

**REPORT OF THE MISSION OF  
THE COMMITTEE ON DEMOCRACY,  
HUMAN RIGHTS AND HUMANITARIAN QUESTIONS  
CHAIR MARGARETA KIENER NELLEN  
AND RAPPORTEUR KYRIAKOS HADJIYIANNI  
TO UKRAINE**



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## 1. Introduction

From 16 to 21 December 2018 and from 30 May to 3 June 2019, the Chair of the OSCE PA Committee on Democracy, Human Rights and Humanitarian Questions, Margareta Kiener Nellen (Switzerland), and the Committee's Rapporteur, Kyriakos Kyriakou-Hadjiyianni (Cyprus), visited Ukraine on a mission aiming at gathering factual information about the consequences of the ongoing war.

The mission served the purpose of bringing visibility to the engagement of the PA in addressing the consequences of the ongoing war from a humanitarian perspective with a special focus on demining, exchanges of prisoners, Internally Displaced Persons (IDPs), freedom of movement of civilians and missing persons. All interlocutors welcomed the OSCE PA's involvement in Ukraine and commended the Committee's efforts to bring a distinct contribution to addressing the humanitarian consequences of the conflict.

The deployments of the Mission to Mariupol, Kramatorsk, Stanytsia Luhanska and adjacent areas were professionally organized and supported by the OSCE Special Monitoring Mission to Ukraine (SMM). Marc Carillet, Deputy Director of the OSCE PA Vienna Liaison Office, supported the parliamentary delegation and accompanied them during both parts of the mission.

## 2. Key findings and recommendations

To all parties to the armed conflict in eastern Ukraine:

- A **sustained ceasefire** in eastern Ukraine, as repeatedly committed to by the sides, is urgently needed for the sake of the safety of civilians, especially children, as well as of military personnel. Ensuring the safety of workers operating civilian infrastructures such as the Donetsk water filtration station is of paramount importance.
- **Disengagement** under the Minsk peace agreements as negotiated since 2016 in the framework of the Trilateral Contact Group is to be fully implemented. The first step recently taken inside the Stanytsia Luhanska disengagement area, visited by the OSCE PA delegation, should lead to a rapid improvement of the crossing conditions at the Entry-Exit Check Point and must be immediately followed by the urgent repair of the destroyed bridge section.
- Such measures will enhance prospects for the needed political solution to the war, and humanitarian gestures of goodwill such as **prisoner exchanges** are to be encouraged.
- The search for **missing persons** must remain high on the priority list of the ongoing negotiations. This will be a key element to the necessary future reconciliation process.
- Humanitarian **demining** is key as Ukraine is one of the most mine-affected countries in the world, with nearly 2,000 landmine casualties in eastern Ukraine since 2014. In addition to violating international humanitarian law, the use of mines endangers the lives of civilians in the conflict areas, kills military personnel and hinders economic recovery and the future development of these areas.
- The sides are requested to fully respect the OSCE SMM's mandate comprising the duty to "monitor and support respect for human rights and fundamental freedoms, including the rights of persons belonging to national minorities".

#### To the Ukrainian authorities:

- The Verkhovna Rada of Ukraine of the 9th convocation to be elected on 21 July is strongly urged to rapidly provide the financial means, structures and instruments needed to **implement the Mine Action Law of December 2018**.
- Civilians are heavily impacted by the conflict, including **internally displaced persons** (IDPs). It is urgent that more attention is paid to the needs of IDPs and to create the conditions for solutions ending their displacement in line with the Government's Action Plan on implementation of the Strategy of Integration of Internally Displaced Persons and Implementation of Long-Term Solutions on Internal Displacement.
- As of January 2019, more than 1.5 million IDPs from Donbas and Crimea have been registered in Ukraine.
- There is urgent need to **delink the IDP status to the obtention of social benefits**. Both are artificially linked, and this creates a discrimination of IDPs and discriminates populations living in non-government-controlled areas who must seek IDP status even if they have not moved since the beginning of the conflict.
- The OSCE PA Mission is deeply concerned that accountability for killings and violent deaths during the Maidan protests of 2013 and 2014 and on 2 May 2014 in Odesa is far from being reached. Accountability for crimes and access to justice for all is essential to establish public **trust in the judiciary and the rule of law** and may serve as a bedrock for reconciliation and social cohesion.

#### The importance of the International humanitarian law framework:

- While a comprehensive solution is long overdue after the repeated commitments made in the Minsk Agreements signed by the sides, **full compliance by all parties to the armed conflict in eastern Ukraine with international humanitarian law and human rights** is of crucial importance.
- Humanitarian measures must be pursued to improve the lives of the millions of people affected by this war.
- **Human rights education** should be provided for in the education laws. Teachers must be trained to impart human rights knowledge and skills – and to build a human rights-based culture of respect in the classrooms where school curricula must include elements on human rights.
- The SMM leadership is to be commended on increasing the human rights and civilian dimension within SMM and is asked to include violations of human rights and fundamental freedoms systematically in its public reports according to its mandate.

#### Women and peace and security:

- All actors on the ground, including the OSCE structures, should ensure the full implementation of the **United Nations Security Council Resolution (UNSCR) 1325** therefore establishing a concrete framework as well as strategies and actions for coordinated implementation of the **women and peace and security agenda**.

### 3. Ukrainian Official Stakeholders

#### Mr. Artur Gerasymov, Head of the Delegation of Ukraine to the OSCE PA



Mr. Gerasymov, who is also a Vice-Chair of the Second General Committee of the Assembly, discussed the concept of the visit and provided advice to Ms. Kiener Nellen and Mr. Hadjiyianni on their deployment to the Mariupol region of Ukraine. Concerning the deployment to Kramatorsk, Mr. Gerasymov advised to meet with local authorities and to discuss the situation directly with the citizens living in the localities near the frontline.

#### Ms. Iryna Gerashchenko, First Deputy Chairman of the Verkhovna Rada and President's Humanitarian Envoy at the Minsk peace talks until June 2019

The OSCE PA delegation presented the PA activities regarding the crisis in and around Ukraine, since 2013, as well as the role of the General Committee on Democracy, Human Rights and Humanitarian Questions which addresses humanitarian and human rights-related threats to security, serving as a forum for examining the potential for co-operation within these fields. The OSCE PA efforts reinforce the OSCE's capacity to establish fora for political dialogue.



It was reiterated that the PA stands firmly behind Ukraine's territorial integrity and that the developments in Ukraine are important for the entire region and for security in the rest of Europe.

The Committee's Mission stressed the importance of respecting human rights and freedoms in relation to the introduction of martial law in certain regions of Ukraine in the aftermaths of the Kerch Strait incident. The effective functioning of democracy is impossible without ensuring the fundamental rights of citizens.

#### Mr Borys Tarasyuk, Deputy Chairman of the Committee on Foreign Affairs of the Verkhovna Rada of Ukraine, former Foreign Minister

Mr Tarasyuk provided advice and support for the conduct of the OSCE PA mission and shared his experience as Deputy-Head of the Ukrainian delegation to the Interparliamentary Union.



Mr. Serhii Zlakoman, State Secretary, Ministry of Temporarily Occupied Territories and IDPs

The Ministry of Temporarily Occupied Territories and IDPs was officially established on 20 April 2016 to manage Non-Government Controlled Area (NGCA) parts of Donetsk, Luhansk and Crimea regions affected by Russian military intervention of 2014. In November 2017, the Ministry adopted “The Strategy of Integration of Internally Displaced Persons and of Implementation of Durable Solutions on the Internal Displacement for the period up to 2020”.

Ms. Lyudmyla Denisova, Verkhovna Rada Human Rights Ombudsperson



Ombudsperson Denisova received the delegation twice and on both occasions she was grateful that the OSCE PA is interested in helping her to ensure the observance of the rights of citizens in Ukraine. International support is very important for Ukraine, especially to ensure the release of Ukrainian prisoners abroad and prisoners of war.

The Ombudsperson informed the Mission on a wide range of issues including the populations most affected by the ongoing war in the Donbass. One of the unresolved issues is the opening of the Entry-Exit Check Point (EECP) "Zolote" in the Lugansk region, which would significantly alleviate the traffic burden of the EECP "Stanitsa Luganska". She also informed the Committee leadership about the situation regarding the seizure of the sailors by the Russian Federation.

The Ombudsperson agrees that there is urgent need to delink the IDP status to the obtention of social benefits. To this end, she introduced a bill in 2016 that has been pending the approval of the parliament for three years already.

Mr Makhsma Stepan, Secretary of the Mariupol City Council

Mr. Stepan acknowledged that transport infrastructure problems are creating economical challenges to the city of Mariupol. On top of those issues is that the Mariupol airport suspended its operations in 2014 but never reopened due to its location being only 30km away from the contact line.

#### 4. International Actors

##### Special Monitoring Mission (SMM) Headquarters, Kiev

The OSCE Special Monitoring Mission to Ukraine (SMM) was deployed on 21 March 2014, following a request to the OSCE by Ukraine's government and a consensus decision by all 57 OSCE participating States. Ambassador Ertugrul Apakan (Turkey) was the Chief Monitor of the OSCE Special Monitoring Mission to Ukraine until 31<sup>st</sup> May 2019. Since 1<sup>st</sup> June, Ambassador Yaşar Halit Çevik (*in the middle of the right picture*) is the new SMM Chief Monitor. The OSCE PA delegation met with him on Monday 3<sup>rd</sup> June on his first effective day in office. This first personal contact between the OSCE PA and Ambassador Çevik proved a good opportunity to set a continuity course in the good cooperation and mutual support that the OSCE PA and the SMM have enjoyed over the past five years.



The SMM is an unarmed, civilian mission, present on the ground in all regions of Ukraine. Its main tasks are to observe and report in an impartial and objective way on the situation in Ukraine; and to facilitate dialogue among all parties to the crisis. The SMM is not a humanitarian Mission but its activities lead to it having a good understanding of the humanitarian concerns throughout Ukraine. They try to address those concerns by having a good degree of communication with the humanitarian organizations present on the ground.



## SMM Mariupol Patrol Hub (MPH) briefings



The acting Patrol Hub Leader, Mr. James Magro, warmly welcomed the delegation to Mariupol. He described the working environment for the staff of the SMM in the Mariupol hub, where about 100 Monitoring Officers and paramedics work, with an increase in the impediments to the freedom of movement of patrols since June 2017 including in coastal towns to the Azov Sea. The SMM monitors are often restricted from speaking with citizens there. The usage of drones has been limited both due to weather conditions and jamming on both sides in the conflict. Since April 2017 and the deadly incident causing the loss of a paramedic, patrolling on dirt roads or at night is forbidden. The SMM do not monitor at sea and doesn't have naval equipment.



On the Human Dimension (HD) activities at the MPH, they now have a real HD team in the Hub. They focus on issues related to life in a militarized environment which is traumatizing for the local populations with about 8500 persons crossing the front line each day in the Mariupol area. Civilian populations continue using the mined EECF that has been assessed as unsafe even for the SMM patrols.

### SMM Kramatorsk Patrol Hub (KPH) briefings



The KPH is home to around 160 personnel. They have been exposed to numerous security incidents since 2014 including one fatal incident in April 2017. Safety of monitors is a paramount and the only persistent issue is the jamming of SMM drones (UAVs). Overtime, an effort was made to integrate the Human Dimension in the monitoring teams while the original focus of the SMM was military. The role of Human Dimension Officers is to keep record of civilian casualties in connection with the conflict (there has been 84 victims in the Kramatorsk area in 2018), to monitor the freedom of movement of the population notably at EECPs and their access to basic infrastructures like water. The number of civilian casualties has decreased along the years (see annexes) but there is still a victim almost every day.

Concerning the freedom of movement of civilians, at the Mayorsk EECP, it can take up to twelve hours to cross and the heat is a serious issue in summer. The mining and ceasefire violations in the uncontrolled area between EECPs are putting civilians at risk.

On the issue of protection and maintenance of critical infrastructures, the SMM is monitoring the situation of workers at the Donetsk filtration station who operate the much-needed maintenance and repairs. In April 2018, five employees were wounded in an attack on the Donetsk water filtration plant. In January 2019, three water workers were injured after being fired upon.

An additional problem lies with the presence near the contact line of industrial chemical facilities. Some are used to store dangerous chemicals and in 2015-2016 they were hit by mortars. These are a potential danger for the local population.

### Mr. Alexander Hug, former SMM Principal Deputy Chief Monitor



Mr. Hug explained to the OSCE PA Mission how the SMM evolved since its creation in 2014.

Finding ways to helping local population was discussed notably by opening additional EECPs since the Minsk Agreements do not limit their number to five. It was discussed that this could even be extended to railways since the infrastructures are already there. The impact of the conflict on youth was also stressed considering that a generation is growing with a negative narrative that, in time, will bring both sides in the conflict further aside.

### Mr. Miljenko Vahtaric, Technical Adviser on Humanitarian Mine Action, OSCE Project Co-ordinator in Ukraine (PCU)

The Project Co-ordinator is mandated to plan, implement, and monitor projects that help Ukraine enhance its security and develop its legislation, institutions, and practices in line with democratic standards. The goal is to support the country in adapting legislation, structures, and



processes to the requirements of a modern democracy built on a secure environment for its people and includes mine action.

Ukraine's Mine Action Law was adopted by the parliament on 6 December 2018, after consultations with the Project Co-ordinator, who provided advice on the content, with the support of the Geneva International Centre for Humanitarian Demining (GICHD). It establishes a framework for humanitarian demining, divides responsibilities among state institutions, and envisages the creation of a mine action centre.

Since 2015, the Project Co-ordinator has focused its efforts on providing access to international best practices and experiences in regulating response to mines and unexploded ordnances (UXO) contamination to officials and Members of Parliament. Ukraine decided to inspire itself from the Croatian experience and a visit of MPs and relevant Ministries to Croatia took place at the beginning of 2018.

The law also refers to National Mine Action Standards and was finalized in 2018. The Standards document is an outcome of a multi-year dialogue facilitated by the Project Co-ordinator, including interagency discussions and meetings with communities affected by explosive contamination in eastern Ukraine. The document is based on the UN International Mine Action Standards (IMAS), but provides adaptations with regard to country specifics, and establishes requirements for all aspects of mine action, including information management, equipment, personnel, area examination and clearing, quality control and risk education. In 2019, the implementation of this law however still lacked the corresponding financial measures necessary to its implementation.

#### Mr. Anthony Connell, Country Director, Swiss Foundation for Mine Action

FSD (Fondation Suisse de Déminage) has been working in Ukraine since early 2015 to help prevent civilian casualties in the East of Ukraine where civilians are regularly caught up in the violence; mine and unexploded ordnance related casualties are a continuing concern, particularly around the heavily fortified checkpoints, which control movement over the contact line.

FSD is an accredited mine action operator in Ukraine to conduct risk education, survey and mine action clearance and explosive ordnance disposal operations. FSD has mine risk education teams and survey teams operating in both Donetsk and Luhansk and since early 2017 has a full mine clearance and explosive ordnance disposal capacity which works closely with regional security forces to clear all explosive hazards from conflict affected areas. A mechanisation of their operations is scheduled in 2019.

It was highlighted that while mines only take few hours to install, they remain a threat for decades. It is even worse with the use of plastic made mines which can potentially remain active for centuries.

## 5. Citizens affected by the Conflict, Local and Civil Society Actors

### Visit at Mechnikov Regional State Hospital in Dnipro and meetings with wounded soldiers, doctors and with Chief Medical Officer, Mr. Sergey Ryzhenko



The Mechnikov hospital has a two-century long record of dealing with conflicts. They treated 3000 soldiers since 2014. 3 500 surgeries were performed on soldiers with 3% of fatal wounds. The traumas are largely caused by mines, 90% of the wounds are caused by mine explosions, while bullets cause 10% of the wounds. Since 2014, the hospital also treated more than 10 000 civilians who were victims of the conflict. The hospital is specialised in artery surgery, amputation, ear wounds and facial

reconstruction. They have not experienced patients with sexual or torture related wounds. The most recent tendencies show a decrease in the number of wounds, but they are more serious as most of these are bullet wounds to the head.

Rehabilitation of the wounded is not developed sufficiently in Ukraine and many wounded were transferred to Lithuania to facilitate their post-surgical recovery. The hospital is financed by local authorities. Soldiers are treated free of charge while for civilians it depends on their insurance coverage. They also accept civilian patients from NGCA since hospitals in Donetsk and Luhansk are less well equipped.



### IDPs in Mariupol



The situation of IDPs in Mariupol depends much on the housing conditions in which they are living. Some IDPs are housed in old buildings that need repairs and renovation. Most of them arrived in the summer of 2014. Issues such as delays in the payment of pensions, administrative problems for single parents to cross EECs, and employment discriminations of IDPs were raised by some. All of them expressed their willingness to return in their area of origin and an interest in having the UN deploy a police mission to Donbass to facilitate this process.

IDPs living in renovated buildings are largely satisfied by their living conditions. They do not have problems finding employment and all of them are on a waiting list to be assigned to individual apartments. They have to pay rent, but it is subsidised.

## IDPs in Kramatorsk

The families met moved during summer 2014. Some were living in buildings close to the fighting which suffered direct hits and structural damages. Many reported loss or destruction of documents (diplomas, certificate of completion of military services, ...) when they moved and the problem they face in their reissuance since all documents, even those predating 2014, are now issued by administrations from NGCA that are not recognised by the Ukrainian authorities.

Priority for housing is given to vulnerable persons and to families with many children. Access to education for pupils is free of charge. The IDPs interviewed noticed that over the past two years there has been a decrease of international attention to their situation. Consequently, they no longer enjoy international food support.

They all conveyed their aspirations to peace, freedom of movement and abolition of EECs and freedom to choose their own lifestyles. Contacts with their family members still living in NGCA is possible but the time wasted at EECs and the transportation difficulties make it difficult.



## Detention Centre (SIZO) near Mariupol, meetings with prisoners transferred from NGCA



The SIZO had 430 prisoners in this pre-detention facility with a capacity of 450 detainees. They are either under investigation or in appeal of their judgement. The duration of detention in this facility varies from a minimum of two months to a maximum of three years. Their conflict related detainees are either members of the armed formations or Ukrainian militaries.

On the so-called unilateral transfers of prisoners from NGCA, these are people who were in detention before 2014. Since then, there have been 230 detainees transferred including 13 in December 2018. The OSCE PA Mission was able to interview five of the detainees that had just been transferred from the Donetsk area. The requests for

transfer came from the prisoners themselves and it is probable that there are many more detainees who would like to transfer to GCA. The main motivation for those transfers are to get closer to relatives.

The detainees agree that while conditions of detention in NGCA were not bad, they are better now. Some told the Mission about the difficult survival conditions of winter 2015 when they were sometimes without food for up to three days, without electricity and running water. In some NGCA detention facilities they



experienced three years of shelling near the prison and hundreds of detainees are still living in these facilities. At the beginning of the conflict some acts of “pressure” had been exerted on “Ukrainian prisoners” but it is over now and there were no acts of torture reported.

#### Visit to the village of Berdyans'ke near the contact line adjacent to Shyrokyne

The situation has been quiet in the village for a few months. Several fields in the vicinity are mined but the biggest problem are the sea mines that are an impediment to the fishing activities. When the wind blows from East and because of the geography of the Azov Sea coast, the mines become visible when the level of the water goes down. In summer, swimming became a very dangerous activity. The International Red Cross Committee (ICRC) has installed mine warning and mine awareness signs but the contaminated areas put significant limitations on the life of locals along with leaving them in constant danger.



According to a local nurse, luckily there have not been mine-inflicted casualties for a long time despite the danger. Access of children to education is ensured but it is more complicated than before 2014. Eleven children, including one born in December 2018, are currently living in the village of Berdyans'ke.

#### Shyrokyne area



The Shyrokyne standoff took place between February and July 2015. It was a battle for the control of the strategic village of Shyrokyne, located approximately 11 km east of Mariupol. Ukrainian forces, led by the Azov Battalion, fought the NGCA armed formations there. On 10 February 2015, the Azov battalion launched an offensive against them with the aim of pushing them away from Mariupol city limits. The village was used as a launching point for attacks on the city of Mariupol, which served as the administrative center of the Donetsk Oblast whilst Donetsk was inaccessible. Fighting continued until 3 July 2015, when armed formations from NGCA unilaterally withdrew from Shyrokyne.

According to the military, the retreating armed formations extensively mined and booby trapped the area. In the current situation, the OSCE sees it as impossible for civilians to live in Shyrokyne.



### Halo Trust demining site in Talakivka



After five years of war, Ukraine is one of the most mine-affected countries in the world. More anti-vehicle mine accidents have happened in Ukraine than in any other country for three years in a row. The majority of fighting has taken place near settlements, leaving mines and other explosive devices as a direct threat to the safety of communities across the eastern part of the country. HALO and other demining operators have mapped over 15 million square metres of mined land so far, with well over half a million civilians affected in government-controlled areas alone. The full

extent of the contamination is not yet known, and the survey process is still ongoing. The amount of hazardous land identified as requiring clearance is steadily increasing as survey teams assess new settlements, particularly near the frontline where the most prolonged and intense fighting has taken place, leaving the area densely contaminated.

The OSCE PA Committee leadership was able to experience the hazardous working conditions of the demining teams in winter as well as to visit a demining site bordering the contact line. A demining team presented their material and explained their demining procedures.



### Entry-Exit Checkpoint in Pyschchevyk and surrounding area



Crossing the 457-km Contact Line' remains challenging for millions of women, men and children moving between the GCA and NGCA of eastern Ukraine. Despite constant insecurity due to shelling, shooting, damaged infrastructures, and mines and UXOs contamination, thousands of persons cross every day. Specific challenges in winter include: the sharp drop in temperatures and the impact from the reduced winter operating hours of the EECsPs.



The facilities at the visited EECP of Pyshechyk remain basic, particularly for the elderly, those with disabilities, children and pregnant women, who wait hours to cross. The facilities are currently under development with roofs, waiting lines and temporary buildings being built but they still appear insufficient for dealing with times of high demand.

There is clear concern with the high level of mine contamination in the area. It needs to be noted that this EECP was assessed as unsafe because of mines by the SMM and patrols had stopped crossing the EECP since mid-November at the time of the visit in December 2018. While at the same time, thousands of civilians continue using it every day at their own risks.

#### Entry-Exit Checkpoint in Stanytsia Luhanska



The Stanytsia Luhanska bridge crossing point is the only crossing point in the Luhansk region. It is a pedestrian crossing point and pedestrians have to walk 2km from parking lot to parking lot on either side of the bridge. A 30m section of the bridge has been destroyed and has been replaced by two steep wooden ramps.

This EECP has the most traffic of any crossing point in East Ukraine with an average daily crossing of more than 9000 persons. The SMM is present at the Stanytsia Luhanska bridge nearly everyday on both sides of the contact line where they observed that queues can reach up to 1000 people on occasion.

Civilians report that they cross in order to solve documentation issues, to avoid the suspension of their pension payments, to visit relatives, withdraw cash, shop for goods and to check on property on either side of the contact line. The main concerns of civilians include the precarious crossing of the broken sections of the bridge, the absence of medical support in the area between the military positions, the long waiting hours for processing at the checkpoints as well as waiting for transportation, problems with permits and documents and the security incidents such as shelling and other ceasefire violations. The SMM has recorded a number of natural deaths and incidents of civilians suffering from acute health problems while crossing the EECP.

The OSCE PA mission witnessed the long queue of people awaiting to cross, the heavily mined surroundings, as well as the stressful and unbearable conditions for the elderly and the disabled persons. They experienced the exhausting walk between the parking lots on both sides, the little shadow, the heat and saw people trespassing into mined-marked terrain in search of few minutes of rest under the shadow of nearby trees.



## Civil Society



In December 2018, the Mission also met with a representative of the **Union of Journalists of Ukraine** and with representatives of organizations “**Black Tulip**” and “**Blue Bird**” dealing with the issue of missing persons.

“Black Tulip” is an NGO that has been working for more than a decade in Ukraine with an original aim to find and identify bodies of missing soldiers from the First and Second World Wars. Its work is now focused on finding the hundreds of missing Ukrainian servicemen from the current conflict in the east of Ukraine. Humanitarian Mission “Black Tulip” organizes public participation in the search, exhumation and taking out the deceased in the conflict zone. “Blue bird” work is also focused on identification of missing persons in the conflict area. The organization tracks information about civilians who were kidnapped or disappeared in Eastern Ukraine and also provides psychological, legal and humanitarian help to the families of missing persons.

NGO representatives were grateful for the opportunity to take part in the meeting with the parliamentary delegation and expressed hope that that such meetings have a significant impact on the improvement of Ukrainian policies in this area. The Black Tulip humanitarian mission provided information on the results of its work, which included not only data on the numbers of bodies found, but also a description of the difficulties faced by the mission’s participants in gathering information for carrying out the work. They expressed gratitude to the Embassy of Switzerland for its support in the implementation of this mission.

In May-June 2019, the PA delegation met with representatives from the NGO **Proliska**. It is a Humanitarian mission assisting conflict-affected population in Donetsk and Luhansk regions. While active since 2015, it is a UNHCR Ukraine Partner since 2016. They focus their activities in the area located within 20km from the frontline. While developing a network of social workers, their actions focus on providing administrative assistance to the most affected populations.



Further discussions were also held with representatives from the **Norwegian Refugee Council** who accompanies refugees and IDPs in their legal proceedings related for instance to pensions, inheritance, birth or death certificates. They advocate that the procedures for registering in GCA deaths and births occurring in NGCA should be administrative and not judicial. In practice, it takes a couple of days to register a NGCA birth into GCA and the procedure is quite smooth. They see a risk in access to healthcare and education because diplomas obtained in NGCA are no longer recognised. There is also a significant problem with the compensations for destruction of private property since Ukraine lacks a State funded programme. Compensation for the utilization of civilian properties by military personnel is proving challenging for the population. The latest law on occupied territories states that the responsibility for the destructions lies with the Russian Federation, and *de facto* no one is responsible.

A registered displaced person receives an IDP certificate issued by government authorities. Obtaining an IDP certificate is a pre-condition for receiving pensions, social allowances, benefits and other payments intended to assist IDPs. IDPs must re-register every two months in order to continue receiving the allowances. Persons still living in NGCA need to cross the contact line to register as IDPs in order to receive their entitled social benefits, despite having not moved. This legal obstacle effectively discriminates against these people and must be addressed urgently by the authorities.

## ANNEXES:

### **Casualties in Ukraine: statistics**

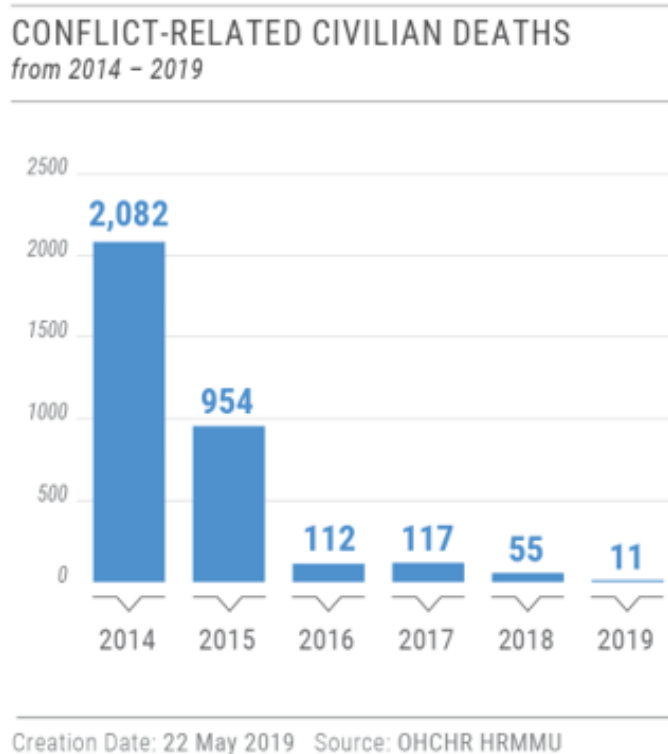
#### **From OHCHR report:**

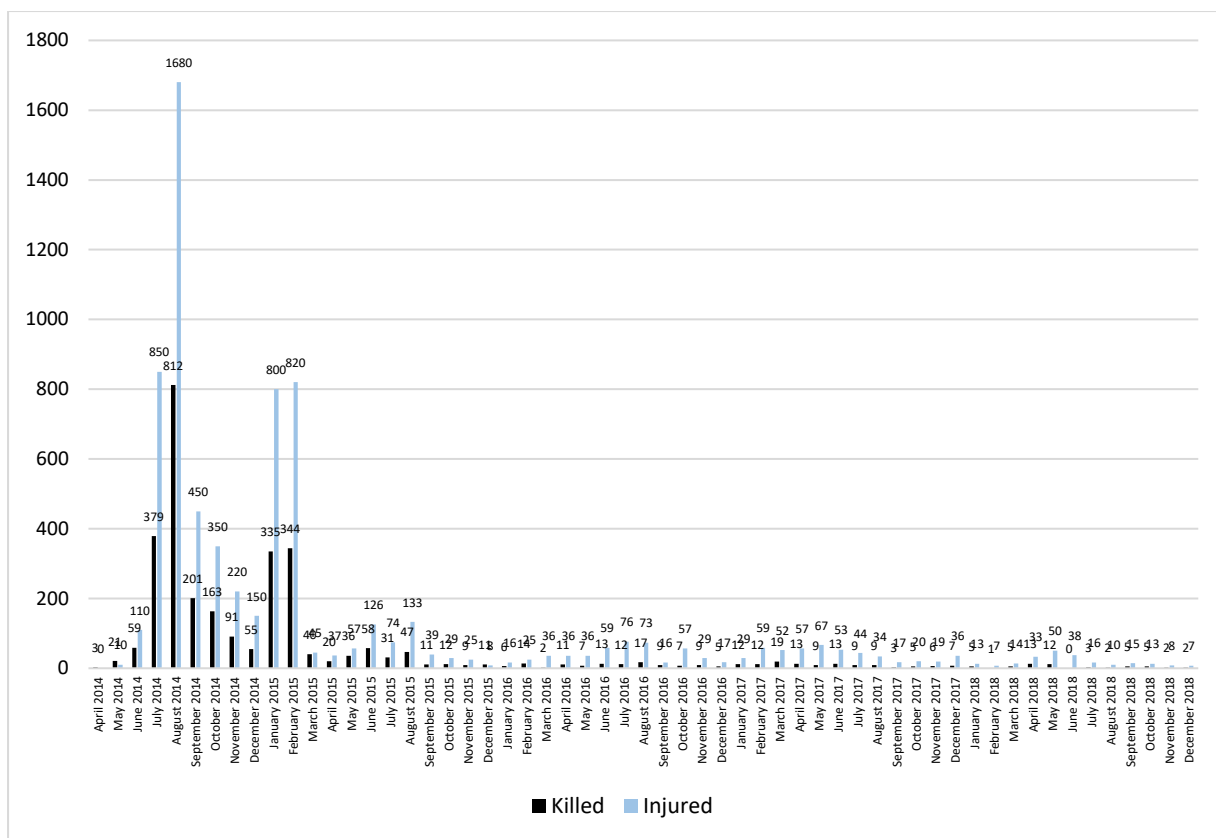
The United Nations High Commissioner for Human Rights (OHCHR) estimates the total number of conflict-related casualties in Ukraine (from 14 April 2014 to 15 February 2019) at 40,000–43,000: 12,800–13,000 killed (at least 3,321 civilians and est. 9,500 combatants), and 27,500–30,000 injured (est. 7,000–9,000 civilians and est. 21,000–24,000 combatants). Previous conservative OHCHR estimate of total conflict-related casualties was as of 15 November 2017: at least 10,303 killed, including 2,821 civilians and 7,482 combatants, and at least 24,778 injured, including 7,000 to 9,000 civilians (OHCHR report on the human rights situation in Ukraine covering the period from 16 August to 15 November 2017, paragraphs 29–30). Between 16 November 2017 and 15 February 2019, OHCHR recorded 63 civilian deaths which occurred during that period, and recorded/processed data on 437 civilian deaths that occurred before 16 November 2017, mostly in 2014 and 2015. The increase in the estimate of killed combatants from at least 7,482 as of 15 November 2017 to est. 9,500 as of 15 February 2019 is due to combatants' deaths that occurred from 16 November 2017 to 15 February 2019 (est. 450) and to recorded/processed data on combatants' deaths that occurred before 16 November 2017 (est. 1,500), mostly in 2014 and 2015".

The most recent civilian casualty figures published by OHCHR (as of 15 May 2019) can be found in the following report (paragraphs 25–29):

[https://www.ohchr.org/Documents/Countries/UA/ReportUkraine16Feb-15May2019\\_EN.pdf](https://www.ohchr.org/Documents/Countries/UA/ReportUkraine16Feb-15May2019_EN.pdf)

Conflict-related civilian casualties in Ukraine, 2014–2018 (source: OHCHR)





Note: numbers of injured from May 2014 to February 2015 are conservative estimates. Real figures could be higher.



## **OSCE PA Press Releases**

### **Humanitarian measures needed in eastern Ukraine, including demining efforts, say OSCE PA's human rights committee leaders**

KYIV, 21 December 2018 – A sustained ceasefire and increased demining activities in eastern Ukraine are urgently needed for the sake of the safety of civilians, especially children, said two leaders of the OSCE Parliamentary Assembly's human rights committee today. Such measures will enhance prospects for a political solution to the conflict, they noted, and urged humanitarian gestures of goodwill to take place for the holiday season such as prisoner exchanges.

Wrapping up a week-long visit to Ukraine that included meetings in the capital and extensive field visits in the east of the country, Margareta Kiener Nellen (MP, Switzerland) and Kyriakos Hadjiyianni (MP, Cyprus), Chair and Rapporteur, respectively, of the Committee on Democracy, Human Rights and Humanitarian Questions, highlighted the plight of civilians impacted by the conflict, including internally displaced persons (IDPs). They urged that more attention be paid to the needs of IDPs and to create the conditions for their return.

“Innocent people continue to suffer due to the irresponsible actions of those who recklessly endanger civilians, whether by laying mines or intense shelling,” said Kiener Nellen. “I urge an immediate cessation of hostilities and a renewed commitment to fully adhere to international humanitarian law to respect people impacted by this conflict. The large quantity of mines and the enormous number of victims are already a humanitarian catastrophe for the region.”

After more than four years of conflict, Kiener Nellen and Hadjiyianni underlined, Ukraine ranks among the most mine-affected countries in the world, with nearly 2,000 landmine casualties in eastern Ukraine since 2014. In addition to violating international humanitarian law, the use of mines endangers the lives of civilians in the conflict areas and hinders economic recovery and future development of these areas, they emphasized.

On patrol with the OSCE Special Monitoring Mission (SMM) in areas near Mariupol, Kiener Nellen and Hadjiyianni visited villages affected by the conflict, witnessing the hazardous environment due to landmines and the dramatic impact on populations near the contact line. They spoke with doctors and met patients at the hospital in Dnipro where 90 per cent of conflict-related wounds are mine explosion traumas and 10 per cent bullet wounds. They observed the civilian transit through the contact line at Pyshechyk checkpoint and damages to transport infrastructures in the area.

“Seeing up close the human drama caused by this conflict is a reminder of the failure of political leaders to reach a sustained settlement let alone to fully implement their commitments under the Minsk Agreements,” said Hadjiyianni. “While we are longing for a comprehensive solution, we expect full compliance by all sides with international humanitarian law. Humanitarian measures must be pursued to improve the lives of the people affected by this conflict.”

He added that one such step would be a major exchange of prisoners to take place for the holiday season. He and Kiener Nellen visited a penitentiary near Mariupol on Wednesday where they met with detainees who were transferred from Donetsk last week.

They met Monday in Kyiv with Iryna Gerashchenko, the Ukrainian President's Humanitarian Envoy at the Minsk peace talks, Artur Gerasymov, Head of the Ukrainian Delegation to the OSCE PA, and Ambassador Ertugrul Apakan, Chief Monitor of the SMM in Ukraine. At the

SMM Mariupol Hub office, they were briefed Wednesday on a range of issues including land- and sea mines.

They also met with Miljenko Vahtaric, Technical Adviser on Humanitarian Mine Action at the OSCE Project Coordinator in Ukraine, Serhii Zlakoman, State Secretary at the Ministry for Temporarily Occupied Territories and Internally Displaced Persons of Ukraine, Lyudmyla Denisova, Ombudsperson of Ukraine, and visited the Halo Trust demining site in Talakivka. Kiener Nellen and Hadjiyianni will present their findings at the Winter Meeting in Vienna, 21-22 February 2019.

This week's mission in Ukraine is the fifth time PA officials have visited the country in 2018. President George Tsereteli led two delegations to the country, in January and May, and Special Representative on Gender Issues Hedy Fry visited in July. In November, the PA participated in a pre-electoral visit. The PA plans to deploy election observation missions to presidential and parliamentary elections scheduled in 2019.

In the OSCE PA's Berlin Declaration adopted last summer, the Assembly reiterated its support for a settlement of the Ukraine conflict based on implementing the Minsk Agreements in their entirety and de-occupation of the Autonomous Republic of Crimea and the city of Sevastopol, including the full withdrawal of Russian military forces from Ukrainian territory.

## **Human drama for people near contact line in Ukraine intolerable, say OSCE PA humanitarian leaders in Kyiv**

KYIV, 3 June 2019 – Margareta Kiener Nellen and Kyriakos Hadjiyianni, the Chair and Rapporteur of the OSCE Parliamentary Assembly's human rights committee, respectively, today wrapped up a five-day mission to Ukraine, which included visits to the contact line in the east of the country, a centre for internally displaced persons, and medical facilities. Following the visit, which was supported by the OSCE Special Monitoring Mission (SMM), the PA delegation stressed that renewed conflict resolution efforts, freedom of movement for civilians, and concrete humanitarian measures are urgently needed in Ukraine.

Meeting with human rights organizations in the region, including the NGO Proliska and the Norwegian Refugee Council, Kiener Nellen and Hadjiyianni discussed the international community's efforts to provide assistance to conflict-affected populations in the Donetsk and Luhansk regions. In addition to discussions with government and parliamentary officials in Kyiv, they also met with the new Chief Monitor of the SMM Ambassador Yasar Halit Cevik, ICRC Head of Delegation Florence Gillette, and Head of UNHR Monitoring Mission in Ukraine Fiona Frazer.

When visiting the Stanytsia Luhanska Entry-Exit Checkpoint (EECP) in the east of the country, the issue of freedom of movement for the civilian population was under scrutiny since a precarious pedestrian bridge is the only passage along the contact line in the entire Luhansk region. They witnessed the long queue of people waiting to cross, the heavily mined surroundings, as well as the unbearable conditions for the elderly and the disabled persons. They experienced the exhausting walk between the parking lots on both sides, which is exposed to the sun and heat with little shade, and saw people trespassing into mined-marked terrain in search of a few minutes of rest under the shade of nearby trees.

“Repairs at the bridge at the Stanytsia Luhanska EECP and the opening of additional points of passage such as the Schastye bridge near Luhansk or the Zolotoye EECP in the Donetsk region are urgently needed. If the sides respect the human rights of the population, these very concrete steps must be implemented rapidly. With the hottest months of the year still ahead of us, immediate action must be taken to stop the human drama of further deaths and de facto torture at this crossing point,” said Kiener Nellen, who serves as Switzerland's Head of Delegation to the OSCE Parliamentary Assembly.

Hadjiyianni, a member of parliament from Cyprus, called for the protection and maintenance of critical infrastructure such as water filtration facilities and power plants for the survival of the Donbas region. Often adjacent to military positions, this infrastructure is threatened by shelling and the workers ensuring the much-needed repairs are under threat. In mid-April, five employees were wounded in an attack on the Donetsk water filtration plant.

“Such violations of international humanitarian law must stop. A durable ceasefire is the precondition to improving the quality of life for people and a safe environment necessary for ensuring the dignity of the living conditions in the region. Life in a heavily militarized environment is already generating immense physical and psychological damage to the populations in the conflict affected areas,” he said.

The PA delegation met in Kyiv with Ukrainian Parliament Commissioner for Human Rights Lyudmyla Denisova, Vice-Chair of the OSCE PA Second Committee and Head of the Ukrain-

ian Delegation to the OSCE PA Artur Gerasymov, and Borys Tarasyuk, a member of parliament and former Foreign Minister. Discussions with Ukrainian officials focused on human rights and humanitarian aspects of the conflict and prospects for bringing it to a close. Kiener Nellen and Hadjiyianni stressed the importance of fully implementing the Minsk Agreements and to pursue a political resolution of the five-year old conflict.

The issue of mines also featured prominently during the visit. Ukraine is one of the most severely mine-affected places in the world, with the most recorded anti-vehicle mine incidents for three years in a row and the third globally for overall casualties, behind only Afghanistan and Syria. It is estimated by national authorities that about 7,000 sq. km. in the government-controlled areas of Donetsk and Luhansk oblast in eastern Ukraine are contaminated with mines and explosive remnants of war.

This week's mission in Ukraine is the eighth time PA officials have visited the country since January 2018. Kiener Nellen and Hadjiyianni visited Ukraine in December 2018 for a humanitarian-focused mission and the PA observed both rounds of this year's presidential election.

President George Tsereteli led two delegations to the country last year and Special Representative on Gender Issues Hedy Fry visited last July.

The findings of this mission will be presented during the 28th Annual Session in Luxembourg. Photos are available on Flickr.

## **Agendas of the mission**

### **16-21 December 2018**

#### **Sunday 16 December**

17:00 Meeting with Mr. Miljenko Vahtaric, Technical Adviser on Humanitarian Mine Action, OSCE Project Co-ordinator in Ukraine

19:00 Dinner hosted by the Swiss Ambassador to Ukraine, Mr. Guillaume Scheurer  
With participation of SMM Chief Monitor Amb. Apakan, UN agencies in Kiev and ICRC

22:00 Meeting with Mr Artur Gerasymov, Vice-Chair of the OSCE PA 2nd Committee and Head of the Ukrainian delegation to the OSCEPA

Overnight in Kiev

#### **Monday 17 December**

10:30 Meeting with Anthony Connell, Country Director, Swiss Foundation for Mine Action

11:45 Meeting at the Special Monitoring Mission to Ukraine (SMM) HQ, followed by a short security briefing

14:30 Meeting with Ms. Iryna Gerashchenko, First Deputy Chairman of the Verkhovna Rada and President's Humanitarian Envoy at the Minsk peace talks

Flight to Dnipro

Oleg Starostin, Dnipro SMM Team Leader, to greet the delegation upon arrival in Dnipro airport

Overnight in Dnipro



## Tuesday 18 December

08:30 Visit at Mechnikov Regional State Hospital and meetings with wounded soldiers, doctors and with Chief Medical Officer, Mr. Sergey Ryzhenko

10:00 - 16:30 Transfer by means of OSCE SMM vehicle from Dnipro to Mariupol

16:30 Meeting with SMM Mariupol Patrol Hub (MPH) Team and security briefing

19:30 Informal dinner with staff of the SMM Mariupol Hub

Overnight in Mariupol

## Wednesday 19 December

1. 7:30 - Pick up from the hotel

2. 7:45-8:00 - MPH morning briefing (including intro by the delegation)

3. 8:10-8:30 - Patrol briefing

4. 8:30-8:40 - Preparation for patrol

Then:

5. 8:45-9:20 - IDP Old Centre (Centre of Mariupol)

6. 10:00-11:00 - Detention Centre (SIZO) in the area of Stary Krym, meetings with prisoners transferred from non-government controlled area

7. 11:30-12:00 - IDP Centre located on the East Bank of Mariupol

8. 12:25-13:00 - Berdianske

9. 13:10-13:30 - E58 Junction before village Shyrokyne

10. 13:45-14:15 - Visit the Halo Trust demining site in Talakivka

11. 15:15 - Return to MPH office and Meeting with SMM Mariupol Human Dimension Unit

18:30 Meeting with a representative of the Union of Journalists of Ukraine

19:30 Dinner with the Secretary of the Mariupol City Council, Mr Makhsma Stepan, and SMM Mariupol Human Dimension team staff

Overnight in Mariupol

#### Thursday 20 December

1. 7:30 - Pick up from the hotel
2. 7:45-8:00 - MPH morning briefing
3. 8:10-8:30 - Patrol briefing
4. 8:30-8:40 - Preparation for patrol

Then:

5. 9:00-11:00 - Entry-Exit Checkpoint in Pyshechyk and surrounding area
6. 11:00 - Departure for Dnipro airport

Flight to Kiev

20:30 Dinner with Alexander Hug, former SMM Principal Deputy Chief Monitor

Overnight in Kiev

#### Friday 21 December

10:00 Meeting with Mr. Serhii Zlakoman, State Secretary, Ministry of Temporarily Occupied Territories and IDPs

11:30 Meeting with Ms. Lyudmyla Denisova, Verkhovna Rada Human Rights Ombudsperson

12:30 Lunch hosted by the Ambassador of the Republic of Cyprus to Ukraine,  
Mr Louis Telemachou

15:00 Meeting with representatives of organizations Black Tulip and Blue Bird dealing with the issue of missing persons

## 30 May - 03 June 2019

### Thursday 30 May

14:15 Meeting with Borys Tarasyuk, Deputy Chairman of the Committee on Foreign Affairs of the Verkhovna Rada of Ukraine, former Foreign Minister

16:30 - 17h00 Security brief by SMM Security Unit at the SMM HQ

18:00 Meeting with Artur Gerasymov, Vice-Chair of the OSCE PA 2<sup>nd</sup> Committee and Head of the Ukrainian delegation to the OSCEPA

19:00 Dinner with Guillaume Scheurer, Ambassador of Switzerland to Ukraine, Matthias Bosshard, political adviser to the Ambassador, Florence Gillette, ICRC Head of Delegation

Overnight in Kiev

### Friday 31 May

Departure by train to Kramatorsk

SMM to meet the delegation at the train station

13:00 Security Briefing at the Kramatorsk Patrol Hub

14:40 - 15:30 Welcoming by Deputy Patrol Hub Leader Christel Liermann and briefing by Deputy team leader Dania Cossa and Human Rights Officer Marte Skogsrud

15:30 - 18:00 Meeting with human rights organizations in the region including NGO Proliska (assistance to conflict-affected population in Donetsk and Luhansk regions), Norwegian Refugee Council (refugees and IDPs aid)

19:30 Dinner with local representatives of the United Nations Human Rights Monitoring Mission, Natalia Shapovalova, Human Rights Officers Yevhenii Shatskyi and Vasyl Lazumirskyi, and SMM Human Rights Officer Marte Skogsrud

Overnight in Kramatorsk

### Saturday 1 June

- 07:00 Pick-up from hotel and transfer to Stanytsia Luhanska with stop in Sieverodonetsk Patrol Hub
- 10:00 Patrol, Security and Human Dimension Briefings in Sieverodonetsk Patrol Hub
- 10:30 Patrolling near the Contact line in the Luhansk region
- 12:30 Visit of the EECP Stanytsia Luhanska bridge with briefings from Demining officer and patrolling Team from Luhansk, visit of the Red Cross medical facilities, observation of the overall crossing proceedings for civilians and crossing of the EECP until the LPR first checkpoint
- 15:00 Visit of the SMM Advanced Patrol Station of Stanichno-Luganskoye
- 16:00 Visit to a local hospital near Shastya and return to Kramatorsk
- 20:30 Dinner in Kramatorsk with SMM
- Overnight in Kramatorsk

### Sunday 2 June

- 10:30 Visit of IDP center MOST in Kramatorsk
- 14:00 - 15:45 Debriefing with SMM
- Departure by train to Kiev
- Overnight in Kiev

### Monday 3 June

- 08:00 Meeting with Miljenko Vahtaric, Technical Adviser on Humanitarian Mine Action, OSCE Project Co-ordinator in Ukraine

08:30 Breakfast with the Ambassador of the Republic of Cyprus to Ukraine,  
Mr Louis Telemachou

10:00-10:45 Meeting with Lyudmyla Denisova, Verkhovna Rada Human Rights  
Ombudsperson

11:30 Meeting with the new SMM Chief Monitor, Ambassador Yaşar Halit Çevik

13:00 Meeting with Ms Fiona Frazer, Head of UNHR Monitoring Mission in Ukraine, and Ms  
Eva Schmidt, Head of Justice, Freedoms and Civic Space Unit

Departure flights