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Photo: Foundation.101

INTRODUCTION

NGO "Foundation.101" has been implementing the initiative "Frontline Inspection" since September 2015. The aim of the initiative is to monitor the observance of human rights at the entry-exit control points on the line of contact, check the sanitary condition of control points and study public opinion on the work of inspectors and problems faced by citizens when crossing the line of contact.

The project is implemented in close cooperation with the Office of the Ukrainian Parliament Commissioner for Human Rights and the Donetsk regional military-civilian administration.

Within the "Frontline Inspection" initiative, Foundation.101 conducted a survey of people at the five entry-exit control points in Donetsk and Luhansk regions. This publication presents the results of the analysis of the survey, observations made on monitoring visits, as well as an analysis of legislative changes that took place in October and November 2016. At the end of the report, there are recommendations that will have a positive impact on the situation at the entry-exit control points in the Donetsk and Luhansk regions.

The report was prepared thanks to the kind support of the United Nations High Commissioner for Refugees.

The contents of this publication are the sole responsibility of NGO "Foundation.101" and do not reflect the views of any of the mentioned partners.

1. METHODOLOGY

The analytical report is based on a survey of persons crossing the line of contact through the five entry-exit control points in Donetsk and Luhansk regions, observations of monitors from NGO "Foundation.101" during monitoring visits to control points and analysis of the legislative framework governing the operation of the checkpoints.

The survey of persons crossing the line of contact was carried out in order to gain a better understanding of the actual state of affairs at the checkpoints and identify the main trends among those crossing the five entry-exit control points, "Marinka", "Mayorske", "Hnutove", "Novotroitske" and "Stanytsia Luhanska" in October-November, 2016. 5,691 persons were interviewed over the course of the survey.

The methodology of data collection was the same at all entry-exit control points. The monitors used the questionnaire developed by the United Nations High Commissioner for Refugees (UNHCR) together with civil society organization "Foundation.101". The questionnaire included 29 questions with one or several answers, depending on interviewees' response to earlier questions. All civilians interviewed for the survey were informed about its purpose, and the polling was conducted anonymously.

The survey was conducted by the monitors of NGO "Foundation.101" among persons queuing at the entry-exit control points. People travelling both to and from government-controlled areas took part in the survey.

The survey was conducted in the form of personal interviews with people in vehicles who were waiting to cross the line of contact as well as with people who were crossing the control point by public transport.

The presence of the employees of NGO "Foundation.101" at the entry-exit control point had been approved by the Ukrainian authorities prior to the execution of the survey, and members of the Ukrainian military were not present at the time of the interviews.

Monitoring visits were carried out by monitors of Foundation.101 at each of the five specified entry-exit control points twice a week. Monitors recorded the conditions under which officers of the State Border Service of Ukraine and the State Fiscal Service of Ukraine processed civilians crossing the line of contact, as well as the overall conditions and sanitation of infrastructure present at the control points. Monitors also noted accidents that took place at the entry-exit control points.

The monitoring was carried out directly on the territory of the entry-exit control points, as well as on areas adjacent to the control points in government-controlled areas.

The last component of the research was to observe changes to legislation that regulates procedures of crossing the line of contact.

2. CHANGES TO THE TEMPORARY ORDER ON CROSSING THE LINE OF CONTACT¹

"The Temporary Order of Monitoring the Movement of People, Vehicles and Goods across the Line of Contact in Donetsk and Luhansk Regions" (hereinafter referred to as the Temporary Order) is the main document that regulates the movement of people, vehicles and goods in the area of Anti-Terrorist Operation in Donetsk and Luhansk regions. It also defines types of the roadblocks, the entry-exit control points, procedures governing their operation and rules of crossing.

In late November, amendments to the Temporary Order were introduced. The main change has affected the general weight of goods and products for personal use which is permitted to be carried by those crossing the line of contact, which was increased from 50 kg to 75 kg per person. The total invoice value of goods permitted to be transferred over the line of contact remained the same: goods valued up to 10 thousand UAH and products of personal usage up to 5 thousand UAH per person may be transported.

The number of alcoholic beverages, tobacco products and home decorations remained unchanged. Building supplies used for home improvement may only be transported in one direction — from the occupied territory to territory controlled by the Ukrainian government.

Another significant amendment to the Temporary Order concerns the regulation of the so-called beneficial queue.² New alterations to the Temporary Order regulate the categories of people who have the right to use the expedited queue. No comparable regulation was specified in earlier versions of the law. The introduction of changes to the Temporary Order doesn't allow the Customs Service to select persons eligible to cross at their own discretion, regardless of real need any more.

Further, a new version of the Temporary Order places the authority to define which individuals receive priority status as they access the entry-exit control point with a commission comprised of a chief of the shift of the state controlling bodies at the entry-exit control points (e.g. State Border Service of Ukraine, State Fiscal Service of Ukraine, Security Service of Ukraine) and representatives of non-government organizations (Foundation.101, Donbas SOS, Vostok-SOS). The Order mandates that documentation concerning the passage of individuals with priority be made in a special journal, accompanied by signatures from the commission members.

Foundation.101 believes that the clear implementation of this regulation, which engages the humanitarian community to assist the state in verifying individuals to be given priority in accessing the entry-exit control points, can significantly decrease corruption, and alleviate the conditions of crossing the line of contact for vulnerable persons.

1 A full name "Temporary Order of Monitoring the Movement of People, Vehicles and Goods across the Line of Contact in Donetsk and Luhansk Regions" available at <https://ssu.gov.ua/ua/pages/32>

2 A beneficial queue allows certain categories of people to get to the entry-exit control point and be checked in priority.

3. THE OVERALL SITUATION AT THE CONTROL POINTS: WAITING CONDITIONS

While undertaking monitoring visits, Foundation.101 monitors carried out inspections of entry-exit control points, with focus placed on the security of civilians, the sanitary conditions of infrastructure for queuing civilians, waiting conditions, and extraordinary situations like accidents, injuries, and security incidents.

In October-November the monitors of the organization recorded intensified military activity on the line of contact. In particular, the monitors witnessed 18 cases of attacks or explosions near the control points, ten of which took place in October and eight in November.

In October, the highest level of military activity was near the control point "Hnutove", where monitors recorded six attacks, one of which damaged power lines and caused a blackout. Shelling and explosions were recorded at "Stanytsia Luhanska" (October 13th), at "Marinka" (October 17th) and near "Mayorske" (22nd, 26th of October).

Two of the eight recorded cases of military activity at or near control points in November took place in "Mayorske", where explosions were noted on November 6th and heavy-caliber gunfire recorded on November 20th. At entry-exit control point "Hnutove", frequent shelling was heard on November 9th and heavy-caliber shooting heard on November 24th. On November 17th, explosions and volleys of automatic gunfire were heard at "Novotroitske". At the same location, on November 2nd, two Ukrainian soldiers were killed and three injured in attacks at the "zero checkpoint". At the control point "Marinka", volleys of automatic gunfire were heard on November 1st, and attacks were recorded on November 25th.

Over the reporting period, the biggest number of attacks and explosions was recorded in the area at or near the entry-exit control point "Hnutove" (eight cases), while the calmest situation was observed near the control point "Stanytsia Luhanska" (two cases).

Monitors recorded the deaths of three people who were waiting in queues to cross the line of contact over the same period. On October 26th, at the entry-exit control point "Marinka", an ambulance was dispatched to assist a man who showed no signs of consciousness. On October 27th, in a queue at zero checkpoint near the control point "Stanytsia Luhanska", a man died from a blood clot. On November 1st, the death of a woman was recorded in the "gray area" between government and non-government checkpoints.

To some extent, toilets, tanks with drinking water and heating points are present at all five entry-exit control points. However, their conditions and convenience differ significantly from one entry-exit control point to another.

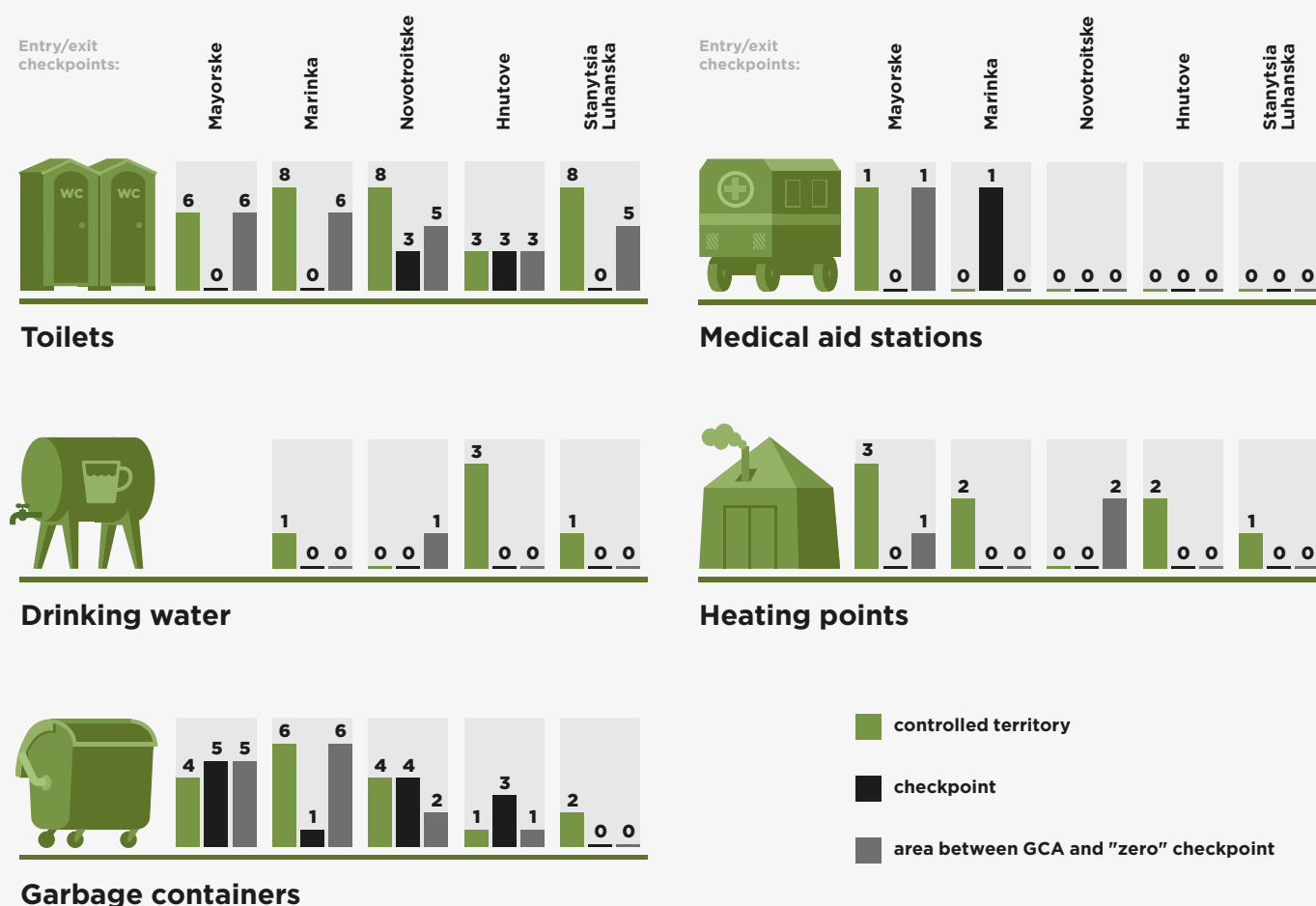
With the onset of winter, tanks with drinking water were moved to the heating points established by the State Emergency Service of Ukraine (SESU). Access to the heating points, and therefore to the drinking water, is available at each of the entry-exit control points. It should also be noted that at the heating points SESU provides citizens with free hot drinks as well as charging stations for electronic devices.

The best situation with regard to sanitary conditions of toilets is at "Mayorske", where monitors recorded no cases of unsanitary conditions over the course of the reporting period. The worse situation was recorded at "Stanytsia Luhanska", where the poor condition of toilets was noted in a third of visits by monitors.

In half of monitoring visits at the entry-exit control points "Marinka" and "Hnutove", observers noted unsanitary conditions of toilets. The worst situation was at "Novotroitske", where unsanitary conditions were noted on 85 per cent of visits.

The entry-exit control point with the smallest number of garbage containers (two) is "Stanytsia Luhanska", where bins are located exclusively in controlled territory. There are between 10 to 14 garbage containers at the checkpoints "Novotroitske", "Marinka", and "Mayorske", and there are 5 containers at "Hnutove".

PRESENCE AND CONDITION OF INFRASTRUCTURE AT ENTRY/EXIT CHECKPOINTS



November 2016

Over the course of monitoring missions to "Novotroitske" and "Stanytsia Luhanska", littered roadsides were documented in a third of the visits. Littered roadsides were documented in half of visits to the control points "Mayorske" and "Hnutove".

At "Marinka", littered roadsides were observed on 84 per cent of monitoring visits. This means that the existence of garbage bins does not do enough to guarantee sanitary conditions for those waiting in line at the entry-exit control points. It is also important to provide regular cleaning of roadsides along the road where vehicles are waiting in queue.

There are free-standing medical aid posts at the entry-exit control points "Mayorske" and "Marinka". The best situation with this issue is at "Mayorske", where there are big tents with medical workers on both sides of the control point.

At "Stanytsia Luhanska", toilets, heating points, and tanks with drinking water are well-placed, and used by those waiting in line.

Those who cross at the control point "Mayorske" complain about the lack of toilets at the entry-exit control point, given that sometimes people may spend several hours at the control point waiting for inspection. At the same time, according to observers, there is currently no available location at the control point for these facilities to be placed. At the other control points, convenient locations for toilets have been found. That being said, there are instances in which toilets are located 500 meters or so from a control point, leaving persons in long queues without access.

Recently, The Premiere Urgence introduced a heating tent and medical module (with ambulance) in the controlled area at the entry-exit control point "Marinka". It is located at 800 m from the entry-exit control point, the place where the crowd queues for public buses. Other tents for warming — installed by SESU — are located 3 km away from the control point at the government controlled area. This location is less crowded and therefore there is no need for tents here. According to monitors from Foundation.101, there is no immediate need for warming tents at the control points on non-government controlled territory, as civilians do not typically wait in line for too long there.

It is necessary to move the SESU tents on government-controlled areas to a distance of 50-100 meters from the main road, at the crossroad near the bus stop. Monitors also noted that additional toilets should be placed at this entry-exit control point.

At the control point "Novotroitske" monitors identified a lack of heating tents (including access to hot beverages or drinking water). According to Foundation.101, NGO "Premiere Urgence" has indicated that they will place a tent at this checkpoint by the end of December. Additionally, monitors noted that the toilets at this control point are in the right location, but they are in poor condition.

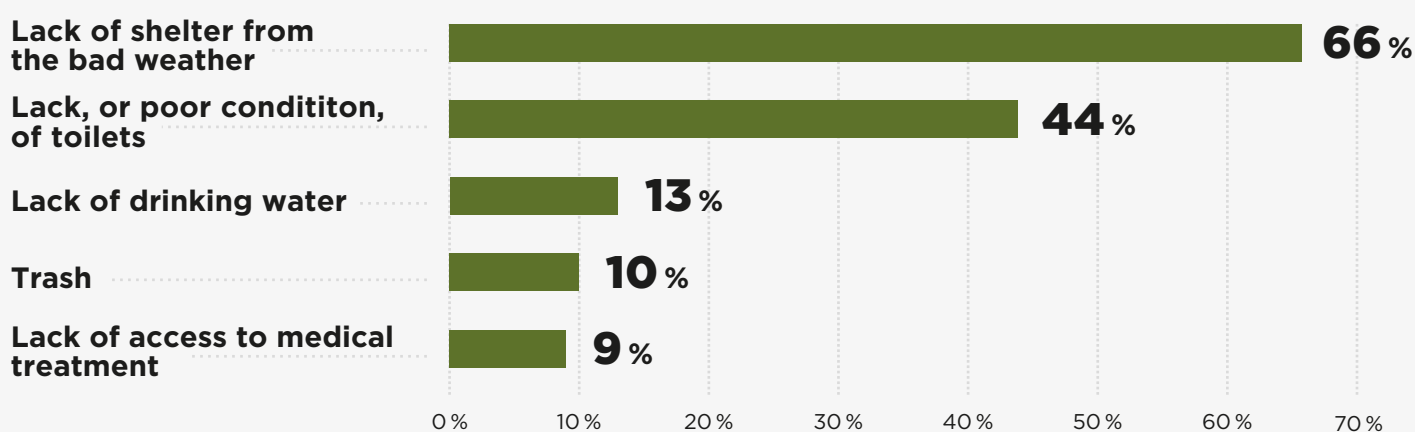
At the entry-exit control point "Hnutove", from the side of the government-controlled areas, there are toilets and heating points with access to drinking water as well. From the side of the uncontrolled territory there are only toilets which are poorly maintained and consequently are in an unacceptable condition. There is no acute need for access to water and tents for warming for persons travelling from uncontrolled territory as people travelling from that direction typically wait for short periods of time before crossing the line of contact.

The survey of persons crossing the line of contact has identified the most urgent problems connected with waiting conditions at the entry-exit checkpoints. They include lack of shelter from inclement weather, the absence or poor condition of toilets and shortage of drinking water.

It should be noted that in comparison with August and September, the number of people concerned about the lack of shelter from inclement weather increased from 47 per cent to 66 per cent. This is primarily due to the harsh weather conditions inaugurated by the onset of winter, and the fact that heating tents at the majority of control points are only available on the government-controlled sides.

Dissatisfaction with the lack, or poor condition, of toilets decreased from 52 per cent to 44 per cent. It should be noted that new toilets have been delivered to some control points or the area immediately adjacent to them. That being said, the accessibility and cleanliness of many toilets leaves much to be desired.

WHAT PROBLEMS WITH WAITING CONDITIONS HAVE YOU FACED?



It is worth noting that a significant number of respondents mentioned the lack of water as one of the key problem issues at the control points. According to Foundation.101, this concern may be connected with the fact that there is insufficient information available to civilians concerning the presence of water tanks, as at the beginning of the winter season they were relocated to heating points. Foundation.101 monitors regularly note that persons at the control points are routinely unaware that free hot drinks are distributed at warming tents. A large number of people ask other passers-by about the cost of hot tea in the tents and are surprised to discover that it is free of charge.

4. SOCIO-DEMOGRAPHIC STRUCTURE OF CITIZENS CROSSING THE LINE OF CONTACT

Over the course of the reporting period (1st of October to 30th of November), 5,691 respondents were interviewed by monitors from Foundation.101. 53 per cent of the respondents were male, and 47 per cent were female.

More than 1,000 people were interviewed at each of the five entry-exit control points over the reporting period: 1,140 people at the control point "Mayorske", 1,158 people at "Marinka", 1,084 people at "Novotroitske", 1,118 people at "Hnutove" and 1,191 at "Stanytsia Luhanska".³

Almost 20 per cent of respondents crossing the contact line were identified as being especially vulnerable. 13.3 per cent were travelling with small children, and another 6.5 per cent are persons with specific needs.

53 per cent of the respondents (3,002 people) were crossing from non-government controlled areas to government-controlled areas, while 47 per cent (2,669 people) were travelling in the opposite direction.

Before the conflict, the majority of respondents (83.6 per cent) lived in what is now non-government controlled area (NGCA), and 16.4 per cent of respondents lived on the territory, which is now called government-controlled area (GCA). 72 per cent of respondents identified as living in NGCA, while 28 per cent live in GCA.

21 per cent of respondents noted that they have changed their place of residence since the beginning of the conflict in eastern Ukraine. 43.7 per cent of these ultimately returned to their original place of residence.

It should be noted that during the survey conducted by Foundation.101 in August and September of 2016, half of persons interviewed indicated that they had returned to their place of initial residence after moving.

Among the reasons for returning, people often cited the stabilization of the situation at their place of permanent residence (81 per cent), high rents in the location to which they relocated (34 per cent) and inability to find a job (24 per cent). Less than one percent of respondents returned to their place of permanent residence because of mistreatment from locals in the place to which they moved.

Economic factors have become more important for citizens making the decision to return to their place of permanent residence, compared with August–September, 2016. Specifically, in August–September persons met complained about expensive housing and difficulties with finding a job (13 per cent and 19 per cent respectively).

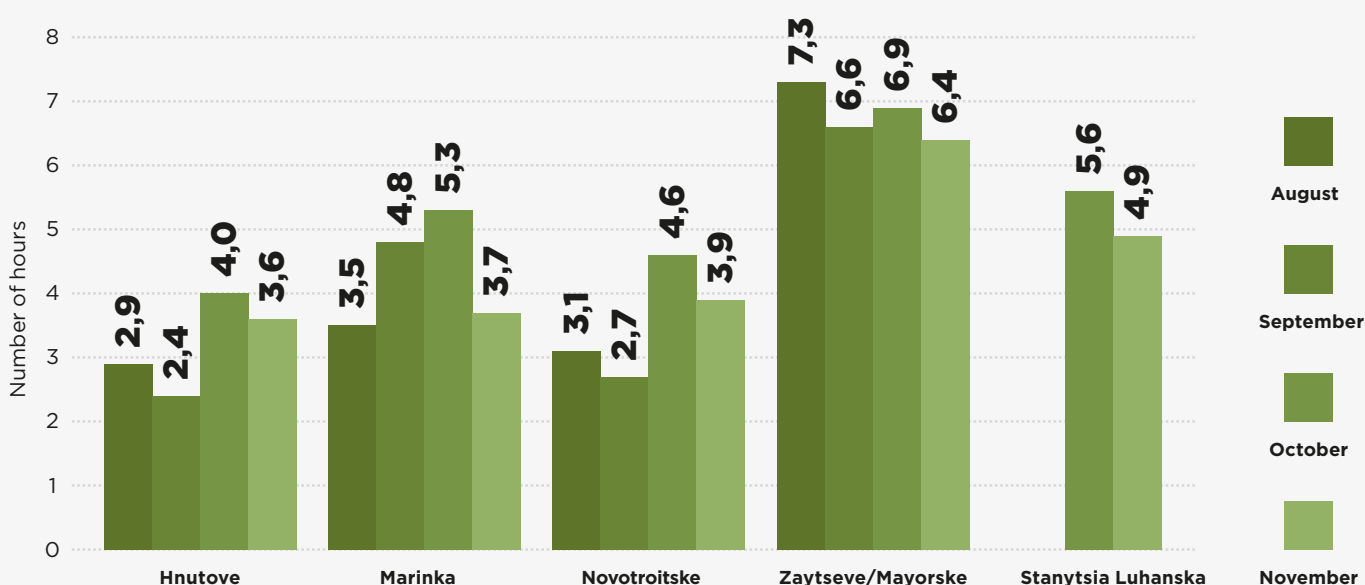
Given these statistics, the proper implementation of the existing programs and the introduction of new social and economic programs for the integration of IDPs on the territory controlled by the Ukrainian government has become critically important. These programs should increase the economic activity of the citizens and promote job creation in the areas with the largest concentration of IDPs.

³ In the first half of 2016, the entry-exit control point "Zaytseve" (now moved to Mayorske) was crossed by 1.34 million people in both directions, "Marinka" — 1.103 million, "Novotroitske" — 1.049 million, "Hnutove" — 620000 people. The data released by the NGO "Foundation.101": <http://101.ua/en/news/20160916>

5. CROSSING THE LINE OF CONTACT: DURATION, FREQUENCY, AND REASONS

According to the survey of persons met at the control points, crossing times increased slightly over the course of October and November compared with the last reporting period. In August, the average amount of time spent crossing the entry-exit control points was 4.3 hours, in September — 4.1 hours. In October, average crossing times increased to 5.3 hours, before decreasing to 4.5 hours in November.

HOW MANY HOURS DID IT TAKE YOU TO CROSS ALL ENTRY-EXIT CONTROL ON YOUR LAST CROSSING?



The above graphic shows changes in the average amount of time spent crossing the entry-exit control points from August to November. We see that the amount of time spent crossing the line of contact through the control points "Hnutove" and "Novotroitske" has increased by 1-1.5 hours over the last two months compared with August and September.

At entry-exit control point "Marinka" the amount of time spent crossing continued to increase in October (from 1.3 hours in September and 0.5 hours in October), though it declined in November.

The only control point at which the average amount of time spent crossing did not change over the course of the reporting period was "Zaytseve" (which was later moved to Mayorske). This is also the control point at which average crossing points are the longest.

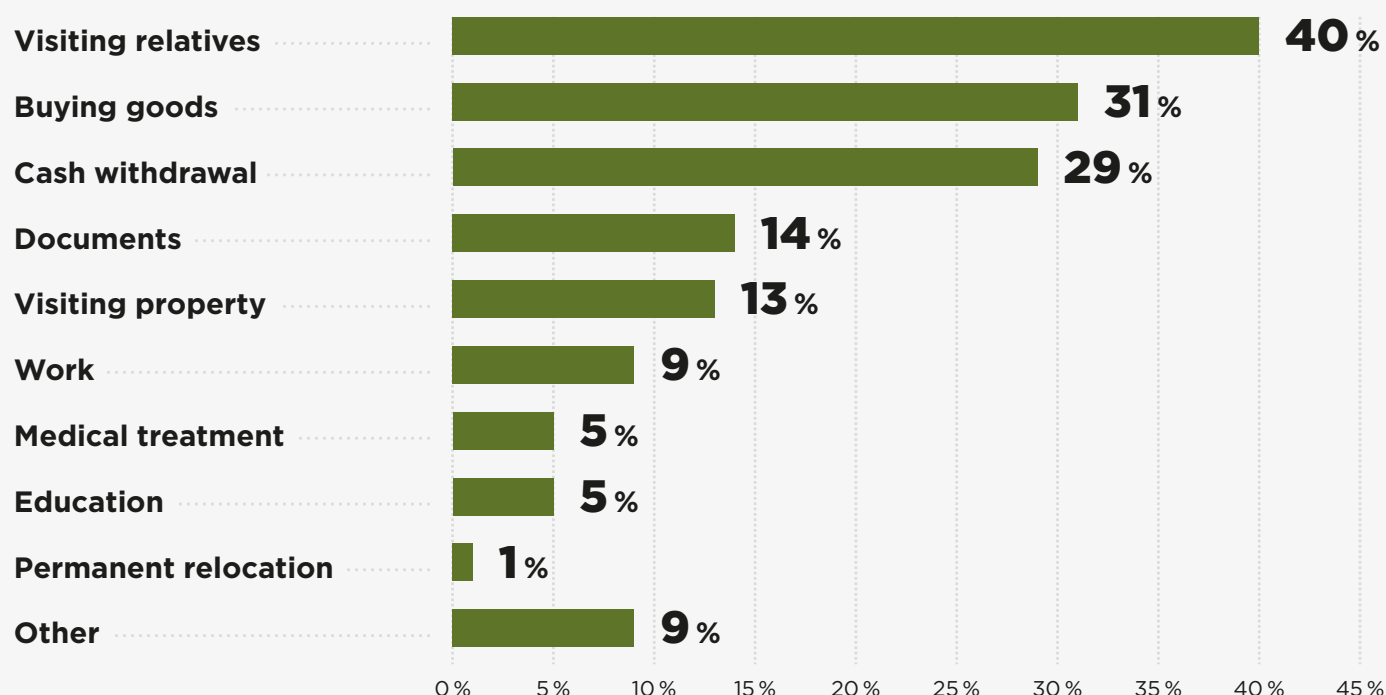
The frequency of crossing the contact line by civilians is relatively stable in comparison with August and September. 18 per cent of respondents cross the control point approximately every week, another half of respondents — monthly, 19 per cent — quarterly, and 9 per cent — approximately every six months to one year; 1 per cent of respondents reported that they were crossing the line of contact for the first time when interviewed.

The frequency of crossing the line of contact at "Hnutove", "Marinka", and "Novotroitske" is representative of the average frequency for all check points. At "Stanytsia Luhanska", the only control point that may be crossed only by foot, the share of people who rarely cross the line of contact is the smallest; the share of people who cross the line of contact quarterly or less frequently rarely exceeds 13.5 per cent of those interviewed at "Stanytsia Luhanska". Conversely, the average figure for the other four control points is 28.5 per cent.

Meanwhile the largest share of people who rarely cross the line of contact was recorded at "Mayorske". More than a half of all people who cross the line of contact through this control point do so quarterly or less often.

Respondents could choose several options when answering a question concerning their reasons for crossing the contact line. As previously reported, a large percentage of respondents (38 per cent) identify several reasons for crossing the line of contact; combining reasons for crossing is logical given the time and financial resources associated with the journey.

REASONS FOR CROSSING THE LINE OF CONTACT



The list of reasons that motivate people to cross the line of contact has remained substantially the same compared to previous reporting periods. As in August and September, **the most common reason for crossing the line of contact is visiting relatives (40 per cent)**. A quarter of persons interviewed lived together with their relatives before the beginning of armed conflict in the east of Ukraine, giving us an indication of the extent of family separation caused by the ongoing conflict.

The second most commonly-identified reason for crossing the line of contact is purchasing goods (31 per cent). 98 per cent of those who crossed to purchase goods bought food, 59 per cent bought medicine, and 18 per cent bought clothes.

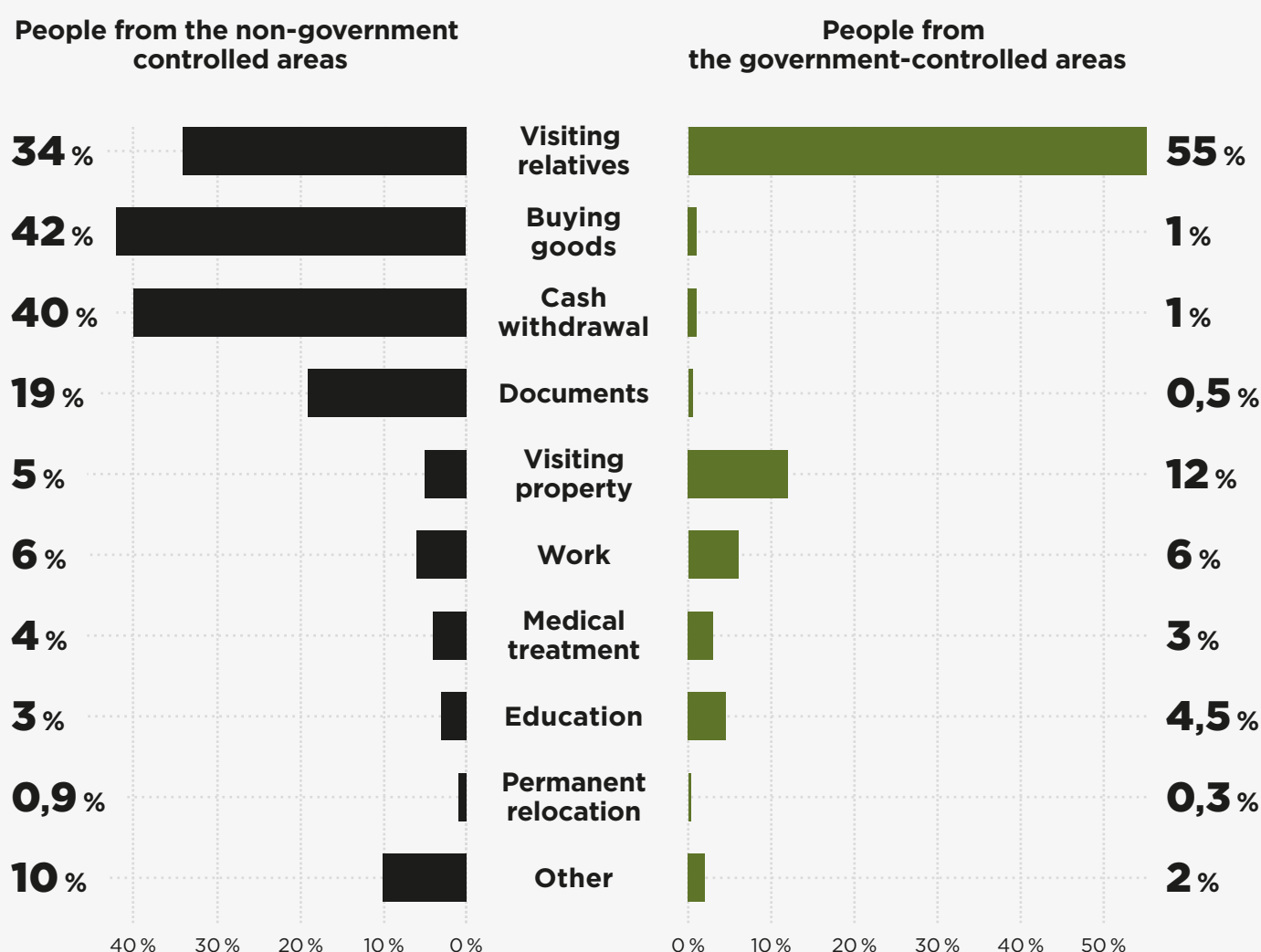
An increasing proportion of persons interviewed traveled to purchase medicine (59 per cent) compared to previous reporting periods (35 per cent in August–September). The results of the survey also indicate a decline in the percentage of respondents who cross the line of contact to purchase clothing; 18 per cent in the latest reporting period compared with 30 per cent in August–September. The majority of respondents try to purchase food, along with other categories of food, all at once.

Cash withdrawals, including the receipt of pensions or other social payments, was the third most cited reason for crossing the line of contact, and was identified by 29 per cent of respondents.

Solving issues with documents is the fourth most-commonly cited reason for crossing the line of contact. 45 per cent of those who identified documents as their reason for crossing the line of contact specified that they were completing forms at "Oshchadbank", while 21 per cent of respondents travelled to resolve issues related to pension documents. 30 per cent crossed in order to receive social payments, 14 per cent to prolong their IDP certificate, and 11 per cent to resolve problems with other documents including birth, death, and marriage certificates.

Less than 13 per cent of respondents identified a reason for crossing which is not in the above chart.⁴ Taking into account the current residence of respondents, the analysis of statistical data clearly indicates the problems faced by people who live in NGCA and who must cross the line of contact to access basic goods and services. The majority of people (72 per cent) interviewed while crossing the line of contact reside in the NGCA.

REASONS FOR CROSSING THE LINE OF CONTACT



Residents of NGCA often cross the line of contact in order to buy goods, withdraw cash from ATMs or receive social benefits, and to solve issues with documents. Persons who reside in government-controlled areas, however, only rarely cross the line of contact for the aforementioned reasons.

Further, residents of GCA cross the line of contact more often to visit their relatives than those who live in the NGCA (55 per cent compared with 34 per cent) and to check on property (12 per cent compared to vs. 5 per cent).

⁴ The respondents could give several answers to the question on their purpose of crossing the line of contact.

6. CLAIMS OF CITIZENS AND FACTORS OF CONCERNS WHILE CROSSING THE LINE OF CONTACT⁵

When speaking with those crossing the line of contact, most complaints fell into three broad categories:

- Corruption and abuse of office by inspectors at the control points;
- Long queues and waiting times for crossing the line of contact;
- Mistreatment of civilians by the border guards and officers of the State Fiscal Service.

Corruption. Citizens indicate several corruption schemes that take place at the control points. This includes the acceptance of gifts (typically, cigarettes or alcohol) by workers at control points, allowing taxi drivers to go through the control points without waiting in the queue in exchange for gifts or money and abuse of the queue reserved for persons with specific needs.

There are many complaints about so-called "queue sellers". These people form a queue from the early morning next to the control point and then sell their place in the queue to other citizens. Another type of fraud involves "fake beneficiaries". These tend to be people with specific needs who travel back and forth across the line of contact, and sell space in their vehicle to paying passengers; because such persons receive expedited passage over the line of contact, other persons crossing are willing to pay a fee.

In some cases, there are people who simulate problems with their health to get into the priority queue. For example, at the control point "Stanytsia Luhanska" some healthy citizens have asked for wheelchairs, and after passing the control point in the priority queue stand up and continue on their way without the wheelchair or any other help.

Given that both "queue sellers" and "fake beneficiaries" hold the queue right near the control points, it is likely that border guards are aware of these schemes and, in some cases, may benefit from them.

Long queues while crossing the line of contact. Complaints about long queues and waiting times are typical. Given the long lines at the entry-exit control points and the shortened winter working hours, many people are unable to cross the line of contact before the control points close and are forced to spend the night in their cars.

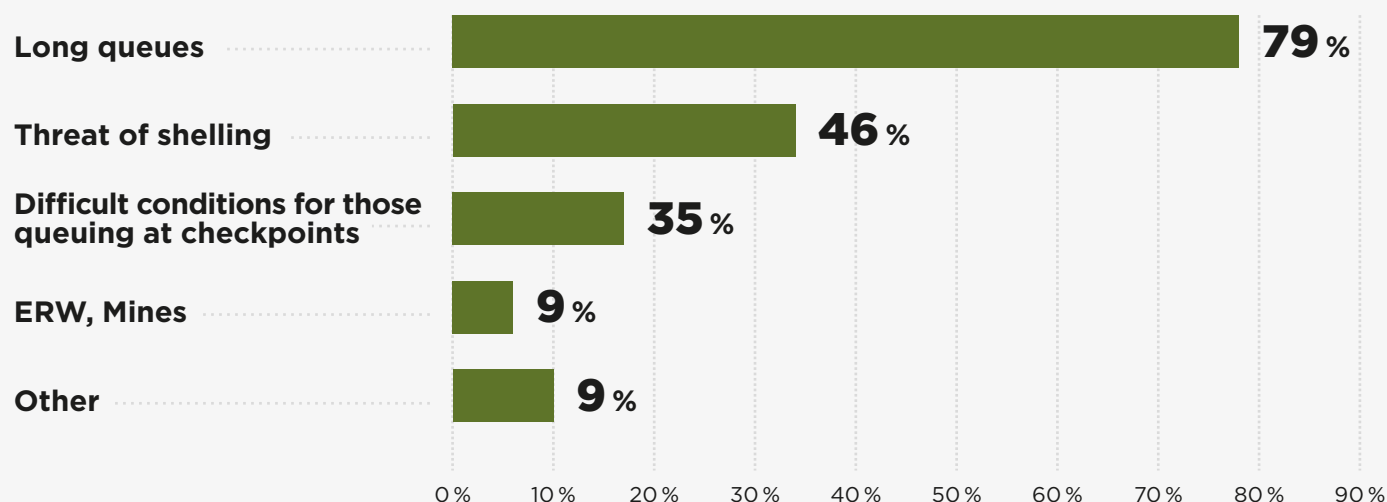
In October and November, 26 per cent of respondents reported that there were cases when they didn't manage to cross the control point before its closure. In August and September, only 17 per cent reported cases of inability to cross. In the case of control points' closure, the majority of respondents returned to the place from which they initially departed (63 per cent), 18 per cent stayed for the night at the home of relatives or friends, and another 19 per cent slept in their vehicles near the control point.

It is particularly concerning when people with children face the possibility of spending the night near the control points. Civilians complain that there are cases when border guards ignore civilians' requests to let through the citizens with little children before the border guards close the control points for the night.

Mistreatment of civilians by the inspectors at the control points. Complaints of this category occur regularly. In October, there were complaints made against officers at the control point "Zaytseve" (now "Mayorske"). Unlike the previous group of border guards who were rotated in the summer, these officers treated people disrespectfully.

⁵ The information was collected by the app "Skarga.101", which was created with the support of USAID.

WHAT ARE YOUR CONCERNS WHILE CROSSING THE LINE OF CONTACT?



The survey results show that most of the civilians at the control points still express concerns about long queues (79 per cent), the threat of shelling (46 per cent) and poor waiting conditions in queues (35 per cent).⁶

It is noteworthy that the number of people who are concerned about the threat of attack and poor waiting conditions increased in October and November in comparison with August–September (46 per cent compared with 34 per cent, and 35 per cent compared with vs. 17 per cent, respectively).



Photo: Foundation.101

⁶ The respondents could give several answers to this question.

7. RECOMMENDATIONS

1. Promoting the freedom of movement across the line of contact

To implement the Action Plan for the implementation of the National Strategy on human rights for the period until 2020, approved by the Cabinet of Ministers decree #1393-r dated November 23rd, 2015, the Security Service of Ukraine should amend the "Temporal order of monitoring the movement of people, vehicles and goods across the line of contact in Donetsk and Luhansk regions", which will restore the possibility of crossing the line of contact by public transport.

2. Improving waiting conditions

In order to improve the waiting conditions at the entry-exit control points, military-civilian administrations should ensure the establishment of additional shelters for protection against adverse weather conditions (shelters from the sun and rain during the warm season and heating points during the cold season), both on the controlled territory and the "gray" area.

To improve the conditions of providing medical assistance, military-civilian administrations should ensure the establishment of additional medical aid points, both on the controlled territory and the "gray" area.

3. Improving sanitation

To improve the sanitary condition of entry-exit control points, military-civilian administrations should ensure regular cleaning of toilets and garbage disposal from the roadside.

To improve the conditions of water supply, military-civilian administrations should cover more of waiting area with drinking water tanks, both on the controlled territory and the "gray" area.

4. Raising awareness about the risks associated with mining

To raise awareness about the risks associated with mining and explosive remnants of war, the State Border Service of Ukraine and the Antiterrorist Center at the Security Service of Ukraine should strengthen the awareness about mining along the roadside close to the places of waiting.

5. Providing decent treatment during the personal inspection of citizens at the entry-exit control points

To provide decent treatment during the personal inspection of women at the entry-exit control points, the State Border Service of Ukraine and the State Fiscal Service of Ukraine should provide a sufficient number of female workers.

PARTNERS

