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## **DIGEST No 7(70) BY UKRAINIAN HELSINKI HUMAN RIGHTS UNION, USAID HUMAN RIGHTS IN ACTION PROGRAM**

June 2021

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## USAID HUMAN RIGHTS IN ACTION PROGRAM UPDATES

### HUMAN RIGHTS MONITORING, ANALYTICAL ACTIVITY AND ADVOCACY

#### Assessment of Reintegration Ministry's transitional justice draft law (*links are in Ukrainian*)

UHHRU/ USAID Human Rights in Action Program experts reviewed the second version of the draft law "On the principles of state policy for the transition period" put up for public discussion by the Ministry of Reintegration. A letter containing both general remarks and article-by-article comments has been sent to draft law's author, as well as available [here](#) for everyone's perusal.

Experts had quite a few things to say about the draft law's first version; now, with the second version in the spotlight, everyone seems to have forgotten about transitional justice concept that was developed back in 2018, co-developed by the Program.

*"The change of government in Ukraine was an opportunity to "reset" everything, not just in regards to transitional justice, but also in other conflict-related areas,"* comments Taras Tsymbriivskyi, Program's Chief of Party. [Visit our website](#) to see the



full version of an interview in which he attempts to puzzle out why the transitional justice concept has not been adopted as well as talks about the proposed interpretation of the concept of armed conflict and other nuances of public policy in this area.

#### What is wrong with the new draft laws on collaborationism

Ukrainian MPs and civil society actors held a roundtable to discuss the latest draft laws concerning repercussions for collaborating with the aggressor state (No. 5135, 5143, 5144) through the prism of the subject-matter international experience. The majority of the participants were critical toward the bills' package proposed by the Parliamentary Committee on Law Enforcement Activities – see *key takeaways* [here](#), in Ukrainian.

## STRATEGIC LITIGATIONS

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

<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).



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coverage among professional community and public. Total number of conflict-related UHHRU Strategic Litigation Centre's (SLC) cases within the Program equals 165.

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

- **UHHRU in cooperation with Regional Center for Human Rights and Euromaidan Krym NGOs filed an application to Crimea's Prosecutor's Office concerning cultural heritage ruined in Crimea**

[The case](#) contains details of how occupational authorities put at stake Ukrainian sites of historical importance by carrying out archeological excavations, holding construction near works of architecture risking to damage them, etc. The Crimean prosecutors have already launched a criminal proceeding.

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

- ✓ The applicant and her husband had lived in Stakhaniv (Kadiyivka), Luhansk Oblast, for more than 40 years. In 2014 she left the city, while her husband stayed to take care of mother. In the summer of 2014 he disappeared; witnesses say that he was taken somewhere by representatives of illegal armed groups. The woman turned to Ukrainian police as well as Russia's Investigative Committee for help, but to no avail – her husband's fate is still unknown. Given the absence of an effective investigation, an application has been filed with the ECtHR alleging violations of Articles 2, 3, 5, 8, and 13 of the European Convention on Human Rights and Article 1 of Protocol I to the Convention.
- ✓ UHHRU submitted application to the ECtHR in response to the government's comments in a case which will determine whether restricting IDPs to receive social benefits only to accounts in Oschadbank (State Savings Bank of Ukraine) constitutes a violation of their property rights and discrimination. Our experts stress that domestic courts failed to properly examine the discrimination aspect, and the government failed to justify the restriction in question.

#### **FREE LEGAL AID**

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[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.

#### **Events to raise people's awareness on how to protect their rights** (*links are in Ukrainian*)

- The legal status of a child affected by the armed conflict is granted to children who lived or live in the Joint Forces Operation's zone, who sustained injuries or were victims of physical, psychological or other form of violence. See [this post](#) to find out what difficulties may arise when applying for this status and where to turn for help.
- More and more administrative services are becoming available online, including to residents of the temporarily occupied territories. "eMaliatko" is a recent addition to this list; equipped with a



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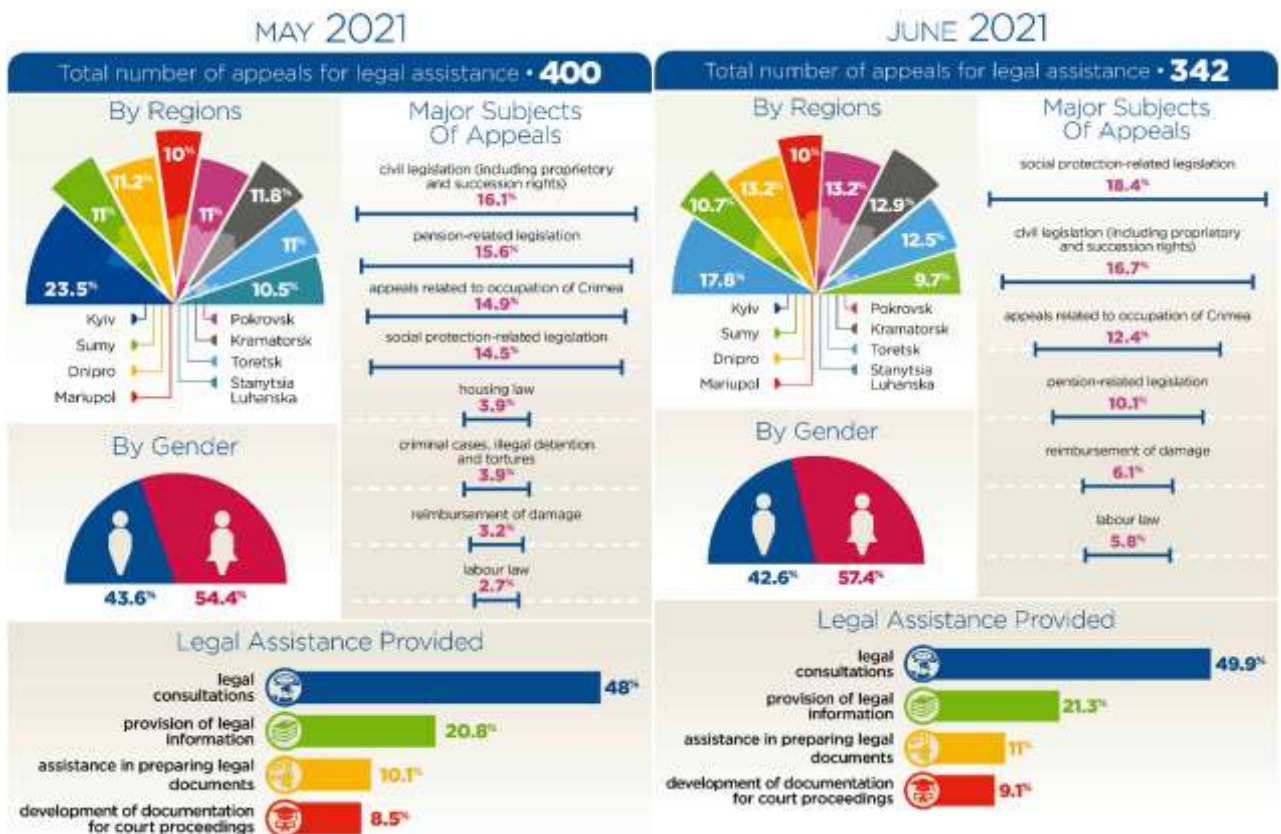


digital court decision on establishing the fact of birth as well as a digital signature, parents of children born in Crimea and temporarily occupied Donbas can use “eMaliatko” to [access an assortment of administrative services](#) online.

- [Details](#) on the updated procedure for admission of entrants from the temporarily occupied territory to Ukrainian educational institutions.
- Car registration has been simplified for IDPs – Sumy LAC [clarifies](#) the changes.

**Latest infographics to illustrate performance of USAID-sponsored legal aid network of UHHRU**

USAID Program continues regular reporting on the LACs’ legal aid delivery in conflict-affected regions. Here is the data for [May](#) and [June](#) 2021 with thematic, regional and gender disaggregation.



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

- Lawyer from Pokrovsk LAC [helped](#) to acquire court’s judgement in favor of our client, IDP from Donetsk, whose case concerns social payments suspended by responsible bodies of public authority, as well as accumulated backpayments that our client struggles to receive.
- The same LAC [helped](#) another IDP from Donetsk, but this time the matter was acquiring Ukraine-standard birth certificate for our client’s newborn child via court procedure. The case is a bit bewildering due to marriage nuances of this woman which, however, did not stop our lawyer from delivering.





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- In September 2020, an IDP veteran applied to a medical and social expert commission to have his group III disability confirmed indefinitely (without the need to re-confirm it once a year) on the grounds of his diagnosis and associated complications, but was denied. Dnipro LAC is helping the veteran to prepare the necessary documents to fight the rejection in court. Read [this post](#) to learn why this issue is more grave than it appears.
- UHHRU/ USAID Program was contacted by an IDP whose gas supply had been cut off and whose subsidy had been terminated following a notice by representatives of the gas supplier about her alleged death. If your situation is in any way similar, we suggest contacting our LAC in Stanytsia Luhanska which has a strong [track record](#) when it comes to situations like this.



## 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>2</sup>, which is being the only informal educational system that has the material basis for its activities – Educational Human Rights House-Chernihiv.

### International Law Talks initiative<sup>3</sup> proceeds, under participation of prominent national and international personalities as usual

- One of the webinars was [held to discuss](#) criminal proceedings against representatives of the so-called “LPR/DPR” in the Czech Republic. Why is this country currently the leader in the number of such proceedings and what can we do to spread this practice?
- Another one was dedicated to the [rule of law and legal defense](#) for the persons charged with war crimes in international courts and in Ukraine. Are domestic lawyers prepared to provide their clients with quality services in the conflict-related cases, and would acquittals in cases on war crimes help to promote reconciliation?

### Hidden risks stemming from Crimea’s temporary occupation (*links are in Ukrainian*)

On June 10-11, the Southern Development Strategy Forum was held in Kherson Oblast, during which, among other things, the importance for Ukraine to [integrate children from the NGCA](#) into Ukrainian educational space was discussed, as it allows us to influence their values, to draw them out of the environment where they are constantly exposed to anti-Ukrainian propaganda, misinformation and militarization. Check out USAID Program’s [recent analytical report](#) on the

<sup>2</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.

<sup>3</sup> Hosted jointly with Media Initiative for Human Rights NGO.



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matter, titled “The Situation in the Educational Sphere in the Temporarily Occupied Territory of Ukraine (2014-2019)”, to get a better grasp of why we consider it necessary to discuss this issue in the context of the Crimean Platform’s activities.



### Online discussion: the right to the truth in education

Youth has the right to know a full, objective and accurate information about the Russian Federation’s military aggression in the country’s east, and most of all that war means pain and suffering of real people. But do educational institutions actually provide such information? Not always, as it turns out, because the humanitarian sphere is an area where pluralistic approaches, in our opinion, have not taken root yet. This process is held back by the lack of academic freedom, by ideological bias and lack of competence. How serious is it, and what can we do about it? – take a look [here](#) to find some ideas.

## MAIN EVENTS IN HUMAN RIGHTS AREA

### Peace settlement plan, produced by National Security and Defense Council, gets a yes from President

NSDC instructed the Cabinet of Ministers to prepare within two months draft laws on the introduction of transitional justice in the temporarily occupied territories of Donbas and submit them to the Verkhovna Rada for further consideration. Among other things, the document envisages a



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bunch of decisions in broadcasting, culture and military spheres, improvement of exit-entry checkpoints, as well as establishment of national documentation center to keep track of conflict-caused damage and human rights violations – [link in Ukrainian](#).

### **Crimean Platform's satellite expert network presented, plans further activities**

Network's key priority is assisting in amending legislation to foster peninsula's feasible de-occupation, according to a network member Crimean Human Rights Group NGO. The network echoes Platform's mission to synchronize multi-faceted domestic efforts with those of international stakeholders to find better ways to secure Crimea's homereturning, but aims to stir up NGOs' potential to help in that respect – links [one](#) and [two](#), in Ukrainian.

### **Office of the ICC Prosecutor: the situation in Ukraine is still at the preliminary examination stage due to the pandemic and work overload**

According to the latest statement regarding Ukraine which was published in December 2020, the criteria for opening an investigation had been met, but a request to the Judges of the Pre-Trial Chamber for authorization to open investigations was yet to be made.

*[We hope](#) that ICC's new chief prosecutor, British lawyer Karim Khan, will not ignore the situation in Ukraine and will push for authorization to investigate war crimes and crimes against humanity committed in Ukraine's temporarily occupied territory during the armed conflict.*

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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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