Criminal Code of Ukraine), that is, if a person's only income is assistance from the UN, then this social assistance does not provide minimum standards of living, but is, by its very nature, a torture.

Key words: UN, aid, living wage, torture, prices, income, person, social protection.

Анотація. У зв'язку з війною Російської Федерації проти України, яка почалась 24 лютого 2022 року, ООН почала виплачувати через різні міжнародні організації (Міжнародного Комітету Червоного Хреста в Україні, ЮНІСЕФ, Агентства ООН у справах біженців, Норвезької Ради у справах біженців та інших) грошову допомогу вразливим категоріям громадян України в обсязі приблизно 2200 грн. в місяць на 1 людину. Згідно офіційної відповіді Координатора-резидента ООН в Україні міжнародна організація виплачує вимушеним переселенцям та соціально незахищеним особам 2220 грн., так як «Згідно з місячним прожитковим мінімумом, встановленим Міністерством соціальної політики України, у порівнянні з сукупним доходом вразливих домогосподарств в Україні, рекомендована сума гуманітарної багатоцільової грошової допомоги з березня по травень 2022 року складає 2 220 грн на місяць на одну особу в родині (включно з дітьми) упродовж трьох місяців. У подальшому сума може змінитись, залежно від оцінки ринкових та інших чинників, зокрема інфляції».

В нашому дослідженні було показано, що мінімальні потреби людини в цінах на 01.01.2022 р. становлять не 2200 грн. на 1 людину, а 10 686 грн. На думку вченого М.Д. Савенко, судді Конституційного суду України у відставці, прожитковий мінімум занижений в Україні, так як при його встановленні держава виходила з принципу особливого правового цинізм, який перекочував до влади незалежної України як спадок від тоталітарного радянського минулого.

При доході від 10 686 грн. до 5343 грн. порушується соматичне здоров'я, тривалість розладу здоров'я від бідності від 0 до 6 днів. В Україні приблизно страждає від цього 43,3% населення або 18,1 млн осіб.

Коли дохід 5343 грн. на місяць – має місце порушення психологічного здоров'я, з'являється залежність депресії за шкалою Бека від доходу (страждає 20,7 млн. осіб, або 49,5% населення).

46 % населення, або 19 млн. осіб мають розлад здоров'я від бідності від 6 до 21 дня (дохід від 5343 грн. до 3143 грн.).

1,4% населення, або 587 тис. осіб, мешкає на дохід від 3143 грн. до 1781 грн. (Розлад здоров'я від бідності від 21 до 70 дня).

710 тис. населення (1,7%) мешкає на дохід нижче 1781 грн.

З точки зору права – 2672 грн. на людину – це межа тортур (стаття 127 Кримінального кодексу України), тобто, якщо єдиним доходом людини є допомога від ООН, то ця соціальна допомога забезпечує не мінімальні стандарти життя, а є за своєю природою мученням.

Ключові слова: *ООН, допомога, прожитковий мінімум, тортури (мучення), ціни, дохід, людина, соціальний захист.*

Анотація. *В связи с войной РФ против Украины, которая началась 24.02.2022 г., ООН стала выплачивать через различные фонды помощь в размере 2200 грн. на 1 человека в месяц социально не защищенным слоям населения, так как якобы эта денежная величина обеспечивает минимальные стандарты жизни с точки зрения Минсоцполитики. В исследовании показано, что право на жизнь обеспечивает доход 10 686 грн. в ценах на 01.01.2022, а жизнь на 2672 грн. является пыткой.*

Ключевые слова: *война, пытки, дохід.*

Statement of the problem in a general form and its connection with important scientific or practical tasks: In connection with the war of the Russian Federation against Ukraine, which began on February 24, 2022, the UN began to pay through various international organizations (the International Committee of the Red Cross in Ukraine, UNICEF, the UN Refugee Agency, the

Norwegian Refugee Council and others) monetary assistance to vulnerable categories of citizens of Ukraine in the amount of approximately UAH 2,200. per month for 1 person.

At our request addressed to the UN Mission in Ukraine, the Resident Coordinator of the UN (rco.ukraine@un.org) sent an email to our official address (rail-tu@ukr.net) on June 21, 2022 at 3:20 p.m. that in In Ukraine, an international organization pays 2,220 Hryvnias to forced migrants and socially vulnerable persons. Payments are made in such amounts because "According to the monthly living wage established by the Ministry of Social Policy of Ukraine, compared to the total income of vulnerable households in Ukraine, the recommended amount of humanitarian multi-purpose cash assistance from March to May 2022 is UAH 2,220 per month for one person in the family (including children) for three months. In the future, the amount may change, depending on the assessment of market and other factors, including inflation".

However, many scientists have questioned the amount of the subsistence minimum, as it was set according to significantly lower standards, and as such, it was not calculated for a long time during the presidency of Petro Poroshenko in accordance with inflation, as a result of which the subsistence minimum depreciated almost twice from consumption standards lowered in three times.

Analysis of the latest research and publications, in which the solution to this problem was initiated and on which the author relies, highlighting of previously unresolved parts of the general problem, to which the article is devoted. Thus, the scientist Savenko Mykola Dmytrovych (retired judge of the Constitutional Court of Ukraine) in his study of the national system of legal protection of a person [1], came to the conclusion that "Ukraine, from a great statist state, received a legacy historically formed in tsarist Russia, developed under Soviet times and in the first years of independence, namely, legal nihilism, which in some cases reaches the level of legal cynicism. This, of course,

negatively affects the state of legal protection of a person, ensuring rights and freedoms”.

Special legal cynicism, in his opinion, lies in the government’s attitude to establishing a living wage.

He further notes that “The principle of the rule of law provides for legal certainty, predictability, reasonableness of government actions, the inadmissibility of deterioration of the achieved level of scope, guarantee and provision of a certain right. This means that the social guarantees established by the state in the Constitution and other laws, the amount of wages, pensions and social securities in such a state cannot be stopped or reduced. However, this rule does not apply in Ukraine, and therefore the principles of the rule of law, social and legal state do not apply in full”.

In the study of A. A. Pylypenko and co-authors [2] there are listed the reasons why the living wage in Ukraine is understated. They also cite the work of Natalia Rak [3], who diagnosed students’ living expenses and came to the conclusion that the minimum human needs are underestimated in the structure of the living wage by three times.

And they came to the conclusion that the policy of the government of Ukraine to maintain a low standard of living leads to an increase in the level of external labor migration from Ukraine, especially young qualified personnel.

For comparison, in Germany, an average citizen earns as much in one day as a Ukrainian earns in a whole month of work for the minimum wage. And this trend is valid for many European countries (for reference in 2020 the minimum wage in Germany was 1,584.00 EUR, the living wage was 347 EUR per person and the average wage was 4,000 EUR).

By the way, in 2020, almost 57.1% of the population of Ukraine received incomes that were less than the minimum wage of Ukraine (5,000 hryvnias or 88 euros per month) [4].

Formulation of the goals of the article. In connection with the above, a question arises for research - what real level of income satisfies the minimum needs of a person in Ukraine in the prices of 2022, and what are the consequences for the health of a person low income.

Presentation of the main material of the study with a full justification of the obtained scientific results. Due to the start of the war in Ukraine in 2014, the government of Ukraine stopped raising the living wage due to rising inflation. Therefore, the Ministry of Social Policy introduced such a concept as the "actual living wage", which as of January 2022 was UAH 4,666 per person [5], however, this amount of subsistence minimum is also underestimated [6; 7; 8]. According to our scientific studies [9; 10; 11], the real living wage in Ukraine, which ensures the right to life and the state of health is 10,686 Hryvnias per month for 1 person as of January 1, 2022.

According to the professional opinion of the specialist-psychologist Ya.M. Karachevtsev which was cited by the Sixth Administrative Court of Appeal in a lawsuit against the Cabinet of Ministers of Ukraine, which in the descriptive part of the resolution dated on March 12, 2019 stated: "As it was stated in paragraph 3 of the scientific opinion of the specialist psychologist, physicist, lawyer Y.M. Karachevtsev, dated 02.04.2018 in response to a request by a third party without independent claims on the subject of the dispute on the part of the plaintiff to estimate the size of the real living wage and provide advice on what criteria the real living wage should meet so that a person would not experience negative stress and would not have adverse consequences for health, using different approaches (1. Normative consumption, 2. Consumer budget, 3. Psychological diagnosis, 4. Correlation analysis of social, demographic, economic macro-indicators, 5. Calculation of compensation for presumed moral damage for one stress point, which is equal to one the real subsistence minimum) the amount of the real subsistence minimum, which ensures the right to life and health, was established: as of January 1, 2013 - UAH 3,491.00, as of January 1, 2014 - UAH 3,508.00, as

of January 1, 2015 year - UAH 4,508.00, as of January 1, 2016 - UAH 6,325.00, as of January 1, 2017 - UAH 7,095.00, as of January 1, 2018 - UAH 8,095.00 per person (average indicator). If a person's income is less than the real subsistence minimum, this person's health suffers moral damage equal to the difference between the real subsistence minimum and the income received" [12].

The specified legal position of the court was approved by the Resolution of the Supreme Court in the panel of judges of the Cassation Administrative Court dated on July 6, 2022 in case No. 826/16793/17 [13].

As a result of Karachevtsev Y.M. research at the interface of psychology, law, economics [14; 15; 16] we managed to determine the consequences of poverty for the health of the population and demography of Ukraine. Namely, if the average income of the population is less than UAH 10,686 in prices as of January 1, 2022, the population in Ukraine is decreasing. With the average income of the population above UAH 10,686 in prices as of January 1, 2022, the population growth will occur. Let's estimate the share of the population living on low incomes. Currently, the statistics of the distribution of the population by the level of average per capita equivalent total income for 2020 are known. The population of Ukraine as of January 1, 2020 is 41,902.4 thousand people (since 2014 – without taking into account the occupied territories (Crimea, Sevastopol, parts of Donbas)). The real subsistence minimum as of January 1, 2020 was UAH 9,252.

The number of the middle class and the rich is 7.2% of the population. This is 3 million people.

Under income from UAH 9,252 down to UAH 4,626 somatic health is disturbed, the duration of poor health from poverty is from 0 to 6 days, 43.3% of the population or 18.1 million people suffer in this way. Regarding this population, a crime has been committed under Part 1 of Article 125 of the Criminal Code of Ukraine (light bodily injury without short-term health disorder).

For income below UAH 4,626 per month in prices of January 1, 2020, there is a violation of psychological health for a person, dependence of depression according to Beck's scale on income appears (20.7 million people, or 49.5% of the population, suffer from it).

46.4% of the population, or 19.4 million people, have a health disorder from poverty from 6 to 21 days (income from UAH 4,626 to UAH 2,721). A crime under Part 2 of Art. 125 of the Criminal Code of Ukraine (light bodily injury with short-term health disorder) takes place against them.

1.4% of the population, or 587,000 people, live on an income of UAH 2,721 down to 1542 Hryvnias (illness from poverty from 21 to 70 days). Regarding these persons, a crime under Art. 122 of the Criminal Code of Ukraine (intentional bodily harm of medium severity) takes place.

710,000 people (1.7%) live on an income below UAH 1,542. In relation to these persons, a crime has occurred under Part 1 of Art. 121 of the Criminal Code of Ukraine (deliberate grievous bodily harm).

UAH 2313 per person is the state of torture (Article 127 of the Criminal Code of Ukraine), a health disorder is 30 days from poverty, 2.5% of the population or 1 million people suffer in such a way.

In connection with that, when deciding on the issue of providing material assistance to the citizens of Ukraine, we offer to take into account that the basic needs of a person in Ukraine are provided by the amount of income not 2220 Hryvnias per person but UAH 10,686 for 1 person.

The materials of this study were sent on July, 26, 2022 to the UN working group on providing assistance to victims of Russian aggression - Natalia Chervinska (ACTED, Co-Chair of the Working Group), Eve Suzy Clara Le Dem (UN Office for the Coordination of Humanitarian Affairs, Technical Assistance, Co-Chairs of the Working groups), Barbara Leseni (Norwegian Refugee Council (NRC), Technical Assistance, Working Group Co-Chairs, Frederick Atenaga (UN Office for the Coordination of Humanitarian Affairs, Information Management

Officer), Paul de Carvalho-Pointillart (UN Office for the Coordination of Humanitarian Affairs , Co-Chair of the Working Group), Shrouq Fayiz Jamil Almanaseer (iMMAP, Information Management Officer), UN Resident Coordinator Office in Ukraine.

On August, 10, 2022 we received a letter from Eve Suzy Clara Le Dem in which we were asked to indicate which organizations we represent. On August 15, 2022, we provided an answer, and as of October, 10, 2022, the date of submission of the scientific issue and the Day of UNO, we have not received an answer. We hope that international organizations will support the proposals of Ukrainian scientists that the subsistence minimum in Ukraine is in 6 times lower, and will establish assistance to the citizens of Ukraine in the amount of the real subsistence minimum, which as of January 1, 2022 is UAH 10,686 for 1 person, and not in the five-six times lower amount (2200 Hryvnias). We hope that the official organizations of the UN will not refer to the highest social value with special legal cynicism as it did the Government and Verkhovna Rada of Ukraine.

Conclusions from this study and prospects for further research in this direction. We managed to come from abstract statements that the living wage in Ukraine violates human rights, the principle of the rule of law, and was accepted with special legal cynicism, to concrete figures, namely how many people in millions (quantitative criterion) and how they suffer (qualitative criterion). This is a very significant scientific breakthrough in the study of the impact of the subsistence minimum on human health. It was possible to determine the legal qualification of the actions of the authorities to create conditions for living in poverty for 93% of the population of Ukraine.

In the future, we would like to determine the relationship between poor health and the number of purchased medical drugs. Given that the question of the duration of poor health due to poverty has been established, we would like to determine what exactly a person suffers from (which diseases appear).

We also established that the main reason for population decline is its low income. Zero population growth occurs when its average income is equal to the real subsistence minimum of UAH 10,686 for 1 person at prices as of 01.01.2022. Further, we would like to develop the concept that the population is a kind of capital of the state, and the reduction of the population is the material losses for the state, which correspond to the size of the loss of GDP due to its decrease or insignificant growth, which lags behind the world GDP growth.

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