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USAID HUMAN RIGHTS IN ACTION PROGRAM UPDATES

HUMAN RIGHTS MONITORING, ANALYTICAL ACTIVITY AND ADVOCACY

Parliament adopted bill to secure social and legal protection for Kremlin's detainees

The Presidential urgent bill No 6104 was adopted: advocated for many years by the civil society (including UHHRU/ USAID Human Rights in Action Program) through different channels and finally completed in cooperation with responsible state actors, it is aimed at creating the legislative mechanisms (link is in Ukrainian) to secure social and legal protection for individuals deprived of their liberty in result of the Russia's armed aggression. Defining a set of persons subject to protection (e.g. POWs, civilian hostages and political prisoners), the law envisages creation of a commission establishing the facts of personal liberty' deprivation along with the unified register of such persons; the procedure for paying financial assistance to affected persons and their families; guarantees for medical assistance, rehabilitation and legal protection; enjoyment of housing, labour, and educational rights, the right to pension and compulsory state social insurance.

Definitely a very positive move forward after roughly 7 years of lacking a robust piece of legislation to protect the detained Ukrainians whose number is at least 127 in temporarily occupied Crimea and 295 in Donbas.

State-owned Ukrainian National Center for Peacebuilding opened, becomes world's first of its kind (links are in Ukrainian)

On December 15, the Ukrainian National Center for Peacebuilding officially kicked off following genuine partnership between the government, human rights defenders and peacebuilders.1 More broadly, the institution will coordinate peacebuilding activities of different stakeholders, promote social cohesion, unity and stability, help to overcome the consequences of the armed conflict and occupation, as well as will collect evidence of committed human rights violations and war crimes in order to hold abusers accountable. Not to mention that Center's very existence totally makes sense in terms of



preserving historical memory about tragic events in Ukraine for the sake of their non-recurrence one of the transitional justice principles implemented in Ukraine.

The Center is set to become an integral part of the state system of human rights violations monitoring and documentation – a system never seen in the world before. This positions the newly established Center as a standout effort to finally institutionalize many years of work of the nongovernmental sector including UHHRU/Program's Human Rights Abuse Documentation Center. Also, Center's work will help the government to meet obligations in this field as prescribed by a number of adopted domestic laws, strategies, programs and international commitments.

¹ Additional link.





New thematic report, 10th in a row, released by Program's human rights documentators

Human Rights Abuse Documentation Center of UHHRU/ USAID Program released a new thematic report on Kremlin's war crimes – this time it recalls events in the town of Antratsit of Luhansk Oblast (still occupied by Kremlin's proxies) – <u>link in Ukrainian</u>. This edition is a part of the Program-authored series of reports under the shared title "Story of a City", depicting stories of invaded localities in conflict-torn Donbas and therefore laying grounds for preserving historic records of tragic events.



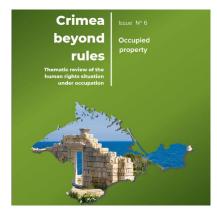
Izolyatsia: must speak website is up and running

In coordination with other stakeholders (including the Foreign Affairs Ministry), UHHRU/USAID Program co-organized a <u>presentation</u> (in Ukrainian) of the website "Izolyatsia: must speak" to mark anniversary of the information campaign which aims to draw attention to a de-facto concentration camp that is illegally set up on the site of the international charitable foundation of the same name, Izolyatsia, after occupation of Donetsk in 2014. Everyone is encouraged to visit <u>this link</u>.



Other related activities by UHHRU in brief:

More than 6 years have passed since the release of the <u>second issue</u> of the Crimea Beyond Rules digest devoted to the observance by the RF, as an occupying power, of the rights of owners of property located in the territory of Crimea. A series of events that occurred during this time in the occupied peninsula encouraged authors to prepare a new review covering longer period of the occupation – from February 2014 to June 2021.² The English version is now available <u>from this link</u>. FYI, all previous issues can be found from <u>this storage</u>.



² Additionally, here is our lawyer's <u>interview and accompanying text publication</u> on this matter (in Ukrainian).





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 the conflict-related cases, which have been supported by UHHRU's Strategic Litigation Centre (SLC) within the Program is over 200.

Program's effort to sue war criminal responsible for artillery strike on civilians near Volnovakha in 2015 evolves

One of the most tragic events in the history of Kremlin's warfare against Ukraine entailed 11 passengers of a regular bus on the way killed and 19 more wounded. In 2021, court in Zhaporizzhya Oblast judged in absentia to life-sentence one of the executors – nowadays, our lawyer works for justice to be served in the court of appeal – <u>link in Ukrainian</u>. Just to remind, the case of deliberate artillery shelling near Volnovakha (where we also know the name of a Russian military agent who coordinated operation) is also considered by the European Court of Human Rights (ECtHR) and International Court of Justice.

ECtHR: cases on alleged violation of the right to peaceful assembly in Crimea can move forward

These cases are now at the stage of communication, which means the RF's government has to provide response to the questions and comments posed by the ECtHR. To clarify, these 12 cases of ours concern detainments that took place in Crimea in 2014-2018. The most famed case perhaps is detainments in May 2014 after the Crimean Tatars rallied to welcome their leader Mustafa Dzhemilev; another famous one is devoted to detainments of Ukrainian activists during meeting of 9 March 2015 near the Taras Shchevchenko monument under blue-and-yellow colors – link in Ukrainian.

FREE LEGAL AID

<u>UHHRU network</u> 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 <u>Toretsk</u>, <u>Mariupol</u>, <u>Kramatorsk</u>, <u>Pokrovsk</u> of Donetsk oblast, <u>Stanytsa Luhanska</u>, <u>Sumy</u> and <u>Dnipro</u> providing legal aid to conflict-affected population, as well as a <u>Kyiv-based Specialized LAC</u> targeting both Crimean and Donbas residents and IDPs from their along with a Specialized Crimea-oriented LAC in Kherson.

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

• The battle for property destroyed in Donbas: getting the authorities to perform a proper examination of your property.

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).





 In autumn 2021, the Government of Ukraine relaxed the procedure for temporarily occupied territories' residents to get their ID-cards, so the Program <u>explains</u> surfaced nuances, including in its just-in <u>infographic</u>.





- On 22 March 2022, new residence registration rules will <u>come into force</u>, which should make it simpler to use social and administrative services, both for Ukrainians from the temporarily occupied territories and for those that have relocated to the government-controlled territory with or without getting registered as IDPs.
- To reinforce abolishment of the Free Economic Zone "Crimea", the government continues relaxing rules for travellers wishing to cross the administrative border with temporarily occupied peninsula for the sake of reintegration efforts, believes Presidential Envoy on Crimea. The new Reintegration Ministry's decree No 258 is effective starting from December 7 to clarify goods that are limited or prohibited for carriage, as well as goods that are considered personal belongings, and cleared amounts of cash on hands, so our Crimea-oriented LAC rushed to explain details.
- When crossing the contact line via checkpoints in Donbas, a traveller may carry up to 50,000 UAH or an equivalent amount in foreign currency. No explanation of your money's origin is necessary. <u>But what if you need to transport a larger sum?</u>









Legal assistance to those affected by the armed conflict and occupation

Lawyers in Dnipro <u>helped</u> (*link is in Ukrainian*) an IDP to receive insurance payment due to trauma at work. Through this case, the LAC also exposed a problem when workers are forced to apply to the court to get fairly paid, because their cases are aggravated by the fact that some of the documents remain in the temporarily occupied territories where they used to work.

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

USAID Human Rights in Action Program continues regular reporting on the LACs' legal aid delivery in conflict-affected regions. Here is the data for <u>November</u> and <u>December</u> 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 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.

Continuing our International Law Talks series of webinars

UHHRU/USAID Program has three new episodes to check out:

- <u>"Donbas case" against Russia in the European Court of Human Rights: why were the hearings postponed and what to expect next year?"</u>;
- "2021: Human Rights in Review";
- <u>"Gender-sensitive assistance to conflict victims: from sensitive investigations to effective reparations".</u>

MAIN EVENTS IN HUMAN RIGHTS AREA

UN General Assembly passed two resolutions on Crimea (links are in Ukrainian)

On December 16, a strengthened resolution on human rights violations in the temporarily occupied peninsula has been adopted by the United Nations. Details can be found here.

Earlier on December 9, <u>new updated resolution</u> on militarization of Crimea and certain sectors of the Black and Azov seas has been adopted as well.

Updates from the Reintegration Ministry (links are in Ukrainian)

 Mechanism to compensate for houses destroyed/damaged amidst the armed conflict has been improved – a corresponding decree has been given green light on December 9.

While generally welcoming the decision, UHHRU/USAID Program deems improvements are insufficient. There is a belief that this decree is still <u>unable to tackle</u> two major issues in this filed:

1) the amount of compensation is still delinked from factual area of destroyed housing – no one ever should expect to receives above 300,000 UAH; 2) residents of non-controlled territories cannot count on compensation due to the impossibility of conducting a damage assessment there.

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.





From now on residents of the temporarily occupied territories can request the "baby's package"
(a one-time bundle to help parents take care of a newborn) from the Government of Ukraine or
opt for its monetary equivalent instead, ministerial message read.

Government axed discriminatory provision from its own decree to stop segregation of the released Kremlin's detainees, stop obstructing their right to social protection

To receive a supportive lump sum of 100K UAH from the Ukrainian government after release, one had to be on Ukrainian Security Service's list of those unlawfully detained and later released in course of official prisoners' swap. However, that was to say that those former detainees/hostages released from detainment in any other way (for instance, simply released after their "sentence" in "LNR/DNR" expired or so) were not officially registered by the Security Service of Ukraine and therefore had no right to the mentioned payment. From now on the government's corresponding procedure has this unfair rule thrown off (link is in Ukrainian).

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