



# DIGEST No 7(60) 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**

# More information on relaxed admission to Ukrainian universities for youth from temporarily occupied territories

In light of the fact that Ukraine's Education Ministry united "Crimea-Ukraine" and "Donbas-Ukraine" educational centres, thus giving enrolees from Crimea and Donbas an opportunity to be accepted to one of the 91 HEIs throughout Ukraine <u>under the simplified procedure</u>, there is a growing demand for clarifications regarding nuances of the refreshed 2020 admission procedure. So we would like to recommend <u>these tips</u> authored by the USAID Human Rights in Action Program jointly with the Office of the Presidential Envoy on Crimea. As well, we encourage to apply to our LACs – for instance, from <u>Dnipro</u> or <u>Pokrovsk</u> – which are always willing to offer their good offices to assist everyone who is confused.



# Civil society believes National Human Rights Strategy is world away from being completed, having disappointing number of 28% as overall completion progress (links are in Ukrainian)

UHHRU/Program joined online public discussion devoted to the execution of the National Human Rights Strategy and its 2015-2020 Action Plan, hosted by the Ministry of Justice. <u>This material</u> contains a compilation of the most failed and relatively successful practices in terms of Strategy's enforcement over roughly 4 years of its existence<sup>1</sup>.

As well, our organization joined a <u>public address</u> calling the Cabinet of Ministers to pay due respect to human rights and freedoms in one of the fundamental documents – a GOU action plan. Insufficient recognition of human rights values and its protection measures in such a milestone document might entail even poorer execution of the National Human Rights Strategy.

<sup>&</sup>lt;sup>1</sup> Just reminding that the Program keeps on monitoring the situation with the National Strategy's implementation in part that covers conflict-related matters. UHHRU experts were involved into authoring the newest monitoring report on the National Strategy's progress.





Persons without Russia's citizenship can no longer own land in Crimea - is there a way to

fight this arbitrary decision of the occupying power? (links are in Ukrainian)

As reported earlier, according to Putin's fresh decree, foreigners, stateless persons and foreign legal entities are not allowed to own land plots near the coastline (which is almost entire peninsula). This also refers to Crimea's residents unless they are the Russian passport holders.

This decision clashes with international law, so human rights defenders <u>suggest</u> ways to fight the seizure of land plots that are legally owned, in particular, by the Ukrainian Crimeans<sup>2</sup>.

Find expanded recommendations on this matter are available in a <u>recent interview</u> with UHHRU/ USAID Program lawyer.



### A few comments from our experts on activities related to USAID Program (links are in Ukrainian)

- While the GOU eases quarantine nationwide, rules of crossing the administrative border with the temporarily occupied territories remain unchanged in May 2020. UHHRU Executive Director Oleksandr Pavlichenko delivered his remarks on the matter concerned<sup>3</sup>.
- Oleksandr Pavlichenko <u>delivered comments</u> concerning Kremlin's IHL/IHRL-breaching methods of warfare and what Ukraine's domestic response should be.
- UHHRU joined online discussion devoted to possible expansion of powers of Parliamentary Commissioner for Human Rights. New bill No 3312 dd. 7 April 2020 tends to deal with the issue of expanding the commissioner's powers, but still it is far from being perfect, <u>UHHRU believes</u>.

# Ukrainian Scenario of Transitional Justice: how to avoid repeating other people's mistakes (links are in Ukrainian)

An open discussion was <u>organized</u> by the National Platform "Dialogue on Peace and Secure Reintegration". In course of the event it was <u>pointed out</u> that it is of high salience to establish full-fledged functioning of Ukrainian public bodies as well as to have elections there right after deoccupation of the invaded territories. More event's takeaways are available from <u>this link</u>, just like <u>here</u> one can find remarks of our expert delivered.

<sup>2</sup> Our lawyer co-hosted an online briefing titled "How to protect property rights in occupied Crimea" together with the Office of the Presidential Envoy on Crimea, Crimean Prosecutor's Office and ally NGOs – its full video footage is available <a href="here">here</a>.

<sup>&</sup>lt;sup>3</sup> Please contact our legal aid centers for details, such as the <u>Mariupol</u> or <u>Sumy</u> LAC which constantly monitor the situation. <u>Pay particular attention</u> to the issue of crossing the administrative border with Crimea, as there's a number of nuances here.





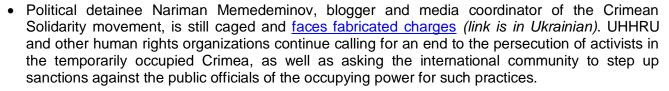
# Government breaks silence on launch of a separate negotiation platform on Crimea – the idea is not new yet immensely relevant

In 2017, jointly with partners UHHRU co-drafted a Model for a New Arrangement for Negotiations and Use of Legal Mechanisms for Armed Conflict Resolution between Russia and Ukraine and Return of the Temporarily Occupied Territories. We still believe the need is here to create a Crimea-focused negotiation platform to initiate international discourse regarding de-occupation and reintegration of peninsular, as well as to separate political and humanitarian aspects within the Minsk peace process to exclude the use of humanitarian issues for political purposes.

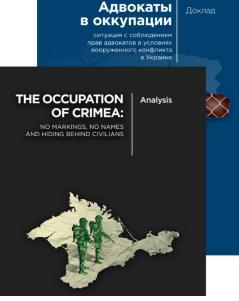
Recently, <u>news appeared</u> (*link is in Ukrainian*) that the government is ready to launch such a platform, so when this intent is to be translated into actions, UHHRU is ready to provide our expertise and advice to the public bodies, and we call other interested stakeholders to support this idea and make their own contribution for the benefit of Ukraine's conflict-free future.

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

- In 2018, UHHRU jointly with partnering "Regional Human Rights Centre" NGO, internally displaced advocates and advocates from temporarily occupied territories <u>issued</u> analytical report "Advocates under occupation: situation with observing the advocates' rights in the context of the armed conflict in Ukraine". These days the International Commission of Jurists (Geneva, Switzerland) issued their <u>own report</u> (*in Ukrainian*) concerning the attacks against lawyers in Ukraine. We highly recommend both reports as they complement each other in many ways.
- Analytical report "Occupation of Crimea: no markings, no names and hiding behind civilians" is now available in English: This <u>analytical paper</u> on the use of prohibited methods of warfare during Kremlin's occupation of Crimea in February-March 2014 is co-developed by UHHRU and Regional Center of Human Rights. It brings to the fore a
  - Regional Center of Human Rights. It brings to the fore a number of thorny questions under IHL, namely on the prohibited means and methods of warfare by the RF. The subject-matter infographic is placed here as well for everyone's perusal.



- The Amnesty International Ukraine launched a solidarity action to exhilarate political detainee Server Mustafayev, Crimean Tatar activist and founder of Crimean Solidarity movement, caged in May 2018 by Kremlin's oppressive regime. UHHRU <u>calls</u> everyone to join too (*link in Ukrainian*).
- Ukraine's gender equality commissioner Kateryna Levchenko faces baiting, uncertain intensions
  of provokers. UHHRU <u>steps in to protect</u> as she, UHHRU believes, plays things right to eliminate
  gender-based violence in Ukraine and equalize rights of different gender groups (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>, Kramatorsk, <u>Pokrovsk</u> of Donetsk oblast, <u>Stanytsa Luhanska</u>, <u>Sumy</u> and Dnipro 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 and a Specialized Crimea-oriented LAC in Kherson.

Events to raise people's awareness on how to protect their rights and further informational activities adhering to Program's objectives (links are in Ukrainian)

• USAID Program released an <u>infographic</u> to explain the peculiarities of justice authorities' work regime during the quarantine. This will mostly be useful for conflict-affected people.



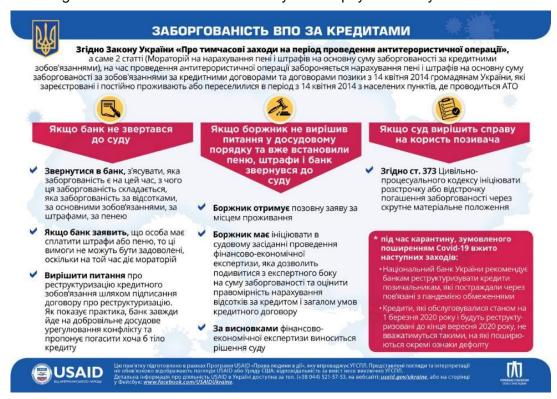
- Here is a legal news digest launched by our LAC in Pokrovsk to explain an array of issues connected with the COVID-19 challenges. The said LAC is open to feedback to make possible further episodes more comprehensive and sensible<sup>4</sup>.
- The Kramatorsk LAC stands ready to provide <u>clarifications</u> regarding the provision of free meals to IDP-children in schools and kindergartens, especially since President Zelensky recently approved the relevant law No 0930. Concerned parents should not hesitate to contact our LAC!
- LAC in Dnipro hosted a media event devoted to debts on loans (as there are plenty of such cases among IDPs) amidst the COVID-19 outbreak and national lockdown that led to the rise in

<sup>&</sup>lt;sup>4</sup> Please leave your feedback in comments beneath the Facebook post.





unemployment. Experts talked on how people can <u>protect themselves</u> from unlawful actions of loan-giving structures and what imminent repercussion is to follow when a person uses services of low-ethic financial organizations. As well, USAID Program issued <u>an infographic</u> in order to explain IDPs legal outs from a situation when they cannot pay in a timely manner bank loans.



May 5 marked the International Day of Persons with Disabilities, which prompted the Sumy LAC
to <u>remind the public</u> that those who received a disability amidst the Anti-Terrorist Operation/ Joint
Forces Operation (ATO/JFO) in eastern Ukraine can register this as a disability sustained due to
injury, contusion or trauma instead of a general category of disabilities.

The same LAC <u>posted</u> about changing of voting address for IDPs in light of the recently adopted decree of the Central Election Commission in effect from 1 July 2020 onwards.

 Lawyers from the Stanytsia Luhanska legal aid centre together with the Chuhuiv Human Rights Group <u>has started to monitor</u> the usage of international aid provided to renovate residential buildings damaged in result of ATO/JFO and the difficulties that arise in this regard (in particular, when it comes to building commissioning). We encourage local residents interested in this issue to contact our lawyers.

Here's a couple of other useful publications from the said LAC: <u>information</u> on the inheritance process for IDPs, as well as <u>explanations</u> on how IDPs can claim state-backed social benefits.

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

• Another suspended pension-related <u>victory</u> scored by our lawyers in the court of law from Sumy, which this time concerns a man whose pension had been frozen for roughly 2.5 years.





 A <u>successful case</u> for the Toretsk LAC, which involved a complaint against the inaction of law enforcement, namely their failure to enter a crime report into the Single Register of Pre-Trial Investigations.

### Latest infographics to illustrate legal aid network's performance

The Program continues regular reporting on the LACs' legal aid delivery in conflict-affected regions. We are glad to present information covering <u>April 2020</u> with thematic, regional and gender disaggregation.

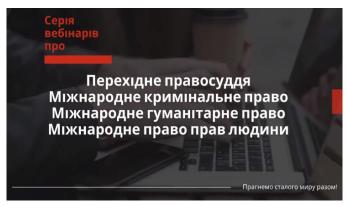
#### **HUMAN RIGHTS EDUCATION AND AWARENESS RAISING**

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)<sup>5</sup>, which is being the only informal educational system that has the material basis for its activities – Educational Human Rights House-Chernihiv.

#### Program continues co-hosting a series of webinars for legal practitioners (links are in Ukrainian)

These <u>webinars</u> are organized in partnership with the Office of the President's Envoy on Crimea (Kyiv) and devoted to transitional justice and IHL application amidst the armed conflict and occupation:

- The <u>sixth webinar</u> was titled "International crimes" and was hosted by the Presidential Envoy on Crimea Anton Korynevych.
- The <u>seventh webinar</u> "Truth commissions: regional and historical dynamics" took place with Katerina Busol, Ukrainian lawyer specializing in international humanitarian and criminal law, Chatham House, Robert Bosch Stiftung Academy Fellow, as a guest speaker.



- Valeriya Lutkovska, Human Rights Ombudsperson in 2012-2018 and one of then-active contributors to Program-tailored transitional justice model for Ukraine, delivered the next webinar within this series titled "Comparative analysis of reparations in countries where transitional justice has been applied".
- <u>The ninth webinar</u> was devoted to justice in absentia and delivered by Mykola Mazur, Supreme Court judge.

<sup>5</sup> 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.





#### A few more online lectures delivered by Program's experts in May (links are in Ukrainian)

USAID Human Rights in Action Program continues hosting lectures for the staff of the Office of the Presidential Envoy on Crimea, other interested public officials and human rights activists, which span fundamentals of tailored transitional justice model for Ukraine and broader conflict-related issues:

- Yulia Kazdobina, Head of the Ukrainian Foundation for Security Studies, delivered two episodes of one lecture: the <u>first one</u> touched upon the national and international regulations of restrictive measures (sanctions) and the <u>second</u> <u>one</u> – to the tools allowing to regulate sanctions on domestic level.
- Another online lecture was devoted to human rights and how the European Convention on Human Rights protects it.



### MAIN EVENTS IN HUMAN RIGHTS AREA

#### Reintegration Ministry's regulations is officially adopted

What scope of work of the Ministry for Reintegration of the Temporarily Occupied Territories will be and more details on its mandate can be read from this link (in Ukrainian).

# Foreign Ministry launches platform to coordinate actions on release of Ukrainian political detainees

<u>Such a framework</u> is not a new one for the Ukraine's Ministry of Foreign Affairs. In 2016-2019, a Civil Platform on Issues Related to Release of the Ukrainian Citizens Illegally Detained by Russia already acted under its auspices.

#### Foreign Minister's special envoy on sanctions policy appointed

Special Envoy Oleksii Makeiev will be the Ministry's first-ever (as such position had been non-existent before) person <u>responsible for coordination</u> of activities linked to imposing sanctions against flagrant international law abusers – now Kremlin mainly – as well as interplay with Ukraine's foreign allies in this field (*link is in Ukrainian*).





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