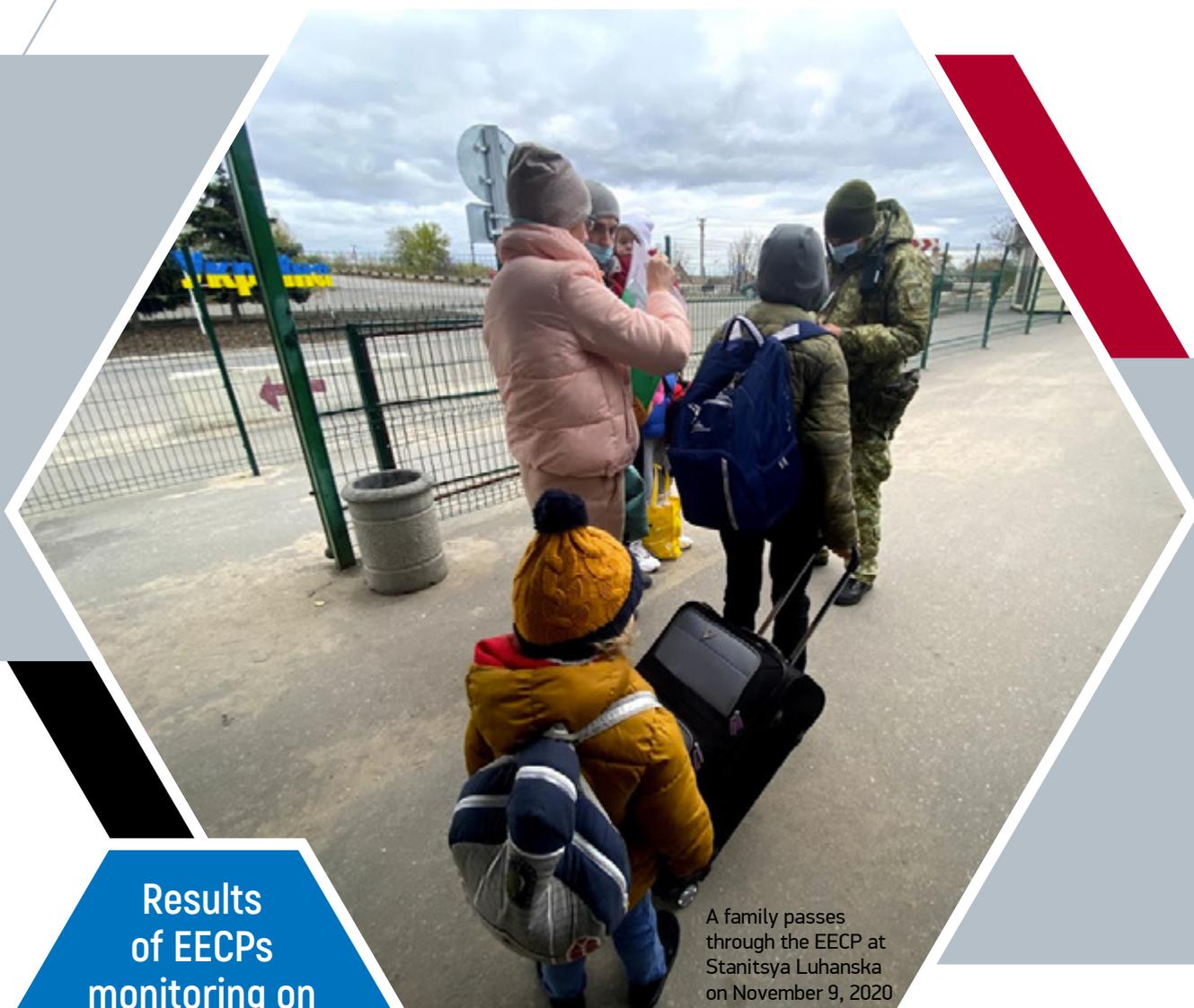


# Human rights in Eastern Ukraine during the coronavirus pandemic



Results  
of EECPs  
monitoring on  
November  
**9-13**

A family passes  
through the EECP at  
Stanitsya Luhanska  
on November 9, 2020

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## Introduction

Since war with Russia-backed separatists began in February 2014, approximately 1.2 million residents of the Donetsk and Luhansk Regions, and Crimea, have been forced to flee their homes.

For the past several years, five Entry-Exit Check Points (EECPs) have enabled civilian pedestrians and vehicles to cross the line of contact (LoC) between areas controlled by the Ukrainian government and the Russia-backed separatists. Following negotiations in late 2019 and early 2020, the Ukrainian government, Russia, and Russia-backed separatists in the Luhansk Region agreed to open new EECPs in the towns of Shchastia and Zolote by November 10, 2020.<sup>1</sup>

Ensuring civilian crossing of the LoC is critical for alleviating the humanitarian situation, enabling people-to-people contacts, and ensuring civilians living in non-government-controlled areas (NGCA) of Ukraine retain access to government services and benefits. This is particularly important for elderly residents of NGCA, who made up approximately two-thirds of the 1.16 million monthly crossings in 2019.<sup>2</sup> Crossers travelled from NGCA to GCA to collect pensions (63%), withdraw cash (37%), visit relatives (22%), collect official documents (16%), or purchase medicine, food, or other products hard to obtain in NGCA (12%).<sup>3</sup> Monitoring by Ukrainian civil society organizations and humanitarian groups shows that those crossing regularly experience long waits, inadequate facilities, and other hardships, affecting the elderly and other vulnerable people most acutely.



<sup>1</sup> "Press Statement of Special Representative Grau after the regular Meeting of Trilateral Contact Group on 22 July 2020," Organization for Security and Co-operation in Europe, July 23, 2020, <https://www.osce.org/chairmanship/457885>.

<sup>2</sup> "Freedom of movement across the line of contact in eastern Ukraine (Briefing Note)," United Nations Ukraine, January 2020, [https://www.unhcr.org/ua/wp-content/uploads/sites/38/2020/03/Briefing-Note-Freedom-of-movement\\_2020.pdf](https://www.unhcr.org/ua/wp-content/uploads/sites/38/2020/03/Briefing-Note-Freedom-of-movement_2020.pdf).

<sup>3</sup> "Crossing the Contact Line: February 2020 Snapshot," UNHCR Ukraine, February 2020, [https://www.unhcr.org/ua/wp-content/uploads/sites/38/2020/03/02-2020-R2P-EECP-Report\\_ENG.pdf](https://www.unhcr.org/ua/wp-content/uploads/sites/38/2020/03/02-2020-R2P-EECP-Report_ENG.pdf). Data on the purpose of crossing for the period January-February 2020 is gathered from "Eastern Ukraine Checkpoint monitoring 2020," UNHCR Ukraine, last modified December 2, 2020, <https://www.unhcr.org/ua/en/eeccp-monitoring-2020>.



Primitive (left) and modern (right) restrooms at Maiorske and Shchastia EECPs, respectively

## Impact of Quarantine on EECPs

The significant hardships that those crossing EECPs have experienced since 2015 worsened dramatically when the Ukrainian government introduced quarantine restrictions on March 12<sup>4</sup>. Beginning March 22 “in order to effectively counteract and prevent the introduction of coronavirus infection into territory controlled by the Government of Ukraine,” the Joint Forces Operation (JFO) command began severely limiting crossing of the LoC by people and vehicles. Under the quarantine rules, only those who receive individual permission from the JFO command (which is in charge of Ukrainian government forces in eastern Ukraine) were allowed passage through EECPs.<sup>5</sup> To obtain permission to travel in either direction, crossers had to provide “humanitarian justification” supported by appropriate documentation. Civilians officially residing in GCA and NGCA were also allowed to pass through provided that they were returning home to their officially registered place of residence.

Civilians could obtain permission to pass through EECPs from the JFO command in one of two ways: in advance by sending an email indicating their desired date of passage and providing documentation confirming humanitarian justification; or by requesting permission on the day of passage upon arrival at the EECP. While monitoring suggests that the second option is the most common, it is also the most problematic: receiving permission can take up to six hours and there is no guarantee that it will be granted. Those traveling from GCA to NGCA must also seek permission to cross from the Russia-backed separatist authorities. If turned away, they must either return to GCA or stay in the “grey zone” – the dangerous, landmine-ridden area in between the frontline positions of the Ukrainian forces and the Russia-backed separatists.

<sup>4</sup> “Про запобігання поширенню на території України коронавірусу COVID-19” [On the prevention of the spread of the coronavirus COVID-19 on the territory of Ukraine], Cabinet of Ministers of Ukraine, March 11, 2020, <https://www.kmu.gov.ua/npas/pro-zapobigannya-poshim110320rennyu-na-teritoriyi-ukrayini-koronavirusu-covid-19>

<sup>5</sup> “У районі проведення операції Об’єднаних сил пропуск через лінію розмежування тимчасово припинений” [Passage through the contact line temporarily suspended in the area of the Joint Forces operation], the Government of Ukraine, March 22, 2020, <https://www.kmu.gov.ua/news/v-rajoni-provedennya-operaciyi-obyednanih-sil-propusk-cherez-liniyu-rozmezhuвання-timchasovo-pripinenij>

Since April 4, 2020, EECP crossers, as well as people entering GCA from Russia-occupied Crimea or entering Ukraine at an international border, are required to self-isolate or undergo observation at a government-designated facility for a period of fourteen days. In order to monitor compliance with self-isolation, the Ukrainian government developed a smartphone app called Dii vdoma, which people are required to install and activate on an Android or iOS device. After installing the app, crossers must enter their personal information and an authorization code sent to their registered phone number via SMS. This means that users must have access to a mobile device capable of running the app, as well mobile phone coverage, which is not necessarily available at all EECPs through all mobile service providers. Technical problems making it impossible to use the app are common due to poor communications infrastructure along the LoC and the fact that many crossers lack adequate devices.

On November 9, the JFO command announced that beginning November 10, it would drop the permission requirement and allow all people and vehicles to pass through EECPs regardless of place of residence or humanitarian considerations. Mandatory self-isolation (monitored via the Dii vdoma app) or observation in a government-designated facility remains in place.

## Results of Monitoring November 9-13

From November 9 to 13, monitors from Truth Hounds and VostokSOS – two Ukrainian rights NGOs with extensive experience monitoring human rights in conflict zones – visited all seven EECPs in GCA in order to monitor the entry-exit process and its impact on civilians seeking passage. They also assessed the capacity of EECPs to operate normally without quarantine limitations. The monitoring group spoke with the law-enforcement authorities who run or operate at the EECPs, especially with State Border Guard Service of Ukraine (SBGSU) officials, as well as with civilians passing through the checkpoints. While the main purpose of the monitoring is to document conditions in GCA, monitors also gather some information about NGCA, including EECPs operated by Russia-backed separatists. Monitoring was conducted at a fluid time along the LoC – the JFO command had eased crossing requirements and opened new EECPs, and as a result, the formal requirements for crossing at various checkpoints differed daily. During the course of monitoring, the group uncovered a number of significant challenges that civilian crossers experience and inadequacies in the functioning of EECPs, as well as some modest improvements made since previous visits. Detailed results of the monitoring are available in the Annex to this report.

The key findings from the monitoring mission are as follows:

- Installing and activating the Dii vdoma app continues to be a problem for many people crossing EECPs. In particular, mobile or Wi-Fi internet access (needed to install and authorize the application) is not available at all EECPs.
- Unreasonably long wait times to receive permission from JFO command to pass through EECPs are an ongoing problem. In one extreme case, an elderly person waited for JFO command permission for more than five hours in bad weather and without shelter.
- Rejections of permission to cross from JFO command are sometimes issued without justification.
- The special entry-exit procedure during quarantine exacerbated existing problems stemming from inadequate physical infrastructure at EECPs; many crossers were forced to wait for hours without shelter, places to sit or rest, and other comforts.
- The absence of sanitation facilities, including running water and adequate toilets at some EECPs, poses a particular public health risk during the pandemic.
- Some EECPs were unprepared to function fully at their announced opening time on November 10, due to infrastructural or administrative inadequacies.

## Recommendations

Given the recognized need for many people to cross EECPs, especially elderly people residing in NGCA traveling to GCA to receive pensions and conduct other important personal business, Freedom House, Truth Hounds, and VostokSOS make the following recommendations:

### TO THE GOVERNMENT AND REGIONAL AND LOCAL AUTHORITIES:

- Provide all EECPs with adequate infrastructure, including running water and drinking water, Wi-Fi internet access, shelter over pedestrian areas, seating for those waiting, and toilets. One possible solution is to create modular waiting rooms with adequate facilities for waiting in both summer and winter conditions. Partner with international organizations to fix and restore infrastructure by drawing on funds that the World Bank and other partners have allocated for development in the conflict zone.

### TO THE GOVERNMENT AND JFO COMMAND:

- Improve existing shelters used to protect civilians from shooting and shelling. If necessary, add new shelters to provide cover for civilians and government representatives working at EECPs.
- Expedite the review process for requests to pass through EECPs should the requirement that crossers provide humanitarian justification be reintroduced. One possible solution is to train, equip, and empower EECF staff to review humanitarian justifications and approve crossings.
- Ensure that law enforcement officials at the Novotroitske EECF do not prevent crossers from accessing its modular toilets or heated waiting facilities.
- Take steps to ensure that when crossing from GCA to NGCA civilians are not allowed into the dangerous “grey zone” if EECF staff have reason to believe that they will be unable to leave the area and enter NGCA (for example, in cases where EECF staff know that that a check point in NGCA is closed or closing soon).

## Annex

### Detailed description of monitoring observations at EECPs that have allowed some civilian crossing since March 2020

	STANYTSIA LUHANSKA	SHCHASTIA	ZOLOTE	NOVOTROITSKE
<b>Usage of <i>Dii vdoma</i> app</b>	SBGSU provided contradictory information on how it responds when crossers experience technical problems with the app.	People unable to install the app for technical reasons are subjected to fourteen-day quarantine in a government facility.	People unable to install the app for technical reasons are refused entry and returned to NGCA; no Wi-Fi is available at the EECF.	Users of the mobile operator Kyivstar do not have mobile phone coverage at the EECF and are thus unable to activate the app.
<b>Adequate sanitation facilities</b>	Outhouse toilets were available but in poor condition.	All modern modular toilets at the EECF were locked.	Outhouse toilets were available but in poor condition. Absence of running water.	All modern modular toilets at the EECF were locked.
<b>Access to protection from the elements and facilities for rest/ waiting</b>	Covered areas for resting, waiting, and passport control were absent.	Provided.	Covered areas for resting, waiting, and passport control were absent.	Waiting areas lack seating.
<b>Access to medical and other care</b>	Provided.	Provided.	No medical personnel present at the EECF.	Restricted access to State Emergency Service of Ukraine tent for medical care and rest.
<b>Swift entry-exit process</b>	Unreasonably long wait times to receive permission from JFO command; JFO command issuing unjustified rejections of permission to cross.	Representatives of Russia-backed “Luhansk People’s Republic” separatists refused access to people trying to enter NGCA.	Representatives of Russia-backed “LNR” separatists refused access to people trying to enter NGCA.	The bus carrying passengers between GCA and NGCA checkpoints was delayed, forcing crossers to wait for long time periods.

## ADDITIONAL OBSERVATIONS

In addition to the information above, the monitors made the following observations during their visits to the EECPs and communication with civilians and others.

### Stanytsia Luhanska EECP – Visited on November 9

Several civilians seeking to travel to NGCA for humanitarian reasons had submitted their request in advance but reported receiving an ambiguous “recommendation” from the JFO command that they stay home due to the pandemic. Since the beginning of the pandemic, human rights groups have repeatedly heard similar stories and raised this problem with the government.

- The EECP was among the best equipped and monitors did not observe any infrastructure problems. According to the SBGSU, on Mondays and Fridays (when the EECP operates), there are an average of 150-200 crossers.
- Representatives of Russia-backed separatists in the Luhansk Region refused passage to a person traveling to GCA, saying that they allow passage only once per month.
- Two individuals, who arrived at the EECP from NGCA waited approximately three hours to receive permission to travel to GCA to bury a deceased relative.

#### CIVILIAN EXPERIENCE AT STANYTSIA LUHANSKA

An elderly man traveling to GCA to receive medical care was unable to pass through the EECP. He waited more than five hours after presenting documents justifying a humanitarian need for crossing to SBGSU officials. Having been refused passage, he returned to NGCA to pass through the checkpoint on that side prior to its closure at 18:00, in order to avoid being stuck in the “grey zone” without shelter overnight. Another man seeking to travel from NGCA to GCA experienced a similar situation. Both men, neither of whom successfully made it through to GCA, waited hours in a brisk wind and temperatures of seven degrees Celsius.

### Zolote EECP – Visited on November 10

- Government officials at the EECP reported that an underground shelter used for protecting civilians from shooting and shelling had yet to be completed.
- Legal services and other types of assistance for civilians were not available.

### Shchastia EECP – Visited on November 10

- Construction was under way when monitors visited the EECP. SBGSU officials at the EECP complained that the modular buildings where they worked had holes in the walls, making the inside temperature uncomfortable.
- Public information stands did not detail entry-exit procedures and lacked contact information for free legal assistance providers that civilians could turn to in the event that they encountered a problem or had a complaint about violations by law enforcement officials. SBGSU officials promised that this information will be made available to civilians crossing in the near future.
- Russia-backed separatists in the Luhansk region denied ten people entry to NGCA, forcing them to return to GCA. Even though they were unable to enter NGCA, government officials required them to undertake fourteen days of self-isolation or observation at a government facility.



The Administrative Services Center at the Shchastia EECP

- A facility near the EECP that provides PCR coronavirus tests within 24 hours did not clearly publicize its hours of operation.

### Novotroitske EECP – Visited on November 13

- Civilians traveling from GCA to NGCA were not provided adequate conditions while waiting for the bus that transports civilians to the checkpoint operated by Russia-backed separatists in the Donetsk Region. The waiting area lacked seating and adequate heating, which was problematic for a 30- to 50-minute wait in cold weather.
- The only tent providing medical care and warmth to crossing civilians, operated by the State Emergency Service of Ukraine, was accessible only to those people traveling from NGCA to GCA.
- Access to modern modular toilets was available only to law enforcement officials. Civilians had access only to wooden outhouses in unsanitary condition. One outhouse lacked a door, while another lacked a roof. SBGSU officials told monitors that they were not responsible for the toilets and did not answer questions about why civilians were not allowed to use the modular ones. By November 16, one of the modular toilets was made available to civilians after monitors appealed to SBGSU. At the same time, the accessible modular toilet was not available. According to a SBGSU official, the commander on duty opens the accessible toilet upon request.
- Monitors also noted positive changes at the EECP since Vostok SOS's last visit in June 2020. Wi-Fi internet access (needed to download the *Dii vdoma* app) was made available and an Administrative Services Center was opened, making it easier for civilians to access certain government services.



### Hnutove, Maiorske, and Marinka EECPs

Entry and exit via these EECPs in the Donetsk Region has not been possible since mid-March 2020 because Russia-backed separatists in the region do not allow passage through check points under their control. The only exception is in Marinka: the SBGSU official working at the EECP there reported that in the previous month around 100 people had passed through “on humanitarian grounds.” Monitors concluded that all three EECPs have the necessary infrastructure to facilitate entry and exit.



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