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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

Victims of war: what Donetsk Oblast (doesn't) implement for their rehabilitation (*links are in Ukrainian*)



РЕАБІЛІТАЦІЯ ЖЕРТВ КОНФЛІКТУ



Дніпро, Донецька область, Київ, 2020

In 2018, the USAID Human Rights in Action Program released its [analytical review](#) “Rehabilitation of conflict’s victims. Does the state offer anything apart from disability status and crutches?” This month we would like to share [a similar review, but with specific focus put Donetsk Oblast](#).

The heart of the matter is that reforms expanded opportunities to help those in need in a decentralized way, but initiatives undertaken by local authorities are sometimes insufficient and questioned on many levels. Human rights defenders are concerned about the absence of effective mechanisms for providing social, legal protection and rehabilitation services (medical and physical rehabilitation, psychological rehabilitation and assistance, provision of required aids and equipment) to those affected by warfare: IDPs, residents of “gray” zones, former servicemen. That is why this review of ours (just like the previous ones touching upon [Dnipro](#) and [Sumy](#)) unveils an array of rehabilitation difficulties and, more importantly, suggests ways of improvement.

We are glad to announce that Program-backed remote notary services idea is now to be translated into action, government declares (*links are in Ukrainian*)

Ukraine’s Ministry of Digital Transformation has presented a Public directory of 94 digital state development projects¹ to be implemented during next three years². [Electronic services for IDPs](#) and residents of temporarily occupied territories are part of these national digitization projects. In particular, it goes about e-delivery of notary services (*can be found from [this link](#), under the justice category (Юстиція, Цифрова трансформація нотаріату (e-Notariat))*).

It is worth [reminding](#) that, while remote provision of notary services has long been common in Georgia and the United States, Ukraine has only recently stepped up efforts to implement such a system. This will prove most useful to the

Згідно статистики звернень жителів ТОТ до приймальень УГСПЛ протягом 2014–2020 років найбільш затребуваними нотаріальними послугами є:

- відкриття спадщини;
- посвідчення заповітів;
- засвідчення справжності підпису на документах;
- посвідчення згоди на виїзд малолітньої та неповнолітньої дитини за кордон або за межі окупованої території другим із батьків;
- посвідчення довіреностей на представництво інтересів громадянина за межами окупованої території в національних судах чи в органах державної влади, а також угод з адвокатом;
- посвідчення інших правочинів (у тому числі договорів щодо відчуження нерухомого та рухомого майна).

¹ ТОТ – тимчасово окупована територія.

¹ These are projects of digital state development in the areas of education, health, justice, economy and trade, energy, infrastructure and the like.

² As part of “Diia: Digital State”, the largest-scale digital project in Ukraine today, which is led by the Ministry of Digital Transformation.



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those residing in the temporarily occupied territories of Donbas and Crimea, who are often unable to visit a notary in person.

[The concept of e-notary](#) for residents of temporarily occupied territories was co-drafted by USAID Human Rights in Action Program and Mission of Ukraine's President in Crimea ([link 1](#), [link 2](#).)

In one sentence: Activities under USAID Program's and its experts' participation aimed at overcoming consequences of the armed conflict and occupation (*links are in Ukrainian*)

- Reintegration Ministry's new draft law on transitional justice has plenty of blind spots, our experts believe, but what are they, and why, if improved, this draft law might still become a solid groundwork for government's reintegration aspirations – [can be understood from this publication](#) and [this one](#) as well.
- USAID Program co-hosted webinar on sanctions and what legal principles does this political instrument requires – everyone can use this [link](#) to delve deeper into this topic and find out to what extent political sanctions should be legally based, international experience of applying sanctions including against own citizens, etc.
- USAID Program in cooperation with "Media Initiative for Human Rights" NGO would like to provide an update on the situation with hostages held in the temporarily occupied territories of Donbas – [at least 220 persons suffer from illegal imprisonment, we deem](#).
- Torture, sexual exploitation, rape, infliction of bodily harm, degrading treatment and a number of other alleged gross human rights violations, war crimes and crimes against humanity are a systematic occurrence in the temporarily occupied territory of Ukraine, but [what are the human rights, law enforcement and judicial systems doing to protect the victims of these crimes?](#)
- Several comments by UHHRU's Executive Director Oleksandr Pavlichenko: (1) as for new [decentralized homereturning attempt](#) of Kremlin's detainees and why it is a very nuanced one; (2) [necessary steps](#) on the road to Crimea's de-occupation.



Other related activities by UHHRU in brief:

- UHHRU and other human rights organizations [express a strong protest](#) against the latest searches in [seven] homes of Crimean Tatar people. As reported, on 17 February 2021, the occupying authorities in Crimea have again [resorted](#) (*link in Ukrainian*) politically motivated criminal persecution of Ukrainian nationals.
- UHHRU released new report on implementation of its gender equality and non-discrimination policy in 2020 – [link in Ukrainian](#).



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STRATEGIC LITIGATIONS

Within this direction USAID Human Rights in Action Program supports strategic legal cases domestically and internationally to protect public interests³, 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.

European Court of Human Rights issued a precedent-setting decision in conflict-related legal cases

From the very beginning of the armed conflict in Ukraine, UHHRU/Program has been providing assistance to those persons whose case files are lost, destroyed, or just stuck within the temporarily occupied territories of Ukraine. In particular, our legal team supported a [case of two applicants](#) against whom criminal proceedings are pending in respect of offences committed in part of Luhansk Oblast that the Government of Ukraine does not control so far, and which cannot be completed because of the inability to access the case files. Our aim was to prove that the authorities were not taking sufficient measures to advance the examination of the applicants' cases under the circumstances or regulate their status in that connection in a clear manner.

[ECtHR's recent judgement](#) (*link is in Ukrainian*) is an important one in terms of pushing the government to take all the measures available in order [to organize the country's judicial system](#) (*link is in Ukrainian*) in a way that would guarantee applicants' right to access the court and to appeal in criminal cases the flow of which has been aggravated by the ongoing armed conflict.

Other related activities by UHHRU in brief:

- UHHRU in a spirit of cooperation with Prosecutor General's Office of Ukraine, Crimean Prosecutor's Office and other partnering organizations submitted a case to the International Criminal Court concerning mass persecutions of journalists in the temporarily occupied Crimea – [link in Ukrainian](#).

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, [Stanytsa Luhanska](#), [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.

³ 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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Events to raise people's awareness on how to protect their rights *(links are in Ukrainian)*

- Crimea-oriented legal aid center [continues raising people's awareness](#) on what might be the reason a citizen of Ukraine is denied to cross the administrative border with Crimea.
- Our Dnipro-based lawyer [comments](#) on why the Government of Ukraine failed to win 95% of its ECtHR cases in 2020, and why this is a trend.
- How to terminate labor relations with an employer from the conflict zone who failed to re-register? Mariupol LAC [explains](#) this procedure in detail.
- Pokrovsk LAC: Ukrainian citizens living in the temporarily occupied territory are [entitled](#) to Ukrainian birth certificates.
- When is the new soft loan program for IDPs going to be launched? Find out in this [article](#) by the Sumy legal aid center.

Legal assistance to those affected by the armed conflict and occupation *(links are in Ukrainian)*

- Toretsk lawyer [makes efforts to protect](#) people's right to have access to drinking water, which has been an issue in this frontline town for 7 years already *(see photo)*.
- The number of applications from people who face administrative charges by the Border Guard Service increases – the matter of concern is that those people use checkpoints controlled by Russia and illegal armed groups to travel, avoiding those at the contact line between the non-government-controlled areas and government-controlled areas of Ukraine. [This link](#) holds more information about one of such cases taken care of by our lawyer.
- [Pokrovsk reports another success](#): a woman asked the LAC for help because her granddaughter's father was refusing to pay child support. The child has a disability and needs money for treatment, but her father refused to help in any way.
- Human rights activists from the Toretsk LAC [helped](#) a local resident get pecuniary and non-pecuniary damages for unlawful actions of law enforcement officers.



Latest infographics to illustrate performance of USAID-sponsored legal aid network of UHHRU

USAID Program continues regular reporting on the LACs' legal aid delivery in conflict-affected regions. Here is the data for [January 2021](#) 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



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Program “[We Understand Human Rights](#)” (WUHR)⁴, which is being the only informal educational system that has the material basis for its activities – Educational Human Rights House-Chernihiv.

Situation in the educational sphere in the temporarily occupied territory of Ukraine – USAID Program released a new thematic report

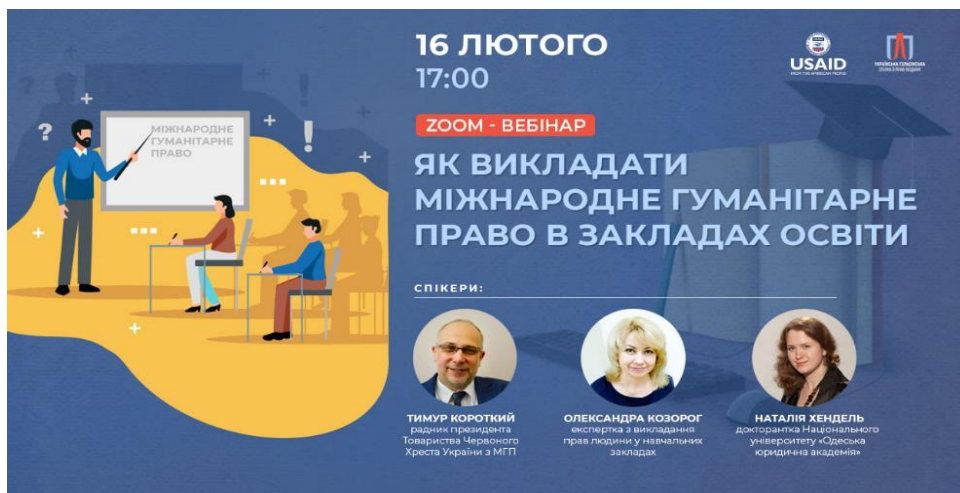
The right to education plays an important role in the system of human rights. One of the guarantees for this right, provided by domestic legislation as well as international standards in the field of education, involves positive obligations of a state. However, Kremlin’s armed aggression has been obstructing Ukraine’s ability to ensure observance of this right in the temporarily occupied territories. About one million children currently live there, including over 400,000 school-age children. Although under international humanitarian law it is the occupying power’s duty to provide them with school education, the question arises as to whether Ukraine may forsake its own obligations in this regard.



Visit [this link](#), in Ukrainian, to find out what the authors of the new thematic report think about the described situation, and [this one](#) if you would like to get acquainted with the study itself, including a number of recommendations on the remedial measures.

Promoting international humanitarian law among Ukrainian educators and other concerned actors (links are in Ukrainian)

USAID Program conducted [another webinar](#) with the purpose to make the educators familiarized with peculiarities of IHL teaching at the educational institutions along with the risks that may arise.



⁴ 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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This was done on the basis of USAID-sponsored manual “[Studying IHL at educational institutions](#)”. Among discussed issues were legal norms regulating human rights protection in the armed conflicts, qualification of armed conflicts, responsibility for war crimes, along with practical advice on methodical approaches, forms and methods of work with such a sensitive topic.

We encourage educators to watch out for future announcements and join upcoming events!

Launching International Law Talks initiative

USAID Human Rights in Action Program hosted [the second webinar](#), devoted to ICC and its role in investigating Kremlin’s war crimes in Ukraine, within the International Law Talks 2021 initiative on the conflict-related topics, co-organized jointly with the Media Initiative for Human Rights and Mission of the President of Ukraine in Crimea. This time our invited speakers were Professor Iryna Marchuk, Associate Professor of Criminal Law at the University of Copenhagen, and Professor Kevin Jon Heller, Professor of International Law and Security at the University of Copenhagen, Professor of Law at the Australian National University.

#InternationalLawTalks

26 FEBRUARY
12:00-13:30 (EET)

ZOOM - WEBINAR

INTERNATIONAL CRIMINAL COURT:
INTERNAL DYNAMICS,
GEOPOLITICS AND UKRAINE

SPEAKERS:

Prof. KEVIN JON HELLER,
Professor of International
Law and Security, University
of Copenhagen; Professor
of Law, Australian National
University

Prof. IRYNA MARCHUK,
Associate Professor of
Criminal Law, Faculty of
Law, University of
Copenhagen

MODERATORS:

MARIA TOMAK,
Coordinator, Media
Initiative for Human
Rights

Dr. KATERYNA BUSOL,
Lawyer,
Centre for Defence
Strategies



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USAID is the world's premier international development agency and a catalytic actor driving development results. USAID's work demonstrates American generosity, and promotes a path to recipient self-reliance and resilience, and advances U.S. national security and economic prosperity. USAID has partnered with Ukraine since 1992, providing more than \$3 billion in assistance. USAID's current strategic priorities include strengthening democracy and good governance, promoting economic development and energy security, improving health care systems, and mitigating the effects of the conflict in the east. For additional information about USAID in Ukraine, please call USAID's Development Outreach and Communications Office at: +38 (044) 521-57-53. You may also visit our website: <http://www.usaid.gov/ukraine> or our Facebook page at <https://www.facebook.com/USAIDUkraine>.

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