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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 (LHRI), 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.

News for March are as follows (*links are in Ukrainian*):

- In frames of LHRI initiative Program's expert visited the towns of [Mariupol](#) and [Sumy](#) to join monitoring team examining how the local self-governance bodies in eastern regions serve their duties on ensuring rights of the conflict-affected and displaced population. Just noting that at the local level the monitoring process is held by Donbas-located USAID-sponsored legal aid centers under supervision and with participation of UHHRU Central Office representatives to guarantee better performance of the results.

[A fresh article](#) describes how well local authorities (this time in Cherkasy oblast) follow monitors' recommendations shared during previous visits, and how it impacts the observance of human rights.

- Program jointly with partners proceeds with amending the National Strategy's Action Plan to make it more responsive to nowadays conflict-generated human rights challenges. Measures aimed at implementing the principles of transitional justice, ensuring efficient investigation of crimes committed in the conflict zone, and documenting war crimes and crimes against humanity along with creation of effective mechanism for liberation of prisoners of war and restoration of their rights are those important updates that must become an integral part the given document. In the said month, corresponding amendments to the Plan have been developed by the Program.
- In addition, preparation for the committee hearings at the Ukrainian Parliament Committee for Human Rights proceeds in the part relating to the Ukrainian Government's control over the National Strategy's implementation.

Transitional justice model for Ukraine

UHHRU in frames of the USAID Human Rights in Action Program continues elaborating and promoting the transitional justice model 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](#)*).

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



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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. For this, within three months there was drafted² a framework document – the draft law “Principles of the state policy for protection of human rights to overcome the consequences of armed conflict” that supposed to become a basis for further conflict-related legislation.

The Program keeps on promoting the principles of transitional justice to benefit Ukraine’s post-war future. In March, it was ensured through the following actions (*section [Human Rights Education](#) also contains a related material*):

- Explaining to the wider community of principles laid the groundwork for the developed draft law – most of them were borrowed from the UN and the EU guidelines and resolutions, including “The EU’s Policy Framework on Support to Transitional Justice” (adopted in 2015, this made the EU a pioneering regional organization to have a special strategy on transitional justice). UHHRU/Program is now making this resolution [available in Ukrainian](#) to reach domestic audience of non-English speakers.

Further to this, we [are calling](#) to start public discussions of the draft law.

- Launching a series of mini-interviews (over 60 are planned in total): the first ones are devoted to implementation of transitional justice principles in Ukraine and its benefits for the country; synergy between it and education system as a part of public’s response to injustice; documentation of war crimes and national reconciliation etc. We advise everyone interested to check a [corresponding website section](#) for regular updates.
- New in the thematic blog on transitional justice: why Ukraine should care about [reforming](#) its security sector.
- USAID-supported Human Rights Abuse Documentation Center of UHHRU proceeds with the series of its analytical accounts as a part of research work on restoring historical truth regarding ongoing hybrid armed conflict in Ukraine based on examples of several localities of Donbas region – here is a freshly released mini-report with a historical background for the occupation, liberation and shelling of Popasna, a typical town and an important railway hub in Luhansk oblast. Full report in Ukrainian (with some eyewitness accounts, official data by the state and local government agencies and names of confirmed civilians and Ukrainian military who have died in the city during 2014-2018) is available [here](#) (in Ukrainian).



- In addition, here are some media appearances by Program’s experts to talk on the matter of transitional justice: (1) leader of USAID-supported Human Rights Abuse Documentation Center discussed 4 pillars of transitional justice on the radio – [link in Russian](#); another similar interview of him – [also in Russian](#); (2) Donbas-oriented lawyer delivered a comprehensive explanation of what transitional justice is on Chernomorska TV – [link in Ukrainian](#); (3) Besides, head of analytics at UHHRU/Program shared why there are some who see reconciliation as a defeat, and why its’ not – [link in Russian](#).

² By a working group under the Ombudsperson’s Secretariat, which engaged experts of UHHRU and other NGOs, representatives of international organizations, as well as MPs and representatives of the Ministry of IDPs and occupied territories



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- On March 29, the leader of UHHRU/Program analytical direction [delivered remarks](#) as a keynote speakers at informal open discussion event “International crimes and just punishment” co-hosted by UHHRU and Human Rights Agenda Platform. In his speech, the emphasis was put on those resources needed to supply the legislation changes, which in its turn must set frames for the training of personnel reserve of investigators, prosecutors and judges (as a part of mechanism to bring perpetrators to justice, also stipulated by transitional justice model).

Program consistently advocates for the rights of conflict-affected people

This time the issue concerned is the IDPs’ voting rights, as well as those mobile inside the country citizens: on March 19, Program’s representatives [joined the peaceful rally](#) “Invisible electorate” to push MPs to the adoption of [the draft law No. 6240](#) (*link is in Ukrainian*) that allows determining membership in a territorial community based not on the place of registration, as before, but rather on the voting location. If adopted, IDPs, migrant workers and unregistered persons will be eligible to exercise their voting rights during local elections which enables their full-fledged re-integration into country’s political/social life³. The rally was closing the #12DaysIsEnough solidary action, which tells the story of people forced to leave their homes as a result of the armed conflict.

Other related activities by UHHRU in brief

- **UHHRU contributes to report on losses in TV/radio broadcasting resulting from attempted annexation of Crimea to protect right to free access to information**

On March 27, a [roundtable](#) was held to present a report by the Ukraine’s National Council on TV and Radio-broadcasting and the Ministry of Information Policy on violations and losses in the area of broadcasting in Crimea in aftermath of its occupation⁴. Noteworthy, that we were invited to join discussion as UHHRU has already made certain progress in collecting evidences related to information occupation⁵.

- **Human rights defenders call to stop encroachment on civil rights and liberties in Ukraine**

Last year MPs amended the [Law of Ukraine](#) “On fighting corruption” (*link in Ukrainian*), obliging civil society activists and citizens “involved in anti-corruption initiatives” to submit income and asset e-declarations along with public servants. Human rights defenders, including UHHRU, [consider](#) (*link in Ukrainian*) that any person attending an anti-corruption rally could now be labelled as an anti-corruption activist. Moreover, the law contains no clear definitions, while failure to comply with it constitutes a criminal offense.

We would like to remind about a subject-matter [public address](#) by the Coalition of Human Rights Organizations “Human Rights Agenda”.

- **UHHRU’s public statement regarding conviction of the Crimean Tatar activist**

³ Besides, we would like to remind of the released “A lost vote. Is this a lifetime silence?” analytical report (full version [in Ukrainian](#), Executive summary [in English](#)), which is also a part of a multilayered work performed by the Program for defense of electoral rights amid armed conflict and occupation.

⁴ In particular, that Kremlin media together with RF armed forces served as the state-supported machine for the occupation of peninsula. Independent Crimean journalists are subject to harassment and most of the local media outlets pushed out of Crimea. Freedom of speech is limited, and journalists are guided by strict occupation authorities’ instructions elaborated with the only purpose to serve Kremlin purposes (including, aggressive propaganda against Ukraine). Additional information can be found from the following links – some statistics [in Ukrainian](#), [event’s takeaways in English](#), and [a release in Ukrainian](#).

⁵ Summary findings can be read in “Crimea Beyond Rules” Analytical Law Digest devoted to information occupation, focusing on violations of freedom of speech and expression in Crimea – *available both in [Russian](#) and [English](#)*.



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On March 1, Suleyman Kadyrov was sentenced in Crimea to two years, as a conditional sentence, and prohibited to participate in public activities. The reason for this was his comment posted on social media regarding Ukraine's Crimea. UHHRU [firmly condemns](#) (*link in Ukrainian*) the actions of Russia's occupation authorities in this unlawful and politically motivated persecution.

STRATEGIC LITIGATIONS

Within this direction the USAID Human Rights in Action Project supports strategic legal cases domestically and internationally to protect public interests⁶, 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.

Other related activities by UHHRU in brief

- **UHHRU proceeds with protecting trafficking victims**

UHHRU lawyer delivered an [interview](#), in Russian, to Hromadske Radio explaining the progress made in litigations to protect Ukrainian nationals who have fallen victims to drug trafficking schemes by Russian Federation since 2014 as a part of Kremlin aggression against Ukraine (most are presumed not to be drug traffickers, but victims of human trafficking). To cut it short, the court is about to start proceedings eventually after months of delay.

FREE LEGAL AID

[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 abuse.

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 Program.

Small but noteworthy accomplishments of Mariupol-based legal aid center (*links in Ukrainian*)

- Lawyers successfully [defended](#) in court an IDP woman, who had been deprived of her rights to pension since July 2017, because she voluntarily gave up the status of IDP when registering in the GOU-controlled territory.

⁶ 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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- A court dismissed default decision to collect from an internally displaced person the money granted earlier as targeted social aid. Social protection department attempted to revoke the payments through the court, arguing that the man who applied for these payments, in 2015, owned a part of a dwelling in the GOU-controlled territory. Our lawyers sorted out the situation and helped [justice prevail](#).

Raising awareness of citizens regarding the protection of their rights

- Receiving Ukraine's passports by residents of non-government controlled areas remains the most popular subject of consultations in UHHRU's Crimea-focused free legal aid centers. In light of this, we would like to remind about [useful tips](#) from our lawyers on the issue (*link in Russian*).
- LAC in Dnipro encourages people, whose property was damaged amid the armed conflict, to keep fighting for the right to compensation in the ECtHR if domestic judicial bodies fail to deliver justice – [link in Ukrainian](#).

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)⁷, which is being the only informal educational system that has the material basis for its activities – Educational Human Rights House-Chernihiv (EHRH-Chernihiv).

Formal human rights education

USAID-attributed experts transfer knowledge on cutting-edge transitional justice issues to future international law professionals as a part of formal curriculum

UHHRU launched a Practicum on Human Rights Protection for master-level students of the



Institute of International Relations at Taras Shevchenko National University of Kyiv. Worth of 120 academic hours in total (comprising lectures delivered exclusively by human rights practitioners, practical classes and an innovative case-method for students' self-work) the course primarily targets students, but it is also opened for any interested listeners.

[The opening lecture](#), which covered three topics (activity of human rights defenders and its peculiarities when working under conditions of armed conflicts; holding field missions to the ATO zone; collecting evidence and documenting violations of international humanitarian law),

⁷ 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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was already followed by [the second one](#)⁸ (devoted to combating gender-based violence and protecting children from sexual exploitation).

This educational product is a noteworthy example of Program/UHHRU's synergy with the academic community – last year our experts took part in its drafting/approbation, now concentrate on a full-scale delivering, and the next year will be devoted to updating to make it nearly 100% responsive to arising transitional justice issues. At long last, it will serve as a durable awareness-raising bridge between the Program and student community.

MAIN EVENTS IN HUMAN RIGHTS AREA

Verkhovna Rada adopts appeal on political repressions of Ukrainian citizens by Russia

On March 1, the Parliament backed [resolution No. 8064](#) (*link in Ukrainian*) to parliaments of foreign states and parliamentary assemblies of international organizations against political repressions of Ukrainian citizens by the Russian Federation due to Russia's armed aggression against Ukraine and liberation of political prisoners. MPs urged the RF to immediately release Ukrainian political prisoners detained by Kremlin and its proxies.

New Ombudsperson of Ukraine is elected

On March 15, the Verkhovna Rada of Ukraine has voted in support of MP Lyudmila Denisova to become the country's Human Rights Commissioner. However, the Chairman of the Committee on Human Rights, Ethnic Minorities and Interethnic Relations, MP Hryhoriy Nemyria underlined that the election procedure of the ombudsperson is out of a legal field and asked to restart the procedure. Such opinion was supported by human rights activists, including UHHRU.

Court of appeals judged to leave in force checking IDPs at place of their residence

Previously a Kyiv district court found illegal the decree No. 365 of the Cabinet of Ministers on the procedure of granting social payments to IDPs and control over the implementation of social payments at the place of IDPs' actual residence. The Kyiv Administrative Court of Appeals found this as a misjudgment and kept the decree in force, hence, saying that it contains no discriminatory provisions (the case can be read here [in Russian](#)).

Parliament backed resolution on practical implementation of Russia's legal responsibility for aggression against Ukraine (*links are in Ukrainian*)

Resolution [No. 5463](#) contains a package of urgent measures for practical implementation of international legal responsibility of the Russian Federation for the armed aggression against

⁸ Besides, students shared their own opinion concerning certain conflict-related themes raised within the course – link [one](#), [two](#) and [three](#), in Ukrainian.



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Ukraine ([more info](#)). UHHRU considers that this Resolution has a potential, however, a lot will depend on practical implementation of its provisions.

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