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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

The National Human Rights Index initiative¹ (www.hro.org.ua) 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.

The following events have taken place in November:

- Based on UHHRU's proposal, on November 15, the Verkhovna Rada Human Rights Committee [established](#) a working group to control the state of the National Strategy's execution. Among others, it involves head of the Ombudsperson's Secretariat and UHHRU's experts. The [first meeting](#) has already been held on November 28 (*links are in Ukrainian*).
- As a part of the Universal Periodic Review (UPR) of the UN Human Rights Council, Ukraine [received](#) around 200 recommendations on improving the human rights situation (in particular, they touched upon efficient implementation of the National Human Rights Strategy).

Transitional justice model for Ukraine

UHHRU in frames of the USAID Human Rights in Action Program continues elaborating and promoting the transitional justice system tailored to Ukrainian context. The process was launched back in 2016 and since then a corresponding baseline study (*abstract review is available [here](#)*) has been conducted and [an international conference](#) has been hosted (*conference proceedings can be found [here](#)*). Currently, the Program concentrates efforts on development of a national roadmap for applying transitional justice as well as on holding an awareness raising campaign meant to explain the principles of transitional justice and their relevance for Ukrainian society during the transition from authoritarian past to democratic present and from armed conflict to post-conflict state.

The following events have taken place in November:

- On November 14, UHHRU delegate [highlighted](#) tasks to be fulfilled by the Ukrainian government in the sphere of transitional justice during the side event² at 28th Session of the UPR Working Group in Geneva, Switzerland.
- UHHRU experts [entered a work group](#) responsible for drafting strategic document that would reflect the state policy towards transition to post-conflict resolving and peace under war conflict situation as well as enhance protection of human rights in Crimea and Donbas. Bearing the working title "Principles of the state policy for protection of human rights to overcome the consequences of armed conflict", it intends to become a framework for

¹ 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.

² Ukrainian Ombudsperson's speech is available [here](#), in Ukrainian.



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- Launching [a blog](#) devoted to transitional justice. A first publication, which touches upon basic elements of transitional justice and explains why it is topical for Ukraine, is available [here](#) (*links are in Ukrainian*).

Thematic report on IDPs rights released in English

USAID-contributed “Lost in papers: observing social rights of IDPs” report is now [available](#) in English. The publication presents complex analysis of the issue of observing social rights of internally displaced persons as a result of the armed conflict in eastern Ukraine.

Other related activities by UHHRU in brief

- **UHHRU-contributed UN draft resolution passed voting**

The United Nations General Assembly (UNGA) adopted a [draft resolution](#) on Crimea (*more can be read in “Main events in human rights area” section [below](#)*). It is important that almost all recommendations prepared by the civil society organizations, namely UHHRU, Crimean Human Rights Group, Human Rights Information Center, Human Rights House Network, have been considered in the text of the draft resolution. In particular, this refers to ending the practice of compelling Crimean residents to serve in the RF armed or auxiliary forces; creating safe and enabling environment for journalists, human rights defenders and defense lawyers to perform their work independently and without undue interference in Crimea; acknowledging the order of the UN International Court of Justice Ukraine vs Russian Federation from April 2017; welcoming Ukraine’s legislative efforts to protect human rights of Crimeans etc.

- **Ukrainian activists raise awareness of British partners on the issues of Russia’s hybrid warfare and Ukrainian political prisoners held in the RF as one of its instruments**

On November 20, UHHRU delegate took part in a number of advocacy events in London organized by the British Ukrainian Society and the Embassy of Ukraine to the UK. This included holding meetings with the politicians, civil society counterparts and journalists at the UK Foreign and Commonwealth Office and the Royal Institute of International Affairs (Chatham House). Among agreed actions are public statements to be made by the UK partners in relation to persecutions of Crimean Tatars and provision of medical care to detainees being in urgent need of it. Also, there was discussed a usage of universal jurisdiction and targeted sanctions against Russian officials, who ordered or committed war crimes and gross human rights violations in the cases of illegally detained Ukrainians. Furthermore, all interested parties were welcomed by the Ukrainian human rights defenders and British MPs at the first ever Ukrainian [public event](#) in the UK Parliament to discuss the issue of concern (*additional [link](#)*).

In addition, UHHRU lawyer recently delivered a video interview to Chernomorska TV on the issue concerned – video is available [here](#), in Ukrainian.

- **Draft law no. 7163 on de-occupation and reintegration of Ukraine’s territories should be reconsidered**

UHHRU, jointly with several partner human rights organizations is calling the state officials to return for reconsideration the draft law no. 7163 “On the peculiarities of state policy on ensuring Ukraine’s state sovereignty over the temporarily occupied territories of Donetsk and Luhansk oblasts”. Experts believe that this draft law is extremely important and long awaited. Nevertheless, it should be revised: first of all, in part of protecting civilians, respecting human



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rights and rules of international humanitarian law. Corresponding public appeal is placed [here](#); analysis and main remarks regarding the draft law is given [here](#).

- **UHHRU encourages experts to contribute into annual human rights report**

[A call is open](#) (*link in Ukrainian*) until December 25 to submit materials in order to prepare the report of human rights organizations “Human Rights in Ukraine – 2017”: experts from NGOs and international organizations, representatives of the government as well as educational and research institutions are all welcome to participate.

STRATEGIC LITIGATIONS

Within this direction the USAID Human Rights in Action Project supports strategic legal cases domestically and internationally to protect public interests³, 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.

Important USAID-contributed draft law to protect people with mental disorders was adopted

On November 14, draft laws № 4449 and № 1242 have been [adopted](#) in the second reading by the Verkhovna Rada. Previously USAID Program’s experts participated in drafting the law No. 4449 “On amendments to some legislative instrument of Ukraine on provision of mental healthcare” and the working group of the Verkhovna Rada Committee on Public Health considered our proposals. The said draft law was designed to create a real mechanism to protect the rights of incapacitated persons and prevent arbitrariness in their psychiatric hospitalization and bring current national legislation to international standards on mental health services for detained persons. *More information is given in “Main events in human rights area” section [below](#).*

Other related activities by UHHRU in brief

- **Press conference to highlight Renat Paralamov’s case**

UHHRU in cooperation with partners delivered a [media event](#) (*link is in Ukrainian*) devoted to Russia’s actions on kidnapping and torturing people in Crimea. In particular, we touched upon a case of the Crimean Tatar Renat Paralamov, who [was seized](#) during the illegal search in September 2017 by the RF Federal Security Service in his apartment and next day found in the city with traces of physical violence. According to the victim ([link in Ukrainian](#)), he was detained, severely tortured by law enforcement officers and forced to sign the protocols bearing false information.

- **Uniting forces to support Ukrainian political prisoners** (*links are in Ukrainian*)

- ✓ A fresh UHHRU-contributed analytical [publication](#) covering the issues of releasing Ukrainian citizens kept in custody within politically motivated cases was released. [Here](#) one can find UHHRU’s expert opinion that was included into the said release.

³ 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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- ✓ UHHRU joined a [public appeal](#) of the Center for Civil Liberties (which coordinates #LetMyPeopleGo campaign⁴), calling foreign politicians to use diplomatic means in order to grant access for the International Committee of the Red Cross and other recognized international health organizations to Oleg Sentsov and a number of other political prisoners held in Russia/Crimea.

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.

Crimea-oriented legal aid center in Kyiv raises legal awareness of conflict-affected people (*links are in Ukrainian*)

- LAC lawyer delivered [comments](#) to Hromadske TV. Crimea 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 persons, as well as accompanying difficulties faced by people. This is a follow-up in support of recently released USAID-funded [infographic memo](#) providing an algorithm of actions on how to get a passport and how to behave when migration officers are refusing to accept applications.
- LAC lawyer [spreads awareness](#) through Hromadske Radio on the matter of PrivatBank's illegal intentions not to return legally owned deposit funds to Crimean IDPs. He also gives legal advices on how affected people should act under such circumstances.

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)⁵, which is being the only informal educational

⁴ The said advocacy campaign is aimed at release of all Ukrainians imprisoned in Russia and occupied Crimea on political motives and control over observance of their fundamental human rights, among which are freedom from torture, the right to a lawyer, the right to medical care and so on.

⁵ 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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system that has the material basis for its activities – Educational Human Rights House-Chernihiv (EHRH-Chernihiv).

Human rights education for lawyers

Innovative course for judges and lawyers proceeds

On November 24-25, 2017, in frames of the USAID-supported innovative [training course](#) “Human rights standards in legal practice of lawyers and judges” (*link in Ukrainian*) the first promotional seminar for judges took place in Odesa. Thus, 16 judges of administrative jurisdiction of Odesa Appellate District had an opportunity to expand their knowledge and receive practical advice on application of principles and mechanisms of human rights protection laid down in the European Convention on Human Rights, in particular Article 1 of Protocol No. 1 (right to property), including human rights abuses during an armed conflict.

The event is organized upon request of the Association for the Development of Judicial Self-Government of Ukraine and in cooperation with the National School of Judges with the aim of the wide-scale course promotion among the judicial community and raising their awareness of international human rights law applicable in the armed conflict situation.

MAIN EVENTS IN HUMAN RIGHTS AREA

UN General Assembly Committee’s draft resolution on Crimea passed voting

On November 14, at the 72nd session the UNGA Third Committee adopted [a draft resolution](#) entitled “Situation of human rights in the Autonomous Republic of Crimea and the city of Sevastopol, Ukraine” initiated by Ukraine (71 states voted in favor, 25 voted against, and 77 abstained; totally, 34 states joined the list of co-sponsors of the text). The draft resolution is aimed at obligating Russia as the occupying power to cease severe violations of human rights and fundamental freedoms.

Foreign Ministry’s comments on the issue concerned are available [here](#) (*in Ukrainian*), as well as President’s [here](#) (*in both languages*).

Verkhovna Rada adopts important draft laws to protect people with mental disorders

On November 14, draft laws [№ 4449](#) and [№ 1242](#) (*links are in Ukrainian*), which greatly improve the protection of human rights in the field of psychiatry and meet European standards, have been adopted in the second reading. Their passage contributes to improving the provision of mental healthcare and enhancing social protection of persons with mental disorders, therefore eliminating grounds for citizens’ potential applications to the European Court of Human Rights against Ukraine, in particular:

assuring the right to alternative medical expertise; preventing inhuman treatment of incapacitated persons (sterilization without person’s consent); allowing a disabled person to be hospitalized



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only by his/her own wish, given orally or in written; enabling improved access of people with mental disorders to justice (now a disabled person through a representative or by his/her own can initiate reconsideration of forced measures of medical nature applied to him/her by court – previously only a psychiatrist was privileged; since now it is obligatory that a disabled person faces the court in person while the decision on applying forced measures is being decided).

New waves of politically motivated harassment of Crimean Tatars

- November 8 was marked by a number of armed searches in the houses of activists and members of the “Crimean Solidarity” public movement and detainment of several more Crimean Tatar people. In addition, occupational authorities turned to [terrorizing the wives](#) of the imprisoned, illegally holding them for many hours on the border with the occupied Crimea.

Human rights NGOs, including UHHRU, [call](#) Ukrainian authorities and international community to stop politically motivated despotism and lawlessness in the peninsula. The Ministry of Foreign Affairs' comments are available [here](#).

- On November 23, de-facto authorities of Crimea initiated another wave of illegal searches and arrests, one of which has led to the death of a legendary Crimean Tatar activist, veteran of the Crimean Tatar national movement 83-year-old Vedzhie Kashka.

UHHRU [condemns](#) these ongoing unlawful and cynical actions, calls upon international community to protest against them and to take all possible measures for their immediate termination. The Foreign Affairs Ministry's public statement is available [here](#).

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