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**DIGEST No 9(62) 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

Transitional justice concept has been sent to the President's Office (*links are in Ukrainian*)

Congratulations to all who were part of this! The Legal Reform Commission's Working Group on Reintegration of Temporarily Occupied Territories has [submitted](#) a finalized concept paper on transitional justice for Ukraine to the President's Office where it will be reviewed by the concerned departments. The document is expected to be issued as a president's decree, while the Government and Parliament will be instructed to develop appropriate laws and by-laws.



To remind, the Ukrainian concept of transitional justice was prepared by a working group on reintegration of temporarily occupied territories established by President Zelensky back in August 2019 and which includes a representative of the UHHRU/USAID Human Rights in Action Program. The full text of the Concept has not been made public yet "to avoid misinterpretation", but [it has been highlighted](#) that the authorities are preparing a communication strategy to explain the importance of transitional justice to the public. See [this link](#) to learn what transitional justice is going to be like in Donbas and Crimea.

Remote notary services in Ukraine are possible

Remote provision of notary services has long been common in Georgia and the United States, but it is only now that Ukraine has started working on introducing a similar system. This issue is particularly urgent for the residents of the temporarily occupied Donbas and Crimea, for whom even the most basic things, such as certifying the authenticity of own signature on a document, requires an inordinate amount of time (several days) and money, to travel to the government-controlled area of Ukraine. It is even worse for low mobility groups who are often unable to travel on their own.

Given the number of applications related to notary services that human rights defenders are receiving, UHHRU/Program in concert with the Mission of the President of Ukraine in Crimea (Kyiv) have [studied the issue](#) and the [relevant experience](#) of other countries, weighed [the benefits and risks](#) of a remote system and now recommend implementing it in Ukraine. More to come!

Переваги дистанційного нотаріату			
Переваги	Пояснення		
 Економія часу та коштів	Жителі ТОТ не будуть нести транспортні витрати для використання послуг нотаріуса.	 Спрощення процедури перетину адміністративного кордону	Батьки малолітніх та неповнолітніх дітей отримають можливість дистанційно оформити згоду на виїзд дитини за кордон або за межі окупованої території.
 Фінансова зацікавленість	Нотаріальні контори та окремі нотаріуси отримуватимуть більший прибуток від наданих послуг.	 Спрощення процедури отримання правових послуг	Жителям ТОТ буде простіше уповноважити юристів (адвокатів) здійснювати представництво їх інтересів.
		 Створення умов для здійснення пенсійних виплат неможливим жителям окупованих територій	Завдяки дистанційному оформленню довіреності повірений може отримувати пенсію від імені пенсіонера (за умови видачі довіреності строком до 1 року)



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Program in concert with other stakeholders initiated “audit” of all registers connected to the occupation of Crimea and armed conflict in Donbas

UHHRU/Program together with the Permanent Representative of the President of Ukraine in Crimea (Kyiv) and Ministry of Reintegration of Temporarily Occupied Territories launched the process of analysing such registers and databases available to both the state and public organizations – [link in Ukrainian](#). After examining the current situation, we will offer joint recommendations on organization of their functioning and development in order to avoid duplication of efforts and co-work as efficiently as possible to achieve the transitional justice objectives. In particular, this concerns the expediency of creating a separate institution that would document the facts of human rights violations and war crimes and accumulate them in a single data repository that will combine data from different registers.

6th anniversary of the liberation of Slovyansk sees presentation of reports that [further] prove the involvement of former commander of the illegal armed groups Girkin in war crimes



On 6 July, representatives of the UHHRU/Program and the “Justice for Peace in Donbas” Coalition [presented](#) a series of reports on human rights violations committed during the capture and occupation of Slovyansk between 12 April and 5 July 2014. It contains testimonies of 78 individuals as for the war crimes committed in the city (including extrajudicial executions, torture and religious persecution) by the representatives of the illegal armed groups led by Russia’s national Igor Girkin¹.

Later the presentation [visited Slovyansk itself](#)², where people still remember the atrocities committed by the occupants. The speakers were telling the same things they had brought up in Kyiv, but the response in Slovyansk was somewhat different – with difficult questions and detailed comments from the audience. We are grateful to the city’s residents for showing interest in our work.



¹ [Additional link](#) (in Russian).

² [Additional link](#) (in Ukrainian).



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UHHRU/Program documentators translated right to the truth book into Ukrainian

Initially published in English and authored by a group of Brazil-based experts, this book tells in details what are the truth commissions and what place do they take in the system of transitional justice. Since there are very few materials on the matter concerned in Ukrainian, it makes sense to [have one translated](#) to raise the awareness of the various groups.

Other related activities by UHHRU in brief:

- **Analytical review “Crimea Beyond Rules. Occupied Justice” is now available in English**
Ever since Russia occupied Ukraine’s Crimean Peninsula in February-March 2014, the full control has been established over functioning of the Crimean courts. The aggressor state extended its own legislation to this territory and obliged “courts” to apply it not only to the legal relations occurred after occupation, but also to those happened before it. All these and other Kremlin’s hybrid war methods are described in the given Crimea Beyond Rules issue No 5 (part 1) which is now available in [English](#) as well as in [Russian](#).
- **UHHRU and other human rights organizations released a public statement on destruction of the Orthodox Church of Ukraine in Crimea** – in [English](#) and [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 conflict-related UHHRU Strategic Litigation Centre’s (SLC) cases within the Program equals 165.

SLC’s case tends to solve a situation when local authorities cannot perform their duties because of their forced removal during conflict

Igor Sklyarov, mayor of Amvrosiyivka (a town in Donetsk Oblast, now occupied by illegal armed formations), wants justice as he believes his labor rights have not been properly respected. The heart of the matter is not his removal by the occupying forces, which is an obvious wrongdoing, but his current legal status particularly in the GOU-controlled part of Ukraine. Domestic legislation provides neither clear explanation nor regulation of a situation when legally elected public officials cannot perform their duties anymore due to the fact they were forced to abandon their roles. As it stands now, Mr. Sklyarov is a mayor without a chair and no compensation for him is in sight – [link in Ukrainian](#).

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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Chatbot to help conflict-affected people with pension issues presented by USAID Program (*links are in Ukrainian*)

UHHRU/Program unveiled its new [free of charge chatbot](#) aimed at helping IDPs, as well as residents of Donbas non-government-controlled areas of Ukraine and temporarily occupied Crimea to file a lawsuit to get pension back payments reimbursed; the chatbot can be used only by those pensioners who are registered as IDPs in the government-controlled areas. A video tutorial aimed at helping clients to figure out the chatbot is placed [here](#) as well.

To remind, there is another chatbot, sponsored by the Program, which deals with the [alimony issues](#).

A strategic litigation to bring war criminals to justice for committing act of terrorism against civilians near Volnovakha in 2015

On 13 January 2015, Russia-backed illegal armed groups of the self-proclaimed “DPR” shelled with the “Grad” multiple rocket launcher a Ukrainian checkpoint near the town of Volnovakha in Donetsk Oblast, once again brutally violating the ceasefire agreements, as well as breaking international law. The terrorists stuck an intercity passenger bus driving nearby, with 12 killed and 19 wounded civilians – [link in Ukrainian](#).



UHHRU represents the interests of six victims/their relatives of the Volnovakha bus attack in the criminal court proceedings at domestic level. Applications have been also lodged with the European Court of Human Rights (ECtHR) to hold perpetrators liable, as well as to establish Russia’s responsibility in this case. Besides, thanks to our legal aid, the victims received one-time monetary assistance allocated by Ukraine’s Cabinet of Ministers in connection with the injuries/death of relatives resulting from this terroristic attack.

Compensation for the conflict-damaged property is almost mission impossible in Ukraine: Responsible governmental bodies refuse to pay court-awarded compensations (*links are in Ukrainian*)

According to the UN Human Rights Monitoring Mission in Ukraine, over 50K civilian houses have been damaged or destroyed due to armed conflict hostilities on both sides of the contact line in Donbas since mid-April 2014. Every such case should be compensated; therefore, the Program supports several subject-matter strategic litigations to help conflict victims to restore justice. While



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domestic courts ruled in favour of persons seeking compensation for their destroyed/damaged property, the State Treasury Service is in no hurry to pay money. It interprets judgments in its own way, thus delaying their proper enforcement. One of such cases and lawyers' efforts to remedy the situation are described in our [publication](#).

Further to the abovementioned, people who still live near the demarcation line and constantly suffer from shellings also [can't find compensation due to the Cabinet of Minister's flawed decree](#) No 947 aimed at establishing procedure of financial support provision to the victims and determining its amount.

Other related activities by UHHRU in brief:

Application to the ECtHR

- One case concerns the investigation of circumstances in which applicant's son was apprehended in 2016 near Bakhchisarai, Crimea, by unknown persons, and taken in an unknown direction. Russia's investigative authorities and the Crimean Prosecutor's Office in Ukraine conducted their investigations but proved ineffective and unable to establish the victim's whereabouts and circumstances of the abduction.
- In another case, Crimea-born applicant tried to enter the peninsula to attend his father's funeral but was informed at the administrative border by representatives of the occupying forces that he had been banned from entering Russian territory until 2054 by Russia's FSB for being a "threat to Russia's national security". Lawyers believe that this violates, among other things, the applicant's right to respect for private life and the right to freedom of movement.

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.

A man became first-ever individual from Dnipropetrovsk Oblast who this year was able to prove that his disability is linked to the armed conflict (*links are in Ukrainian*)

Those civilians who received a disability in result of the Anti-Terrorist Operation/Joint Forces Operation in eastern Ukraine can register this as a disability sustained due to injury, contusion or trauma instead of a general category of disabilities, about which our lawyers have been tirelessly informing conflict-affected people. Dozens of such cases are awaiting consideration by the responsible commission (attached to the Veterans Ministry) with uncertain chances for success (according to the UN, 7K to 9K civilians were wounded amidst armed conflict in Donbas).

Mr. Oleksandr Bondarenko [became the first person](#) in Dnipropetrovsk Oblast who was insistent enough to be granted such a PWD status in the year 2020, armed with our USAID-sponsored



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[infographic tips](#) and backed by the help from our Dnipro-based legal aid center of UHHRU. This unlocks extended social payments for him, treatment and rehabilitation in military hospitals at the expense of the state and other benefits, lawyer says.

ЯК ЦИВІЛЬНІЙ ОСОБІ ДОВЕСТИ ЗВ'ЯЗОК УШКОДЖЕННЯ ЗДОРОВ'Я (поранення, контузії, каліцтва або захворювання) з військовими подіями, отримати статус інваліда війни та захист з боку держави (згідно Постанови КМУ №306 від 25 квітня 2018 р.)

ХТО МАЄ ПРАВО?

- ✓ **особи, які до 1 грудня 2014 року** одержали поранення чи інші ушкодження здоров'я від вибухових речовин, боєприпасів і військового озброєння на території проведення АТО/ОСС;
- ✓ **особи, які з 1 грудня 2014 року** одержали поранення чи інші ушкодження здоров'я від вибухових речовин, боєприпасів і військового озброєння на території проведення АТО/ОСС, де органи державної влади здійснюють свої повноваження, та в населених пунктах, розташованих на лінії зіткнення (розмежування).

ЯК ДІЯТИ?

Якщо вам встановлено інвалідність внаслідок ушкодження здоров'я на території проведення АТО/ОСС, слід надіслати на розгляд Міжвідомчої комісії з питань встановлення факту отримання особами поранень чи інших ушкоджень здоров'я, одержаних від вибухових речовин, боєприпасів і військового озброєння на території проведення АТО (далі – Міжвідомча комісія), утвореної при Державній службі у справах ветеранів війни та учасників антитерористичної операції, наступні документи:

- ✓ заява постраждалої особи встановленого зразка;
- ✓ копії **паспорта** та документа, що засвідчує реєстрацію фізичної особи у Державному реєстрі фізичних осіб – платників податків, виданого органом доходів і зборів;
- ✓ копії первинної медичної документації;
- ✓ **висновок** медичного експерта, що засвідчує факт отримання поранень чи інших ушкоджень здоров'я від боєприпасів;
- ✓ **копія** довідки МСЕК про групу і причину інвалідності;
- ✓ **довідка** про відсутність (наявність) судимості за злочин проти основ національної безпеки України або злочин проти громадської безпеки;
- ✓ **витяг** з Єдиного реєстру досудових розслідувань про відкриття кримінального провадження стосовно факту отримання постраждалою особою поранень чи інших ушкоджень здоров'я від боєприпасів;
- ✓ **інші документи**, які можуть засвідчити отримання вами ушкодження здоров'я від боєприпасів на території проведення АТО/ОСС.

ЯКИЙ ТЕРМІН РОЗГЛЯДУ ЗАЯВИ?

Рішення приймається в **місячний строк з дня отримання документів**. Ухвалене комісією рішення повинно бути надіслано вам протягом трьох робочих. Рішення про відмову можна оскаржити у судовому порядку.

ЯКІ ПІДСТАВИ ДЛЯ ВІДМОВИ?

- ✓ **Наявний** судовий вирок за злочини проти основ національної безпеки та злочини проти громадської безпеки;
- ✓ **поранення** чи інші ушкодження здоров'я отримані внаслідок вчинення злочину або адміністративного правопорушення, у стані алкогольного, наркотичного чи токсичного сп'яніння, навмисного спричинення собі тілесного ушкодження чи іншої шкоди своєму здоров'ю, не в період і не на території проведення АТО/ОСС;
- ✓ **у разі підроблення** документів або подання недостовірної інформації.

ЩО РОБИТИ ПІСЛЯ ОТРИМАННЯ РІШЕННЯ?

На підставі рішення міжвідомчої комісії **МСЕК протягом п'яти днів установлює причинний зв'язок одержаної інвалідності з ушкодженням здоров'я від боєприпасів** та видає вам довідку про групу та причину інвалідності.

ЯКІ ПЕРЕВАГИ ЦЕ НАДАЄ?

Встановлення причинного зв'язку інвалідності з отриманими пораненнями чи іншими ушкодженнями здоров'я від боєприпасів надає вам право на **визнання особою з інвалідністю внаслідок війни та користування пільгами для цієї категорії осіб**. Пільги, на які мають право особи з інвалідністю внаслідок війни, встановлені в ст.13 Закону України «Про статус ветеранів війни, гарантії їх соціального захисту».

Security Service of Ukraine has been investigating a child's murder for over three and a half years, but has there even been an investigation in the first place?

In 2015, heavy shelling of Maryinka took from Ms. Natalia Klymenko not only her home but also what mattered to her the most – her 5-month-old daughter. Having lost all hope of getting justice from Ukrainian law enforcement, Ms. Natalia, assisted by our lawyers, turned to the ECtHR. *“If the ECtHR accepts the case, Natalia may be able to receive some pecuniary and non-pecuniary compensation. The states of Ukraine and Russia will be the respondent parties in the case,”* comments Dnipro LAC lawyer. See the [link](#), in Ukrainian, to find out more.

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)

- Our lawyer [visited](#) the Sumy geriatric boarding house of war and labour veterans, which currently hosts 10 internally displaced seniors, to update people on their restored right to vote in the local elections following the Electoral Code's revision in December 2020⁴.
- July 30 is the World Day against Trafficking in Persons; [this article](#) contains advice from our experts on how to identify potential recruiters and avoid falling victim to their vile schemes.

⁴ We also recommend taking a closer look at the situation in regard to the [cancellation of local elections](#) in Donetsk and Luhansk Oblasts.



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- Although Ukraine has been adopting various legislative decisions to protect IDPs in recent years, the state policy in this regard is still neither systemic nor effective. As a result, the process of integrating IDPs faces a number of unresolved challenges. Our analyst from Dnipro [tried to find out the reason for this](#).
- Mariupol LAC [explains](#) the procedure for obtaining child support from a father who remained in the non-government-controlled area of Ukraine.
- Sumy LAC [posted](#) about the raising of the living wage as of 1 July 2020 which is connected with different social benefits, including those paid to IDPs.

A law student, who fled from occupation, helps Dnipro LAC with legal work and awareness raising

UHHRU/Program is proud to have this enthusiastic, hard-working and dedicated young lady, a bright personality who chose not to live in the bondage of fear, as one of our free legal aid lawyers. BBC Ukraine's material that displays Vitalia's life story can be found from [this link](#), in Ukrainian.



Latest infographics to illustrate legal aid network's performance

The Program continues regular reporting on the LACs' legal aid delivery in conflict-affected regions. This time we are glad to present information spanning [June](#), [July](#) and [August](#) 2020 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)⁵, which is being the only informal educational system that has the material basis for its activities – Educational Human Rights House-Chernihiv.

Program co-organized⁶ webinar to boost journalists' professional skills

The aim was to raise understanding of Ukraine's armed conflict and occupation terminology and specifics – [link in Ukrainian](#). Participants got acquainted with the basics of IHL, learned about the difference between types of armed conflict and occupation and determine the status of their

⁵ 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.

⁶ This event was a collaboration of both our Program and another USAID-backed media-oriented program as part of initiative implemented by Internews and Information Press Center.



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participants, as well as learned about the specifics of collecting and reporting information on war crimes and crimes against humanity. One of the main ideas behind this event was that correct media coverage of the conflict's events helps to form the undistorted understanding of what is going on in Kremlin-inspired warfare against Ukraine among not only domestic audience but foreign stakeholders as well.

Visiting annual Educational Human Rights Fest *(links are in Ukrainian)*

The Fest is not just an educational but also an inspirational event, according to the organizers from Educational Human Rights House-Chernihiv⁷. If you have never been to the Fest and would like to get involved in it in the future, or just to find out what the participants were drawing inspiration from, given that the subject matter could get quite somber, complicated at times, take a look at [this link](#) and a list of events below in which our Program's experts were directly involved:

- ✓ The first one event appeared in the format of a [workshop](#), during which human rights defenders provided recommendations to the Ukrainian teachers on how to cover particular issues of the Russia's armed aggression in Donbas.
- ✓ Later, jointly with partners from "Justice for Peace in Donbas" Coalition, Program co-delivered [presentation](#) "The city from which the war has started" unveiling evidences of war crimes committed in 2014 in the city Sloviansk of Donetsk Oblast.
- ✓ Head of UHHRU/Program Documentation Centre Oleksiy Bida, who is also an IDP from Luhansk, [participated](#) in the discussion "Memory about the ongoing war" to share his personal and professional experience.
- ✓ And the last event of ours within the Fest was a [meeting](#) of alumni of UHHRU/Program training courses for the legal practitioners.



⁷ Sponsored by USAID in 2014-2017.



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Ensuring inclusion of TOT residents' interests into the draft strategy for development of civic education till 2030 (*link is in Ukrainian*)

UHHRU/Program provided an input into the draft Strategy for Development of Civic Education for the period till 2030 and draft Action Plan for its implementation (developed in pursuance of §2 of the Concept for Development of Civic Education in Ukraine dd. 2018, which contains no reference to TOT residents). This was done as part of the [mixed expert group](#) working under the Education Ministry's umbrella.

MAIN EVENTS IN HUMAN RIGHTS AREA

UN High Commissioner' reports on Crimea and eastern Ukraine

- UN High Commissioner for Human Rights unveiled [an interim report](#) of the Secretary-General (pursuant to the UN General Assembly resolution 74/168) titled "Situation of human rights in the Autonomous Republic of Crimea and the city of Sevastopol, Ukraine" spanning 1 July – 31 December 2019.

In our publication in Ukrainian, UHHRU/USAID Program [summarized](#) main types of abuses that are commonly applied in Crimea these days, joined Commissioner's remarks to sway Kremlin's officials to restrain from IHL-breaching wrongdoings.

In this context we should also recall that the Kremlin continues its systematic policy of intimidation against those opposed to the occupation, mainly Crimean Tatars, by prosecuting them on trumped-up charges – see [link 1](#), [link 2](#), [link 3](#). According to human rights activists, at least [100 people](#) are being held in Russian prisons right now.

- According to a [new report](#) of the Office of the United Nations High Commissioner for Human Rights, spanning April 2014 – April 2020, unlawful and arbitrary arrest and detention, protracted trials, lack of access to a lawyer, use of torture and ill-treatment and lack of effective remedy were common human rights violations that occurred during criminal proceedings and processes related to the armed conflicts in eastern Ukraine and in Crimea, temporarily occupied by the RF.

August 29th marked reopened checkpoints at the administrative border with occupied Crimea (*links are in Ukrainian*)

The entry-exit checkpoints with Crimea reopened, however travellers are obliged to undergo self-quarantine unless they are COVID-19-free (confirmed by the test). [This publication](#) contains more information concerning tweaked rules for the travellers to help prevent spread of the pandemic.

Earlier, human rights defenders had been campaigning to publicly reiterate our [shared point of view](#) that checkpoints' reclosure is discriminatory and anti-reintegrative by nature; we also spotlighted a possible backlash of such a limitation and our [recommendations to the GOU](#) to take the reins over it.



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No negotiations platform has been established on Crimea's de-occupation issues so far – leadership of Ukraine demonstrates consistency to reverse this detrimental trend

In his recent remarks, President Zelenskyy [stressed](#) that the de-occupation of Crimea is the same priority for him as the return of Donbas, as well as non-existence of a separate negotiations platform is an omission to be fixed soon. At the same time Prime Minister Shmygal announced – [link in Ukrainian](#) – that Ukraine's Ministry of Foreign Affairs finalized a concept for a new Crimea-focused international format.

It is noteworthy that over years UHHRU/Program in concert with partners have been advocating towards elaborating a tailored strategy of peninsula's return with creation of a separate negotiation platform on Crimea – see our [Model](#) for a New Arrangement for Negotiations and Use of Legal Mechanisms for Armed Conflict Resolution between Ukraine and the RF and Return of the Occupied Territories. Hence, we stand ready to provide our developments, expertise and advice.

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