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USAID HUMAN RIGHTS IN ACTION PROGRAM**

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CONTENTS

| | |
|---|---|
| USAID Human Rights in Action Program Updates | 2 |
| Human Rights Monitoring and Advocacy | 2 |
| Analytical Activity | 4 |
| Strategic Litigations | 4 |
| Free Legal Aid | 6 |
| Human Rights Education and Awareness Raising | 7 |
| Main Events in Human Rights Area | 8 |



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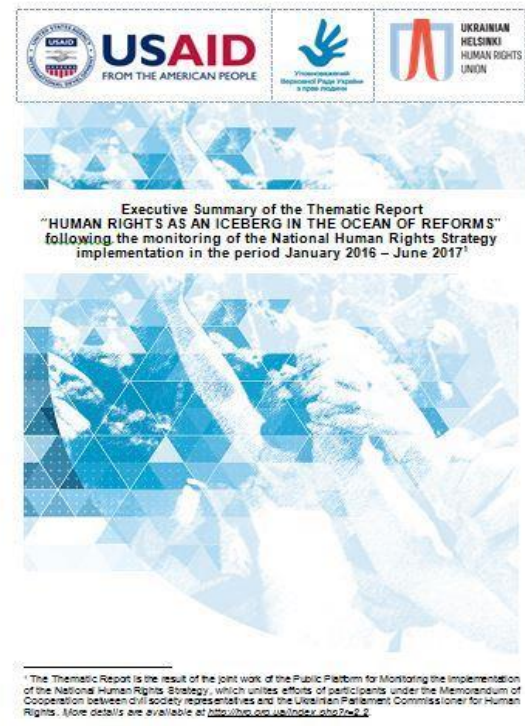
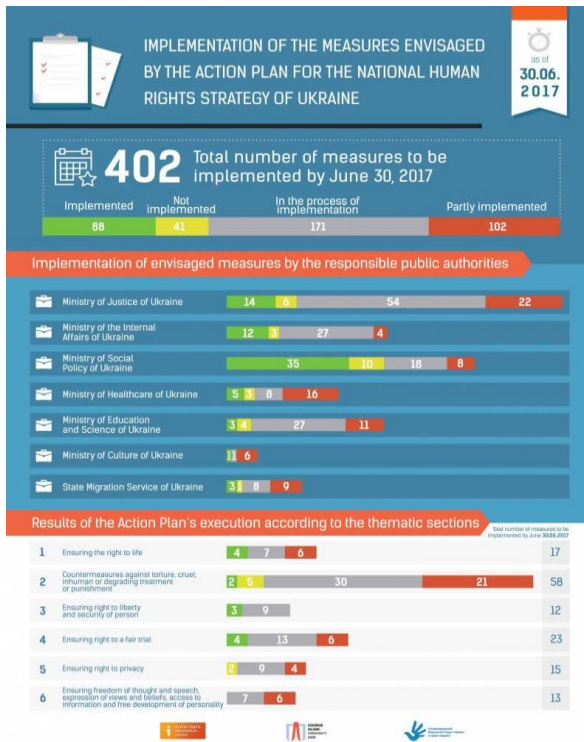


USAID HUMAN RIGHTS IN ACTION PROGRAM UPDATES

HUMAN RIGHTS MONITORING AND ADVOCACY

Monitoring of National Human Rights Strategy implementation

On September 5, the Ukrainian Helsinki Hyman Rights Union (hereinafter – UHHRU) together with the Ukrainian Parliament Commissioner for Human Rights hosted a [public event](#) “Human rights as an iceberg in the ocean of reforms” (*video footage is available [here](#), in Ukrainian*) with the main emphasis on presenting USAID-contributed [thematic report](#) (*in Ukrainian*) composed by members of the Public Platform for the National Strategy monitoring. Executive summary of the report and the infographics highlighting the state of the Action Plan’s execution as of June 31, 2017 are available [here](#).



Panelists noted that the level of implementation of the Action Plan for the National Human Rights Strategy execution is dramatically disappointing. Here are some of the speaking numbers for the period January 2016 – June 2017: only 88 of 402 scheduled measures are accomplished (21.89%), 41 are partially accomplished (10.2%), 102 are not implemented (25%) and 171 are still in progress (42%). The Ministry of Justice is the worst implementer of the National Strategy (22 non-implemented measures), and the Ministry of Social Policy became a leader (35 implemented measures). If this worsening trend is not reversed, the Strategy will be considered by the expert environment as simply a declarative document lacking any practical value.

Thus, to remedy the situation and enhance the effectiveness of the National Strategy’s execution, it was earlier decided to redesign the civic monitoring process and to change the format of the monitoring results presentation. In particular, quarterly reports are replaced by semi-annual ones,



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thematic reports along with infographics are to be issued every 2-3 months, more active interaction with and support to the national authorities is to be ensured. Also, a corresponding search engine is launched at [the Public Platform's website](#) (*link is in Ukrainian*) to give everyone interested an opportunity to track fulfilment of obligations by this or that public agency and get information on the actual implementation status of the envisaged measures.

It should be noted that the U.S. Agency for International Development (USAID) Human Rights in Action Project supports the UHHRU's work on monitoring of implementation of the National Human Rights Strategy.

Additional information concerning monitoring of the National Strategy can be found in the section "Human Rights Education" [below](#).

UHHRU's human rights monitoring actions have been combined under the National Human Rights Index Project

The National Human Rights Index covers the monitoring of the implementation of the National Human Rights Strategy and the Local Human Rights Index; information about the project is available on the updated website <http://hro.org.ua/> (*in Ukrainian*).

It should be mentioned that the Local Human Rights Index is designed to support and adequately develop the decentralization reform (which means taking into account the priority of human rights in all areas of its relations with the State). A number of donors, including the USAID, have supported its piloting.

In September, the Local Human Rights Index mini-project moved to a new stage: the assessment methodology was almost fully developed and therefore it was decided to conduct the [first monitoring](#) in Uzhhorod and Cherkasy oblast. Its goal was not so much to assess the localities for human rights, but rather to check how this assessment system works.

USAID Human Rights in Action Program continues keeping Crimea and Donbas on international agenda



On September 11, UHHRU's experts delivered their speeches at the [advocacy event](#) "Human Rights in the Crimea and Donbas under Russian occupation" in Stockholm, Sweden. Co-organized with the Embassy of Ukraine in the Kingdom of Sweden and Olof Palme International Center, it was aimed at spreading awareness about systematic, large-scale and numerous violations of the human rights and freedoms in the Crimea and certain areas of Donetsk and Luhansk regions under Russian occupation as well as strengthening protection of victims in that respect. Ukrainian speakers called on the

international community to continue and strengthen the existing political and diplomatic pressure on Russia as the occupying power in order to restore Ukraine's territorial integrity within its internationally recognized borders and to ensure unconditional and immediate release of all of Ukraine's citizens who remain imprisoned in the Russian Federation.

UHHRU representatives took part in all three panels and follow up discussions touching upon chronicles of Crimea's seizure, modern threats and challenges under occupation, rule of law in the "Crimean grey zone" (i.e. forced citizenship and abductions, persecutions of Crimean Tatars



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and ethnic Ukrainians, pressure on media) as well as human rights violations like forced labor, repressions and discrimination in the so-called Luhansk/Donetsk People's Republics.

Additionally, UHHRU visited the biggest Swedish human rights organization "Civil Right Defenders" and the Ministry of Foreign Affairs of Sweden in order to brief their representatives on the human rights situation in Ukraine amid the armed conflict, present own analytical materials, and to discuss ways of cooperation for contributing to conflict resolution.

Other related activities by UHHRU in brief

- **UHHRU proceeds with the issues of compensation for the damaged and destroyed property as a result of the armed conflict in Ukraine.** This time it is about international level advocacy. Thus, on September 19, the Head of the UHHRU Strategic Litigation Center [participated](#) (*link is in Ukrainian*) in a "Three years after: How well are protected the rights of Ukraine's internally displaced persons?" event held in Geneva. In particular, he stressed that the Government of Ukraine urgently needs to develop a consistent compensation procedure.

ANALYTICAL ACTIVITY

Results of UHHRU's work on documenting human rights violations

UHHRU Human Rights Abuse Documentation Center within the framework of the USAID Human Rights in Action Program continues documenting and analyzing various human rights violations, which relate to the armed conflict in eastern Ukraine, giving victims more chances to achieve justice, and thus endeavoring to ensure that the culture of impunity in Donbas will not settle in.

One of the Center's activities includes designing a "Memorial Map" website – a modern resource that has accumulated and visualized information about more than 10 thousand people killed on both sides of the armed conflict in Ukraine. To begin with, the Map is a mechanism for identifying and "memorizing" victims of the conflict, which, in its turn, should be the first step towards reconciliation and objective coverage of events.

In September, this interactive website was presented in a number of events. For example, on September 18, it was made public during international [side event](#) within the framework of the Europe's largest human rights conference – the Human Dimension Implementation Meeting, held annually by the OSCE in Warsaw. At the same time, a number of [events](#) (*link is in Ukrainian*) took place in Ukraine¹ – in particular, in Severodonetsk, Kramatorsk, Toretsk, Pokrovsk and Mariupol.

The Map in different languages can be found following this [link](#).

STRATEGIC LITIGATIONS

Within this direction the USAID Human Rights in Action Project supports strategic legal cases domestically and internationally as well as contributes to increase of the UHHRU Strategic Litigation

¹ With the support of the Ministry of Foreign Affairs of the Czech Republic



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Centre's (SLC) capacity and visibility during strategic litigation (including, through a special website precedent.in.ua, *in Ukrainian*)². Total number of strategic cases within the Project's lifetime is 195. In this section, we will periodically report on most striking success stories within USAID-supported high-profile strategic litigations.

Success story by USAID project's lawyers: a case has been won before the High Specialized Court of Ukraine

The High Specialized Court of Ukraine has satisfied a cassation appeal filed in the case regarding the lack of access to court for persons who are held immune from prosecution and in relation to whom compulsory measures of a medical nature are applied. The case was that the court unlawfully refused to change the conditions of detention in a mental hospital – transfer from a strict-regime hospital to an ordinary one. A person turned to her lawyer to appeal such court decision, but her defender did not respond, therefore she had to appeal by herself. However, pursuant to the provisions of the Criminal Procedure Code of Ukraine, persons in respect of whom compulsory measures of a medical nature are applied, have no right to file an appeal, they can only exercise such right through their defender. Notwithstanding, the court refused to consider the appeal, without taking into account the special circumstances of the applicant's case. As a result, the person continued to be kept in the strict-regime hospital.

After the involvement of the Strategic Litigation Center's lawyers, she managed to obtain a judgment of the High Specialized Court, according to which the Court of Appeal must admit the appeal and consider it on its merits.

Strategic litigation cases of UHHRU

- **Important court ruling in support of IDPs and Crimean residents**

The Higher Administrative Court of Ukraine judged not to satisfy a cassation appeal of the Kherson Customs of the State Fiscal Service of Ukraine, which means that the court decided not to obstruct some [previous precedent court rulings](#) (*link in Ukrainian*) touching upon peoples' right to transfer their personal belongings through the administrative border with the occupied peninsula. Thus, the said court ruling could serve as a decisive argument to finally annul the discriminatory Cabinet of Ministers' Resolution no. 1035 that created unjustified obstacles for Crimeans to evacuate their property when leaving the peninsula.

- **Application to the European Court of Human Rights (ECtHR)**

An application concerns the violation of the rights of the Crimeans on the part of the occupying authorities. The applicant was charged with posting "extremist" materials on his page in the social network and sentenced to 11-day arrest. The applicant declared that, in his case, the restrictions imposed on him had not been provided for by law and had not corresponded to the severity of the committed "crime".

- **Constitutional complaint by UHHRU**

UHHRU filed a [complaint](#) with the Constitutional Court of Ukraine in order to recognize as unconstitutional the provision of part five of the Article 176 of the Criminal Procedure Code

² Strategic litigations are one of the most powerful tools of human rights protection: they help find solutions to overcome the structural problems that can affect the whole group of victims or potential victims, encourage people to protect their rights and help work on remedies and on raising judicial competence in the application of human rights standards. Information support of individual cases is essential to inform the public and to promptly and effectively resolve structural problems in various strategic litigations.



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(which stipulates that persons who are suspected of committing crimes against the national security of Ukraine, crimes related to terrorist activities and some other crimes against public safety cannot be released from custody during pre-trial investigation and trial proceedings). UHHRU finds that such a provision of the law violates the guarantees enshrined in the Constitution of Ukraine, namely: the right to freedom, the rule of law, narrows the scope of existing human rights, and entails discrimination.

Other related activities by UHHRU in brief

- **Thematic blog entitled “ATO” on UHHRU’s website³**

In September, there was issued a new publication devoted to payments to the military held captive – [“Captivity and payments to the military – where is the truth?”](#) (*link is in Ukrainian*).

- **Prisoners of War UA Project**

The initiative, which continues its work, currently considers 222 cases of persons affected by an armed conflict in the east of Ukraine. In September, the lawyers supplemented a complaint concerning a person who had been captured by “the DPR” representatives in serious health condition after being injured, and shot to death in a few days. The complaint concerned the violation of the right to life, ill-treatment and unlawful detention of the killed (Articles 2, 3, 5 of the Convention for the Protection of Human Rights and Fundamental Freedoms).

- **Compensation for individuals whose property has been damaged during hostilities**

Ukraine will pay today and terrorists in the future – this is the exact leitmotif of a fresh article appeared on UHHRU’s [website](#) in September (*link is in Ukrainian*). This urgent issue is outlined through an example of one family, though, in fact, a large number of displaced families have faced it. The problem clearly points to the gaps in the Law of Ukraine “On combating terrorism”.

- **“Legal ABC” audio-podcasts**

In September, there were issued several audio podcasts prepared by the SLC in cooperation with the Hromadske Radio. We propose to get acquainted with both the audio files and certain experts’ comments on the relevant topics following the links, in Ukrainian: [“protection of children affected by the anti-terrorist operation”](#), [“problems connected to crossing the demarcation line in ATO zone”](#), [“how residents of certain areas of Donetsk and Luhansk oblasts can get legal Ukraine’s documents”](#) and [“exchange of prisoners of war”](#).

FREE LEGAL AID

[The UHHRU’s network](#) of legal aid centers (LACs) keeps on delivering free legal aid (including outreach legal consultations in the remote areas), holding information and awareness raising events in the sphere of human rights as well as documenting crimes among population who witnessed human rights violations in the occupied Crimea or ATO area in Donbas.

The USAID supports activities of the UHHRU’s legal aid centers in Sloviansk, [Toretsk](#), [Mariupol](#), Kramatorsk, [Pokrovsk](#), [Sumy](#) and Dnipro providing legal aid to conflict-affected population, as well as

³ Its main task is to describe the key problems of human rights protection amid the war conflict in the east of Ukraine and to determine new possible ways of solving those problems from the expert position and in understandable language.



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[Specialized LAC in Kyiv and Kherson](#) delivering legal assistance to IDPs from of Crimea and city of Sevastopol in the frames of the Human Rights in Action Project. *All links are in Ukrainian.*

Accomplishments of legal aid center in Mariupol (*links are in Ukrainian*)

- The Pension Fund of one of the districts in Mariupol unreasonably seized the entrepreneur's property, but with the onset of the armed conflict in the east of Ukraine the proceedings were suspended. Later, the LAC's lawyers joined the case and prepared a number of procedural papers, which allowed resuming the proceedings. In a while, lawyers prepared another administrative lawsuit to declare the Fund's decision unlawful, but the latter eventually withdrew its claims against the plaintiff and lifted the seizure of his property.

This [success story](#) is another great example of the fact that silence about injustice generates new injustice. Actions can always change the situation for the better.

- When a resident of Mariupol turned to Platinum Bank employees to withdraw her foreign currency deposit, she was denied in a quite impudent manner. The woman found a deserved response to such impudence – she turned to the UHHRU's LAC for advice; lawyers prepared complaints addressed to the management of the bank and the National Bank of Ukraine. Having received no response from the officials, the plaintiff brought an action to the court to protect consumers' rights and get back the money. After all, the LAC's lawyers [forced](#) to return the depositor's money through the court.

Other related activities by UHHRU in brief

- **News from Cherkasy Human Rights Center – organization based on UHHRU's LAC** (*links are in Ukrainian*)
 - ✓ *The Center is introducing models of co-operation between the police and community: what the co-operation between the police and community shall be, how district police shall inform the population about their rights and protect them – these topics became the main during the [training](#) for the district police.*
 - ✓ *The Center [has presented the study](#) of the Internet resources of the local self-government bodies in the central oblasts of Ukraine: it was found that 90% of such resources contain no information about privileges for ATO participants.*

HUMAN RIGHTS EDUCATION AND AWARENESS RAISING

The UHHRU keeps on organizing human rights training events as well as formulating a comprehensive national human rights education policy. This activity is implemented under Ukraine-wide Educational Program "[We Understand Human Rights](#)" (WUHR)⁴, which is being the only informal

⁴ Launched since 2007, WUHR envisages development of informal human rights education, contributing to cultivating a human rights culture, strengthening respect for the rule of law in Ukraine, promoting intercultural understanding and principles of peaceful resolution of conflicts. It was conceived as a platform for partnership of all interested organizations and individuals (NGO activists, youth, school teachers, journalists, social workers, lawyers, human rights defenders, and law enforcement personnel; currently there over 3,500 program graduates). The WUHR also has an impact on development of formal education system to incorporate human rights and rule of law concepts in education of children and adults. Moreover,



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educational system that has the material basis for its activities – Educational Human Rights House-Chernihiv (EHRH-Chernihiv).

USAID-contributed Ukraine's first [Educational House](#)⁵ was designed as a principal educational and training center and a resource platform serving various human rights NGOs from Ukraine and neighboring countries. Thus, one of its tasks is to provide training services (including office and conference space, lodging). For clients' convenience there was introduced an online [application](#) to help booking the House premises for their activities. *All links are in Ukrainian.*

Formal human rights education

Implementation of the National Human Rights Strategy in part of human rights education

On September 26, there was held UHHRU-initiated [expert meeting](#) (*link is in Ukrainian*) of civil society representatives with the Ministry of Education and Science of Ukraine in order to improve joint work on human rights awareness-raising within implementation of the National Human Rights Strategy. Among other issues discussed, a joint working group (involving Program's experts) was created under the Ministry to help integrate international standards on human rights education into the national educational system. Namely, the main task of the group will be to develop a national program of education in the sphere of human rights and a corresponding Action Plan for Ukraine to implement the World Program for Human Rights Education. The draft nationwide program of human rights education is to be developed by December 10, 2017, and further presented for public discussion and approval of the competent authorities.

Other related activities by UHHRU in brief

- **Women human rights defenders who change Ukraine** (*links are in Ukrainian*)

UHHRU continues publishing a series of articles devoted to the female human rights activists working at UHHRU or cooperating with us. Currently, we offer the [twentieth](#) and [twenty first](#) interviews of a series.

MAIN EVENTS IN HUMAN RIGHTS AREA

Occupying authorities of Crimea sentenced Crimean Tatars leaders Akhtem Chygoz and Ilmi Umerov

The so-called "Supreme Court of Crimea" sentenced one of the leaders of the Crimean Tatar people Akhtem Chygoz to 8 years of imprisonment under general regime. Such verdict was handed down on September 11; both applicant and his lawyer have already appealed the

one of the distinctive purposes of this program is to ensure networking of alumni and contribute to development of their follow-up human rights and social initiatives in the local communities.

⁵ Co-founded by UHHRU in 2013 and registered as a non-governmental organisation, it is being a member of an international Network of Human Rights Houses (a community of human rights defenders working for more than 100 independent organisations operating in 16 Human Rights Houses in 13 countries).



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judgment. Later, on September 27, Russian-controlled Simferopol District Court sentenced the Deputy Chairman of the Mejlis of the Crimean Tatar People, one of the leaders of the Crimean Tatar national movement, Ilmi Umerov, to two years of imprisonment in a colony-settlement and banned him to be involved in public activities during that time.

UHHRU strongly condemns the actions of the occupying power and calls on the international community to urgently respond to the actions of the Russian Federation in Crimea demanding to free Akhtem Chygoz and Ilmi Umerov. Relevant statements can be found following [the link 1](#) and [the link 2](#) (in Ukrainian).

Rada seeks to resume pension payments in the occupied territories

The Committee on Social Policy, Employment and Pension Provision [unanimously decided](#) (link is in Ukrainian) to recommend the Verkhovna Rada adopt as a basis a draft law No 6692, which regulates the payment of pensions to Ukrainian residents of the territories beyond GOU's control. It enables the pensioners to get their retirement allowance without being limited in time and such payments will be regulated by special mechanism defined by the Cabinet of Ministers.

UN Human Rights Monitoring Mission in Ukraine (HRMMU) released report on Crimea

In this [thematic report](#) on human rights situation in occupied Crimea, the first of its kind, HRMMU [presents](#) findings of grave human rights violations, and make 20 recommendations to the Russian Government, urging it to respect its obligations as an occupying power, as well as recommendations to the Government of Ukraine and the international community. The report includes information provided by human rights Ukrainian NGOs (including UHHRU), and is expected to be presented at the 72nd session of the UN General Assembly.

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