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THEMATIC REPORT

CHECKPOINTS ALONG THE CONTACT LINE: CHALLENGES CIVILIANS FACE WHEN CROSSING

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EXECUTIVE SUMMARY

Crucial aspects of the lives of civilians in the conflict-affected areas of eastern Ukraine depend on their ability to cross the contact line. In 2020, the freedom of movement of civilians in this regard remains a key concern for the OSCE Special Monitoring Mission to Ukraine (SMM), as detailed below. This report covers the period from 1 November 2019 to 15 November 2020 and notes new procedures in place, including in the context of the COVID-19 pandemic. This report is a follow-up to the SMM's November 2019 thematic report on the reasons civilians cross the contact line and the challenges they face at the government-controlled entry-exit checkpoints (EECP) and the corresponding checkpoints of the armed formations.

New restrictions in 2020

As noted in the 2019 report, the journey across the contact line is difficult, time-consuming and often dangerous. Since 2015, civilians have only been able to cross the nearly 500km-long contact line at five crossing points, which are comprised of a government-controlled EECP and a corresponding checkpoint of the armed formations. The restrictions imposed by the sides at the EECPs and at the corresponding checkpoints in March 2020, following the onset of the COVID-19 pandemic, have severely limited the freedom of movement of civilians and have made their journey across the contact line even more arduous. Since March, the number of civilian crossings has dropped by over 90 per cent.

The restrictions at the crossing points have severely limited the ability of civilians to see family or care for sick and elderly relatives, and to access essential services such as those related to healthcare and education. The partial closures have also resulted in the loss of livelihood for many of those who formerly crossed the contact line to earn a living, while hundreds of thousands of elderly civilians have been unable to receive their pensions in government-controlled areas.

From June 2020 onwards, there was limited access for civilians at some crossing points; however, the re-opening of the EECPs and of the corresponding checkpoints of the armed formations was not synchronised, and civilians were given little notice in advance. This at times resulted in civilians being stranded on either side of the contact line or between crossing installations of the sides.

At the time of writing, civilians could cross the contact line at only two crossing points. While all the EECPs on the government-controlled side were operational, on the non-government controlled side, only the corresponding checkpoints of the armed formations near Stanytsia Luhanska in Luhansk region and near Olenivka in Donetsk region were open (the latter only two days per week).

Between April and November, the Mission received nearly 1,300 requests from civilians asking for assistance in crossing the contact line. In more than 50 per cent of these cases, civilians needed to cross the contact line in order to re-unite with family members or return to their place of residence. Other reasons for crossing included the need for medical care, the death or serious illness of a close relative and the need to return to their place of employment. The Mission referred these cases to humanitarian organizations for assistance.

Key facts

- Between March and September 2020, the State Border Guard Service of Ukraine reported just over 800,000 crossings compared to nearly 8.5 million reported in the corresponding period in 2019, constituting more than a 90 per cent decrease.
- Hundreds of thousands of civilians are separated from family and cut off from their livelihood, pensions, medical care and other services.
- Civilians have had to spend the night at the EECPs and the corresponding checkpoints in numerous instances due to lack of information and unsynchronised openings.
- Between April and November 2020, the SMM received 1,284 requests from civilians needing to cross the contact line, mostly on humanitarian grounds.

Common understanding on additional crossing points

Following the agreement reached at the 9 December 2019 Normandy Four Summit in Paris to open new crossing points along the contact line, on 22 April 2020, the participants of the Trilateral Contact Group (TCG) reached a common understanding of the roadmap for simultaneous opening of two additional crossing points. On 23 July, following another meeting of the TCG, the Special Representative of the OSCE Chairperson-in-Office in Ukraine and in the TCG noted in a press statement that the sides had reconfirmed their readiness to open the Shchastia and Zolote crossing points in Luhansk region, simultaneously, no later than 10 November.

On 10 November, the SMM observed that the Shchastia and Zolote EECPs were open to civilians; however, the corresponding checkpoints of the armed formations remained closed. Thus, at the time of writing, civilians could not cross the contact line via these two crossing points.

Key dates in 2020

- 22 March: All five government-controlled EECPs along the contact line are closed.
- 21 March: All four corresponding checkpoints of the armed formations in Donetsk region are closed.
- 23 March: The corresponding checkpoint of the armed formations near Stanytsia Luhanska, Luhansk region is closed.
- 10 June: The EECPs near Stanytsia Luhanska and Marinka are reopened, but the corresponding checkpoints of the armed formations remain closed.
- 19 June: Those in control of the checkpoint at Stanytsia Luhanska open it, allowing civilians to cross the contact line in both directions.
- 22 June: The Novotroitske EECP and the armed formations checkpoint near Olenivka, which corresponds to it, are open, allowing civilians to cross; however, the corresponding checkpoint near Olenivka is closed on 28 June.
- 7 July: The corresponding checkpoint near Olenivka is opened, allowing civilians to cross in both directions, and as of 13 July is open every Monday and Friday.
- 22 July: The sides agree to open the crossing points near Shchastia and Zolote no later than 10 November.
- 10 November: The SMM observes that the Shchastia and Zolote EECPs are open but the corresponding checkpoints are closed. Civilians cannot cross at these two crossing points.

Government controlled entry-exit checkpoints (EECPs) and corresponding checkpoints of the armed formations

-  Pedestrian access only
-  Pedestrian and vehicle access
-  Government-controlled entry-exit checkpoints (GCA)
-  Checkpoints of the armed formations
-  Estimated line of contact
-  Settlement
-  Regional boundary
-  National boundary



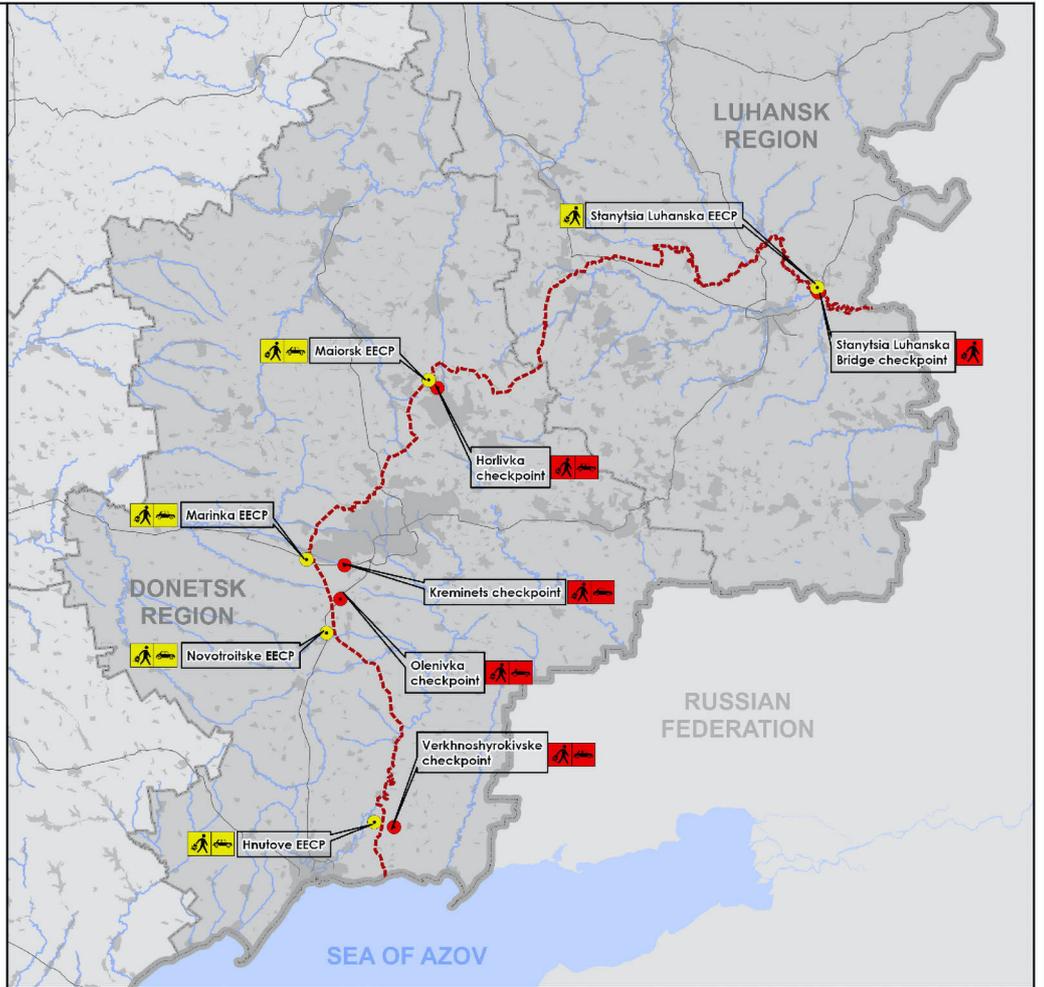
Sources: administrative boundaries - OCHA; roads, rivers - OpenStreetMap; sea - VLIZ (2005); IHO sea areas; other - OSCE.

Coordinate system: WGS 1984 UTM Zone 37N

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INTRODUCTION

Many important aspects of the lives of civilians in the conflict-affected areas of eastern Ukraine depend on the ability to cross the contact line. Since 2015, civilians have only been able to cross the nearly 500km-long contact line at five crossing points, which are comprised of a government-controlled EECP and a corresponding check-point of the armed formations, hereafter referred to as a corresponding checkpoint or checkpoint. The five EECPs are the government-controlled Stanytsia Luhanska pedestrian EECP in Luhansk region and the four vehicular and pedestrian EECPs near government-controlled Maiorsk, Marinka, Novotroitske and Hnutove, all in Donetsk region (see map on previous page).¹ At the time of writing, two further EECPs, near Zolote and Shchastia, had opened; however, civilians had not been able to cross the contact line at those locations, as the corresponding checkpoints had not opened.

Over the last six years, crossing limitations along the contact line in Donetsk and Luhansk regions have disrupted the connection between communities on both sides of the contact line. The restrictions enacted by the sides since March 2020, in the wake of the COVID-19 pandemic, have further reduced the ability of civilians to cross. At the time of writing, civilians could only cross the contact line in two locations, near Stanytsia Luhanska, Luhansk region, and near Novotroitske and Olenivka, Donetsk region.

Between 2016 and 2019, the number of crossings registered by the State Border Guard Service of Ukraine (SBGS), increased every year.² Nearly 8.5 million crossings were reported between March and September 2019. During the same period in 2020, this number dropped to 800,000, representing a decrease of over 90 per cent.

The restrictions imposed by the sides have had a significant impact on the lives of the civilian population on both sides of the contact line, as the ability to cross in both directions is vital. Civilians cross the contact line in both directions for a variety of reasons. For example, large numbers of the elderly, the majority of whom are women, travel from non-government- to government-controlled areas to collect their pensions. Civilians also cross for employment opportunities, to visit family and friends, and to care for sick or elderly relatives. Other reasons civilians cross include the need to access other social benefits and civil documentation, as well as services such as those related to healthcare and education that may be unavailable or limited in non-government-controlled areas.

The implementation of new procedures, including those introduced as COVID-19 prevention measures, has added to the burden of civilians trying to cross the contact line (see Chapter 2). A lack of clarity around these new procedures, their uneven application and the absence of timely and accessible communication about them have meant that civilians have not been able to cross, had to turn back or were forced to spend the night at the EECPs or the corresponding checkpoints in hazardous conditions. Moreover, some provisions of the procedures have caused concern from a human rights perspective (see Chapter 2).

This report is a follow-up to the Mission's November 2019 thematic report *Checkpoints along the contact line: reasons why civilians cross and the challenges they face* and covers the period from 1 November 2019 to 15 November 2020. Chapter 1 of the report presents legislative and regulatory developments in chronological order, Chapter 2 describes the impact of freedom of movement restrictions and COVID-19 preventive measures on civilians, and Chapter 3 focuses on infrastructure development at EECPs and at corresponding checkpoints in Luhansk region. The report particularly highlights the impact of COVID-19-related restrictions on the lives of civilians crossing the contact line.

¹ For a more detailed discussion of the establishment of the EECPs and corresponding checkpoints, see the SMM's November 2019 thematic report *Checkpoints along the contact line: reasons why civilians cross and the challenges they face* (<https://www.osce.org/files/f/documents/e/2/440504.pdf>).

² Number of crossings at all five EECPs according to data from the SBGS: 8.56 million (2016), 11.84 million (2017), 13.62 million (2018) and 13.93 million (2019).

The findings in this report are based on regular monitoring by the SMM through direct observations, technical monitoring means such as unmanned aerial vehicles and interviews with civilians and other interlocutors.

CHAPTER 1:

LEGISLATIVE AND REGULATORY DEVELOPMENTS³

At the beginning of March, with the onset of the COVID-19 pandemic, the SMM began to observe SBGS personnel and also members of the armed formations wearing masks and gloves, and measuring the temperature of civilians crossing the contact line. By 23 March, both the EECPs and the corresponding checkpoints in Donetsk and Luhansk regions had been closed to civilian traffic, with little advance notice. While occasional crossings did take place on humanitarian grounds, civilians were effectively cut off from family and services, and in some cases were stranded on one side or the other.

Over the summer, the EECPs and the corresponding checkpoints partially reopened. At the time of writing, as noted above, civilians could cross the contact line at two crossing points, near Stanytsia Luhanska and Novotroitske; however, civilians could cross at Novotroitske only twice per week, as the checkpoint of the armed formations near Olenivka, which corresponds to the Novotroitske EECF (see map on page 6), was only open on Mondays and Fridays. This chapter details the regulatory developments following the onset of the COVID-19 pandemic since March, as well as other changes in the preceding months.

Measures taken at the EECFs and at the corresponding checkpoints amid the COVID-19 outbreak (16 March to 10 June 2020)

In the context of the COVID-19 outbreak, the Ukrainian Joint Forces Operation (JFO) announced temporary restrictions at all EECFs from 16 March to 3 April, limiting entry into government-controlled areas to people with permanent registration in those areas, as well as foreigners and stateless persons. Exit was allowed only for those residing in non-government-controlled areas.⁴ Some civilians in non-government-controlled areas told the SMM that these new

restrictions had meant they could no longer attend work or visit family, as they did not have permanent registration in government-controlled areas. Families were also separated because some people were not allowed to leave government-controlled areas, while their spouses and children were. In the same period, the armed formations in non-government-controlled areas of Donetsk and Luhansk regions also introduced measures to limit those with respiratory-related COVID-19 symptoms from entering those areas.

On 22 March, the JFO closed all five EECFs along the contact line,⁵ allowing civilians to cross only in exceptional cases on humanitarian grounds. Those in control closed the corresponding checkpoints in Donetsk and Luhansk regions on 21 and 23 March, respectively. The closure of both the EECFs and the corresponding checkpoints occurred without advance notice, leaving people stranded on both sides of the contact line. In March, several people residing in non-government-controlled areas told the Mission that they had no access to information about the new measures at the crossing points.

After the closure of the EECF near Stanytsia Luhanska in Luhansk region, civilians were able to cross the contact line only after being placed on lists prepared on both sides of the contact line for humanitarian reasons, such as family reunion or medical needs. Between 28 March and 6 June, the SMM observed eight such humanitarian crossings across the Stanytsia Luhanska bridge, which enabled the movement of 265 people across the contact line in both directions. The majority of these civilians were women and also included children and people with disabilities. The procedures and criteria for being placed on the list were vague, and there was a lack of publicly available information, so civilians did not know whom to approach for assistance in government- or non-government-controlled areas. During

³ For a more detailed discussion of the establishment of the EECFs and corresponding checkpoints, see the SMM's thematic report *Checkpoints along the contact line: reasons why civilians cross and the challenges they face*, November 2019, (<https://www.osce.org/files/f/1/documents/e/2/440504.pdf>).

⁴ JFO Commander Order No 207, 15 March 2020. *On Temporary Restrictions on Crossing the Line of Contact*.

⁵ JFO Commander Order, 22 March 2020. *On the Complete Termination of Crossing for an Indefinite Period*.

this same period, the Mission did not observe similar crossings in Donetsk region.

The SMM observed low numbers of crossings in March and no crossings in April and May, other than the crossings mentioned above. Figures reported by the SBGS showed a nearly 50 per cent decrease in

the number of crossings in March compared to March 2019 (see Figure 1), and no crossings at all in April and May (SBGS data does not include the abovementioned crossings permitted on humanitarian grounds). By contrast, in 2019, more than one million crossings took place in each of those two months.

Figure 1: Civilian crossings January to May, 2019 and 2020

	2020		2019	
	Donetsk	Luhansk	Donetsk	Luhansk
January	776,000	294,000	729,000	251,000
February	706,000	273,000	711,000	249,000
March	121,000	179,000	855,000	294,000
April	0	0	818,000	284,000
May	0	0	901,000	307,000

Regulatory developments following the partial reopening of the EECPs and of the corresponding checkpoints (10 June to 15 November 2020)

On 10 June, after being closed for 80 days, the EECPs near Stanytsia Luhanska and Marinka were reopened for a limited number of hours daily; however, the corresponding checkpoints of the armed formations near the Stanytsia Luhanska bridge and near Kremynets remained closed. Some exceptions were made at the checkpoint of the armed formations near the Stanytsia Luhanska bridge, where five humanitarian crossings in both directions took place between 10 and 18 June, allowing around 630 civilians to cross the contact line. From 19 June onwards, the corresponding checkpoint of the armed formations near the Stanytsia Luhanska bridge has been open regularly, allowing civilians to cross (see crossing requirements below) in both directions on a daily basis.

In Donetsk region, both the Novotroitske EECP and the corresponding checkpoint of the armed formations near Olenivka reopened on 22 June for humanitarian crossings, allowing 420 people to cross in both directions.

On 28 June, operations at the corresponding checkpoint near Olenivka were again fully suspended until 7 July, while the Novotroitske EECP remained operational. Since 13 July, the corresponding checkpoint near Olenivka has been operational on Mondays and Fridays, enabling civilians to cross the contact line in Donetsk region on these days.

On 13 October, the Cabinet of Ministers of Ukraine announced that the Stanytsia Luhanska EECP would be closed to civilians from 15 to 31 October, in line with COVID-19 prevention measures, and civilians would only be allowed to cross in exceptional circumstances on humanitarian grounds.^{6,7} The Cabinet of Ministers later extended the closure from 31 October to 15 November;⁸ however, on 8 November, the JFO posted a notification on their Facebook

⁶ Cabinet of Ministers of Ukraine. 2020. Cabinet of Ministers of Ukraine – Passage of civilians through EECP “Stanytsia Luhanska” will be temporarily suspended from 15 October [online] Available at: <https://www.kmu.gov.ua/news/z-15-zhovtnya-timchasovo-privynavetsya-propusk-osib-cherez-kpvy-stanicya-luganska> [Accessed 29 November 2020].

⁷ The Stanytsia Luhanska EECP was also closed from 1 to 4 October due to the wildfires in Luhansk region.

⁸ Cabinet of Ministers of Ukraine. 2020. Temporary suspension of passage of civilians through EECP “Stanytsia Luhanska” has been extended until 15 November inclusively. [online] Available at: <https://www.kmu.gov.ua/news/timchasove-privynennya-propusku-osib-cherez-kpvy-stanicya-luganska-prodovzhenno-do-15-listopada-vklyuchno> [Accessed 29 November 2020].

page stating that all EECPs in Donetsk and Luhansk regions would be open to civilians starting from 10 November.⁹ Between 10 and 15 November, the SMM observed that all EECPs were open; however, the corresponding checkpoints remained closed, with the exception of the ones near Stanytsia Luhanska and Olenivka, as noted above.¹⁰ Among the EECPs that were opened were two new EECPs near Zolote and Shchastia, but the checkpoints of the armed formations that correspond to those two EECPs were not open to civilian crossings (for a more detailed discussion of these two crossing points, see Chapter 3 below).

Between June and September, the SMM observed a significant reduction in pedestrian traffic at the Stanytsia Luhanska EECP. Compared to the observed levels of traffic in the previous year, SBGS figures indicate a 97 per cent drop.¹¹ Between June and September, 200,000 crossings took place through the EECP near Stanytsia Luhanska and 11,000 crossings through the one near Novotroitske, compared to nearly 1.3 million crossing in Luhansk region and more than 3.6 million between June and September 2019 across all four crossing points in Donetsk region (see Figure 2).

Crossing requirements at the EECPs in Donetsk and Luhansk regions

When the Ukrainian authorities reopened the EECPs in June, they introduced several new measures to mitigate the spread of COVID-19. Civilians entering government-controlled areas were required to download a self-isolation tracking application called “Act at Home” on their smartphones. The application ensured that those entering government-controlled areas complied with the required 14-day self-isolation period at their place of residence.¹² Alternatively, civilians without the application could quarantine at a designated medical facility. In Donetsk region, civilians were able to quarantine at a medical facility in Hostre, located around 30km north-west of the Novotroitske EECP. In Luhansk region, the medical quarantine option was available only until August, as, according to members of the SBGS at the Stanytsia Luhanska EECP, the medical facilities for such a quarantine had reached their maximum capacity. These measures did not apply to students and their parents and guardians traveling across the contact line to apply to universities in government-controlled areas. Civilians were also given the option to take a COVID-19 test and come out of self-isolation if they tested negative. As of 13 June, foreigners and stateless persons entering government-controlled areas are also required to have an insurance policy covering any expenses tied to the treatment of COVID-19 valid for the duration of their stay on the government-controlled side.¹³

Figure 2: Civilian crossings June to September, 2019 and 2020

	2020		2019	
	Donetsk	Luhansk	Donetsk	Luhansk
June	3,000	11,000	884,000	306,000
July	2,000	28,000	953,000	344,000
August	3,000	78,000	968,000	320,000
September	3,000	82,000	869,000	315,000
Total	11,000	199,000	3,674,000	1,285,000

⁹ JFO Facebook page, 8 November 2020, [online] Available at: <https://www.facebook.com/pressifo.news/posts/994017734424176> [Accessed 29 November 2020].

¹⁰ See SMM daily reports of 11 November and of 12 November 2020.

¹¹ All five EECPs in Donetsk and Luhansk regions closed on 22 March, and corresponding checkpoints of the armed formations closed on 21 and 23 March, respectively, due to COVID-19.

¹² If a person does not comply with the self-isolation regime, a fine of UAH 17,000 will be imposed by police.

¹³ Cabinet of Ministers Decree No. 480, 12 June 2020, *On amendments to some acts of the Cabinet of Ministers of Ukraine*.

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

Non-government-controlled areas of Donetsk region

In Donetsk region, on 21 June, the armed formations amended their “regulations”. To travel to non-government-controlled areas, people needed to apply to those in control in order to be put on crossing lists and then quarantine at designated medical facilities. Civilians could ask to be put on the list for the following reasons: to access medical treatment, to study, to get to work, to take care of close relatives or to reunite with one’s family. As of 14 September, civilians could instead take a COVID-19 test for a fee of around EUR 20.¹⁴ When traveling towards government-controlled areas, civilians have to show proof of permanent residency in government-controlled areas to members of the armed formations at the corresponding checkpoint near Olenivka. Civilians possessing temporary registration in government-controlled areas have not been allowed to cross, while civilians leaving non-government-controlled areas have had to sign a waiver stating that they will not return until the epidemiological situation has improved.

Non-government-controlled areas of Luhansk region

As of 19 June, those in control started to allow people to cross the corresponding checkpoint near Stanytsia Luhanska in both directions, albeit under certain conditions, as per “regulations” introduced on 18 June. To travel to non-government-controlled areas, civilians had to provide proof of residence in non-government-controlled areas of Luhansk region, and they had to self-isolate for 14 days upon arrival. Those who cannot prove their place of residence have to apply to those in control to cross on specific humanitarian grounds, including for medical treatment, educational purposes, to look after a sick relative or to attend a relative’s funeral. From 25 September onwards, those in control imposed additional restrictions limiting the number of times that

people who live in non-government-controlled areas can make a return journey across the contact line to once per month. On 22 October, this “regulation” was amended again by those in control to allow civilians to cross the contact line more often than once per month if they obtain permission from the “emergency sanitary and anti-epidemiological commission”.

Other developments

Ukrainian regulations on the movement of people and goods across the contact line

During the reporting period, the Government of Ukraine enacted a series of regulations aimed at providing clarity for civilians crossing the contact line. Some aspects of the regulations, however, imply impediments for certain groups of civilians. On 28 November 2019, Cabinet of Ministers of Ukraine Decree No. 815¹⁵ came into force, replacing Temporary Order No. 222 from April 2017. Among other provisions, the new decree regulates the crossing of civilians into government-controlled areas, especially in the absence of valid Ukrainian documents, and provides more detailed information on procedures and documents required for minors under 14 years. According to a provision in the new order, children from 14 to 16 years of age are now required to hold a Ukrainian domestic passport or a passport to travel abroad in order to cross the contact line, while previously birth certificates had been enough to cross.¹⁶ (Entry into force of this particular provision was first postponed until 1 May 2020; it is now due to be applied by 1 May 2021).¹⁷ The same decree introduced impediments to civilians wishing to exit government-controlled areas if they have financial liabilities (alimony, credits to banks, fines, outstanding tax payments, etc.) in the Debtors’ Register.¹⁸

Also, in November 2019, Order No. 92 entered into force, which listed the goods that civilians were not

¹⁴ See SMM daily report of 15 September 2020.

¹⁵ Cabinet of Ministers of Ukraine Decree, No. 815, 17 July 2019, On Entry of Persons, Movement of Goods to Temporarily Occupied Territories in Donetsk and Luhansk Regions and Departure of Persons, Movement of Goods from such Territories.

¹⁶ According to para. seven of point six of the Cabinet of Ministers of Ukraine Decree, No. 815, 17 July 2019, those residing in non-government-controlled areas who do not possess a Ukrainian passport (an ID or a passport for traveling abroad) for different reasons may leave non-government-controlled areas with any document they have for the purpose of approaching the State Migration Service (SMS) for issuance of an identity document. They may return to non-government-controlled areas across the contact line upon showing a certificate issued by a department of the SMS confirming the application for an ID or passport for traveling abroad.

¹⁷ Cabinet of Ministers of Ukraine Resolution, No. 62, 29 January 2020, some issues of entry/exit of Ukrainian citizens to the temporarily occupied territories in Donetsk and Luhansk regions (with amendments)

¹⁸ Protection Cluster Ukraine “Protection Concerns”, December 2019 to January 2020; Available at: https://www.humanitarianresponse.info/sites/www.humanitarianresponse.info/files/documents/files/2020_01_protection_cluster_factsheet_eng.pdf [Accessed 29 November 2020].

allowed to take across the contact line.¹⁹ This list replaced a previous list of allowed goods, which had resulted in serious delays and disproportionate restrictions. This order also specified the maximum amount of cash civilians were allowed to transport across the contact line, allowing no more than UAH 50,000 or the equivalent in foreign currency from non-government- to government-controlled areas. In addition, the order introduced limits for the transportation of goods²⁰ from non-government- to government-controlled areas, while imposing no limits on the transfer of goods in the opposite direction. In July 2020, Order No. 52²¹ was adopted, replacing order No. 92, and, among other changes, increased the amount of money civilians can transport from government- to non-government-controlled areas from UAH 20,000 to UAH 50,000 or the equivalent in foreign currency.

During the reporting period, the SMM interviewed hundreds of civilians (60 per cent men and 40 per cent women) in both government- and non-government-controlled areas near the EECs and the corresponding checkpoints. Around two-thirds of those interviewed were aware of the new regulations. Some said they complicated the acquisition of children's goods and medicines, as these cannot be easily found in non-government-controlled areas. Around one-third of those interviewed, mostly elderly people, said that the regulations limited the amount of vegetables they could transfer to government-controlled areas to support their relatives.

Humanitarian workers providing legal aid to those crossing the contact line highlighted the challenges civilians encounter related to Decree No. 815's provision about debtors. Representatives of the SBGS at the EECs have access to a database of debtors and can prevent civilians listed in it from leaving government-controlled areas; however, the database is

not regularly updated, and civilians risk being prevented from leaving even if they have cleared their debts. In January, international organizations identified more than 30 cases of civilians who were not allowed to cross from government- to non-government-controlled areas for being on the Debtors' Register.²²

Measures pertaining to the transfer of goods across the contact line in non-government-controlled areas of Luhansk region

On 29 September, the armed formations in Luhansk region issued new "regulations" on the carrying of goods and cash across the contact line. Civilians are now allowed to carry personal belongings valued at no more than UAH 9,500 and not exceeding 75kg per person (no more than 2kg per item of food and two units of each non-food item) to non-government-controlled areas, with no limitation on transfers in the opposite direction. Civilians can transport up to UAH 47,500 from government- to non-government-controlled areas and around UAH 28,500 in the opposite direction without supporting documents. The "regulation" also specifies that a person crossing the contact line cannot carry more than three bankcards that do not belong to them, and individuals can move personal goods across the contact line only once a day in one direction.

The SMM spoke with several civilians who said that they were aware of the "regulation" but not the details. All of them stated that they never had any problem, as they did not take much luggage when they crossed the contact line, and carried only one bank card, but some of them had seen several people encountering difficulties transporting food and other goods.

¹⁹ Ministry for Veterans, Temporarily Occupied Territories and Internally Displaced Persons of Ukraine Order No. 92, 18 November 2019, On Approval of the List and Volume (Cost/Weight/Quantity) Restricted or Prohibited to Move Through the Line of Contact and to/from the Humanitarian Logistics Centres of Goods That May Be Attributing to Personal Belongings.

²⁰ Civilians are allowed to transport up to 75kg per person (food items are limited to 2kg per item, and no more than two units of each item for non-food items).

²¹ Ministry for Reintegration of Temporarily Occupied Territories Order No. 52, 14 July 2020. On Approval of the List and Volume (Cost/Weight/Quantity) Restricted or Prohibited to Move through the Line of Contact and to/from the Humanitarian Logistics Centres of Goods That May Be Attributing to Personal Belongings.

²² Protection Cluster Ukraine "Protection Concerns", December 2019 to January 2020; Available at: https://www.humanitarianresponse.info/sites/www.humanitarianresponse.info/files/documents/files/2020_01_protection_cluster_factsheet_eng.pdf [Accessed 29 November 2020].

CHAPTER 2: IMPACT ON CIVILIANS OF THE FREEDOM OF MOVEMENT RESTRICTIONS AND OF THE CROSSING REQUIREMENTS AFTER THE PARTIAL REOPENING OF THE EECPS AND THE CORRESPONDING CHECKPOINTS

As noted in the SMM's November 2019 report, civilians cross the contact line for a variety of reasons, including, to be able to access their pensions and other social benefits, health care, civil documentation, justice and education, as well as to visit families, purchase food and access employment. The full closure of the EECPs had a severe impact on these aspects for civilians in both Donetsk and Luhansk regions, adding to the hardship civilians experience as a result of the conflict. Furthermore, the unsynchronised partial reopening of some EECPs and corresponding checkpoints of the armed formations and the constantly changing crossing conditions have added to the already difficult conditions civilians face in crossing the contact line. During the reporting period, the SMM confirmed 12 cases of civilians dying due to natural causes at the crossing points.²³ Civilians in Donetsk region have been harshly affected, in particular when they were unable to cross at any of the four crossing points in the region.

Between 6 April and 15 November, the Mission received 1,284 requests from civilians (709 from women, 462 from men, 60 from girls and 53 from boys) asking for assistance in crossing the contact line. About 80 per cent of these requests were submitted in April and May. Nearly 80 per cent were for civilians who wanted to cross the contact line at one of the four locations in Donetsk region. More than half of these requests were from women, 446 of whom said they wanted to reunite with family or return to their place of residence. In more than 90 cases, women said they needed medical assistance, while over 80 cases were of women who wanted to cross due to the death or serious illness of a close relative. Among men, the majority of requests (294) were from those who wanted to return to their place of residence and to their families, and another 44 requests were from those who wanted to cross for

medical assistance. The Mission referred these cases 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 for further action.²⁴

Impact of freedom of movement restrictions on access to rights and services

Access to pensions and social benefits

As noted in the SMM's 2019 report, large numbers of elderly civilians, the majority of whom are women, regularly cross into government-controlled areas to access pensions. These pensions are an important, and often the only, source of income for pensioners and their families. For instance, on 5 May, in non-government-controlled Ozerianivka, Holmivskiyi and Horlivka, four people (three men and one woman in their sixties) told the Mission that due to the closure of the EECPs and the corresponding checkpoints, they had been unable to collect their pensions, adding that they all relied on their pensions as the main or only source of income for their families. In August,



Checkpoint of the armed formations near the Stanytsia Luhanska bridge, November 2020

²³ Four cases (all men above 60 years of age) in November and December 2019, and eight (six men and two women above 60 years of age) between January and 15 November 2020. The main causes of death were heart attacks, strokes and cardiac arrests.

²⁴ The TCG was formed in June 2014 as a means to facilitate a diplomatic resolution to the crisis in and around Ukraine.

at the checkpoint near Olenivka, a woman (in her sixties) traveling with her 40-year-old son, who had a disability, said she had been unable to collect her pension for the last five months and had urgently needed to cross for this reason; however, she said she had not been allowed to by those in control. According to OCHA, more than 300,000 pensioners cannot access their pensions, and a further 163,000 face difficulties withdrawing cash in government-controlled areas due to the crossing restrictions.²⁵ In mid-September, in non-government-controlled Novoazovsk, Donetsk region, a woman (in her sixties), who was in tears, told the SMM that she was very frustrated about not being able to cross the contact line into government-controlled areas to collect her pension, which she needed for her survival. She suggested that the authorities place ATM machines at the EECPs so that civilians could withdraw their pensions. Between October 2019 and January 2020, the SMM observed that Ukrainian authorities had installed ATM machines at the Stanytsia Luhanska EECP.

On 17 March 2020, Law of Ukraine No. 530-IX On Amendments to Certain Legislative Acts of Ukraine Aimed at Preventing the Occurrence and Spread of the Coronavirus Disease (COVID-19) entered into force.²⁶ The law prohibits the cancelling of the validity of internally displaced peoples' (IDP) registrations on the basis of a person's long-term absence (over 60 days) from their place of temporary residence. 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 up to one additional month after the lifting of the restrictions. Following the implementation of this law, Oshchadbank prolonged the validity of the cards belonging to IDPs on several occasions, most recently until 1 March 2021.²⁷ The abovementioned law and the extension of the validity of the bank cards means that civilians in non-government-controlled areas would not have their pensions and social benefits suspended or lose their ability to withdraw funds due to their inability to cross the contact line.

Access to healthcare



Stanytsia Luhanska EECP, January 2020

Access to healthcare, including to medicine and medical facilities, was impeded by the closure of the EECPs and corresponding checkpoints. As noted above, out of 1,284 requests from civilians received by the SMM alone, 147 civilians (93 women, 44 men, six boys and four girls, mixed ages) told the Mission that they needed to cross the contact line to access medical assistance, therapy or medication for acute or chronic illnesses. Among them were many oncological patients. At least ten civilians (eight women and two men, mixed ages) told the Mission that they urgently needed to travel to government-controlled areas for cancer treatment, including for surgery. In September, the SMM spoke to a man (in his sixties), a “Chornobyl liquidator”, who said that he had sent a request to those in control in non-government-controlled areas of Donetsk region to be allowed to cross so that he could undergo chemotherapy in government-controlled areas of 1 October, but he had still not received any response.

Several civilians in non-government-controlled areas told the SMM that there was a lack of medication for cancer patients in non-government-controlled areas. On 23 April, a woman (in her fifties), who said she was undergoing chemotherapy at the oncologic dispenser in non-government-controlled Luhansk, told the Mission that she had ordered medication for her cancer treatment from Kyiv. The medication was supposed to have been delivered to the post office in government-controlled Stanytsia Luhanska, but

²⁵ OCHA, Ukraine. Analysis: Operation of crossing points in eastern Ukraine lacks a co-ordinated, systematic approach. Updated as of 10 December 2020. Available at: <https://reports.unocha.org/en/country/ukraine/card/3lHzvmlCv/> [Accessed 11 December 2020].

²⁶ Verkhovna Rada of Ukraine Law No. 530-IX, 17 March 2020, On Amendments to Certain Legislative Acts of Ukraine Aimed at Preventing the Occurrence and Spread of Coronavirus Disease (COVID-19).

²⁷ Oshchadbank.ua. 2020. Oshchadbank extended the payment cards of internally displaced persons until 1 March 2021. [online] Available at: <https://www.oschadbank.ua/ua/press-service/news/oschadbank-prodovzhiv-divu-platizhnikh-kartok-vnutrishno-peremischenikh-osib-1> [Accessed 18 December 2020].

she had been unable to retrieve it due to the closure of the EECP.

Moreover, several women told the SMM that their underage children with specific needs were unable to get treatment. For instance, on 6 May, in non-government-controlled Luhansk city, a woman (in her forties) told the Mission that her 13-year-old autistic son, who required specialized medical care in government-controlled areas every six months, had been unable to attend his upcoming medical treatment.

"I am wheelchair-bound. I went to government-controlled areas for medical treatment, but the doctors said I didn't have much time left to live. I am begging for help to cross the checkpoints and go back to Donetsk, to reunite with my family and return to my place of birth." –Elderly man requesting the SMM's assistance in crossing the contact line, June 2020

On several occasions, civilians told the Mission they could not cross the contact line to return home after receiving medical treatment and were left without shelter or money. In April, at the EECP in Stanytsia Luhanska, two men (in their fifties and sixties) told the SMM they were residents of non-government-controlled areas and could not return home after receiving medical assistance in government-controlled areas. In May, in non-government-controlled Donetsk city, a man in his sixties told the SMM that he resided in government-controlled Volodymyrivka, Donetsk region and that he had been waiting to return home since mid-April after being released from a hospital in non-government-controlled Donetsk city. He said he had neither money nor a place to stay in non-government-controlled areas and had resorted to sleeping in his car. He was able to leave Donetsk only in late June.

The limitations on crossing the contact line have also had an impact on the ability of survivors of domestic violence to access support services and shelters.

Relevant organizations working close to the contact line in eastern Ukraine told the Mission that, while they receive calls from both sides of the contact line, the current restrictions at the crossing points have meant that women living close to the contact line have difficulty accessing services and shelters.

Access to civil documentation and justice

Since 2014, civilians from non-government-controlled areas have been traveling to government-controlled areas to obtain Ukrainian documents such as civil registration documents, property-related documents, passports and IDP certificates.²⁸ Without Ukrainian documents, children can be precluded from accessing a number of legal rights, such as acquiring a passport, establishing parenthood and guardianship rights and accessing education, healthcare or child support services. The lack of death certificates also has implications for inheritance rights and for establishing familial ties.²⁹ Additionally, possessing Ukrainian government-issued documentation is important for civilians wanting to sell or buy property and for inheriting property. The lack of access to government-controlled areas may increase the risk of statelessness for children born in non-government-controlled areas of Donetsk and Luhansk regions.³⁰

The freedom of movement restrictions have also made it difficult for civilians to access administrative services to obtain Ukrainian passports. For example, in August, the SMM spoke to a 73-year-old man whose Ukrainian passport had expired. Following the closure of the crossing points in March, he had been unable to cross into government-controlled areas to renew it and asked for the SMM's assistance.

Civilians residing in non-government-controlled areas also travel to government-controlled areas to access essential judicial services provided by courts and notaries. In May 2020, the SMM received a written request from a woman who needed assistance in crossing the contact line from non-government-

²⁸ Process: In order to obtain a Ukrainian birth certificate, an applicant needs to travel with the "certificate" issued in non-government-controlled areas to any Ukrainian civil registration office in government-controlled areas. Civil registration offices then reject it, as there is no operational procedure in place to recognize the fact of births or deaths "certified" by the armed formations. The applicant must then file a claim in a court by submitting the rejection document from the civil registration office, as well as "documents" and any other supporting evidence to establish the fact of birth or death, and go to the nearest court in government-controlled areas. Once the court has validated the fact of birth, the applicant must present the new documents to the Ukrainian civil registration office, which can then issue the certificate.

²⁹ Norwegian Refugee Council, June 2018, Birth and death registration for residents of non-government controlled areas of Eastern Ukraine, Briefing note. Available at: https://www.nrc.no/globalassets/pdf/briefing-notes/ukraine/briefing-note_civil-registration.pdf [Accessed 29 November 2020].

³⁰ OSCE SMM Thematic Report, November 2019, Checkpoints along the contact line: reasons why civilians cross and the challenges they face; p.12. Available at: <https://www.osce.org/files/f/documents/e/2/440504.pdf> [Accessed 29 November, 2020].

controlled Donetsk city to government-controlled Mariupol to claim her inheritance. According to relevant legislation, the deadline was 30 May 2020; however, her inability to cross the contact line meant she would need to file an additional court claim to extend the deadline, which entailed additional costs and time.³¹ In non-government-controlled Donetsk city and Yenakiiieve, residents told the SMM that due to the closure of the EECPs and corresponding checkpoints, they could not obtain necessary documents for processes such as filing for divorce or claiming inheritance, putting them at risk of missing legal deadlines.

Furthermore, as of mid-March 2020, the provision of legal services at the EECPs³² was halted when the Centres on Provision of Free Legal Aid³³ suspended in-person consultations for civilians and began providing assistance exclusively remotely.³⁴ However, in mid-June, the legal aid centres near the Stanytsia Luhanska and the Novotroitske EECPs resumed their services and began to accept clients in person. Residents of non-government-controlled areas and IDPs are entitled to free legal assistance.

Access to education

In accordance with Cabinet of Ministers of Ukraine Decree No. 211,³⁵ educational facilities were closed as of 12 March and online distance learning began.³⁶ In non-government-controlled areas of Donetsk and Luhansk regions, schools and universities have been operating in “distance learning mode” since 18 March and 30 March, respectively. Several people reported to the Mission that internet services in remote villages on both sides of the contact line were not adequate for distance learning. Also, some universities in government-controlled areas reserved the right to conduct exams and lessons in person.

Between March and June, several students and parents approached the Mission, seeking assistance in

crossing the contact line. On 2 June, in non-government-controlled Makiivka, a woman (in her twenties) told the Mission that she had to be present at a university in Kharkiv to pass her exam in mid-June but had been unable to cross.

The SMM continued to observe that closures affected families with school-aged children. For instance, on 10 April, a resident of government-controlled Mariupol (woman in her thirties) told the SMM that on 15 March, she had brought her seven-year-old daughter to non-government-controlled Kozatske to spend the spring holidays with a grandparent. Due to the closures, she could not take her daughter back to government-controlled areas to attend school. In September, at the Novotroitske EECP, a woman traveling with her 14-year-old daughter told the Mission that she had been trying to cross into non-government-controlled areas so that the child could attend school but that her daughter had not been included on the list of those permitted to cross.

Separation of families and civilians trying to return to their place of residence

Many civilians found themselves stuck on either side of the contact line when the EECPs and corresponding checkpoints closed. The SMM has received at least 826 requests from civilians (446 from women, 293 men, 50 girls and 37 boys) seeking to re-unite with family members or return to their place of residence.

The SMM spoke with civilians who had lost their jobs as a result of the closure of the contact line, as well as with civilians residing on either side of the contact line unable to return home who had to sleep on the streets when they ran out of funds. For instance, on 27 March, at the Maiorsk EECP, a man (in his forties), who resides in a non-government-controlled area, told the SMM that his employer, located in a

³¹ During the pandemic, courts in government-controlled areas have remained operational, and, according to recent amendments to legislation, parties to a case may participate in a court hearing by videoconference using their own technical means. Some procedural deadlines for filing claims have been prolonged, but if a deadline has been missed due to quarantine, a person needs to file for restoration through a court proceeding, which is costly and time-consuming. Some hearings can be conducted without the virtual or physical attendance of parties. In such cases, the court may issue a decision to notify the parties of the outcome of the case at a later date. Notification of proceedings is another issue of concern, as the Ukrainian postal service does not operate in non-government-controlled areas. The absence of some mobile network operators in non-government-controlled areas makes the notification even more difficult.

³² Before the COVID-19 related restrictions were introduced in March 2020 in Ukraine, including EECP closure, free legal aid was provided at the EECPs by both the Centre on Provision of Free Legal Aid and non-government organizations (e.g. Norwegian Refugee Council, Right to Protection, etc.).

³³ These centres are operating within the system of the Ministry of Justice of Ukraine.

³⁴ These measures were introduced by the Order of the Coordination Centre for Legal Aid No. 128-AГ, 20 March 2020, On the Organization of Work with Citizens for the Period of Quarantine.

³⁵ Cabinet of Ministers of Ukraine Decree No. 211, 11 March 2020, On the Prevention of the Spread in Ukraine of the Respiratory Disease COVID-19 Caused by SARS-CoV-2.

³⁶ Official letter of the Ministry of Science and Education of Ukraine about the start of quarantine measures and online distance mode. [online] Available at: https://mon.gov.ua/storage/app/media/news/%D0%9D%D0%BE%D0%B2%D0%B8%D0%BD%D0%B8/2020/03/11/1_9-154.pdf [Accessed 29 November 2020].

government-controlled area, had sent him home on unpaid leave but that the SBGS had not allowed him to travel towards non-government-controlled areas. He further stated that since he did not have a place to stay in government-controlled areas, representatives of the State Emergency Service of Ukraine (SESU) had offered him the possibility to stay in a tent nearby. On 9 April, at the EECP near Stanytsia Luhanska, the Mission was approached by a group of 11 civilians (men and women of varying ages) asking for the SMM's assistance in passing through the then-closed EECP to travel towards non-government-controlled areas. A woman (in her thirties) accompanied by two children (one boy and one girl aged ten and 12) told the SMM that they had no place to stay and had spent their nights on the street without money and food while waiting to cross towards non-government-controlled areas.

Moreover, the Mission noted that the closures have resulted in the increased isolation of elderly people, the majority being women, often left without access to needed assistance provided by family members. In many instances, SMM staff were approached by women trying to cross the contact line to assist elderly and sick parents. For instance, in April, at the Maiorsk EECP, a woman (in her fifties) told the SMM that she had needed to cross the contact line to care for her sick mother living in a non-government-controlled area.

Many families with young children were separated, and some children were unable to reunite with parents. For instance, on 6 April, a woman (in her thirties) told the SMM that she had been stranded with her four-year-old son in non-government-controlled Starobesheve, while her nine-year-old son had remained on the government-controlled side, in need of her care. On 23 October, a man asked the SMM for assistance in crossing to a non-government-controlled area of Donetsk region to reunite with his nine-year-old child. He added that he was the guardian of the child and that the child has been staying with neighbours. The closure of the contact line and the separation of families have also resulted in changes in family dynamics. In some instances, women with children found themselves separated from their partners, unexpectedly becoming solely responsible for the care and the economic subsistence of their families. In April, the SMM spoke with a woman (in her thirties) from government-controlled

“My 90-year-old mother, who is in critical condition and unable to take care of herself, remained alone in non-government-controlled Shakhtarsk. No caregiver services are available and her neighbours are not taking responsibility for looking after her. She will die before the crossing points open. We are desperate.”

–Request from a 60-year-old woman asking for the SMM's assistance in crossing the contact line, April 2020

Novomykhailivka, Donetsk region, who told the Mission that because of the closure of the contact line, she said that her partner had gotten stuck in non-government-controlled Donetsk city and she had become the sole caretaker of her two children.

Partial reopening of the EECPs and corresponding checkpoints, and burden of crossing requirements on civilians

Lack of synchronicity in the opening of the EECPs and the corresponding checkpoints

The absence of a synchronised approach by the sides to the reopening of the EECPs and of the corresponding checkpoints, limited public information on the process and constantly changing crossing requirements, particularly by the armed formations, have contributed to additional suffering for thousands of civilians. Difficulties have been particularly severe in Donetsk region. Numerous civilians have attempted to cross the contact line, only to be turned back or to spend hours in the hazardous areas not controlled by either side, between the EECPs and the corresponding checkpoints. The SMM has observed civilians being stranded in these areas on at least four occasions.

As noted above, when the Marinka EECP in Donetsk region reopened on 10 June but the corresponding checkpoint of the armed formations near Kremynets remained closed, the SMM reported incidents of civilians having to stay in the hazardous area between the EECPs and the corresponding checkpoints for significant amounts of time, sometimes for days. On 11 June, the Mission saw a woman (in her sixties) lying on the road between the EECP and the most forward checkpoint of the armed formations. She

said that she was a resident of non-government-controlled Makiivka and had stayed overnight on the road because she had been unable to walk back to the EECP after being refused entry into non-government-controlled areas. Similarly, on 16 June, the SMM saw a van parked in the area between the checkpoint of the armed formations and the EECP. One of the passengers told the SMM that they had stayed in the van for five days near the checkpoint after being refused entry into non-government-controlled areas.

In another instance, in Donetsk region, between 22 June and 7 July, the lack of synchronization between the opening of the EECP in Novotroitske and the corresponding checkpoint of the armed formations near Olenivka meant that some people had to stay overnight in the area between the EECP and the checkpoint. From 26 to 27 June, about 60 people were stranded in this area and had to sleep outside in hazardous conditions. On 7 July, more than 50 people were again stranded between the Novotroitske EECP and the checkpoint of the armed formations until midnight, before being taken to hospitals in non-government-controlled areas.



Novotroitske EECP, September 2020

Impact of the “Act at Home” application requirement and of the measures of the armed formations

Impact of the application and the self-isolation requirements of the Ukrainian authorities

The self-isolation requirements with the application “Act at Home” in government-controlled areas have created difficulties for civilians. Despite the fact that self-isolation rules for the “Act at Home” application

were identical in both Donetsk and Luhansk regions, their implementation was uneven.

In Donetsk region, until mid-August, people were not allowed to enter government-controlled areas through the Novotroitske EECP unless they had downloaded the “Act at Home” application. Starting from mid-August, civilians had the option to go to a medical facility in Hostre (see also Chapter 1).

In Luhansk region, civilians were able to quarantine at a medical facility after the opening of the Stanytsia Luhanska EECP, but, as noted in Chapter 1, they lost this option after mid-August.

At the Stanytsia Luhanska EECP, representatives of the SBGS told the SMM that between the beginning of August and 15 November, nearly 1,000 civilians had been denied entry into government-controlled areas due to their inability to install the application.

Hundreds of civilians, the majority of whom were elderly, both in Donetsk and Luhansk regions, complained to the Mission that they could not afford smartphones compatible with the application. For example, on 7 September, while at the Novotroitske EECP, a man (in his sixties) told the SMM that he and his wife had not been allowed to enter government-controlled areas because they had no smartphone to install the application. He added that his wife was suffering from cancer and on 9 September had an appointment at the hospital in Dnipro to undergo surgery.

Moreover, on several occasions, the Mission noted that people were unable to enter government-controlled areas if “Act at Home” was malfunctioning or if there was a lack of internet service at EECPs. On 14 July, at the Stanytsia Luhanska EECP, the SMM observed around 70 people queuing and trying to set up the application. A representative of the SBGS told the SMM that the application was down due to technical difficulties. On 1 August, while at the same EECP, about 50 civilians approached the SMM, asking for assistance in downloading the application. Similar complaints were reported at the Novotroitske EECP.

Many people were frustrated due to their inability to cross the contact line for visits of only a short time. For instance, on 19 June, about 20 people in Luhansk region, the majority of whom were women,

complained to the Mission about the aforementioned requirements, which made it impossible for them to cross the contact line and return within one day.³⁷

Impact of the measures of the armed formations at the crossing points in Donetsk region

Civilians have found that the crossing requirements imposed by the armed formations in Donetsk region were often difficult to fulfil and troublesome. For instance, the requirement to prove residency in government-controlled areas (see Chapter 2 above) posed difficulties for those who had only temporary registration or none at all. In June, at the checkpoint near Olenivka, at least 60 people, some of whom registered as IDPs in government-controlled areas, told the Mission that they had not been allowed by the armed formations to exit non-government-controlled areas since they were not registered as permanently residing in government-controlled areas. For instance, a pregnant woman stranded in non-government-controlled Horlivka who was registered as an IDP in government-controlled Lyman told the Mission on 17 July that she had twice unsuccessfully attempted to return to government-controlled areas to give birth and to resume work.

Moreover, both the process of, and criteria for, obtaining permission to cross are ambiguous and lengthy, even though those in control have mandated a deadline of ten days for the processing of requests from civilians. As a result, from mid-July until mid-September, the Mission observed that on average ten to 20 people (including minors and elderly people of both sexes) were staying every night in a tent of the SESU at the Novotroitske EECP, waiting for the armed formations to put them on the list for crossing. Male and female civilians had to stay together in the tents, and some of them spent between seven and 30 days there. Since tents were located inside the EECP, people had to vacate them in the early morning and could only return to spend the night there after the EECP's closure. Civilians have often had to wait in difficult conditions. In mid-September, due to worsening weather conditions, several civilians were transferred from the above-mentioned tents to a social centre in government-controlled Druzhkivka, about 100km from the EECP.

On 25 September, a woman (in her sixties) staying at the centre while waiting for permission to travel to non-government-controlled areas told the Mission that her journey there from the EECP had taken her five hours by bus, and, if put on the list to cross, she would have to make the same journey back again.

Some of those who signed a non-return waiver (see Chapter 2 above) when leaving non-government-controlled areas but had to return for one reason or another were not allowed entry, with many having to stay in the SESU tents. For example, on 17 August, at the Novotroitske EECP, a man (in his sixties) told the Mission that he had signed the waiver at the corresponding checkpoint near Olenivka when leaving non-government-controlled areas but had been stranded at the tents on the government-controlled side since 27 June, when he had tried to cross back to non-government-controlled areas.

Several civilians, particularly men, expressed concerns that they were required to leave personal details at the corresponding checkpoint near Olenivka, including having their fingerprints and photographs taken by members of the armed formations before traveling to government-controlled areas. The men told the SMM that they were afraid that this information might be misused.

Also in Donetsk region, the Mission observed that, when unable to cross the contact line in either direction, people chose other routes to reach their destination by traveling the Russian Federation, although Ukrainian law forbids entering or leaving the country via suspended border crossing points.³⁸

The SMM also noted that the crossing between non-government-controlled areas of Donetsk and Luhansk regions remained restricted for civilians.

Impact of the measures of the armed formations at the Stanytsia Luhanska crossing point in Luhansk region

As in Donetsk region, the imposed requirements have contributed to the hardship of civilians in Luhansk region. For instance, people unable to

³⁷ If a person does not comply with the self-isolation regime, a fine in the amount of 17,000 UAH will be imposed by the police.

³⁸ According to Ukrainian legislation, crossing the border between Ukraine and the Russian Federation from non-government-controlled areas constitutes an administrative offence. According to Art. 204-2 of the 2014 Code of Administrative Offences *Violation of the procedure for entering and leaving the temporarily occupied territory of Ukraine*, these actions entail the imposition of a fine (UAH 1,700 to UAH 5,100). Officers of the SBGS have the right to impose fines on the spot.

prove that they resided in non-government-controlled areas were denied crossing by the armed formations (see Chapter 2 above). From 28 July onwards, the SMM noted that people were staying overnight between the Stanytsia Luhanska EECP and the corresponding checkpoint. Between 28 July and 15 November, at least 130 people (including children, pregnant women, elderly people and people with disabilities)³⁹ spent the night, some as many as ten nights, sleeping on the ground or on benches in the open in areas between the EECP and the corresponding checkpoint. These civilians told the SMM that they had been waiting for documents necessary to travel to non-government-controlled areas.

As noted above, on 22 October, civilians in non-government-controlled areas of Luhansk region could only cross the contact line more than once a month if they obtained permission from those in control. In early November, at the checkpoint near Stanytsia Luhanska, a man (in his seventies) told the SMM that he had to go to Kharkiv to continue a chemotherapy regimen that he had started about a month earlier. He said that at the checkpoint of the armed formations, he had been told that he could not cross to government-controlled areas, as 30 days had not elapsed since his last crossing, despite the permission he had reportedly been granted by those in control.

³⁹ See also SMM daily reports of [31 July](#) and [1, 3 and 28 August 2020](#); [accessed 29 November 2020].

CHAPTER 3: OPENING OF THE STANYTSIA LUHANSKA BRIDGE AND CONSTRUCTION WORKS NEAR ZOLOTE AND SHCHASTIA



Stanytsia Luhanska bridge after the November 2019 repairs

Opening of the renovated section of the Stanytsia Luhanska bridge

In its November 2019 report, the SMM noted that the broken section of the Stanytsia Luhanska bridge had been repaired, and the EECP as well as the corresponding checkpoint had opened on 20 November 2019. The Mission observed a noticeable improvement after the completion of the repairs to the bridge, as civilians, particularly the elderly and those with mobility issues, could cross more easily and waiting times were much shorter. People can now cross without having to climb down and up the steep wooden ramps of the previously broken section of the bridge, which had been particularly arduous for wheelchair users or those on crutches.

“I am very satisfied with the opening of the new bridge at the Stanytsia Luhanska EECP. It has had a strong positive impact on all the civilians in Luhansk region. Having the buses also makes our crossing much easier.” –Sixty-year-old woman sharing with the SMM her perception of the bridge, January 2020

Ukrainian authorities also repaired the road that leads from the EECP to the bridge, while a shuttle

bus operated by the Ukrainian Government and electric golf cart services operated by a local non-governmental organization now transport civilians at regular intervals between the renovated section of the bridge and the Stanytsia Luhanska EECP. The Mission was told by many civilians that their crossing experiences had greatly improved. Between November 2019 and February 2020, the SBGS reported around 1.24 million crossings through the EECP near Stanytsia Luhanska, an increase from the one million crossings reported between November 2018 and February 2019. At the checkpoint of the armed formations south of the Stanytsia Luhanska bridge, the Mission noted that two additional processing booths had been installed, making six in total. Moreover, fences separated the lanes for people exiting and entering non-government-controlled areas. Also, a shuttle bus service was established, running from the parking lot at the southern end of the checkpoint to the non-government-controlled Mykolaivskyy junction near the Prince Ihor monument.

Construction and works near Shchastia and Zolote

“The potential opening of the Zolote EECP will help all civilians living on both sides of the line of contact, especially us pensioners, not to travel such a long distance to Stanytsia Luhanska EECP.”

Two female pensioners in non-government-controlled Molodizhne, January 2020

At the December 2019 Normandy Summit in Paris, the heads of state of the Normandy Four declared their support for an agreement within the TCG on the opening of new crossing points along the contact line, as part of a series of measures to stabilise the situation in the conflict area.⁴⁰ Civilians have told the SMM that the opening of additional crossing points

⁴⁰ Paris Normandy Summit, 9 December 2019, <https://www.elysee.fr/emmanuel-macron/2019/12/09/paris-normandie-summit/en>

in Luhansk region has been long awaited and would greatly facilitate crossings. In October, in non-government-controlled Khrystove, Luhansk region, a 70-year-old woman told the SMM that the opening of a crossing point at Shchastia would make it much easier for elderly civilians in the area to cross the contact line and visit family and collect their pensions. Equally, civilians living on both sides of the contact line near Zolote have repeatedly told the SMM that there was a strong need for the opening of a crossing point near Zolote.

“A new EECP at Shchastia would help people on both sides of the contact line and make their lives much easier.” –Two men in their fifties in government-controlled Shchastia, September 2020

On 22 April, OSCE Special Representative of the OSCE Chairperson-in-Office in Ukraine and in the TCG Ambassador Heidi Grau noted that the participants of the TCG had “reached a common understanding of the roadmap for simultaneous opening” of two additional crossing points on the contact line in Luhansk region.⁴¹ In a press statement following the 8 July meeting of the TCG, Special Representative Grau stated that the “respective TCG meeting participants [had committed to providing] the necessary security guarantees in view of the preparation of the simultaneous opening of two additional entry-exit crossing points” near Zolote and Shchastia, Luhansk region.⁴² On 23 July, Special Representative Grau released a statement noting that the sides had reconfirmed their readiness for the simultaneous opening of these crossing points not later than 10 November 2020.⁴³ As mentioned above, on 10 November, the SMM observed that the Shchastia

and Zolote EECPs were open to civilians; however, the corresponding checkpoints of the armed formations remained closed.

SMM facilitation efforts

On 9 July, the SMM received a letter from the Ukrainian Armed Forces (UAF) Joint Centre for Control and Co-ordination stating that the UAF would provide security guarantees for the preparation and construction of infrastructure for the crossing points at Zolote-Pervomaisk and Shchastia-Luhansk, and within a 15km radius of the two locations. The security guarantees covered the period from 10 July to 10 November 2020. Similarly, those in control of non-government-controlled areas of Luhansk region provided security guarantees for the two locations until 10 November 2020. The SMM has and continues to monitor the locations. From July until 15 November, the SMM monitored adherence to over 200 localised ceasefires for demining activities and construction activities at the sites. The Mission has observed roadworks, laying of communication cables and construction of processing booths and other infrastructure at the sites, on both sides of the contact line. Initial infrastructure at the Zolote EECP already existed prior to discussions in Paris in December 2019.

⁴¹ Press statement of Special Representative Grau after the regular meeting of the TCG on 22 April 2020, <https://www.osce.org/chairmanship/450580>

⁴² Press statement of Special Representative Grau after the regular meeting of the TCG on 8 July 2020, <https://www.osce.org/chairmanship/456868>

⁴³ Press statement of Special Representative Grau after the regular meeting of the TCG on 22 July 2020, <https://www.osce.org/chairmanship/457885>



Entry-exit checkpoint 300m north of the northern edge of the Zolote disengagement area (DA2)

Zolote disengagement area (DA 2)
Luhansk region
4 November 2020
Mini UAV Imagery



Corresponding checkpoint of the armed formations,
south of the southern edge of the Zolote disengagement area (DA2)

Zolote disengagement area (DA 2)
Luhansk region
4 November 2020
Mini UAV Imagery



Government-controlled entry-exit checkpoint and new administrative building in Shchastia

near Shchastia | government-controlled
Luhansk region
9 November 2020
Mini UAV Imagery



Corresponding checkpoint of the armed formations on the H-21 highway, south of the bridge in Shchastia

Near Vesela Hora | nongovernment-controlled
Luhansk region
15 November 2020
Mini UAV Imagery

CONCLUSION

For the past six years, crucial aspects of the lives of civilians living along the contact line, particularly of the elderly, have depended on their ability to cross the contact line. As noted in this report and in the SMM's 2019 report, the journey across the contact line is difficult and exhausting. Civilians have to wait to cross in the heat of summer and the cold of winter, in hazardous areas under the threat of ceasefire violations. The implementation of crossing restrictions at the EECPs and the corresponding checkpoints of the armed formations in the context of the COVID-19 pandemic has severely affected the already limited freedom of movement of civilians along the contact line, further exacerbating hardships faced by civilians needing or wanting to cross. Since the beginning of the pandemic, the SMM has observed a significant decrease in crossing activity compared to previous years. State Border Guard Service of Ukraine figures from March to September 2020 indicate a dramatic drop of 90 per cent in Luhansk region and 94 per cent in Donetsk region in the number of crossings, compared to the corresponding period in 2019.

The lack of advance notice and adequate communication on the closure of the EECPs and of the corresponding checkpoints of the armed formations prevented people from making appropriate plans and preparations. Many civilians were separated from their families on opposite sides of the contact line without adequate shelter, food or even money. Some could not reach home after treatment at hospitals, and others lost their jobs. While 13 humanitarian crossings were organized in Luhansk region between March and June in Donetsk region, such crossings were organized on only a few occasions at the end of June. Many civilians were unaware of requirements and procedures for humanitarian crossings.

Furthermore, the unsynchronised opening of EECPs and corresponding checkpoints left many people in the hazardous areas without effective control. The requirements imposed on civilians, including the possession of smartphones for a self-isolation-tracking application and the procedure for being added to pre-approved lists to cross, further contributed to the suffering of thousands in a time of a pandemic. Moreover, in Donetsk region, the requirement by the armed formations to provide personal details such as fingerprints, photographs and addresses was a cause of concern for affected persons.

The full functioning of the crossing points near Zolote and Shchastia will be a welcome development for civilians of Luhansk region. As noted in this report and in previous reports, the presence of only a single crossing point in Luhansk region causes considerable hardship and inconvenience. As with the other EECPs and corresponding checkpoints, it is important that the sides keep civilians informed at the early stages of developments related to these planned crossing points.

The longer restrictions are imposed on civilians crossing the contact line, the more the ties between families and communities on either side of the contact line will fray. The sides need to take into account the needs of people on both sides of the contact line and ensure that civilians can access them. Civilians must be made aware in a clear and timely way of restrictions, of requirements for crossing and whether or not the EECPs and the corresponding checkpoints are open. Given the reliance of people and communities on access to both sides of the contact line for family reasons, to sustain their livelihood or to access basic services and other necessities, the longer the current situation continues, the more vulnerable civilians living along the contact line are likely to become.