



USAID
FROM THE AMERICAN PEOPLE



BRIEFER No 8 (20) BY UKRAINIAN HELSINKI HUMAN RIGHTS UNION, USAID HUMAN RIGHTS IN ACTION PROGRAM

July 2016

CONTENTS

<i>Implemented Activities:</i>	2
<i>Rights Monitoring and Advocacy</i>	2
<i>Strategic Litigation</i>	4
<i>Free Legal Aid</i>	6
<i>Human Rights Education and Promotion</i>	9
<i>Main Events in Human Rights Area:</i>	13



USAID
FROM THE AMERICAN PEOPLE



**UKRAINIAN
HELSINKI
HUMAN RIGHTS
UNION**

Implemented Activities:

Rights Monitoring and Advocacy

Advocacy Activities

Monitoring of National Human Rights Strategy implementation

The Ukrainian Helsinki Human Rights Union (hereinafter – the UHHRU) in cooperation with the Secretariat of the Ukrainian Parliament Commissioner for Human Rights continues its work on monitoring of implementation of the National Strategy in the Sphere of Human Rights (hereinafter – the Strategy). At present, we would like to inform on the following events held in July:

(1) On **July 4, 2016**, the Secretariat of the Ombudsperson together with the UHHRU [organized and held a meeting](#) (*link is in Ukrainian*) on monitoring of implementation of the Action Plan for the Strategy. During the event, among other issues, there were discussed the first results as well issues identified during the monitoring of the Strategy implementation, proposals for improvement of the monitoring methodology and recommendations on the form of monitoring reports.

(2) On **July 14, 2016**, the UHHRU with the support of the Secretariat of the Commissioner for Human Rights launched a [National Strategy in the Sphere of Human Rights website](#) (*link is in Ukrainian*) to facilitate effective implementation of the Strategy's provisions as well as coordination of activities of all civil society institutions and public authorities. The new website offers a review of the monitoring process of the Strategy implementation and relevant reports based on its results. For convenience and coordination of joint activities, the web portal contains contact details of the Action Plan implementers and representatives of civil society engaged in monitoring.

(3) The Prime Minister of Ukraine received for review a Report on results of monitoring of the National Strategy in the Sphere of Human Rights implementation (first quarter of 2016), followed by the instruction to the Minister of Justice to arrange a meeting with authorities and civil society representatives in order to discuss issues arising during the implementation of the Action Plan for the National Strategy.

(4) Currently, the UHHRU focuses on the following work in this area:

- indicators of the Strategy execution are being elaborated jointly with the UNDP;
- quarterly alternative reports are being collected from the participants of the Memorandum of Cooperation between the Ukrainian Parliament Commissioner for Human Rights and civil society representatives (public Platform for monitoring of the Strategy implementation), which will be soon consolidated in a single report for the second quarter of 2016;
- in September 2016, the Platform plans to present a report on the monitoring of implementation of the Action Plan for the Strategy for the first and second quarters to the authorities responsible for implementation of the Action Plan.

It should be noted that the U.S. Agency for International Development (USAID) [Human Rights in Action Project](#) supports the UHHRU's work on drafting the National Strategy in the Sphere of Human Rights and the Action Plan for its implementation, as well as monitoring of their implementation.

Participation in the round table on implementation of the rules of international humanitarian law

On **July 13, 2016**, the UHHRU's representatives took part in the international expert roundtable titled "*Implementation of the rules of international humanitarian law and the Rome Statute of the International Criminal Court in the national legislation of Ukraine*", during which there were discussed proposals to the draft law "On amendments to the Criminal Code of Ukraine as to its harmonization with provisions of the Rome Statute of the International Criminal Court." The advocacy work continues in this direction.

Analytical and Monitoring Activities

Monitoring visits

- On **July 5-9, 2016**, there was made a monitoring visit¹ to Zaporizhzhya and Dnipro (former Dnipropetrovsk), Pavlohrad, Kryvyi Rih, Apostolove (Dnipropetrovsk oblast) to question witnesses of extrajudicial executions and persons who were in captivity in order to prepare a case with the UHHRU's Strategic Litigations Center for its further support in the International Criminal Court.
- On **July 12-17, 2016**, the UHHRU conducted a monitoring visit² to Pokrovsk (former Krasnoarmiysk) and Kramatorsk (Donetsk oblast) to interview civilians affected during the hostilities in Avdiivka of Donetsk oblast.
- On **July 18-22, 2016**, there was conducted a monitoring visit "*Observance of human rights by local authorities in the territory of Kovel*" to Kovel (Volyn oblast), together with the Secretariat of the Ukrainian Parliament Commissioner for Human Rights as part of the pilot project "Ensuring human rights observance at the community level: human rights profiles of the oblasts"³. Purpose of the visit was as follows: to analyze activities of local authorities in such areas as prevention of torture and ill-treatment; observance of procedural rights; observance of child's rights, non-discrimination and gender equality; protection of personal data; observance of the right to education; protection of IDPs' rights; protection of rights of mobilized soldiers, servicemen and their families, families of those killed. During the monitoring, there was also considered the information in the sphere of human rights observance in the city, which was covered in the mass media during March-June 2016.

In the near future, it is planned to make another visit within creation of the human rights profile system of oblasts in cooperation with the Ombudsperson's Secretariat.

¹ In frames of the [institutional support project](#) (*link in Ukrainian*) under the financial support of the Government of Sweden provided through Swedish International Development Cooperation Agency ([Sida](#)).

² With support of Sida.

³ The "passport (profile) system" is seen as a process of assessing the unique characteristics of each oblast related to the human rights observance, identifying weaknesses, regional peculiarities and needs. This assessment is based on ongoing monitoring of local government activities that is conducted by NGO experts and, wherever necessary, in collaboration with the Secretariat of the Ukrainian Parliament Commissioner for Human Rights. It is expected that, as a result of such monitoring, a system of objective ratings will be established showing the progress achieved by a local government body in addressing community issues. Combined with clearly identified problems, success/failure indicators for government bodies and recommendations, the rating system will provide an overall picture ("profile") of the human rights situation in a district, city/town, or oblast. This initiative is being supported within the several projects implemented by the UHHRU, namely: the USAID Human Rights in Action Project, Human Rights First Project (funded by the Global Affairs Canada) and institutional support project of the Government of Sweden through Sida.



USAID
FROM THE AMERICAN PEOPLE



Preparation and publication of various reports on human rights observance

- The following thematic reports have been worked out and publicly released by the USAID Human Rights in Action Project: report “[*My house – someone’s fortress: right to property under conditions of the armed conflict in the East of Ukraine*](#)” (in Ukrainian), report “*Availability of humanitarian aid in terms of the armed conflict in the East of Ukraine*” (in Ukrainian and in English). Report “The rights of people with disabilities in situations of armed conflict in the East of Ukraine” is being prepared for publishing.
- The thematic report “With the shield or on the shield” (the state of archaeological and architectural monuments of Donbass amid the conflict) is currently under way⁴.
- On **July 7, 2016**, there was held a presentation of [the report](#) “Where did the shells come from?” Investigation of cross-border attacks in the East of Ukraine”, prepared by the International Partnership for Human Rights in cooperation with the UHHRU and the Norwegian Helsinki Committee. *The video presentation in Ukrainian is available [here](#).*
- The UHHRU translated into Ukrainian language and posted on its website the [Conclusion as to refugees with disabilities and other persons with disabilities](#) who are *protected and assisted by the UN High Commissioner for Refugees*. This document plays a significant role in understanding of the policy towards refugees with disabilities and persons with disabilities who have found themselves in situations of risk and humanitarian emergencies.
- The UHHRU continues a series of analytical comments by human rights defenders and transitional justice experts. This time we offer to your attention [the analytical report](#) of Nela Porobić Isaković, Project Coordinator of the Women’s International League for Peace and Freedom from Bosnia and Herzegovina.

Strategic Litigation

Strategic litigation cases of UHHRU

Complaint about the lack of respect for private life

In July, lawyers of the UHHRU’s Strategic Litigations Center (SLC) submitted a complaint to the European Court of Human Rights (ECtHR) in the case concerning the right to private life protected under Article 8 of the Convention for the Protection of Human Rights and Fundamental Freedoms (hereinafter – the Convention). During mass riots in Odesa on May 2, 2014, the applicant’s father was killed. The investigation has been going for two years and during that time the dead body has not been given back to relatives by investigators to arrange a burial. However, no investigation interests can justify such a long delay. As of today, all possible forensic medical examinations have been performed, skin samples taken and there is no reason for further storage of corpse in the morgue. The applicant complains about undue state interference in private life.

Raspryakhin v. Ukraine case

On **July 7, 2016**, the SLC gave its response to the objections of the Government of Ukraine in the case *Raspryakhin v. Ukraine*. The communication included consideration of the issue of the

⁴ The report is prepared under support of Sida.

applicant's detention for 5 years and 3 months on suspicion of committing a non-violent offence and the absence of real risk that the applicant might evade appearing before the court or commit new crime. Moreover, a systemic drawback of the Criminal Procedure Code of 1960 was revealed once again; it allowed to keep a person in custody during unlimited period of time after the case was referred to a court.

In addition, the case raised the issue of inadequate detention conditions in the Kirovohrad pre-trial detention center. The ECtHR has not analyzed this institution yet, although inhuman living conditions of the Ukrainian pre-trial detention centers are well-known.

Hlishchynska v. Ukraine case

On **July 11, 2016**, the UHHRU lawyers submitted their comments in the case *Hlishchynska v. Ukraine*. After the ECtHR applied Rule 39 of the Rules and ordered Ukraine to immediately transfer the pregnant applicant to a specialized medical institution, the Government of Ukraine gave its version of events, according to which Ms. Hlishchynska was fully provided with necessary medical care in the Odesa pre-trial detention center.

The UHHRU's lawyers, in turn, drew attention of the ECtHR to numerous facts of ignoring the needs of the applicant, refusals to call a doctor when she had bleeding, and that due to a violation of doctors' prescriptions on the part of the pre-trial detention center, malnutrition, lack of fresh air, and untimely ultrasound examination, the child was born with Down syndrome, and doctors were not able to detect chromosomal abnormalities and prescribe a treatment in time.

Vronsky v. Ukraine case

On **July 16, 2016**, the UHHRU's Strategic Litigations Center gave its response to the objections of the Government of Ukraine in the case *Vronsky v. Ukraine*. The applicant was beaten by the police, who initially escalated the level of coercion necessary to arrest a person and then were beating and torturing the applicant for 10 hours.

For the ECtHR, the police represent the state, so the state shall be responsible for law enforcement officers' actions as for its own. Thus, the communication included consideration of issues concerning a violation of substantive aspect of Article 3 under Convention, which prohibits inhuman and degrading treatment. In addition, this case of excessive use of force by police was not properly investigated; therefore, the ECtHR also paid attention to the procedural aspect of Article 3 of the Convention.

Other news of the UHHRU's Strategic Litigation Center

- In July, the SLC lawyers submitted amicus curiae brief (legal position) to the Constitutional Court of Ukraine. This brief was submitted upon the recommendation of the Ukrainian Parliament Commissioner for Human Rights on constitutionality of the provisions of Article 294 and Article 326 of the Code of Administrative Offences of Ukraine in the part that provides for an exception to the general rule on the entry into force of a judgement after the expiry of the appeal deadline for judgments on application of disciplinary action under Article 32 of the said Code.
- The **Prisoners of War UA Project** continues its work: it currently considers about two hundred cases of persons affected by an armed conflict in the East of Ukraine. During July 2016, on behalf of the former prisoners there were submitted four complaints to the ECtHR relating to violation of Articles 2, 3, 5, 13 of the Convention.



USAID
FROM THE AMERICAN PEOPLE



- The UHHRU continues to assist people affected by the hostilities in the East of the country: as of today, the work has been carried out with more than two hundred persons. During July, there were filed five complaints and ten follow-ups with the European Court of Human Rights.
- [The UHHRU's story of struggle in cooperation with eco-activists to preserve the Kachyne Lake in Kyiv goes on](#) (*link is in Ukrainian*) – the defenders of the lake have signed a memorandum of cooperation with the UHHRU, AutoMaidan and the deputy of the Kyiv Council; the steering group plans to preserve the lake and develop an eco-park around it.

Materials on website of Strategic Litigation Centre worth of paying attention to (*links are in Ukrainian*)

- [Refusal to pay pension by the state to a pensioner working in public sector violates Article 14 of the Convention in conjunction with Article 1 of Protocol No. 1.](#)
- [A person released due to defense actions and substantiation of application with respect to case-law of the ECtHR.](#)
- [Government has not granted money to IDPs:](#)
A year ago, deputies promised to exempt the IDPs from payments for hostel and even to pay UAH 1,300 of social grant; the Parliament approved the law, but for some reason it does not work.
- [Civil society space and the UN human rights system.](#)

News provided by UHHRU's member organizations

- The European Court of Human Rights accepted for consideration and registered the application of the NGO “Ecological-humanitarian association “Green World” to protect the right of access to public information. The lawyer of the UHHRU's Strategic Litigations Center supports the [case](#).

Free Legal Aid

[The UHHRU network](#) of legal aid centers (LACs) keeps on delivering free legal aid, holding information and awareness raising events in the sphere of human rights and documenting crimes among population who witnessed human rights violations in the occupied Crimea or ATO area⁵.

The United States Agency for International Development (USAID) supports activities of the UHHRU's legal aid centers in Sloviansk, Bakhmut, Mariupol, Pokrovsk and Kryviy Rih in the frames of Human Rights in Action Program.

Successful cases of legal aid centers

National Bank has twice lost to UHHRU's lawyers

Mr. Roman is the only one from 242 employees of the National Bank of Ukraine (NBU) of Luhansk oblast, who defended his labor rights in court due to legal aid delivered by the UHHRU's lawyers. He

⁵ Communication established inside the network allows forwarding each citizen's request to an appropriate lawyer for more effective work. Besides, LACs conduct outreach legal consultations in the remote areas, where there is often no legal aid at all, according to the schedule (information thereon is disseminated in advance via local media outlets).



USAID
FROM THE AMERICAN PEOPLE



won the case against his employer – the NBU, which did not pay salary to him and subsequently laid him off, justifying that by commencement of hostilities in the Luhansk oblast.

The lawyers of the UHHRU's LAC in cooperation with the "Territory of Success" NGO prepared a claim and supported it at all stages. The case was considered by the Kirovohrad Regional Administrative Court, which finally decided in favor of Mr. Roman, obliging the National Bank to pay the salary arrears, make necessary layoff payments and compensate moral damage. However, the NBU did not want to put up with that court's decision and filed an appeal with the Administrative Appeal Court of Dnipropetrovsk, hoping that the court would be more loyal to the National Bank. However, the appeal court, having considered the case, took a side of the ex-employee and upheld the judgment of the previous instance.

More details can be found [here](#) (in Ukrainian).

Other cases of legal aid centers (links are in Ukrainian)

- [IDPs' claims have withstood in Kharkiv Appeal Court:](#)
The judgment of the court of first instance in regard to the IDPs' rights, which was obtained with the assistance of the UHHRU's legal aid center in Sumy, despite the appeal of the Social Policy Department, were upheld on appeal. Will the state return payments to IDPs?
- UHHRU's lawyers [have assisted an HIV-positive man](#) not to lose his parental rights, which his child's grandmother sought to deprive of.
- A son tried to drive his own father out of his house in order to seize his property. [UHHRU lawyers have ruined his plans.](#)
- Carriers' actions in Transcarpathia violate nine laws of Ukraine and the Constitution: Do the authorities assist? Is a protocol decision of the NGO in contrast with the laws? Are carriers' and authorities' actions lawful? Press-service of the UHHRU's LAC in Uzhhorod [is trying to find answers to](#) these questions.
- Department of Pension Fund of Ukraine in Lutsk refused a pensioner to admit his qualifying period for benefit equal to thirteen years of employment at the enterprise. That decision prevented the man to receive a retirement pension on preferential terms. [UHHRU's lawyers helped to solve this problem.](#)
- UHHRU's legal aid office in Sumy consults IDPs on subsidies for utility fees. *More information illustrated through the example of a particular case can be found [here](#).*

Other events in sphere of free legal aid

Transcarpathian military have agreed on cooperation with UHHRU's lawyers

The relevant Memorandum of partnership and consolidation of joint efforts in Uzhhorod was signed by the interim armed forces commissary of the regional military commissariat and the chairperson of the UHHRU's member NGO "Zakarpatska Gromada" [Transcarpathian Community]. The document envisages joint efforts of the military commissariat and volunteers in raising legal awareness of servicemen and their families. Today, Transcarpathian servicemen and their families, when applying to the military commissariat, shall be provided with legal support, representation in courts and other government agencies with the assistance of the said NGO. *More details are available [here](#) (in Ukrainian).*



USAID
FROM THE AMERICAN PEOPLE



Civic and governmental organizations pool efforts to assist IDPs in Uzhhorod

On **July 28, 2016**, the Resource Center for assistance to IDPs in the Transcarpathian oblast hosted a roundtable gathering together organizations involved in delivering assistance to IDPs. Representatives of the UHHRU's member organization "Zakarpatska Gromada" were also actively participating in the discussion and finding solutions to pressing problems of that target category. *Details in Ukrainian can be found [here](#).*

UHHRU's legal aid center in Cherkasy has monitored how the state ensures the ATO participants' rights to free medical treatment

One of the urgent problems, which the ATO participants face, is refusal to provide them with adequate health care, as well as medication free of charge. Lawyers of the UHHRU's LAC in Cherkasy oblast decided to find out how widespread that problem is, and conducted monitoring of how the ATO participants' rights are observed (in particular, the rights to free medical treatment, medication and dental prosthetics). *Taras Shcherbatyuk, lawyer, Coordinator of the UHHRU's LAC in Cherkasy oblast, [has told](#) about results of monitoring (information is available in Ukrainian).*

Recently established UHHRU's legal aid centers report on the first results of their activities (*links are in Ukrainian*)

- Cherkasy legal aid center: [six months of work – what results and future plans?](#)
- Sumy LAC [has presented a half-year report](#) on its activities.
- Legal aid in Volyn oblast: [a six-month work](#) of the Lutsk LAC.
- Launched in January, Uzhhorod legal aid center [sums up](#) its work for the first half a year.

News provided by the UHHRU's member organizations

Internet will help to protect human rights

Developing partnership with the Ternopil Oblast Universal Scientific Library, the UHHRU's legal aid center in Ternopil initiates a practice of delivering free legal aid online – via the network of Internet centers functioning at libraries. *More details can be found [here](#) (in Ukrainian).*

Meeting with IDPs at Job Center of Rivne

On **July 25, 2016**, a lawyer of the UHHRU's legal aid office in Rivne together with a representative of the Rivne City Center for free secondary legal aid and the Ministry of Social Policy adviser on IDPs in Rivne oblast held a meeting with the IDPs at the Job Center of Rivne. The lawyer helped to clarify legal solutions to problems, which citizens constantly face when obtaining the IDP status, accommodation, in the field of social services, labor relations, health protection and so on.

During the meeting, there was provided clarification on the procedure of submission and consideration of applications on obtaining free secondary legal aid in civil and administrative cases. There were also discussed current pressing issues and possible ways to solve them, in particular, difficulties in relations with banks, in claiming social benefits at the place of temporary residence, humanitarian aid.

Thus, the partnership interaction between representatives of the civil society sector and public authorities in carrying out such activities facilitates a more comprehensive and effective solution to IDPs' problems.



USAID
FROM THE AMERICAN PEOPLE



**UKRAINIAN
HELSINKI
HUMAN RIGHTS
UNION**

Human Rights Education and Promotion

Human rights education for lawyers

Seminar on certain IHL aspects and cooperation with the International Criminal Court

In July 2016, the UHHRU has organized this seminar in order to familiarize lawyers with the basics of compiling, structuring and submitting complaints concerning committed international crimes (in particular war crimes and crimes against humanity) to the International Criminal Court.

Formal human rights education

UHHRU has been invited to join the Public Council at the Ministry of Education and Science of Ukraine

On **July 8, 2016**, representatives of the UHHRU's educational unit participated in the organizational meeting of the new composition of the Public Council under the Ministry of Education and Science of Ukraine. During the meeting, there was presented a report of the Public Council for 2014-2016 for the entire tenure, and elected its new composition by vote. In result, the UHHRU was invited to join the Public Council as an expert in observing, safeguarding and monitoring human rights in the field of formal education, and solving such tasks as: providing conditions for exercising the citizens' constitutional right to participate in public affairs, public control of the Ministry's activities and encouraging the Ministry to consider public opinion during formulation and implementation of the state policy within its competence and implementation of the National Human Rights Strategy.

Meeting of a group for monitoring human rights education within the general secondary education system of Ukraine

On **July 10-12, 2016**, the Educational Human Rights House-Chernihiv (EHRH-Chernihiv) hosted a working meeting of the monitoring group on further monitoring of human rights education within the general secondary education system. During that meeting, the task coordinators and experts discussed and agreed on the final approach to monitoring, made allowance for research problems and research issues on specific problems.



There was analyzed the project framework, namely: action plan, budget, pilot researches, monitoring tactics. There were presented and discussed expert recommendations on methods of information collection and processing, tools development, identified needs for qualitative researches, assessed risks that are possible during the monitoring and means to prevent them, as well as specified a form of reports, terms for execution of interim reports and persons responsible for that.

The event was held as part of the USAID Human Rights in Action Project.

Informal human rights education and training for different target groups

Working meeting on creation of a human rights online course

On **July 3, 2016**, there was held a working meeting of the team for creation of the human rights online course, where there were set key product requirements, standards for training tools, and characteristics of the course itself. The project team⁶ made a priority list of experts to be engaged in elaboration of this course. At present, consultations are organized and held with potential experts, educational platform developers and video production studios. Technical details to create the product are being approved making allowance for the existing framework for actions of the projects involved in the online course elaboration.

The Human Rights in Action Activity is a project partner.

Bring International Standards Home (Belarus)

On **July 3-10, 2016**, the EHRH-Chernihiv hosted the first seminar⁷ of the next scheduled cycle of the “Bring International Standards Home” project aimed at strengthening human rights community of Belarus through development of human rights defenders’ competencies. The project audience became more diverse: in addition to lawyers and NGO staff, now bloggers are also involved in training. Furthermore, for the first time in the history of the project, lawyers and activists without law degree are trained together in a single group.



The seminar focused on methods to effectively use international law within the national legal system of Belarus. 22 participants worked during the training with Belarusian and international experts to identify and learn how to utilize the opportunities provided by UN human rights mechanisms, as well as some European and actually Belarusian mechanisms. Visits to several public human rights institutions of Ukraine, which counterparts do not currently exist in Belarus – the Secretariat of the Ukrainian Parliament Commissioner for Human Rights, the Government Agent before the ECtHR and UN Monitoring Mission – became a special important component of the training module, which motivated the participants to work on development of the civil society in Belarus.

⁶ Public Union “EHRH-Chernihiv” implements the project with the assistance of the National Endowment for Democracy (NED) in conjunction with the Human Rights Center “Spring” under support of the Ministry of Foreign Affairs of the Czech Republic. The project is a part of the action plan of the Ukraine-wide Educational “We Understand Human Rights” Program.

⁷ Session is organized by the Belarusian Human Rights House with the support and in partnership with the Helsinki Foundation for Human Rights and EHRH-Chernihiv as well as the Human Rights House Foundation under the ILIA Program (International Law in Advocacy) of the Human Rights House Network. Ukrainian program partner is UHHRU’s member organization “MART” NGO from Chernihiv.

First session of Civil Rights Activist School

On **July 16-20, 2016**, in Bryukhovychi of Lviv oblast was held the first session of the Civil Rights Activist School⁸ hosting participants from six oblasts of Ukraine (Lviv, Ivano-Frankivsk, Volyn, Kharkiv, Donetsk and Luhansk), during which it was lectured on the basic concepts of human rights and mechanisms for their protection.



Expert and methodological support to the School was provided by trainers of the Ukraine-wide Educational “We Understand Human Rights” Program (WUHR) and the UHHRU, who, in particular, spoke to participants about the history, philosophy and notion of human rights, international and national human rights protection mechanisms, conditions, under which human rights may be restricted, tolerance, non-discrimination and challenges which vulnerable groups face in society.

In addition to the theoretical part, the School offered a lot of practical and optional classes,

dedicated to stereotypes based on national, gender, ethnic, social and other characteristics, arguments “for” and “against” the death penalty, reconciliation in situation of military conflict and more.

Webinar “Changes to legislation regarding the enforcement of the rights in the military sphere and their safeguarding practice”

On July 20, 2016 Chernihiv-based “MART” NGO was holding a **webinar** to provide full and comprehensive information about changes in legislation affecting provision and implementation of the rights of servicemen, promotion of legal awareness in this area, as well as distribution of socially important information. *Video footage is available [here](#) (in Ukrainian).*

Training for civil society monitors of National Preventive Mechanism

On **July 19-23, 2016**, there was held training⁹ for the civil society monitors of the National Preventive Mechanism (NPM), who underwent a quite rigorous selection process: there were submitted 103 applications for 23 seats. The training program included general NPM issues (history, mission, tasks, NPM establishment and development in Ukraine); definition, characteristics, classification of places of custody in Ukraine; minimum standard for adequate treatment in places of custody; principles and methods for monitoring places of custody; study of NPM operational background in foreign countries; coordination with state authorities.

⁸ The event was held within the project of the Center for Legal and Political Studies “SIM” (UHHRU’s member) “Activation of civil society of six oblasts of Ukraine for overcoming stereotypes and integration of IDPs into the life of communities “Decalogue of reconciliation” supported by the Black Sea Trust, the Project of the German Marshall Fund of the United States.

⁹ The training was organized with participation of the Secretariat of the Ukrainian Parliament Commissioner for Human Rights in cooperation with the NPM monitors community, the “Human Rights Information Center” NGO and with support of the International Renaissance Foundation.



As a result of the event, the expert council will recommend candidates from among training participants to the Ukrainian Parliament Commissioner for Human Rights for approval and entrusting with personal tasks to conduct monitoring visits to places of custody on a voluntary/free of charge basis. The Human Rights Commissioner shall take the final decision regarding approval of candidates and entrusting them with personal tasks within the NPM implementation.

Meeting of experts on products development for training in international humanitarian law

On **July 22-23, 2016**, the USAID Human Rights in Action Program supported the meeting of experts, trainers and educational advisors and documentators developing products for training in international humanitarian law (IHL).

There were discussed key competences, knowledge and skills that lawyers must have when applying international humanitarian law in their activities. There were also identified key demands and needs of lawyers practicing in different areas regarding the gaps that exist in their IHL knowledge, finalized the structure of the lawyers' IHL manual, drafted the terms of reference for the engaged experts and designers, developed and approved schedule for preparation of manual and education modules for lawyers on IHL application.

Training for trainers and coordinators of educational activities

On **July 26-28, 2016**, as part of the USAID Human Rights in Action Project, the EHRH-Chernihiv hosted the second session of the training for trainers and education coordinators. It was devoted to development of structure of education modules that will be used in further educational activities of the UHHRU and the WUHR Program. In addition, there were tested classes "Introduction to human rights", "Philosophy and evolution of human rights" and so on. There was also held a brief session on strategic planning of an educational technology workshop, which is created in the framework of the UHHRU and the WUHR, identified key tasks, forms and tools of their fulfillment, drafted terms of reference for the potentially involved experts and trainers.

The participants of the event were experts and trainers, who cooperate with the WUHR and the UHHRU, lawyers, judges who are eager to act promoting the notion of human rights through educational tools and means.

UHHRU's activity on art activism and its human rights context

In July, there was elaborated the concept of the program development to train young activists on practices of advocacy campaigns using creative approaches. For that, relevant international practices were studied, various cases of civil activists from different countries were analyzed. During



USAID
FROM THE AMERICAN PEOPLE



online and offline working sessions, there were designed educational tools and worked out an incremental project development strategy. At present, the work is focused on describing the international practices of advocacy campaigns using creative approaches, making allowance for socio-cultural context, integrating the gained experience into the framework of human rights activities.

Developing WUHR Program's and UHHRU's graduate network

The WUHR Program's operators built a team of specialists who developed the concept for development of program graduate network for the next three years. There was worked out the design of the network, mechanisms to involve graduates to its activities as well as developed criteria for candidates for certain positions within the WUHR's graduate network.

At present, the work is being carried out on the technical part of the WUHR Program, which shall facilitate the work of the team in this direction. In particular, there are being prepared proposals for program's graduates and documentary background for network activities. In addition, the first direct contacts with the most active WUHR's alumni have been already made.

Main Events in Human Rights Area:

Ministry for Temporarily Occupied Territories and Internally Displaced Persons of Ukraine has been established

In late June, the Government of Ukraine defined the sphere of activity of the Ministry for Temporarily Occupied Territories and IDPs of Ukraine. It is laid in the Regulation on the Ministry approved by the Resolution No. 376 dd. June 8 and published on June 29 on the Governmental website. The Ministry started working from the beginning of July.

Its main tasks include formulation and implementation of the state policy on Crimea and uncontrolled areas of Donetsk and Luhansk oblasts with their subsequent reintegration into a single constitutional space of Ukraine. The Ministry will also facilitate the exercise of the rights and freedoms of IDPs, creation of conditions for the voluntary return of such persons to the abandoned places of residence or integration at the new places of residence in Ukraine.

In addition, its functions include coordination of humanitarian aid provision to civilians during armed conflicts, development of education, reconstruction and development of Donetsk and Luhansk oblasts (including national-cultural and educational needs, preserving of the ethnic identity of the indigenous peoples and national minorities residing in the temporarily occupied territory of Ukraine).

The UHHRU has already established close contact with the Ministry, in particular, there were held meetings with the Minister and his deputies. There are also being held consultations of the Ministry staff with lawyers of the UHHRU in regard to intra-organizational issues.



Complaint about actions of inspecting authorities' representatives at the entry-exit checkpoints of Donetsk and Luhansk oblasts

The "Foundation.101" NGO within its Frontline Inspection Initiative is ready to [receive complaints](#) (*the link is in Ukrainian*) about rights violations occurred during the border crossing, as well as proposals for improving access mode. This information will be taken into account when drawing up recommendations subject to further submission to the relevant authorities.

UN report on 2014-16 killings in Ukraine highlights "rampant impunity"

The report, which was [prepared](#) by the United Nations Human Rights Monitoring Mission in Ukraine, states that the armed conflict in certain districts of Donetsk and Luhansk oblasts, "fueled by the inflow of foreign fighters and weapons from the Russian Federation, accounts for the majority of violations of the right to life in Ukraine over the last two years," claiming up to 2,000 civilian lives. Close to 90% of conflict-related civilian deaths have resulted from indiscriminate shelling of residential areas.

UN demanding investigations into killings in Kyiv and Odesa in early 2014

The Office of the UN High Commissioner for Human Rights (OHCHR) has [pointed out](#) deficiencies in the official investigations of events during the so-called Revolution of Dignity from November 13, 2013 to February 20, 2014 and the tragedy in Odesa on May 2, 2014 that killed dozens.

"We see the spread of the already commonplace practice of violating basic human rights, including the right to life, as well as physical safety, in the country. The war has given birth to a war. If you look at the figures, 181 involved in demonstrations on Maidan and the Odesa May 2 demonstration have been killed", – Fiona Frazer, Head of the United Nations Human Rights Monitoring Mission in Ukraine said at a briefing in Kyiv devoted to the UN report, entitled "Responsibility for killings in Ukraine from January 2014 to May 2016."

She said that responsibility for the deaths has not been assigned. Courts have found no persons guilty for any of the deaths. Frazer said there have been improvements in the investigation of deaths on Maidan. *"As of June 1, 2016, 55 people were named suspects in connection with killings of protesters on Independence Square", – she said, noting that some of the cases have already been taken to trial.*

Video footage of the press-conference devoted to the presentation of the named report is available [here](#) (in Ukrainian).

The European Union and Ukraine hold Human Rights Dialogue in Kyiv

On **July 20, 2016**, there was held an annual Human Rights Dialogue meeting between the EU and Ukraine. In line with its policy, ahead of this meeting, the EU held consultations with representatives of Ukrainian and international NGOs. This is the second meeting after the beginning of the previous application of the relevant parts of the EU-Ukraine Association Agreement. In the Agreement, the EU and Ukraine express mutual commitment to common values, in particular full respect for democratic principles, rule of law, good governance, human rights and fundamental freedoms.

The event was held in an open and constructive atmosphere, allowing for a thorough exchange of views on the human rights situation in Ukraine and on the country's commitment to achieving sustainable progress in this area, in particular ensuring full compliance with international human rights law. *More details can be found [here](#) (in Ukrainian).*



Cabinet of Ministers of Ukraine for the first time held the government interagency meeting on de-occupation of Crimea

The meeting took place on **July 20, 2016**. According to Vadym Chernysh, Minister on the affairs of the temporarily occupied territories and IDPs of Ukraine, a format of the meeting was the first attempt to unite the efforts of governmental agencies. Earlier, the work was carried out independently, which caused a lack of coordination and balance. During event, there were presented the inquiries of the Crimean residents, residing both on the peninsula and in the mainland Ukraine, from humanitarian to administrative. *More details can be found [here](#) (in Russian).*

“Unity of approaches of public authorities and NGOs to combating racial discrimination is important”

This was noted by Ms. Valeriya Lutkovska, the Ukrainian Human Rights Commissioner during the [presentation of alternative reports](#) (*link is in Ukrainian*) on fulfillment by Ukraine of the International Convention on the Elimination of All Forms of Racial Discrimination, which was held at the Ombudsperson’s Secretariat with assistance of the UNDP in Ukraine.

Valeriya Lutkovska also stressed the urgent character of the event in view of the report on the Convention’s implementation presented by the Government of Ukraine in August this year. However, she noted the importance of achieving comprehension in the issue of unity of approaches to prevention and combating racial discrimination by public authorities and NGOs. In total, there were presented two alternative reports.

Review of a situation with human rights observance in Crimea for June 2016

The Crimean Human Rights Group has prepared and [published a monitoring review](#) (*available in Ukrainian*) of a situation with observance of human rights in Crimea for June 2016. Being an initiative of representatives of human rights organizations, it is aimed to promote and protect human rights in Crimea by attracting broad attention to human rights issues and international humanitarian law in the territory of the Crimean peninsula.



USAID
FROM THE AMERICAN PEOPLE



DEAR FAITHFUL READERS AND SUBSCRIBERS!

This Briefer is disseminated electronically once a month to inform about the UHHRU's activities and other topical issues in the sphere of human rights in Ukraine.

*If you wish to subscribe, you are welcome to fill in [this short form](#)
(it takes less than 1 minute!)*

Moreover, anyone interested can always find the Ukrainian and English versions of the Briefer on the UHHRU's website www.helsinki.org.ua or on our [Facebook page](#).

This Briefer 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. The contents are the responsibility of the Ukrainian Helsinki Human Rights Union and do not necessarily reflect the views of USAID or the United States Government.

The American people, through the USAID, have provided economic and humanitarian assistance worldwide for 50 years. In Ukraine, USAID's assistance focuses on three areas: Health and Social Transition, Economic Growth and Democracy and Governance. USAID has provided 1.8 bln. technical and humanitarian assistance to Ukraine since 1992.

For additional information about USAID programs in Ukraine, please visit our website: <http://ukraine.usaid.gov> or our Facebook page at <https://www.facebook.com/USAIDUkraine>.

Editor of the Briefer: Olexander Dashutin, UHHRU program manager (o.dashutin@gmail.com).

USAID Human Rights in Action Program, contact information:

Arkadiy Bushchenko, Chief of Party (arkadiy.bushchenko@gmail.com)

The Ukrainian Helsinki Human Rights Union

3/34 Frolivska St., Kyiv, Ukraine

Tel.: 044-485-17-92, fax: 044-425-99-24, website: <http://helsinki.org.ua/>