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**DIGEST No 8(50) BY UKRAINIAN HELSINKI HUMAN RIGHTS UNION,
USAID HUMAN RIGHTS IN ACTION PROGRAM**

May 2019

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USAID HUMAN RIGHTS IN ACTION PROGRAM UPDATES

HUMAN RIGHTS MONITORING, ANALYTICAL ACTIVITY AND ADVOCACY

USAID Program's persistent work to protect rights of people whose health has suffered because of the armed conflict (*links are in Ukrainian*)

Expert of the USAID Human Rights in Action Program, being implemented by the Ukrainian Helsinki Human Rights Union (UHHRU), [visited](#) the town of Popasna of Luhansk Oblast to present Program's analytical account "[Rehabilitation of the conflict victims](#)" as well as to discuss with the local residents what recommendations should be elaborated for the regional and local authorities to better protect infringed people's rights. Special attention was accorded to the task of protecting children with disabilities and children affected by the conflict.



Recent interviews devoted to Kremlin's hostages and other conflict-related themes

The Program proceeds with implementing its advocacy campaign to ensure a degree of protection to Ukraine's nationals detained by the RF. This time [here](#) is the Program Chief of Party's interview to talk about recent developments in the case before the International Tribunal for the Law of the Sea concerning detention of our seamen ([the same interview in Russian](#)).

Further on, Executive Director of UHHRU [took part](#) in a talk show on the issue of possible compensations to the residents of the so-called "DPR" and "LPR" who fell victims of war crimes.

Finally, [here is](#) another detailed interview on the broader conflict-related and national security issues (*both links are in Ukrainian*).



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Program continues to closely monitor legislative initiatives that could have an impact on conflict resolution (*links are in Ukrainian*)

- [Legal analysis](#) of several draft laws: No 6170 “On prohibition of collaborationism”, No 7425 “On the protection of Ukrainian statehood from the manifestations of collaborationism”, No 7426 “On the amendments to the Criminal Code of Ukraine (concerning collaborationism and increasing responsibility for a treason)”.
- [Legal analysis](#) of the bill No 3343 “On ensuring rights and freedoms of citizens and legal regime in the temporarily occupied territory of Ukraine” in part concerning the procedure of restoring paper case files of pre-conflict prisoners that remained in territories beyond GOU control.
- [Calling](#) on the Verkhovna Rada to adopt bill No 9438 on harmonization of Ukraine’s criminal law with international law in cases related to armed conflict and occupation.
- [Urging](#) MPs not to support a draft law 8337 on social «protection» of hostages.

Only about 27% of measures envisaged by the conflict-related parts of the National Human Rights Strategy and its Action Plan have been implemented

Since 2016, UHHRU/Program, together with the Ukrainian Parliament Commissioner for Human Rights and other civil society organizations, has been monitoring the implementation of the National Strategy and its Action Plan. Human rights defenders once again [stress](#)¹ that the Government's actions are insufficient to address systematic human rights violations related to the armed conflict and occupation (*link in Ukrainian*).

ВИКОНАННЯ НАЦІОНАЛЬНОЇ СТРАТЕГІЇ У СФЕРІ ПРАВ ЛЮДИНИ В ЧАСТИНІ ЗБРОЙНОГО КОНФЛІКТУ

ЗАХИСТ ПРАВ ВНУТРІШНЬО ПЕРЕМІЩЕНИХ ОСІБ

- ✓ **20.04.2016** засновано МІНІСТЕРСТВО З ПИТАНЬ ТИМЧАСОВО ОКУПОВАНИХ ТЕРИТОРІЙ (ТОТ) ТА ВНУТРІШНЬО ПЕРЕМІЩЕНИХ ОСІБ (ВПО)
- ✓ **15.11.2017** схвалено Стратегію інтеграції ВПО та впровадження довгострокових рішень щодо внутрішнього переміщення на період до 2020 року та 21.11.2018 затверджено План заходів на її реалізацію.

НЕОБХІДНО

ВЕРХОВНІЙ РАДІ УКРАЇНИ:

- ✓ **ПРИЙНЯТИ законопроект щодо механізму забезпечення виборчих прав ВПО,** зокрема щодо реалізації виборчого права на місцевих виборах виборчого права на місцевих виборах
- ✓ **ЦЕ МОЖЕ БУТИ законопроект №6240** «Про внесення змін до деяких законів України (щодо виборчих прав ВПО та інших мобільних всередині країни громадян)»

КАБІНЕТУ МІНІСТРІВ УКРАЇНИ:

- ✓ **РОЗРОБИТИ порядок компенсації вартості пошкодженого майна** з обов'язковим визначенням: механізму нарахування компенсації та джерел її виплати, механізму залучення донорів та інвесторів
- ✓ **РОЗРОБИТИ методичні рекомендації** щодо проведення експертизи проектів нормативно-правових актів, що стосуються прав ВПО, на відповідність Керівним принципам ООН з питань переміщення всередині країни

USAID Від Американського Народу

УКРАЇНСКА ГЕЛСІНКА СПІЛКА З ПРАВ ЛЮДИНИ

ВИКОНАННЯ НАЦІОНАЛЬНОЇ СТРАТЕГІЇ У СФЕРІ ПРАВ ЛЮДИНИ В ЧАСТИНІ ЗБРОЙНОГО КОНФЛІКТУ

НЕОБХІДНО

- ✓ **ЗАПРОВАДЖЕННЯ засад перехідного правосуддя**
- ✓ **ВИКОНАННЯ** Кабінетом Міністрів України прийнятого 12.07.2018 **Закону України №2505-VIII** «Про правовий статус осіб, зниклих безвісти»

НАПРИКЛАД, шляхом прийняття законопроекту «Про засади державної політики захисту прав людини в умовах подолання наслідків збройного конфлікту»

До 2.11.2018 мали бути створені відповідні інституції для його виконання, зокрема Комісія з питань зниклих безвісти осіб та Реєстр зниклих безвісти осіб

ВЕРХОВНІЙ РАДІ УКРАЇНИ:

- ✓ **ПРИЙНЯТИ** законопроект № 9438 «Про внесення змін до деяких законодавчих актів України щодо забезпечення гармонізації кримінального законодавства з положеннями міжнародного права»

USAID Від Американського Народу

УКРАЇНСКА ГЕЛСІНКА СПІЛКА З ПРАВ ЛЮДИНИ

¹ A related Facebook [post](#).



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Lectures on human rights protection amidst armed conflict and occupation

International humanitarian law, responsibility for human rights violations in Crimea and Donbas, and protection of conflict-affected people in Ukraine – those were key points that Program lawyer's [lecture](#) was built around on May 16 (*link in Ukrainian*). Its goal was to dispel myths around the armed conflict in the east and occupation of the Crimean Peninsula that spring up due to the lack of knowledge of international law. First of all, as the expert believes, it is necessary to know the concepts that we use in everyday life and in business communication.

Other related activities by UHHRU in brief:

- **UHHRU, other NGOs supplied President Zelenskyy with recommendations aimed at ensuring a degree of protection to Kremlin's detainees' and support to their families**

On May 30, newly elected President of Ukraine [met](#) with the relatives of Kremlin's political detainees, relatives of hostages captured in eastern Ukraine and POWs, representatives of human rights NGOs. Ahead of this, UHHRU joined the [address](#)² that provides a number of priority actions that, as the civil society believes, will help to expedite the release of the detainees.

- **The RF cannot return to PACE: letter to ministers for Foreign Affairs of all PACE member countries ahead of Council of Europe ministerial meeting**

The open [letter](#) calls to oppose the return of the RF to the PACE until it releases all Ukrainian political prisoners, hostages and sailors, which was the PACE's requirement for Russia.

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 UHHRU Strategic Litigation Centre's (SLC) cases within the Program equals 251.

Other related activities by UHHRU in brief

- **Applications to the European Court of Human Rights (ECtHR)**

- ✓ An application has been submitted on behalf of the journalists that were conducting their professional activities in the GOU-uncontrolled territory. The Myrotvorets website published their personal information without their permission, which breaches the Law of Ukraine "On protection of personal data".
- ✓ UHHRU requested the ECtHR, in accordance with its Rule 39, to help ensure that proper medical care is provided to an applicant arrested in Crimea, on account of existing threat to his life. The ECtHR has requested from the RF documents regarding the applicant's state of health as well as the medical care provided.

² A [related](#) Facebook post.

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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- **UHHRU's Lawyer joined Ukraine delegation's visit to ICC, The Hague, Netherlands**

Broader aim was to [discuss](#) (*link in Ukrainian*)⁴ the strategy of the Prosecutor's Office of the International Criminal Court for the coming 3-year period, which also includes speeding up the assessment of Ukraine's war-related materials. As of now, UHHRU and partners have made 7 submissions to the ICC Prosecutor's Office, which are linked to Kremlin's armed aggression, so it is now important to campaign strongly towards their sooner consideration. As a follow-up, later human rights defenders to deliver their recommendations aimed at optimizing the ICC's work.



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 Sloviansk, [Toretsk](#), [Mariupol](#), Kramatorsk, [Pokrovsk](#), [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.

⁴ A relevant Facebook [publication](#).



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Events to raise awareness of citizens on how protect their rights *(links are in Ukrainian)*

- [Post](#) from the Pokrovsk-based LAC on the admission of applicants from the temporarily occupied territories to Ukrainian universities.
- Dnipro LAC held a webinar on transitional justice – video footage is given [here](#) and [here](#).
- Sumy legal aid center prepared an [article](#) on IDP certificates, which are required for a child to be admitted to school.
- Mariupol LAC advises on how to get [pension arrears](#) accumulated before a person was registered as an IDP.
Pokrovsk legal aid center also [delves into](#) the issue of unpaid pensions.
- Sumy LAC together with partner institutions [held](#) a seminar “Registration of the status of a child who suffered as a result of hostilities and armed conflicts”.

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

- **Dnipro LAC helped an IDP to prove his disability status – human rights defenders believe the case can set a legal precedent**

A coal mine-worker from NGCA of Donbas spent over 20 years in health-damaging working conditions and thus should be given a PWD status with all law-prescribed social benefits.

To finalize status-granting procedure, public officials demanded one last document that could be received only from de-facto occupational authorities. Our lawyers believed this was unlawful and [took up man's case](#)⁵ to the court system.



- **LAC helped IDP woman prove her status of a single mother**

An absence of this status had been making the family's life difficult, the woman and her daughter were unable to travel abroad or cross the demarcation line (when crossing the state border with a child in the father's absence, one must have either the father's notarized consent or single mother certificate). Furthermore, there was no information regarding the girl's birth in the Register of Civil Records, which would greatly complicate obtaining a Ukraine's passport for the girl in the future. In the end, the woman [won the case](#), which was handled by the Sumy LAC.

- **Mariupol LAC helped win a case on child support**

Legal aid center of UHHRU was contacted by a man who was left with a little granddaughter after his daughter had been killed during the shelling of Mariupol by the illegal armed groups. The child's father is of no help and takes no interest in the child's life. The elderly couple have only their pensions for income and are unable to give the child with everything she needs, so our lawyers had to intervene.

- **Lawyers helped an IDP from Crimea to prove the fact of divorce**

The heart of the matter in this [case](#) is that a person divorced many years ago, but because of the peninsula's occupation lost some of the documents. So, the only way for him was to prove his divorced status through the court.

⁵ [Additional link](#).



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- **Helping to “save” a kindergarten in Donbas**

Our lawyers [prevented](#)⁶ closure of the only kindergarten in one of the towns located in the conflict-affected Slovyansk region. It was about to be closed by the local authorities without clear explanation of the reason.

Psychological retreat for LACs’ lawyers combined with capacity-building (*link in Ukrainian*)

On May 27-29, LACs’ employees [took part](#) in retreat on professional burnout, hosted by the USAID-contributed Educational Human Rights House-Chernihiv. The team deepened into the importance of resilience measures, psychological stability, emotional intelligence, time management and other related issues. Practically-oriented training facilitated in developing relevant skills and knowledge, likewise contributing to the team-building among the legal aid centers' network.



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)⁷, which is being the only informal educational system that has the material basis for its activities – Educational Human Rights House-Chernihiv.

⁶ A [relevant](#) Facebook post.

⁷ 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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Attending 2019 Mistechko USAID in Severodonetsk of Luhansk Oblast

On May 25, as a part of the Mistechko event, the Program organized its own “Human Rights in Action” platform where people were supplied with information on human rights amid the armed conflict and other practices of human rights protection. Visitors acquired information about services that Program-supported LACs offer to conflict-affected population, as well as received legal consultations from our Slovyansk-based lawyer.

Also, the Program campaigned towards USAID-contributed transitional justice model for Ukraine: the visitors were suggested to participate in an [art workshop](#) on eco-bag painting, during which our experts in an easy-to-understand creative manner familiarized them with the right to access justice, right to fair trial, right to be reimbursed for the damage, right to know the truth, guaranties of non-recurrence, etc.



MAIN EVENTS IN HUMAN RIGHTS AREA

Two female Crimean Tatar activists detained in occupied Crimea

On May 30, Lutfie Zudieva (activist and public defender during 2017 court hearings over single-person pickets in protest of mounting repressions against Crimean Muslims) and Mumine Salieva (human rights defender, activist of Crimean Solidarity NGO and a wife of political prisoner Seyran Saliev) were detained, faced fabricated charges⁸. Later, they were released.

UHHRU and other human rights NGOs strongly condemn such actions of the occupational authorities and call again for Kremlin to immediately release all political detainees, as well as international community to intensify pressure on Kremlin, including to impose targeted sanctions – [link in Ukrainian](#).

⁸ Updates about these and other cases concerning detained Crimean Tatar activists are available on the [Facebook page of the Crimean Solidarity movement](#), in Russian.



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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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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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