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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 June are as follows:

- An example of how authorities implement recommendations of LHRI:

Back in March 2018, Program's experts inspected Mariupol to examine how the local self-governance bodies serve their duties on ensuring rights of conflict-affected and displaced population. Overall, the city was highly ranked within "adequate living standard" monitoring direction; however, it was revealed that there is a considerable number of IDPs from conflict-affected territories in the city but not enough temporary housing premises to accommodate them all. One of monitors' recommendations was to differentiate housing fund in line with the real number and categories of seekers (both local residents and IDPs). Following advices given by civic monitors, the city council has clearly demonstrated the readiness to make steps towards improving the situation – so far, 39 families are about to enter freshly-reconstructed apartments; more improvements to follow soon ([link in Ukrainian](#))².

- Program promotes implementation of the Action Plan to the Strategy in part of assuring rights of conflict-affected people:

An event was hosted on June 14, jointly with the UNDP and Justice Ministry, in the format of expert discussion aimed at identifying extra opportunities to ensure respect for human rights in Ukraine in line with country's international obligations.³ In particular, our experts delivered remarks mostly concerning the registered in the Parliament draft laws and their compliance with Ukraine's international human rights obligation ([footage of the event](#)).

So far, the Program works to design a kind of a roadmap that would reflect not only already drafted legislative acts, but also those needy to be drafted in the future, with particular focus on ensuring the rights of conflict-suffered people.

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

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 Just to remind, LHRI assessment is based on the field monitoring with engagement of the local USAID-sponsored legal aid centers. Since specialists have already finished active monitoring phase, it is now time for summing up the obtained results

³ Including enforcing recommendations given in frames of the 3rd cycle of the Universal Periodic Review and the International Covenant on Civil and Political Rights



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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. For this, within three months there was drafted⁴ a framework document – the draft law “Principles of the state policy for protection of human rights to overcome the consequences of armed conflict”, publicly presented in spring 2018, 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. News feed for June include:

- Program keeps in touch with other stakeholders to combine efforts for establishing transitional justice model in Ukraine. Thus, on June 11, our experts took part in a Verkhovna Rada Human Rights Committee’s roundtable devoted to the strategy of restoring justice and peace in non-government controlled areas of Donbas, in particular by strengthening the capacity of judicial system and establishing mechanisms to prevent inner conflicts amid Russia aggression against Ukraine ([link in Ukrainian](#)).
- On June 26, Program [co-hosted](#) a video conference titled “Veteran Treatment Courts” in America House Kyiv (*more info about such courts can be found [here](#)*). Since veterans’ affairs are closely connected with the transitional justice concept, we took this opportunity to speak about our ideas on the issue. In their turn, American partners were glad to share their expertise on how it is possible to treat Ukrainian veterans in their post-conflict period.
- New in our [thematic blog](#) (*link is in Ukrainian*) – what does the beginning of public debates on transitional justice issues demonstrate?
- A new [publication](#) describes in chronological order all major steps taken by the Program/UHHRU starting from the year 2015 in order to introduce the principles of transitional justice in Ukraine. That time the term “transitional justice” was known only to a small number of international law experts and representatives of international institutions.

Other related activities by UHHRU in brief:

- **Advocacy trip to Sweden**

On June 13-15, as a member of Ukrainian delegation, our lawyer took part in the advocacy event “[Ukrainadagarna 2018](#)” [Days of Ukraine 2018], in Stockholm. Overall, it allowed reaching various audiences – dozens of politicians, representatives of diplomatic corps, Swedish and international human rights organizations, members of local community and Ukrainian diaspora. Sweden-based participants were informed about systematic, numerous violations of human rights and freedoms in Crimea and Russia-controlled territory of eastern Ukraine; the delegates called on the international community to continue and strengthen the pressure on the RF as the occupying power. Furthermore, the issue of torturing of the political prisoners by occupational authorities, deportation of Crimeans from the peninsular, illegal transfer of Ukrainian civilians to the RF territory and Crimea’s colonization were given voice.

⁴ By a working group under the Ukraine’s Ombudsperson (in office from 2012 till March 2018), 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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We also managed to raise concern about the need to push the Ukraine's government towards ensuring the rights and freedoms of IDPs, which are currently being largely violated.

- **UHHRU took part in presentation of the book “Reconciliation: Directions along the Way”**

On June 22, Ukraine-wide Educational Program “We Understand Human Rights” and Norwegian Helsinki Committee [hosted](#) a presentation of the book by famed international expert Enver Djuliman.⁵ He shared his expertise and spoke about social processes during the war in Bosnia and Herzegovina and other regions, as well as how post-conflict settlement was implemented in the context of these processes, including implementation of a transitional justice model.

- **Efforts to liberate political prisoners and to avoid any further detainments of Ukrainians**

In connection with the 2018 FIFA World Cup, human rights defenders delivered a [press conference](#) to warn the public about huge threats existing in relations to roughly 5,000 Ukrainian willing to visit the named event in Russia. UHHRU's expert expounded on the critically unfavorable human rights situation there, which is politically motivated, on more than 70 fabricated cases against Ukrainian citizens and inefficient protection for them in Russian courts, as well as instances of kidnappings.

- **A joint public address on draft law No. 6688**

Human rights defenders find draft law No. 6688 “On Amendments to Certain Legislative Acts of Ukraine on the Information Security of Ukraine” unacceptable, since it undermines the principles of political freedom and democracy. Anyone interested can find corresponding petition [here](#), in Ukrainian, and sign it.

- **National Preventive Mechanism – the only independent mechanism for the prevention of torture in Ukraine – is being ruined**

The NPM is threatened and can eventually disappear in Ukraine, UHHRU and ally organizations believe – [link in Ukrainian](#). Human rights defenders urge the Ombudsperson Lyudmila Denisova to change her approach and reboot full-fledged work of the NPM.

- **Analysis of a freshly adopted Council of Europe's Gender Equality Strategy**

UHHRU gender advisor prepared a brief analysis of the [Gender Equality Strategy](#) for the period 2018-2023 giving a tip on what Ukraine can learn from it – [link in Ukrainian](#). Specifically, this document contains provisions that may be much up to date for Ukraine taking into consideration conflict-generated challenges.

STRATEGIC LITIGATIONS

Within this direction the USAID Human Rights in Action Program supports strategic legal cases domestically and internationally to protect public interests⁶, as well as assures their broad media

⁵ Senior Advisor of the Department of Human Rights Education and Reconciliation at the Norwegian Helsinki Committee

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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coverage among the professional community and the public. Total number of UHHRU Strategic Litigation Centre's (SLC) cases within the Program equals 212.

UHHRU protects those who had been tortured by illegal armed groups

In June, four applications were submitted to the European Court of Human Rights regarding the violated rights of Ukrainian citizens who had been held detained by "DPR", and were released during the mass exchange of prisoners on 27 December 2017. All defendants are civilians, who had been unlawfully detained and subjected to torture by illegal armed groups as well as sentenced by the so-called "court" to spend decades in prison.

Concerning Kremlin's responsibility for human rights violations and war crimes in Donbas

SLC's lawyer spoke to the [UATV](#) (*link in Russian*) about gathering evidence of Russia's participation and direct involvement in the hostilities in eastern Ukraine. She touched upon military support provided to illegal armed groups and to the so-called "DPR" and "LPR" by the aggressor state, as well as violations of human rights and crimes against humanity committed by it in eastern Ukraine. Detailed information is available in the USAID-supported analytical paper "Armed conflict: the Russian Federation's military support for the illegal armed formations of "DPR" and "LPR" ([executive summary in English](#), [full report in Ukrainian](#)).

Other related activities by UHHRU in brief

- **UHHRU has met the UN Special Rapporteur on Torture to spread our concerns**

During a [meeting](#), on June 11, a lot was spoken about legal regulation of cases of enforced disappearances in Russia-controlled territory in Ukraine, a draft law No. 5435 on missing persons, and ineffectiveness of investigations conducted by law enforcement agencies. Following NGOs' reports, there was held an open discussion: the UN representatives were very interested in the implementation process of the International Convention for the Protection of All Persons from Enforced Disappearance, how it is considered by domestic courts, the said draft law on missing persons, etc. ([detailed results of the meeting](#)).

- **Burmych and Others v. Ukraine: UHHRU provided comments to members of the Committee of Ministers of the Council of Europe on compliance with ECtHR rulings**

In course of quarterly civil society [briefing](#) by the European Implementation Network for the Permanent Representations to the Council of Europe in Strasbourg, UHHRU expert delivered a presentation focused on the root causes of the problem of non-enforcement or delayed enforcement of domestic judicial decisions in Ukraine.

- **Cooperation with the Office of the Prosecutor of the International Criminal Court**

On June 20, in course of meeting officials from the Office of the Prosecutor ICC discussed with human rights NGOs the progress made in preliminary examination regarding events in Ukraine. UHHRU's lawyers provided updates on Donbas and Crimea-related cases, in particular in regards to collecting evidences of committed crimes, which fall under the jurisdiction of the ICC ([link in Ukrainian](#)).

- **Spreading concerns on the issue of people missing in Donbas and human trafficking**

There quite a lot of people missing in Donbas, which in this or that way is attributed to conflict-generated challenges. Our lawyer explained what might be the motives of people engaged in



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kidnapping/ trafficking/taking hostages, and why the GOU isn't reacting accordingly to the problem ([link in Ukrainian](#)).

- **Public address as for recent judgements in “February 26 criminal case”**

So-called “court” in the Crimean city of Simferopol delivered conditional sentences to five Ukrainian citizens: UHHRU's public address on the issue concerned can be found from the [link in Ukrainian](#). We also remind of our own legal analysis and reconstruction of events that occurred near the Verkhovna Rada of Crimea, on 26 February 2014 – [link in Ukrainian](#).

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 [Kyiv-based Specialized LAC](#) targeting both Crimean and Donbas residents and IDPs and Crimea-oriented LAC in Kherson.

Raising awareness of citizens regarding protection of their rights

- **Program advocates for rights of IDPs from Crimea**

[Here](#) is a fresh publication, in Russian, prepared for the OpenDemocracy independent global media platform, and touching upon the ongoing practice of sending inquiries about Crimean IDPs to the Russian Federation and their proxies by the Ukraine's Pension Fund. The article comprehensively explains why this practice is unlawful in many ways, giving some of our cases as sound examples.

- **Issue of colonization and militarization of occupied Crimea**

In his interview – [link in Russian](#), our lawyer explained the motives of the RF authorities who take away the real estate property (specifically, apartments) belonging to Ukrainians in Crimea. In his opinion, by expropriating flats legally belonging to Ukrainian servicemen (including former ones) and granting them to Russian servicemen, Russia tries to forcibly change the Crimea's demographic structure and to make it a peninsula-size military base.

- **Discussing human rights campaigns relating to internal displacement**

Coordinator of Sumy-based legal aid center [spoke](#) on the local TV about challenges that IDPs face when exercising their rights, on gender-related aspects of this process (in particular, the role of women in it), and trends in human rights campaigns in Sumy oblast and wider Ukraine.

- **Ukraine or aggressor State: who should provide compensation for the houses destroyed in Donbas**

Journalists of the Radio Svoboda tried to puzzle out this difficult issue with the help of human rights defenders from the Dnipro-based legal aid center – [link in Russian](#).



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- **Joint Forces Operations instead of Anti-Terrorist Operation: how to get permission for crossing the demarcation line?**

In its [article](#) (*link in Ukrainian*), Sumy-based LAC explains that despite the change in the legal regime of military operation carried out in the country's east and the change of format from anti-terrorist operation to joint forces operation, the main document that determines the procedure for the crossing of the demarcation line by citizens still remains the Temporary Procedure for Control over the Crossing of Persons, Vehicles and Shipments (Goods) across the Demarcation Line within Donetsk and Luhansk oblasts.

- **On the occasion of the International Day for the Elimination of Sexual Violence in Conflict**

In its [post](#) "Violence is Never Justified"⁷, in Ukrainian, Sumy-based LAC raises the important issue of sexual violence perpetrated during an armed conflict. According to experts and human rights activists, men and women, girls and boys have fallen victims of such violence in Donbas since 2014. Thus, only consolidated efforts and unconditional conviction of such a kind of violence toward another person, no matter the justification or prejudice, can change the situation for the better.

- **Forging alliances to reach a wider target audience**

In May 2018, lawyer of Pokrovsk LAC reached an agreement with the administration of the Pokrovsk Central Library to conduct awareness-raising events and provide legal consultations for conflict-affected population at the premises of the library. A number of thematic events has already taken place in June (in particular, for children from a summer camp).

- **Protecting the rights of women in the armed conflict**

On June 7, during a roundtable of the [National Reconciliation and Dialogue Program](#) for internally displaced women entitled "Women's Voices Count", lawyer of Sumy-based LAC shared her expertise on the protection of IDPs and gender aspects of working with women seeking legal help.

Recent successes of legal aid centers in defense of human rights

- **Establishing facts of death is among the most common reasons of applications to Sumy-based legal aid center**

A citizen turned to the LAC after the death of his mother-in-law that occurred in Luhansk. His wife was forced to immediately leave for the occupied territory in order to settle her mother's funeral. The death certificate issued afterwards, in Luhansk, was not considered valid in Ukraine and had no legal power. This prevented the family from applying for financial assistance for funeral as well as from receiving non-paid pension of the passed away woman.

LAC lawyer took up the case in Ukraine's court system on behalf of the applicant's wife to establish the fact of her mother's death. After reaching a positive judgement, an appropriate civil registration department of the local justice administration registered the fact of death and issued a death certificate to our client, as well as a supportive extract from the State Register of the Civil Status Acts.

- **Successful litigations to restore IDPs' pensions**

Legal aid center of UHHRU helped a number of IDPs who had been denied pensions for various reasons. Thanks to prepared lawsuits and legal support, they have their pensions

⁷ Free translation from Ukrainian language «Насильству не повинно бути жодного виправдання»



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retrieved and began to get repaid accumulated back pension payments. This time we invite to take a look at a recent [success](#) story from our LAC in Toretsk (*link in Ukrainian*).

- **Providing aid with obtaining a birth certificate for a child from temporarily occupied territory**

Lawyers of Mariupol LAC [helped](#) (*link in Ukrainian*) an internally displaced woman to obtain a birth certificate for her daughter, born in temporarily occupied territories two years ago.

Some noteworthy advocacy efforts conducted by LACs aimed at overcoming conflict consequences at regional level

- **Kherson-based lawyer builds cooperation with the OSCE Office for Democratic Institutions and Human Rights (ODIHR)**

Program's representative was invited to and attended a one-day [expert meeting](#) to exchange information about current human rights situation in Crimea and to discuss cooperation between CSOs and the Mission of the Ukraine's President in Crimea, with the view to strengthening joint and coordinated responses to the identified challenges. The discussion was focused on key problems and protection gaps as for human rights situation in Crimea, implementation of recommendations of the [2015 Report](#) of the Human Rights Assessment Mission on Crimea by ODIHR and OSCE High Commissioner on National Minorities, challenges faced by human rights organizations dealing with Crimea-related issues.

Program's lawyer in his remarks voiced out a to-do list for the GOU to ensure respect for the rights of Crimeans that will open the way to their full-fledged re-integration into Ukraine's social life and eliminate discrimination against them ([in Ukrainian](#)).

- **Lawyers from legal aid center in Dnipro advocate for rights of IDPs**

A roundtable was held by the Dnipropetrovsk State Oblast Administration to discuss existing IDPs-related legal problems (the oblast hosts roughly 75,000 IDPs) and ways to bring corresponding Ukrainian laws in line with international standards. Specific attention was brought by our experts to the issues of requesting documents on IDPs by Ukraine's public bodies from the Russia-controlled territory in Ukraine, which basically happens in breach of domestic legislation, and also issues of compensating for the damage caused by the conflict. [Link in Ukrainian](#).

- **Representatives of Sumy LAC took part in roundtable "IDPs: a problem for the region or an opportunity for development?"**

The speaker from the LAC [told](#) (*link in Ukrainian*) the participants about the most common issues that bring IDPs to the lawyers, shared experience with protecting their rights in courts, presented statistics on applications to the LAC, and called on everyone to more actively redirect clients between organizations that specialize in different areas.

- **Monitoring of the environmental situation in the frontline city of Toretsk**

The LAC, in conjunction with "Truth Hounds" NGO, monitored the environmental situation in Toretsk and surrounding villages affected by the Russia's armed aggression. For details please refer to the relevant [post](#) on LAC's Facebook page, in Ukrainian.



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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)⁸, which is being the only informal educational system that has the material basis for its activities – Educational Human Rights House-Chernihiv.

Formal human rights education

Program-attributed experts transferred knowledge on transitional justice issues to students

On June 13, Program expert [visited](#) Kyiv Cooperative Institute of Business and Law to tell 2nd year lawyers-to-be about the main activities of UHHRU and the latest trends in the field of human rights protection with the focus on transitional justice aspects (in particular, related to the prospect of regaining the occupied territories). In particular, there were discussed issues important for lawyers in the process of bringing the perpetrators of mass violations to justice and punishing them for the crimes committed; reparations for the victims; truth-telling; thorough investigations of violations that took place during the conflict or were oppressive; institutional reforms of the state bodies, courts, law enforcement and armed forces; and their vetting, which should ensure non-recurrence of such violations.

MAIN EVENTS IN HUMAN RIGHTS AREA

PACE adopted Resolution 2231 (2018) on Ukrainian citizens detained as political prisoners by Russia

In this resolution, the Assembly expressed its grave concerns over reports of ill-treatment and denial of access to health care of Ukrainian nationals detained on politically motivated or otherwise fabricated charges. Among other things, PACE calls on the RF to release without further delay all Ukrainians, and ensure full respect of their rights until their release as well as allow access to them of independent international monitors (including, from the International Committee of the Red Cross).

According to the Ukraine’s envoy to the Trilateral Contact Group’s humanitarian subgroup Iryna Gerashchenko “*the PACE resolutions strengthen the responsibility of the Russian Federation, form an evidence base for international courts,*” this is an important factor for Ukrainian lawyers and diplomats who are preparing suits in international courts against Russia about the torture of Ukrainians. *More of her comments can be found [here](#), in Ukrainian; the resolution itself, adopted on June 28, is given [here](#).*

⁸ 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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Ukraine seeks justice in the International Court of Justice

On June 12, Ukraine submitted to the International Court of Justice a Memorandum on Russia's violation of the UN International Convention for the Suppression of the Financing of Terrorism and the UN Convention on the Elimination of All Forms of Racial Discrimination. Memorandum is being the main component of the written part of the proceedings in the International Court of Justice; it contains facts that form the basis of Ukraine's lawsuit as well as the legal arguments. *Non-English links: [one](#), [two](#), [three](#).*

European Parliament adopts resolution calling for Sentsov's release

The European Parliament, in a resolution adopted in Strasbourg on June 14, has [demanded](#) that the Russia's authorities to "immediately and unconditionally" release Ukrainian filmmaker Oleh Sentsov and "all other illegally detained Ukrainian citizens in Russia and on the Crimean peninsula" ([additional link](#), in Ukrainian).

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USAID Human Rights in Action Program, contact information:

The Ukrainian Helsinki Human Rights Union
3/34 Frolivska St., Kyiv, Ukraine
Phone: 044 485 17 92, fax: 044 425 99 24
Contact emails: t.tsymbriivskyy@helsinki.org.ua
Website: <http://helsinki.org.ua/>