

GETTING TO UKRAINE

Problems of crossing the checkpoints
and the Russian-Ukrainian border by
residents of territories uncontrolled
by the Government of Ukraine

Getting to Ukraine. Problems of crossing the checkpoints and the Russian-Ukrainian border by residents of territories uncontrolled by the Government of Ukraine // Kyiv, 2021 — 28 p.

The report is prepared by Luhansk Region Human Rights Center Alternative in the framework of CivilM+ platform with the support of the German Federal Foreign Office.

Design and layout — Mykhailo Fedyshak

Translation — Olena Miskun



The content of the materials does not necessarily coincide with the position of the German Federal Foreign Office or CivilM +

Table of contents

INTRODUCTION 4

CROSSING OF THE DEMARCATION LINE THROUGH ENTRY-EXIT CHECKPOINTS 5

General information 5

Intersection of the demarcation line through the EECs under quarantine conditions 8

Rules for crossing the demarcation line through the EECs as of December 2021 11

Crossing the demarcation line through the EECs for updating a photo in the passport when a person reaches the age of 25 or 45, or obtain a passport due to its loss, absence or damage 13

PASS OF THE RESIDENTS OF THE SRDLO TO THE TERRITORY CONTROLLED BY UKRAINE THROUGH THE TERRITORY OF THE RUSSIAN FEDERATION 15

General information 15

Administrative fines for illegal border crossing 17

MOVEMENT BETWEEN THE TERRITORIES OF THE SO-CALLED DPR AND LPR 22

IMPACT OF RESTRICTED MOVEMENT ON CIVILIAN POPULATION 23

PROBLEMS THAT NEED TO BE SOLVED 25

INTRODUCTION

With the introduction of quarantine restrictions in March 2021, the territory uncontrolled by the Government of Ukraine (hereinafter — TUU) found themselves in even greater isolation from the rest of Ukraine. At the beginning of the quarantine, checkpoints in Donetsk and Luhansk oblasts suspended their activities and were unable to resume their operations. The number of crossings of the demarcation line has decreased significantly. According to the State Border Guard Service of Ukraine, the number of crossings at the checkpoints fell from 13.961 million in 2019 to 555 thousand in 10 months of 2021.

In order to receive medical care and social benefits, visit relatives, reissue documents, etc., citizens of Ukraine living in uncontrolled territory are forced to reach the controlled part of Ukraine across the Russian-Ukrainian border. Such trips become

very exhausting for people, expensive, and carry certain risks for physical and psychological health.

The existing difficulties with entering the controlled part experienced by the citizens of Ukraine living in uncontrolled territories contribute to their greater separation from the Ukrainian context — legal, informational, administrative, educational and others. The growing alienation of TUU residents from Ukraine could significantly complicate the reintegration process in the future.

How to get to the controlled territory of Ukraine under the current restrictions of TUU residents? What challenges do they face when crossing the Russian-Ukrainian border? How do restrictions on movement affect the civilian population? These and other questions are answered in this publication.

CROSSING OF THE DEMARICATION LINE THROUGH ENTRY- EXIT CHECKPOINTS

General information

As of December 2021, there are seven EECs on the demarcation line¹.

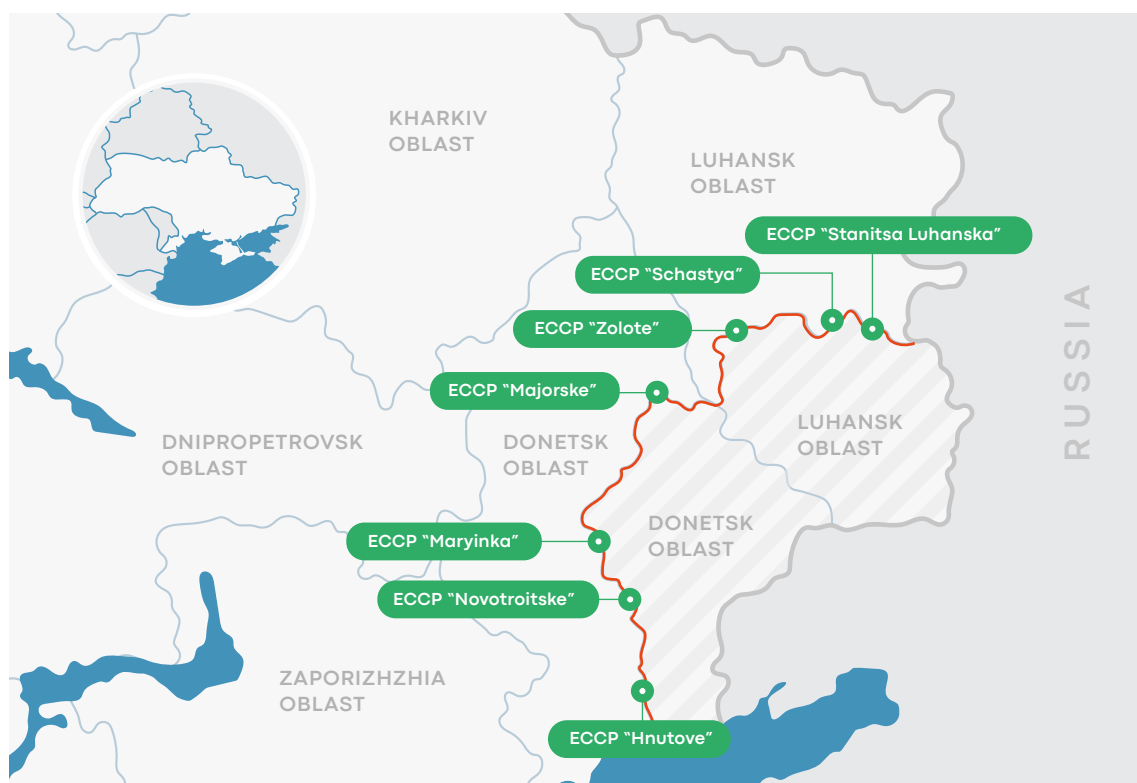
Donetsk oblast:

- ▶ **Maryinka** — location: the territory of the Maryinka city council outside the city of Maryinka, Maryinsky district, Donetsk oblast, on the section of the highway of national significance H-15, km 198 + 540 — km 199 + 550 (Zaporizhzhya — Donetsk). Road corridor: Donetsk-Kurakhove;
- ▶ **Majorske** — location: the territory of Zaitsevo village council, village Zaitsevo, Bakhmut district, Donetsk oblast, on the section of the highway T 0513, km 86 + 500 — km 87 + 550 (Lyman — Bakhmut — Horlivka). Road corridor: Horlivka-Bakhmut;
- ▶ **Novotroitske** — location: the territory of Novotroitske village council outside the settlements of Volnovakha district of Donetsk oblast, on the section of the highway H-20, km 162 + 700 — km 163 + 350 (Slavyansk — Donetsk — Mariupil). Road corridor: Donetsk-Mariupil (via Volnovakha).
- ▶ **Hnutove** — location: the territory of Pavlopil village council, Pyshevyk village of Volnovakha district, Donetsk oblast, on the section of the highway of local significance C 051232, km 10 + 690 — km 11 + 090 (Mariupil — Markine). Road corridor: Novoazovsk-Pokrovsk-Talakivka-Mariupil.

¹ <https://dpsu.gov.ua/ua/Perelik-KPVV/>

Luhansk oblast:

- ▶ **Stanytsia Luhanska** — location: Stanytsia Luhanska township, Stanychno-Luhansk district, Luhansk oblast, on the section of the highway C131624, km 3 + 200 (Krasna Talivka checkpoint — Luhansk). Road corridor: Luhansk-Schastya-Novoydar village.
- ▶ **Schastya** — location: Schastya city, Luhansk oblast, on the section of the highway H-21, km 72 + 100 — km — 73 + 250 (Starobilsk — Luhansk — Khrustalny — Makyivka — Donetsk). Road corridor: Luhansk — Vesela Hora — Schastya — Novoaydar.
- ▶ **Zolote** — location: Zolote city, Popasnyansky district, Luhansk oblast, on the section of the highway T-1316 (Molodizhne — entrance to Pervomaisk). Road corridor: Stakhanov — Zolote — Hirske — Lysychansk.



All EECPs except Stanitsa Luhanska, provide both pedestrian and vehicle crossing.

On November 10, 2020 in Luhansk oblast from the territory controlled by Ukraine (hereinafter — TCU) in order to fulfill the agreements of the leaders of the

Normandy Quartet made at a meeting on December 9, 2019 two EECPs were simultaneously opened — Zolote and Schastya. An administrative services center (hereinafter — ASC), a pharmacy, an office of Oschadbank, a post office, etc. were set up at the Shchastya checkpoint.

Although both EECPs were ready to be opened from the side of the TCU, their full-fledged work was blocked by the Russian-controlled representatives of the so-called Luhansk People's Republic (hereinafter — the so-called LPR). Immediately after the opening, these EECPs were working unilaterally, from the side of the TCU towards TUU only but due to limited crossing of the demarcation line by the TUU in both directions, the newly established EECPs were blocked for more than a year.

As of November 2021, the Schastya checkpoint is open, all the necessary staff is working, but there are no civilians who want to cross the line. According to border guards, ASC, a bank, and a post office work on the territory of the EECP, so local residents often come to the EECP on business, because they used to have to travel almost to Severodonetsk to receive these services. About once a week, humanitarian convoys of international organizations travel along the road corridor towards the TUU — depending on the needs, they transport construction materials, products, and hygiene products².



Schastya EECP

As for the Zolote EECP, it is impossible to cross the demarcation line through it either. The peculiarity of this EECP is that it is possible to pass through its territory not

only in the direction of the TUU, but also moving inside the controlled area, from Katerynivka to the city of Zolote and its satellite villages. This is the only asphalt

² <https://novynarnia.com/2021/10/11/bezlyudnyj-ostriv-kpvv/>



Zolote EECF

road for such a connection. It is used by local residents, postal workers, entrepreneurs

and international organizations. More than a hundred cars can pass in a day.

Intersection of the demarcation line through the EECFs under quarantine conditions

Prior to the introduction of COVID-19 restrictions, about 20% of all TUU residents regularly crossed the demarcation line. The reasons were various — to visit relatives, gain access to medical care, arrange paperwork issues, pensions and social benefits, withdraw cash and check the condition of the property.

On March 12, 2020, the Government of Ukraine imposed quarantine throughout the country. And 10 days after its introduction on March 22, in order to effectively counteract and prevent the spreading the coronavirus infection at the territories under the control of the Government of Ukraine, the passage through the line of demarcation of persons and vehicles was stopped³.

³ <https://www.facebook.com/pressjfo.news/posts/816364135522871>

Reciprocally the leaders of the so-called LPR and DPR announced the closure of entrances to the temporarily occupied territory of Ukraine "in order to prevent the spread of coronavirus".

In a statement of the press centre of the Joint Forces Operations Headquarters it is noted that in exceptional cases, under the critical life circumstances and relevant supporting documents available, the person may be allowed to cross the line of demarcation.

The introduction of quarantine restrictions has made it much more difficult for thousands of internally displaced persons and other citizens who are registered at one side of the demarcation line but live on the other side, or those who have not been able to return to the other side of the line of contact in time. The closure of the EECPs has deprived thousands of people of basic needs, such as social benefits, pensions, birth and death certificates; visiting family members and property; some were detached from their place of residence.

On June 10, Stanytsia Luhanska in Luhansk oblast and Maryinka in Donetsk oblast resumed their work at the side of TCU, but the public from the other side was not allowed to cross the demarcation line.

On June 22, Novotroitske EECP began operating in the Donetsk oblast. The mirror Olenivka EECP on the side of TUU was opened for public pass on Mondays and Fridays only and according to pre-approved lists. To obtain a permit to enter or leave the TUU, one has to get on a special list, which is prepared on the basis of a complex procedure for submitting documents by e-mail or Telegram messenger to the so-called Interdepartmental

operational headquarters for the prevention of the introduction and spread of new coronavirus infection. The work of the other three EECPs in Donetsk oblast is still blocked by the so-called DPR.

In general, restrictions on crossing in Luhansk oblast (TUU) are less tight. To enter the TUU, the de facto authorities required a residence permit in an uncontrolled area, while entry to the TCU side was free. People can also cross the demarcation line if the reason for the crossing falls under special humanitarian circumstances, which were advocated by the UN and humanitarian partners after the partial closure of the EECPs. In particular, these are humanitarian exceptions related to the death of a close relative, the need for urgent medical intervention, family reunification.

At the end of September 2020, the de facto authorities of the so-called LPR changed the rules of crossing the demarcation line: since then, residents of TUU in Luhansk oblast could cross the checkpoint Stanytsia Luhanska in the direction of TCU and back once a month only.

On October 15, the Stanytsia Luhanska checkpoint at the side of TCU was temporarily closed due to the deteriorating epidemiological situation. And already on November 10, 2020, in pursuance of the agreements of the Trilateral Contract Group, all seven EECPs in Luhansk and Donetsk oblasts resumed their work, including Schastyia and Zolote. Nevertheless, the TUU side (Donetsk and Luhansk oblasts) continued to block the full-fledged work of the EECPs.

Thus, as of September 2021, only two EECPs were operating in a limited mode on both sides — **Stanytsia Luhanska** and

Novotroitske. The de facto authorities of the so-called DPR explain their decision as a reaction to the "situation with coronavirus and vaccination" in the territory controlled by the Ukrainian government.

On October 9 the so-called LPR imposed additional restrictions. According to the new rules those persons who have Lugansk residence permit (in passport) could enter the TCU through Stanytsia Luhanska EECP only in case they are included into the lists formed by the "permanent working group" on certain grounds (medical care, education, care for a close relative, burial of

a relative). Residents of the uncontrolled territory of Luhansk oblast feared that the restrictions could be extended indefinitely and that the rules for crossing the EECP would create a situation similar to the one in Donetsk oblast, but the restrictions were lifted on November 11.

Due to the established restrictions, the number of people crossing the line of demarcation has decreased many times. The information on the number of contact line crossings in October 2019 and 2021 for each EECP separately.

Table 1
Comparison of the number of crossings of the demarcation line in October 2019 and 2021⁴

	Location	Exit from TUU	Entry to TUU	Total
October 2019	Hnutove	57,000	51,000	108,000
	Majorske	146,000	151,000	297,000
	Maryinka	126,000	130,000	256,000
	Novotroitske	127,000	123,000	250,000
	Stanytsia Luhanska	175,000	180,000	355,000
	Total	631,000	635,000	1 266,000
October 2021	Hnutove	0	0	0
	Majorske	0	0	0
	Maryinka	0	0	0
	Novotroitske	1,000	2,000	3,000
	Stanytsia Luhanska	10,000	15,000	25,000
	Total	11,000	17,000	28,000

THE NUMBER OF CROSSINGS DECREASED BY 45 TIMES!

⁴ According to the State Border Guard Service of Ukraine

Rules for crossing the demarcation line through the EECPs as of December 2021

As of December 2021, citizens of Ukraine can cross the line of demarcation with a Ukrainian passport:

in Luhansk oblast⁵

→ Towards TUU

Through Stanytsia Luhanska EECP with registration in the passport in the settlements of the so-called LPR — at any time.

Entry of citizens who are not registered at the place of residence in the so-called LPR is carried out on the basis of lists drawn up by the working group, if one of the following grounds is present:

- ▷ medical care (rehabilitation) on the territory of "LPR";
- ▷ studying on the territory of "LPR";
- ▷ the need for third-party care for a close relative living in the "LPR";
- ▷ receiving financial assistance or monetary rewards for the Russian-speaking population of Ukraine in the framework of the implementation of the Humanitarian Program for the reunification of the people of Donbass;

- ▷ burial of a relative on the territory of "LPR";
- ▷ in exceptional cases for the needs of emergency crossing on the basis of the decision of the working group in agreement with the "Ministry of State Security of LPR".

← towards TCU

Through the Stanytsia Luhanska EECP with passport registration in the settlements of the controlled part of Ukraine — at any time.

Departure of people with Luhansk registration in the passport to the controlled territory of Ukraine takes place not more often than once a month. If it is necessary to cross the demarcation line more often, the decision of the chairman of the Emergency sanitary and anti-epidemic commission under the authorities of the so-called LPR should be obtained.

⁵ <https://bit.ly/3pRNKDB>

Decree of the Head of the Luhansk People's Republic "On streamlining the Decree of the Head of the Luhansk People's Republic of 26.05.2021 no. UG - 274/21" On some issues of crossing of the line of actual demarcation through Stanitsa Luganskaya temporary checkpoint".

in Donetsk oblast:

→ towards TUU

Every Monday and Friday only through the Novotroitske EECP, always having the permission of the so-called Interdepartmental operational headquarters for the prevention of the introduction and spread of new coronavirus infection of "DPR".

← towards TCU

Every Monday and Friday only through the Novotroitske EECP:

- ▶ with passport registration in the settlements of the controlled part of Ukraine — at any time.
- ▶ with a Donetsk residence permit — always having the permission of the so-called Interdepartmental operational headquarters for the prevention of the introduction and spread of new coronavirus infection of "DPR".

The period of consideration of applications for the permission of the headquarters poses not less than 14 working days.

Of course, all displacement is carried out in accordance with the rules established

by one or another party related to anti-epidemiological measures. Due to the fact that they change very quickly, it makes no sense to describe exactly those that were at the time of preparation of the study.

When planning the crossing of the demarcation line, keep in mind the need to have a valid electronic pass — the so-called permission to cross the demarcation line, which is provided by the Procedure for entry of persons, movement of goods to temporarily occupied territories in Donetsk and Luhansk oblasts and exit of persons and goods from such territories (paragraph 15). One can get it or check its status on the official website of the SSU (urp.ssu.gov.ua). Applications for permission that have been submitted/re-submitted since March 28, 2019 become valid "without limitation of validity", but even in this case it is better to check the status of the permission before the trip, because there are cases when permission is absent in the relevant database during the check at EECP. The term for consideration of the application for the submission or resubmission of the permit is 15 days. People who go to treatment, care for relatives, funerals, after a change of passport, etc. have the right to apply for an electronic pass in an accelerated mode.

Crossing the demarcation line through the EECs for updating a photo in the passport when a person reaches the age of 25 or 45, or obtain a passport due to its loss, absence or damage

According to the legislation of Ukraine, all citizens who have reached 25 or 45 years of age are required to update a photo in the old passport or replace the old passport with an ID card. Replacement of the photo in the passport is carried out within a month from the date of birth (25th, 45th anniversary) at the **relevant territorial subdivision of the State Migration Service** of Ukraine depending on the registered place of residence, or to the relevant ASC. Photographs are pasted within five days. If it is necessary to carry out additional verification of the information submitted by the applicant, the term for dating the photograph shall be extended by no more than 30 calendar days.

Earlier, the law provided that photos could be updated with delay and an administrative fine would apply. Starting from March 2018, other rules apply — if a person has reached 25 or 45 years of age and has not applied for a new photo within a month after reaching the relevant age, their old passport must be changed for an ID card and that does not exempt the person from paying a fine⁶.

This rather simple procedure with the replacement of photos in the passport sometimes becomes a real event for the average resident(s) of the TUU, because they have to leave the uncontrolled territory, submit an application and documents

to **any territorial subdivision of the SMS**, return back to set off again in five days, or stay for at least 5 days in the controlled area.

In order to easily enter the uncontrolled territory without a passport, the SMS subdivisions are currently issuing special certificates. This aspect was not regulated by the Ukrainian legislation until July 2017, so the citizens of Ukraine were actually blocked in the controlled territory, because the border guards did not allow people without a valid passport to pass. In the case of the extension of the terms of consideration of the application, the situation for the people became even more difficult, because they had to secure a place to live in the controlled territory.

If the citizens of Ukraine due to permanent residence in the temporarily occupied territories for any reason were not able to timely update photos to their passports, they could go to the controlled area by presenting their current passport of a citizen of Ukraine.

Although prior to the introduction of quarantine restrictions (March 2020), the procedure of pasting a photo into a passport for residents of separate regions of Donetsk and Luhansk oblasts (hereinafter — SRDLO) in compliance with the necessary deadlines was complicated in terms

⁶ Amendments to the Resolution of the Cabinet of Ministers of Ukraine of 25.03.2015 no. 302 "On approval of the sample form, technical description and Procedure for registration, issuance, exchange, transfer, withdrawal, return to the state, invalidation and destruction of the passport of a citizen of Ukraine"

of time, money and psychological costs, but there were no intentional restrictions on crossing of the demarcation line. Of course, the human factor cannot be ruled out, when at the EECP some border guards may put demands that contradict the current legislation of Ukraine, but in this study the emphasis is made mostly on established legal norms.

From March 12, 2020, quarantine was introduced throughout the country⁷. Due to this, for 10 days the passage of persons across the demarcation line was stopped by both the TCU and TUU, apart from exceptional cases, which did not include the updating of photos in the passport.

On March 17, the Verkhovna Rada of Ukraine adopted the Law on amendments to certain legislative acts of Ukraine aimed at preventing the occurrence and spread of coronavirus disease (COVID-19). The final provisions of the Law stipulate that for the period of quarantine or restrictive measures to prevent the spread of COVID-19 from the date of quarantine, **the period of application for administrative and other services and the terms of provision of these services specified by law are suspended**. From the date of termination of quarantine, the duration of these terms shall continue, taking into account the time elapsed before its suspension.

That is, if a person is 25 or 45 years old during the quarantine period, they will have 30 days to renew their passport after the quarantine is over.

At the time of writing, the quarantine has been extended until December 31, 2021.

If Ukrainian citizens living at the TUU have had their passports damaged or lost⁸, they can leave the uncontrolled territory provided they present:

- ▶ another identity document and confirming the citizenship of Ukraine;
- ▶ certificate issued by the territorial body or territorial subdivision of the SMS in case the person left for the controlled territory for registration of documents.

The submitted documents are checked by the coordination center during the issuance of a permit to cross the demarcation line through the EECP.

Citizens of Ukraine who have not reached the age of 16 and have not had the opportunity to receive a passport of a citizen of Ukraine due to permanent residence in the temporarily occupied territories may cross the line of demarcation, in particular, upon presentation of a birth certificate.

⁷ Resolution of the Cabinet of Ministers of Ukraine of March 11, 2020 no. 211 On prevention of the spread of coronavirus COVID-19 in Ukraine

⁸ Resolution of the Cabinet of Ministers of Ukraine of July 17, 2019 no. 815 On procedure for entry of persons, movement of goods to temporarily occupied territories in Donetsk and Luhansk oblasts and exit of persons and goods from such territories

PASS OF THE RESIDENTS OF THE SRDLO TO THE TERRITORY CONTROLLED BY UKRAINE THROUGH THE TERRITORY OF THE RUSSIAN FEDERATION

General information

From the spring of 2020, the de facto authorities of the so-called DPR do not open checkpoints; people can pass only with the permission of the so-called Interdepartmental operational headquarters for the prevention of the introduction and spread of new coronavirus infection⁹. Most residents of the uncontrolled part of Donetsk oblast are forced to reach the TCU through the territory of the Russian Federation.

Why not through the Stanytsia Luhanska EECP because during all the time of quarantine restrictions, the rules of crossing the

EECP in Luhansk oblast were less strict than in Donetsk?! More than a year and a half ago, in March 2020, the passage between the two so-called republics was closed. According to the official version, this was due to the prevention of the spread of coronavirus infection. Therefore, the only way to get to the controlled part of Ukraine was a long and expensive trip through Russia.

The crossing the border between the so-called republics and Russia is available through the following checkpoints (see Table 2).

⁹ Read more about the entry-exit rules in the section "Crossing the demarcation line through entry-exit checkpoints"

Getting to Ukraine. Problems of crossing the checkpoints and the Russian-Ukrainian border by residents of territories uncontrolled by the Government of Ukraine

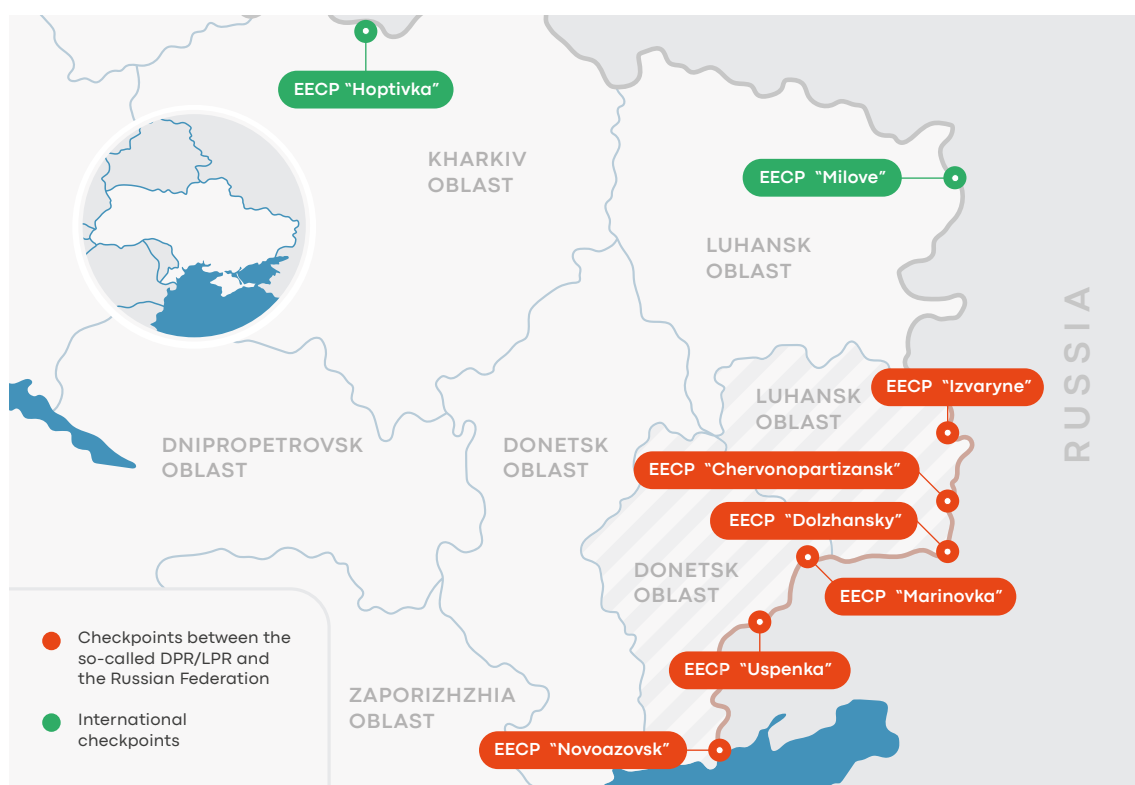
Table 2
Checkpoints between the so-called DPR/LPR and the Russian Federation

So-called LPR		RF
Izvaryne	↔	Donetsk
Dolzhansky	↔	Novoshakhtynsk
Chervonopartizansk	↔	Hukovo

So-called DPR		RF
Uspenka	↔	Matveev Kurgan
Marinovka	↔	Kuibyshevo
Novoazovsk	↔	Voznesenka

After crossing those checkpoints, the residents of the TUU have to reach the border checkpoints through Russia to enter Ukraine. One of such checkpoints, located in the Rostov region (RF) is the checkpoint

Chortkove — on the Ukrainian side — Milove Luhansk oblast. The second point is Nekhoteevka” of the Belgorod region (RF), on the Ukrainian side there is a checkpoint Hoptivka of the Kharkiv oblast.



In order to return from SRDLO to the controlled territory of Ukraine one needs to have a Ukrainian passport, which indicates registration in the settlements of the so-called DPR and LPR. To cross the Ukrainian-Russian border in the opposite direction, one must have a foreign passport. These innovations are effective from March 1, 2020. Ukrainian citizens who are unfamiliar with this find it as an unpleasant surprise, as their trip is forced to be delayed for 10 days

(minimum passport issuing time — seven working days) and becomes even more expensive. But choosing in the meantime to wait for the issuing of a passport, or apply to the so-called “Interactive headquarters of the DPR” to obtain permission to return home, people often choose to wait for a passport, because applications are often delayed for a month instead of the promised two weeks, in addition, the passport will be needed for future trips.

Administrative fines for illegal border crossing

One of the significant obstacles to travel through Russia are the administrative fines imposed by Ukrainian border guards for illegal border crossing — from 1,700 to 5,100 UAH¹⁰. In such cases, human rights activists recommend to appeal the decision of the border guards to the court, which in most cases takes the side of the plaintiffs. But not everyone wants and has the opportunity to apply to Ukrainian courts. Most people find it easier to simply pay a fine or, sadly, give a bribe to border guards to avoid problems.

In June 2021, the Verkhovna Rada of Ukraine passed a law on the temporary abolition of fines for violating the rules of entry and exit from the occupied territory of Ukraine, which entered into force on July 24¹¹. According to it, for the

period of quarantine or for the period of blocking the activities of the EECs, citizens of Ukraine living in the temporarily occupied territories of Ukraine will not be subject to administrative penalties and measures of influence for administrative offenses related to violation of the order of entry into the temporarily occupied territory Ukraine or leaving it, if such violations occurred on humanitarian grounds.

The grounds of humanitarian nature are prescribed in the resolution of the Cabinet of Ministers of Ukraine¹², which states that in case of temporary suspension of the EEC regime zone, the admission of persons and vehicles is carried out immediately in the presence of the following humanitarian grounds:

¹⁰ Code of Ukraine on Administrative Offenses. Article 204-2. Violation of the order of entry into and exit from the temporarily occupied territory of Ukraine

¹¹ Law of Ukraine of 29.06.2021 № 1583-IX “On amendments to Section II Final Provisions of the Law of Ukraine “On amendments to certain legislative acts of Ukraine aimed at preventing the occurrence and spread of coronavirus disease (COVID-19)” on temporary grounds for non-application of administrative penalties and measures against violation of the order of entry into or exit from the temporarily occupied territory of Ukraine

¹² <https://zakon.rada.gov.ua/laws/show/815-2019-%D0%BF#Text>

- 1 family reunification;
- 2 serious illness, death of close relatives;
- 3 the need to provide medications or treatment;
- 4 departure from the temporarily occupied territories of a person who has documents confirming the right to permanent or temporary residence in another state;
- 5 crossing the line of demarcation of the child accompanied by one of the parents (adoptive parents), guardians, trustees or other legal representatives;
- 6 crossing the line of demarcation of persons
- 7 for the purpose of visiting an educational institution for study, professional and practical training, state final certification;
- 8 return of the persons to their place of residence. The transfer of persons is carried out once during the period of validity of the decision on temporary suspension of the checkpoint;
- 9 acceptance of inheritance;
- 10 other cases when there is reason to believe that the situation requires an immediate crossing of the line of demarcation in any direction for humanitarian reasons or in order to prevent threats to life and health and / or violation of one's rights.

The resolution also states that the existence of humanitarian grounds should be documented if possible. The definition of what "is possible" and what documents one need to have is not provided in the resolution, which creates grounds for a free interpretation of the law.

According to MP Dmytro Lubynets, one of the authors of the law, even after its adoption, the State Border Guard Service of Ukraine ignores the Ukrainian legislation and continues to impose fines on Ukrainian citizens entering and leaving the temporarily occupied territory¹³.

¹³ <https://www.facebook.com/dmytro.lubinets/posts/2636325676675209>

Below is information from the State Border Guard Service on the number of administrative fines imposed during the 10 months of 2021.

Table 3

The number of administrative fines issued to residents of SRDLO for violating the order of entry into and exit from the temporarily occupied territory of Ukraine (Article 204-2 of the Code of Administrative Offenses) through the checkpoints Hoptivka and Milove (2021)

	January	February	March	April	May	June	July	August	September	October
Hoptivka	748	839	405	202	167	212	149	1	0	0
Milove	1054	1441	1703	679	166	924	1231	84	46	2

It can be noted that since August, the number of fines has decreased significantly, but this practice has not stopped.

People living in the so-called DPR and LPR, who are forced to periodically reach the territory of Ukraine through Russia, voice complaints about the existing corruption schemes that they face during the trip.

Below is a story of a resident of the uncontrolled Donetsk region about her own experience.

"The situation with the imposing of fines is simply outrageous! I thank the Ukrainian human rights activists who helped pass the law repealing them, but because it mentions "humanitarian grounds," the border guards decide for themselves who should be fined and who should not. I approach the border guard, and in front of him is a piece of paper with a list of such "grounds". I say — I'm going to Ukraine to get vaccinated, and he be like — You have no reason

to. The next person says — I'm going to change my passport, he answers — I don't know anything, there is no such thing in the list — there is a burial, there is treatment, and nothing is mentioned about the passport. That's all. We will be fined, which, of course, we can appeal in court, but most of them will pay!

The most interesting and unpleasant thing is that the border guards are in secret agreement with the carriers, on whom the person becomes very dependent. Imagine the situation. The carrier gathers full bus people, the average age of which is 70 years. People have not gone anywhere for six months, and now they are going on a journey that is unknown when and how it will end. In general, the whole trip ideally takes 24 hours, on average — 48, in the worst case — 56-58 hours. They have already paid a lot of money for the trip at the very beginning (the cost of the

trip with the starting point in the so-called DPR and the final in the controlled territory of Ukraine, for carriers is 2,500-4,000 UAH in one direction). And here is such a young and cheerful guy telling them — you do understand that in the case of a positive PCR test in at least one of you, the whole bus will go for two weeks in hospital for isolation, so chip in and I will now bring negative answers to tests. Can you imagine such a hero who would not give money and would be hated by all fellow travelers?! Then he goes on to say that two fines must be paid per one bus (or four depending on the situation). And now the whole minibus chips in for fines that these elderly people do not have to pay at all. And what to do when they are scared and worried, at two o'clock in the morning and are in complete obscurity? Of course, they pay for everything they are told, because they are completely dependent on their carrier. He is also praised, they say, the rules are constantly changing, and he is such a good man, he arranged everything. That's how these schemes work.

Of course, one can choose a carrier that delivers only to the border, and there are all the checkpoints they pass themselves, but in this case they are left alone with all the border guards. Few people agree to this, and people often have heavy bags with them, so I would like to emphasize that 98% just buy off via carriers. One can only calculate how much money from the pension accumulated on the card for six months an average elderly person will be left with, after they meet the needs of all who

want to profit from the situation. And then they will think that it is better to pay dubious financial institutions that "encash" the cards of retirees in their city, so as not to face all the adventures of a long trip.

A separate topic is the rudeness and impudence of border guards. The intonation of the conversation, their comments and statements — all this shows disrespect and hostility towards us, from them just blows this — "Why are you all rushing to us?". When you tell them the reason for your vaccination trip, you hear in response from your compatriot — and why are you coming here, why don't you take Russian Sputnik? And such behavior — 99%! And after such an attitude towards you, where everyone you approach hates you, after bad conditions at checkpoints, where there is no place to go to the toilet and drink water, you cross the border and see "Ukraine greets you!" Believe me, in the soul there are mixed emotions. I understand that the flow of people has increased, that employees do not receive any additional payments, that the staffing schedule has not changed, but this is not possible with their compatriots who have become hostages in this situation. After all, the first person a resident of an uncontrolled territory meets is a border guard, and he should meet them as a native, not as an enemy. But the representatives of the state not only do not promote reunification, but do the opposite, so that the already broken social ties are lost forever. What kind of reintegration are we talking about?!"

The described actions of border guards were reflected in other private conversations with residents of uncontrolled territories, who want to remain anonymous due to security issues.

In summary, we can say that such aspects as: grounds for free interpretation of the law on the abolition of fines, created by including “humanitarian grounds”, lack of attention to this topic from government agencies, reluctance of SRDLO residents to speak publicly about corruption of border guards so that law enforcement agencies could react on this — negatively affect the processes of reintegration and perception of the official Ukrainian government by residents of uncontrolled territories.

A coalition of organizations working to protect the rights of victims of armed conflict has created an information leaflet¹⁴ on the

crossing of the Russian border by residents of SRDLO.

It states that if during the crossing of the state border of Ukraine an employee of the border service reports that you have committed an offense under Art. 204-2 of the Administrative Code of Ukraine, it is necessary to politely explain to them all the circumstances under which you were forced to enter the government-controlled territory to bypass the EECF, and if possible provide supporting documents. Depending on the situation, it can be a medical certificate, an invitation from a university, a copy of a relative’s medical certificate, etc.

If the border guards issue an administrative protocol, you should make sure that the circumstances and reasons that forced you to leave the SRDLO through the Russian Federation are included in it.

¹⁴ https://issuu.com/vostok-sos/docs/_db266915bd4c19

MOVEMENT BETWEEN THE TERRITORIES OF THE SO-CALLED DPR AND LPR

At the border between the so-called republics there are four road checkpoints: Debaltseve, Snizhne, Nikishine and the 759th km of the M-03. As mentioned above, the passage between them was closed from March 2020, due to the prevention of the spread of coronavirus infection. The inhabitants of the uncontrolled territory of Donetsk oblast, involuntarily became hostages of the situation and were forced to get to the controlled part of Ukraine through Russia, spending considerable financial, physical and psychological resources.

On June 18, 2021 the "head of the so-called DPR" with its decree lifted travel restrictions between the "republics", i.e. the territory of the uncontrolled Luhansk oblast can now be reached without a special decision of the Interdepartmental operational headquarters for Infection control, regardless of the place of registration.

Local media reported that the "heads of L/DPR" agreed on a strategic partnership in the economic, customs and tax spheres; intensive work is underway to synchronize the legislation and regulations of the two so-called republics aimed at creating a single customs area. The programs

for socio-economic development of "DPR" and "LPR" for 2022-2024 are developed.

As a result, on October 1, 2021, the customs between the so-called DPR and LPR was dismantled. At present, the movement of goods, vehicles and citizens between the "republics" is free, without any customs procedures and controls.

Can now the residents of the so-called DPR cross the demarcation line through Stanytsia Luhanska EECP? Theoretically, in the direction of TCU — yes. On the way back, however, the right to unimpeded entry into the territory of "LPR" have persons only with registration in the territory of "LPR". In other cases, permission for entry is based on certain lists.

IMPACT OF RESTRICTED MOVEMENT ON CIVILIAN POPULATION

Because of restrictions on movement for a year and a half hundreds of thousands of people were left without access to social benefits and basic social services, and lost touch with family and friends. Some people cannot visit their property for a long time, some people cannot obtain birth and death certificates or re-issue relevant documents, students and their parents living in uncontrolled territory face difficulties in getting to the controlled territory for timely passage of external evaluation or submission of documents to Ukrainian universities during the admission campaign.

Due to restrictions on movement, retirees from uncontrolled territories found themselves in a difficult situation. Without the possibility of withdrawing their pensions in the controlled territory, they are forced to look for alternative ways of survival — to use the accumulated savings, try to live only on social benefits at the TUU, and borrow money. A common way to get one's earned Ukrainian pension is the appeal of retirees to legally dubious financial institutions, which through Internet

banking provide services for the so-called "encashment" (Russian) funds. The fee for such a service can reach up to 20%. But comparing the cost of interest and the cost of travel to the TCU through the territory of the Russian Federation, taking into account the time and psychological losses, more and more residents of the TUU choose to resort to the services of illegal financial institutions.

Restrictions on movement have increased the isolation of TUU residents and negatively affected their psychological state. People feel trapped by not being able to visit loved ones for more than a year without having any definite prospects for improvement. In fact, for those who are not covered by humanitarian exceptions, or those who are unable to prove permanent residence on the TCU/TUU, respectively, the only option is to travel through Russia. However, this way is much more expensive and exhausting¹⁵.

Most retirees permanently residing in the uncontrolled territory crossed the demarcation line every two months until the

¹⁵ See more in chapter Pass of the residents of the SRDLO to the territory controlled by Ukraine through the territory of the Russian Federation

restrictions were imposed (until March 2020). This was due to the need to pass identification in the Oschadbank to ensure payment of their pension.

Since the introduction of quarantine, Oschadbank has repeatedly extended the payment cards of internally displaced persons whose terms have expired (until March 1, May 1, October 1, 2021). This has become an important help for retirees who permanently reside in the uncontrolled area, but can not due to objective circumstances (non-working EECs, unstable schedule due to quarantine restrictions, health hazards due to the spread of coronavirus infection) to arrive in time at Oschadbank branches for getting new cards.

In October 2021, the Oschadbank issued a statement notifying that expired cards for internally displaced persons would be valid until January 1, 2022. The Bank will send text-messages to customers whose cards have been artificially renewed, indicating the date and time to receive a re-issued card. If the client wants to choose another time of the visit, they will be able to register for the branch online in one of the following ways: through the official website of Oschadbank, in the chat bot of Telegram or Messenger applications, in the Contact Center toll-free: 0 800 210 800.

According to Oschadbank, the decision was made for the safety of citizens who are forced to stay in the temporarily occupied territories, as there is information about many cases of inhumane misappropriation of cards by third parties and withdrawals by unverified persons.

Dmytro Bashtovyi, Deputy Director of the Oschadbank's department of e-commerce and payments, said that the automatic renewal of cards was introduced as a short-term measure. Now it is decided to cancel this feature, which does not mean that people will lose their money¹⁶.

According to Rostyslav Zamlynskyi, Deputy Minister for temporarily occupied territories and internally displaced persons of Ukraine, pensioners living at the TUU will continue to receive pensions on new bank cards, which will be waiting in their accounts until they can cross the EEC and renew their cards.

At the same time, on November 10, the representative of the Ukrainian delegation in the socio-economic subgroup of the Tripartite Contact Group on Donbass Victoria Strakhova said that it is planned to extend the Oschadbank cards beyond January 1, 2022 for retirees living in SRDLO.

¹⁶ <https://economics.segodnya.ua/ua/economics/finance/pensii-dlya-zhiteley-ordlo-kak-poluchit-vyplaty-esli-karta-oshchadbanka-prostrochena-1580342.html>

PROBLEMS THAT NEED TO BE SOLVED

From the side of Ukraine:

- ▶ Ukrainian border guards keep imposing fines on TUU residents for illegal border crossing. Although a law of Ukraine on abolition of administrative liability in the form of fines for violating the existing order of entry/exit to the TUU for humanitarian reasons, was adopted in June 2021 in practice the problem has not been fully resolved
- ▶ The international checkpoints Milove and Hoptivka are understaffed and ill equipped with sanitary and hygienic facilities. These problems arise because border facilities were not designed for the number of people entering/leaving through them in today's conditions.
- ▶ The staff of the State Border Guard Service of Ukraine shows unacceptable attitude towards residents of the uncontrolled territory, which negatively affects the processes of reintegration and perception of the official Ukrainian government by the residents of the TUU
- ▶ Ideological alienation of TUU residents from Ukraine due to difficulties with their entry into the controlled part, which may significantly complicate the reintegration process in the future

From the side the so-called DPR and LPR (within the work of the Tripartite Contact Group):

- ▶ The EECPs in the Donetsk oblast (Novotroitske) and in the Luhansk oblast (Stanytsia Luhanska) are understaffed. The work of other EECPs is blocked by illegal armed formations of the so-called DPR and LPR
- ▶ The access to the EECPs is limited — through the Stanytsia Luhanska EECP residents of TUU with Luhansk registration can leave once a month only; Ole-nivka EECP (Novotroitske from the side of TCU) is open for admission on Mondays and Fridays only
- ▶ The crossing of the demarcation line is possible under permission from the de facto authorities of the so-called DPR and LPR. The period of consideration of applications for obtaining a permit by the “headquarters” — poses not less than 14 working days
- ▶ The possibility of crossing the demarcation line varies on the registered place of residence. The existing rules for crossing the EECPs are closely related to the concept of “registration”, i.e. the decision to allow a person to cross the line of demarcation or not is influenced by whether they have a Donetsk or Luhansk residence permit in the so-called republic
- ▶ Rules for crossing the line of demarcation by the so-called DPR and LPR are constantly changing in the conditions of Covid-19 spreading

CivilM + is an independent international platform of civil society, whose mission is to actively promote the association of civic initiatives and other activities to rebuild Donetsk and Luhansk oblasts as peaceful, integrated and developed regions within democratic Ukraine and the single European space, with the active participation of the region and persons who fled the region due to the conflict.

CivilM + provides its participants with the opportunity to cooperate in joint initiatives and projects, create and express common positions, provide mutual support and solidarity, systematize knowledge, improve skills and improve coordinated work.

The CivilM + platform was founded in December 2017 by civil society representatives from Ukraine, Russia, Germany and France.

Find more about the platform at civilmplus.org

The platform was created within the project Dialogue for understanding and justice: European NGOs working together for conflict resolution in Donbass, implemented by DRA e.V. with the support of the German Federal Foreign Office.



Federal Foreign Office

