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USAID HUMAN RIGHTS IN ACTION PROGRAM**

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## USAID HUMAN RIGHTS IN ACTION PROGRAM UPDATES

### HUMAN RIGHTS MONITORING, ANALYTICAL ACTIVITY AND ADVOCACY

#### National Human Rights Index *(all links are in Ukrainian)*

The National Human Rights Index initiative<sup>1</sup> covers the monitoring of the National Human Rights Strategy's execution by the central executive authorities as well as implementation of the Local Human Rights Index, which is designed to take into account the priority of human rights in course of the decentralization reform. The U.S. Agency for International Development (USAID) Human Rights in Action Program supports the aforementioned work in part of ensuring the rights of internally displaced persons and conflict-affected population.

Updates on each of these directions can be found in the relevant sections of the [www.hro.org.ua](http://www.hro.org.ua) website. Thus, the following events have taken place in October:

- ✓ A [monitoring report](#) on implementation of the Strategy's Action Plan for the 3<sup>rd</sup> quarter of 2017 by bodies of public authority was made public.
- ✓ A [meeting](#) was held to discuss perspectives of implementing the Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Istanbul Protocol) in Ukraine.

#### Developing national transitional justice model

On October 3, the USAID Human Rights in Action Program [hosted a roundtable](#) "Problems of implementation of Transitional Justice in Ukraine" in frames of the [Kharkiv International Law Forum](#), which served as a platform to attract public attention including the vast majority of specialists to our [baseline study in transitional justice](#). Panelists emphasized the lack of a systemic state strategy for reintegration of the occupied territories and protection of human rights in conditions of international armed conflict. UHHRU presented the main aspects, which should be included in the strategies of de-occupation of the Crimean peninsula, as well as the [Concept of the State Strategy](#) to return Ukrainian citizens [prisoners of war] currently being under control of the Russian Federation as a result of the conflict.

#### UHHRU's work on documenting human rights violations proceeds

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.

As it was noted previously, one of the Documentation 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. In October, a number of events to publicly present this interactive website took place, as well as there was released an [interview](#) (*link is in Russian*) with the Center's Coordinator on the Hromadske Radio, which covered the history of its establishment, structure, and upcoming improvement plans.

<sup>1</sup> Being implemented by the Ukrainian Helsinki Human Rights Union (UHHRU) in cooperation with the Secretariat of the Ukrainian Parliament Commissioner for Human Rights and in collaboration with civil society organizations



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### Other related activities by UHHRU in brief

- **UHHRU-contributed Analytical Law Digest “Crimea beyond rules” presented at PACE autumn session in Strasbourg**

The fourth edition of the analytical digest devoted to information occupation (restriction of freedom of speech and expression) was for the first time [presented](#) by UHHRU and partner “Regional Center for Human Rights” NGO during side event “Crimea in conditions of information occupation” in frames of the Parliamentary Assembly of the Council of Europe session, on October 12.

- **Human rights defenders presented materials on flagrant violation of the right to peaceful assembly in occupied Crimea**

On October 20, UHHRU co-hosted a media event “[Occupied Crimea: without the right to protest](#)”. In fact, this is a first ever attempt to analyze and generalize repressions against the peaceful protest in Crimea since the time of occupation. *Video footage is placed [here](#), in Ukrainian and Russian; relevant infographics both in Ukrainian and English is available [here](#).*

## **STRATEGIC LITIGATIONS**

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Within this direction the USAID Human Rights in Action Project supports strategic legal cases domestically and internationally to protect public interests<sup>2</sup>, as well as assures their broad media coverage among the professional community and the public. Total number of UHHRU Strategic Litigation Centre’s (SLC) cases within the Project equals 195.

### **USAID Program’s lawyers keep on fighting for victims of conflict**

Back in November 2016, the USAID Human Rights in Action Program [reported](#) on a success story for the first in Ukraine compensation for property damage that result from military actions. Unfortunately, an eighty one-year-old Valentina M. from the small rural community of Semenivka in conflict-torn Donetsk oblast yet has not received any money for the damage inflicted on her house even despite a positive court ruling. The reason is that the compensation procedure is obstructed simply by absence of clear corresponding mechanisms.

Thus, having already passed through five court proceedings, the woman finally won another court ruling in her favor – this time the Donetsk Oblast Court of Appeals obliged ([link in Ukrainian](#)) the government to pay 364,000 UAH. Although this not yet a happy ending of the story, the Program keeps on putting bricks to unconditional victory in future.

In addition, we propose to pay attention to a fresh [analytical publication](#) ([link in Ukrainian](#)) where experts also touch upon the issues of compensation for damaged or destroyed housing during the armed conflict in Ukraine.

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<sup>2</sup> Strategic litigations are one of the most powerful tools of human rights protection; conducted in the interests of a citizen or a group of citizens to achieve systemic changes in the legal field for the benefit of society and used for the purpose of creating the case-law (precedents).



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### Other related activities by UHHRU in brief

- **Protection victims of human trafficking**

UHHRU keeps on protecting the Ukrainian nationals who have fallen victims to drug trafficking schemes by Russian Federation since 2014 as a part of Russian aggression against Ukraine. According to unofficial statistics (official statistics does not exist), there are from 2,000 up to 5,000 of such people, most of whom are presumed not to be drug traffickers, but victims of human trafficking. This month, UHHRU delivered comments to the Chernomorska TV on the case of recruiting Ukrainian citizens and their transfer by unidentified persons to the Russian Federation ([video in Ukrainian and Russian](#)).

- **Kremlin hostages are increasing in number**

UHHRU expert [delivered comments](#) (*link is in Ukrainian*) on increasing number of political prisoners in 2017 and overall media response in that respect.

## 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 war crimes and conflict-related human rights violations.

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 [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.

### **News from USAID Crimea-focused legal aid center (*links are in Ukrainian/Russian*)**



UHHRU released the infographic touching upon procedure of issue, exchange or re-issue of Ukrainian internal passport for citizens residing in the occupied territories of the country and internally displaced people ([available for downloading here](#)).

Besides, LAC's lawyer [delivered comments](#) for the Hromadske Radio on several Crimea-related actual issues: (a) whether Crimean issues should be included into the new law on reintegration of Donbas; (b) new recruiting cycle of Crimean residents to serve in the Russian army; (c) property

expropriation possessed by families of Ukrainian military in Crimea.

Furthermore, on October 26, in Kherson UHHRU lawyer had [a meeting](#) with the Permanent Representative of the President of Ukraine in the AR Crimea to discuss general questions on possible further cooperation.



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**New publication devoted to LACs work released**



[A new publication](#) “Success stories of UHHRU’s legal aid centers in 2016-2017” (2<sup>nd</sup> edition, in Ukrainian) highlights the most illustrative accomplishments of the LAC network, including USAID-supported legal cases, and provides examples of the ways how the network professionals help people seeking restoration of their rights in various regions of the country.

**HUMAN RIGHTS EDUCATION AND AWARENESS RAISING**

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)<sup>3</sup>, which is being the only informal educational system that has the material basis for its activities – Educational Human Rights House-Chernihiv (EHRH-Chernihiv).

**Informal human rights education**

**Raising awareness on international humanitarian law**



The USAID Human Rights in Action Program proceeds with elaborating a training course on international humanitarian law (IHL) – targeting various audiences, the course will equip them with both theoretical knowledge and practical tips on IHL implementation.

The course also includes a visual component to inform the widest possible audience, both professionals and civilians, about the IHL fundamentals and to raise awareness on certain IHL provisions that suit Ukraine’s

current state of affairs. Thus, we would like to share a new [video](#), as well as a series of [information posters](#) on this matter (*both are in Ukrainian*).

**Human rights education for lawyers**

**Innovative course for judges and lawyers proceeds (*links are in Ukrainian*)**

On October 20-23, the USAID Human Rights in Action Program hosted the third two-day in-class [seminar](#) in the framework of innovative [training course](#) “Human rights standards in legal practice of lawyers and judges”. The seminar engaged 25 attendees and was devoted to a fair trial standards

<sup>3</sup> Launched since 2007, WUHR Program 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. The Program currently counts more than 3,500 alumni from all regions of Ukraine.



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within the European Convention on Human Rights and included certain elements of international humanitarian law that are relevant to the studied human rights standards (including additional restrictions and obligations IHL imposes on the state in conditions of armed conflict and occupation).



Starting from November, participants of the course will begin to study Module 4 covering human rights standards under Article 8 of the Convention “The right to respect for private and family life” and their implementation into the national legal system.

#### Other related activities by UHHRU in brief

- **Human rights in school: how to promote democratic values among children**

On October 31, a public discussion ([link in Ukrainian](#); [video footage of the event can be found here](#)) was held by human rights defenders. Experts touched upon the current situation and prospects for teaching human rights to children within the framework of implementation of the National Human Rights Strategy and present the experience of other countries. Results of USAID-supported monitoring, conducted by UHHRU in the previous year, on the state of human rights teaching in the Ukrainian schools were made public (in particular, the analysis of the state policy, school curricula and textbooks, preparation of teachers, and readiness of school to implement human rights education).



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## MAIN EVENTS IN HUMAN RIGHTS AREA

### **Draft laws on temporarily occupied territories were voted in Parliament** (*links are in Ukrainian*)

The President of Ukraine submitted an urgent [draft law No 7163](#) “On the peculiarities of the state policy on the restoration of the state sovereignty of Ukraine over temporarily occupied territories in Donetsk and Luhansk Oblasts”, which [passed the first reading](#) (meaning that it is open for changes before it goes onto the second). One of already suggested changes relates to inclusion of Crimea-related provisions into the said draft law. A series of alternative draft laws has been also introduced into the Parliament ([7163-1](#), [7163-2](#), [7163-3](#), and [7163-4](#)).

Furthermore, another Presidential [draft law No 7164](#) on the special status extension titled “On special self-government procedures in certain districts of Donetsk and Luhansk Oblasts” was adopted in its entirety.

### **Two protocols of European Convention on Human Rights were ratified by Verkhovna Rada**

Ukrainian Parliament [ratified](#) the protocols No 15 and 16 to the Convention, signed on June 20, 2014. Their ratification confirms Ukraine’s commitment to the ideas and objectives of the Convention – respect and protection of human rights and fundamental freedoms in Europe, and also confirms Ukraine’s intention to actively participate in the reform of the European Court of Human Rights in order to increase its effectiveness.

### **Thousands of Ukrainians will not receive compensation from the European Court**

For the first time ever, the European Court of Human Rights handed 12,143 unconcerned cases to the Committee of Ministers of the Council of Europe. The reason is that the ECtHR believes that by releasing its decision in case “[Burmych and others v. Ukraine](#)”, the court contributed enough to resolving other cases touching upon the right to a fair trial. Considering thousands of similar cases makes no sense from the standpoint that Ukraine pays no attention to resolving this systematic problem inside the country. Now the Committee in cooperation with the Government of Ukraine has to discuss on possible solutions.

UHHRU’s analytical comments on the matter of concern can be found [here](#), in Ukrainian.

### **Crimean Tatar leaders finally liberated from imprisonment**

Akhtem Chygoz and Ilmi Umerov, Deputy Heads of the Mejlis of the Crimean Tatar People and leaders of the Crimean Tatar national movement, have been released after years of politically motivated imprisonment in the occupied Crimea ([link 1 in Ukrainian](#) and [link 2 in Russian](#)); none of the released detainees has filed a petition for pardon (despite they were insistently asked to do so by the Federal Security Service of the Russian Federation; [link in Ukrainian](#)) as they believe in their innocence.

### **So-called Supreme Court of Crimea cancelled Ukrainian activist’s verdict**

Volodymyr Balukh [was sentenced](#) (*link is in Ukrainian*) to 3.7 years of imprisonment, however the Supreme Court of Crimea has sent the case for additional investigation.



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*The American people, through the USAID, have provided economic and humanitarian assistance worldwide for 55 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>.*

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