



## **BRIEFER No 9 (21) BY UKRAINIAN HELSINKI HUMAN RIGHTS UNION, USAID HUMAN RIGHTS IN ACTION PROGRAM**

**August 2016**

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## Implemented Activities:

### Rights Monitoring and Advocacy

#### Advocacy Activities

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

The Ukrainian Helsinki Human Rights Union (hereinafter – the UHHRU) in cooperation with the Secretariat of the Ukrainian Parliament Commissioner for Human Rights continues its work on monitoring of implementation of the National Strategy in the Sphere of Human Rights (hereinafter – the Strategy). Thus, the following events were held in August:

- On **August 12, 2016**, UHHRU made public a report on the monitoring of implementation of the Action Plan for the Strategy for the second quarter of 2016, which was authored by the participants of the Memorandum on cooperation between civil society and the Human Rights Commissioner. It can be downloaded in Ukrainian by following this [link](#) (or at the [website](#) of the Ministry of Justice of Ukraine).
- On **August 17, 2016**, in order to ensure publicity and transparency of the Strategy implementation the Ministry of Justice initiated a public discussion of the draft decree “On amendments to the Action Plan for implementation of the National Strategy in the Sphere of Human Rights for the period until 2020”, which hosted representatives of civil society, public authorities, international organizations. Needless to say that UHHRU and the Secretariat of the Parliament Commissioner for Human Rights’ experts have taken part in it. [Link 1](#) and [Link 2](#) (both in Ukrainian) are available to inform you, whether the participants of the discussion have reached a consensus and what comments could be heard from experts during the meeting.

*It should be noted that the U.S. Agency for International Development (USAID) [Human Rights in Action Project](#) supports the UHHRU’s work on drafting the National Human Rights Strategy and the Action Plan that operationalizes the Strategy, as well as monitoring of their implementation.*

#### Analytical and Monitoring Activities

##### Monitoring visits

- On **August 9-14, 2016**, a monitoring visit<sup>1</sup> was conducted to Kherson to interview witnesses of extrajudicial executions and prisoners of war in order to file a case with the UHHRU’s Strategic Litigation Center for its further support in the International Criminal Court.
- On **August 27-30, 2016**, a monitoring visit<sup>2</sup> was conducted to Sumy and Okhtyrka to interview prisoners of war in order to file a case with the UHHRU’s Strategic Litigation Center and support it further in the International Criminal Court.

<sup>1</sup> In frames of the [institutional support project](#) (link is in Ukrainian) under the financial support of the Government of Sweden provided through [Sida](#).

<sup>2</sup> In frames of the project funded by [Sida](#).



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

- UHHRU has prepared and made public an ***Annual Report for the Year 2015*** (available in [English](#) in [Ukrainian](#)).
- A thematic report<sup>3</sup> *“With the shield or on the shield”* (the condition of archaeological and architectural monuments of Donbas amid the conflict) is being published. It will be translated into English shortly.
- The USAID Human Rights in Action Project has produced a report *“Rights of persons with disabilities in the armed conflict in the East of Ukraine”* (available in [Ukrainian](#) [here](#)). Soon its English version will be released as well.
- Way back on July 18-22, 2016, a monitoring visit *“Observance of human rights by local authorities in the territory of Kovel”* was conducted to Kovel (Volyn oblast) together with the Ombudsperson’s Secretariat as part of the pilot project *“Ensuring human rights observance at the community level: human rights profiles of the oblasts”*<sup>4</sup>. The report on the visit is available [here](#) in Ukrainian.
- An electronic monthly briefer of the Coalition of NGOs and initiatives *“Justice for Peace in Donbas”* on the state of human rights in the occupied and GOU-controlled territories of Donetsk and Luhansk oblasts is now available for public. *Please find it [here](#) in Ukrainian.*

### Alternative report to the UN Committee on the Elimination of Racial Discrimination

UHHRU has published on its website an interim alternative report of the Ukrainian human rights organizations (including UHHRU) regarding the Russian Federation XXII-XXIV series Report on implementation of the International Convention on the Elimination of All Forms of Racial Discrimination (CERD).

In May 2016, the Russia’s report on complying with the CERD requirements was made public. It also touches the issue of the occupied Crimean peninsula: *“11. After the reunification of the Republic of Crimea with the Russian Federation, there have been taken several steps to address the large number of inter-ethnic and inter-confessional problems accumulated during the period when the Republic of Crimea was a part of Ukraine.”* Taking into consideration the extremely ambiguous statements from the Russian side, the Ukrainian human rights activists prepared an alternative report for submission to CERD, which presents their own vision of the current situation in Crimea. *The report in Russian and English is available [here](#) (link is in Ukrainian).*

*On this occasion, UHHRU would like to express the word of gratitude to the experts of the Crimean Human Rights Group, whose hard work made it possible to prepare this report.*

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

<sup>4</sup> The “passport (profile) system” is seen as a process of assessing the unique characteristics of each oblast related to the human rights observance, identifying weaknesses, regional peculiarities and needs. This assessment is based on ongoing monitoring of local government activities that is conducted by NGO experts and, wherever necessary, in collaboration with the Secretariat of the Human Rights Commissioner. It is expected that as a result of such monitoring, a system of objective ratings will be established showing the progress achieved by a local government body in addressing community issues. Combined with clearly identified problems, success/failure indicators for government bodies and recommendations, the rating system will provide an overall picture (“profile”) of the human rights situation in a district, city/town, or oblast.

This initiative is being supported within the several projects implemented by the UHHRU, namely: the USAID Human Rights in Action Project, Human Rights First Project (funded by the Global Affairs Canada) and institutional support project of the Government of Sweden through Sida.



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## Publications on transitional justice issues – Bosnian experience

UHHRU continues to cover the issue of transitional justice. Thus, the following program materials developed by the experts from Sarajevo exploring the transitional justice mechanisms and human rights in conflict and post-conflict situations are provided for your attention:

- [materials on the concept of transitional justice](#);
- [review of international mechanisms for prosecution of war criminals](#) within the concept of transitional justice;
- [the Bosnian experience regarding commemoration of the victims of an armed conflict](#);
- [overview of problems faced when establishing facts and truths in the course of an armed conflict](#).

These materials are prepared by human rights defenders from Bosnia and Herzegovina for Ukrainian colleagues and are being a part of the study visit entitled “Transitional justice mechanisms and human rights in conflict and post-conflict situations”, held in Sarajevo in December 2015 within the international technical assistance project “[Training programs for professional growth](#)”, which is funded by the U.S. Government through the USAID.

## Upcoming events

- September 1-4, 2016 – a monitoring visit to Lutsk, Rozhyshche, Kivertsy for the purpose of interviewing prisoners of war in order to file a case with the UHHRU’s Strategic Litigation Center for its supporting in the International Criminal Court.
- A presentation ceremony and an official opening of the UHHRU’s Human Rights Documentation Center, which operates in frames of the USAID Human Rights in Action Project.
- A work meeting of an expert group authoring a baseline study on implementation of transitional justice in Ukraine, which is being carried out by the UHHRU in the framework of the USAID Human Rights in Action Project.
- A field study on the consequences of ecological damage caused in the ATO area during the hostilities.
- The next visit within a pilot project “*Ensuring human rights observance at the community level: human rights profiles of the oblasts*”.

## Strategic Litigation

### Strategic litigation cases of UHHRU

#### Complaint about the lack of respect for the right to life

On August 8, 2016, the UHHRU’s Strategic Litigation Center (SLC) submitted a complaint to the European Court of Human Rights (ECtHR) about the murder of an ATO combatant in the territory of the military unit. After a year of service in the East of Ukraine, the serviceman returned to a military unit, where he stayed for 10 days waiting for an order of his exclusion from the unit’s personnel, a military ID card and an assignment. On day 10, he was found dead, being tied upside down and gagged. Despite that fact, upon the official expert examination the serviceman died from acute coronary insufficiency and those minor injuries had nothing in common with his death.



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The lawyers of the UHHRU's SLC brought up before the ECtHR an issue of a violation of substantive and procedural aspects of an Article 2 of the Convention for the Protection of Human Rights and Fundamental Freedoms (hereinafter – the Convention), which guarantees the right to life and proper investigations into all cases of deprivation of life. According to the ECtHR case-law, the state is responsible for the death of that person, because the victim was in the territory of the military unit – a restricted access facility, where the living is clearly regulated by statutory documents.

### **Observations on communications in several cases of human rights violations in the East of Ukraine**

On August 12, 2016, there were submitted observations on communications with the Governments of Ukraine and Russia in three cases concerning human rights violations in the East of Ukraine. All these cases that forwarded for communication are related to the killed persons in the ATO area. The issues raised by the ECtHR were concerned the jurisdiction of Ukraine and the Russian Federation related to committed violations and the legal justification for violations of Articles 2, 13 of the Convention regarding victims. Particular attention in communication was paid to substantive and procedural aspects of a violation of Article 2 of the Convention (e.g. the right to life).

### **Case of conviction based on testimony of the victim absent at trial**

On August 17, 2016, the Strategic Litigation Center responded to ECtHR's enquiries in the case of conviction based on testimony of the victim absent at trial. In their observations, the UHHRU's lawyers stressed that bringing of an accusation on the evidence that cannot be verified by participants of proceedings is a violation of subparagraph d, paragraph 3, Article 6 of the Convention. In addition, there was stressed the lack of procedural rules in the legislation of Ukraine that would ensure objective examination of such specific evidence as testimony of a witness absent at trial. The ECtHR will consider this case during its nearest sittings.

### **Case of the Federal Security Service's prisoner Yevhen Panov**

On **August 23, 2016**, there was held a [press conference](#) (*link in Ukrainian*) entitled “*Case of the Federal Security Service prisoner Yevhen Panov and actions for his protection in Crimea*” (organizer – Crimean Human Rights Group, with participation of the UHHRU and the Ombudsperson's Secretariat).

The latest information on the case was made public. The human rights activists also told about the measures taken to protect the Ukrainian, the chances for the case consideration in the European Court of Human Rights and the activities of the Ombudsperson of Ukraine in this regard.

Mykhaylo Tarakhkalo, UHHRU's SLC Director, said that the case illustrates the typical methods of law enforcement agencies of the post-Soviet countries: total custody of a person (any contacts with Panov are cut), extortion of false confessions as a proof of his guilt to be used in the court (a video confession, where he has obvious injuries). The human rights activist thinks that for a long time the detainee has not been allowed to see his defenders chosen by his family, either in order to get any additional confessions or to disguise signs of torture, to let some time pass by before they can tamper with expert examination.

*Let us remind, that on August 10, the Russia's Federal Security Service informed that Yevhen Panov, a citizen of Ukraine, was detained in Crimea as one of the ringleaders of terrorist acts being prepared in the peninsula. The same day, there was broadcasted a video where Panov was*



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conveyed handcuffed. The Ukrainian Intelligence Directorate said that Yevhen was not their employee.

### “Panych v. Ukraine” case

The European Court has decided the SLC’s case of Panych v. Ukraine. The applicant complained that there had been no legal grounds for keeping him in custody during the period from 2009 to 2010 (in 2008 he was suspected of stealing a car) and that his claim to review the lawfulness of his detention during that period had not been considered in due course. He referred to paragraphs 1 and 4 of Article 5 of the Convention. The ECtHR decided to peacefully settle the conflict and pay 4,000 euros in compensation to the applicant.

### Dniester Canyon: ECtHR will protect the right to ecological information

A year ago, the UHHRU’s member organization “Eco-Humanitarian Association “Green World” applied for information to the State Financial Inspection in Ternopil oblast. It was the request of a copy of the audit report on financial-economic activity of the public environmental organization, namely the National Natural Park “Dniester Canyon”. Unfortunately, financial inspectors refused to provide information, stating that the requested information was not ecological and the documents of the audit report were forwarded to the law enforcement authorities. Therefore, the information contained therein was protected under the secrecy provisions on investigation.

The European Court of Human Rights accepted and registered the application of the “Green World” NGO to protect the right of access to public information. A lawyer of the UHHRU’s Strategic Litigation Center [is supporting](#) this case (*information is given in Ukrainian*).

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

- In August, the lawyers of the UHHRU’s SLC prepared ***an amicus curiae brief (legal position) to the Constitutional Court of Ukraine on constitutionality of certain provisions of the Law of Ukraine “On prevention of corruption” and Article No 3661 of the Criminal Code of Ukraine amended.*** UHHRU analyzed the compliance of the above said law to international human rights standards, including the right to respect for private and family life codified in Article 8 of the Convention for the Protection of Human Rights and Fundamental Freedoms.

As regards the intrusion into public servants’ privacy, the lawyers stressed that the ECtHR’s case-law proves that a state can interfere with the said right, if such intrusion is justified, i.e. there is a legal basis, a legitimate aim, or a necessity in a democratic society. Margin of such intrusion is inconsistent and appreciated at the discretion of the state, subject to the above criteria. Having analyzed the provisions of the Law of Ukraine “On prevention of corruption”, which provide for the collection of confidential information about officials, their family members and third parties, the UHHRU’s lawyers conclude that these provisions do not contradict neither the Constitution of Ukraine nor international case-law. Firstly, they are lawful and, secondly, they pursue a legitimate aim, namely combating and preventing corruption crimes, and thirdly, in view of the obvious need of society in taking anti-corruption measures in the country, they meet a pressing social need, i.e. they are necessary in a democratic society.

At the same time, the lack of mechanisms for non-disclosure of information about declarant’s family members and third parties may jeopardize the right to private and family life of persons who are not public agents, but whom the Law is directly applied to.





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- The **Prisoners of War UA Project** continues its work: it currently considers about two hundred cases of persons affected by an armed conflict in the East of Ukraine. In August 2016, on behalf of the former prisoner there was filed a complaint with ECtHR about violation of Articles 3, 5, 13 of the Convention.
- 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. During August, there were filed six complaints and ten follow-ups with the European Court of Human Rights.

### Event on the International Day of the Disappeared

On **August 30** the International Day of the Disappeared is commemorated over the world. On this occasion, Alina Pavliuk, a lawyer of the UHHRU's Strategic Litigations Center, on the air of the "Ukrainian Radio" told about what happens to these people, how the situation with the missing is affected by the war in the east of Ukraine, what country does and what it can do with this. *The audio broadcasting in Ukrainian is available [here](#).*

**Materials on website of Strategic Litigation Centre worth of paying attention to** (links are in Ukrainian)

- [While the police is protracting investigation into the case of beating a gay, he has been serving in the ATO zone for a year](#)
- [Kachyne gambit: passions are rising:](#)  
*While the developer continues to surreptitiously destroy the Kachyne lake in Kyiv and intimidate its defenders, the City Council came up with a compromise solution that should satisfy everyone. But, isn't it too late?*
- [How can persons adjudged incapable restore their rights?](#)
- [Is it possible to get compensation for housing destroyed in Donbas?](#)
- [UHHRU and Supreme Specialized Court contribute to justice](#)
- [Will mankind manage to prevent environmental pollution?](#)
- [Oleksandr Lapin: "I became a lawyer by a lucky twist of fate":](#)  
*another success story in a series of the Ukrainian graduates of the second cycle of the educational course within the Human Rights House Network Program.*

### Free Legal Aid

[The UHHRU network](#) of legal aid centers (LACs) keeps on delivering free legal aid, holding information and awareness raising events in the sphere of human rights and documenting crimes among population who witnessed human rights violations in the occupied Crimea or ATO area<sup>8</sup>.

<sup>8</sup> Communication established inside the network allows forwarding each citizen's request to an appropriate lawyer for more effective work. Besides, LACs conduct outreach legal consultations in the remote areas, where there is often no legal aid at all, according to the schedule (information thereon is disseminated in advance via local media outlets).



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*The U.S. Agency for International Development (USAID) supports activities of the UHHRU's legal aid centers in Sloviansk, Bakhmut, Mariupol, Pokrovsk and Kryviy Rih in the frames of Human Rights in Action Project.*

## Successful cases of legal aid centers

### Successful litigation by USAID Human Rights in Action Project and press-event to make it public

The UHHRU's lawyers [helped](#) (*link in Ukrainian*) a man to defend his rights in a dispute with a state bank: Mr. Vasyl Dmytryk is currently another lucky man, whom the Oshchadbank will return the savings embezzled by the dishonest bank employees.

Vasyl Dmytryk has turned to the UHHRU LAC in Lviv for assistance in returning savings, which he deposited in the Oshchadbank in 2013. The bank flatly refused to return money to his client. Fortunately, the court took the side of the victim and ordered the bank to return money to the depositor (as of now, the funds have already been recovered from the bank).

On September 1, 2016, UHHRU organized [a press-event "Are Ukrainian courts independent or irresponsible?"](#) (*link in Ukrainian*) for highlighting the mentioned successful legal case conducted by UHHRU's legal aid center from Lviv within the USAID Human Rights in Action Project.

Let us remind that this is not a single case when the bank signed contracts with clients, did not then allocate their money to bank accounts, but embezzled it. It was revealed that for many years the staff of the Oshchadbank branch office in Lviv was robbing the customers. Thus, earlier, the Project has already supported the case of Mr. Ivan Oleksiv, another defrauded pensioner, whose rights were defended by the UHHRU. Both cases for Mr. Dmytryk and Mr. Oleksiv were covered in the [story](#) of the TV program "Brother for brother" of the TV channel ZIK (*video is in Ukrainian*).

### Success of the UHHRU's Crimean legal aid center in Kyiv regarding protection of Crimean IDPs' rights

Lawyers of the UHHRU's Crimean legal aid center located in Kyiv continue to successfully protect the rights of IDPs from Crimea, namely they assist in removing arrest from the real estate. Despite availability of administrative procedure to settle such issue through legal successors of the tax authorities of the Autonomous Republic of Crimea, displaced persons in the most cases have to remove arrest in court. Thus, on August 12, 2016, the Shevchenko District Court in Kyiv satisfied the Crimean displaced person's claim for removal of arrest from the real estate, which was made by the tax police in Yalta, Crimea. Legal support of that case was provided by the UHHRU's Crimean LAC ([link to the court ruling](#) *in Ukrainian*).

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

- **A woman from Khmelnytskyi has managed to claim inheritance [thanks to UHHRU's lawyers](#):**  
A pensioner has the 3<sup>rd</sup> group of disability status. That was why she could not pay the court fee. The UHHRU's lawyer prepared a statement of claim for recognition of the right to inheritance and an application for exemption from fees. As a result, the Khmelnytskyi Municipal District Court exempted Ms. Galyna from paying court fees and ruled in favor of the claimant.
- **Due to UHHRU's lawyers the court has annulled a death certificate:**  
A man, being alive, mistakenly received a death certificate issued by the Ivano-Frankivsk City Department of Justice. Consequently, the man with disability lost all his benefits. Thus, his





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mother had to “bring her son to life” through the court. [Due to the lawyers’ efforts](#) and with support of the UHHRU’s Strategic Litigations Center, the Ivano-Frankivsk Municipal Court’s decision canceled the record of the client’s death. That, in turn, enabled the client to restore his disability status and receive pension, which significantly improved the family’s financial situation.

- ***A large internally displaced family is refused a status in Transcarpathia (Zakarpatska oblast):***

When the hostilities began in the East of Ukraine, the family reluctantly left the city of Izium. The family lost their home and all the property. However, the officials refuse to renew a certificate of IDP registration, even given the circumstances that these certificates have already been issued by the Social Policy Department of the Mukachevo District State Administration. At present, the displaced family from Kharkiv with [assistance of the UHHRU](#) have appealed to the Ukrainian Parliament Commissioner for Human Rights and expressed their willingness to defend their rights in court.

- A lawyer of the UHHRU’s LAC in Severodonetsk [is a defender](#) of one of the combatants from the “Aydar” battalion, accused of double murder. Currently, soldier’s preventive measure has been changed – he was released on bail of the people’s deputy. The case is being tried by the court, and the lawyer believes that a not guilty verdict will be rendered.
- UHHRU’s lawyers from Chernihiv [have prevented](#) eviction and housing deprivation of an ATO combatant’s mother. The woman applied for legal assistance for preparing certain procedural documents.

#### USAID-supported successful cases

- ***UHHRU’s lawyers have helped a man not to lose his parental rights, which his child’s grandmother sought to deprive of:***

After the girl’s mother died, her grandmother [applied to court](#) to deprive Mr. Yaroslav of his parental rights, since he had a “bad history” – drug abuse. Now he is being treated in the narcological dispensary and is taking part in the substitution maintenance therapy program (SMT) for drug addicts. In addition, the man is HIV-positive. During the case consideration, it was found out that there were no reasons to deprive the man of the right to bring up his own child. Yaroslav is an exemplary SMT participant and has not been violating any conditions of participation in such a program for more than three years.

Therefore, the court ruled in favor of Mr. Yaroslav. Such court’s position displays unconditional objectivity and the rise of tolerance of the judiciary in cases of people who used to abuse drugs and now pay for their mistakes.

- ***UHHRU’s lawyers have helped a woman not to lose a son and a daughter:***

The Polish orphanage tried to take away two under-age children from the Ukrainian woman, who found herself in difficult life circumstances in the territory of the foreign country, thus, upon the decision of the Polish court, the children were separated from their mother and sent to the orphanage. Having no job opportunities in Poland, mother dared to a desperate action – she illegally transported her children to Ukraine. Thereafter, the orphanage applied to the court for their return to the Republic of Poland under the Convention on the Civil Aspects of International Child Abduction. However, [due to the efforts made](#) by the lawyers of the UHHRU’s LAC in Ivano-Frankivsk the court took a woman’s side, without giving consent to allow children being taken abroad.

## Other events in sphere of free legal aid

### UHHRU's lawyers: "*Discrimination of disabled persons is being ignored by the state*"

Despite the ratification by Ukraine of the Convention on the Rights of Persons with Disabilities in December 2009, the state is still reluctant to apply it in practice. The UHHRU's LAC in Cherkasy oblast together with activists of the Volunteer of Cherkasy oblast" NGO "started its work on identifying and combating discrimination, particularly in the region. The first study was devoted to discrimination against people with limited mobility<sup>9</sup>.

## How to get response from government agencies and officials?

Experts of the UHHRU's legal aid center in Sumy [give advice](#) (*link is in Ukrainian*) and share their experience of receiving such written responses.

## How can someone who is recognized as legally incapable restore his/her rights?

The legally incapable citizens [often turn to the UHHRU's legal aid offices](#) (*link is in Ukrainian*). If the Ukrainian court finds an adult legally incapable, this means that he/she is deprived of almost all rights. Then only guardians and physicians of medical institutions determine his/her fate. If the government avoids protecting the legally incapable person's rights and interests and a guardian has a conflict with him/her, this can lead to his/her loss of property. The only way to prevent this is to restore legal capacity. UHHRU believes that a legally incapable person should be able to apply to court on his/her own to confirm his/her satisfactory mental state. Thus, in the near future, the UHHRU intends to publish the practical advice for lawyers, which will contribute to defending the rights of access to justice for legally incapable persons.

*According to official statistics of the Ministry of Health of Ukraine, only in 2015 upon the results of the forensic psychiatric examination 4,889 people were declared legally incapable. About 34,000 legally incapable persons receive mental health care.*

## Civic culture days in Zakarpattia oblast

To enhance public legal awareness and contribute to civil society development, there was signed a Memorandum between the Ministry of Social Policy adviser on IDPs in Zakarpattia oblast and the UHHRU's member NGO "Zakarpatska Gromada" (in particular, it includes a perpetual campaign "Civic culture days", which contains a number of awareness-raising activities and field meetings).

Thus, on **August 16, 2016**, in Mukachevo, [there was held a field meeting](#) (*link is in Ukrainian*), during which the visitors could get free of charge consultations from the minister's adviser, lawyers and learn about the activities of the UHHRU's LAC. On **August 23, 2016**, [the event took place](#) in Khust (*link is in Ukrainian*).

## Photo exhibition on the Independence Day of Ukraine

On **August 18, 2016**, in the premises of the Transcarpathian Regional Ethnographic Museum named after Tyvodar Lehotsky, [there was launched](#) the International documentary [photo exhibition](#)

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<sup>9</sup> People with limited mobility are people who suffer problems with moving around, obtaining services, required information or spacious orientation. These are people with disabilities, temporary health problems, pregnant women, the elderly (senior citizens), people with prams etc.



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[“War for Peace”](#) (both links are in Ukrainian). The event was organized by the UHHRU’s LAC in Uzhgorod and the “Zakarpatska Gromada” NGO.

Its purpose is to objectively inform about the conflict in the East of Ukraine in terms of international humanitarian law and human rights violations by the Russian Federation. The photo exhibition appears to be documentary evidence of violations of the Protocol II additional to the Geneva Conventions of 1949, touching the fundamental guarantees of humane treatment, violence to life, health, physical and mental state of persons, children’s right to education etc.

### **In Khmelnytskyi there was held a celebration of the World Day against Trafficking in Persons**

On **July 28, 2016**, the UHHRU’s lawyers in the said region [organized a special event](#) dedicated to the World Day against Trafficking in Persons, during which they clarified the main aspects of the global problem of human trafficking and told how to protect themselves, when looking for the work abroad. The event was organized by the UHHRU’s LAC in Khmelnytskyi, operating on the basis of the Khmelnytskyi “Podilsk Legal League” NGO.

### **UHHRU’s legal aid center in Chernihiv reports on its activities**

The UHHRU’s LAC in Chernihiv has prepared a statistical analysis [to present its results](#) (link is in Ukrainian) for the first half of 2016.

### **A one-day chronicle of the UHHRU’s legal aid center – a lawyer’s narrative**

A lawyer of the UHHRU’s LAC in Severodonetsk of Luhansk oblast wrote about the field consultation in Krymske settlement, which is located in Novoaydarsky district of the oblast. [The lawyer’s narrative](#) (link is in Ukrainian) features a subjective style that is perhaps even more valuable for readers in order to understand the witness’s impressions while working next to the front line.

## **Human Rights Education and Promotion**

### **Formal human rights education**

#### **Mistechko USAID in Kharkiv**

On **August 23, 2016**, in the framework [the information event “Mistechko USAID”](#) in Kharkiv (link is in Ukrainian) the UHHRU’s representatives, specializing in educational activities, delivered a presentation of the USAID Human Rights in Action Project. In the center of the Project exposition there was presented a travelling educational exhibition “*Everyone has the right to know their rights*” of the Ukraine-wide Educational “We Understand Human Rights” Program. Thus, the passers-by had the opportunity to learn the history and evolution of human rights, philosophical and historical background of certain human rights displayed on the mounts. The young audience got acquainted with the materials of the exhibition during the arranged mini-quest, and the adult visitors discussed current human rights situation in Ukraine, as well as available mechanisms for human rights protection.



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Also, as part of the “Mistechko USAID” the UHHRU’s educational activities were presented in the form of literature on human rights and consulting center telling about the work of human rights defenders and human rights organizations.

The open format of the event has provided direct interaction of projects’ representatives and passers-by. Hence, young people received basic information on human rights via quizzing. The majority of visitors was interested in examples of cases supported by human rights activists, sought for consultation on the human rights organizations operating in Kharkiv oblast.

### UHHRU supports human rights in school environment

In August, the expert group of the *monitoring initiative “Human Rights in School”* developed tools to study the school curricula and standards along with other educational materials. The first “pilot” studies were carried out to be reviewed by the working group for education monitoring in the field of human rights. In addition, experts in law analysis prepared guidelines for further monitoring studies. *It should be mentioned that this work is performed within the framework of the USAID Human Rights in Action Project.*

Along with other, in August UHHRU initiated three educational projects associated with the development of a human rights culture in schools:

The “[School as a territory of human rights](#)” project (*link is in Ukrainian*) encourages administrators and teachers to independently evaluate the schools where they work at, namely the compliance of the educational process with human rights standards, and get advice from experts, organize training in schools for teachers, active parents and activists of the pupils’ self-government. The project is directed at creating and maintaining an atmosphere of respect for human rights in schools and establishing school policy that will meet the human rights standards.

Besides, within the USAID Human Rights in Action Project:

- The Ukraine-wide essay competition for high school students “[Human rights through the prism of modernity](#)” (*link is in Ukrainian*) is announced for students of 9-11 grades of secondary schools, specialized schools, gymnasiums, lyceums, vocational schools and college students as well. The competition, which encourages young people to reflect on important social issues regarding human rights, is aimed at identifying and motivating creatively gifted high school students interested in human rights activities, contributing to their professional orientation, encouraging to demonstrate active life position, developing respect for human dignity in the Ukrainian society.
- Another simultaneously organized competition for teachers, creative teams of educational institutions, researchers and community activists is a [Ukraine-wide competition of teaching and methodical materials on human rights](#) (*link is in Ukrainian*), including creative lessons and educational activities on human rights.

All competitions are held to facilitate implementation of the National Human Rights Strategy Sphere of Ukraine and the World Program for Human Rights Education in order to disseminate human rights information, raise interest in current issues in the field of human rights, identify and motivate



creatively gifted high school students, develop respect for human dignity in the Ukrainian society. Deadline for applications for participation in the last two competitions is **November 1, 2016**.

### **“Human rights at local level” seminar**

UHRU together with the Educational Human Rights House-Chernihiv (EHRH-Chernihiv) in the framework of the Ukraine-wide Educational “We Understand Human Rights” Program (WUHR) [announces a competition for participation in the said seminar](#) to be held<sup>11</sup> on **September 21-25, 2016** in the premises the EHRH-Chernihiv.

Participants will be able to increase their knowledge of philosophy, evolution, basic concepts of human rights, get acquainted with the use of human rights standards and mechanisms for protecting the public interest, learn more about local democratic procedures for protecting the public interest. During the training, special emphasis will be put on the correlation between development of local community, human rights and civil society.

### **Informal human rights education and training for different target groups**

#### **XII Ukraine-wide Human Rights and Active Citizenship School for youth**

On **August 7-15, 2016**, the EHRH-Chernihiv hosted the [XII Ukraine-wide Human Rights and Active Citizenship School](#) (*link is in Ukrainian*) organized by the USAID Human Rights in Action Project. This year, the school brought together 21 active young people from all over Ukraine, from Ivano-Frankivsk to Kramatorsk.

During 9 days, the participants raised awareness about philosophy and evolution of human rights and mechanisms for their protection, learned to identify human rights and their violations in everyday life, enhanced the understanding of tolerance and non-discrimination, and learned to plan effective activity in the field of human rights. In addition, the participants met “over coffee” with representatives of initiatives/organizations that defend human rights and talked on the topic “what human rights activists are and what they do”.

The training was held in the form of interactive lectures delivered by experienced lecturers, a huge amount of practical work using unconventional teaching methods, workshops, discussion groups, and exploring innovative practices.

Moreover, in the context of the program the attention was paid to forum-theater classes, during which the participants learned to look for solutions of important social problems through theater performances. *“For me, a forum-theater became a kind of transformation mechanism due to which I managed to try on different roles and find myself in the variety of situations that made me change some of my beliefs, learn something new and debunk stereotypes. I can’t say that the forum-theater was a kind of game for me. It is rather a set of psychological techniques that expand your consciousness and make you look at ordinary things from a different angle,”* said Katerina D., one of the participants, expressing her impressions from the forum-theater classes.

This year, the school differed in its practical orientation: in addition to human rights knowledge and values explored by the participants during the first 5 days, they had an opportunity to put their knowledge into practice. The sixth and the seventh days of school were held in the form of non-stop marathon: for 24 hours, the participants, supported by coordinators, were able to plan and prepare an event that would relate to topical issues in the field of human rights, and then make it real.

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<sup>11</sup> Under support of the Charles Stewart Mott Foundation and the the National Endowment for Democracy (NED)





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Furthermore, the last day of school was dedicated to the development of network action, and there was presented a long-term program of personal and professional growth and resource support after finishing the school that will enable to build a strong and stable relationship between the WUHR Program graduates and implement further joint activities.



Sharing her impressions from the school, Josephina D., a participant and an IDP from Luhansk, said, *“I got to know many great people at school and now we are good friends, we try to keep in touch, meet and inspire each other. The school helped me to believe in myself and start to move in the direction that I thought was beyond my strength. Now I’m moving on and looking forward to new trainings and projects of “We Understand Human Rights” Program!”*



## Public action against domestic violence

On **August 14, 2016**, in Chernihiv the participants of the [XII Ukraine-wide Human Rights and Active Citizenship School](#) arranged a public action demonstrating a problem of domestic violence in the form of performance given in the city center. They interviewed passers-by about their attitude to that problem, initiated discussions, informed about the forms of domestic violence, responsibility for its commitment and ways of escape for its victims.



Vadym V., a participant, explained the action idea and its implementation process as follows: “As part of the school we held a public action in Chernihiv aimed at covering the problem of domestic violence. The action consisted of three separate parts and included conduct of survey, dissemination of information materials and visual demonstration of theatrical scenes of domestic violence. Its main goals were to draw public attention to the pressing problems of the Ukrainian society related to prevention of domestic violence, encouraging people not to conceal information about the facts of violence against themselves or people they know, and dissemination of information about behavior in the situation of domestic violence. My impressions from the action are super-positive: starting from simple reaction of passers-by and ending with the gained experience that will be useful for future activities. I would like to thank all fellows who took part in its organization and conduct for the feeling of support and mutual help, you are cool!”

“Domestic violence is a major problem, which affects 70% of women in Ukraine, but it is withheld. To make it visible is an important step. During the event, the passers-by read our posters, commented on them, talked to us, participated in the survey, told their life stories. Our goal is to make people, not only human rights defenders, talk about this problem in public. If you make the problem visible, it can be combated,” said Josephina D., a graduate of the XII Ukraine-wide School.

## Human rights and strengthening – a program for front-line areas of Luhansk oblast

On **August 15-20, 2016**, the WUHR Program’s and UHHRU’s experts joined the partnership initiative of the Charitable Foundation “Vostok-SOS”, the Helsinki Foundation for Human Rights (Warsaw), the EHRH-Chernihiv [“Human rights and strengthening – a program for front-line areas of Luhansk oblast”](#)<sup>12</sup> (link is in Ukrainian). The initiative offered two-day trainings in the settlements Shchastya, Zolote (please see photo below) and Stanitsa Luhanska, during which the participants managed to increase their knowledge of human rights, democratic values, the rule of law, basic concepts of social and institutional self-government.

<sup>12</sup> The project is implemented by the Education for Democracy Foundation funded by the Polish-American Freedom Foundation within the framework of “Region in Transition (RITA)” Program.





The issues related to human rights in situations of an armed conflict, challenges and problems of the ATO areas, opportunities for achieving certain local objectives by local communities were also among considered ones. During trainings, the participants identified possible actions to protect the public interest, regulations, peculiarities of procedures and best practices in the field of legal protection in the ATO area.

Moreover, there was presented the Polish experience related to system changes, interaction of civic initiatives, organizations, and different communities with the local authorities.

As Serhiy Burov, WUHR Program's Coordinator, said, *"The problems that exist in the East have their own specific feature – on the one hand, there is a war and attacks, on the other hand, people continue to live in this area, schools are functioning. Therefore, it is extremely important to have an opportunity to work together with local activists on promotion of local changes there, albeit it's extremely hard."*

### Participation in training seminar for moderators of the Docudays UA cinema clubs

On **August 15-19, 2016**, in Kyiv, the WUHR Program's experts (representing UHHRU and the Center for Civic Education "Almenda") were acted as trainers at the training seminar for moderators of the Docudays UA cinema clubs *"Docudays UA Cinema Club as a tool for human rights education. The third level"*. The participants had the opportunity to learn more thoroughly about the conceptual framework and basic concepts of education for democratic citizenship and human rights, to consider and work out scenarios of educational activities of the Docudays UA cinema clubs of media education, to increase their knowledge of media literacy and human rights online.



### Presentation of WUHR Program's network for graduates of the XII Ukraine-wide Human Rights School for Young Activists

On **August 15, 2016**, there was held a presentation of newly launched network of "We Understand Human Rights" Program for graduates of the said school for young activists. The team of the program's network told about the opportunities available and encouraged participants to join the

network activity on a competitive basis. In addition, there were underlined the areas of support provided by the WUHR Program's team.

### **“Common Kitchen” Initiative in Ivano-Frankivsk**

On **August 16, 2016**, in the framework of the international peacekeeping Young Voices for Peace Project, Ivano-Frankivsk [hosted an initiative](#) titled “*Common kitchen*” (*link is in Ukrainian*). The purpose of the initiative is re-humanization of parties in the Ukraine-Russia conflict and involvement



of people in constructive dialogue. This event was the first in a “kitchen” series to be conducted in Ukraine and Russia. The principle of work lies in the direct participation of people around in “kitchen conversations”. The result will be the direct contact of people from different countries and different oblasts. This form of peacekeeping actions will help reduce aggression in society, take a step toward the re-humanization of the opposite side of the conflict. Besides, this is an attempt to return the culture of keeping a dialogue both between protagonists of the conflict and

inside the Russian and Ukrainian societies.

The first event of the Common Kitchen Initiative caused a great resonance. On its eve, the mayor of Ivano-Frankivsk had instructed lawyers of the City Council to file a complaint with the court against the organizers. Immediately when the event started, a City Council representative tried to urge activists to curtail it, but they refused. This resulted in a protocol on administrative offense in relation to one of the organizer for the campaign in the prohibited place. The activists expressed willingness [to appeal against that accusation in court](#) (*link is in Ukrainian*). Human rights community responded to the incident criticizing the authorities conduct and offered to assist in appealing the decision.

### **Upcoming events**

#### **Travelling educational exhibition “Everyone has the right to know their rights”**

In September 2016, the USAID Human Rights in Action Project initiates proceeding of its traditional travelling educational exhibition “*Everyone has the right to know their rights*” – this time it will be held in Lviv oblast in the framework of the Ukraine-wide tour: on **September 12-26** in Drohobych, on **September 19-30** in Lviv. We invite everyone interested to attend these events!

*For information: The exhibition, created in 2011 within the WUHR Program, is a methodological tool for human rights education. 25 mounts of the travelling exhibition tell about the origin of human rights, human dignity, basics of human rights, prohibition of discrimination, criteria for valid limitations on human rights, democracy, the rule of law and the standards of individual rights and freedoms.*

*This exhibition model enables to draw public attention to human rights related issues, to mobilize local communities support in favor of quality human rights formal education. Moreover, its peculiarity lies in the fact that the exhibition tours are guided by the senior pupils and students who have been specially trained on a “peer-to-peer” principle. The educational tours last 40-60 minutes and include informational and training section, as well discussion of the most important for visitors issues on*



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*human rights and possibilities for their advocacy. Thus, the exhibition serves as a platform for discussing general human rights as well as issues of great concern to each visitor and the entire community.*

## Main Events in Human Rights Area:

### Unified register of internally displaced persons was launched

On **August 1**, 2016, the Ministry of Social Policy of Ukraine [launched the unified register of internally displaced persons](#) (*link is in Ukrainian*) in a test mode. As it was remarked, previously it was limited to regional formats only.

*“A unified register of IDPs is designed to provide electronic information interaction between the Ministry of Social Policy of Ukraine and citizens, volunteers and organizations on issues addressing the problems of IDPs in Ukraine”, – the officials report.*

It was on October 20, 2014, when the Law of Ukraine on the rights and freedoms of internally displaced persons provided for the operation of the unified register of IDPs. Human rights activists repeatedly emphasized the need for such register.

### The Cabinet of Ministers of Ukraine has launched an e-petition webpage

Starting from August 29, Ukrainian citizens can initiate settlement of important social issues by means of an [e-petition to the Cabinet of Ministers](#) (*link is in Ukrainian*). This is an effective instrument to involve citizens in developing public policy priorities and decision-making.

After signing up for the service, citizens can both submit e-petitions and support the created ones. In order to be considered, a petition must bid for at least 25,000 votes during no more than three months from the date of publication.

### E-declaration system is already operational

On August 31, 2016, the National Agency for Prevention of Corruption [decided to launch an electronic declaration system](#) (*link is in Ukrainian*), according to which the system would start at 00:00 on September 1. President Petro Poroshenko said that the launch of the electronic declaration system in Ukraine is another important step in creating a new modern institution for fighting corruption.

### Office of the National Police Human Rights Department is opened

According to [Khatia Dekanoidze, Head of the National Police of Ukraine](#), *“The police ombudsman office has tight links with international partners. It will control and monitor temporary detention centers. In addition, police ombudsmen will be able to monitor the situation in district police stations.”*





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Ms. Dekanoidze noted that the main task of the department is prevention of human rights violations by the police. She stressed that the human rights department will work directly with the Secretariat of the Ukrainian Parliament Commissioner for Human Rights.

*The office of the Department is located in Kyiv, at 29 Instytutska St.*

### Does Ukraine have secret prisons? Discussion on Amnesty International and Human Rights Watch report

Both sides of the conflict in Donbas use torture and illegal detention of civilians. It was on July 21 when the international human rights organizations Amnesty International and Human Rights Watch [reported](#) thereon (*link is in Ukrainian*). They state to have evidence of torture and abduction of civilians in Donbas both by the pro-Russian separatists and by the Ukrainian military. In its turn, the Security Service of Ukraine expressed willingness to study all the materials and provide human rights defenders with access to premises to prove – no one is detained there.

Pavlo Petrenko, Minister of Justice of Ukraine, when being asked whether his department responds to such notices of human rights activists, said that the Ministry is “*ready to assist in verification.*”

According to UHHRU, the report in no way reflects a big difference in the numbers of abuses and the level of impunity; it also avoids mentioning the direct involvement of Russian military in the conflict. We also offer [comments of the lawyers from the Kharkiv Human Rights Group](#) on the issue concerned.

### Loshchynivka incident

On **August 27, 2016**, in Loshchynivka village of Odesa oblast, there were some pogroms of the houses owned by Roma families and the forced eviction of the Roma from the village. The pogroms were entailed by the tragedy – murder of the child and arrest of the suspect, a local resident.

The local self-government body decided at the village meeting “veche” to evict the Roma from Loshchynivka. In their turn, local authorities and law enforcement agencies demonstrated inaction in prevention and response to the situation. Although the decision-making protocol on eviction of the Roma was later destroyed, the situation in Loshchynivka remains tense.

Today, the only state agency that [gave a public assessment of the events](#) (*link is in Ukrainian*) is Secretariat of the Ukrainian Human Rights Commissioner. This tragedy reveals a number of systemic problems with observance of human rights, non-discrimination and safety in the community to be secured by the state.

### Ministry of Ecology and Natural Resources initiates strategic environmental assessment of the Program for the hydropower development in Ukraine until 2026

The Program was prepared behind closed doors, without involvement of civil society experts either in the field of environment or energy. The document was not discussed in public and was approved in violation of applicable procedures. According to the competent NGOs, this Program can cause irreparable harm to the environment of Ukraine. Thus, the UHHRU’s member organization Ecological-humanitarian association “Green World” [has already appealed](#) (*link is in Ukrainian*) to the Ministry of Ecology and Natural Resources of Ukraine, which has also expressed its own critical assessment of the Program and initiated the Government’s decision to conduct its strategic environmental assessment. If the Cabinet of Ministers agrees, it may be the first precedent of the Protocol’s application on strategic environmental assessment in Ukraine to the Convention on



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Environmental Impact Assessment in a Transboundary context (the ESPOO Convention), ratified by Ukraine.

### **Strengthening human rights protection of internally displaced persons in Ukraine under framework of the Council of Europe Action Plan for Ukraine 2015-2017**

Baseline analysis “*Enhancing the National Legal Framework in Ukraine for Protecting the Human Rights of IDPs*” [was prepared](#) in the framework of the Council of Europe Project “Strengthening the Human Rights Protection of IDPs in Ukraine”. The paper was produced as a comprehensive analysis of 21 themes on internal displacement covering relevant international, Council of Europe and Ukrainian standards. *The e-version of the baseline analysis is available [in PDF format](#).*



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