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USAID HUMAN RIGHTS IN ACTION PROGRAM**

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**Dear faithful readers,**

The team of Ukrainian Helsinki Human Rights Union and USAID  
“Human Rights in Action” Program wish you



Thank you for your kind attention – it was our pleasure to be with you in 2017. We are looking forward to meet you all in 2018!



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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 initiative<sup>1</sup> ([www.hro.org.ua](http://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 December:

- On December 8, the Ministry of Justice hosted [public hearings](#) to discuss implementation of 2017 Action Plan for the National Human Rights Strategy. UHHRU delegates shared results of the civil monitoring. Among others, they voiced out the necessity to amend the Action Plan taking into consideration issues of human rights observance associated with the armed conflict (social-and-economic, political and personal rights).
- On December 20, UHHRU co-hosted a public event to discuss and present results of the said monitoring: unfortunately, within the period December 2015-2017 the Strategy's measures have been accomplished only by 24%. *Media release is available [here](#). Media coverage by the Ombudsperson is given [here](#) (in Ukrainian). Monitoring report in Ukrainian is placed [here](#); Summary findings relating to the rights of IDPs and conflict-affected population are provided [here](#).*
- Besides, building public demand for human rights, UHHRU and partnering experts spreads awareness on the necessity of the Strategy's execution and how it will facilitate reintegration of conflict-affected regions through a kind of [TV-marathon](#) (in Russian/Ukrainian).
- Implementation of the National Human Rights Strategy in part of human rights education (*links are in Ukrainian*): on December 29, a media briefing [was held](#) to officially present members of a joint work group (involving UHHRU representatives) [created](#) to help integrate international standards of human rights education into the national educational system and to develop a nationwide program and corresponding action plan to implement the World Program for Human Rights Education.

#### 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

<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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authoritarian past to democratic present and from armed conflict to post-conflict state. For this in November 2017 a work group was established<sup>2</sup> for [drafting](#) a framework document titled “Principles of the state policy for protection of human rights to overcome the consequences of armed conflict” that will become a basis to further elaborate conflict-related legislation.

The following events have taken place during the month:

- On December 10, UHHRU held a thematic section on transitional justice in frames of the 2nd National Human Rights NON-Conference hosted by the Center for Civil Liberties (*find [an article](#) describing this thematic section in details, in Ukrainian; here is also a media release by a partnering organization summarizing major takeaways of the event – [link in Ukrainian](#).*
- Updating the blog on transitional justice (*links are in Ukrainian*): publication two, which touches upon right to the truth in transitional justice system, is available [here](#). Another [publication](#) explains that phobias existing in Ukrainian expert society must be left behind while giving place to proven international transitional justice standards and practices.
- USAID-supported UHHRU Human Rights Abuse Documentation Center issued several publications:
  - ✓ A first mini-report in a series entitled “[Story of a town](#). Occupation and liberation of Severodonetsk” (*in Ukrainian*) as part of research work on restoring historical truth regarding ongoing hybrid armed conflict in Ukraine based on example of several localities of Donbas region.
  - ✓ Publication “Memorial map: identifying every victim of the conflict as the first step toward reconciliation” which provides structured findings of several-years-long fact-finding work, which supposed to contribute truth telling, reconciliation and satisfaction principles in Ukraine. [Full report in Ukrainian](#), [Executive summary in English](#).

Further to this, UHHRU/HRA analysts were invited to Hromadske Radio in order to explain the main features of this online resource and how it meant to serve transitional justice efforts – [link in Ukrainian](#).

- *Links are in Russian*: Program’s beneficiary, Ombudsperson Valeria Lutkovska, [talks](#) on the matter on UKRLIFE TV. Head of UHHRU Analytical Department Oleg Martynenko [enlightens](#) on Hromadske radio on main aspects of the work group’s activity, focusing on reconciliation efforts that have to be prioritized when talking about development of a transitional justice system. It is important that as of now, the said strategic document is 90% done. Its expert discussion is envisaged in earlier 2018.

### **Media event on the status and prospects of human rights observance in Ukraine**

On December 12, the Program was holding a [press conference](#) devoted to spotlighting the status, challenges and prospects of human rights observance in conditions of the armed conflict. A specific emphasis was put on Program’s core activities on providing legal support and protection to population trapped in human rights purgatory. Major takeaways are provided below:

- Oleksandr Pavlichenko, UHHRU Executive Director, emphasized the importance of monitoring, fact-finding and reporting efforts: “UHHRU not only monitors the situation, but also appears as a proactive organization assuring proper documentation of human rights abuses

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<sup>2</sup> The work group engages experts of UHHRU, Ombudsperson’s Secretariat, NGOs, as well as MPs and representatives of respective ministries.



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*and assists in solving issues both at national and international levels – before domestic courts, European Court of Human Rights and International Criminal Court (ICC)”.*

- Alina Pavliuk, UHHRU lawyer, focused her remarks on prisoners of war issues, giving a credit to the work of the special department within the Chief Military Prosecutor Office on investigating facts of degrading treatment and tortures in the “LPR/DPR”. On the other hand, investigation officers are sometimes lacking subject-matter experience and specific knowledge, which may entail failure by Ukraine to achieve justice in the ICC.
- Oleg Martynenko, Head of UHHRU Analytical Department, among other issues, touched upon catastrophic environmental situation in the ATO zone, absence of the balanced state information strategy amid armed conflict and existing corruption. He stressed that as the majority of the deputies’ legislative efforts are aimed at protecting the territory, and not people, human rights defenders together with Ombudsperson are taking consolidated efforts in drafting a transitional justice concept. According to him, this nation-wide framework document will greatly contribute the future of Ukraine: *“We are seeking for a consensus between the national security, human rights and a possibility to compensate damage to conflict-affected people. The focus should be mainly shifted from the punitive justice to the restorative one.”*

Footage is available [here](#); summary in written is provided [here](#) – both are in Ukrainian.

### Summary of USAID-contributed report released in English



Executive summary of a thematic report “On the brink of survival: damage to the environment during armed conflict in east of Ukraine” is given [here](#) (while full report in Ukrainian is placed [here](#)).

The paper describes international legal obligations of the states to protect the environment amid armed conflict and analyzes specific aspects of imposing liability for environmental damage caused by the war. Based on study of open sources and results of the own monitoring, the state and problems of environmental protection in east of Ukraine were analyzed.

### Other related activities by UHHRU in brief

- **Expanding capacity in international advocacy**

CivilM+ International Civic Platform was [launched](#) to contribute to conflict resolution and peace-building in Donbas: UHHRU is among eleven civil society organizations from Ukraine, Russia, France and Germany who initiated the Platform’s creation. Its purpose is to unite civil groups and initiatives working in different spheres for restoring conflict-torn Donetsk and Luhansk oblasts as peaceful, integrated and developed regions within democratic Ukraine with active participation of local residents and IDPs from Donbas.

- **UHHRU delegates attended annual session of the Assembly of States Parties to the Rome Statute of the International Criminal Court in New York**

On December 11, UHHRU jointly with other Ukrainian organizations held a [side event](#) on the margins of the Assembly of the State Parties entitled “The Role of the ICC in Promoting Accountability for Grave Crimes Committed in Ukraine” ([another link](#), in Ukrainian). UHHRU delegates spoke about property expropriation as a war crime committed by the Russia’s



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occupational authorities in Crimea and about torture and ill-treatment in “DPR” committed and authorized by the authorities of the Russian proxy government.

Moreover, a UHHRU lawyer [delivered](#) (*link in Russian*) an interview to the Hromadske Radio covering key aspects of our visit and highlighting the perspectives of investigating war crimes committed in Ukraine.

- **UHHRU-contributed UN General Assembly Committee’s resolution on Crimea is adopted**

On December 19, the 72<sup>nd</sup> session the United Nations General Assembly [adopted](#) (*link is in Ukrainian*) a [resolution](#) entitled “Situation of human rights in the Autonomous Republic of Crimea and the city of Sevastopol, Ukraine” initiated by Ukraine.

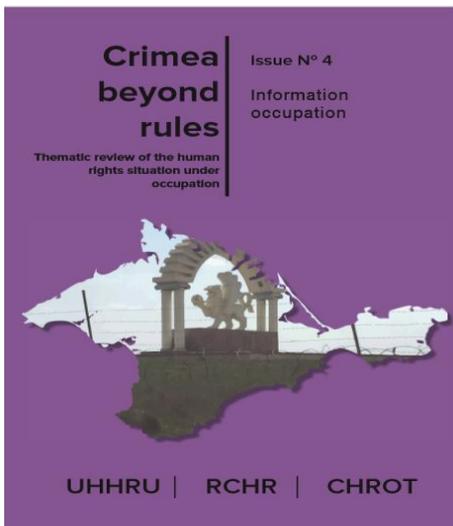
If compared with the UN General Assembly resolution on Crimea A/C.3/71/L.26 passed in 2016, this year document has a stronger human rights focus and considers current challenges thanks to advocacy efforts of the human rights community. Almost all recommendations prepared by the civil society organizations (Ukrainian Helsinki Human Rights Union, Crimean Human Rights Group, Human Rights Information Center and Human Rights House Foundation) have been considered in the text of the document. A detailed joint position and analysis of the named partnering organizations is given [here](#) (*in Ukrainian*).

*Find more in Main events section [below](#).*

- **Opportunities and constraints to early recovery and development assistance in the Donbas region of Ukraine**

Assessment of the Donbas Region of Ukraine. Strategic and Operational Recommendations for USAID’s Country Development Cooperation Strategy 2017-2022, which has been kindly provided by USAID/Ukraine, is now published at UHHRU’s website both in [Ukrainian](#) and [English](#).

- **Fourth issue of “Crimea Beyond Rules” Analytical Law Digest**



The issue titled “Information occupation” focusing on violations of freedom of speech and expression in Crimea, which has been presented at PACE autumn session, is now publicly available in both [Russian](#) and [English](#).

The current edition describes international standards relating to freedom of speech and expression and international criminal liability for crimes, related to their abuse. It also reviews corresponding Ukraine’s and Russia’s legislation as well as legal frameworks adopted by the occupational authorities in Crimea. Separate sections provide for analytical materials and individual cases of harassment of independent journalists of Crimea and the city of Sevastopol by the occupation authorities.

- **Crimea-focused thematic reports were send to Russia as part of an advocacy efforts**

UHHRU participated in [advocacy action](#) (*link in Ukrainian*) to remind Russia’s top-level authorities on numerous outrageous human rights violations being caused by them in the recent years and responsibility thereafter.



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- [Joint statement](#) of Ukrainian human rights organizations about a threat to the life of Bekir Degermendzhi due to the failure to provide necessary medical care.

## 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>3</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.

### Spreading awareness on rights of people with mental disorders

UHHRU lawyer delivered an [interview](#) (*link in Ukrainian*) on Hromadske Radio do discuss what are advantages of newly adopted [USAID-contributed draft law](#) to protect people with mental disorders.

### Other related activities by UHHRU in brief

- **Defending trafficking victims** (*links are in Ukrainian*)

On December 5, UHHRU was holding a media event on the matter of conflict-related strategic litigation to protect Ukrainians who became victims of human trafficking but officially accused and imprisoned as drug traffickers in the territory of Russia. [Video footage](#) in Ukrainian.

A related text publication with UHHRU's comments is also placed [here](#) for keeping people informed on the matter concerned. Besides, one can find there key recommendations, addressed to public officials, on how to make fighting against human trafficking more efficient.

- **UHHRU joined a briefing by Prosecutor General of Ukraine and Prosecutor of Crimea**

It was [aimed](#) at presenting the first joint communications to the International Criminal Court on the facts of illegal appropriation of property in the temporarily occupied Crimea as well as forced relocation and expulsion of Ukrainian citizens from the peninsula by decisions of occupational courts.

- **“February 26th criminal case” on a charge of Akhtem Chygoz, Deputy Head of the Mejlis of the Crimean Tatar People**

An updated full report on the reconstruction and legal analysis of the events of 26 February 2014 outside the building of the Supreme Council of the Autonomous Republic of Crimea in Simferopol is now available [in English](#). Just reminding that this case reflects a number of systemic problems appeared in result of Crimea's annexation and violations of human rights committed by de-facto authorities in the occupied territory.

- **UHHRU contributes to prisoners of war liberation** (*all links are in Ukrainian/Russian*)

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<sup>3</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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In course of POWs exchange with self-proclaimed LPR/DPR [took place](#) on 27 December, 74 Ukrainian prisoners safely returned home thanks to long-running efforts of public authorities, international partners and human rights defenders, including those of UHHRU.

To mark this meaningful event and to explain the situation in details, UHHRU appeared with a related [publication](#). Besides, a UHHRU lawyer [talked](#) through 5 Channel TV that only a part of Ukrainian nationals have been liberated and a lot to be done in this direction, that this exchange process is definitely of positive nature but still there is no proper domestic legislative framework, aligned with international humanitarian law and international human rights law, that clearly regulates the process. Other related interviews can be found [here](#), [here](#), [here](#) and [here](#).

*More can be read in Main events section [below](#).*

## FREE LEGAL AID

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[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.

### UHHRU expands cooperation with Ukrainian legal clinics

On December 1-2, UHHRU [took part](#) in the Regular Congress of the Legal Clinics of Ukraine ([link in Ukrainian](#)).



In particular, lawyers of USAID-sponsored Kyiv-based legal aid center were sharing success stories and expanding knowledge on how to deal with IDPs from conflict-torn eastern regions of Ukraine and Crimea. This was done in course of three presentations/workshops titled “Legal status of the temporarily occupied territories and prevention of discrimination towards their residents”,

“Typical cases related to protection of IDPs rights: how to use the existing legislation” and “Legal aid centers at human rights organizations: objectives, tasks and interaction with the legal clinics”.

### Roundtable held on payment of pensions for Crimean residents

On December 13, Kyiv-based Crimea-oriented LAC co-hosted [a roundtable](#) “The Pension Fund of Ukraine. Three years of interaction with the occupation authorities” with the purpose of drawing attention of the government and the public to certain issues of paying pensions to IDPs from



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Crimea and protection of their personal data, as well as to bring the Pension Fund's procedures and policies in line with the legislation. *Footage is provided [here](#), in Ukrainian.*

### **Promoting Crimeans' rights at the ministerial level**

On 12 December 2017, UHHRU attended a roundtable discussion "Crimea. Annexation and lawlessness or the beginning of empire's end" of the Information Ministry and partner organizations hosted, during which a Strategy for Crimea's Information Reintegration was presented and a state's information policy was discussed. Our delegate drew public attention to the importance of respecting the rights of Crimean IDPs, which among other things will serve to earn back Crimeans' trust in the Government of Ukraine and contribute future reintegration efforts. In particular, he proposed to create an information platform for involved public bodies, as Ukraine should keep the residents of temporarily occupied territories informed regarding the activities of executive and law enforcement agencies responsible for documenting violations of their rights, including gross violations of IHL. *[Link in Ukrainian](#); video-footage is given [here](#).*

### **Other related activities by UHHRU in brief**

- **Monitoring of the functioning of free legal aid system in Ukraine** (*links are in Ukrainian*)

On December 20, UHHRU hosted a roundtable in frames of a USAID New Justice Program aimed at conducting [regional monitoring](#) of the functioning of free legal aid system in Ukraine – *[footage in Ukrainian](#).*

## **HUMAN RIGHTS EDUCATION AND AWARENESS RAISING**

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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>4</sup>, which is being the only informal educational system that has the material basis for its activities – Educational Human Rights House-Chernihiv (EHRH-Chernihiv).

### **Human rights education for lawyers**

#### **USAID-supported training course for judges and lawyers proceeds** (*links are in Ukrainian*)

Trainees of UHHRU's [training course](#) "Human rights standards in legal practice of lawyers and judges" developed an [infographic memo](#) touching upon the right to liberty and security of person (Article 5 of the European Convention on Human Rights) and how a person should act if this right has been violated.

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<sup>4</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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## MAIN EVENTS IN HUMAN RIGHTS AREA

### Ukrainian political prisoner in Crimea Balukh released under house arrest

After being jailed in Russian-occupied Crimea for almost a year, Ukrainian activist and farmer Volodymyr Balukh has been [placed under house arrest](#) despite the defense had asked for his release under a signed undertaking. Balukh himself called the ruling “insane”, since it prohibits him from leaving the house or using the phone or Internet. [Further link](#).

### ICC Prosecutor’s 2017 annual report

The Office of Prosecutor of the International Criminal Court [issues](#) the annual Report on Preliminary Examination Activities (2017). Situation in Ukraine is also covered [here](#), in Russian

In particular, the OTP Office has recorded over 1,200 incidents alleged to have occurred in the context of the situation in Eastern Ukraine (including killings, destruction of civilian objects, detention, torture/ill-treatment, sexual and gender-based crimes, disappearance). Furthermore, the report points out numerous alleged violations of ICC’s Statute (the Rome Statute) in the territory of Crimea, such as harassment of Crimean Tatar population, deprivation of the rights of fair and regular trial, forced conscription of Crimean residents to serve in the Russian armed forces, disappearances and killings, ill-treatment.

### Human rights organizations call to “save” the Council of Europe

Crimean Tatar leaders, the sister of Russia’s youngest Ukrainian political prisoner and Ukrainian human rights organizations (including UHHRU) have [warned](#) the Council of Europe against compromising its own values by giving in to pressure from Russia. There can be no grounds for reinstating Russia’s voting rights within the Parliamentary Assembly of the Council of Europe while Russia continues its occupation of Crimea, military aggression in Donbas and escalating human rights abuse. [Additional link](#), in Ukrainian.

### UN General Assembly Committee’s resolution on Crimea is adopted

On December 19, the 72<sup>nd</sup> session the Third Committee (Social, Humanitarian and Cultural) of the United Nations General Assembly [adopted](#) (*link in Ukrainian*) a [resolution](#) entitled “Situation of human rights in the Autonomous Republic of Crimea and the city of Sevastopol, Ukraine” initiated by Ukraine (70 states voted in favor, 26 voted against, and 76 abstained; totally, 42 states joined the list of co-sponsors of the text).

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

### Persecution of Crimeans proceeds

More than 60 court hearings against peaceful protesters [were held](#) during one day, on December 18, by the occupational authorities throughout the Crimea (*link in Russian*). Let us remind that on October 14 more than 100 Crimean Tatar people [were holding](#) the allowed by the



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Russian law single pickets in protest of mounting repressions against Crimean Muslims. Therefore, “courts” imposed the administrative fines on the Crimean Tatar people in the total amount of over 600,000 RUB. This happens even in breach of Russian legislation and can be considered as continuous suppression of freedom of expression, peaceful assembly in Crimea and violation of the indigenous people’s rights.

## **74 Ukrainian prisoners of war have been liberated**

On December 27, thanks to serious consolidated efforts of public authorities, human rights defenders and international partners, a major POWs exchange with self-proclaimed LPR/DPR [took place](#). 233 persons were transferred to the other side in return; according to officials, none of them is suspected in committing serious crimes that could be the reason for their non-pardon. Unfortunately, around 103 Ukrainians are still remaining captive by “LPR/DPR”

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