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HELSINKI  
HUMAN RIGHTS  
UNION**

**DIGEST No 10(63) BY UKRAINIAN HELSINKI HUMAN RIGHTS UNION,  
USAID HUMAN RIGHTS IN ACTION PROGRAM**

**September 2020**

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## USAID HUMAN RIGHTS IN ACTION PROGRAM UPDATES

### HUMAN RIGHTS MONITORING, ANALYTICAL ACTIVITY AND ADVOCACY

#### Welcoming adoption of draft law No 2689 during its first reading in the Parliament

This piece of legislation should kick off the process of implementing international criminal and humanitarian law standards within Ukrainian legislation. Human rights defenders hope that soon genocide, crimes of aggression, crimes against humanity and war crimes will no longer be abstract concepts here, and that the perpetrators will no longer be able to avoid justice. So far there has been no mention of these crimes in the Criminal Code, making it look as if there has not been an international armed conflict in Ukraine for over 6 years.



See the [link](#), in Ukrainian, to have a better grasp of what exactly the authors propose, among them UHHRU/USAID Human Rights in Action Program's Oleksandr Pavlichenko.

#### Recommendations for improving admission to higher educational institutions for young people from the temporarily occupied territories

Despite the Government of Ukraine (GOU) relaxed admission to the Ukrainian higher educational institutions for enrollees from the temporarily occupied territories, as of early September, there were still plenty of blind spots in this year's admission procedures which might derail the entire campaign and reintegration of the occupied territories. UHHRU/ USAID Program and other concerned human rights NGOs released a [public address with very specific recommendations](#), in Ukrainian, to help the GOU to remedy the situation.

#### Transitional justice concept was presented to Ukraine's National Security and Defense Council

While the draft concept of transitional justice is under consideration at the President's Office, the Working Group on Reintegration of the Temporarily Occupied Territories under the Presidential Legal Reform Commission (which includes a representative of the UHHRU/USAID Program), are wasting no time using this opportunity to work on the Concept's communication strategy. Representatives of the National Security and Defense Council have already been invited to join the effort. The Council's Secretary Oleksiy Danilov [believes](#) ([link in Ukrainian](#)) that





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the Ukrainian Concept of transitional justice should be implemented as soon as possible, and that this should be done with the involvement of the Crimean Tatar people.

### **Remote notary services in Ukraine are possible, but risk mitigation must also be in place** (*links are in Ukrainian*)

As we have already mentioned previously, 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. UHHRU/Program in concert with partners have already [studied the issue, relevant experience](#) of other countries, and weighed [the benefits](#) of a remote system, but now we would like to highlight the potential [pitfalls](#), as this is one of the most important aspects to consider when translating a new idea into practice!

## **STRATEGIC LITIGATIONS**

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Within this direction USAID Human Rights in Action Program supports strategic legal cases domestically and internationally to protect public interests<sup>1</sup>, 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.

### **There is no such thing as too many chatbots! Free CrimealsUAbot is now available to people living on the temporarily occupied Crimean Peninsula** (*links are in Ukrainian*)

Why the more, the better? Well, it is because [*spoiler alert*] they are quite effective (see a success story below). Thus, we are glad [to present](#) an online assistant for all who require a quick consultation on the most common Crimea-related issues like issuance of passports, registration of birth/death facts, administrative border-crossing procedure<sup>2</sup>. For details about the new chatbot check out an [interview](#) with a UHHRU/USAID Program lawyer or simply [visit the website](#) of Ukraine's President.

### **Program's chatbot in action: It backs an IDP's victory in court, thereby helps to tackle pension debts issue** (*links are in Ukrainian*)

A [first instance court judged](#) a senior IDP must be reimbursed accumulated pension back payments in the amount of roughly UAH 38,000 that the Pension Fund of Ukraine was withholding with uncertain motives in mind. This is the first known case when a free of charge chatbot, [developed lately](#) by UHHRU/Program, delivers justice in a category of cases it was designed for – to assist officially registered IDPs, including residents of Donbas NGCA and temporarily occupied Crimea, to automatically do the paperwork and file lawsuits if a person cannot seek lawyers' help in person.

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<sup>1</sup> 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).

<sup>2</sup> It should be mentioned that our legal aid center specializing in Crimea issues is fully operational, so you can also contact them if you have [questions on this or other issues](#) (*link in Ukrainian*).

### Other related activities by UHHRU in brief:

#### **Application to the European Court of Human Rights**

The case involves a man who was arrested in April 2018 by representatives of the illegal armed formations of the self-proclaimed “DPR” (later released in 2019 as part of a prisoners’ swap). While in captivity, he was subjected to torture, threats and intimidation, forced to live in inhumane conditions and suffer degrading treatment, as well as to perform hard labor; he was also not allowed to contact his family. Furthermore, representatives of the so-called “DPR” seized all his property. In light of this, an application has been filed to the ECtHR alleging violations by Ukraine and Russia of Articles 3, 4, 5, 6, 7, 8 of the European Convention on Human Rights, as well as Article 1 of Protocol 2 and Article 2 of Protocol 4.

### **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.

#### **Presenting report on human rights observance when crossing the second line checkpoints**

It has been over 6 years since the conflict in eastern Ukraine broke out, yet the country still has not addressed a number of issues related to proper implementation of the principles and norms of international humanitarian law into domestic legislation.

This concerns first and foremost the systematic violations of human rights in the Joint Forces Operation zone as well as in the government-controlled areas (GCA). Thus, of particular urgency is the issue of human rights observance at second line checkpoints specifically, which are located in the GCA. Human rights defenders from UHHRU/USAID Program’s legal aid centers have been studying the issue for several months and are now [ready to share](#) their observations and recommendations (*link is in Ukrainian*).



#### **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 Sumy LAC [posts about](#) IDPs’ psychological rehabilitation. If anyone needs advice on this matter, do not hesitate to contact them.



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- Ukraine's Cabinet of Ministers has passed a resolution which introduced digital IDP certificates. From now on it will be possible to show these in digital form rather than having a physical copy on you at all times, [reports the Dnipro LAC](#).
- Mariupol LAC [explains](#) how NGCA residents can get a birth certificate aligned with Ukrainian standards.
- Sumy LAC [has posted](#) a reminder that as of September 10 it should be possible once again to submit applications for soft loans on housing for the participants of the Anti-Terrorist Operation/Joint Forces Operation as well as IDPs.
- Compensation for homes destroyed in Donbas: myths and reality, [according to the Dnipro LAC](#).

### 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 [September](#) 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)<sup>3</sup>, which is being the only informal educational system that has the material basis for its activities – Educational Human Rights House-Chernihiv.

### Right to the truth: Should controversial and thorny issues of history be taught at school? (*links are in Ukrainian*)

UHHRU/ USAID Program believes that when telling Ukrainian youth about the war, a balance should be struck between the heroes and the victims, without excluding the latter from historical discourse. We must demonstrate that things are not always clear-cut, that the right to the truth is a complex and often confusing subject. Our experts [were helping](#) teachers, librarians, education experts, representatives of education departments and parents to find solutions to this challenge during the Festival of Opinions 2020 in Severodonetsk.

Visit [this](#) or [this](#) link to hear and read more experts' thoughts on this issue.



<sup>3</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.



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### **Training course for practicing legal professionals goes ahead (*links are in Ukrainian*)**

Participants of the training course “Protecting human rights under the situation of the armed conflict in Ukraine” have been studying remotely for over eight months, learning about international humanitarian law as well as the relationship between IHL and international human rights law. At the same time, since all participants are practicing legal professionals – lawyers and judges – it is important to not only expand their theoretical knowledge, but also to develop their [practical skills](#), which will be of help to them in their future efforts.

In case you wonder why we always write about these courses and training seminars, it is not to brag, but to encourage as many legal practitioners as possible to join our future courses, and through this, finally, to make Ukraine’s justice system strong enough to cope with the challenges posed by the armed conflict. So you could [bookmark](#) this info and follow our news or track for future calls for applicants!



### **Lawyers from regions show interest in the subject of transitional justice**

Realizing that everyone will eventually have to work with the concept of transitional justice, lawyers, judges, prosecutors and other legal professionals from regions are interested in getting acquainted with it and discussing its main elements. Of particular interest to them so far is the prospect of a special mechanism being created in Ukraine to prosecute those responsible for crimes committed in the context of the armed conflict. Thus, UHHRU/USAID Program in partnership with other stakeholders organized a number of thematic meetings; [visit our website](#) to find out what they were discussing particularly in Dnipro (*link is in Ukrainian*).

*Such regional events are also a part of the said USAID-sponsored training course for Ukrainian judges and lawyers dealing with the conflict-related cases.*



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## MAIN EVENTS IN HUMAN RIGHTS AREA

### **Russia's lasting policy of suppression of those opposed to occupation results in new sentences, once again breaches international law**

On September 16, the RF's Rostov-On-Don court sentenced seven Crimean Tatars to lengthy periods in strict regime colony, ranging from 13 to 19 years.

*UHHRU co-signed a joint statement to strongly condemn Kremlin's actions and calling to take action to release all political prisoners, including the domestic and international actors to intensify pressure on the RF's leadership – [link in Ukrainian](#) and [in English](#).*

### **Crimean Tatar blogger released from Russian jail**

Activist Nariman Memedeminov has been [released](#) after 2.5 years of unlawful imprisonment.

*At the same time, human rights defenders remind everyone that at least 101 individuals are still detained on fabricated charges, just like Mr. Memedeminov had been, and on a continual basis face tortures, kidnappings and other flagrant violations Kremlin wishes to apply to suppress oppositionists – select [this link](#) in Ukrainian to have a better grasp of the situation.*

### **Ukraine's Cabinet of Ministers established procedure to compensate people's houses demolished amidst the armed conflict**

The size of a monetary compensation may vary, but will not exceed 300,000 UAH, the GOU rules. Funds will be distributed among victims based on the background information filed by the local social protection services jointly with the bodies of local self-governance – [link in Ukrainian](#).

### **Government of Ukraine to open administrative services centers at the contact line in Donbas** *(links are in Ukrainian)*

Two of them are planned to be open this year, [says](#) the responsible Ministry for Reintegration of the Temporarily Occupied Territories. Also, [this link](#) is a detailed picture of the Ministry's work priorities till the end of 2020.

### **Presentation of thirtieth Office of the United Nations High Commissioner for Report on the Human Rights Situation in Ukraine spanning 16 February – 31 July 2020** *(links are in Ukrainian)*

It is based on the work of the UN Human Rights Monitoring Mission in Ukraine, and also covers an array of conflict-related issues including violations that occurred in the temporarily occupied territories of Ukraine. Full presentation, which also engaged UHHRU expert, can be found from this [link in Ukrainian](#) (and a [pre-event announcement](#) which as well provides a glimpse of what was said in the report's summary).



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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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**USAID Human Rights in Action Program, contact information:**

The Ukrainian Helsinki Human Rights Union  
3/34 Frolivska St., Kyiv, Ukraine  
Phone: 044 485 17 92, fax: 044 425 99 24  
Contact email: [t.tsymbriivskyy@helsinki.org.ua](mailto:t.tsymbriivskyy@helsinki.org.ua)  
Website: <http://helsinki.org.ua/>