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**REPORT ON THE RESULTS
OF MONITORING VISIT
of the Ukrainian Helsinki Human Rights Union/ UHHRU
to checkpoints and points for submission and processing documents
for issuance permits to the ATO area
(the city of Mariupol, Donetsk region)**

SCOPE OF WORK WITHIN THE MONITORING VISIT:

Purpose of the visit: To inspect the freedom of crossing the “line of contact” for getting the permits and improvement of this procedure at the checkpoints issuing such permits in Donetsk region after the updated by the State Security Service of Ukraine “Temporary Order of entry into the of uncontrolled territory and exit from it for citizens of Ukraine and foreigners (stateless persons) as of 05.12.2015”.

Membership of the group: UHHRU representative Oleksiy Bida, volunteers of the UHHRU Myroslava Statkevitch and Andriy Storozh.

Location: entry/exit checkpoints (EECP), points of submission documents and coordination centers of the city of Mariupol, Donetsk region.

Dates of the visit: May 22-27, 2015

Aspects subject to evaluation/ objectives

in the sphere of observance of the right to free movement:

- to investigate the possibility of obtaining information about the procedure for obtaining permits for persons who are in the uncontrolled territories of Ukraine;
- to investigate the causes of crossing the line of contact by civilians;
- to inspect the procedure of passing checkpoints by civilians and submission documents in the points of issuance of the permits;
- to find out the number of applications for permits in the last month;
- to find out the capacity of checkpoints and points of issuance of permits;
- To fix the absence/ presence of queues and time for permits preparation of the moment of documents submission.

VISIT DESCRIPTION

SECTOR M:

On May 24, 2015 the representatives of the UHHRU monitoring mission Oleksiy Bida and Myroslava Statkevich have inspected entry/exit checkpoint for road traffic "Hnutovo" next to Hnutovo village, Illichivsk district of Mariupol city on the procedure of crossing the contact line at sector M.



The inspection revealed the following:

At the checkpoint there is the queue of 5-6 vehicles in both directions.

Crossing is allowed only for persons who have permission to cross the contact line in the sector M (the "permits").

Checking of the one vehicle requires at least 5 minutes.

Clear visual information regarding the issuance of permits and the procedure of crossing the contact line is not available at the checkpoint. There is no information on the list of goods that are not covered by the Order of entry to and exit from the uncontrolled territory for the citizens of Ukraine and foreigners (stateless persons)

At the checkpoint there are no conditions for disposal of products that are not allowed by the State Fiscal Service employees for crossing under the Order.

The representative of the Security Service of Ukraine, who refused to introduce himself, gave the following explanation:

At the checkpoints there is the SSU auto where the documents to obtain permits are accepted and transferred to Sartana. Submitting is made for people who live on the uncontrolled territory. Issuing permits takes up to 10 days, on average, approximately, 7 days. At the end of term, the applicant comes to Hnutove, where by electronic database they check, whether the permit is ready. The database is updated every day, they do not use the Internet. If the permit is ready, they allow the applicant to cross for receiving it in Sartana. Most of people do not come personally, and ask acquaintances to get know whether the permit is ready or not and only then come and take it.

Residents from the other side can submit applications in Mariupol, Sartana. They receive their permits at the place of submitting.

Residents of the grey zone may cross the contact line by the permit.

In average from 30 to 150 sets of documents are accepted a day. Most loaded days are Monday and Friday. There is no decrease in the number of applications for the permit.

At the checkpoint there is the direct video feed to the State Fiscal Service. The trucks are not allowed to pass at all.

The most frequent reasons for crossing the boundary line are:

- relatives;
- study;
- work.

EECP works from 6:00 to 20:00. Employees stay there day and night.

6-8 people from the queue were interviewed.

Permits are received from the first time, an average term on issuance is 14 days (it is more than the specified 10 days). Sometimes they appoint to take the permit in 15 days. There was a case in the mid-April 2015, when a man submitted papers on April 20, and was appointed to take them on May 26. On his own initiative he checked the readiness approximately on May 5 and took earlier.

All information about the possibility to issue permits the other side gets only through friends.

The reasons for the issuance permit when the application is denied:

- Personal everyday reasons (buying food, clothing).
- Registration of social benefits (all except pension). If a person needs medical care or execution of pension paperwork, only administrative authorities of the so-called DPR can issue the relevant reference certificate. People are afraid to apply for such reference certificates and have to look for old or blank forms to use them.

There are some separate cases:

Own daughter cannot visit the woman, who lives in Novoazovsk, because after marriage she changed her maiden name. For issuing a permit it is required to submit mother's marriage certificate, which is lost, the birth certificate of daughter and her marriage certificate. In the absence of the marriage certificate of the mother, the daughter cannot obtain the permit.

The other man has a daughter in the Novoazovsk. His wife went to Russia as a refugee. It is needed to bring the daughter to Russia, but you need a power of attorney from the mother for that. But the power of attorney is not available as the mother is not let in because she is a refugee, and the father cannot cross because he is a reservist. It is planned to transfer the child to Russia.

05/25/2015 Uliana Tokareva, the Director of Mariupol City Centre of Social Services for Family, Children and Youth, gave the following oral comments to the UHHRU mission representatives Bida Oleksiy and Storozh Andriy on the overall situation with displaced persons.

In Mariupol there are 66,000 IDPs, 10 thousand of whom have already moved to other regions of Ukraine, or returned home. 27 thousand of them turned to the center for legal, social and psychological aid.

The main problems of the permit system are:

- Time-consuming application and issuing process.
- Families are divided: as at the time when the permit system was announced, some people were in the occupied territories.

- Local volunteer groups cannot deliver charitable aid, food, medical supplies into the occupied territories.
- The inability to go through Vinogradne village. People have to spend a lot of time and nerves to pass through five checkpoints of terrorists for getting to Hnutove.
- Long queues at the checkpoint in Volnovakha – vehicles stand in queue for 5-8 hours and come to Volnovakha to the time of closure of all public institutions. They cannot do anything: neither receive nor execute papers for pension or social benefits. Also, there is a big problem with the supply of food. Despite the short distance, cars spent a lot of time in a very long queue because of which the food goes off. Because of this, suppliers do not want to work.

As for the leak of information from pension fund:

Previously they were employees of one system, now they work in different systems. But no one has changed the keys, databases, passwords, people. Everything remains as it was they use their keys to enter our database.

05/26/2015 the UHHRU mission representative Miroslava Statkevich visited the Coordination group at District Department of Ministry of Internal Affairs of Ukraine in Donetsk region at the address Mariupol city, Georgiivska str., 63.

At the EECP the press officer explained that the coordination group is not located there and the building is not used after the last year fighting.



CONCLUSIONS AND RECOMMENDATIONS

The main conclusions that can be formulated on the results of monitoring research of freedom of crossing the “line of contact” to obtain permits, are as follows:

1. In the territories outside the control of Ukraine the information on the procedures for obtaining permits virtually is unavailable. There is no information on the "hotline", schedule of accepting documents and issuing permits at exit/entry checkpoints, it is almost impossible to get through by phone to the Coordination Group and the territorial center.

2. Need for crossing the contact line is primarily due to domestic reasons (the need to purchase food and essential goods, preparing papers for and getting pensions, visits to relatives, care for the graves of relatives, entering universities and passing independent testing).

3. Information on the web-site does not correspond with the reality.

In order to improve the entry to and exit from the uncontrolled territory for citizens of Ukraine and foreigners (stateless persons) at points of issuance permits in Donetsk region it is offered:

1. To prepare leaflets on procedures for obtaining permits and give them to visitors for further distribution among friends in uncontrolled territory.

2. To improve the work of "hotlines" and feedback by e-mail.

3. To increase the number of EECF in the "M" Sector (Vinogradne village) according to the existing needs.

4. To improve technical base of the points for submission and processing documents.

5. According to existing needs to increase the number of personnel staff of the Coordination groups engaged in accepting and processing documents.

6. Equip EECF with the places for waiting.

7. To bring the information on the web-site in accordance with the reality.

According to the results of monitoring and generalization of all collected during the monitoring visit information the relevant recommendations will be sent to the Security Service of Ukraine.

This report is made possible by the generous support of the American people through the United States Agency for International Development (USAID) in the framework of the Human Rights in Action Program implemented by the Ukrainian Helsinki Human Rights Union (UHHRU). The contents are the responsibility of the UHHRU and do not necessarily reflect the views of USAID or the United States Government.

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