

**UKRAINIAN HELSINKI
HUMAN RIGHTS UNION**
ANNUAL REPORT
FOR YEAR 2004

The History of Establishing the Organization

Establishing the Ukrainian Helsinki Human Rights Union (UHHRU) is in a sense unique, since it was conditioned by development of efforts of human rights organizations regarding formation of systemic network cooperation, and also historic traditions.

Surmounting structural and systemic problems in the sphere of human rights requires consolidation and structuring of work of human rights organizations. With this purpose in 2003 a coalition of human rights organizations was set up (the Council of Ukrainian human rights organizations (RUPOR), within the framework of which a secretariat for coordination and expanding cooperation and work groups on separate fundamental human rights were established aiming at systemic work and changing situation on the all-Ukrainian level. Such groups consist of organizations-partners working in the same field. The Kharkiv Human Rights Protection Group became the main coordinator of this process.

Human rights activity was accomplished through these work groups in four areas:

- 1) granting legal assistance: granting free legal assistance to people in case of violation human rights and fundamental freedoms in concrete situations and impossibility to protect them personally, usually, through the work of public receptions;
- 2) monitoring the legislation and the (administrative) practice of law application of the state government and local self-government bodies in the sphere of human rights, and informing the community, the government and the international community about violations of human rights and fundamental freedoms;
- 3) education and promoting human rights and fundamental freedoms;
- 4) monitoring and elaborating new legislation, interaction with governmental bodies regarding its adoption and implementation and changing the administrative practice for ensuring human rights.

1) Protection from torture and cruel treatment

The group was organized by the Kharkiv Human Rights Protection Group that established for this a network of 26 human rights organizations all over Ukraine. The aim of the Project is to decrease the scale of torture and cruel treatment in Ukraine. The work includes gathering information on and public investigation in cases of torture, publication and dissemination of the relevant data and organizing the joint actions for protection of the freedom from torture and cruel treatment (together with other human rights protection organizations), sociological research, as well as comparative analysis of national and international legislation and law-applying practices concerning prevention of torture, strategic litigations before ordinary courts and the Constitutional Court of Ukraine, printing results of the researches and other information in KhHRPG's periodical «Human Rights» and in the form of books and brochures in Ukrainian and English, awareness-raising with and educational seminars or training for target groups (officers from law-enforcing bodies, judges, barristers, experts, human rights activists, general public).

2) Protection of freedom and security, particularly, from arbitrary arrest

The group acts in 26 organizations. The group monitors illegal arrests and judicial practice of consideration of cases about person's temporary detention, protects persons who were illegally arrested, prepares legislative proposals regarding improvement of legislation and conducts training seminars on these subjects.

3) Protection of freedom of peaceful assembly

The group was organized by the «Republic» Institute and the Ukrainian Helsinki Human Rights Union. It consists of 10 representatives from different regions of the country. The group accomplishes constant monitoring and protection of the violated right. It conducts a campaign regarding amending the legislation in this sphere and educational performances for improving administrative practice in this sphere.

4) Monitoring religious freedom

The group consists of 6 active organizations monitoring violations of this right and conducts a campaign regarding improving the legislation about religious organizations.

5) The right for privacy

The group consists of 10 organizations constantly working in this sphere. The principle activity is focused upon conducting a campaign on improving the legislation in this sphere and conducting strategic trials.

The process of establishing work groups on counteraction to discrimination, protection of patient rights, the freedom of association, protection of the right for property, the right for human rights education has been continuing.

This cooperation yielded some results; for example, common monitoring projects have been initiated, namely, «Monitoring keeping to human rights in child medical institutions», «Monitoring torture and cruel treatment», «Monitoring the freedom of conscience and religions» and others. For several months of work the seriousness of intentions in common activity has been proved.

Within the framework of these workgroups seminars and conferences were conducted, a range of forums-postings were constantly successfully functioning, with involvement of a considerable number of human rights activists, what promoted increasing the level of information exchange between human rights activists of different regions and establishing permanent interaction between human rights activists in conducting campaigns on human rights protection of victims of human rights violations. Later the First Forum of human rights organizations was conducted, where over 60 Ukrainian human rights organizations took part and over 150 activists. Besides, five public hearings regarding drafts of laws were conducted.

One should point out some success in common work of human rights organizations on blocking adoption in the second reading of the project of the Criminal-procedural Code of Ukraine that would lead to substantial limitation of the right for freedom and immunity, the right for fair trial and would promote increasing cases of tortures and cruel treatment during pre-trial investigation.

As a result of such constant cooperation a more firm network of human rights organizations cooperating with each other was established.

The decision to establish a formal association of non-governmental human rights organizations was conditioned by a range of reasons, namely:

- the necessity of an organization reflecting interests of the human rights movement;
- the necessity of increasing systematic and system influence on governmental bodies;
- the necessity of increasing international influence of Ukrainian human rights organizations;
- the necessity of preparation an annual independent report on human rights in Ukraine and realization other nation-side projects;
- the necessity of developing human rights movement in cities without our partners.

On the other hand, in Ukraine there are old traditions of the Helsinki movement of dissidents. Starting with the 60-s, one can speak of establishing human rights movement in Ukraine. Later, spreading information about violation of human rights in the USSR participants of this movement started promoting practical implementation of humanitarian clauses of the Final act of the Helsinki conference on Safety and Cooperation in Europe (OSCE) of 1975. This document stressed the universality of human rights, that's why they cannot be only



First Forum of human rights organizations in Ukraine «Human rights at election»

the internal affair of a country. In 1976 the Ukrainian Helsinki Group for promoting implementation of Helsinki agreements (UHG) was set up, the majority members of which were repressed, but the movement didn't cease its existence. In 1988 UHG was transformed into the Ukrainian Helsinki Union (UHU) that already had clear political, not human rights functions. Founders of all national-democratic parties originated from the UHU, and the majority of members of UHU founded in 1990 the Ukrainian Republican Party. That's why in 1990 it was transformed to the Ukrainian Republican Party. In order to continue the tradition of non-political human rights movement in Ukraine, on June 16 of that year Oksana Meshko initiated establishing the Ukrainian Committee «Helsinki-90», which remained a division of the All-Ukrainian society of political prisoners and the repressed.

Due to this for further development and cooperation between different organizations it became necessary to have an officially registered umbrella organization, and at the First Ukrainian forum of public human rights organizations «Monitoring human rights during elections» that took place under the aegis of RUPOR on March 31 — April 1 and where members of almost 60 Ukrainian public organizations were present it was decided to establish the **Ukrainian Helsinki Human Rights Union (UHHRU)** — the all-Ukrainian association of human rights public organizations aiming at promoting implementation of humanitarian clauses of the Final act of Helsinki conference on Safety and Cooperation in Europe (OSCE) of 1975, other international legal documents adopted for its development, and also the rest of Ukraine's commitments in the sphere of human rights and fundamental freedoms. Ukrainian Committee Helsinki-90 became one of the founders of UHHRU.

The task of the organization became making organizational possibilities for realization of all-Ukrainian human rights projects; preserving independence of existing organizations, providing a possibility for them to conduct both, independent activity, in cooperation with the others, and participation in realization of all-Ukrainian projects of the newly-formed organization; institutionalization of the human rights movement.

UHHRU was officially registered on June 30, 2004, and in fact the Union started working since August 2004. Since October 2004 UHHRU is an associated member of the International Helsinki Federation for Human Rights.

The structure of the organization

The Association was founded by 15 public human rights organizations:

1. The Vinnytsia city public organization «The Vinnytsia Human Rights Protection Group»
2. The all-Ukrainian society of political prisoners and repressed (the part of which is the Ukrainian Committee «Helsinki-90»)
3. The public committee of protection of constitutional rights and freedoms of citizens (Luhansk)
4. The ecological club «EOL» (Odesa region)
5. The institute of economic-social problems «Republic» (Kyiv)
6. The congress of national communities of Ukraine
7. The center of legal and political researches «SIM» (Lviv)
8. The city public organization «For professional assistance» (Komsomolsk, Poltava region)
9. The Sevastopol Human Rights Protection Group
10. The Kharkiv regional union of soldier's mothers
11. The Kharkiv Human Rights Protection Group
12. The Kherson city association of journalists «South»
13. The Kherson regional organization of the Committee of electors of Ukraine
14. The center of regional politics research (Sumy)
15. The Chernihiv public committee of human rights protection

The board of the Association consists of representatives of the most known Ukrainian human rights organizations. Yevhen Zakharov was elected to be the Chairman of the Board, and the executive director is Volodymyr Yavorsky.

To the Supervisory board of the Association famous participants of Helsinki movement in Ukraine were elected: Yosyp Zisels, Vasyl Ovsyenko, Vasyl Lisovy, Mykola Horbal, Yevhen Sverstiuk, Zynoviy Antoniuk and Yevhen Proniuk.



Yevgen Zakharov, Chairman of the Board of Ukrainian Helsinki Human Rights Union, co-chairman of Kharkiv Human Rights Protection Group

RUPOR's activity

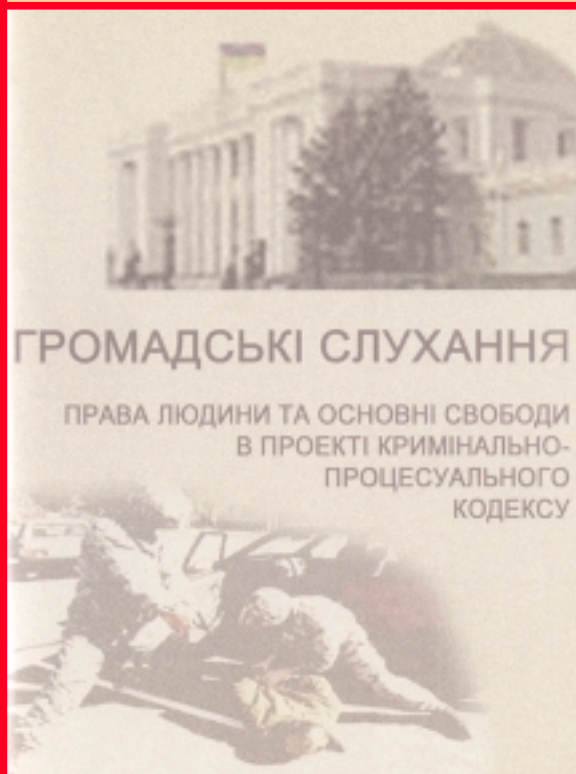
September 10, 2003 — Appeal to the Speaker of the Parliament Volodymyr Lytvyn and MPs regarding inadmissibility of adopting the draft of the criminal-procedural code in second hearing

December, 2 2003 — press-conference «Protection of public morality- who needs the «Truth Ministry»?». Organizers of the press-conference: Ukrainian Advertisement Coalition, Association of Network Broadcasters of Ukraine, Association of Outdoor Advertisement of Ukraine.

March 31 — April 2004 — organization and holding the First Ukrainian forum of human rights organizations «Human rights at elections» in association with the Chernihiv Committee of Protection of Constitutional Rights of Citizens

April 22, 2004 — public hearing regarding the project of the political reform together with the Kharkiv Human Rights Protection Group and the press-conference in UNIAN «View of human rights activists on the political reform»

May 11, 2004 — the Open appeal of human rights organizations regarding the consideration by the Parliament of Ukraine of the project of the Criminal-procedural code of Ukraine signed together with many human rights organizations



Book's cover

May 12, 2004 — the Public hearing regarding the project of the Criminal-procedural code of Ukraine in association with the Kharkiv Human Rights Protection Group (materials are available on the RUPOR site www.rupor.org and published as a book)

May 25, 2004 — the Public hearing regarding the bills on peaceful gathering in association with the Kharkiv Human Rights Protection Group and the «Republic» Institute (materials are available on the RUPOR site www.rupor.org and published as a book)



Book's cover

June 17-18, 2004 — the international public hearing organized together with the Committee on the Fight with organized crime and corruption of the Parliament «National and international mechanisms of protection victims of violent disappearing: Belarus, Russia, Ukraine»

June 21, 2004 — the public hearing «Discussing bills on amending the Law of Ukraine «About rehabilitation of victims of political repressions in Ukraine»

July 15, 2004 — a press-conference in UNIAN dedicated to starting a campaign on defending Borys Stomakhin, a Russian refugee-dissident

The activity of the Ukrainian Helsinki Human Rights Union

July 5, 2004 — the Claim regarding students persecution in Sumy.

October 4-15, 2004 — presentation of analytical report on human rights at annual OSCE human dimension conference in Warsaw, Poland

October, 11-14, 2004 — participation in General Assembly of International Helsinki Federation for human rights where UHHRU was officially accepted as Ukrainian member Committee

October, 21, 2004 — Open Appeal to the Working Group of UN on arbitrary detentions, UN Committee against torture and international human rights organizations regarding persecution of Ukrainian law-enforcement bodies political opposition during election campaign.

October, 23, 2004 — open letter of Ukrainian dissidents called «For protection of youth»

October 28, 2004 — the press-conference in UNIAN «Violation of human rights during the electoral campaign in Ukraine» of the Ukrainian Helsinki Human Rights Union and the International Helsinki Human Rights Federation (Vienna).

Participants: Yevhen Zakharov — the board chief of the Ukrainian Helsinki Human Rights Union, co-chairman of the Kharkiv Human Rights Group; Volodymyr Vaysman — consultant of the International Helsinki Federation (Vienna); Anzhey Zhaplinsky — professor of the University of Warsaw, the board member of the Polish Helsinki Human Rights Foundation, a member of the executive committee of the International Helsinki Federation (Vienna); Volodymyr Yavorsky — director executive of the Ukrainian Helsinki Human Rights Union (Kyiv).

October, 28, 2004 — joint statement with International Helsinki Federation for human rights regarding respect to international fair and free election standards in Ukraine «The number of human rights violation has grown before the second round of Presidential elections in Ukraine».

October, 30, 2004 — open letter to parents, dads and grand-children of the member of supervisory Board of UHHRU, dissident and human rights activist Zynoviy Antonyuk regarding the hunt on the oppositional youth in Ukraine.

November 17, 2004 — the Ukrainian Helsinki Human Rights Union addressed the head of the Supreme Rada of Ukraine Volodymyr Lytvyn with the request to «use the authorities given you by the law to stop human rights violation in the country».

November 19, 2004 — the Open appeal of human rights organizations regarding violation of the right for freedom of religion and free elections in Ukraine, together with the Kharkiv human rights group, the Sevastopol human rights group, the Center of legal and political researches «SIM» (Lviv), the Kherson regional organization of the Committee of electors of Ukraine.

November 25, 2004 — the press-conference in UNIAN «Human rights violations during the second round of the presidential election in Ukraine». Participants: Volodymyr Yavorsky, director executive of the Ukrainian Helsinki Union; Dmytro Hroysman, the board member of the Ukrainian Helsinki Human Rights Union, the head of the Vinnytsia human rights group.

November 25, 2004 — statement «Authorities made everything possible for election fraud»

December 2, 2004 — «Necessity of responsibility in the situation after elections in Ukraine» — the common statement of the Ukrainian Helsinki Human Rights Union and the International Human Rights Helsinki Federation.

December 10, 2004 — the statement of the Ukrainian Helsinki Human Rights Union «Human rights can't be the inner state affair»

November-December, 2004 — «Monitoring human rights at the re-election in the East and South of Ukraine». Within the framework of the project 75 mobile groups in 10 regions of Ukraine worked: the Autonomous Republic of the Crimea (4 groups), Sevastopol (1 group), Kharkiv and Luhansk regions (15 groups each), Kherson and Mykolayiv regions (10 groups each), Vinnytsia, Dnipropetrovsk (Kryvy Rih), Sumy and Chernihiv regions (5 groups each). The project was realized by: the Kharkiv Human Rights Group, the Luhansk regional organization of the Committee of electors of Ukraine, the Sevastopol Human Rights Group, the Kherson city association of journalists «South», the center of regional politics research (Sumy), the Chernihiv public committee of human rights protection, the Vinnytsia Human Rights Group, the Institute of social studies (Simferopol), the Kherson regional foundation «Charity and health», the Kherson regional organization of the Committee of electors of Ukraine.



Press-conference «New Presidential Decrees «not for publishing» is a violation of freedom of access to information»

December 22 — conducting a round table for lawyers «Elaboration of mechanisms of monitoring human rights violation during the re-election in the East and South of Ukraine».

December 28, 2004 — the press-conference in UNIAN «Assessing the electoral campaign by Ukrainian and international human rights organizations» together with the International Helsinki Human Rights Federation. Participants: Yevhen Zakharov — the board chief of the Ukrainian Helsinki Union, co-chairman of the Kharkiv Human Rights Protection Group (Kyiv), Aaron Roads, an international observer at the election, the director-executive of the International Helsinki Human Rights Federation (Vienna), Volodymyr Yavorsky, director executive of the Ukrainian Helsinki Human Rights Union (Kyiv), Anzhay Zhaplinsky — professor of the University of Warsaw, the board member of the Polish Helsinki Foundation for Human Rights, a member of the executive committee of the International Helsinki Federation (Warsaw).

December, 28, 2004 — joint statement with International Helsinki Federation for human rights «Human rights protection must be the priority of newly elected President».

January, 22, 2005 — open letter of human rights activists «New President and Government should immediately start reforms towards providing human rights and fundamental freedoms in Ukraine».

February 25, 2005 — conducting a press-conference on the subject «New resolutions of the President of Ukraine 'not for publishing' — violation of the citizen's right for access to

Second international forum of human rights organizations «Monitoring of human rights»



information». The campaign «Not for publishing», a part of which is this press-conference, is a result of fruitful activity of the Ukrainian Helsinki Human Rights Union, the Kharkiv Human Rights Protection Group and the «Maidan» Alliance.

April 11-12, 2005 — the Second international forum on non-governmental human-rights organizations «Monitoring human rights and fundamental freedoms in Ukraine» where a video-report on violation of human rights during the election was presented (together with the foundation «The force of law») and the annual report on observing human rights in Ukraine of 2004. Over 150 representatives of human rights organizations from all regions of Ukraine participated in the Forum, and also representatives of international organizations (the Human Rights Watch, the Amnesty International, the International Helsinki Human Rights Federation), Helsinki committees of Russian Belarus and Moldova, international consultants and representatives: donor organizations, diplomatic corps, partnership structures from countries of Central and Eastern Europe, and also foreign public activists, guests and journalists.

April, 2005 — The Analytical report on development of the cooperation plan Ukraine-EU in the sphere of human rights, with coordination of the International Renaissance Foundation.

May, 23, 2005 — statement of Ukrainian Helsinki Human Rights Union «100 days of new government from human rights perspective».

Second international forum of human rights organizations «Monitoring of human rights»



Projects of the organization

1. The internet-edition about human rights RUPOR

To improve the information exchange between organizations members-participants of the Ukrainian Helsinki Human Rights Union it was decided to establish the website «RUPOR» that later developed to a full-fledged informational resource on human rights — at present a unique Ukrainian edition on human rights in the Internet. The RUPOR consists of analytic articles, interviews and reviews about observing human rights in Ukraine, law-making activity of the Parliament of Ukraine, the most resonance cases regarding human rights protection in the European Court of citizens versus Ukraine, etc. The resource has Russian and English versions, updated every day. The address of the site: www.rupor.org



2. «The Foundation of legal protection of human rights violations victims». Within the framework of realization of the project a few strategic cases were conducted, namely:

- The case of Belarusian leaders of the council of public initiatives «Free Belarus» Dmytro Bondarenko and Dmytro Borodok and activists of the «Zubr» movement Volodymyr Kobets and Oleksandr Otroshchenkov, groundlessly detained at the border Ukraine-Belarus during the Orange revolution and regarding whom physical violence was applied by the law machinery. A criminal case was initiated by the prosecutor of Ripken district against militiamen who participated in the detention.
- On November 26 the decision of the Court due to the appeal complaint of the lawyer Arseniy Herasymov cancelled the decision of an investigator about initiating a criminal case against Oleksandr Lomaka, born in 1984, who is a member of the public campaign PORA. He was detained on October 20 in Chernihiv for illegal keeping explosives (part one, clause 263 of the Criminal code of Ukraine), at first for 2 hours, and then for 10 days. The decision of the investigator was cancelled because of insufficiency of information about involvement of the accused in the crime. Human rights activists regarded this case as a persecution for expression of personal political views.
- The criminal case regarding Volodymyr Zakaliuzhny, a participant of the public campaign PORA, with indications of part 1, clause 186 of the Criminal code «Open stealing somebody's property (robbery)» was closed because of the absence of corpus delicti on November 19, 2004 owing to assistance of the Foundation of legal protection of human rights violations victims of the Ukrainian Helsinki Human Rights Union. The rights of the PORA activist were defended by the advocate of the Pechersk advocates board of Kyiv A. Yudkovska. Volodymyr Zakaliuzhny was detained in Kyiv on October 23 during a concert distributing leaflets criticizing activity of Viktor Yanukovych. He was incriminated stealing a mobile phone.

3. Annual report «Human Rights in Ukraine in 2004».

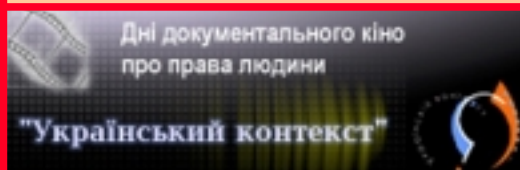
For the first time by non-governmental public organizations of Ukraine a system complex report about violation of human rights in Ukraine in 2004 consisting of 21 chapters was prepared. The report is not just stating facts; every chapter is concluded by concrete recommendations for the government on improvement of situation with one or another human right and freedoms. The report was issued in two languages — Ukrainian and English.



Published report «Human rights in Ukraine in 2004»

4. The project of development of Public receptions in association with the International Helsinki Federation in Kherson, Chernihiv, Kyiv and Lviv.

5. The film festival «Documentary films on human rights days «The Ukrainian Context».



The film festival aimed at spreading information about keeping to human rights through visual arts comprehensible to the general public. In the program of the festival festivals-partners were also represented — «Human rights in film» (Warsaw) and «One World» (Prague), and also special projects: «Russia — the new language or the Russian existence», «Democracy. The Belarusian version», «Democracy. The Ukrainian context», «Video report for 2004 about human rights in Ukraine». The program of the festival consisted of about 70 new films of directors from Ukraine, Russia, European countries dedicated to human rights in the broad sense — from the right for the freedom of speech to the right for worthy level of living. The festival was organized by the Association of public organizations the Ukrainian Helsinki Human Rights Union in association with the public organization the Center of modern information technologies and visual arts supported by the Renaissance International Foundation.



Guest from Russia addressing spectators before the film at Documentary Human Rights Day film festival



- 6. Issuing translation of decisions of the European court due to clause 11, the project is realized in association with the «Republic» Institute.**
- 7. Assistance to human rights organizations in communicating their ideas and views to mass-media, law-makers, government, local self-governmental bodies and general public.**

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