

# THEMATIC REPORT

## RESTRICTIONS TO CIVILIAN FREEDOM OF MOVEMENT AT CROSSING POINTS ALONG THE CONTACT LINE AND THE IMPACT ON CIVILIANS

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# EXECUTIVE SUMMARY

## Key findings and messages

- The number of crossings between 1 November 2020 and 30 September 2021 has decreased by 95 per cent compared with the corresponding period between 1 November 2018 and 30 September 2019 (99 per cent in Donetsk region and 82 per cent in Luhansk region);
- The partial closure of the checkpoints in non-government-controlled areas of Donetsk and Luhansk regions and crossing restrictions in place at the contact line continued to severely curtail the ability of civilians to cross;
- Instead, crossings to government-controlled areas of Ukraine through the Russian Federation have increased, despite the time, costs and risks of being fined if civilians cannot prove that they are crossing on certain humanitarian grounds;
- The drastic and continued reduction of crossings limited the opportunities for people-to-people contacts and has further separated families and communities since March 2020;
- Civilians raised concerns about their economic security as they have been unable to retrieve their pensions or have lost their jobs. Civilians also told the SMM about problems they have accessing medication and medical aid;
- According to data provided by the State Migration Service of Ukraine, the number of renewals or issuances of documents such as identity cards, passports and birth and death certificates for civilians living in non-government-controlled areas decreased by around 50 per cent since 2019;
- Civilians on both sides of the contact line expressed their hope that all crossing points along the contact line, including near Zolote and Shchastia, will be fully opened, and that the restrictive crossing requirements, in particular measures determining the frequency of and reasons for crossings, and the need to seek permission before travel, will be lifted as soon as possible;
- Further steps are also needed to ensure that citizens can exercise their human rights whether they live in government- or non-government-controlled areas, including their access to pension payments and documentation;
- If restrictions to the freedom of movement of civilians are not lifted or eased, the prolonged separation of people and communities will have consequences for social cohesion and long-term prospects for reintegration.

This report is a follow-up to the Mission's December 2020 report on the challenges civilians face crossing the contact line and covers developments between 16 November 2020 and 30 September 2021. The requirements in place at the crossings points, coupled with the limited options to cross the contact line due to the partial closure of the corresponding checkpoints of the armed formations, have resulted in a 95 per cent reduction in crossings between November 2020 and September 2021 compared with the number of crossings between November 2018 and September 2019, prior to the COVID-19 pandemic. This severe limitation on civilian freedom of movement inhibits people-to-people contacts, and civilians' access to rights, including pensions, social services, documents, livelihoods, healthcare, and education.

According to the State Border Guard Service of Ukraine (SBGS), between January and September 2021, there have been 499,000 crossings via the crossing point near Stanytsia Luhanska compared with nearly 2.67 million between January and September 2019, a decrease of 82 per cent. The decrease is even starker in Donetsk region where 28,000 crossings took place between January and September 2021 compared with 7.69 million during the same period in 2019, a decrease of 99 per cent.

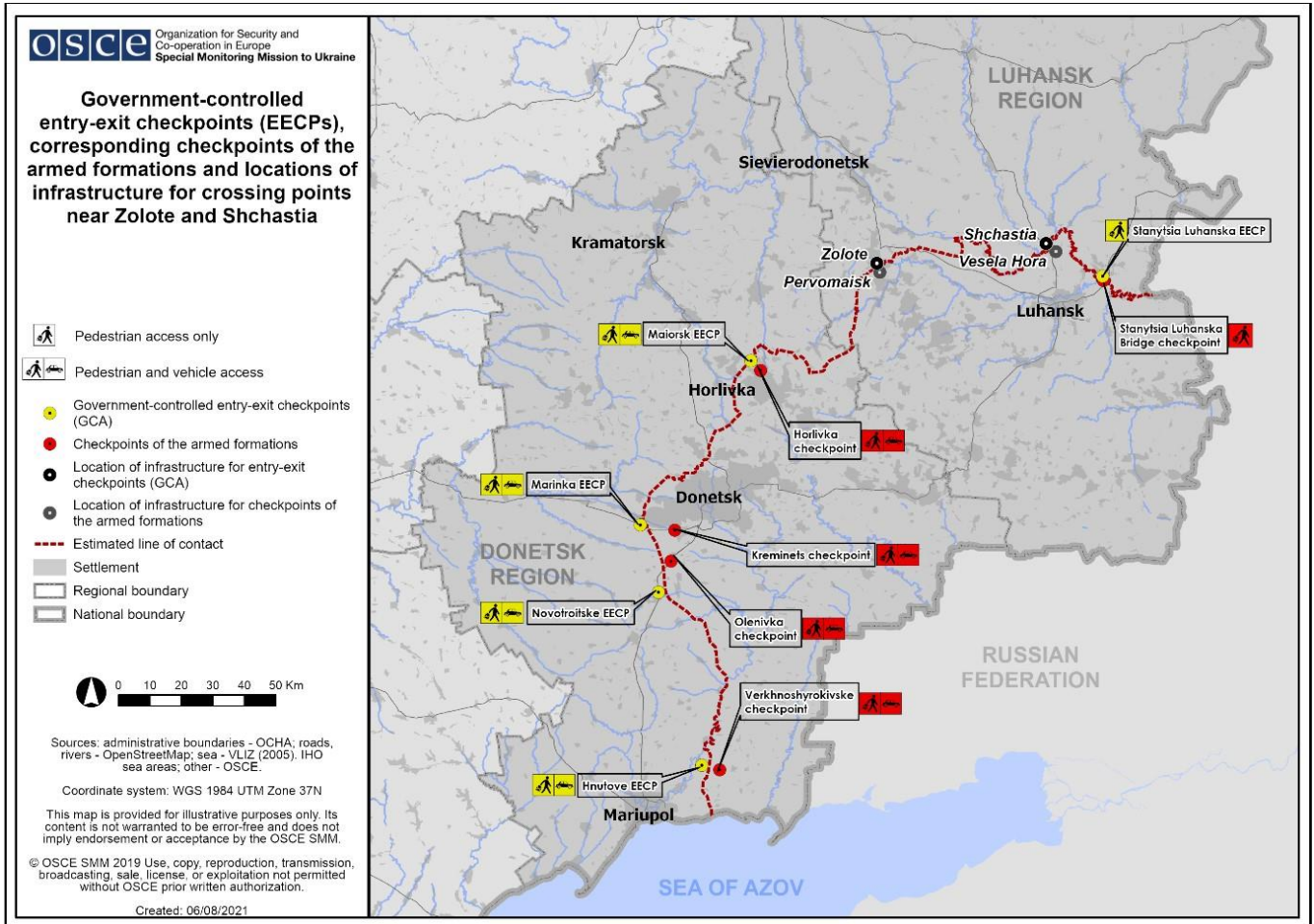
During the reporting period, the Mission spoke with 378 people (234 women and 144 men, aged between 20 and 80) about the impact that the crossing restrictions have had on their freedom of movement. Many civilians have not been able to cross the contact line because their reasons for crossing are not in accordance with the various criteria in place. Even civilians who may meet the requirements to cross the contact line have decided not to cross any longer. The reasons that civilians provided were the restrictive requirements in non-government-controlled areas, including the additional hurdle of seeking “permission” from the armed formations to cross in Donetsk region, limitations on the frequency of crossing in Luhansk region and general obstruction to freedom of movement unless crossing for listed reasons. Civilians also often highlighted the difficulties in downloading the “Act at Home” (*Diy Vdoma*) application required by the Ukrainian authorities.

In addition to opening the entry-exit checkpoints (EECPs), the Ukrainian authorities have taken multiple steps, some to alleviate the hardships faced by civilians. This includes opening modular administrative centres at the government-controlled EECPs near Novotroitske and Shchastia as well as easing the possibility for crossings related to educational purposes by removing the need to download the “Act at Home” application for this specific purpose. The Ukrainian authorities have also lifted fines for citizens of Ukraine who travel to government-controlled areas via the Russian Federation, if they can provide documentary evidence that travel is needed for certain humanitarian reasons.

However, the hurdles impeding the ability of civilians to cross the contact line have left people unable to exercise their human rights and many spoke to the SMM about the detrimental effect this has had on their general wellbeing. Testimonies included the negative psychological impact of being estranged from families, friends and communities for almost 18 months, not knowing how and when they will be able to reconnect with loved ones. Peoples’ economic security has also been adversely affected, with many feeling forced to choose between sustaining their livelihood on one side of the contact line or living with family on the other. Many elderly people explained how they have been cut off from accessing their much-needed pensions and have had to try to find other ways to make ends meet. The SMM heard from civilians who have missed important medical appointments or have been desperately looking for ways to access medication available only on the other side of the contact line. Civilians have been unable to cross to government-controlled areas to obtain essential documentation: applications for identity documents (including passports) and birth, death certificates have dropped by more than 50 per cent since 2019. In addition, despite exceptions in place, civilians expressed concern about the impact on their access to educational opportunities in government-controlled areas.

The disruption that these freedom of movement impediments have had on peoples’ lives affirms the need for all civilians to be able to move freely and for steps to be taken to ensure civilians can

access rights and services wherever they reside. To improve freedom of movement across the contact line, it is imperative that all crossing points, including those near Zolote and Shchastia, are open for civilians and that restrictive requirements are lifted by all. The longer the separation of people lasts, the more damaging the impact will be on prospects for peace, stability and security in Ukraine.



## INTRODUCTION

The SMM monitors and reports on civilians' access to human rights and fundamental freedoms throughout Ukraine as well as across the nearly 500km-long contact line which separates government- and non-government-controlled areas.<sup>1</sup> For many civilians, the ability to access their rights, including to adequate healthcare, education, livelihoods, and civil documentation, is dependent on their ability to cross the contact line. Since 2015, this is the Mission's fourth thematic report covering the experiences and challenges civilians face when crossing the contact line.<sup>2</sup>

Compared with the number of crossings between November 2018 and September 2019, prior to the onset of the COVID-19 pandemic, there has been a 95 per cent reduction in the number of crossings at the contact line. Building on the Mission's December 2020 report,<sup>3</sup> this report describes the additional burden of the current crossing requirements and their

effect on the freedom of movement of civilians. It also aims to describe the impact of the prolonged separation of people and communities due to the partial closure of the contact line and restrictions imposed on crossings.

The first chapter details the current process for crossing the contact line, reflecting the latest legislative and regulatory developments in Ukraine, as well as measures introduced by the armed formations in non-government-controlled areas. It also highlights the main concerns that civilians have pertaining to these specific requirements. In the second chapter, the report covers the impact that the reduction of crossings has on civilians, detailing the hardships they continue to face daily. Chapter 3 focuses on the persistent challenges civilians face while crossing the contact line, including security risks as well as access to amenities and services such as healthcare, shelter, water and sanitation, and public transportation.

## METHODOLOGY

The report is based on the SMM's direct observations and information that have been gathered by the Mission, including through patrols on the ground and via its technical monitoring means. To understand the impact of the partial closure of crossing points and crossing restrictions, during the reporting period, the Mission spoke with 378 people (234 women and 144 men, aged between 20 and

80) on both sides of the contact line in Donetsk and Luhansk regions. Of these, 120 were civilians (60 women and 60 men) who had asked for the SMM's assistance to cross the contact line in 2020.<sup>4</sup> The conversations took place while speaking directly to civilians at crossing points along the contact line and in different settlements in Donetsk and Luhansk regions, and over the phone.

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<sup>1</sup> OSCE SMM's mandate: <https://www.osce.org/special-monitoring-mission-to-ukraine/mandate>.

<sup>2</sup> For the OSCE SMM's Thematic Reports please see [here](#).

<sup>3</sup> OSCE SMM's Thematic Report "Checkpoints along the contact line: Challenges civilians face when crossing", December 2020.

<sup>4</sup> Between 6 April and 15 November 2020, the Mission received 1,284 requests from civilians (709 women, 462 men, 60 girls and 53 boys) asking for assistance to cross the contact line in both directions. Nearly 80 per cent of them were from civilians who wanted to cross in Donetsk region. The Mission referred these requests to the United Nations Office for the Coordination of Humanitarian Affairs (OCHA), the International Committee of the Red Cross (ICRC) and to the Trilateral Contact Group's (TCG) Working Group on Humanitarian Issues. See the OSCE SMM's Thematic Report "Checkpoints along the contact line: challenges the civilians face when crossing", December 2020 (cited above).



# CHAPTER 1: LEGISLATIVE AND REGULATORY DEVELOPMENTS

Crossing the contact line is a difficult journey, both in terms of the physical effort civilians need to undertake and the procedural requirements that have to be met in order to cross. With the onset of the COVID-19 pandemic, crossing the contact line became even more cumbersome and difficult, with checkpoints being partially closed and numerous restrictions in place. Since June 2020, civilians have only been able to cross the contact line at two of the five operational crossing points: near Stanytsia Luhanska on a daily basis, and

near Novotroitske twice a week, as the corresponding checkpoint of the armed formations near Olenivka is only open on Mondays and Fridays.

All other checkpoints of the armed formations remained permanently closed, while EECPs on the government-controlled side remained open, including near Zolote and Shchastia. This chapter outlines the current requirements and how they have developed during the reporting period, including the process to

## Reduction of civilian crossings across the contact line

As a result of the partial closure of the contact line and imposed restrictions, there has been a sharp reduction of crossings. Between 1 November 2020 and 30 September 2021, the SBGS registered a 95 per cent decrease in civilian crossings compared with the corresponding pre-COVID-19 period between 1 November 2018 and 30 September 2019 (about 604,000 crossings from November 2020 to September 2021 compared with 12.6 million from November 2018 to September 2019). Of the 604,000 crossings, 573,000 were registered in Luhansk region and only 31,000 in Donetsk region. Data from the United Nations Refugee Agency (UNHCR) and the non-governmental organization Right to Protection (R2P) suggest that the majority of crossings are undertaken by women (see UNHCR and R2P Eastern Ukraine Checkpoint Monitoring [2020](#) and [2021](#)).

Crossing figures for Donetsk region  
2019 to September 2021

	2019	2020	2021
January	729,000	776,000	1,000
February	711,000	706,000	2,000
March	855,000	121,000	2,000
April	818,000	0	2,000
May	901,000	0	2,000
June	884,000	3,000	3,000
July	953,000	2,000	6,000
August	968,000	3,000	6,000
September	869,000	3,000	4,000
October	908,000	2,000	
November	843,000	1,000	
December	847,000	2,000	
Total	10,286,000	1,619,000	28,000

Crossing figures for Luhansk region  
2019 to September 2021

	2019	2020	2021
January	251,000	294,000	27,000
February	249,000	273,000	31,000
March	294,000	179,000	50,000
April	284,000	0	50,000
May	307,000	0	36,000
June	306,000	11,000	78,000
July	344,000	28,000	75,000
August	320,000	78,000	85,000
September	315,000	82,000	67,000
October	330,000	20,000	
November	319,000	28,000	
December	328,000	46,000	
Total	3,647,000	1,039,000	499,000



re-enter Ukraine via the border crossing points after passing through the Russian Federation. It also highlights the impact the requirements have on civilians' ability to cross.

## **1.1 Crossing requirements in government-controlled areas of Donetsk and Luhansk regions**

### ***Government-controlled areas of Donetsk region***

To cross into government-controlled areas of Donetsk region, civilians are required to download the "Act at Home" application on a smartphone.<sup>5</sup> Certain categories of civilians are exempt from this requirement, including those under 18 years of age, students crossing for educational purposes or persons who can show proof that they are partly or fully vaccinated.<sup>6</sup> If civilians cannot download the "Act at Home" application, they can still enter government-controlled areas provided that they quarantine for ten days at a public medical facility in Hostre, around 30km north-west of the EECP near Novotroitske. Civilians can avoid or shorten the self-isolation requirement if they take a COVID-19 test that returns a negative result. Since 15 January 2021, those who have downloaded the "Act at Home" application can take a free antigen test at a medical facility in the modular administrative centre at the EECP.

In June 2021, a new law was adopted which provided clarity on the humanitarian grounds on which civilians would be allowed to cross into government-controlled areas at the EECPs in the event that the EECPs would be

closed (such as in the early months of the COVID-19 pandemic in 2020).<sup>7</sup> The list of humanitarian reasons includes: a) family reunification; b) serious illness or death of a family member; c) access to healthcare; d) issues related to inheritance; e) permanent residence in another country; f) need to apply for documents; and g) return to permanent place of residence.

### ***Government-controlled areas of Luhansk region***

While the legislation covering entry into government-controlled areas is the same in both Donetsk and Luhansk region, civilians who cannot download the "Act at Home" application have not had the option of quarantining at a public medical facility in Luhansk region since August 2020. Therefore, crossing is conditional on the ability to download the "Act at Home" application. Free antigen testing is available for civilians with the "Act at Home" application at the EECP near Stanytsia Luhanska, and private companies are also offering PCR tests at the EECP for a fee.

### ***Impact of the requirement to download the "Act at Home" application***

The Mission has been told repeatedly by civilians that the requirement to install the "Act at Home" application on a suitable smartphone is affecting their ability to enter government-controlled areas. This is particularly the case in Luhansk region where, since August 2020, civilians who cannot download the application

<sup>5</sup> Civilians were not required to download the self-isolation tracking application "Act at Home" from 17 June until 5 August 2021 in line with CMU Resolution No. 611 "On Amendments to Certain Resolutions of the Cabinet of Ministers" of 16 June 2021. The requirement was re-imposed by CMU Resolution No. 787 "On Amendments to CMU Resolution No. 1236" of 28 July 2021.

<sup>6</sup> The following categories are exempted from downloading the "Act at Home" application: a) persons under the age of 18 (previously it was 12); (b) participants of university admission examinations, or preparation for admission to State higher education institutions in government-controlled areas; (c) applicants studying in educational institutions in government-controlled areas, and one parent or other legal representative accompanying them; (d) citizens of Ukraine who have an invitation to be vaccinated against COVID-19 in government-controlled areas; (e) persons that have a document confirming a full course of vaccination against COVID-19; and (f) citizens of Ukraine who have a document issued by the Ministry of Health confirming receipt of one dose of vaccine against COVID-19. CMU Resolution No. 1236 "On imposing quarantine and introducing restrictive anti-epidemic measures in order to prevent the spread in the territory of Ukraine a respiratory disease COVID-19 caused by coronavirus SARS-COV-2" of 9 December 2020 with amendments.

<sup>7</sup> Law No. 1583 "On Amendments to Section II "Final Provisions" of the Law of Ukraine "On Amendments to Certain Legislative Acts of Ukraine Aimed at Preventing the Spread of Coronavirus (COVID-19)" on Temporary Grounds for Non-Application of Administrative Penalties and Measures of Influence for Violation of Order on Entering and Exiting the Temporarily Occupied Territory of Ukraine" of 29 June 2021.

do not have the option to quarantine at a public medical facility. Officers of the SBGS at the EECP near Stanytsia Luhanska told the SMM that between 16 November 2020 and 17 June 2021, they regularly deny civilians entry into government-controlled areas due to their inability to install the application. The SMM has seen numerous long queues of civilians trying to install the required application or being forced to wait because of technical issues. For instance, on 30 April 2021, the Mission observed at least 500 people queuing to enter government-controlled areas at the above-mentioned EECP, who were stuck for about five hours due to an alleged malfunction of the application.

Some civilians also struggle with the costs associated with having access to a smartphone capable of downloading the application. For example, on 6 February 2021 at the EECP near Novotroitske, a woman (in her seventies), visibly upset, told the Mission that she unexpectedly had to spend UAH 3,200 (about EUR 100) on a smartphone in order to reach government-controlled areas to put up a gravestone for her child. As a result, she no longer had enough money to pay for the bus ticket to continue her journey. The Mission has also observed some people offering help to download the application for a fee of at least UAH 200 (roughly EUR 7).

When the Ukrainian authorities lifted the requirement to install the application between 17 June and 5 August 2021 due to an easing of the epidemiological situation,<sup>8</sup> the number of crossings increased: 67,000 in June and 81,000 in July compared with 38,000 in May and 52,000 in April 2021. This increase could also be partly related to seasonal factors, however, during that period, civilians told the

SMM that they welcomed the ability to cross without the application, and many told the Mission that this would allow them to cross more frequently. According to statistics provided by the SBGS, since the re-introduction of the requirement in August 2021, at least 180 people have again been denied entry to government-controlled areas through the Stanytsia Luhanska EECP due to issues with the “Act at Home” application.

## **1.2 Crossing requirements in non-government-controlled areas of Donetsk and Luhansk regions**

### ***Non-government-controlled areas of Donetsk region***

Civilians travelling to non-government-controlled areas of Donetsk region need to apply to those in control in order to be put on a crossing list for one of the following reasons: to access medical treatment, to study, to work, to take care of close relatives or to reunite with their families. The “permission” provided by those in control is time-bound, and civilians who miss the assigned crossing timeslot have to re-apply for “permission”.<sup>9</sup> Upon entry to non-government-controlled areas, civilians must sign a document agreeing to go to a medical facility for a COVID-19 related check; alternatively, they can pay to take a rapid COVID-19 test at the corresponding checkpoint near Olenivka. If the test is negative, travellers have to sign a document agreeing to self-isolate. In case they test positive, they have to undergo additional medical checks at a medical facility.

In order to travel to government-controlled areas, the armed formations request that civilians be permanent residents in government-

<sup>8</sup> CMU Resolution No. 611 “On Amendments to Certain Resolutions of the Cabinet of Ministers” 16 June 2021.

<sup>9</sup> According to civilians in Donetsk region, if they are crossing towards government-controlled areas they are given a timeslot of one month within which they can cross and if they are crossing towards non-government-controlled areas, they are given a specific date on which they can cross.

controlled areas. Proof of residency is checked by members of the armed formations at the Olenivka checkpoint before civilians are allowed to cross. Additionally, civilians living in non-government-controlled areas of Donetsk region have to seek “permission” from those in control to be able to leave non-government-controlled areas in line with the abovementioned grounds.

### ***Impact of measures in non-government-controlled Donetsk region***

#### ***Obtaining “permission” from the armed formations***

Civilians explained to the SMM that aside from being limited to cross for very few select reasons, obtaining “permission” from those in control was arduous and involved the compilation of required documents and up to 30 days for their requests to be considered. Civilians considered the requirement to prove permanent residency in government-controlled areas obstructive as it makes it difficult to cross for those who live in non-government-controlled areas.

For instance, a man (in his sixties) told the SMM that on 5 July 2021, he had been unable to visit his wife before she passed away while she was receiving treatment for cancer in government-controlled areas as he had to wait a month to obtain all relevant documents and “permission” from the armed formations. Similarly, on 24 May 2021, a woman (in her thirties) explained that both her grandmother and her father had passed away, but she could not attend the funerals in government-controlled areas as the armed formations required an

application to cross the contact line 30 days in advance.

In addition, civilians also explained that it was sometimes difficult to reach the armed formations to obtain “permission” to cross. Some said that the telephone numbers provided did not work when calling from government-controlled areas, and, as a result, they could not proceed with their plans to cross the contact line.



*OSCE SMM staff speaking with civilians at the corresponding checkpoint of the armed formations near non-government-controlled Olenivka, Donetsk region, October 2021*

### ***Non-government-controlled areas of Luhansk region***

If civilians want to travel to non-government-controlled areas of Luhansk region, they have to prove that they live in non-government-controlled areas of Luhansk region.<sup>10</sup> Those without such proof can only enter if they apply in advance to members of the armed formations for one of the following reasons: a) access healthcare; b) study; c) take care of close relatives; d) attend funeral ceremonies of relatives; e) receive monetary “support” in the framework of the “humanitarian programme for Russian-speaking people of Ukraine and the reunification of the people of Donbass”; f)

<sup>10</sup> Civilians need to have their address stamped in their Ukrainian old-format passports or in a “passport” of the armed formations. Those crossing with ID cards have to carry an additional paper which indicates their registered place of residence. Alternatively, the place of residence can also be indicated in papers issued in non-government-controlled areas.

receive “remuneration” for participation in activities organized within the “humanitarian programme for Russian-speaking people of Ukraine and the reunification of the people of Donbass”; or g) for people in difficult conditions in exceptional cases.<sup>11</sup> The last three conditions were newly introduced in May 2021.

If civilians living in non-government-controlled areas of Luhansk region want to cross into government-controlled areas, they can only do so once every thirty days (“30-day-rule”). If they want to cross more often, they have to apply for “permission” from the armed formations; however, the criteria to obtain this “permission” are not clearly defined.

Outside the reporting period, on 9 October 2021, the armed formations in Luhansk region issued a new measure for crossings via the checkpoint south of the Stanytsia Luhanska bridge. The new measure stipulated that people living in non-government-controlled areas may only cross to government-controlled areas for selected reasons, which have to be proven in an application before being included on a list. Following this measure, the SBGS registered a further reduction in the number of crossings at the crossing point near Stanytsia Luhanska from 67,000 in September 2021 to 25,000 in October 2021. As of 11 November 2021, those in control in non-government-controlled areas lifted the 9 October 2021 measure and re-imposed measures from 26 May 2021, which restrict the frequency of crossings to once every thirty days (“30-day-rule”).

All civilians entering non-government-controlled areas are checked for symptoms of COVID-19 at the checkpoint and have to self-

isolate for 14 days unless they have a negative PCR-test. If people with proof of residence in non-government-controlled areas show any symptoms, they must go to an assigned medical facility. Those without such proof who show symptoms are not allowed to cross into non-government-controlled areas and are turned back.

In some instances, civilians told the SMM that even though they received a notification of “permission” to cross on their telephone, once they reached the corresponding checkpoint of the armed formations, they were told that they had not yet been included on the list of approved crossings. As a result, they were stranded in the area not controlled by either side between the EECP and the corresponding checkpoint for several hours.

### ***Impact of measures in non-government-controlled Luhansk region***

#### ***Requirement to prove “residency” in non-government-controlled Luhansk region***

The requirement to prove “residency” in non-government-controlled areas continued to cause difficulties for civilians. On numerous occasions, civilians told the SMM that the armed formations had sent them back to government-controlled areas, or that they had to stay overnight between the EECP and the corresponding checkpoint until their relatives could assist them in preparing the necessary documents. For instance, between 30 November and 6 December 2020, the Mission saw seven people (two women in their thirties, three men in their thirties and sixties, and two children) who had to stay overnight in a tent provided by an international organization near the EECP until family members could assist them with the necessary paperwork. On 28

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<sup>11</sup> According to civilians, if they receive “permission” by the armed formations, they are given a window of a few days during which they can cross.



August 2021, at the EECF near Stanytsia Luhanska, a man (in his fifties) told the SMM that he only has residency registration in government-controlled Sievierodonetsk, but wanted to cross to help his father (in his eighties) who was travelling with him at the time. His father, who lives in non-government-controlled Kadiivka, has problems with mobility and needs assistance walking. The armed formations did not allow the man to cross, and he was anxious about whether his father would be able to make it home by himself.

Furthermore, according to the armed formations in Luhansk region, civilians from non-government-controlled areas of Donetsk region cannot cross into government-controlled areas via the checkpoint of the armed formations south of the Stanytsia Luhanska bridge despite the re-opening of the Oblast boundary line between non-government-controlled areas of Donetsk and Luhansk regions on 18 June 2021.<sup>12</sup>

### *30-day crossing rule*

The “30-day-rule” of the armed formations was raised by civilians as one of their major concerns, as it prevents them from crossing the contact line in Luhansk region as frequently as they need. For example, in mid-April 2021, four people (three women in their fifties, sixties and seventies, and a man in his late sixties) told the SMM that they were in urgent need of visiting sick relatives on the other side of the contact line, yet were denied “permission” to cross by those in control as “30 days” had not yet passed since their previous trip. Furthermore, civilians complained that it was not clear what criteria were used to determine whether someone could cross more

than once; therefore, many have given up trying to cross the contact line.

### *“Customs” at the corresponding checkpoint of the armed formations in Luhansk*

As of 18 February 2021, at the corresponding checkpoint of the armed formations south of the Stanytsia Luhanska bridge, the armed formations placed four to six additional personnel, wearing badges with “customs” written on them, near the checkpoint to inspect the luggage of civilians crossing in both directions.<sup>13</sup> On several occasions, civilians complained to the Mission that the checks were carried out in a humiliating manner, with unclear rules as to what goods civilians can take across the contact line, and that this is now an additional administrative hurdle leading to increased waiting times and stress. On 29 April 2021, the Mission spoke with three civilians (two men in their sixties and thirties and one woman in her sixties) who had undergone such inspections during their crossing. The woman said that she was asked to show a certificate for the plant she was carrying and, when she could not provide it, they confiscated her plant.

## **1.3 Crossings through the Russian Federation**

### ***Common practice and legislative framework***

Due to the limited crossing opportunities at the contact line, particularly in Donetsk region, as well as the restrictive and complicated requirements described above, many civilians in non-government-controlled areas are choosing to enter and exit government-controlled areas of Ukraine by traveling through the Russian Federation. According to

<sup>12</sup> Crossing the boundary line between non-government-controlled areas of Donetsk and Luhansk regions was limited by the armed formations at the onset of the pandemic in spring 2020.

<sup>13</sup> This is in line with a measure that was introduced by those in control on “transporting goods and money across the contact line” on 29 September 2020. See the OSCE SMM’s thematic report “Checkpoints along the contact line: challenges civilians face when crossing”, December 2020 (cited above).

the Office of the High Commissioner on Human Rights (OHCHR), the number of civilians crossing through Milove border crossing point (BCP) increased significantly, from an average of 27,600 crossings per month between July and December 2020 to 46,300 crossings between January and July 2021.<sup>14</sup> Civilians took this route even though they risked being fined as Ukrainian law prohibits entering or exiting the country via the suspended international border crossing points.<sup>15</sup> On 24 July 2021, a new law lifted fines for those who can prove crossings based on specified humanitarian grounds (*see below for definition of humanitarian grounds under Ukrainian legislation*).<sup>16</sup>

To cross this way, after exiting non-government-controlled areas of Ukraine via one of the BCPs outside of government control, civilians re-enter Ukraine via the BCPs either at Hoptivka in Kharkiv region or at Milove in

Luhansk region. Numerous civilians described the journey as lengthy and costly, taking over 30 hours to cover the distance of up to 1,000km.<sup>17</sup>

During the reporting period, the SMM spoke with several civilians who crossed through the Russian Federation, including a 70-year-old man in non-government-controlled Donetsk who had been trying to go to government-controlled areas to attend the funeral of his grandson; however, he was denied “permission” by those in control. He said that he decided to travel to government-controlled areas via the Russian Federation which took him 24 hours and cost around UAH 3,500 (around EUR 110). In June 2021, an 86-year-old woman told the SMM that she had travelled from Kharkiv to non-government-controlled Yenakieve, Donetsk region, via the Russian Federation to check on her apartment. The journey took her 18 hours and cost around UAH 3,000 (around EUR 95), which was her entire monthly pension.

People who used this route also faced fines of between UAH 1,700 and UAH 5,100 (approx. EUR 55 to EUR 165), with fines increasing for repeated infractions. According to UNHCR and the non-governmental organization R2P, the number of official warnings issued to people entering Ukraine at the Hoptivka and Milove BCPs increased in the first five months of 2021 compared with 2019.<sup>18</sup> Furthermore, thousands of people faced fines usually amounting to UAH 1,700 (around EUR 55) per person.<sup>19</sup> Around 50 per cent of civilian cross-

*“I have to travel to Dnipro to receive my cancer treatment every six months to be able to stay alive and to provide for my daughter. So, I do not have a choice if I want to cross or not. With all these restrictions that are currently in place at the contact line, I decided to cross through Russia. I do not care if I will get a fine. My life and the life of my daughter are more important than money”*,

A single mother in her thirties told the SMM at the corresponding checkpoint of the armed formations near Olenivka, in May 2021

<sup>14</sup> Office of the High Commissioner for Human Rights (OHCHR), *Report on the Human Rights Situation in Ukraine 1 February – 31 July 2021*, 23 September 2021.

<sup>15</sup> According to Ukrainian legislation, crossing the border between Ukraine and the Russian Federation from non-government-controlled areas constitutes an administrative offence, Article 204-2 of the Code on Administrative Offences of Ukraine. This violation is punishable by a fine of UAH 1,700 to UAH 5,100 (approx. EUR 50 to EUR 150). The same violation committed more than once within a year entails a fine of UAH 5,100 to UAH 8,500 (approx. 150 to EUR 265). Officers of the SBGS have the right to impose fines on the spot.

<sup>16</sup> Law No. 1583 came into force on 24 July 2021 lifting the previously imposed fines for citizens of Ukraine re-entering Ukraine from non-government-controlled areas through the Russian Federation when crossing can be proved on certain, specified humanitarian grounds.

<sup>17</sup> Office of the High Commissioner for Human Rights (OHCHR), *Report on the Human Rights Situation in Ukraine 1 February – 31 July 2021*, 23 September 2021.

<sup>18</sup> UNHCR and Right to Protection Report: *“Going around the contact line”*, June 2021.

<sup>19</sup> OHCHR, *Update on the human rights situation in Ukraine 1 February – 30 April 2021*, May 2021.

ings via the Hoptivka BCP are from non-government-controlled areas. At Milove, 80 to 90 per cent of civilians crossing are civilians living in non-government-controlled areas, the majority of whom come from non-government-controlled Donetsk region, where only one out of the four crossing points is partially operational for civilian crossings.<sup>20</sup>

Civilians have also complained to the SMM about the conditions at the BCP. The SMM observed that there was only one toilet facility available, and civilians informed the Mission that they needed to visit the tree lines in order to relieve themselves. A woman (in her fifties), together with her mother (age unknown) told the SMM that they had been in the queue since the previous evening and spent the night at the BCP. However, outside the reporting period, the SMM observed improvement to the infrastructure available at the BCP in Milove.<sup>21</sup>

### ***Legislation on fines for travelling through the Russian Federation***

On 24 July 2021, Law No. 1583 was enacted, which lifted fines for citizens of Ukraine who can provide documentary evidence that they have re-entered or re-exited Ukraine from non-government-controlled areas through the Russian Federation on certain specific humanitarian grounds: a) family reunification; b) serious illness or death of a family member; c) access to healthcare; d) issues related to inheritance; e) permanent residence in another

country; f) need to apply for documents (including for minors who apply for identification documents for the first time); and g) return to permanent place of residence. Outside of the reporting period on 26 October 2021, the Ukrainian Cabinet of Ministers amended Resolution No. 1236 regarding quarantine restrictions. The amendment lifted the self-isolation requirements for civilians residing in non-government-controlled areas who travel to government-controlled areas via the Russian Federation to be vaccinated against COVID-19. In order to avoid self-isolation, civilians have to present an electronic invitation from a medical facility in government-controlled areas indicating that they are travelling in order to get vaccinated.

In general, the number of administrative fines imposed has reportedly decreased from an average of 70 to just a few per day.<sup>22</sup> At the EECF near Stanytsia Luhanska, the SBGS told the Mission that since the enactment of the Law in July, five people were fined for crossing through the Russian Federation since they could not prove that they crossed on humanitarian grounds. In one instance, a man (in his thirties), who was visibly agitated, told the SMM that he had just been fined by the SBGS because he could not prove the death of his father as he did not take the death certificate issued by those in control with him, believing that the papers he received from the armed formations were not recognized in government-controlled areas.

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<sup>20</sup> UNHCR and Right to Protection, "*Going around the contact line*", June 2021.

<sup>21</sup> On 12 November 2021, the SMM observed that a new resting area had a roof installed and that the toilet block was operational and clean.

<sup>22</sup> UN OCHA, "*Ukraine crossing points snapshot: August 2021*", September 2021.



## CHAPTER 2: CONSEQUENCES OF THE RESTRICTED FREEDOM OF MOVEMENT ON THE LIVES OF CIVILIANS

Civilians told the SMM that the partial closure of the contact line and the above-described requirements have negatively affected the frequency of their crossing attempts or had forced them to give up crossing entirely, resulting in the overall 95 per cent reduction in the number of crossings compared with November 2018 to September 2019. This in turn has meant that many civilians continued to be unable to see their families, connect across communities, sustain their livelihoods and access essential services, including pensions, healthcare and education, as well as obtain essential civil documentation such as passports, birth, death and marriage certificates.

### 2.1 Crossing experiences of civilians



*Civilians at the EECF near government-controlled Stanytsia Luhanska, Luhansk region, October 2021*

Out of the 378 civilians the Mission spoke with, 258 people (174 women and 84 men, mixed ages) were interviewed at the crossing points and explained their reasons for crossing in either direction. The main reason was linked to family reunification, visiting relatives and returning to their places of residence – this accounted for just over 50 per cent of the

respondents (110 women and 47 men). Another 30 people (21 women and 9 men, mixed ages) wanted to cross to access healthcare and to acquire specific medications; 36 people (21 women and 15 men) wanted to cross to receive essential civil documentation; 18 (ten women and eight men) to check on their properties on the other side of the contact line; and two (women in their twenties) to attend educational institutions. Fifteen people did not specify the reason (ten women and five men).

The other 120 civilians (60 women and 60 men) were among the 1,284 civilians who had asked the SMM for assistance to cross the contact line in 2020. The Mission contacted these civilians by telephone to learn whether they had managed to cross the contact line and how the restricted freedom of movement had affected their lives. Eighty of them had requested assistance to cross the contact line in Donetsk and 40 in Luhansk region.

Among the 120 respondents, 26 civilians (13 women and 13 men) did not manage to cross in 2020, even though they felt they had submitted their requests in line with all requirements, and as a result, many said that they had given up on crossing the contact line altogether. Eighteen out of the 120 (eight women and ten men) stated that after several unsuccessful attempts to cross the contact line in Donetsk region, they instead chose the lengthy, costly, and – for most people – illegal route through the Russian Federation.

In total, 76 civilians (39 women and 37 men) out of the aforementioned 120 told the Mission that they eventually managed to cross in 2020 – sometimes after having to wait for several months. Yet 50 of the 76 (26 women and 24 men) stressed that they had never crossed

since. Some were not able to cross despite trying and others did not want to cross again due to requirements in place and for fear of getting stranded on the other side of the contact line. Only 21 of the 76 civilians who crossed after first seeking assistance (ten women and 11 men) stated they have crossed more than once, four of whom (three women and one man) chose to instead travel through the Russian Federation, despite the risk of being fined.

## 2.2 Impact of the reduction of crossings on civilians

Many civilians described multiple aspects of their lives that have been affected. The majority of people told the SMM that they wanted to be able to cross the contact line again and move freely in Ukraine. Some also spoke pragmatically about having to adapt to their new reality of separation and isolation.

### ***The separation of families and communities***

*“My family and I have been suffering not only economically, but also psychologically which is even more painful for me. I just heard that one of my nieces gave birth, and I cannot see her or the baby due to the restrictions. We have not been able to see each other face-to-face for a long time now,”*

A woman in her sixties told the SMM at the corresponding checkpoint of the armed formations near Stanytsia Luhanska in May 2021

One of the main reasons civilians want to cross the contact line is to take care of their relatives or to spend time with family, friends and communities – with over 162 civilians (92 women and 70 men) describing how they felt

*“It is heart breaking for me to see everyone separated because of artificially created borders. We are one country and we used to live together happily. But now we are divided and it is disheartening. I don’t know what the future will bring”*

A woman, in her sixties, at the corresponding checkpoint of the armed formations south of the Stanytsia Luhanska bridge in May 2021

isolated and disconnected from their loved ones due to the limited crossing opportunities and the requirements in place. The SMM heard numerous accounts of separation and longing. Civilians were often very emotional, expressing their desire to cross the contact line again and their fear that they were becoming trapped on one side, without knowing when they would see their loved ones again. For example, on 18 May 2021, while at the corresponding checkpoint of the armed formations near Olenivka, a woman (in her sixties) said she was finding the prolonged separation from her family extremely difficult to bear. She explained that her son was living in government-controlled areas with his fiancée, and that she had not seen him for over 14 months. Also in May, an emotionally distraught woman in her thirties told the SMM that she wanted to visit the grave of her mother and bring medicines to her sick father. In November 2020, she could not attend her mother’s funeral as she had been denied entry into non-government-controlled areas at the corresponding checkpoint of the armed formations south of the Stanytsia Luhanska bridge. On 16 June, the SMM spoke with a 55-year-old man who lives in government-controlled areas to take care of his mother, while his family lives in non-government-controlled areas of Luhansk region. He said they could not see each other more than once a month

due to the “30-day-rule” of the armed formations, and he was upset about being unable to see his children grow up: “I am separated from my family. I live just 10km away from the EECP in government-controlled areas and I cannot cross the contact line more than once a month. We are still a family; however, we are separated as if I had divorced my wife”.

While some people are going to desperate lengths to find ways to see each other, many have remained estranged. The separation of people and communities is having a detrimental effect on people’s mental health and wellbeing. The longer the partial closure and restrictions last, the greater the risk that social cohesion in Ukraine will become jeopardized.

### ***Economic security and access to pensions***

Beyond the psychological toll, the restrictions have also adversely affected peoples’ livelihoods, with some civilians feeling forced to choose between keeping their jobs on one side of the contact line and living with their families on the other. Many also made economic choices under the assumption that the crossing points would re-open and restrictions would be temporary. Access to pensions and social benefits in Ukraine has also been restricted, and as a result, some pensioners have had to find alternative sources of income. According to the 2021 United Nations Office for the Coordination of Humanitarian Affairs’ Humanitarian Needs Overview, civilians have come to increasingly rely on “pensions” provided in non-government-controlled areas, or sell household goods or borrow money in order to make ends meet.<sup>23</sup> Some civilians told the SMM that they were forced to

find alternative ways to retrieve their pensions.

During the reporting period, 112 civilians (50 women, 62 men) spoke to the SMM about the economic consequences of the restrictions and how these have affected their economic opportunities. Some explained that the crossing restrictions had meant that they were still unable to collect their pensions in government-controlled areas, while others were no longer able to operate their businesses or access their commercial property. Others told the Mission that they had to spend a considerable amount of their income on crossing through the Russian Federation. Many stated that they had lost their jobs since the onset of the COVID-19 pandemic, and some linked this to their inability to cross the contact line freely. For instance, on 13 May 2021, a woman (in her thirties) told the SMM that she owned a business in government-controlled Bakhmut but gave it up following the closure of the crossing points. She also believed that the opening of all EECPs would be a welcome step forward for everyone on both sides of the contact line.

For people living in non-government-controlled areas, continued access to social benefits, including pensions, requires them to register as internally displaced persons (IDP) in government-controlled areas. To avoid the suspension of social benefits, people previously had to undertake the journey to cross the contact line every 60 days. At the onset of the COVID-19 pandemic, the Government of Ukraine passed legislation to ensure that IDPs would not lose their pensions and social benefits. The Law of Ukraine No. 530-IX prohibits the cancelling of the validity of the registration of IDPs on the basis of a person’s

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<sup>23</sup> UN OCHA, [Humanitarian needs overview, Ukraine](#), February 2021.

long-term absence (over 60 days) from their place of temporary residence.<sup>24</sup> The Law also forbids the suspension of public transactions by the State Savings Bank of Ukraine (*Oshchadbank*) on accounts of IDPs during the period in which quarantine restrictions are in place and for one additional month after restrictions are lifted. Following the implementation of this Law, *Oshchadbank* has prolonged the validity of bank cards belonging to IDPs on several occasions. At the beginning of October 2021, outside of the reporting period, *Oshchadbank* announced that it would not extend the bank cards of IDPs beyond 1 January 2022. According to the UN Protection Cluster, the validity of bank cards of IDPs are planned to be extended until April 2022; however, an official statement from *Oshchadbank* is still pending.<sup>25</sup> This means that pensions and social benefit payments for civilians living in non-government-controlled areas should not be suspended and cash withdrawal would not be time sensitive.

*“Almost all of those who are crossing are pensioners. Why would people make our lives miserable? I have not been able to collect my pension payment in the last two months. Will this ever get better again?”*

A man in his seventies told the SMM at the corresponding checkpoint of the armed formations south of the Stanytsia Luhanska bridge in May 2021

However, several international organizations and NGOs have reported that according to the Cabinet of Ministers’ Resolution No. 1596,<sup>26</sup> pension payments were still suspended for bank accounts that have been dormant for



*Civilians crossing through the corresponding checkpoint of the armed formations south of the Stanytsia Luhanska bridge, Luhansk region, August 2021.*

more than one year. According to the OHCHR, the Pension Fund of Ukraine has interrupted the payment of pensions to 3,858 people registered as IDPs in Ukraine.<sup>27</sup> Furthermore, since March 2020, it is estimated that over UAH 11 billion (around EUR 330 million) has accumulated in pension accounts.<sup>28</sup>

Cash withdrawal and recovering pensions continues to be a major reason why people want to cross the contact line.<sup>29</sup> On 18 May 2021, while at the corresponding checkpoint of the armed formations south of the Stanytsia Luhanska bridge, a man in his sixties told the SMM that he was crossing to government-controlled areas to claim one and a half years’ worth of pension payments from the authorities. He explained that as he had not been able to re-register for these payments in person, the authorities have not paid his pension, and the only way to recover the payments was to lodge a complaint through the court system which is a time-consuming process. He said that without access to his pension, he was forced to look for short-term employment opportunities on both sides of the contact line.

<sup>24</sup> Law No. 530-IX, “On Amendments to Certain Legislative Acts of Ukraine Aimed at Preventing the Occurrence and Spread of Coronavirus Disease (COVID-19)” of 17 March 2020.

<sup>25</sup> UN Protection Cluster Ukraine, “Protection Highlights”, October 2021.

<sup>26</sup> CMU Resolution No. 1596 “On approval of the Procedure for payment of pensions and cash benefits through current accounts in banks” of 30 August 1999 (par.17) with amendments.

<sup>27</sup> OHCHR, *Update on the human rights situation in Ukraine 1 February – 30 April 2021*, May 2021.

<sup>28</sup> UNHCR and Right to Protection, “Eastern Ukraine Checkpoint Monitoring Report”, September 2021.

<sup>29</sup> *Ibid.*



Some elderly civilians told the SMM that they had postponed crossing the contact line due to the partial closure, or for fear that they might get stranded in government-controlled areas due to the restrictions to re-enter non-government-controlled areas. On 23 June, three women (in their late sixties) in Luhansk region told the Mission that they had applied to renew their bank cards in government-controlled areas. However, the armed formations said that they could not cross more than once per month and they were unsure whether they would be allowed to cross back to non-government-controlled areas, so they decided not to risk crossing.

On 22 September, the Cabinet of Ministers adopted a resolution which allowed civilians living in non-government-controlled areas of Donetsk and Luhansk regions to undergo the Pension Fund's verification procedures remotely.<sup>30</sup> The process of remote identification will be carried out on the Pension Fund website with an electronic signature obtained from the "Diya" application. It is expected that the introduction of remote identification will exempt pensioners living in non-government-controlled areas, who are registered as IDPs and travel to government-controlled areas to obtain pensions, from crossing the contact line every 60 days to undergo physical identification. However, the details of the procedure of this remote identification remain unclear.

### ***Access to healthcare and medication***

Access to healthcare continued to be another of the main reasons people want to cross the contact line, mainly because of availability of services, specialization, costs or quality. Sixty-eight civilians (42 women and 26 men)

told the Mission that the partial closure and restrictions at the contact line have affected peoples' ability to seek medical treatment, surgery and get access to medication.

For instance, on 17 May 2021, while at the corresponding checkpoint of the armed formations near Olenivka, a family (woman and man in their forties, two children) stated that they were crossing to government-controlled areas for planned surgery for their nine-year-old daughter. They told the SMM that the surgery had been delayed several times due to the partial closure of the contact line, and not having assurances that they could get home afterwards due to the complicated requirements. However, they said that they felt that they could not afford to postpone their crossing any longer as they did not have the option to access the same medical care in non-government-controlled areas. At the same check point in May 2021, the SMM spoke to a woman in her forties who was crossing the contact line towards non-government-controlled areas with her husband who has a disability and who was scheduled for surgery. This was the second time she had tried to cross with her husband, but an earlier application had been denied by the armed formations. She said that without this surgery, which was cheaper in non-government-controlled areas, the burden of care was on her.

The restrictions at the contact line have also meant that civilians have difficulty accessing medication. At the EECP near Stanytsia Luhanska, several people approached the Mission asking for help to transfer medication from government- to non-government-controlled areas and explained that without being able to cross back and forth freely, they had to ask third parties for help. For instance, on

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<sup>30</sup> CMU Resolution No. 999, "On Amendments to the Resolutions of the Cabinet of Ministers of Ukraine of 30 August 1999 № 1596 and 5 November 2014 № 637", adopted on 22 September 2021.

8 September 2021, at the corresponding checkpoint of the armed formations south of the Stanytsia Luhanska bridge, a distressed woman (in her sixties) told the Mission that her husband had been hospitalized in Luhansk city hospital and was in need of medication which was only available in government-controlled areas. She could not travel herself as she had already crossed a week ago and the armed formations would not make an exception to the 30-day-rule.

### **Access to civil documentation**

Fifty-five survey respondents (29 women and 26 men) told the SMM that obtaining essential documentation, including IDP status, birth and death certificates, identity documents such as passports, proof of financial transactions, and dealing with legal issues such as inheritance had been adversely affected by the inability to cross the contact line.

According to the data provided by the State Migration Service of Ukraine (SMS), the number of renewals or issuances of documents such as identity cards, internal passports and passports for international travel had decreased since 2019.<sup>31</sup> The SMS issued 51,672 identity cards to people living in non-government-controlled areas of Donetsk and Luhansk regions in 2019, while this number dropped to less than half in 2020 – 21,966. During the first seven months of 2021, 12,520 ID cards have been issued. The number of passports that have been renewed (these have to be renewed when persons reach the

age of 25 and 45) has also decreased for civilians living in non-government-controlled areas from 38,406 in 2019 to 14,666 in 2020 and to 11,124 so far in 2021. Furthermore, the SMS also issued or reissued 109,172 Ukrainian passports for international travel in 2019; 66,161 in 2020 and 48,307 during first seven months of 2021.<sup>32</sup> Overall, the administrative services provided to civilians living in non-government-controlled areas dropped by at least 50 percent when compared with the corresponding period between 2019 and 2020, which may be a direct result of the reduction in crossings over this period.

On 24 February 2021, the Cabinet of Ministers of Ukraine issued a resolution which allows civilians living in non-government-controlled areas of Donetsk and Luhansk regions to apply online for social benefits and administrative services related to the birth of a child.<sup>33</sup> This is a positive development to ease the bureaucratic process for obtaining a birth certificate.<sup>34</sup> However, in order to use this service, parents are still required to obtain both a *Registration Refusal Certificate* from the civil registry and a court ruling in government-controlled areas. Therefore, for people living in non-government-controlled areas, the new online process remains dependent on crossing the contact line. On 22 April 2021, following a request from the Minister of the Ministry of Reintegration of Temporarily Occupied Territories of Ukraine, the Supreme Court issued an explanation that a *Registration Refusal Certificate* is not required in order to establish

<sup>31</sup> According to data provided to the SMM by the State Migration Service of Ukraine on 13 August 2021.

<sup>32</sup> In accordance with Ukrainian legislation, civilians living in non-government-controlled areas have to cross the contact line in order to submit required documents and receive their passports or identification (ID)-cards at a territorial subdivision of the State Migration Service or Centre for Provision of Administrative Services in Donetsk or Luhansk. "Order of issuance of the documents confirming the citizenship of Ukraine, the identity card or special status to the citizens living in temporarily occupied territory of Ukraine" approved by CMU Resolution No. 289 of 4 June 2014.

<sup>33</sup> Cabinet of Ministers of Ukraine Decree, No. 155, 24 February 2021 "On amendment of the Order related to complex service "eBaby"." Parents can apply through the e-services portal "Diya" Action to a) access documentation, including birth certificates (and e-certificate), certificate for families with multiple children; (b) social assistance, including childbirth benefits, a 'baby-box' or monetised equivalent, and assistance for families with multiple children; (c) child registration in the State demographic register, residence registration, taxpayer registration, etc.

<sup>34</sup> In order to obtain a Ukrainian birth or death certificate, the applicant needs to travel with the "certificate" issued in non-government-controlled areas to a Ukrainian civil registration office in government-controlled areas, which rejects it. The parents or guardian of the child must then travel to the nearest court in government-controlled areas in person and submit a claim with the "certificate" and any other supporting evidence to establish the fact of birth or death.

the fact of death or birth of a person that occurred in non-government-controlled areas. However, there have been no changes to the process.

According to the Ministry of Justice of Ukraine, the number of births registered in non-government-controlled areas of Donetsk region has decreased by more than 50 per cent from 2019 (5,150 birth registrations) to 2020 (2,220 birth registrations), with 1,679 births registered in the first eight months of 2021.<sup>35</sup> In Luhansk region, the registration of births in non-government-controlled areas fell by about 45 per cent from 2019 (2,549) to 2020 (1,429), with 950 registered in the first eight months of 2021. The lack of a birth certificate issued by the Government of Ukraine puts children born in non-government-controlled areas at risk of being stateless and could preclude children and parents from access to a number of legal rights, such as acquiring a passport, establishing parenthood and guardianship rights, and accessing education, healthcare or state child support.

### **Access to education**

As diplomas and certificates issued in non-government-controlled areas are not recognized in government-controlled areas, some parents send their children to educational facilities in government-controlled areas. As noted in the Mission's July 2020 report on children's access to education, students from non-government-controlled areas either cross the contact line to attend class or engage in distance learning programmes with schools in government-controlled areas.<sup>36</sup> During the reporting period, 15 people (eight women and seven men) told the SMM that the freedom of movement restrictions were impacting their

children's access to education. For example, on 18 May 2021, a man (age unknown) told the Mission over the phone that his granddaughter who lives in non-government-controlled Khrustalnyi (formerly Krasnyi Luch), Luhansk region, was planning to study at a university in government-controlled areas. However, he noted that it would be extremely difficult for her to achieve that goal and for them to be able to support her considering the restrictions on crossing the contact line.

The SMM was told that residents of non-government-controlled areas received information about how to take part in government-led education programmes online, and how to cross the contact line to government-controlled areas for educational purposes, such as to sit for exams. In July 2021, the Government of Ukraine took measures to ease access to education by exempting people under the age of 18 (previously it was 12) from the "Act at Home" application requirement, including for students attending university admission examinations, and those preparing for admission to state higher education institutions in government-controlled areas.<sup>37</sup> In addition, one parent or legal representative accompanying them was also exempted from the requirement.

In June 2021, the armed formations in non-government-controlled Donetsk region lifted the requirement for children between 14 and 16 years old to obtain a "passport" issued by those in control in order to be able to cross the contact line. However, those above the age of 16 are still required to obtain such a "passport", thus affecting their ability to cross to government-controlled areas for education purposes.

<sup>35</sup> As communicated by the Ministry of Justice of Ukraine, 21 September 2021.

<sup>36</sup> See SMM thematic report, *"Impact of the conflict on educational facilities and children's access to education in eastern Ukraine"*, July 2020.

<sup>37</sup> CMU Resolution No. 787 "On Amendments to CMU Resolution No. 1236 of 9 December 2020" of 28 July 2021.



## CHAPTER 3: CONDITIONS AT THE CROSSING POINTS AND AVAILABLE FACILITIES

In addition to the complex crossing requirements, the journey across the contact line remains a tiresome undertaking in an unpredictable security environment. This chapter will provide an overview of the conditions faced by civilians at the crossing points, including the security situation, the availability of medical facilities and services fundamental for the safe and dignified crossings of civilians. The section also gives an overview of available infrastructure at the two potential crossing points near Zolote and Shchastia.

### 3.1 Security risks when crossing the contact line

Despite the agreement reached at a meeting of the Trilateral Contact Group (TCG) on 22 July 2020 regarding measures to strengthen the ceasefire, which entered into force on 27 July 2020, the SMM recorded ceasefire violations in both Donetsk and Luhansk regions during the reporting period, including nearly

7,000 ceasefire violations within a 5km radius of the crossing points. Of these, 469 ceasefire violations (including 100 explosions) were within a 5km radius of the crossing points near Novotroitske-Olenivka and Stanytsia Luhanska,<sup>38</sup> the two crossing points where civilians are able to cross the contact line, and 6,500 ceasefire violations (including 816 explosions) were within a 5km radius of the crossing points near Maiorsk-Horlivka, Marinka-Kreminets and Hnutove-Verkh-noshyrokiyske through which civilians have not been able to cross in the reporting period.

Additionally, the security situation has deteriorated in and near the disengagement area near Zolote, which is the location of one of the two new crossing points agreed to in July 2020.<sup>39</sup> Once operational, this would be the first vehicular crossing route in Luhansk region. However, since summer 2021 in particular, the area has been one of the main hotspots along the contact line.

The SMM continued to observe the presence of mines, unexploded ordnance (UXO), and other explosive objects within 300 metres of the crossing points. This is despite the explicit mentioning of crossing points in the commitments contained in Article 6 of the 2014 Memorandum<sup>40</sup> to prohibit the installation or laying of mines in a 30km-wide security zone around the contact line and in the Trilateral Contact Group's Decision on Mine Action of 3 March 2016.<sup>41</sup> During the reporting period, the Mission observed hundreds of mines and mine



*A red mine sign located just behind a pipe providing drinking water near the EECP near government-controlled Stanytsia Luhanska, Luhansk region, June 2021.*

<sup>38</sup> Between 16 November 2020 and 30 September 2021, the Mission recorded 382 ceasefire violations at Novotroitske-Olenivka, including 89 explosions, and 87 at Stanytsia Luhanska, including 11 explosions.

<sup>39</sup> OSCE, *Press statement of Special Representative of the OSCE Chairperson-in-Office Heidi Grau after the regular meeting of the Trilateral Contact Group*, 22 July 2020.

<sup>40</sup> Article 6 of the memorandum issued in September 2014 on the *Implementation of the Provisions of the Protocol on the results of Consultations of the Trilateral Contact Group* includes: "Prohibition of the installation or laying of mines within the boundaries of the Safety Zone. All mines previously installed or laid in the Safety Zone must be removed."

<sup>41</sup> On 3 March 2016 as per the TCG decision on Mine Action, the sides agreed to mark and fence off areas to be cleared of mines and to facilitate the provision of mine risk education to civilians.

signs at the four crossing points in Donetsk region. However, the SMM has not been requested to facilitate and monitor adherence to localized ceasefires for any activities related to the demining, fencing-off or marking of explosive objects in the vicinity of the crossing points during the reporting period.

The continued presence of these objects endangers the lives of people crossing the contact line and civilians staying overnight at or near the crossing points, as well as of those living and working nearby. Although the SMM has not corroborated any civilian casualties in the vicinity of the crossing points during the reporting period, the Mission has reported on the deaths and injuries of civilians in previous reporting products.<sup>42</sup>

### **3.2 Facilities at the crossing points**

#### ***Medical facilities at the crossing points***

Crossing the contact line can be exhausting for civilians, in particular for the elderly and persons with disabilities. Over the years, the Mission has reported numerous instances of people dying, fainting, falling down and requiring medical treatment in the vicinity of the crossing points. During the reporting period, on 12 December 2020, a man in his eighties died due to a heart attack at the EECP near Stanytsia Luhanska. In July 2021, the Mission saw a man and a woman in their forties receive medical care after collapsing near the corresponding checkpoint of the armed formations south of the Stanytsia Luhanska bridge.

As reported in the Mission's 2019 report, some form of medical assistance is available at all five EECPs and corresponding checkpoints, where civilians have access to primary care. However, in emergency cases, the only stationary ambulances available are on both sides of the crossing point near Stanytsia Luhanska.<sup>43</sup> The corridor between the EECPs and the corresponding checkpoints remains of critical concern, as civilians have to make their own way or be transported to the nearest checkpoint by other travellers in order to receive medical assistance in the event of physical injuries or medical emergencies. However, it should be noted that currently only two of the five originally operational crossing points are fully open for civilians to cross.

#### ***Shelter and sanitation***

At the four EECPs in Donetsk region, the Mission observed the installation of several canopies to protect people from adverse weather conditions as well as a separate ventilated processing area for pedestrians, with storage space for luggage. Tents run by the State Emergency Services of Ukraine (SESU) are available at all four EECPs and are mainly used by civilians who are forced to stay overnight if they are unable to cross during working hours of the crossing points or have been denied crossing for any reason. Civilians, however, raised concerns about a lack of benches for those waiting to cross at the Novotroitske EECP and the lack of potable water and shelter where people queue to be processed before reaching the corresponding Olenivka checkpoint.

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<sup>42</sup> As noted in the [Mission's November 2020 report on civilian casualties](#), between January 2017 and 15 September 2020, 17 civilians (seven men and ten women) have been killed or injured due to mines, UXO and other explosive objects at the EECPs near government-controlled Novotroitske and Maiorsk and the corresponding checkpoints of the armed formations near non-government-controlled Olenivka and Horlivka, Donetsk region, as well as at other checkpoints; or while trying to use informal routes to cross the contact line.

<sup>43</sup> In case of an emergency at the crossing point near Novotroitske, an ambulance would need to drive around 20km from government-controlled Volnovakha. If an incident occurs at the corresponding checkpoint of the armed formations near Olenivka, an outpatient ambulatory care centre is located in the settlement itself or an ambulance can arrive from Dokuchaievsk about 14km away.

In Luhansk region, the EECP is equipped with a canopy as well as an indoor heated area maintained by an international organization where civilians can rest.<sup>44</sup> At the corresponding checkpoint of the armed formations south of the Stanytsia Luhanska bridge, the Mission observed that an overhead covering was only available for those exiting non-government-controlled areas. The Mission also observed an indoor area maintained with the support of an international organization, where people can rest before exiting non-government-controlled areas.

During the reporting period, the SMM noted that toilet facilities were available in the processing and waiting areas at all five EECPs and corresponding checkpoints of the armed formations. However, several civilians at the EECP near Stanytsia Luhanska informed the Mission that some of these facilities were not well maintained.<sup>45</sup> On several occasions, the SMM observed that people instead choose to walk a short distance away from the road to relieve themselves behind bushes located on soft ground, despite the risk of mines and unexploded ordnance.

Furthermore, in September 2021, the SMM noted that the booths that were previously used at the EECP to process the documents of crossing civilians have been replaced by a large single structure with walls and a roof where civilians undergo the crossing procedure.

### ***Public transportation***

The Mission has noted that since the onset of the COVID-19 pandemic, access to public transportation has been limited and the fre-

quency and maximum capacity of buses reduced. This affects both people travelling to crossing points as well as those who rely on buses for transport between the EECPs and the corresponding checkpoints of the armed formations.

In Donetsk region, several people raised their concerns about the lack of public transportation from the “police” checkpoint of the armed formations near Olenivka to the “customs” checkpoint, around 400m. On several occasions during the reporting period, the SMM saw civilians without vehicles, including persons with disabilities and reduced mobility, having to traverse this 400m distance. In February 2021, two women (in their thirties and fifties, the former with hearing disabilities) near Olenivka told the Mission that prior to the COVID-19 outbreak, a local charity organization had operated transportation across the contact line once a month with a sign language translator and a specialized aid for visually-impaired people. However, this service had reportedly ended due to COVID-19.

In Luhansk region, the Mission observed that the transportation of people using two golf carts resumed in June 2020, easing the crossing process particularly for the elderly and people with disabilities.<sup>46</sup> The SMM also regularly observed porter services offering to drive people to the processing booths for a fee. However, since March 2020, the SMM has not seen the shuttle bus provided by the Ukrainian authorities, which had started operating in November 2019.

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<sup>44</sup> Outside the reporting period, in October 2021, the SMM observed large-scale construction works taking place at the EECP near Stanytsia Luhanska, including a new processing area for civilians, toilets and a waiting area with benches and solar panels where civilians can charge their phones or other equipment. The old facilities have been dismantled and removed.

<sup>45</sup> Outside the reporting period, in October 2021, new toilet facilities were constructed at the EECP near Stanytsia Luhanska.

<sup>46</sup> The golf carts are run by the NGO Proliska from the repaired section of the bridge to the EECP and back.



### **Modular administrative centres at the EECPs near Novotroitske and Shchastia**



*Modular administrative centre at the EECP near government-controlled Novotroitske, Donetsk region, October 2021*

During the reporting period, the Mission noted the establishment of two modular administrative centres at the EECPs near Shchastia and Novotroitske, which were opened on 10 November and 16 December 2020 respectively. These centres provide a common space for civilians to access administrative, medical and other services, and have sanitary facilities. The Ministry of Reintegration of the Temporarily Occupied Territories announced in December 2020 that all EECPs along the contact line will become equipped with similar modular administrative centres.<sup>47</sup> Outside of the reporting period, in October 2021, the SMM observed the beginning of construction work for a modular administrative centre at the EECP near Stanytsia Luhanska.

### **Infrastructure at the crossing points near Zolote and Shchastia**

During the reporting period, the Mission observed ongoing construction works at the crossing points near Zolote and Shchastia, including at the EECPs and the corresponding checkpoints of the armed formations.<sup>48</sup> The

SMM again observed that the EECPs near Zolote and Shchastia were open since November 2020 but the corresponding checkpoints of the armed formations south of the disengagement area near Zolote and 3km south-east of the bridge in Shchastia remained closed.

At the EECP near Zolote, the SMM observed eight processing booths, one tent operated by the SESU to enable overnight stays, sanitary facilities as well as a bomb shelter. The SMM also saw mine warning signs spread throughout the vicinity of the EECP; however, the EECP does not currently have a medical facility, ambulance station or seasonal shelter.

At the EECP near Shchastia, the SMM observed 14 processing booths, one tent operated by the SESU, a bomb shelter, as well as the aforementioned modular administrative centre. Moreover, the Mission observed toilets, including one for persons with disabilities, a medical facility together with a stationary ambulance, as well as a COVID-19 testing facility.



*Modular administrative centre at the EECP near government-controlled Shchastia, Luhansk region, October 2021*

<sup>47</sup> The Ministry of Reintegration of the Temporarily Occupied Territories, *"The Ministry of reintegration will continue to work on the opening of modular administrative centres at EECPs and the programme of compensation for destroyed housing"*, December 2020.

<sup>48</sup> For more details on the construction work at the two crossing points see the SMM thematic report, *"Checkpoints along the contact line: challenges civilians face"* December 2020 (cited above).

As the corresponding checkpoints of the armed formations remained closed during the reporting period, the Mission was not able to directly observe the availability of the services described above.

## CONCLUSION

Nearly 18 months have elapsed since the beginning of the application of crossing restrictions in March 2020. Since then, the freedom of movement of civilians has been severely hindered and the number of crossings recorded by the SBGS dropped by 95 per cent compared with pre-COVID-19 figures. The reduction of crossings is particularly drastic in Donetsk region where only 31,000 crossings were registered between November 2020 and September 2021, compared with nearly 9.36 million between November 2018 and September 2019. The reasons for this are two-fold. Firstly, civilians can only cross at two out of the five crossing points along the contact line. While all five government-controlled originally operational EECPs and the EECPs near Zolote and Shchastia are open, the armed formations have only opened checkpoints near Olenivka (on Mondays and Fridays) and south of the bridge near Stanytsia Luhanska (daily).

Secondly, civilians are also affected by the complicated requirements that they have to fulfil before they are allowed to cross the contact line to visit family or access needed services. Civilians underlined the difficulties they faced due to the measures imposed on them by the armed formations. The difficulties pertained primarily to how often civilians can cross the contact line, the obligation to seek “permission” before their journey, and documents needed to prove residency. The SMM



*Corresponding checkpoint of the armed formations near non-government-controlled Vesela Hora, Luhansk region, October 2021*

heard that meeting these requirements is time-consuming, costly and frustrating and has led them to cross less frequently or, in most cases, not at all. The main hurdle civilians described in government-controlled areas relates to the lack of alternatives to the “Act at Home” application, which results in long queues due to problems downloading the application, and the cost of having a suitable smart phone. Many stressed that while entering government-controlled areas was possible, they were scared of being stranded away from home due to difficulties entering non-government-controlled areas. As a result, some civilians feel forced to travel to government-controlled areas via the Russian Federation in order to bypass the requirements at the crossing points, even though this alternative route is longer, more expensive and can result in them being fined.

Civilians told the SMM that the prolonged separation from their loved ones and communities has made them feel isolated and disconnected. They also underlined its impact on their access to healthcare, education and obtaining necessary documents, including postponing crucial medical treatments or fearing that their study opportunities would be curtailed. The SMM also heard that the restrictions have negatively affected peoples’ economic security, as some people have lost their livelihoods or their means to sustain themselves. Elderly civilians residing in non-

government-controlled areas protested that their restricted freedom of movement has hindered their access to essential pension payments.

It is fundamental that civilian freedom of movement at the crossing points is neither curtailed nor politicized. With all EECPs opened since March 2020, the opening of all corresponding checkpoints by those in control in non-government-controlled areas, including those near Zolote and Shchastia is long overdue. Furthermore, it is vital that crossing restrictions currently in place are lifted by all, in order to alleviate the excessive burden civilians face to cross the contact line. Civilians should be able to move freely without being restricted, and without having their freedom of movement made conditional upon certain humanitarian grounds. While some progress has been made, further steps are also needed

to ensure citizens can exercise their human rights wherever they reside in Ukraine, including access to pension payments and documentation.

The continued severe restrictions on civilian freedom of movement in Donetsk and Luhansk regions have grave consequences on the day-to-day-life of people residing on both sides of the contact line as well as their access to their rights and freedoms. It is imperative that steps are taken to enable crossings of all those who wish to cross and to avoid further prolonging the division of people in Ukraine. This separation is threatening to strain the links between people and communities on either side of the contact line, thereby risking to further undermine social cohesion in Ukraine, with potential impact on prospects to reduce tensions and promote normalization in the long term.