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USAID HUMAN RIGHTS IN ACTION PROGRAM**

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USAID HUMAN RIGHTS IN ACTION PROGRAM UPDATES

HUMAN RIGHTS MONITORING, ANALYTICAL ACTIVITY AND ADVOCACY

Public appeal on the funding of programs and measures aimed at ensuring access to Ukrainian education in 2021 for children and youth from temporarily occupied territories

Ukrainian Helsinki Human Rights Union/ USAID Human Rights in Action Program, endorsed by many other worried civil society actors, [addressed](#) the President of Ukraine (*link is in Ukrainian*) and other top-ranked officials concerning Education Ministry's alleged undermining of the reintegration processes. To be more specific, we are talking about the Ministry's reluctance to team up with civil society initiatives to resolve this or that issue of concern in a timely manner, as well as poor execution of education-oriented reintegration legislation – among other things, dropped financing of the coming pre-admission campaign (preparatory courses, information hotline, etc.) aimed at youth from temporarily occupied territories.

As a reminder, [legal aid centers of UHHRU](#) are always ready to provide free of charge legal advice on the rights of entrants from the conflict-affected territories.

For the first time since 2014 eradication of Ukrainian identity among children and youth in temporarily occupied territories has been recognized as a challenge to development of civic education in Ukraine

UHHRU/ USAID Program expert is actively involved in amending the Concept for Civic Education in Ukraine and its action plan until 2024 – this effort is still underway, however [here is the link](#), in Ukrainian, that speaks to the current state of affairs in this field, describes what has been done so far. What is of particular importance is that for the first time ever language of such a document mentions conflict-related challenges, i.e. elimination of the Ukrainian identity in the temporarily occupied territories of Ukraine, the RF's forced russification of the youth living there.

With this in mind, the aforesaid action plan has been supplemented with activities aimed at reintegration of the young people from the temporarily occupied territories.



In one sentence: activities under USAID Program's and its experts' participation aimed at overcoming consequences of the armed conflict and occupation (*links are in Ukrainian*)

- Sooner or later this hybrid warfare will end in Ukraine's victory and then the question will arise on how to achieve reconciliation and overcome differences of opinion among Ukrainians for the sake of the country's unity, and in order to prevent a recurrence of such conflicts in the future – UHHRU/Program's Oleksandr Pavlichenko [joined](#) live broadcast devoted to what we can learn from Germany post-Soviet reunion's experience, particularly its lustration mechanism.



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- In light of the [latest news boom](#) on the establishment of Crimean Platform, it is timely to remind everyone of what is going on in the peninsula and those IHL-breaching violations in place to cement Kremlin's power all over the temporarily occupied territory – here is [a release](#) to particularly discuss forced issuance of passport to Crimeans by the RF.

“

На жаль, в судовій практиці є приклади, коли українська влада розцінює "паспортний документ РФ" як реальне підтвердження громадянства іноземної держави. Я вважаю, що це не правильний підхід, адже таким чином ми фактично визнаємо легітимність присутності російської влади на території півострову.

Закон про тимчасово окуповані території має більш чітко відображати політику держави щодо нав'язаного Росією громадянства в Криму. На мій погляд, Закон має передбачати, що набуття громадянства РФ на окупованій території, є незаконним. Тобто, Закон не повинен обмежуватись лише автоматичним і примусовим набуттям громадянства. Саме тому я пропоную невідкладно внести зміни до чинного Закону про окупованій території.

— МАКСИМ ТИМОЧКО
УГСПЛ

- In Khmilnyk of Vinnytska Oblast, the USAID Program in cooperation with the Justice for Peace in Donbas Coalition co-hosted a presentation of analytical materials compiled under a shared name “A city where the war started” devoted to the armed conflict events in Slovyansk of Donetsk – [this link](#) tells more.
- UHHRU's Oleksandr Pavlichenko delivered remarks during the Dialogues on Reforms Forum, organized by the Reanimation Package of Reforms and Lithuanian Embassy in frames of preparation for the Ukraine Reform Conference – main takeaways can be found from [this link](#)¹.

Other related activities by UHHRU in brief:

- A [public appeal](#) to defend Crimean lawyer and human rights defender Lilia Hemedzhy in connection with her unlawful prosecution by Russia's court.
- The Third Committee of the 75th session of the UN General Assembly [adopted the draft](#), already the fifth one in a row, of the updated and enhanced resolution “Situation of human rights in the Autonomous Republic of Crimea and the city of Sevastopol.” *“Its [anticipated] adoption in the Assembly in December will further consolidate pressure on Russia as occupying power to uphold international obligations, international humanitarian law,”* reckons Ukraine's Minister of Foreign Affairs Dmytro Kuleba.

UHHRU also [contributed](#) to the resolution drafting and welcomes the fact that Crimea remains on the UN's agenda.

¹ [Additional link](#) in English.



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- UHHRU endorsed information campaign, backed by ally NGO “Crimea SOS”, to spread far and wide concerns on kidnappings and other flagrant ways to get rid of Crimean Tatars and other pro-Ukrainian individuals in Crimea. It is of utmost importance that each and every missed, murdered or detained person be remembered, documented to bring responsible Kremlin’s officials to justice later – being linked to other similar posts with the help of #FindAndFree hashtag, [this post speaks out some details](#) behind Arlen Terekhov’s and Ruslan Ganiev’s disappearance in 2015 (*link is in Ukrainian*).

In light of the previous release, [here is also an updated information](#) on political detainees who amount to 103 persons at this point. Sharing is appreciated.



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.

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*)

- Mariupol LAC [provides advice](#) on what to do if your application for IDP status has been rejected and [how to deal with IDP checks](#) by the state bodies. Sumy LAC has also contributed to the knowledge repository for internally displaced persons by [tackling the issue](#) of electronic IDP certificates, while the LAC in Kramatorsk addressed the issue of [assistance for IDPs](#) amidst the quarantine measures.
- In 2001, the UN General Assembly declared November 6 as the [International Day for Preventing the Exploitation of the Environment in War and Armed Conflict](#). In this regard, Sumy LAC [authored](#) an article on environmental issues in eastern Ukraine and their consequences.
- Getting social benefits by families with children, finding a job amidst quarantine, preparing and submitting legal documents in accordance with the law – if your problem is on this list, we urge you to contact our Stanytsia Luhanska LAC, which [will share](#) its legal expertise and, if necessary, involve external social workers dealing with people in the probation system.



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- Tolerance is harmony in diversity; it is not just a moral duty, but also a political and legal need. Check out [this article](#) by Sumy LAC to learn what is this about and how it ties in with the issue of internally displaced persons.

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

- *Our Mariupol lawyer emerges victorious in first instance court, helps IDP parents to get monetary assistance to support their newborn*

While parents were saddled with the challenges of survival in the occupied territories, deadline to apply for the state-guaranteed monetary assistance in support of a newborn baby expired. Over time the family displaced to GCA, tried to start everything from scratch – among other things, they applied for the said assistance, but faced rejection from a responsible social protection department. All in all, with the help of our lawyer they managed to secure their success in court, which [ruled](#) the family had reasons serious enough to apply for the assistance beyond deadline.

- *One more victory claimed by the Mariupol LAC – this time the heart of the matter is IDP's right to property*

According to law, a person is entitled to receive his/her dead parent pension, however in our case the Pension Fund of Ukraine ruled not in favor of our client, saying it has the right to decline any applications beyond three year limit they must be fitted into. The court [ruled](#) PFU's justification did not hold water, because specific conflict-raised challenges faced by this family have not be taken into account to the extent they should have been.

- *Pokrovsk LAC is on track to help a senior lady – in court or wherever it takes – who faced an array of human rights abuses*

To mark the International Day for the Elimination of Violence against Women (25th of November annually), the USAID-sponsored Pokrovsk legal aid center of UHHRU [shared](#) its latest case that raises concern on violence against women, domestic violence and violence against elderly people at the same time.



- *Dnipro LAC stepped in to help a child be granted “war-affected” status*

The status is not that easy to acquire due to high level of bureaucracy in Ukraine and even lack of awareness among the affected categories of people in Donbas (particularly parents of suffered children). Which is why the Program pays plenty of attention to both – familiarizing people with helpful [legal information](#), and assisting them in court cases or with the help of other administrative means. [This is one of the examples](#) of how a timely intervention can help children, who suffered from military operation, and their families feel more socially protected (while social benefits are pretty lame, to be frank, lawyers believe enhancing voice of people through legal precedents might cause positive legislative changes in the future).

- *Cursory examination of a destroyed house followed by refusal to provide compensation – what the ECtHR has to say about it*

An artillery strike destroyed the house of our Dnipro LAC's client. For several years the family has been trying to get compensation, but before 2 September 2020 it was impossible due to the absence of appropriate legal mechanism. In September, our client Natalia filed a request with



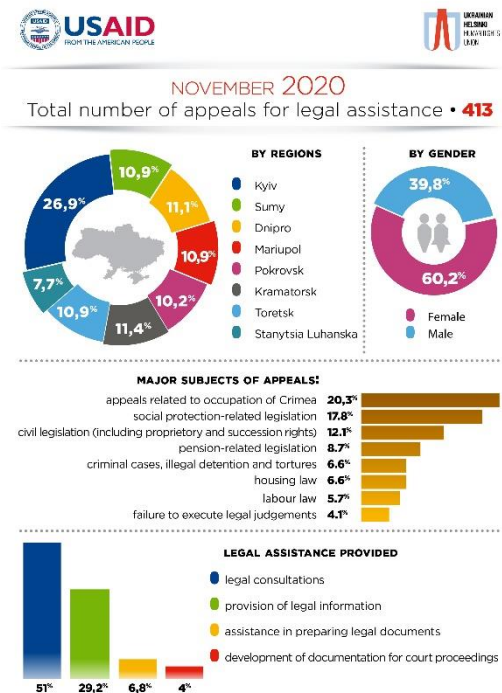
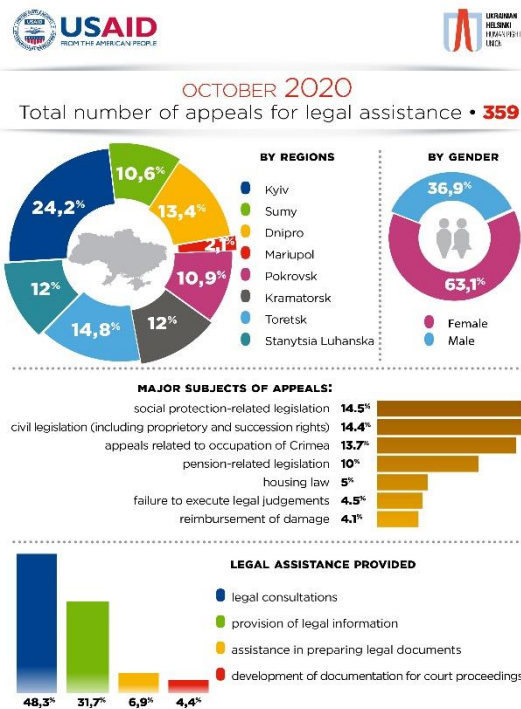
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the local civil-military administration to examine her house and acknowledge her status as a victim – the result was quite shocking! Program lawyer [continues the fight for justice](#), now in the European Court of Human Rights².

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 [October](#) and [November](#) 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)³, which is being the only informal educational system that has the material basis for its activities – Educational Human Rights House-Chernihiv.

² In addition, the lawyer [shared her thoughts](#) with the Radio Svoboda on whether the mechanism aimed at ensuring provision of compensation for homes destroyed/damaged as a result of the armed conflict actually works.

³ 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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Preserving historical truth on Kremlin's armed aggression

USAID Program [e-hosted](#) a roundtable discussion “Mechanisms of transitional justice in educational practices as tools for post-conflict regulation in Ukraine”.

As usual, the heart of such events is to convey our knowledge, aspiration and Program-authored methodical materials to vibrant educators all over Ukraine on how to teach war-related sensitive issues in school. The point is school teachers and methodical experts within the official education system are perhaps positioned better than anyone else when it comes to preserving historical truth as part of wider transitional justice model, because their main audience is youth which, if taught right, is able to show extra commitment and secure resilience in generations to come.



Program's training course for Ukrainian legal aid practitioners titled “Protecting human rights under the situation of the armed conflict in Ukraine” proceeds

Within running its training course, the Program hosted its next moot court session for a mixed group of judges, lawyers and prosecutors. Participants from all over Ukraine were simulating a trial hearing on crimes committed in course of Kremlin's occupation of Ukraine, and all in all announced a judgement that is in harmony not only with domestic legislation but also considers international law of the armed conflict. See this and [this link](#), in Ukrainian, to learn what sets apart a learning format like this.



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



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in the context of the armed conflict. Thus, UHHRU/ Program in partnership with other stakeholders continues its series of thematic meetings in this or that part of Ukraine; select [this link](#), in Ukrainian, to find out what was discussed particularly in Kyiv.

MAIN EVENTS IN HUMAN RIGHTS AREA

President signs decree No 495/2020 touching upon protection of the rights and interests of persons went missing under special circumstances and their families

Full text accompanied by underlying motives to adopt such a decree can be found from [this link](#), in Ukrainian.

Manual titled “State policy’s reference points regarding the temporary occupation of the Autonomous Republic of Crimea and Sevastopol” is now at everyone’s disposal

The Government of Ukraine, Parliamentary Human Rights Committee, Reintegration Ministry and Mission of the President in Crimea (Kyiv) teamed up to design and release a first-of-its-kind official guidelines manual on the state policy regarding the temporary occupation of Crimea – can be found by selecting [this link](#), in Ukrainian. The manual is to be widely disseminated and advised among bodies of central as well as local authorities, diplomatic missions, etc. The purpose is to pull together and clearly articulate Ukraine’s unified rhetoric on peninsula’s temporary occupation.

Ukraine’s Ministry of Foreign Affairs invites EU representatives to Crimean Platform

Emine Dzheppar, First Deputy Foreign Minister of Ukraine, [met with ambassadors](#) of the European Union member states to present reports on the situation inside occupied Crimea. In course of the meeting, Dzheppar appealed to the EU member states and international partners to join the newly created Crimean Platform, an initiative that aims to achieve de-occupation of the Crimean Peninsula by diplomatic means. She also [invited the EU Member States to take part](#) in the inaugural summit of the Crimean Platform, scheduled for the first half of 2021.

Let us remind that the whole idea of the Crimea-focused negotiation platform first originated from domestic civil society groups, the Ukrainian Helsinki Human Rights Union and Media Initiative for Human Rights among them.

Cabinet of Ministers’ decree No 367 on the procedure of exit/entry to/from the temporarily occupied territory amended

In a nutshell, amendments provide for clarification of humanitarian grounds for crossing the administrative border, fixing them officially, whereby cementing a relaxed procedure of crossing the administrative border in case of its possible re-closure amidst deteriorating pandemic situation – [link in Ukrainian](#).



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