

FREEDOM OF MOVEMENT

November 2016

Since November 2014, Ukrainian authorities have adopted a series of measures to regulate the movement of individuals, transport and cargo across the line of contact between government and non-government controlled areas (NGCA) of Donetsk and Luhansk regions, as well as the Autonomous Republic of Crimea.

At the end of December 2014, train and public bus transport between government-controlled areas of Ukraine and Crimea was suspended. **Since June 2015, a State Migration Service permit is needed for foreigners and stateless persons to cross the administrative border.** The procedure introduced additional requirements for Ukrainian children under 16 years of age crossing the administrative border: they must hold an international passport and if accompanied by only one parent, they must have the written consent of the other parent certified by a notary.

Since January 2015, a permit is required to cross the line of contact to and from the NGCAs. **The procedure has severely restricted freedom of movement for all individuals, limiting the ability to leave conflict-affected areas and to return home to visit family members, to check on property, or to engage in livelihood-related activities.**

Inconsistent application of the rules by local officials, as well as technical faults with the electronic pass system at checkpoints have led to **long queues, with vehicles having to wait several hours or and sometimes days at checkpoints**, often without access to water or sanitation facilities. The difficulty in obtaining the permit also resulted in instances of civilians attempting to bypass checkpoints by taking unofficial routes. This exposes them to landmines and explosive remnants of war and the risk of injury or death.

New provisions introduced by the Government in 2016 limit the transport of commercial goods, including food and medicines into the NGCAs. This has led to a sharp deterioration in the humanitarian situation in the NGCAs, with acute shortages reported. **In 2016, public transport between the government-controlled areas (GCA) and the NGCAs was banned, further hampering movement of people across the line of contact.** Vulnerable persons have been particularly affected.

As a part of our advocacy, UNHCR recommends that the First Deputy of the “Anti-Terrorism” Center under the State Security Service amend Clause 1.6 of the *“Temporary Procedure for Control over Transit of Persons, Vehicles and Cargo”* allowing the resumption of public passenger transport across the line of contact. As justification, this amendment is already foreseen within the *“Action Plan on the Implementation of the National Strategy in the Area of Human Rights for the Period until 2020”*, approved by Cabinet of Ministers Order 1393-r dated 23 November 2015.

IDPs report that, in some instances, de facto authorities in the NGCA of Luhansk region prohibit direct movement to the GCAs, forcing residents to travel via Russia through non-government controlled checkpoints. Some Ukrainian judges consider this an administrative offence; fines are issued to people re-entering Ukraine through the authorized border checkpoint at Milove. In 2015, some 2,024 Ukrainians paid this administrative fine under Article 204-1 of *the Code of Administrative Offences*. UNHCR suggests exempting residents of the NGCAs from this sanction.

UNHCR recommends that authorities systematically improve the checkpoints to allow dignified and accelerated checking procedures and crossings. **With a clear understanding that UNHCR does not seek to reinforce the border and contribute to further divide and isolate populations, it indicated to Ukrainian authorities that it remains ready to continue providing support with material assistance to reduce waiting times.** UNHCR protection monitoring highlighted the need for national authorities to initiate measures to address **corruption at checkpoints**, as well as for an increased capacity with female inspectors and medical staff at both customs and security screenings at checkpoints.

UNHCR installed weather shelters for people queuing at checkpoints to cross the line of contact and assisted in connecting the village Zhovanka with other locations by establishing a bus service. The latter assists people from Zhovanka situated beyond last government checkpoint to reach other locations towards Bakhmut. Other locations, including Slavne, Kamenka, Hranitne are being considered for UNHCR-provided bus services.

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