Human rights in Eastern Ukraine during the coronavirus pandemic

IN LIMBO

Results of monitoring along the Line of Contact February **8-12**

This report is made possible by the generous support of the American people through the United States Agency for International Development (USAID). The contents are the responsibility of PROGRESS and do not necessarily reflect the views of USAID or the United States Government.

Introduction

Before the COVID-19 pandemic, there were over one million crossings per month on average at the entry-exit checkpoints (EECPs) to cross between government-controlled areas of Ukraine and areas controlled by Russia-backed separatists.[1] Safe crossing for civilians through the EECPs at the Line of Contact (LoC), the demarcation line separating government- and non-government-controlled areas, is essential. This is especially important for many elderly residents living in non-government-controlled areas, who must cross through EECPs to access government pensions, withdraw cash, collect documents, or purchase medicine or food. Since the COVID-19 pandemic, numerous and shifting guidelines and quarantine restrictions have dramatically increased the difficulty of crossing the LoC via the EECPs. Due to all these factors, those who have been near or tried crossing the EECPs often feel unsafe.

Crossing the LoC during the COVID-19 pandemic also entails several additional requirements, not all of which people can fulfill. These requirements include having a suitable smartphone to install an obligatory mobile application, ***Vdoma***, when not all crossers have smartphones or internet access; self-isolation requirements; and allowing time for delays in processing documents required from the crossers by either Ukrainian or so-called "Donetsk People's Republic (DNR)/Luhansk People's Republic (LNR)" de facto authorities. The current situation has left many people in limbo and requires a concerted effort by the state, civil society, and international organizations to improve the conditions at the EECPs.

[1] "Border Control Points: People's Monthly Crossings," State Border Guard Service of Ukraine, https://app.powerbi.com/view?r=eyJrIjoiYTdiM2VlOGEtYTdlZi00OWI4LTlhNTgtZGFhNWNkMGZiMmZjIiwidCI6IjdhNTE3MDMzLTE1ZGYtNDQ1MC04ZjMyLWE5ODJmZTBhYTEyNSIsImMiOjh9

On December 28, 2020, Ukraine's Cabinet of Ministers created a state company called Reintegration and Reconstruction, which is responsible for organizing, maintaining, and servicing the five official EECPs and the adjacent territories.[2] This state company is expected to standardize the EECPs and bring all EECPs up to a single standard to ensure quality and safe living conditions for people crossing the LoC at the EECPs, as well as for representatives of government agencies serving at the EECPs. However, the duties assigned to the newly created state company continue to be fulfilled by local state enterprises. This has created a situation of unclear and overlapping responsibilities regarding infrastructure and maintenance of the EECPs.

The situation at the checkpoints in Zolote and Schastia is also unclear. The checkpoints should have been open for people to cross since November 2020, after an agreement by the Tripartite Contact Group.[3] On the Ukrainian side, all the personnel necessary for the full functioning of the checkpoints and the passage of people are present. However, "LNR" ***de facto*** authorities continue to block the passage of people.

The results of the monitoring mission: February 8-12, 2021

From February 8 to 12, the Ukrainian human rights NGO Truth Hounds, which has several years of experience documenting human rights violations in the war zone, monitored the human rights situation at the LoC. The monitoring group visited four EECPs in Ukrainian-controlled territory and the Milove checkpoint on Ukraine's border with the Russian Federation. In addition, the monitoring group met with representatives of the newly established state company Reintegration and Reconstruction, and people at EECPs located in Novotroitske and Schastia. Monitors talked to them about how to transfer the facilities to their management, as well as related problems and challenges. The monitoring group also met with local residents of settlements in Nevelske, Travneve, and Hladosove, which are located near the LoC, to study the humanitarian situation and the impact of COVID-19-related restrictions on the human rights situation.

KEY DOCUMENTED VIOLATIONS AND SHORTCOMINGS:

IN GENERAL, AT THE EECPS MONITORS FOUND:

- Lack of adequate sanitary conditions, in particular modern toilets, running water, or sufficient heating, as well as lack of shelter over pedestrian areas at some checkpoints.
- Lack of free state COVID-19 testing at the Stanytsia Luhanska checkpoint. Getting a negative COVID-19 test is a prerequisite for crossing the LoC without going through a mandatory 14-day observation or self-isolation. Some people at the checkpoint do not have the financial means to obtain a test from a private clinic.
- Installing the required ***Vdoma*** mobile phone application remains problematic for many people crossing the EECP, as a result of which some people, especially from economically vulnerable groups such as retirees, incur additional costs (money and time), or even fail to cross the line.
- The number of stray animals is on the rise in and around some checkpoints, which increases the risk of rabies and endangers the lives and health of people crossing the line.

[2] "The Cabinet of Ministers designated the State Company "Reintegration and Reconstruction" responsible for the arrangement, maintenance and maintenance of the checkpoint", Ministry of Reintegration of the Temporarily Occupied Territories of Ukraine, December 28, 2020, https://www.kmu.gov.ua/news/kabmin-viznachiv-dp-reintegraciya-ta-vidnovlennya-vidpovidalnim-za-oblashtuvannya-utrimannya-ta-obslugovuvannya-kpvv-ta-prilegli-do-nih-teritoriyi

[3] Results of the TCG meeting: two new checkpoints in Zolote and Schastia on November 10, continuation of the silence regime and new demining areas, Office of the President of Ukraine, October 28, 2020, https://www.president.gov.ua/en/news/rezultati-zasidannya-tkg-dva-novih-kpvv-u-zolotomu-ta-shasti-64873

An ad at Stanytsia Luhanska advertising a private COVID-19 testing center

Recommendations

Given the well-recognized need for many people to cross the EECP or move within their community, especially the elderly who live in non-Ukrainian government-controlled territories and visit government-controlled areas to receive their pensions and for other personal needs, Freedom House and Truth Hounds make the following recommendations:

THE GOVERNMENT, THE STATE COMPANY REINTEGRATION AND RECONSTRUCTION, AND THE UKRAINIAN ARMY COMMAND SHOULD:

1. Provide free state testing for COVID-19 at the Stanytsia Luhanska checkpoint.
2. Install canopy-style shelter over pedestrian areas at the EECPs in Schastia and Zolote.
3. Ensure stray animals at the Novotroitske EECP are vaccinated.
4. Provide all checkpoints with access to drinking water, shelter over pedestrian areas, seats in waiting areas, and adequate toilets. Sometimes people are forced to spend hours at the EECP standing in line, awaiting border guards to confirm their permits to cross, or waiting for transportation.
5. Create cabin complexes with heating for the winter and air conditioning for the summer for people waiting to cross the LoC.
6. Provide all checkpoints with Wi-Fi internet access, given the necessity of installing the Vdoma mobile application at the checkpoints and the unstable internet signal at some EECPs.

THE STRUCTURE OF RESPONSIBILITY FOR IMPROVING THE EECPS:

Ukraine's Ministry for Reintegration of the Temporarily Occupied Territories	State Company Reintegration and Reconstruction (jointly with the Donetsk and Luhansk Regional Military-Civil Administrations and Kherson Regional State Administration)	EECPs (representatives of the State Border Guard Service, State Emergency Service, the National Police, State Fiscal Service, the State Security Services)

Additional observations

In addition to the information above, the monitors made the following observations during their visits to the EECPs, as well as to the local communities and when communicating with civilians and others.

Novotroitske EECP – Visited on February 8

Crossing situation: At the Novotroitske checkpoint people are still only allowed to cross on Mondays and Fridays from 8:00 to 16:00. On other days, the crossing is blocked by the ***de facto*** authorities of the so-called "DNR." During the day, an average of several hundred people cross the EECP in both directions.

COVID-19 testing situation: In the administrative services center, which is located near the EECP, there is a medical station from the Volnovakha District Center of Primary Healthcare. A paramedic and a laboratory assistant work at the medical station. In the event that the EECP begins to operate daily, there is a plan to provide the medical station with two paramedics. As of 13:05 on February 8, 2021, 18 people were tested – all of whom were negative. According to the paramedic, there are enough tests (manufactured by the company Abbot) for all those passing through the checkpoint. The test is a nasal swab test. The monitors did not record long queues for testing, and the whole process usually takes a few minutes. The announced vaccination of law enforcement officials (who are third in line for free vaccination) has not yet taken place, but Ukraine's state border guard servicemen are aware of this state initiative and are already compiling preliminary lists of those wishing to be vaccinated.

Problems recorded: There are an increasing number of stray dogs near and at the EECP. The monitors counted more than 10 dogs, of which only a few had tags (the presence of a tag usually means that the dog has been neutered and vaccinated against rabies). According to the head of the Ukrainian border guards on the shift, border guards vaccinated these dogs in 2019 at their own expense, but since then vaccination has not taken place. The lack of vaccination increases the risk of rabies and poses a threat to the life and health of people crossing the line.

During the visit to the Novotroitske EECP on February 8, the monitoring mission provided essential support for a disabled woman from a separatist-held territory who needed oncology treatment. In the first minutes of the visit, the woman told the monitors that she had to undergo urgent oncology treatment at a medical institution in the non-government-controlled area. However, the so-called "DNR" did not include her on its list of people it allows to travel to the NGCA from Ukrainian-controlled territory.

> *They are not allowing me to cross. I was not on the list. I am a disabled person of the second category. I'm going to the Cancer Institute – I have an oncology appointment. I wrote to Pushilin[4] (...) Can't you influence them?"*

The woman asked Ukrainian border guards to help her resolve the situation, as she no longer had money for a dormitory or hostel and had no other choice of accommodation in Ukrainian-controlled territory. Ukrainian border guards explained that she could freely cross the government-controlled EECP but without permission from the ***de facto*** authorities of the so-called "DNR", she would likely be forced to return to Ukrainian government-controlled territory, install the ***Vdoma*** mobile application, and self-isolate. Ukrainian border guards also explained that neither they nor the representatives of other state bodies serving at the EECP have any direct contact with the representatives of the so-called "DNR" and have no influence over them, and therefore cannot help in such situations.

After learning about this woman's situation, members of Truth Hounds' monitoring group promptly contacted fellow Freedom House partner VostokSOS and provided them with the woman's contact information. Representatives of VostokSOS contacted her and provided appropriate assistance: they settled her in a dormitory in Ukrainian-controlled territory. After staying in the dormitory for five days,

[4] Denys Pushilin is the formal Head of the separatist ***de facto*** authorities of the so-called "Donetsk People Republic".

representatives of the so-called "DNR" included the woman on their list for crossing the LoC, and on February 12, she was able to cross the LoC through the Novotroitske checkpoint into the non-government-controlled part of Donetsk region.

EECP Stanytsia Luhanska – Visited on February 10

Crossing situation: The EECP works every day from 8:00 to 16:00, however, according to a Ukrainian border guard representative, it stops admitting people to the non-government-controlled territories at 15:30 due to repeated cases of refusal to pass by the so-called "DNR" representatives and people's subsequent need to return to Ukrainian-controlled territory. On average, 1,500 to 2,000 people cross the EECP in both directions each day. By 13:00 on the day of the monitoring trip, 588 people had crossed from Ukrainian-controlled territory and 692 people had crossed from the non-government-controlled side.

A small market at the Stanytsia Luhanska EECP

COVID-19 testing situation: Free testing for COVID-19 is not provided by the state at the EECP. Those wishing to take the test must contact private testing centers. While the vaccination of law enforcement officials has recently been announced, it has yet to take place. Ukrainian border guard representatives have heard about the state initiative and are already compiling preliminary lists of those among personnel who wish to be vaccinated.

Recorded problems: The EECP is overcrowded and if the EECPs in Schastia and Zolote opened it would significantly facilitate the work of the EECP at Stanytsia Luhanska.

EECP Schastia – Visited on February 10

Crossing situation: The EECP is not operational currently, but according to the representatives of the Ukrainian border guard service, it is ready to open for crossing.

COVID-19 testing situation: There are plans for people crossing the LoC to be able to take a free COVID-19 test at a medical station in the administrative services center. At the time of the monitoring, the administrative services center was working on schedule, but the medical station was closed.

Recorded problems: There are no canopies over pedestrian areas at the checkpoint, which leaves potential crossers exposed to the rain or the sun.

Interstate checkpoint Milove – Visited on February 11

Crossing situation: As noted in the previous monitoring report[5], residents from the Donetsk and Luhansk regions also travel to the non-government-controlled territories and back across the Russian border. It is technically illegal to cross the Russian-Ukrainian border from the non-government-controlled territory, since there are no official Ukrainian government-operated crossing points there. Ukrainian border guards working at the Milove checkpoint record these violations and fine individuals UAH 1,700 (about 60 USD). Given that the Russian Federation was on the "red list" of countries for COVID-19 (in accordance with its number of coronavirus infections), on the day of the monitoring mission, people passing through the interstate checkpoint had to install the ***Vdoma*** mobile phone application and self-isolate in accordance with the quarantine restrictions in force in Ukraine.

During the visit, the monitors witnessed a call to the police checkpoint by Ukrainian border guard officers, as there was a person at the checkpoint who was unable to install the ***Vdoma*** mobile phone application on their own. Representatives of the National Police of Ukraine helped the person install the Vdoma application on her phone and she went to the nearest bus stop to get to the place where she would self-isolate. People who have installed the ***Vdoma*** application have 24 hours to travel to the location where they plan to self-isolate.

The monitors also witnessed an attempt to cross the Ukrainian-Russian border by an Azerbaijani citizen who had a Ukrainian residence permit. Officers from Ukraine's border guard service did not allow this person to cross the checkpoint into Russia, as the Milove checkpoint is an interstate checkpoint that only citizens of Ukraine or the Russian Federation are allowed to cross. In order for a citizen of another country to cross the border with Russia, the border guards advised him to use the nearest international checkpoint. During a conversation with the border guards, the person said that he planned to get to non-government controlled Donetsk through the Russian Federation.

COVID-19 testing situation: it is possible to take a paid PCR test for COVID-19 in private clinic branches which are located near the checkpoint.

[5] All reports prepared under this initiative are available here: https://freedomhouse.org/uk/prav-lyudini-na-skhodi-ukraini-pidchas-pandemii

EECP Zolote – Visited on February 12

EECP Zolote remains semi-functional due to the so-called "LNR" ***de facto*** authorities stopping people from passing through. The monitors again pointed out that the Zolote EECP needs to improve conditions for people arriving there and improve services given by the representatives of the relevant bodies. The old wooden toilets and the lack of running water and hygiene items needed during a pandemic, such as soap, remain the biggest shortcomings of this checkpoint.

Crossing situation: the EECP is not functioning, and it has been on standby.

COVID-19 testing situation: the site where people crossing the EECP should receive tests, has been installed but is not equipped. Law enforcement officials have not been vaccinated since the Ukrainian government announcement. However, Ukrainian border guards' representatives are aware of this state initiative and are already compiling preliminary lists of those wishing to be vaccinated among their personnel.

Recorded problems: there is no water supply at the checkpoint and the border guards, representatives of the Ministry of Emergencies, National Police, State Fiscal Service, State Security Service, and others are given water which is brought in. People serving at the EECP use pit toilets instead of modern toilets. There is no power supply. The EECP is not equipped with enough sheltered areas or cabins for people crossing at the checkpoint who need to have their documents and personal belongings checked.

SETTLEMENTS ON THE LINE OF CONTACT

Nevelske, Travneve, and Hladosove – Visited on February 8-9

Continuing their work to verify reports of inaccessibility and/or restricted access by Ukrainian law enforcement agencies to a number of settlements near the LoC, the monitoring group visited the villages of Nevelske in Yasynuvata district of Donetsk Region and Travneve in Bakhmut district of Donetsk Region. Both settlements are located about 10 kilometers from the LoC and often get shelled. After talking to local residents, the monitoring group did not find that there was an issue with inaccessibility and/or restricted access to these settlements, but noted a difficult humanitarian situation in Nevelske, Travneve, and neighboring Hladosove: many local residents are having difficulty accessing basic social and other services such as transport, medicine, banking services, and shops.

There is also a difficult employment situation in these settlements. Before the war, about 400 people lived in Nevelske, while now there are around 40. Before the war, the village had its own shop and there was public transport – now products are not delivered and even the so-called "shops on wheels" no longer visit. Residents who have their own transport go to Selydove (a city 30 km from Nevelske) to buy products and to access other services for themselves and fellow villagers. They also withdraw their pensions there. With the help of humanitarian NGO Proliska, a private house was purchased in Soledar, as well as a two-bedroom apartment in Chasov, for the only two families living in Travneve with children. They moved there in May 2018.

However, for people who continue to live in Travneve and Hladosove, there is a Community House located on the premises of Proliska. Thanks to the efforts of the village head of Travneve, who is also a coordinator of Proliska, they created a library in the community center as well as a place for meetings and socializing inside the house, and a spacious summer gazebo in the yard.

We were told to organize a community center in the village so that various organizations could come to you. They began to pick (a place), and the war began. But now the house acts as a real social center in Travneve," said the mayor.

The Community House at Travneve

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