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**DIGEST No 4 (36) BY UKRAINIAN HELSINKI HUMAN RIGHTS UNION,  
USAID HUMAN RIGHTS IN ACTION PROGRAM**

**December 2017 – January 2018**

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## USAID HUMAN RIGHTS IN ACTION PROGRAM UPDATES

### HUMAN RIGHTS MONITORING, ANALYTICAL ACTIVITY AND ADVOCACY

#### National Human Rights Index

The National Human Rights Index initiative<sup>1</sup> ([www.hro.org.ua](http://www.hro.org.ua)) covers the monitoring of the National Human Rights Strategy's execution by the central executive authorities as well as implementation of the Local Human Rights Index (LHRI), which is designed to take into account the priority of human rights in course of the decentralization reform. The U.S. Agency for International Development (USAID) Human Rights in Action Program supports the aforementioned work in part of ensuring the rights of internally displaced persons and conflict-affected population.

The following events have taken place in December-January:

- On December 8, the Ministry of Justice hosted [public hearings](#) to discuss implementation of 2017 Action Plan for the National Human Rights Strategy. UHHRU delegates shared results of the civil monitoring. Among others, they voiced out the necessity to amend the Action Plan taking into consideration issues of human rights observance associated with the armed conflict (social-and-economic, political and personal rights).
- On December 20, UHHRU co-hosted a public event to discuss and present results of the said monitoring: unfortunately, within the period December 2015-2017 the Strategy's measures have been accomplished only by 24%. *Media release is available [here](#). Media coverage by the Ombudsperson is given [here](#) (in Ukrainian). Monitoring report in Ukrainian is placed [here](#); Summary findings relating to the rights of IDPs and conflict-affected population are provided [here](#).*

As a reminder, a working group has been recently [established](#) under the Verkhovna Rada's Human Rights Committee to closely monitor the Strategy's execution. If the Government continues to ignore implementation of this important document, parliamentary hearings will be initiated by the group, as was [announced](#) during the Committee's meeting on January 17, where the report was presented and disappointing results of the monitoring were stressed once again (*both links are in Ukrainian*).

- Implementation of the National Human Rights Strategy in part of human rights education (*links are in Ukrainian*): on December 29, a media briefing [was held](#) to officially present members of a joint work group (involving UHHRU representatives) [created](#) to help integrate international standards of human rights education into the national educational system and to develop a nationwide program and corresponding action plan to implement the World Program for Human Rights Education (*both links are in Ukrainian*).
- On January 30, the Program publicly introduced the LHRI initiative in course of a [roundtable discussion](#). This innovative monitoring instrument, which based on targeted field visits, is aimed at measuring and improving human rights adherence locally with the focus on conflict-affected communities in frontline cities of government-controlled Donbas and neighboring oblasts. Besides, LHRI will support implementation of human rights-oriented institutional reforms (including reform of decentralization) during an armed conflict and post-conflict settlement as a part of transitional justice process.

<sup>1</sup> Being implemented by the Ukrainian Helsinki Human Rights Union (UHHRU) in cooperation with the Secretariat of the Ukrainian Parliament Commissioner for Human Rights and in collaboration with civil society organizations



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- Besides, UHHRU and partnering experts spread awareness on the necessity of the Strategy's execution and how it will facilitate reintegration of conflict-affected regions through a kind of [TV-marathon](#) (in Russian/Ukrainian).

### Transitional justice model for Ukraine

UHHRU in frames of the USAID Human Rights in Action Program continues elaborating and promoting the transitional justice model tailored to Ukrainian context. The process was launched back in 2016 and since then a corresponding baseline study (*abstract review is available [here](#)*) has been conducted and [an international conference](#) has been hosted (*conference proceedings can be found [here](#)*).

Currently, the Program concentrates efforts on development of a national roadmap for applying transitional justice as well as on holding an awareness raising campaign meant to explain the principles of transitional justice and their relevance for Ukrainian society during the transition from authoritarian past to democratic present and from armed conflict to post-conflict state. For this in November 2017 a work group was established<sup>2</sup> for [drafting](#) a framework document titled "Principles of the state policy for protection of human rights to overcome the consequences of armed conflict" that will become a basis to further elaborate conflict-related legislation.

The following events have taken place during December-January:

- On December 10, UHHRU held a thematic section on transitional justice in frames of the 2nd National Human Rights NON-Conference hosted by the Center for Civil Liberties (*find [an article](#) describing this thematic section in details, in Ukrainian; here is also a media release by a partnering organization summarizing major takeaways of the event – [link in Ukrainian](#)*).
- New in our blog on transitional justice: a publication touches upon right to the truth in transitional justice system, is available [here](#) (*link in Ukrainian*); [another one](#) explains that phobias existing in Ukrainian expert society must be left behind while giving place to proven international transitional justice standards and practices; one more publication [explains](#) a bond between the transitional justice model and the [LHRI initiative](#) (*links are in Ukrainian*).
- USAID-supported UHHRU Human Rights Abuse Documentation Center issued several analytical papers:
  - ✓ Two mini-reports entitled "Story of the city. Occupation and liberation of [Severodonetsk](#)" and similar one devoted to [the city of Mariupol](#) (*both are in Ukrainian*) opened a series of analytical accounts as part of research work on restoring historical truth regarding ongoing hybrid armed conflict in Ukraine based on examples of several localities of Donbas region. *Summary findings from the said papers are also available in English – correspondingly [here](#) and [here](#)*.
  - ✓ Publication "Memorial map: identifying every victim of the conflict as the first step toward reconciliation" provides structured findings of several-years-long fact-finding work, which supposed to contribute truth telling, reconciliation and satisfaction principles in Ukraine. *[Full report](#) in Ukrainian, [Executive summary](#) in English.*

Further to this, UHHRU/HRA analysts were invited to Hromadske Radio in order to explain the main features of this online resource and how it meant to serve transitional justice efforts – [link in Ukrainian](#).

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<sup>2</sup> The work group under the Ombudsperson's Secretariat engages experts of UHHRU, NGOs, as well as MPs and representatives of respective ministries.



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- Program's beneficiary, Ombudsperson Valeria Lutkovska, [talks](#) on the matter on UKRLIFE TV. Head of UHHRU Analytical Department Oleg Martynenko [enlightens](#) on Hromadske radio on main aspects of the work group's activity, focusing on reconciliation efforts that have to be prioritized when talking about development of a transitional justice model. It is important that as of now the said strategic draft document is completed (*links are in Russian*).

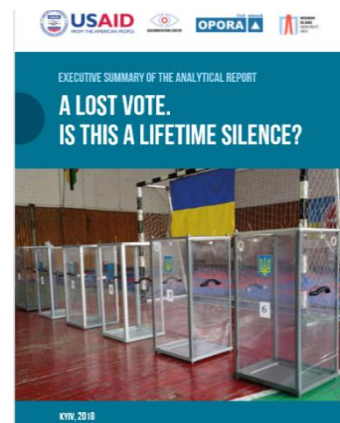
### Media event on the status and prospects of human rights observance in Ukraine

On December 12, the Program was holding a [press conference](#) (*here is also [video footage in Ukrainian](#)*) devoted to spotlighting status, challenges and prospects of human rights observance in conditions of the armed conflict. A specific emphasis was put on Program's core activities on providing legal support and protection to population trapped in human rights purgatory. Major takeaways are provided below:

- Oleksandr Pavlichenko, UHHRU Executive Director, emphasized the importance of monitoring, fact-finding and reporting efforts: *"UHHRU not only monitors the situation, but also appears as a proactive organization assuring proper documentation of human rights abuses and assists in solving issues both at national and international levels – before domestic courts, European Court of Human Rights and International Criminal Court (ICC)"*.
- Alina Pavliuk, UHHRU lawyer, focused her remarks on prisoners of war issues, giving a credit to the work of the special department within the Chief Military Prosecutor Office on investigating facts of degrading treatment and tortures in the "LPR/DPR". On the other hand, investigation officers are sometimes lacking subject-matter experience and specific knowledge, which may entail failure by Ukraine to achieve justice in the ICC.
- Oleg Martynenko, Head of UHHRU Analytical Department, among other issues, touched upon catastrophic environmental situation in the ATO zone, absence of the balanced state information strategy amid armed conflict and existing corruption. He stressed that as the majority of the deputies' legislative efforts are aimed at protecting the territory, and not people, human rights defenders together with Ombudsperson are taking consolidated efforts in drafting a transitional justice concept. According to him, this nation-wide framework document will greatly contribute the future of Ukraine: *"We are seeking for a consensus between the national security, human rights and a possibility to compensate damage to conflict-affected people"*.

### Several USAID-contributed analytical accounts have been released

- Analytical report "A lost vote. Is this a lifetime silence?" is released by a cohort of USAID implementing partners (co-authored by UHHRU, Civic Network "OPORA" and reviewed by International Foundation for Electoral Systems). Its purpose is to analyze the situation in regard to holding elections in the liberated territories of Donetsk and Luhansk oblasts (i.e. through assessing violations evidenced during Extraordinary Presidential Elections in 2014 and local elections in 2015) and to recommend relevant improvements to remedy the state of affairs and to enable internally displaced persons to exercise their voting rights in the host communities, which appear to be the place of their permanent residence. *Full report is available [in Ukrainian](#), and its Executive summary is provided [in English](#).*





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- Another Program-sponsored analytical report, touching upon freedom of speech amid the armed conflict in Ukraine, [is out now](#) (*in Ukrainian*). It provides analysis of the situation when Ukraine's media space actors are compelled to act under non-transparent conditions when such terms as "information security", "freedom of speech", "right to the truth", "hate speech" often have no well-defined scope and jurisdiction. In particular, the publication spotlights the results of a civic expertise of human rights observance by the Ministry of Information Policy of Ukraine when implementing its powers in regards to formation and implementation of the public policy on information sovereignty, state international TV/radio broadcasting in Ukraine, and information security.



### СВОБОДА СЛОВА

В УМОВАХ ІНФОРМАЦІЙНОЇ ВІЙНИ  
ТА ЗБРОЙНОГО КОНФЛІКТУ



Here is also a [related publication](#) including expert opinion and comments on the matter concerned.

- One more fresh Program-contributed analytical report titled "Prisoners of war: international practice as to release of POWs, civilian detainees and political prisoners. Conclusions for Ukraine" has been publicly introduced by UHHRU, Media Initiative for Human Rights and Euromaidan Press on January 31 ([full report](#) and [illustrative video](#) *in Ukrainian*). *More details on the corresponding media event are given below.*
- The Program [released in English](#) an executive summary of the thematic report "On the brink of survival: damage to the environment during armed conflict in east of Ukraine" (*while full report in Ukrainian is placed [here](#)*).
- In addition to the mentioned above, the "Lost in papers: observing social rights of IDPs" analytical report, which presents complex analysis of the issue of observing social rights of internally displaced persons as a result of the armed conflict in eastern Ukraine, has been [translated to English](#)<sup>3</sup> thanks to USAID Human Rights in Action Program.

## UHHRU continues working to liberate prisoners of war, civilian detainees and political prisoners detained in result of conflict

- The latest prisoner exchange took place on 27 December 2017 thanks to long-running efforts of public authorities, international partners and human rights defenders (including those of UHHRU), when 74 Ukrainians have been liberated, with no other exchanges prior to that for almost one and a half years (*more can be read in Main events section [below](#)*).

To mark this meaningful event and to explain the situation in details, UHHRU appeared with related [publication](#). Furthermore, human rights defenders are paying attention to the fact that liberation is not the happy end for Ukrainian POWs, and still lots of work [is to be done](#) to re-integrate them back to the peaceful living and protect their rights. Other interviews on the matter concerned can be found from the links – 5 Channel ([one](#) and [two](#)) [Chernomorska TV](#), [Hromadske Radio](#), [Radio Svboda](#), [Radio Hayat](#) (*all in Ukrainian/Russian*).

- On January 31, co-hosted by the Ministry of Information Policy, [a roundtable](#) (*link is in Ukrainian*) was held to present and discuss findings of the USAID-contributed thematic report in order to foster a tripartite dialogue between responsible government agencies, victims and their relatives, and civil society (engaged as event's attendees) in a search of the solution to the problem of the release of Ukrainian prisoners detained by the Russian Federation or its

<sup>3</sup> Its [Ukrainian version](#) has been issued under financial support of other donor.





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proxies. According to official data, there are 166 prisoners of war – 102 Kremlin’s prisoners remaining in non-government-controlled areas (NGCA) in Donbas and 64 held captive in Crimea and Russia. Thus, an emphasis was put on the necessity to create a comprehensive state strategy for negotiating the release of detainees, which could be based on [the concept](#) co-designed by the Program, which is being a part of a multi-layer work (such as advocacy, analytics, strategic litigations) performed in this regard.

Furthermore, following the roundtable discussion, the Program lawyer delivered an [interview](#) about the report as one of its co-authors.

### Other related activities by UHHRU in brief

- **Expanding capacity in international advocacy**

CivilM+ International Civic Platform was [launched](#) to contribute to conflict resolution and peacebuilding in Donbas: UHHRU is among eleven civil society organizations from Ukraine, Russia, France and Germany who initiated the Platform’s creation. Its purpose is to unite civil groups and initiatives working in different spheres for restoring conflict-torn Donetsk and Luhansk oblasts as peaceful, integrated and developed regions within democratic Ukraine with active participation of local residents and IDPs from Donbas.

- **UHHRU delegates attended annual session of the Assembly of States Parties to the Rome Statute of the International Criminal Court in New York**

On December 11, UHHRU jointly with other Ukrainian organizations held a [side event](#) on the margins of the Assembly of the State Parties entitled “The Role of the ICC in Promoting Accountability for Grave Crimes Committed in Ukraine” ([another link, in Ukrainian](#)). UHHRU delegates spoke about property expropriation as a war crime committed by the Russia’s occupational authorities in Crimea and about torture and ill-treatment in “DPR” committed and authorized by the authorities of the Russian proxy government.

Moreover, a UHHRU lawyer [delivered](#) ([link is in Russian](#)) an interview to the Hromadske Radio covering key aspects of our visit and highlighting the perspectives of investigating war crimes committed in Ukraine.

- **UHHRU-contributed UN General Assembly Committee’s resolution on Crimea is adopted**

On December 19, the 72<sup>nd</sup> session the United Nations General Assembly [adopted](#) ([link is in Ukrainian](#)) the resolution entitled “Situation of human rights in the Autonomous Republic of Crimea and the city of Sevastopol, Ukraine” initiated by Ukraine. If compared with the UN General Assembly resolution on Crimea A/C.3/71/L.26 passed in 2016, this year document has a stronger human rights focus and considers current challenges thanks to advocacy efforts of the human rights community. Almost all recommendations prepared by the civil society organizations (UHHRU, Crimean Human Rights Group, Human Rights Information Center and Human Rights House Foundation) have been considered in the text of the document. A detailed joint position and analysis of the named partnering organizations is given [here](#) ([in Ukrainian](#)). *Find more in Main events section [below](#).*

- **Opportunities and constraints to early recovery and development assistance in the Donbas region of Ukraine**

“Assessment of the Donbas Region of Ukraine. Strategic and Operational Recommendations for USAID’s Country Development Cooperation Strategy 2017-2022” which has been kindly

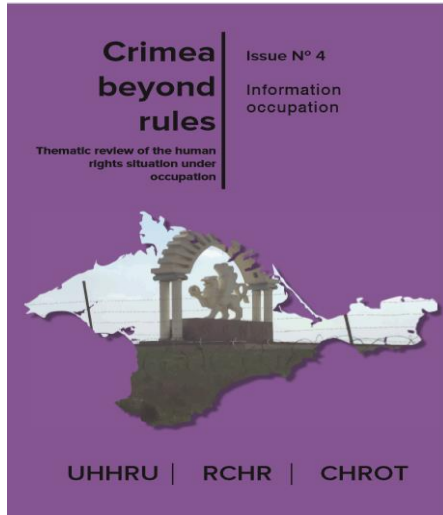


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provided by USAID/Ukraine, is now published at UHHRU's website both in [Ukrainian](#) and [English](#).

- **Fourth issue of “Crimea Beyond Rules” Analytical Law Digest**



The issue titled “Information occupation” focusing on violations of freedom of speech and expression in Crimea, which has been presented at PACE autumn session, is now publicly available in both [Russian](#) and [English](#).

The current edition describes international standards relating to freedom of speech and expression and international criminal liability for crimes, related to their abuse. It also reviews corresponding Ukraine's and Russia's legislation as well as legal frameworks adopted by the occupational authorities in Crimea. Separate sections provide for analytical materials and individual cases of harassment of independent journalists of Crimea and the city of Sevastopol by the occupation authorities.

- **Crimea-focused thematic reports were sent to Russia as part of advocacy efforts**

UHHRU participated in [advocacy action](#) (*link in Ukrainian*) to remind Russia's top-level authorities on numerous outrageous human rights violations being caused by them in the recent years and responsibility thereafter.

- **UHHRU advocates against persecution of citizens by occupation authorities in Crimea**

- ✓ On January 16, Russia-controlled court located in occupied Crimea sentenced Ukrainian activist Volodymyr Balukh to 3 years and 7 months in a penal colony and a 10,000 rubles fine. It is believed that Balukh's was fabricated and politically motivated; from the very beginning of peninsula's occupation, this Ukrainian citizen has been persecuted by Russian law enforcement and threatened with criminal liability for his openly pro-Ukrainian views. UHHRU [condemns](#) this so-called judgement and [calls](#) to officially name Volodymyr Balukh a Hero of Ukraine.

- ✓ [Joint statement](#) of Ukrainian human rights organizations about a threat to the life of Bekir Degermendzhi due to the failure to provide necessary medical care.

- **UHHRU-supported work has been referenced in adopted PACE resolution**

Adopting [the resolution](#), based on the [same-named report](#) by the PACE rapporteur, which among others references the Crimea Beyond Rules publication produced by UHHRU, the Assembly calls on all member States to use all available means for putting an end to this conflict, as well as stresses that such alarming situation is being a consequence of the ongoing Russian war against Ukraine. UHHRU considers the resolution as human rights oriented and expresses its gratitude to partners at governmental and international institutions, with whom we shared our ideas and developments, for considering them in the final text. *Find more in Main events section [below](#).*

Following the adoption, on January 24, UHHRU Executive Director delivered remarks in course of a side event on the restoring justice in Donbas, hosted by the Ukrainian Delegation to the PACE. In particular, he spoke about international mechanisms of judicial protection in



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conflict-related cases being actively used by UHHRU and its follow-up effect on conflict resolution in the region.

- **UHHRU’s position on adopted re-integration and de-occupation draft law No. 7163**

UHHRU is warning that [the Law](#) “On the peculiarities of state policy on the restoration of the state sovereignty of Ukraine over temporarily occupied territories in Donetsk and Luhansk oblasts”, voted on January 18, has a number of serious shortcomings (public appeal and infographic are given [here](#) in English and [here](#) in Ukrainian; detailed analysis is provided [here](#) in Ukrainian and [here](#) in English). While welcoming in general a national authorities’ initiative to regulate the issues of Russia’s armed aggression in the territory of Ukraine that has already been lasting for four years and making a note of the positive tendencies of the draft-law, UHHRU considers that amendments should be introduced to this document in order to adjust it in accordance with human rights standards and international humanitarian law.

- **UHHRU advocates Crimea-related issues**

On January 19, UHHRU in cooperation with ally human rights organizations – Human Rights Information Center, Crimean Human Rights Protection Group, “Crimea-SOS” NGO – delivered a press briefing to voice out current challenges and [10 priority steps](#) (kind of a roadmap) that should be taken by the Ukrainian authorities towards assuring respect to human rights of the Crimeans and peninsula’s further de-occupation and re-integration.

## STRATEGIC LITIGATIONS

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Within this direction the USAID Human Rights in Action Project supports strategic legal cases domestically and internationally to protect public interests<sup>4</sup>, as well as assures their broad media coverage among the professional community and the public. Total number of UHHRU Strategic Litigation Centre’s (SLC) cases within the Project equals 195.

### Spreading awareness on rights of people with mental disorders

UHHRU lawyer delivered an [interview](#) (*link in Ukrainian*) on Hromadske Radio do discuss what are advantages of newly adopted [USAID-contributed draft law](#) No 4449 to protect people with mental disorders.

### Program progresses in helping war victims in cases of property loss (*links are in Ukrainian*)

[The algorithm](#) on how to apply to Ukrainian courts for compensation for the property damaged in the area of anti-terrorist operation was spoken out in course of a media event, on 30 January, ([article](#) and [video-footage](#)). It summarizes years-long Program’s litigation experience that has already resulted in several domestic landmark judgments (for instance, “Loshadkin case”<sup>5</sup> and

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<sup>4</sup> Strategic litigations are one of the most powerful tools of human rights protection; conducted in the interests of a citizen or a group of citizens to achieve systemic changes in the legal field for the benefit of society and used for the purpose of creating the case-law (precedents).

<sup>5</sup> In 2015, the house of the Loshadkin family was destroyed by artillery shelling in Donetsk region. With the [legal assistance of USAID-supported lawyer](#), they filed a suit against the state authorities to get compensation for pecuniary and non-pecuniary damage. Having heard the case, the court awarded the plaintiffs UAH 1.8 million of pecuniary and UAH 10,000 of





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[case of Valentina M.](#)) granting victims with millions of pecuniary and thousands of non-pecuniary reimbursement. USAID-supported litigators in cooperation with the local legal aid lawyers urged the Government to speed up elaboration of a clear compensation mechanism and also proposed their own vision of the compensation policy as a part of the framework document with working title “Principles of the state policy for protection of human rights to overcome the consequences of armed conflict” jointly drafted by the work group under the Ukrainian Ombudsperson and pending to be introduced to the Parliament.

### Other related activities by UHHRU in brief

- **Defending trafficking victims** (*links are in Ukrainian*)

On December 5, UHHRU was holding a media event on the matter of strategic litigation to protect Ukrainians who became victims of human trafficking but officially accused and imprisoned as drug traffickers in the territory of Russia ([video footage](#)). A related text publication with UHHRU’s comments is also placed [here](#) for keeping people informed on the matter concerned. Besides, one can find there key recommendations, addressed to public officials, on how to make fighting against human trafficking more efficient.

- **UHHRU joined a briefing by Prosecutor General of Ukraine and Prosecutor of Crimea**

It was [aimed](#) at presenting the first joint communications to the International Criminal Court on the facts of illegal appropriation of property in the temporarily occupied Crimea as well as forced relocation and expulsion of Ukrainian citizens from the peninsula by decisions of occupational courts.

- **Report “February 26th criminal case” in English is updated**

[This Report](#) presents the results of work of the international expert group on the so-called “26 February criminal case”, namely: reconstruction and legal analysis of the events occurred during peaceful rallies near the building of the Supreme Council in Crimea in 2014 in support of Ukraine’s territorial integrity (following street clashes between pro-Ukrainian and pro-Russian supporters), and their consequences. Just reminding that this case reflects a number of systemic problems appeared in result of Crimea’s annexation and violations of human rights committed by de-facto authorities in the occupied territory<sup>6</sup>.

## **FREE LEGAL AID**

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[UHHRU’s network](#) of legal aid centers (LACs) keeps on delivering free legal aid (including outreach legal consultations in the remote areas), holding information and awareness raising events in the sphere of human rights as well as documenting war crimes and conflict-related human rights abuse.

The USAID supports activities of the UHHRU’s legal aid centers in Sloviansk, [Toretsk](#), [Mariupol](#), Kramatorsk, [Pokrovsk](#), [Sumy](#) and Dnipro providing legal aid to conflict-affected population, as well as

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non-pecuniary damage at the expense of the state budget of Ukraine. However, the decision has not yet entered into force, as the case is pending in the [court of appeal](#).

<sup>6</sup> This includes illegal retrospective application of the Russian legislation on the territory of the Crimea, violating the right to a fair trial and no punishment without law principle, prosecution of pro-Ukrainian activists and the Crimean Tatar community members disagreed with the peninsular’ occupation, unlawful restrictions on freedom of peaceful assembly etc.



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[Specialized LAC in Kyiv and Kherson](#) delivering legal assistance to IDPs from of Crimea and city of Sevastopol in the frames of the Human Rights in Action Program.

### **UHHRU expands cooperation with Ukrainian legal clinics**

On December 1-2, UHHRU [took part](#) in the Regular Congress of the Legal Clinics of Ukraine ([link in Ukrainian](#)).



In particular, lawyers of USAID-sponsored Kyiv-based legal aid center were sharing success stories and expanding knowledge on how to deal with IDPs from conflict-torn eastern regions of Ukraine and Crimea. This was done in course of three presentations/ workshops titled “Legal status of the temporarily occupied territories and prevention of discrimination towards their residents”, “Typical cases related to protection of

IDPs rights: how to use the existing legislation” and “Legal aid centers at human rights organizations: objectives, tasks and interaction with the legal clinics”.

### **Promoting Crimeans’ rights at ministerial level**

On December 12, UHHRU attended the roundtable discussion “Crimea. Annexation and lawlessness or the beginning of empire’s end” of the Information Ministry and partner organizations hosted, during which a Strategy for Crimea’s Information Reintegration was presented and a state’s information policy was discussed. Our delegate drew public attention to the importance of respecting the rights of Crimean IDPs, which among other things will serve to earn back Crimeans’ trust in the Government of Ukraine and contribute future reintegration efforts. In particular, he proposed to create an information platform for involved public bodies, as Ukraine should keep the residents of temporarily occupied territories informed regarding the activities of executive and law enforcement agencies responsible for documenting violations of their rights, including gross violations of IHL ([link in Ukrainian](#); [video-footage is also given here](#)).

### **Roundtable held on payment of pensions for Crimean residents**

On December 13, Kyiv-based Crimea-oriented LAC co-hosted [the roundtable](#) “The Pension Fund of Ukraine. Three years of interaction with the occupation authorities” with the purpose of drawing attention of the government and the public to certain issues of paying pensions to IDPs from Crimea and protection of their personal data, as well as to bring the Pension Fund’s procedures and policies in line with the legislation. *Footage is provided [here](#), in Ukrainian.*

### **Kherson-based LAC protects person from Crimea suffered from inactivity of Ukraine’s authorities ([links are in Ukrainian](#))**

The Kherson District Court [satisfied claim](#) of a Crimean resident concerning non-implementation of [a court decision](#) and, as result, ruled to remedy the situation and compensate a moral damage caused by inaction of the State Treasury Service of Ukraine. The point is that since 2015 this state agency has been refusing to execute a judgement of the Crimea-based court on charging



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budgetary funds in favor of the applicant. The argument was that a corresponding court executive statement was released by the illegitimate court after the occupation of Crimea has started, and, therefore, is considered void by virtue of the Article 9 of the Law of Ukraine [no. 1207](#). It should be stressed that the executive letter was submitted by the plaintiff for consideration of the State Treasury Service in accordance with the procedure established by law. Thus, the Court found the defendant's arguments invalid emphasizing that the Treasury Service's executives simply misinterpret the legislation, and the Crimean courts were legitimate when releasing the said documents. Besides, the given law, which officially names the date of temporarily occupation of Crimean peninsula, came into force in April 2014 and has no retroactive effect. Also noteworthy that the judges were guided by the European Court of Human Right's case-law when deciding on compensation of a moral damage that automatically appears in cases when a public agency is acting inappropriately against a person and violating his/her rights.

### **New in our Legal ABC podcasts** (*links are in Ukrainian*)

USAID-supported legal aid centers keep on raising legal awareness on IDP-related issues using Legal ABC podcasts instrument. This time lawyer from Mariupol focuses on helping pensioners from Donbas. The point is that the only chance for a Ukraine national residing in the NGCA to receive a pension (or any other material aid) is to be officially granted with an IDP certificate. This unblocks a number of bureaucratic processes, but, on the other hand, sets traps for unaware people meaning that they may lose both the IDP status and the pension. In fact, this is sort of unlawful cheating by the state to reduce payments, which must be disputed in court. A fresh podcast explaining the situation and providing advices on the issue can be found [here](#).

Further to this, lawyer of USAID-supported LAC in Sumy contributed into two more podcasts such as "[criminal responsibility that might be imposed when getting IDP social payment](#)" and "[why IDPs are undersupported by the state](#)".

### **Other related activities by UHHRU in brief** (*links are in Ukrainian*)

- **Monitoring of the functioning of free legal aid system in Ukraine**

On December 20, UHHRU hosted a roundtable in frames of a USAID New Justice Program aimed at conducting [regional monitoring](#) of the functioning of free legal aid system in Ukraine – [footage is also available](#).

- **UHHRU shares experience in eliminating discrimination against residents of NGCA**

Lawyers of USAID-supported UHHRU LAC in Kyiv and UHHRU member organization "Centre for Legal and Political Research "SIM" presented a draft law on registration of civil status acts under occupation. *Follow [this link](#) to see the details.*

## **HUMAN RIGHTS EDUCATION AND AWARENESS RAISING**

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UHHRU keeps on organizing human rights training events as well as formulating a comprehensive national human rights education policy. This activity is implemented under Ukraine-wide Educational



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Program “[We Understand Human Rights](#)” (WUHR)<sup>7</sup>, which is being the only informal educational system that has the material basis for its activities – Educational Human Rights House-Chernihiv (EHRH-Chernihiv).

## Human rights education for lawyers

### USAID-supported training course for judges and lawyers proceeds (*links are in Ukrainian*)

On January 26-28, [the fourth onsite seminar](#) was held focusing on right to respect a private and family life under Article 8 of the European Convention on Human Rights. The event gathered 25 judges and lawyers from all over Ukraine to turn theoretical knowledge into practice and study cases related to armed conflict and occupation.



A keynote visiting lecturer was Maxim Timofeev, Associate Professor of Law Department at the European Humanities University (Vilnius, Lithuania), who has also delivered an accompanying [master class](#) titled “Advocate as a victim”, on January 25.

Furthermore, within the period of concern trainees developed an [infographic memo](#) touching upon the right to liberty and security of person (Article 5 of the European Convention on Human Rights) and how a person should act if this right has been violated.

*More information on about the course is available from the [link](#).*

## MAIN EVENTS IN HUMAN RIGHTS AREA

### ICC Prosecutor’s 2017 annual report

The Office of Prosecutor (OTP) of the International Criminal Court [issues](#) the annual Report on Preliminary Examination Activities (2017). Situation in Ukraine is also covered [here](#), in Russian. In particular, the OTP Office has recorded over 1,200 incidents alleged to have occurred in the context of the situation in Eastern Ukraine (including killings, destruction of civilian objects, detention, torture/ill-treatment, sexual and gender-based crimes, disappearance). Furthermore, the report points out numerous alleged violations of ICC’s Statute (the Rome Statute) in the

<sup>7</sup> Launched since 2007, WUHR Program envisages development of informal human rights education, contributing to cultivating a human rights culture, strengthening respect for the rule of law in Ukraine, promoting intercultural understanding and principles of peaceful resolution of conflicts. The Program currently counts more than 3,500 alumni from all regions of Ukraine.





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territory of Crimea, such as harassment of Crimean Tatar population, deprivation of the rights of fair and regular trial, forced conscription of Crimean residents to serve in the Russian armed forces, disappearances and killings, ill-treatment.

### **Human rights organizations call to “save” the Council of Europe**

Crimean Tatar leaders, the sister of Russia’s youngest Ukrainian political prisoner and Ukrainian human rights organizations (including UHHRU) have [warned](#) the Council of Europe against compromising its own values by giving in to pressure from Russia. There can be no grounds for reinstating Russia’s voting rights within the Parliamentary Assembly of the Council of Europe while Russia continues its occupation of Crimea, military aggression in Donbas and escalating human rights abuse. [Additional link](#), *in Ukrainian*.

### **UN General Assembly Committee’s resolution on Crimea is adopted**

On December 19, the 72<sup>nd</sup> session the Third Committee (Social, Humanitarian and Cultural) of the United Nations General Assembly adopted the [resolution](#) entitled “Situation of human rights in the Autonomous Republic of Crimea and the city of Sevastopol, Ukraine” initiated by Ukraine (70 states voted in favor, 26 voted against, and 76 abstained; totally, 42 states joined the list of co-sponsors of the text). *Foreign Ministry’s comments on the issue concerned are available [here](#), as well as President’s [here](#) (both are in Ukrainian).*

### **Persecution of Crimeans proceeds**

More than 60 court hearings against peaceful protesters [were held](#) during one day, on December 18, by the occupational authorities throughout the Crimea (*link in Russian*). Let us remind that on October 14 more than 100 Crimean Tatar people [were holding](#) the allowed by the Russian law single pickets in protest of mounting repressions against Crimean Muslims. Therefore, “courts” imposed the administrative fines on the Crimean Tatar people in the total amount of over 650,000 RUB. This happens even in breach of Russian legislation and can be considered as continuous suppression of freedom of expression, peaceful assembly in Crimea and violation of the indigenous people’s rights.

### **74 Ukrainian prisoners of war have been liberated**

On December 27, thanks to serious consolidated efforts of public authorities, human rights defenders and international partners, a major POWs exchange with self-proclaimed “LPR/DPR” [took place](#) and 74 Ukrainian prisoners safely returned home. 233 persons were transferred to the other side in return; according to government officials, none of them is suspected in committing serious crimes that could be the reason for their non-pardon. Unfortunately, around 103 Ukrainians are still remaining captive by Russia-led forces in Donbas.

### **Presidential draft law no. 7163 voted into law**

On January 18, the Verkhovna Rada of Ukraine [adopted](#) in its entirety the draft law “On the peculiarities of state policy on the restoration of the state sovereignty of Ukraine over temporarily occupied territories in Donetsk and Luhansk oblasts”.





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## **Resolution 2198 (2018) “Humanitarian consequences of the war in Ukraine” is adopted, on January 23, at the winter PACE session**

Adopting the Resolution, the Assembly calls on all member States to use all available means for putting an end to this conflict, as well as stresses that such alarming situation is being a consequence of the ongoing Russian war against Ukraine. Thus, all sides of the war should “release and exchange all prisoners of war and people captured during the war”, respect the civilian nature of infrastructure and ensure the protection of civilians and their full access to essential services. The Russian authorities are being urged to cease all financial and military support to the illegal armed groups in the Donetsk and Luhansk oblasts, uphold all its obligations under applicable international law as an occupying Power and to ensure respect for the human rights and the security of all people living in occupied Crimea and ensure unhindered access to annexed Crimea to international organizations. The Ukrainian authorities, among others, should bring the Criminal Code in line with the provisions of international humanitarian law, adopt legislation on humanitarian demining actions and revise the Law on humanitarian assistance to facilitate the procedure of delivery of humanitarian assistance to the war affected territories.

The majority of its provisions have been already voiced out in other PACE resolutions. Hence, among certain novations are welcoming approval of the Law of Ukraine 7163 and condemning persecution of Ukrainian and Crimean Tatar nationals by Crimean occupational authorities. Furthermore, on the proposal put forward by the Ukrainian delegation, the term “occupation and attempted annexation of Crimea by the RF” is appeared for the first time instead of commonly used “annexation of Crimea” notion.

Ukraine’s Ministry of Foreign Affairs [welcomes](#) the document’s adoption underlying that it covers all amendments proposed by the Ukrainian delegation (*link in Ukrainian*).

## **Prosecutor’s office of the Autonomous Republic of Crimea has launched criminal proceeding on forced military service in the Russia’s army**

The Prosecutor’s office leads the procedural guidance in criminal proceedings in regard to compelling Crimean residents to serve in the RF armed forces based on facts, draft notices from military commissariats addressed to Crimeans as well as on the individual cases of criminal prosecution or other kinds of responsibility for refusal to carry military service. The Prosecutor’s office called on everyone to contribute the situation by providing evidences relevant to the proceedings. For more details, please follow [the link](#) (*in Russian/Ukrainian*).

## **Cabinet of Ministers to support liberated prisoners of war**

The Cabinet adopted the Decree “On certain issues of social support to liberated POWs”. The document obliges the state to grant individuals liberated from captivity with some social entitlements like single monetary support (UAH 100,000 to each person), preferences in medical/psychiatric treatment and rehabilitation, as well as assistance in finding temporary housing for IDPs. The Security Service of Ukraine has to verify the list of potential support receivers first ([link in Ukrainian](#)).



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