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**DIGEST No 3(56) BY UKRAINIAN HELSINKI HUMAN RIGHTS UNION,
USAID HUMAN RIGHTS IN ACTION PROGRAM**

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USAID HUMAN RIGHTS IN ACTION PROGRAM UPDATES

HUMAN RIGHTS MONITORING, ANALYTICAL ACTIVITY AND ADVOCACY

Cabinet of Ministers to finally settle down issues linked to provision of social and legal protection of individuals deprived of their liberty because of the armed conflict (*links are in Ukrainian*)

Specific categories of persons who will benefit from Cabinet’s latest [decree №1122](#) are POWs, hostages, political detainees. After specialized commission’s clearance those people will be given a chance to enjoy a certain degree of state’s social and legal protection they had been lacking before. Experts of UHHRU/ USAID Human Rights in Action Program were involved into drafting of both a decree and a relevant bill serving as a decree’s basis. Overall it is a positive development, but still far from being perfect – check [this link](#) to find out why. *Reminding that a readout about November’s public presentation of the bill is given [here](#).*

To proceed further, the Ministry of Veterans, Temporarily Occupied Territories and IDPs released a new brochure describing how former detainees can seek for rehabilitation and other kinds of assistance in course of their returning to normal life. UHHRU is among its authors, and Program-sponsored legal aid centers is where victims [can find free of charge legal aid](#).

Program presented analytical study on the impact of the armed conflict on the commercial sex-workers (*links in Ukrainian*)

UHHRU jointly with charitable organization “Legalife-Ukraine” [presented](#) report, which is based on findings of monitoring visits of USAID-supported Human Rights Abuse Documentation Center to Donbas. [It describes](#) international legal norms, subject-matter domestic legislation and current situation concerning forced prostitution, sex exploitation and its consequences amidst the armed conflict in Ukraine (in particular, cases of prostitution for survival, including by IDPs bottle up challenging life situation), along with certain recommendations as for remedial actions.



Methodology for improving conflict-related legislation presented at the Parliamentary Human Rights Committee



USAID Human Rights in Action Program [presented](#) (*link in Ukrainian*) its Methodology to Assess Compliance of Legislation with IHL and Transitional Justice, along with results of the legislative expertise held on its basis (in one of the most requested branches of law – the civil law) as regards mechanisms for providing reparations to conflict victims. The event, among other things, allowed to receive feedback on the extent to which the Methodology tools are able to identify choke points in the legislation for its further revision.



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Promoting a Program-supported Ukrainian transitional justice model (links are in Ukrainian)

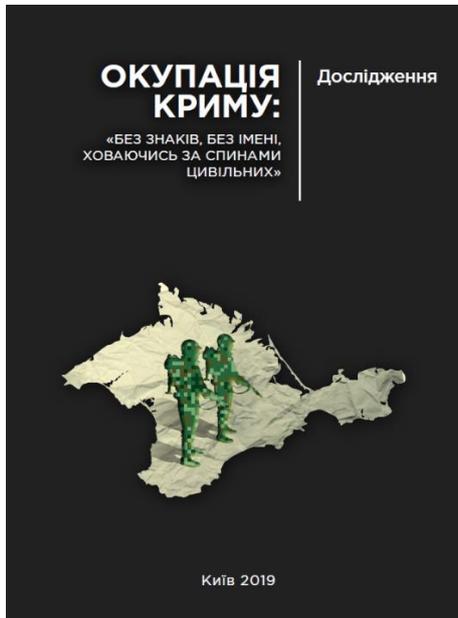
- ✓ A recent [informational session](#) (see photo) for the Crimean prosecutors was focused on their role in the process of coping with the aftermath of the armed conflict¹.
- ✓ Coordinator of Program-sponsored Human Rights Abuse Documentation Center of UHHRU delivered [remarks](#) amidst a travelling human rights documentary film festival Docudays UA: such regular visits are aimed at spreading information on conflict-related facts and advocating towards truth-telling and broader transitional justice issues.



Other related activities by UHHRU in brief:

- UHHRU presented analytical account on the use of prohibited methods of warfare during Kremlin’s occupation of Crimea (links are in Ukrainian)

[This analytical paper](#) brings to the fore a number of thorny questions under international humanitarian law, such as the use of civilians as “human shields” by Russia’s military, who were instrumental in [seizing control](#) over the Ukraine’s governmental buildings and strategic military bases during the takeover of Crimea in early phase of the conflict in 2014².



ПОРУШЕННЯ РОСІЙСЬКОЮ ФЕДЕРАЦІЄЮ МІЖНАРОДНОГО ГУМАНІТАРНОГО ПРАВА ПІД ЧАС ОКУПАЦІЇ КРИМУ

<p>ВИКОРИСТАННЯ «ЖИВИХ ЩИТІВ» – ПРИ ОТОЧЕННІ, БЛОКУВАННІ ТА ЗАКОПЛЕННІ ВІЙСЬКОВОЇ ЧАСТИНИ ЗС УКРАЇНИ</p>	<p>ВИКОРИСТАННЯ «ЗЕЛЕНИХ ЧОЛОВІКІВ» – ВІЙСЬКОВА У ФОРМІ БЕЗ ЗНАКІВ РОЗРІЗНЕННЯ</p>	<p>ВІНЧЕННЯ ВІРОЛЮСТВА (НЕЗАКОННО ВИКОРИСТАННЯ ЕМБЛЕМ ТА УНІФОРМИ СУПРОТІВНИКА ПІД ЧАС БЛОКУВАННЯ ТА ЗАКОПЛЕННЯ ВІЙСЬКОВОЇ ЧАСТИНИ ЗС УКРАЇНИ)</p>
<p>СУТЬ ПОРУШЕННЯ</p>	<p>СУТЬ ПОРУШЕННЯ</p>	<p>СУТЬ ПОРУШЕННЯ</p>
<p>ВИКОРИСТАННЯ «ЖИВИХ ЩИТІВ» (англ. «human shields») є методом ведення війни, який забороняється міжнародним гуманітарним правом. Сутність такого діяння полягає в тому, що особи, що беруть безпосередню участь у воєнних діях або у проведенні військових операцій, прикривають цивільне населення і такі цивільні об'єкти є заохоченням міжнародним гуманітарним правом, і воєни не можуть і не повинні бути атаковані супротивною стороною</p>	<p>ПРОВЕДЕННЯ РОЗРІЗНЕННЯ між цивільними особами та комбатантами – безумовне зобов'язання сторін збройного конфлікту, зокрема держав під час міжнародних збройних конфліктів. Вільше того, у випадку сумніву щодо статусу особи чи є вона комбатантом або ж цивільною особою, діє презумпція, що така особа є цивільною особою</p>	<p>ВІРОЛЮСТВО є забороненим методом ведення війни. В широкому сенсі віролюство – це обман довіри, заохоченої на МГП. Віролюством присягнена стаття 37 Додаткового протоколу I до Женевських конвенцій від 08.06.1977</p>
<p>ВИКОРИСТАННЯ «ЖИВИХ ЩИТІВ» ЗАБОРОНЯЄТЬСЯ також загальними міжнародними гуманітарними правами (МГП) та порушенням принципу розрізнення, який є одним з основоположних принципів МГП</p>	<p>СИТУАЦІЯ В КРИМУ В ЛЮТОМУ-БЕРЕЗНІ 2014 РОКУ</p> <p>Випадок масового використання військосузбійців РФ у військовій формі без знаків розрізнення в зазначений період в Криму був вперше такий випадок в очисній історії МГП в частині порушення зобов'язання щодо розрізнення комбатантів та цивільних осіб</p>	<p>Прикладами віролюства є такі дії:</p> <ul style="list-style-type: none"> ■ симулювання наміру вести переговори під прикриттям перемир'я або символічного капітуляції ■ симулювання виходу із строю внаслідок поранення або зберігати ■ симулювання володіння статусом цивільної особи або некомбатанта ■ симулювання володіння статусом, що надає захист згідно з положеннями законів, звичаїв або формального одруж. ООН, міжнародних держав, які не є сторонами, що перебувають у конфлікті
<p>СИТУАЦІЯ В КРИМУ В ЛЮТОМУ-БЕРЕЗНІ 2014 РОКУ</p> <p>Під час оточення, блокування та захоплення військовими частини Збройних Сил України (ЗСУ) «живі щити» були використані щонайменше в 5 епізодах. Для цього російськими військовими було затрено не менше 1000 цивільних осіб</p>	<p>«Зелені чоловіки» були озброєні бойовою зброєю, мали усе необхідне для військосузбійчої діяльності, були одягнені у військову уніформу зеленого кольору без будь-яких знаків розрізнення, шаперів, кашкетів, які б дозволяли ідентифікувати їх як військосузбійців, приналежності до збройних сил певної держави, а також можна було чітко прослідкувати іррегулярні між ними «Зелені чоловіки» брали участь у захопленні урядових будівель, а також при оточенні, блокуванні та захопленні військових частин ЗСУ</p>	<p>СИТУАЦІЯ В КРИМУ В ЛЮТОМУ-БЕРЕЗНІ 2014 РОКУ</p> <p>Ідентифіковано декілька випадків порушень норм МГП під час окупації Криму Росією, які можна кваліфікувати як віролюство та/або невірне використання військовим емблем або формального одруж. воєни</p>

¹ It should be noted at that the Prosecutor’s Office of the Autonomous Republic of Crimea was one of the first law enforcement agencies to start implementing transitional justice principles in its activities.

² Just reminding that in early 2019, UHHRU co-authored a [submission to ICC](#) on the use of “human shields” by the RF during capture of strategic targets in Crimea in 2014. A subject-matter interview of our lawyer dd. February 2019 rests under [this link](#), in Ukrainian.



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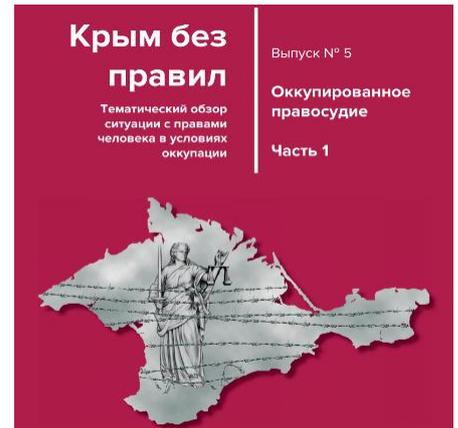
- **All human rights NGOs attended the PACE winter 2020 session**

The aim was to keep the issue of human rights situation in Crimea on the PACE agenda and to highlight latest developments in such areas as freedom of speech, freedom of assembly in occupied peninsula, political prisoners issues³ etc. – [link one](#) and [two](#), in Ukrainian.

- **Fifth issue (part 1) of “Crimea Beyond Rules” Analytical Law Digest**

The current edition describes how the RF established full control over activities of the Crimean courts and extended its law over the territory of the occupied peninsula, obliging the courts to consider cases not only linked to after-the-occupation period, but even those from the period of time prior to the occupation in February 2014.

The current state of affairs breaches basic principles and rules of international law, and the digest clears the situation on many levels – [link in Ukrainian/Russian](#)⁴.



STRATEGIC LITIGATIONS

Within this direction USAID Human Rights in Action Program supports strategic legal cases domestically and internationally to protect public interests⁵, as well as assures their broad media coverage among professional community and public. Total number of conflict-related UHHRU Strategic Litigation Centre’s (SLC) cases within the Program equals 165.

Other related activities by UHHRU in brief

- **UHHRU visits Assembly of the State Parties to the Rome Statute of the ICC**

UHHRU keeps on collecting evidences of gross violations of international humanitarian law committed during Kremlin-inspired [armed conflict and occupation](#) of certain Ukraine’s territories, so we had plenty to voice out amidst such an event – [link 1](#) and [2](#), in Ukrainian, to better understand the context.



³ Kremlin still keeps detained at least 89 individuals in Crimea and in Russia, and Oleksandr Marchenko is one of them – [here](#) is his story depicted by the USAID Program ([link is in Ukrainian](#)).

⁴ Full library of this analytical law digest is available from [this link](#) (*in Russian/ English*).

⁵ 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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- **Application to the European Court of Human Rights**

Claim was submitted by UHHRU in connection with ineffective investigation into the murder of applicant's family in August 2014 in Ukraine's temporarily occupied territory. The applicant is also unable to return there due to the fear of persecution, which prevents him from using his movable and immovable property.

FREE LEGAL AID

[UHHRU 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 [Toretsk](#), [Mariupol](#), Kramatorsk, [Pokrovsk](#) of Donetsk oblast, [Sumy](#) and Dnipro providing legal aid to conflict-affected population, as well as a [Kyiv-based Specialized LAC](#) targeting both Crimean and Donbas residents and IDPs and a Specialized Crimea-oriented LAC in Kherson.

Toretsk LAC representative attends the Donbas Human Rights Forum in Kharkiv

The Forum is a dialogue platform where numerous stakeholders from civil and public sector, diplomatic missions to Ukraine in a consolidated manner discuss human rights challenges that matter the most to residents of conflict-torn Donetsk and Luhansk Oblasts – [a readout in Ukrainian](#).

Issue of housing for IDPs remains as pressing as ever – what does the responsible ministry has to say?

Sumy LAC joined meeting with Veterans, Temporarily Occupied Territories and IDPs Oksana Koliada to discuss issues that matter to conflict-affected people in Sumy region the most – provision of medical and social care, satisfying accommodation needs, assuring state-guaranteed benefits for IDPs – [link in Ukrainian](#).

Legal assistance to the victims of armed conflict and occupation (*links are in Ukrainian*)

- **One more “pension” victory – this time Mariupol LAC was the one to shine bright in court**

Suspended pensions and unpaid back payments are still common issues that IDPs are forced to experience. This time the battlefield was a first instance court in Mariupol of Donetsk Oblast, where Program-backed lawyer was defending the rights of one of our clients. [Here](#) is a glimpse of what happens in this case.

- **Donbas reintegration at stake: UHHRU's legal aid center steps in to help mine workers in conflict-affected Toretsk**

Local workers of mining industry have been fighting for their labour rights for years, and our lawyers are there [to help them](#) through legal and advocacy efforts.



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- **LAC in Dnipro keeps on fighting for IDPs' rights from Pavlohrad who struggle in a climate of total disrespect**

The heart of the matter is that a group of residents of a modular village built in Pavlohrad of Dnipropetrovsk Oblast to meet IDPs' accommodation needs have been fighting bureaucracy since early 2019 – particularly a burden of [suddenly-raised utilities tariffs](#). Recently, people received an opportunity to move into new accommodation, but what was meant to become a relief for 19 internally displaced persons turned to be another nightmare due to public officials' nihilism. As seen, the Pavlohrad story is far from being over happily, so our lawyers [continue](#) delivering people-centred legal services to those in need to protect their rights and strengthen their access to justice.

Events to raise people's awareness on how to protect their rights (*links are in Ukrainian*)

- The Law of Ukraine “On verification and monitoring of the state payments” came into force. What [do the changes bring](#): will they simplify or complicate the lives of IDPs?
- A [post](#) from the Mariupol LAC on the protection of IDPs' personal data.
- Sumy LAC [tells](#) parents about healthcare opportunities for their children that are in need of special social attention (including IDPs and children living in settlements along contact line).
- The living wage has been changed as of 1 December 2019. It affects various social benefits, so who among the IDPs [will have](#) their payments increased?
- Ukraine- and Russia-paid pensions for Crimean residents: populism or the governments' duty? – here is an [article](#) supplied with comments from our Crimea-focused LAC.
- Sumy LAC took part in information session on the procedure for obtaining preferential housing loans by citizens, including IDPs. *Find details under [this link](#).*

Latest infographics to illustrate legal aid network's performance

Program continues regular reporting on LACs performance – we are glad to present information for [November](#) and [December](#) 2019 with thematic, regional and gender disaggregation.

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)⁶, which is being the only informal educational system that has the material basis for its activities – Educational Human Rights House-Chernihiv.

⁶ Launched in 2007, the 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 conflict resolution. The Program currently counts more than 3,500 alumni from all regions of Ukraine.



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Program’s campaigning towards ratification of the Safe Schools Declaration by Ukraine has been marked with success

Recently, Ukraine became the 100th country to join the Safe Schools Declaration of 2015 (an inter-governmental political commitment that provides countries the opportunity to express support for protecting education from attack during times of armed conflict; the importance of the continuation of education during war; and the implementation of concrete measures to deter the military use of schools) – [link in Ukrainian](#). It is now important to monitor government’s execution of this new obligation.

Presentation of new Program-developed educational products on IHL targeting mostly secondary schools



USAID Program hosted a panel discussion “Responding to humanitarian crisis: UHHRU’s educational products on international humanitarian law” at the margins of the Education Ministry’s presentation of optional training courses, which can be based on the civil society developments – [link in Ukrainian](#).

Particularly, it goes about methodical recommendations “Story of a city. How to teach certain aspects of RF’s armed aggression in eastern Ukraine” and study-and-methodical manual “Studying IHL at education institutions”.

MAIN EVENTS IN HUMAN RIGHTS AREA

Ukraine’s Parliament passes revised Electoral Code – IDPs’ and inside-the-country labor migrants now have their voting rights respected

Newly [adopted](#) Code gives an opportunity to do so if an IDP can prove link to his/her host community – details that specifically linked to the IDPs’ voting rights can be found [here](#), in Ukrainian.

For nearly four years, experts from domestic and international organizations have been advocating strongly to defend IDPs’ constitutional right to participate in all kinds of elections, specifically in the local elections at their new place of residence. UHHRU was not remaining aloof, also – [link in Ukrainian](#).



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UN General Assembly approves resolution on Crimea

The UN adopted a resolution “Situation with human rights in the Autonomous Republic of Crimea and Sevastopol, Ukraine”. Among others, it demands the RF to stop transfer of its own population to Crimea along with forced eviction of local residents, condemns mass detentions of human rights activists and defenders (in particular, representatives of Crimea Solidarity movement) for alleged terrorism-related offences, calls to end persecution of those arrested because of the views they expressed as well as release them and other unlawfully detained individuals, condemns forced conscription of Crimeans to the RF’s armed forces and criminal prosecution of those who refuse performing military service.

The majority of developments were proposed and advocated by Ukrainian human rights groups, including UHHRU – [link in Ukrainian](#)⁷.

The Office of the Prosecutor of the International Criminal Court released its 2019 Report on Preliminary Examination Activities

The Office of the Prosecutor stays firm as for the occupation of Crimea by the RF, as well as remains confident as for the existence of an international armed conflict in eastern Ukraine (in parallel to the non-international armed conflict); *the Report is placed [here](#)*⁸.

Ukraine, Kremlin-backed militants exchange prisoners

Ukraine and illegal armed forces occupying Donbas exchanged detainees on 29 December 2019 [in a major swap](#). The GOU said it had received 76 people – among those freed were several Ukrainian soldiers, some of whom were kept in prison for more than five years, as well as several pro-Ukrainian activists and bloggers – *additional links [one](#) and [two](#), in Ukrainian*⁹.

Kremlin releases two Ukrainian political detainees

Nuri Primov and Rustem Vaitov, who have been imprisoned in Russia for their religious and political views, [returned home](#), however, having served illegal 5-year sentences to the last day.

Newly established departments on war crimes investigation within the Prosecutor’s Offices of Luhansk and Donetsk Oblasts will perform procedural guidance in and control over criminal investigations

Namely, this relate to criminal investigations of crimes against national and public security, peace, security of humanity and international legal order, state borders’ inviolability, and other crimes committed in the context of armed conflict in temporarily occupied territories of Donbas or related to the RF’s armed aggression against Ukraine – [link in Ukrainian](#).

⁷ In his recent interview, UHHRU Executive Director pointed out resolution’s key aspects – [link in Ukrainian](#).

⁸ UHHRU’s post with report’s explanation rests under [this link](#), In Ukrainian. Additionally, our litigation lawyer delivered [comments](#) on this, which also includes a description of the case of the war in Donbas region currently being at the stage of preliminary consideration.

⁹ UHHRU Executive Director also delivered comments focusing the swap as it sparked mixed feedback – [link in Ukrainian](#).



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In continuation of good news from entry-exit checkpoints at administrative border with temporarily occupied Crimea

The GOU has completed modernizing facilities at two exit-entry checkpoints to ensure proper conditions for border-crossing people. Earlier, we witnessed [renovated facilities](#) at the Chongar checkpoint – so far, here are the [pictures](#) from the Kalanchak checkpoint, where the service zone was opened (*links are Ukrainian*).

UHHRU welcomes such actions, listed in the joint [recommendations](#) produced by a number of human rights NGOs, and urges the GOU to address all of them to enable Crimeans feel “less isolated” from the rest of the Ukrainian society.

Ukrainian Parliament extended until the end of 2020 the law on special order of local self-government in certain areas of Donetsk and Luhansk Oblast

More details on the law are available [here](#) in English, as well as [here](#) and [here](#) in Ukrainian.

This Digest is made possible by the generous support of the American people through the United States Agency for International Development (USAID) in the framework of the Human Rights in Action Program implemented by the Ukrainian Helsinki Human Rights Union. The contents are the responsibility of the Ukrainian Helsinki Human Rights Union and do not necessarily reflect the views of USAID or the United States Government.

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