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**BRIEFER No 7 (19) BY UKRAINIAN HELSINKI HUMAN RIGHTS UNION, USAID HUMAN RIGHTS IN ACTION PROGRAM**

June 2016

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## Implemented Activities

### Human Rights Monitoring and Advocacy

#### Advocacy Activities

##### Monitoring of National Human Rights Strategy implementation

As we informed previously, **on April 27, 2016**, there was held a press conference (*link in Ukrainian*) intended to analyze, how the Action Plan and the National Strategy in Sphere of Human Rights for the period until 2020 are implemented by the public authorities, as well as how efficiently the performers of the Action Plan interact with civil society organizations. The next step of the Action Plan was announced to be preparation of a profound report for the first quarter of 2016.

Thus, **on June 14, 2016**, the Ukrainian Helsinki Human Rights Union (hereinafter – the UHHRU) published (*link in Ukrainian*) on its website the above said report, the authors of which are participants of the Memorandum of Cooperation between representatives of the civil society and the Ukrainian Parliament Commissioner for Human Rights. That day there was held the respective press conference (*link in Ukrainian*) to present the report, during which human rights activists highlighted the fact that it is possible to implement this Strategy only if all its stages are to be strictly accomplished. Over the past six months, the state fulfilled only 10% of the planned activities, and meanwhile there is a risk of partial or incorrect implementation of this Action Plan by the authorities.

Let us remind, that such reports are planned to be prepared every two months within the signed Memorandum of cooperation.

It should be mentioned, that the United States Agency for International Development (USAID) Human Rights in Action Program supports the UHHRU's work on drafting the National Strategy in the Sphere of Human Rights for the period until 2020 and its Action Plan, as well as monitoring of their implementation.

***The follow-up activities in this direction are as follows:***

To ensure a public and transparent process of discussion of the Action Plan of the National Human Rights Strategy for the first quarter 2016, in the period from June 6 to 10, 2016, the Ministry of Justice of Ukraine initiated meetings of the thematic subgroups (*link in Ukrainian*) formed earlier to draft the Action Plan. The main goal of the event was public discussion of possibilities for consolidation of efforts of human rights and civil society organizations and initiative groups to develop a systematic approach that will serve to ensure human rights in Ukraine and fulfillment of duties by public authorities in this regard. Let us note that UHHRU participated actively in these meetings.

##### Progressive law on improvement of provisions of judicial protection of foreigners and stateless persons came into effect

The Law No 3159 “On amendments to certain legislative acts of Ukraine on improving the provisions of the judicial protection of foreigners and stateless persons and settlement of certain issues related to countering illegal migration” was signed by President Poroshenko. It contains a number of significant changes both in the field of ensuring rights of migrants and for Ukraine as a whole. Its adoption was a requirement of the European Union in order to provide a visa-free regime with



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Ukraine, so it is expected that this reformation is to bring the national legislation more in line with the EU practices.

Let us remind that this law provides guarantees of judicial protection for foreigners and stateless persons. Earlier it was settled through the administrative procedure and there were numerous violations of human rights. For the purpose of forcible expulsion or identification, a foreigner or a stateless person was placed in temporary detention facilities for foreigners and stateless persons, and there were no alternatives. Now this will be decided by an administrative court. This category of people will have the right to free legal aid; besides, alternative preventive measures can be applied.

The UHHRU made a significant contribution to advocate the [changes introduced by this law](#) (*link in Ukrainian*) and aimed to protect human rights. In return, representatives of the State Customs Service of Ukraine assured that the new law will only improve the effectiveness of state cooperation with NGOs.

## Analytical and Monitoring Activities

### “Association with the EU: International Experience for Ukraine” Conference

The International scientific and practical [conference](#) (*link in Ukrainian*) held on **June 9, 2016** in Borys Grinchenko Kyiv University, gathered around a hundred of teachers, researchers, postgraduates and students who specialize in human rights protection, international law and development of legal mechanisms for the settlement of the armed conflict in the East of Ukraine. In particular, the UHHRU’s experts focused on protecting human rights amid the armed conflict from the transitional justice perspective.

This conference was held under the partial support of the USAID Human Rights in Action Activity.

### Recommendations on implementation of transitional justice in Ukraine

Let us remind that on May 25, 2016, the Ministry of Justice of Ukraine hosted the International round-table discussion “*Prospects for implementing transitional justice in Ukraine*” as part of the same-titled baseline study initiated by the UHHRU within the USAID Human Rights in Action Activity.

The participants stated that Ukraine finds itself in a difficult situation of overcoming the consequences of the authoritarian past and at the same time – solving social problems in conditions of the armed conflict. In this regard, the country needs to implement effective contemporary reforms to ensure the stable and protected by law life of its citizens.

Continuing making effort in this area, in early June the UHHRU finalized and sent to the President and the Government of Ukraine the recommendations developed during the roundtable which conclude that the best approach to reforms in Ukraine is implementation of transitional justice principles in public administration.

*The full text of the recommendations can be found [on the UHHRU’s website](#) (*link in Ukrainian*). Also the video footage of the round-table is available following [this link](#) (*in Ukrainian*).*

### Transitional justice in contemporary law

Working further on the topic of implementation of transitional justice in Ukraine, the UHHRU initiated a two-day telethon on UKRLIFE TV **on June 6-7, 2016**. Experts and analysts discussed on air the transitional justice in contemporary law.

*Video broadcasts can be watched [here](#) (*link in Ukrainian*).*



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You can extra [read](#) (*link in Ukrainian*) the comments of leading domestic legal experts Yaroslav Melnyk and Zhanna Balabanyuk, who commented on the possible realities of transitional justice implementation in Ukraine.

### Monitoring visits

- **On June 3, 2016**, there was conducted a monitoring visit<sup>1</sup> to Zhytomyr oblast in order to record evidence of a hostage, who was held captive and witnessed the extrajudicial executions of prisoners of war.
- In the near future, there will be held a joint with the Secretariat of the Ukrainian Parliament Commissioner for Human Rights monitoring visit on observance of human rights in the activities of local authorities. For preparation of the visit, on June 22, 2016, there was held a working meeting with the employees of the Secretariat to develop a system of indicators for human rights rating of oblasts<sup>2</sup> and to plan future visits under the mentioned initiative.

### Preparation and publication of various reports on observance of human rights

- On June 2, 2016, in the Archaeological Museum of the Institute of Archaeology of the National Academy of Science of Ukraine there was held a presentation of the report “*Archaeology under fire*” resulted from the UHHRU’s monitoring mission<sup>3</sup>, which included the field studies of protection and preservation of archaeological sites in some areas of Luhansk oblast. *More details can be found [here](#) (in Ukrainian).*
- Currently, a thematic report “*With the shield or on the shield*” (the condition of archaeological and architectural monuments of Donbas amid the conflict) is also being prepared for publication.
- With support of the USAID Human Rights in Action Activity there has been prepared and published a thematic report on access to humanitarian aid under conditions of the armed conflict in the East of Ukraine: *in [Ukrainian](#) and [English](#).*
- A thematic report “*Rights of persons with disabilities and the armed conflict*” is being prepared. Still within the [publications](#) section (*link in Ukrainian*) of the UHHRU’s website you can have a look at the report on the results of the same-named monitoring mission of the USAID Human Rights in Action Activity.
- The USAID Human Rights in Action Activity is preparing for publishing a thematic report “*Violent loss of private property as a result of hostilities in the East of Ukraine*”. This report, as well as all the others, will eventually be available on our [website](#) (*link in Ukrainian*).

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<sup>1</sup> The monitoring mission was conducted in frames of the [institutional support project](#) (*link in Ukrainian*) under the financial support of the Government of Sweden provided through [Sida](#).

<sup>2</sup> The human rights rating is understood as a process of evaluating characteristics of each region related to the observance of human rights, identification of weaknesses, regional peculiarities and needs. The evaluation takes place during continuous monitoring of local authorities conducted by experts and non-governmental organizations if necessary – together with employees of the Secretariat of the Ukrainian Parliament Commissioner for Human Rights. This initiative is being realized with the financial support of several projects implemented by the UHHRU, namely, the USAID Human Rights in Action Activity, Human Rights First (funded by the Global Affairs Canada) and institutional support project of the Government of Sweden through Sida.

<sup>3</sup> With support of [Sida](#).



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## Strategic Litigation

### Strategic litigation cases of UHHRU

#### Case of the Ukrainian political prisoners Mykola Karpyuk and Stanislav Klykh

**On June 23, 2016**, there was held a closed meeting of a working group with the Ministry of Foreign Affairs on issues of release of prisoners held in the Russian Federation and in the occupied territory of Crimea, which was attended by the lawyers of the UHHRU's Strategic Litigations Center (SLC), law enforcement officials, representatives of the Secretariat of the Ombudsperson, the Ministry of Justice, as well as Russian, Crimean lawyers and human rights activists. In particular, there were discussed the following steps to release Mykola Karpyuk and Stanislav Klykh and ways of their return to Ukraine.



That day a lawyer of the Center took part in a [press conference](#) on case concerned together with the Russian lawyers, relatives and human rights activists, during which she told about S. Klykh's mental health and what is being done to help Stanislav in legal, humanitarian and social aspects.

Reminding that on May 26, 2016, Mr. Vakhit Ismayilov, Judge of the Supreme Court of Chechnya, [sentenced](#) (in Ukrainian) Mr. Karpyuk to 22,5 years of imprisonment in the strict-regime penal colony, Mr. Klykh to 20 years in prison. The defenders of the Ukrainian political prisoners had no doubt that there would be judgment of [conviction](#) (in Ukrainian). Both

Ukrainians has already signed an application to appeal the court's judgment.

#### Additional information on the case:

*"The Ministry of Justice of Ukraine has forwarded to the Russian Federation a [request for extradition](#) (in Ukrainian) of the detained citizen of Ukraine S. Klykh", – declared Natalia Sevostyanova, First Deputy Minister of Justice of Ukraine. Ms. Sevostyanova said that there hasn't been any reaction of the Russian Federation to the request for extradition of the Ukrainian M. Karpyuk yet. It was also emphasized that the procedure of return for serving a sentence takes much longer than exchange. Responding to the clarifying question whether it just refers to M. Karpyuk or to S. Klykh as well, she said, "Yes, it refers to both."*

#### Petukhov v. Ukraine case

**On June 4, 2016**, the UHHRU's SLC provided its response to the objections of the Government of Ukraine in the Petukhov v. Ukraine case. At the stage of the communication, there were raised issues of improper medical care in penal institutions and failure to ensure decent living conditions in these institutions. The applicant also complained about the way in which there were arranged meetings with his wife, who was also his defender. The truth is that most of the institutions of the State Penitentiary Service of Ukraine are not equipped with facilities for meetings where prisoners could hug or even hold the hand of their relatives.

The most important issue raised under this communication is non-existence of legislative possibility in Ukraine to re-sentence a person sentenced to life imprisonment. The European Court of Human Rights (ECtHR) is to decide whether Ukraine has complied with the provision of Article 3 of the Convention, which prohibits inhuman and degrading treatment or punishment.





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According to the national legislation the applicant has no right to make a motion for a reduction in the length of his sentence and parole. Violation of the applicant's right to hope for the possibility of release is more aggravated, in view of his poor health, because of inadequate medical treatment and poor conditions of detention, which he is still suffering from. In Ukraine, there is no possibility of parole for life sentence prisoners, while the current procedure of presidential pardons cannot be regarded as a remedy for a reduction in the sentence for such categories of persons.

The case is supported by USAID Human Rights in Action Activity.

### Complaint about absence of access to environmental information

**On June 15, 2016**, the UHHRU's lawyers submitted to the ECtHR the complaint about no access to environmental information for the socially active community association. The applicant in the case draws public attention to pressing environmental issues and actively participates in public discussions and environmental effect assessment. However, the State Financial Inspection refused to provide the association-applicant with an act containing environmental information. The Inspection referred to the investigator's response that the indicated act was a proof in the criminal proceedings, therefore could not be disclosed. Neither the investigator, nor the State Financial Inspection explained their position and provided grounds to restrict access to environmentally important data. The Ukrainian courts also failed to protect the rights of the public association.

Regarding the all abovementioned, the UHHRU's lawyers prepared a complaint to the ECtHR, where they raised the important issue of free access to information containing special community value.

### A prisoner will receive 3,000 euros from Ukraine

Even a person charged with the most serious crimes has rights that should be strictly respected. Unfortunately, in Ukraine authorities remember that only when they have to pay compensation for a violation.

Mr. Anatoly Kryvoshey was arrested on August 15, 2001 on suspicion of theft. In a week, another detainee told the police, as if he together with the suspect had committed the murder and hidden the bodies of victims in the forest. A reconstruction of the crime took place without an advocate, who had to be present by law at this stage of the investigation because of the gravity of the crime. As a result, in 2004 the court, accepting the results of those investigations as a basis for sentencing, found Anatoly guilty of murders.

The convict considered that decision unjust and appealed to the ECtHR demanding compensation for material damage in the amount of €50,000 from the budget of Ukraine, since the criminal proceedings against him on theft charges had lasted more than ten years, as well as he had not been provided with an advocate at the initial stage of charging him with the murder.

When the case was forwarded for communication to the Ukrainian government in 2013, the UHHRU developed and submitted its legal positions in response to the objections of the government. Following the principles of justice, the ECtHR adjudged not only to pay Mr. Kryvoshey €3,000 as a compensation for moral damage as a result of the breach of the European Convention for the Protection of Human Rights and Fundamental Freedoms (hereinafter – the Convention) related to the excessive length of the criminal case, but announced the complaint about the absence of an advocate during investigation to be eligible. Currently, the UHHRU will seek to vacate and review this sentence.

More details are available [here](#) (in Ukrainian).



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### Other news of the UHHRU's Strategic Litigation Center

- From **June 6 to 10, 2016**, there was held a conference at the International Criminal Court in The Hague, where the only representative from Ukraine was the UHHRU. At the conference, the issue of the conflict in the East of Ukraine was touched upon among the others.
- The **Prisoners of War UA Project** continues its work that currently considers about two hundred cases of persons affected by the events in the East of Ukraine. During June 2016, there were filed two complaints on behalf of the former prisoners and follow-ups to the complaint relating to violation of Articles 3, 4, 5 of the European Convention on Human Rights.

### Gender aspects of access to justice for women and men discussed

**On June 9, 2016**, the SLC's lawyers attended a conference on the gender aspects of access of women and men to justice<sup>4</sup>, during which there was presented an analysis of court decisions on protection against discrimination based on sex, including statements of international and Ukrainian law on protection against discrimination based on sex, special regulations of international law ratified by the Verkhovna Rada of Ukraine, the ECtHR case-law and provisions of the Ukrainian legislation. The participants of the discussions identified the problems and tendency in application of both national law norms and international law and developed the respective recommendations.

### Strengthening judicial protection of women's rights both at national and international levels

**On June 21-23, 2016**, the UHHRU participated in a regional training of the European Human Rights Advocacy Center (EHRAC) entitled "Combating violence against women through legal proceedings", which was held in Warsaw and hosted by the Helsinki Foundation for Human Rights.

The event program was focused on the strategic cases of domestic and sexual violence against women, case-law analysis of the European Court of Human Rights and the UN Committee on the Elimination of Discrimination against Women. The participants developed potential strategies for judicial protection of women's rights at both the national and international levels, and discussed ways to overcome the problems of non-compliance of national legislation with international standards for the protection of women's rights.

### Participation in round-table "The High Council of Justice as an agent of change in justice system"

**On June 22, 2016**, the lawyer of the UHHRU's SLC attended the roundtable "The High Council of Justice as an agent of change in the justice system: joint discussion and exchange of views with representatives of civil society organizations". The main attention was paid to the restrictions of disciplinary proceedings – whether the High Council of Justice should be restricted only to verification of facts provided in complaints, or it can and should go beyond.

In the opinion of the High Council of Justice, in any case, the grounds for violation of disciplinary proceedings should be a particular fact, which a complainant points to. The new Law of Ukraine "On the judicial system and status of judges" does not even provide such grounds for bringing judges to disciplinary responsibility as oath breaking. There was articulated the idea that one should go beyond the complaint when the public interests require this. It was also noted that generally the application of rules of the substantive law by a judge is not subject to verification, but in exceptional

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<sup>4</sup> The OSCE Project Coordinator in Ukraine organized the forum in cooperation with the USAID Fair Justice Project and the National Judicial Institute of Canada.



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cases it is possible (for example, when there are doubts as to the impartiality of a judge when applying these rules).

### Federal Security Service of Russia keeps on intimidating Crimean Tatars

**On June 22, 2016**, with the participation of the SLC there was held a press conference “The cases against the Crimean Muslims: Federal Security Service of Russia exerts pressure on the detainees’ families for kitchen talks about “terrorism”. As of today, Russia has arrested and illegally detains 14 citizens of Ukraine of the Crimean Tatar nationality accused of terrorism without any justification, in fact – for “kitchen talks”. The case of the first four men is already being tried in the North Caucasus district military court. The remaining ten men are being held in the pre-trial detention center of Simferopol. While the pre-trial investigation is being carried out, the pressure is exerted on the detainees and their families; officials are trying to intimidate them.



During the event, there were announced numerous violations of the fundamental rights of the detainees, as well as some details of the case against Emir-Usein Kuku, a Crimean human rights defender, who was a member of the contact group on human rights and engaged in cases concerning investigation of kidnapping and disappearance of the Crimean Tatars in the territory of the occupied peninsula.

Thus, Emil Kurbedinov, lawyer of several detainees, believes that extremism, terrorism and Islam have just turned into instruments of combating dissent in Russia.

Mykhailo Tarakhkalo, Director of the UHHRU’s Strategic Litigations Center, stressed that the Russian Federation turns Crimea into the territory of horror: those, who do not associate themselves with Russia, are in danger. “*Russian courts do not allow people to protect themselves*”, – said Mr. Tarakhkalo. – “*They just hang labels and publicly expose these people guilty.*” According to the human rights activist, the cases against the Crimean Tatars have a huge number of violations, which means that when trying them in the international instances, in particular in the ECtHR, they will have very good chances to be successful.

Maria Tomak, #LetMyPeopleGo campaign coordinator, encouraged the Ukrainians to write letters to detained fellow citizens, namely **Ruslan Zeytullayev, Nuri Primov, Rustem Vaitov and Ferat Sayfullayev** held in the Russian pre-trial detention center.

*More details on the results of the press conference and address where you can send letters of support can be found [here](#) (in Ukrainian).*

### UHHRU report on judicial protection of persons amid armed conflict

**On June 22, 2016**, there was held a round-table “Judicial protection of the rights and freedoms in conflict-affected areas of Ukraine and the applications against Ukraine to the European Court of Human Rights”<sup>5</sup>, where there were presented the reports of judges of the Supreme Court of Ukraine, the high specialized courts and judges of the appeal courts of Donetsk and Luhansk oblasts.

<sup>5</sup> The event was held with the support of the Council of Europe project “Support to the implementation of the judicial reform in Ukraine.”





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During the meeting, UHHRU presented its work on liberation of prisoners of war of the UHHRU's Strategic Litigations Center and laid the emphasis on national legislation and judicial protection in regard of the conflict in Ukraine.

We offer you to have a look at [the report](#) made by the SLC lawyer (link in Ukrainian).

### **Legal position for the Constitutional Court of Ukraine upon recommendation of the Ukrainian Parliament Commissioner for Human Rights is prepared**

In June, the Strategic Litigations Center **prepared a legal position** for the Constitutional Court of Ukraine upon the recommendation of the Ukrainian Parliament Commissioner for Human Rights on compliance with the Constitution of Ukraine of the provisions of Article 294 and Article 326 of the Code of Administrative Offences of Ukraine in the part that provides for an exception to the general rule on the entry into force of a judgment after the expiry of the appeal deadline for judgments on application of disciplinary action under Article 32 of the said Code.

The UHHRU's lawyers supported the Commissioner's position and believe that the indicated provisions of the Code of Administrative Offences contradict the Constitution of Ukraine, as their existence enables to review an appeal only after serving administrative detention and generally makes an appeal ineffective.

### **Assistance to victims of armed conflict**

The UHHRU continues to assist people affected by the hostilities in the East of the country. As of today, the work has been carried out with more than two hundred persons. In June, six complaints and ten follow-ups were filed with the ECtHR.

### **Materials on web-site of Strategic Litigation Centre worth of paying attention to (links are in Ukrainian)**

- [“Developers demand from the Kachyne lake defenders over UAH 195 thousand”, “Scientific and expert conclusion on the status of the Kachyne lake in Darnytsky district of Kyiv”](#) and an official address on this topic [“UHHRU asks the Minister of Environment to take under control violations of environmental legislation in regard of the Kachyne lake.”](#)
- [“Preventing from purchasing a state apartment has violated the right to property in the light of Article 1 of Protocol No. 1 to the Convention.”](#)
- [“Deprivation of a person's liberty by the state for human rights activities violates Article 18 of the Convention.”](#)
- [Environmentalists and human rights activists have presented the first resolution within the ecological project “Dumaidan-2016”](#): the document is intended to influence the situation with the Ukrainian law on preservation of green areas.

## **Free Legal Aid**

[The UHHRU network](#) of legal aid centers (LACs) keeps on delivering free legal aid and holding information and awareness raising events in the sphere of human rights and also documenting



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crimes among population who witnessed human rights violations in the occupied Crimea or ATO area<sup>6</sup>.

The United States Agency for International Development (USAID) supports activities of the UHHRU's legal aid centers in Sloviansk, Bakhmut, Mariupol, Krasnoarmiysk and Kryviy Rih in the frames of Human Rights in Action Program.

### Successful cases of legal aid centers

#### UHHRU's lawyers have assisted a defrauded client in suing the Oshchadbank to get his money back

Vasyl<sup>7</sup> turned to the UHHRU's legal aid center in Lviv for assistance in returning savings, which he deposited in the Oshchadbank. The bank flatly refused to return money to his client.

This story began in 2013: Vasyl in due order concluded and signed an agreement with the bank depositing all his savings on the account, which he had been saving for several years in the same bank branch. On his way back home, he consoled himself with the thought that it was much safer to keep money in the bank than at home. When he decided to extend the deposit agreements, he was refused to do that in the branch, as they did not find the relevant accounts in the accounting system of the bank. It turns out that dishonest bank employees signed contracts with clients without crediting their money to accounts of the bank; instead, they embezzled it.

*"I was explained by the letter from the branch, that my deposit agreements were not registered in the accounting system of the bank and consequently, the funds were not paid in at the bank counter. Moreover, they said that the documents (receipts) for depositing funds into the accounts did not comply with the special form,"* says the defrauded depositor. However, the lawyers of the UHHRU's LAC in Lviv, where the defrauded bank client applied in despair, strongly disagree with this position of the bank.

The court, having reviewed the case files, took the side of the victim and ordered the Oshchadbank to take responsibility for the embezzling of client funds by its employees and to return money to the depositor. Currently, Vasyl is awaiting the enforcement proceedings to recover funds from the bank through the enforcement service.

For more information on this case follow [this link](#) (in Ukrainian).

#### Lawyers of UHHRU's LAC in Lviv assist residents of a house next to which illegal construction has started

The Lviv citizens are raising the alarm – illegal constructions have turned into a viral disorder that rapidly spreads all over the city. However, the construction of a block of flats with a built-in store, which they tried to carry out without the necessary package of permits, was suspended. Lviv authorities initially turned a blind eye to all this and their decisions and actions actually provoked this situation. However, the outraged residents of neighboring houses were not silent and began to actively defend their rights by means of turning for assistance to the human rights defenders.

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<sup>6</sup> A communication is established and functioning inside the network that allows to forward requests from a citizen to an appropriate lawyer for more effective work. UHHRU also conducts outreach consultations for free legal aid provision according to the schedule (information thereon is disseminated in advance among local media outlets).

<sup>7</sup> Full name withheld to protect privacy.



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Unfortunately, the situation with illegal constructions becomes the norm for the Lviv community. Only active actions of residents, who were supported by community activists, qualified and timely legal aid of the UHHRU's lawyers and public reaction to a conflict situation did not allow the developer to implement own plans.

For more information on this case, follow [this link](#) (link in Ukrainian).

### UHHRU's lawyers from Uzhgorod have assisted an ATO participant in getting legal remuneration

Oleksandr<sup>8</sup>, a military man and a participant of the anti-terrorist operation, turned to the UHHRU's LAC in Uzhgorod. His colleagues in military service lawfully received extra remuneration for specific combat missions during direct participation in the military conflict, which at that time amounted to UAH 1,000 per day. Instead, Oleksandr found himself among dozens of people who did not receive this remuneration.

Pursuant to the law, the UHHRU's lawyers helped to prepare an information request to the relative military unit in order to get copies of the documents needed to calculate and pay extra remuneration. In response, the client was informed that all required documents had been destroyed in the ATO area. Then, there was written an application with a request, in accordance with the procedure, to send all the required documents to the military authorities (the ATO staff headquarters) in order to calculate and pay such remuneration, and to provide extract from the order of the head of the ATO on warfare analysis. In addition, Oleksandr also complained to the Military Prosecutor's Office of the Western Region of Ukraine asking to take measures that would be able to influence the payment of extra remuneration to him.

As a result, Oleksandr has received a payment of UAH 15,000.

It should be noted that this problem affects a large number of military men and has already become systemic in nature. Therefore, the lawyers advise the military and all those involved in the ATO to pay attention to the problem "prevention" and keep a check on the correctness of documents required to obtain certain benefits or payments in future.

More details can be found [here](#) (in Ukrainian).

### UHHRU's lawyers have assisted young man to finally receive the Chernobyl certificate

Since 2012 Mr. Josiph I.<sup>9</sup>, a Chernobyl disaster liquidator of the first category, was trying to prove the Lviv Oblast State Administration that his son has a legal right to have a status of victim of the Chernobyl catastrophe, as he has serious illnesses and disability since childhood caused by the accident. The status of Chernobyl victim was lost at the age of majority. The lawyers of the UHHRU's legal aid office in Lviv helped young man to return the Chernobyl certificate.

The uniqueness of the story is that it was a court, not a special medical committee that found the cause and effect relationship of disease and disability with the ionizing radiation as a result of the Chernobyl accident.

*"It was the first time for me (by the way, for my colleagues as well), that the court concluded on its own despite the medical committee and the courts of higher jurisdiction left that conclusion in power. Thus, we decided to sue the Department of Social Security to oblige it to give an appropriate order for issuing the certificate on the basis of this judgment concluding the relationship of the disease with Chernobyl accident. After compulsory enforcement proceedings (which, for that matter, were*

<sup>8</sup> Full name withheld to protect privacy.

<sup>9</sup> Full name withheld to protect privacy.



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carried out through Kyiv) the certificate was finally issued to the client”, – says Nina Khoma, a LAC’s lawyer. Please find details [here](#) (link in Ukrainian).

### Other cases of legal aid centers (links are in Ukrainian)

- Senior citizens from Rivne [defended](#) their right to access to information thanks to the UHHRU’s legal aid center’s assistance:  
*Pensioners of the village in Rivne oblast, thanks to the UHHRU’s lawyers in the region, could win in court the right to information, since the village council rejected to respect their rights.*
- UHHRU’s lawyers [contributed](#) to solving a conflict between administration and academic staff of the Cherkasy National University regarding accommodation issues.
- UHHRU’s lawyers from LAC in Khmelnytski helped a veteran to [protect](#) his right to property.
- UHHRU’s Lawyers from LAC in Lutsk helped a woman with disabilities to [protect](#) her rights.
- UHHRU LAC lawyers from Khmelnytskiy are making [efforts](#) to help citizens to protect their right to property owning – a mistake in a family name is common problem in the region.
- UHHRU lawyers are trying to [help](#) a resident from Ternopol to protect his right to land owning in the European Court of Human Rights:  
*It refers to the problem of citizen from Ternopil who cannot fully enjoy the ownership of a land share because of the moratorium. The case has already reached the ECtHR.*
- Chuhuiv Human Rights Group [intends](#) to help an IDP person of the Roma ethnicity who was possibly charged on the grounds of discrimination:  
*A case of the Chuhuiv human rights group defending a Roma IDP accused of hooliganism, which includes a number of significant violations and has an evident sign of discrimination.*
- UHHRU’s LAC in Cherkasy [helped](#) to restore justice by proving a man’s participation in combat actions and honoring him with an appropriate combatant status.
- Lawyers of the UHHRU’s LAC in Lutsk [have assisted](#) a woman with disabilities in protecting her rights:  
*The Department of Social Policy demanded from the local resident, a pensioner and person with disabilities, to return the improperly paid allowance in the amount of over UAH 33,000. Currently, the case is settled in favor of the woman.*

### Other events in sphere of free legal aid

#### Legal awareness raising from UHHRU’s legal aid center in Cherkasy

The lawyers of the UHHRU’s LAC in Cherkasy [made](#) (link in Ukrainian) a site visit to the urban-type settlement Katerynopil of Cherkasy oblast aimed to provide legal aid to the population and to raise its legal awareness.

The above-mentioned legal aid office found another partner for cooperation – Katerynopilsky district library. The acquaintance started with watching a documentary “The ABC” from the Docudays UA collection followed by discussion of the main current issues, including violation of children’s rights and the rights of people amid military conflicts. During the discussion, the participants also tried to draw parallels with the present – violations of rights in the ATO area and, in general, violation of children’s rights in the rest of the Ukrainian territory.





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## How to get one-off financial aid from the state?

Due to poor legal awareness, not everyone knows that it is possible to get one-off financial aid from the state, which is provided to the categories entitled to special benefits, as well as those who are in difficult living conditions caused by social status. Usually, people hesitate to ask if they can count on it – or rather are afraid of hearing the negative answer.

The lawyers of the UHHRU's LAC in Sumy, when communicating with clients, pay special attention to this matter. It arouses keen interest of the internally displaced families, as they found themselves in difficult living conditions.

We offer a [scheme of actions](#) (*link in Ukrainian*) from the UHHRU's lawyers illustrated by an example of one internally displaced family.

## Human Rights Education and Promotion

### Human Rights Education for Lawyers

#### Study visit to CEELI Institute in Prague

On May 9, 2016, a group of 23 advocates and lawyers from all over Ukraine – graduates and experts of the distance course for human rights advocates within the program “[International law for protection of civil interests](#)” (*link in Ukrainian*) – came for a study visit<sup>10</sup> to the Central and Eastern European Law Initiative/ CEELI Institute (Prague, Czech Republic).



The visit, which took place in the format of the interactive workshop and discussions, was aimed to detailed examination of practices of the key world human rights bodies, such as the Human Rights Committee and different human rights monitoring mechanisms in the United Nations system, approaches and practices of the Inter-American Court, as well as possible application of these bodies' decisions in

cases protecting human rights in Ukraine.

The participants together with experts and practitioners worked on such interesting topics as analysis of the UN procedures for submission of complaints, the special procedures of the Human Rights Council, the terms of admissibility of individual communications at the Human Rights Committee and the role of lawyer in implementation of recommendations, special practical aspects of the Human Rights Committee (freedom of movement, freedom of assembly), the Inter-American court practice, and more.

<sup>10</sup> The visit was organized by the CEELI Institute in cooperation with the UHHRU.





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## Meeting of human rights lawyers with UN Special Rapporteur on the Independence of Judges and Lawyers in Belgrade

**June 10-13, 2016**, in Belgrade, Serbia, there was held a meeting<sup>11</sup> of graduates of the Distance course for human rights advocates with the UN Special Rapporteur on the Independence of Judges and Lawyers, Ms. Monica Pinto<sup>12</sup>.



During the event attended by representatives of the Human Rights House Network, lawyers and human rights activists from Moldova, Belarus, Azerbaijan and Russia, as well as by three Ukrainian graduate lawyers of the course, there were discussed topical issues concerning the independence of lawyers and current risks for human rights defenders.

It should be noted that among the participants, there was a prominent lawyer and human rights activist from Azerbaijan Intigam Aliyev, who has been persecuted by the authorities for his human rights activities and has been recently released

from captivity after the illegal and politically motivated imprisonment.

### Formal Education

#### Discussion of Action Plan implementation for the National Strategy in the Sphere of Human Rights

**On June 8, 2016**, the experts for educational activities of the UHHRU and the Ukraine-wide Educational “We Understand Human Rights” Program (WUHR) took part in the meeting of the third thematic subgroup “Social, economic and other rights”, which was organized by the Ministry of Social Policy of Ukraine to discuss the implementation of the Action Plan. *Details of the meetings of all thematic groups are available [here](#) (link in Ukrainian)*

Pursuant to the Report on results of implementation of the National Strategy in the Sphere of Human Rights for the first quarter of 2016, the Program experts have started developing proposals for specific corrective measures in the implementation of the educational component of the Action Plan.

#### Participation in public discussion of new Ukrainian school perspective

**On June 13, 2016**, the representatives of the WUHR Program participated in public discussion of new Ukrainian school perspective, which was held in the format of strategic session with Ms. Liliya Hrynevych, Minister of Education and Science of Ukraine. During the discussion there were defined mechanisms of transition from knowledge-oriented education to the education, oriented towards mastering of subject and life competencies. The Program representatives made proposals for

<sup>11</sup>The event was organized with the support of the Human Rights House Network, the Yucom (Lawyers’ Committee for Human Rights, Serbia), the Belgrade Human Rights House, the International Bar Association and the Office of the United Nations High Commissioner for Human Rights.

<sup>12</sup> Ms. Monica Pinto is a professor of international law and human rights law at the Law School of the University of Buenos Aires, where she is currently the Dean. In addition, Ms. Pinto is an Associate Member of the *Institut de Droit international* and one of the international advisors of the American Law Institute for the Fourth Restatement on Foreign Relations. She is an author of numerous scientific articles and has contributed to the development of international human rights law.



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mandatory inclusion of principles and standards of respect for human rights and fundamental freedoms, rights of the child, developed by the UN and the Council of Europe, in the Concept of the “new school” development and the educational community in general.

It was also articulated that under current conditions, there is an urgent need for legal binding of the state in the field of human rights education, and the lack of any mention in the draft Law on education complicates the introduction of human rights education and implementation of the National Strategy in the Sphere of Human Rights. *More information is available [here](#) (link in Ukrainian).*

### Participation in public discussion of draft standards for higher education in “Social work” specialty

**On June 13, 2016**, during the meeting that took place with the participation of Mr. Pavlo Rozenko, Vice Prime Minister of Ukraine, and members of the Commission on training standards development, the representatives of the WUHR made their proposals to draft standards that are based on international human rights standards and ensure the implementation of the National Human Rights Strategy.

### Informal Education and Training for Different Target Groups

#### Training “Freedoms under threats: Security recommendations to public observers during actions with a high degree of conflict”

**On June 12, 2016**, in Kyiv there was held the March of Equality within the International LGBTI Forum “KyivPride-2016”. On the eve of the event, the experts of the Center for Civil Liberties and the OZON Civic Monitoring Group organized [a special training](#) (link in Ukrainian) for community activists who expressed a desire to monitor the actions of law enforcement officers during the March. In particular, Oleg Martynenko, Coordinator of the UHHRU’s analytical activities, gave practically-oriented classes “We learn to properly record the police actions.”

#### Documenting war crimes was lectured in Uzhgorod

**On June 15, 2016**, [there was held a seminar](#) (link in Ukrainian) “Comparative analysis of military developments in the Balkans and Ukraine. Legal protection”. The target audience of the event included internally displaced persons and journalists.

*“The problem of documenting war crimes is not even a problem of national importance; it is a problem common to humanity. I remind that such crimes have no period of limitations, thus, the displaced persons and combatants first of all should document their testimonies. The solidarity shown by the Bosnians and Croats in documenting crimes against humanity should be demonstrated by us – the Ukrainians – as well,”* – said Borys Kondratyuk, Coordinator of the UHHRU’s legal aid office in Uzhhorod.

#### Training for cinema club moderators

**On June 7-9, 17-19 and 21-23, 2016**, the Queer Home-Kyiv hosted two-level trainings for moderators of the Docudays UA cinema clubs accommodated at libraries, community organizations and public reception offices of the eastern regions. They were aimed not only to demonstrate features of a cinema club as an instrument of human rights education, but also to explore the basic human rights topics, namely philosophy, evolution, basic concepts, mechanisms of human rights



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protection (both national and international), actions to protect human rights, methods and tools for organizing and conducting screenings for different target groups.



There was also developed a format and a scheme of actions to carry out informational and awareness-raising activities in order to promote notions of human rights and combat discrimination. In addition, there was held a session on planning opportunities and ways of converting clubs to hubs of social activity in favor of human rights culture.

### Training “Introduction to human rights” for lawyers and employees of UHHRU’s legal aid offices

On June 11-15, 2016, the Educational Human Rights House in Chernihiv (EHRH-Chernihiv) hosted a training<sup>13</sup> intended to build for 29 participants (mostly lawyers) understanding of approach to consulting oriented towards human rights and provide them with all the necessary tools for its usage.



The training helped the legal practitioners to explore the philosophical and ethical foundations of their daily work, as it contained information on contemporary human rights concept, its evolution and philosophy, as well as human rights values in relation to legal norms. Special informative blocks formed insights about possible actions to protect civic interests, human rights protection systems, anti-discrimination laws in Ukraine and practical work of the UHHRU’s LACs.

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### Event within Summer Law Internship School

On June 17, 2016, within the Summer Law Internship School that is hosted by the Appeal Court of Chernihiv Oblast, the law students of several universities visited the EHRH-Chernihiv<sup>14</sup>, where they learnt about its structure and objectives, participated in workshop on common understanding of human rights and practical assignments, and simulated a trial.

<sup>13</sup> The event was held within the [“Human Rights First” Project](#), implemented by the Ukrainian Helsinki Human Rights Union with the financial support of the Government of Canada provided through the [Global Affairs Canada](#).

<sup>14</sup> The event was held by the UHHRU’s member non-governmental organization “MART” within the WUHR Program action plan that provides for development of an internship model for law students together with courts.





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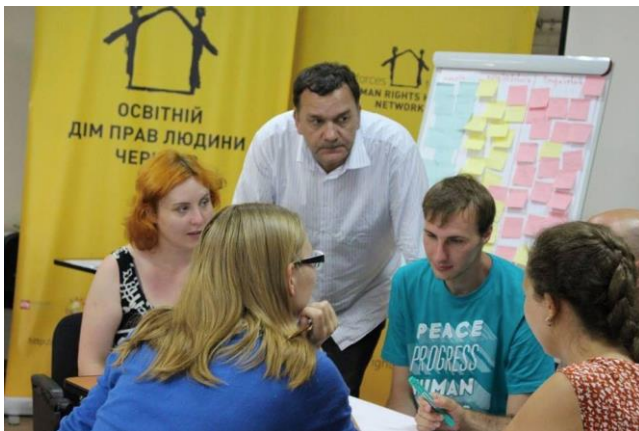


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Sharing their impressions, the participants stressed that during the meeting for the first time they experienced teaching methods that are not used in their institutions. In addition, they found important the body of knowledge on human rights, which is not covered by common academic disciplines taught at the law faculty.

### Training of Young Voices for Peace Project

**On June 22-25, 2016**, there was held the second training of the Young Voices for Peace Project<sup>15</sup>, which is a step in the dialogue between the civil societies of Ukraine and Russia, during which the activists developed the concept of conflict and learned about peacekeeping tools and their practical application.



In dialogue groups, the participants discussed what they could do in order to build mutual understanding between their societies. During summer, the participants will prepare several peacekeeping initiatives, later to be implemented on their own.

### Seminar of the Ukrainian-Polish project “Cooperation between local authorities and NGOs. Promotion of good practices”

**On June 27-30, 2016**, there was held the first seminar of the said project<sup>16</sup> aimed to provide representatives of NGOs and executive bodies, local authorities from Poltava, Chernihiv and Sumy oblasts with theoretical training on thinking in terms of human rights and the rule of law, and the principles of local self-government.

### Human rights female activists: the face of force

**On June 30, 2016**, the America House (Kyiv) hosted a [lecture](#) (*link in Ukrainian*) of Lara Aharonian, an Armenian human rights activist, the founder of the Women’s Resource Center in Yerevan. The human rights activist spoke about protection of women’s rights in Armenia and the Caucasus in

<sup>15</sup> The project is administrated and implemented by the EHRH-Chernihiv with the support of the Organization for Security and Cooperation in Europe (Bureau for Democratic Institutions and Human Rights), Norwegian Helsinki Committee, UHHRU and others.

<sup>16</sup> The project is implemented by the UHHRU within the framework of the WUHR Program, as well as the Helsinki Foundation for Human Rights (Poland), MART NGO, the AHALAR Center of Humanistic Technologies (Ukraine) within the Poland-Canada Democracy Support Program. Total number of groups involved in the project is seven: by twos from Sumy/Sumy oblast, Poltava/Poltava oblast and three groups from Chernihiv and Chernihiv oblast. Each team consists of two members of the NGO/civil society activists and representatives of local authorities (in total three people). From each oblast beyond the competition, there was chosen one representative of reforms office and one journalist.



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general, the smear campaigns and incitement to hatred against the activists as a manifestation of the reaction of the conservative society for social activity of women. In addition, there were raised the issues of what it means to be human rights activist in the Caucasus, which challenges women face who take a path of human rights protection in post-Soviet societies, where the nationalist and militarist attitudes have recently intensified, where the confrontation started between “western” and “traditional” values and what the role of pro-Russian propaganda in the compromising of human rights activists in neighboring countries is?



The lecture was accompanied with a plenary discussion on gender issues in human rights protection area with participation of Lara Aharonian together with the Ukrainian female human rights activists Tetyana Pechonchyk (Center for Human Rights Information), Darya Svyrydova (UHHRU), Olexandra Matviychuk (Center for Civic Liberties, Euromaidan SOS) and Ane Bonde from Human Rights House Foundation (Oslo, Norway).

There was also presented the photo exhibition “[Women human rights defenders: Portraits of Strength](#)” which displays 18 portraits of women working in human rights organizations of the Human Rights House Network.

The event was organized by the Educational Human Rights House-Chernihiv, UHHRU, Human Rights House Foundation in partnership with the America House and co-funded by the USAID Human Rights in Action Activity and the Ministry of Foreign Affairs of Norway.

*Video of the lecture is available [here](#).*

## Upcoming activities

### **Announcing XII All-Ukrainian Human Rights School**

The School, organized by the Ukrainian Helsinki Human Rights Union with the financial support of the USAID Human Rights in Action Activity, this year will be held from **August 8 to 15** in the Educational Human Rights House-Chernihiv.

Within eight days, participants will raise awareness about human rights and mechanisms for their protection, learn to identify human rights and their violations in everyday life, enhance the understanding of tolerance and non-discrimination, and learn to plan effective activity in the field of human rights.

*More information about the school can be found [here](#) (link in Ukrainian).*





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## Main Events in Human Rights Area

### International LGBTI Forum KyivPride-2016 took place

**From June 6 to 12, 2016**, in Kyiv there was successfully held the 5<sup>th</sup> International LGBTI Forum KyivPride-2016 under the slogan “Security of a person – development of the country!”. The program included over 15 activities (round-tables, discussions, documentary film screenings, workshops and exhibitions), as well as peaceful gathering – March of Equality to support the notions of equal rights for all, regardless of sexual orientation, gender identity or other characteristics. About 2,000 people, at least half of whom do not belong to the LGBTI community, came to express solidarity and support the discriminated group and its right to security.

*Detail of the International Forum can be found [here](#).*

In addition, it should be mentioned that UHHRU supported the International LGBTI Forum and March of Equality. In particular, there was signed the declaration of support and agreed on legal support of the event, if necessary. In early June, there [were published](#) (*in Ukrainian*) two interviews on the UHHRU’s website with the Union’s representatives concerning the March of Equality in Kyiv and LGBTI rights in Ukraine in general. The Union also participated in a press conference on the results of the March of Equality.

### Exchange of Ukrainian political prisoners Gennadiy Afanasyev and Yuriy Soloshenko

**On June 14, 2016**, Yuriy Soloshenko and Gennadiy Afanasyev, the Ukrainians sentenced in Russia, were exchanged for citizens of Ukraine Olena Hlishchynska and Valeriy Didenko.

Ms. Hlishchynska was charged under Article 110, Part 2, of the Criminal Code of Ukraine with the preparation and participation in organization of proclamation of Bessarabia autonomy – the court found her guilty on June 13. Mr. Didenko is a pro-Russian journalist from Odesa, who pleaded guilty and was detained under the same article. He was accused of separatism and creation of “Bessarabia People’s Council” and sentenced to three years imprisonment.

[The human rights activists say](#) (*link in Ukrainian*) that there were no legal grounds of this exchange: when it comes to transfer of sentenced persons, the so-called Minsk Convention is applied, but it implies criminals who commit illegal acts, but have citizenship of different country. Then, there are certain legal grounds, but in this case, they do not exist. These are not extradition exchanges, but purely political decisions, which are not based on legal regulations.

### Amendments to the Constitution of Ukraine in part of justice published

The official newspaper of the Verkhovna Rada “Voice of Ukraine” has published the Law on amendments to the Constitution in part of justice. According to its final and transitional provisions, the amendments to the Constitution of Ukraine in part of justice will take effect in three months following the publication of the law (i.e. on June 30, 2016).

At the same time, the provision on the possibility of recognizing by Ukraine the jurisdiction of the International Criminal Court (the Hague, Netherlands) will come into effect in three years following the publication of the law.



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## Cabinet of Ministers has appointed a new Commissioner for the European Court of Human Rights

The Cabinet of Ministers of Ukraine appointed Ivan Lishchyna, lawyer, as a new Government Agent of Ukraine before the European Court of Human Rights. The corresponding resolution No 443 was adopted on June 24. For more detail, please follow this [link](#) in Ukrainian.

## Terrorists recruit children and use them as “human shields” – a report of the Department of State

*The Russian militants and terrorist groups recruiting minor residents of the territories uncontrolled by Central government, and territories where government is not able to provide a ban on the use of children in armed conflict. Pro-Russian separatists also continue to use children as informants and as human shields, – stated in a new annual Trafficking in Persons Report of the U.S. Department of State.*

Read more [here](#) (in Ukrainian); a report is available in English [here](#).

## Ukraine insists on UNICEF’s access to severely ill children in East Ukraine

Parties to Minsk peace talks [agreed on tight cooperation](#) when it comes to security of children and youth in Russian-occupied territories of eastern Ukraine.

*“We have to do something about children, who have been parted from their parents and orphans, who suffer from the military conflict. All parties agreed on tight cooperation with UNICEF and other experts regarding this matter”, – OSCE representative in the negotiations Martin Sajdik stated.*

## Fruitful meeting of ombudspersons of Ukraine and Russia

*“We managed to reach an agreement on the transfer of 18 convicted persons from Crimea to the GOU-controlled territory”, – said the Ukrainian Parliament Commissioner for Human Rights after [meeting](#) (link in Ukrainian) with Ms. Tetyana Moskalkova, Commissioner for Human Rights in the Russian Federation, which was held in Minsk on **June 21, 2016**.*

*“We agreed on 18 prisoners, but this is not all. We exchanged lists and verified them. My list is a bit longer: it includes about 40 people. I gave it to Ms. Moskalkova for further discussion. There were discussed many topics and the solutions on them will be found during next meetings. I hope they will take place soon and necessarily involve human rights activists of both countries”, – said Ms. Lutkovska.*

## Marriages of residents of occupied territories to be registered for one day

The Ministry of Justice is developing a simplified mechanism of marriage registration for persons residing in the temporarily occupied areas of Donbas and Crimea. Pavlo Petrenko, the Minister of Justice of Ukraine [said](#) (link in Ukrainian): *“The Family Code provides for certain time limits – 30 days from the date of application on marriage registration. We have an idea for those residing in the temporarily occupied territories to register marriage immediately upon their application if they submit such application to any civil status registry office throughout Ukraine without any bureaucratic procedures stipulated by the current family law.”*

According to the Minister, Ukrainian citizens residing in the temporarily occupied territories have already been using quite actively the possibility that has been recently introduced in order to obtain



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Ukrainian documents certifying birth or death through the simplified procedure – almost six thousand people have used it within three months.

## Protection and violation of human rights of internally displaced persons by the State

- **Cabinet of Ministers has canceled immigration stamps on IDP's identity documents**

The Cabinet of Ministers of Ukraine [has canceled stamping](#) (*link in Russian*) by the State Migration Service in the IDPs' identity documents of residing in the controlled area.

The UHHRU welcomes the long-expected amendments to Government Resolution No 509 as of October 1, 2014 "On registration of IDPs from the temporarily occupied territory of Ukraine and anti-terrorist operation area", which finally should bring the procedure of issuing of certificates to displaced persons in compliance with the Law No 2166 "On amendments to certain legislative acts of Ukraine on strengthening guarantees of observance of rights and freedoms of internally displaced persons".

*"The main issue related to the amendment to the Resolution No. 509 – a certificate is valid for an unlimited period and a clause is excluded that previously defined the powers of the Migration Service to mark a certificate with the place of permanent residence of a person and to control this person", – said Vitaliy Mushchinin, Deputy Minister of Social Policy.*

- **Resolution No 637 – a new blow from the Cabinet of Ministers against rights of displaced persons**

Cabinet of Ministers of Ukraine Resolution No 637 "On carrying out social payments to IDPs" dd. November 5, 2014, that was amended on June 8 by the Resolution No 365 "On some issues of implementation of social benefits to IDPs", now contains discriminatory provisions violating the Law of Ukraine No 2166.

Significant changes were made to the appointment (renewal) of social benefits to IDPs. According to officials, this will facilitate resuming pension payments to the displaced persons within a month already – till July 8. However, human rights activists state, that the new version strengthens the control over the displaced persons and violates their constitutional rights. This Resolution literally eliminates the positive aspects of the regulations, which were adopted previously in relation to the displaced persons. In fact, the overall control regarding the conduct of social benefits to IDPs at their place of actual residence/stay is approved. Thus, in order to get a social welfare payment or get registered, the IDPs have to go through a humiliating procedure of registration and control by authorities, the Migration Service and the Security Service of Ukraine.

## Ukraine agreed with the United Nations to set up a joint group to monitor pre-trial detention centers

Mr. Vasyl Hrytsak, Head of the Security Service of Ukraine, announced the creation of a joint with the UN group to monitor the Ukrainian pre-trial detention centers in order to prevent tortures.

*"... We had a meeting with Mr. Šimonović<sup>17</sup>, we had quite a constructive conversation, agreed on further cooperation and creation of a joint group, which will deal with these kinds of nuances practically online to prevent similar charges against Ukraine." – said Mr. V. Hrytsak*

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<sup>17</sup> Ivan Šimonović is UN Assistant Secretary-General for Human Rights.



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### Law of Ukraine “On psychiatric care” was recognized as contrary to the Constitution

The Ukrainian Parliament Commissioner for Human Rights appealed to the Constitutional Court of Ukraine with a petition to “recognize that the provision of Part one of Article 13 of the Law of Ukraine “On psychiatric care” does not meet the provisions of Parts I and II of Article 29 of the Constitution, namely: the provision of the Law in the part providing that a person, found in the manner prescribed by law incapable, to be hospitalized in a psychiatric institution at the request or with the consent of his guardian. To the provisions of the Constitution to the extent that it allows hospitalization of a person found in the manner prescribed by law incapable, in a psychiatric institution at the request or with the consent of a guardian without a court decision adopted in result of verification of the validity and necessity of such compulsory admission.

The Constitutional Court of Ukraine supported the aforesaid appeal and recognized the provision of the Law “On psychiatric care” as contrary to the Article 29 of the Constitution.

### Verkhovna Rada has adopted a new law on judicial system and status of judges

In particular, the document [provides](#) (*link in Ukrainian*) that from January 1, 2017 the salary of a judge of local courts will be 15 minimum wages, judge of appeal courts or higher specialized courts – 25 minimum wages. In future, the salary is subject to an increase.

The document also provides for the cancellation of the institution “appointment to the position of a judge for the first time” and the occupation of posts by judges only for an unlimited period. The draft law includes the rule, which provides that the court is established, reorganized and liquidated by the law. The president loses powers of creation and liquidation of courts by his decree.

At the same time, the powers of the Verkhovna Rada to agree on arrest of a judge or detention or arrest prior to decretory sentencing by a court are delegated to the body of the justice system – the Supreme Council of Justice.

### Representatives of Roma minority continue to be one of the most vulnerable social groups in Ukraine

**On June 14, 2016**, [there was held a round-table](#) (*link in Ukrainian*) organized by the Office of the World Health Organization in Ukraine, during which there were presented the results of the study on health and nutrition of the Roma population in Ukraine. The results of the conducted analysis showed that representatives of the Roma minority in Ukraine continue to be one of the most vulnerable groups exposed to systematic marginalization, stigma and discrimination.



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