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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

#### Transitional justice model for Ukraine

The Ukrainian Helsinki Human Rights Union (UHHRU) in frames of the USAID Human Rights in Action Program continues elaborating and promoting the transitional justice model tailored to the Ukrainian context in order to facilitate conflict resolution and post-conflict recovery. The process was launched back in 2016 and since then a corresponding baseline study (*abstract review is available [here](#)*) was conducted and [an international conference](#) was hosted (*conference proceedings can be found [here](#)*). Currently, the Program concentrates efforts on shaping national policy on transitional justice as well as on holding an awareness raising campaign meant to explain the principles of transitional justice and their relevance during the transition from authoritarian past to democratic present and from the armed conflict to post-conflict settings. For this, there was drafted<sup>1</sup> a framework document – the bill “Fundamentals of the state policy for protection of human rights to overcome the consequences of armed conflict” ([link in Ukrainian](#)): publicly presented in spring 2018, it supposes to become a basis for elaborating further conflict-related legislation.

News feed for October includes:

- The work of Coordination Council on Drafting Legislation to Facilitate Establishment of Transitional Justice Model in Ukraine<sup>2</sup> proceeds. In the given month, the Council has started accumulating feedback from the responsible government agencies concerning the named bill, sent to them earlier. Obtained suggestions will be considered to the extent possible, while making amendments to the document, however, it sounds reasonable to keep it without any massive changes detrimental to internationally recognized principles of transitional justice. The members also supported suggestion of the Ombudsperson’s representative Andriy Mamalyga to engage domestic and international experts, including from the UN and OSCE, into this process – [link in Ukrainian](#).

The Council also continues holding regular meetings: the agenda mostly includes in-depth debates around the bill’s provisions. Since transitional justice model for Ukraine requires involvement of a significant number of stakeholders, such provision-after-provision discussions are needed to take into consideration everyone’s point of view.

- On October 23, UHHRU/Program cooperatively with the Ukrainian Parliament Commissioner for Human Rights hosted a roundtable “Ukraine – strategic value of the location. Conflict-generated challenges, approaches to the reintegration of Donbas, international experience”<sup>3</sup>, engaging domestic and foreign experts – UK-based International Peacemaking Organization “Resources for Reconciliation”, Ukrainian MPs, representatives of the Council of Europe, OSCE, and UN. *Here is a related [media release](#) to get everyone interested acquainted with event’s outcomes.*
- Some other noteworthy events: (1) UHHRU/Program jointly with the scientific advisor to the Ukraine’s Constitutional Court held a [press conference](#) (*link is in Russian/Ukrainian*) to shed the light on such transitional justice element as amnesty as a phenomenon of achieving national

<sup>1</sup> 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.

<sup>2</sup> Established by the Ombudsperson’s Secretariat, on 18 September 2018, and engaging UHHRU/Program’s experts – [link in Ukrainian](#).

<sup>3</sup> Under support of the Embassy of the United Kingdom in Ukraine



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reconciliation in the post-conflict period, as well as how world's experience can be applied in Ukraine's context; (2) UHHRU Executive Director went on the air at UATV Channel [to articulate](#) on what steps should Ukraine take while reintegrating Donbas; (3) Program's Chief of Party Taras Tsymbriivsky together with Deputy Head of the Mejlis Akhtem Chygoz went on the air to [deliberate](#) (*link in Ukrainian*) on the issues of forced recruitment of the Crimeans into the RF's armed forces which happens in breach of the international law.

### **Advocating to introduce a 'protected persons' status at legislative level**

This month, our representative was a keynote speaker at several TV programs with the purpose to promote a Program-contributed bill on the legal status and social guarantees to the Ukrainian citizens held captive by the Kremlin<sup>4</sup>, as well as to propose measures to be taken by Ukraine and international community to release detainees: [link 1](#) in Russian, [link 2](#) in English and [link 3](#) in Ukrainian.

Just reminding that last month, amid Human Rights Parliamentary Committee's sitting, it was decided to recommend to the Parliament to take our draft law as a model one (with amendments according to recommendations of the Verkhovna Rada's Institute of Legislation).

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

- **Just-in "Crimea beyond rules" analytical law digest**

This special issues concerns oppression of the Ukrainian Orthodox Church by the occupying power in Crimea – [link in Russian](#). More broadly, it covers the problem of violation of religious rights of the Crimean residents, provides legal analysis of the occupying authorities' actions, as well as unveils evidence of rights' violations. More findings can be read in [this article](#) devoted to official presentation of the said issue.

- **Informing about politically motivated trials as Kremlin's instrument to intimidate pro-Ukrainian population in Crimea**

On October 19, UHHRU participated in a [media presentation](#) of a just-in report "Crimean Trial: Problems of Compliance with Fair Trial Standards in Politically Motivated Cases", prepared by an international expert group from six human rights organizations of Ukraine and Moldova (including UHHRU). This analytical account provides for results of a unique work on monitoring over politically motivated trials in Crimea in 2016-2018. While giving comprehensive analysis of the situation on compliance with fair trial guarantees in Crimea under occupation, the report reaffirms absence of respect for fair trial standards and usage of courts as a tool for politically motivated prosecution.

- **International advocacy efforts**

On October 23-26, our advocacy expert was attending the Warsaw Security Forum 2018, a leading conference in Central and Eastern Europe on international security issues, to introduce human dimension into event's agenda and held high-profile advocacy meetings (this was done in concert with Ukraine's Ministry of Foreign Affairs, Ukrainian People's Deputies and the "Ukrainian World Congress" NGO). Access to all working platforms of the Forum allowed to negotiate with decisions-makers from the EU, UK, NATO, etc. as regard measures to be taken to ensure observance of human rights in the occupied territories and release Ukrainian nationals illegally

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<sup>4</sup> Draft law "On the legal status of certain categories of protected persons deprived of their liberty in connection with international armed conflict" developed in concert with the Media Initiative for Human Rights



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detained by the Kremlin. Moreover, during these sessions a UHHRU-contributed exhibit on Kremlin's detainees was displayed. *Here is a [post](#) by the Ukrainian Embassy in Poland that speaks to the occasion. Extra links – [link 1](#), [link 2](#) – in Ukrainian.*

- **Notifying International Criminal Court that Russia forces Crimeans to serve in its army**

This happens in breach of Ukraine's domestic legislation and norms of international law, Ukrainian prosecutors and human rights organizations said at a [press conference](#), on October 25. According to them, more than 12,000 residents of the peninsula have already been called up to serve in the RF's army since Crimea's occupation by Russia in 2014. The Prosecutor's Office of the Autonomous Republic of Crimea submitted communication to the International Criminal Court in The Hague titled "On the forced conscription of the Crimean population into the Russia's armed forces", which is based on materials of the non-government human rights organizations about the Russia's illegal actions, including evidence collected by UHHRU. *Here is an extended list of media releases to spotlight the situation: in [Russian](#), in [Ukrainian/Russian](#), in [English](#).*

- **New wave of persecutions against Crimean Tatar people**

This time it goes about intimidation of and pressure over the members of the Crimean Solidarity movement and partnering human rights lawyers. Here is a relevant public address of human rights NGOs, including UHHRU, in [Ukrainian](#) and in [English](#) that strongly condemn persecution and demand the RF to immediately cease unlawful suppression and obstruction of lawyers' work and human rights activities. *More details can be found [here](#).*

- **Situation with e-declarations for civil society activists** has been discussed with the Ombudsperson – major takeaways are available [here](#), in Ukrainian.
- Since the beginning of the year, **more than 50 attacks on civil society activists have been reported**: a [media event](#) to discuss this worsening trend was held, on October 3.
- UHHRU joined a public address to the international community concerning **Kremlin's prohibition for Mykola Semena** (Ukrainian national persecuted on political grounds) **to leave Crimea for medical treatment** so much needed to him. [Link in Ukrainian](#).
- UHHRU and Ukrainian Institute for Human Rights [organized](#) the **Forum of IDPs "Achieving Results Together"** within the framework of the advocacy project on the protection of the rights of internally displaced persons in Ukraine supported by the UN Refugee Agency – [link in Ukrainian](#).

## FREE LEGAL AID

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[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. 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.



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### **Raising awareness of citizens regarding protection of their rights** *(all link are in Ukrainian)*

- The Kramatorsk-based LAC [clarified](#) recent amendments to the Law of Ukraine No. 3334-IV “On Social Housing Fund” regarding the requirements for provision of social housing to IDPs.
- The Mariupol-based LAC published [explanations](#) on inheritance in non-government-controlled territory, as well as told people how to act in such situation.
- The Sumy-based LAC [continues](#) to provide advice on how to get the status of a child that suffered in result of the armed conflict in Ukraine.

This legal aid center also prepared a [memo](#) on occasion of the International Day of Older Persons to draw public attention to the issue of biased attitude toward these people, as well as to destroy stereotypes about them. The LAC has been protecting IDP retirees since its creation: in 2018, it received 668 applications from elderly people, with pension-related problems being the most frequent.

- Talking to future lawyers: (1) discussion entitled “International Legal Mechanism for the Protection of Human Rights” was held on Lawyers’ Day with Sumy students; if you have subject-matter questions feel free to ask under [this](#) post; (2) a lawyer from the Dnipro-based LAC had a [discussion](#) with the students of the University of Customs and Finance on international humanitarian law under conditions of the armed conflict.

### **Recent successes of legal aid centers in defense of human rights amid conflict and occupation**

- Unfortunately, due to certain problems with the software used by the Ukraine’s Pension Fund (PFU), pensioners’ payments often get frozen. One such example is the case of an IDP who asked the Pokrovsk-based LAC for help because she has been denied pension for unknown reasons. You can read about this case and consult our lawyers [here](#) *(link in Ukrainian)*.
- An IDP from Crimea who had reached the retirement age at the end of 2017, applied for pension in 2018. He believed that payments should have been calculated under 2017 regulations while this was done in accordance with 2018 ones, resulting in a lower amount of pension. Thanks to the lawyers of the Kyiv-based LAC, PFU’s head office in Kyiv admitted that the applicant was right and ordered the local PFU department to recalculate his pension.
- The Mariupol legal aid center was contacted by a man from the occupied Makiyivka who was registered as IDP in Ukraine-controlled territory of Luhansk Oblast. On his way to work he was detained by the police with unlawful application of physical force and special means while crossing an internal checkpoint. With the LAC’s help, information under part 1, Article 125 of Ukraine’s Criminal Code was entered in the Unified Register of Pretrial Investigations regarding the guilty police officer and was later re-classified to part 2, Article 365 of the Criminal Code, which is punishable by 3 to 8 years of imprisonment with 3 years’ prohibition to occupy certain positions or engage in certain activities.

### **Defending interests of conflict victims in regions: issue for today – whether people will be provided with housing**

The problem is, with the conflict going on for over 4 years already, Ukraine still lacks a register of IDPs in need of housing, and therefore lacks understanding of the scale of this problem. In addition, the government has no strategy for the reintegration of IDPs, specifically when it comes to housing. However, in September, the President signed a law on provision of social housing for this



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category of people. Now all IDPs that do not have no property in the government-controlled territory or whose homes had been destroyed during the hostilities can be registered to await their turn to get an apartment. This issue was discussed at a [press conference](#) “Will IDPs get their housing: promises and real prospects”, organized by UHHRU’s Dnipro-based legal aid center (*link in Ukrainian*).

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

- Dnipro-based LAC spreads awareness on how servicemen should act to protect their rights if they feel they were unlawfully fired from their civil job while serving their military contract – [link 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>5</sup>, 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

UHHRU experts joined a working group under the Ministry of Education and Science of Ukraine titled “Antidiscrimination Expertise of School Textbooks” with the aim to take into account in course of the given expertise conflict-related aspects. We also participated in a working group of the Ministry for Temporary Occupied Territories and IDPs for the preparation of the Concept of Equal Opportunities for the Implementation of the Right to Higher Education by persons residing in the temporarily occupied territories of Ukraine.

## MAIN EVENTS IN HUMAN RIGHTS AREA

### **Verkhovna Rada voted for prolongation of a special order of local self-governance in conflict-affected Donbas**

On October 4, the Parliament of Ukraine [passed](#) the decision to prolong for one more year the Law of Ukraine [No 1680-VII](#) “On the special order of local self-governance in certain areas of

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<sup>5</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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Donetsk and Luhansk oblasts” adopted in October 2014. Accordingly, law’s new expiration date was set on 31 December 2019.

### **Occupying authorities stormed meeting of Crimean Solidarity movement**

On October 27, representatives of the Crimean occupying authorities stormed a monthly meeting of the Crimean Solidarity. “Authorities” representatives handed a notice regarding violation of anti-extremism and anti-terrorism law to Edem Semedliayev, lawyer defending Kremlin’s prisoners, lawyer and human rights defender Lilya Gemedji and Crimean Solidarity coordinator Dilyaver Memetov. According to the notice, occupying authorities’ intelligence allegedly suggests that the Crimean Tatar activists were preparing large-scale pickets, and the Prosecutor’s Office received information from Russia’s Anti-Extremism Center regarding involvement of the above-mentioned persons into organization of these pickets.

Simultaneously, an attack was launched on the organization’s web presence, specifically on a new website that has been presented at the meeting. *Links in Russian* – [one](#) and [two](#).

Also, Dilyaver Gafarov, a Crimean Tatar national, has been arrested after unlawful search of his house located in Kirovsk region of Crimea – [link in Russian](#).

*Public statement issued by the Foreign Affairs Ministry of Ukraine is available [here in Ukrainian](#).*

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