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**DIGEST No 7 (39) BY UKRAINIAN HELSINKI HUMAN RIGHTS UNION,
USAID HUMAN RIGHTS IN ACTION PROGRAM**

April-May 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 initiative¹ (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.

News for April-May are as follows:

- An example of how authorities implement recommendations of LHRI:

Back in March 2018, Program's experts inspected Mariupol to discover how the local self-governance bodies serve their duties on ensuring rights of conflict-affected and displaced population. Overall, the city was highly ranked within "adequate living standard" monitoring direction; however, it was revealed that citizens lack information about available municipal services. Following advices given by civic monitors, city council has clearly demonstrated the readiness to improve the situation, in particular by informing members of local community of existing hotline on social protection issues².

- Hearings of the Parliamentary Committee regarding status of implementation of the National Human Rights Strategy (external links are in Ukrainian):

The event, held on April 18 at the premises of the Verkhovna Rada Committee on Human Rights, National Minorities and Interethnic Relations, was aimed at discussing execution of the conflict-related strategic directions of the Strategy by the responsible government agencies. Among the issues given voice were: protection of the rights of IDPs; taking necessary measures to protect the rights of persons living in -the temporarily occupied territory of Ukraine; ensuring the rights of Ukrainian citizens residing in the certain areas of Donetsk and Luhansk oblasts, where public authorities temporarily do not exercise or partially do not exercise their powers; release of hostages and restoration of their rights.

There was also discussed the necessity to introduce conceptual changes into the National Action Plan for the Strategy under the Parliament's strengthened control in order to align it with international humanitarian law and related human rights law standards along with development of recommendations to the Government of Ukraine (GOU), thus making the document more responsive to nowadays conflict-generated challenges.

More details can be found [here](#) and [here](#), as well as in a corresponding news release [below](#).

¹ 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.

² Just to remind, LHRI assessment is based on the field monitoring with engagement of the local USAID-sponsored legal aid centers. Since specialists have already finished active monitoring phase, it is now time for summing up the obtained results.



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Action Plan for the Strategy of Integration of IDPs became more human rights-oriented

On May 17, UHHRU took part in the public event organized by the Ministry on Occupied Territories and IDPs to discuss suggestions and comments to the Cabinet of Ministers' draft resolution "On adopting the Action Plan for the implementation of the Strategy of Integration of IDPs and the implementation of durable solutions on internal displacement for the period up to 2020". Sometime earlier Program lawyers submitted a number of recommendations/amendments to the Plan, part of which was indeed taken into consideration by the officials. Now the event was mostly devoted to having a fresh look at earlier unconsidered ones, because they are still worthy of attention. To cut the long story short, here is the summary:

- ✓ Earlier accepted recommendations include: (1) the need to provide proper medical care to IDPs that suffered injuries, trauma or obtained disability as a result of the armed conflict; (2) removing provisions from legislation on higher education that discriminate IDPs; (3) putting a stop to unlawful disclosure of personal information by the Pension Fund of Ukraine, and bringing pension legislation in line with international standards on the protection of IDPs' rights.
- ✓ Recommendations that initially failed to be taken into account, but later accepted with minor adjustments: (1) to develop legislative acts on the legal status of 'protected persons' (defined in the Geneva Convention Relative to the Protection of Civilian Persons in Time of War); (2) to create an efficient mechanism for the evacuation of IDPs' personal property from the occupied territories; (3) to develop a mechanism to compensate for the land and real estate.

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, within three months there was drafted³ a framework document – the draft law "Principles of the state policy for protection of human rights to overcome the consequences of armed conflict" that supposed to become a basis for further conflict-related legislation.

The Program keeps on promoting the principles of transitional justice to benefit Ukraine's post-war future. News for April-May includes:

- On April 18, a draft law on transitional justice was officially presented for the first time at the seating of the Parliamentary Committee on Human Rights "Status of implementation of the National Human Rights Strategy concerning protection of the rights of IDPs and persons residing in the NGCA, release of hostages and restoration of their rights" (*described above*). However, it was presented to the general public in more detail in course of a [media event](#) held on April 25, where speakers shared their vision on what has to be done to protect an average citizen amid armed conflict and occupation.

³ By a working group under the Ukraine's Ombudsperson (in office from 2012 till March 2018), which engaged experts of UHHRU and other NGOs, representatives of international organizations, as well as MPs and representatives of the Ministry of IDPs and occupied territories.



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Just refreshing that this draft law is being an integral element of the tailored transitional justice model, and is aimed to introduce a human security dimension in Ukraine's public policy in order to put an end to impunity; ensure justice for war victims and conflict affected population; ensure accountability for perpetrators; ensure the right to the truth concerning gross human rights violations and Russia-led aggression, as well as guarantees for non-recurrence in the wider perspective of peace-building.



- To explain the principles of transitional justice to domestic audience of non-English speakers, UHHRU released Ukrainian [translation](#) of a 2016 [framework study](#) “EU approaches towards justice in the period of conflict and transition” conducted by the EU experts. The purpose is to promote transitional justice model, including USAID-contributed draft law (see above), and those principles that laid the groundwork for it.
- Some publications and media appearances on transitions justice and related topics:
 - ✓ Program’s experts together with partners delivered a series of interviews to Internet-based UKRLIFE TV explaining various aspects of transition justice and its importance in nowadays realities of conflict-torn Ukraine – the full compilation of videos is given [here](#) (*in Ukrainian*).
 - ✓ Oleg Martynenko, leader of UHHRU analytical department, being invited to the Chernomorska TV channel, talked about recently presented draft law – [link in Russian/Ukrainian](#). There is also a fresh [publication](#), authored by him, in the thematic blog “why transitional justice can be considered as international test for Ukrainian judges and law enforcement officers”.
 - ✓ In addition, here is one more thematic-related [publication](#) by UHHRU/Program’s lawyers concerning investigation of war crimes that requires special procedure and conditions in nowadays Ukraine.

UHHRU recommendations have been included into final version of the Final Statement and Recommendations of the EU-Ukraine Parliamentary Association Committee

Developments and findings of the Program have been used by UHHRU to [produce](#) a “shadow report” that, among other papers, became a basis for the Parliamentary Association Committee’s [final statement and recommendations](#) pursuant to Article 467(3) of the EU-Ukraine Association Agreement. Almost all our proposals on addressing conflict-generated challenges were considered in the adopted document in course of the 7th Meeting held in Strasbourg, on 18-19 April, 2018, to discuss Ukraine’s progress and bilateral relations as well as to provide input to and oversight of the EU policy on Ukraine.

Concept Note of the State Strategy on return of Ukrainian citizens currently under control of the RF and/or its agents is still actual

As the recent draft law [No. 8205](#) “On the legal status and social guarantees for persons illegally deprived of their liberty, hostages, or those convicted in temporarily occupied territories of Ukraine and abroad” [contains damaging provisions](#) (*both links are in Ukrainian*), the Program

offers a vision of what Ukraine’s state strategy as to the release of those illegally detained in Crimea and Russia should be, and how the state should approach this highly important and sensitive matter. While noting the GOU’s efforts to regulate this issue at the legislative level, attention should be paid to major inconsistencies in the definition of the status of prisoners with national and international standards, impractical provisions as to the assistance for families of and detainees themselves. *Extended commentary by Program’s representative is available from [the link](#) (link is in Russian). Concept Note of the State Strategy is available [here](#).*

Participating in the 10th Information Fair 2018 hosted by the USAID RADA Program

Held at the premises of the Ukraine’s Verkhovna Rada on May 15-16, this event engaged numerous USAID implementing partners, including Ukrainian Helsinki Human Rights Union. As a tradition, UHHRU had a chance to disseminate our accomplishments shaped in various analytical reports, memos, and handouts on human rights protection amid the armed conflict in Ukraine and related themes ([link in Ukrainian](#)).

Some freshly-baked USAID-contributed publications

- Armed conflict: RF’s military support for illegal armed formations of “D/LPR”:



Given voice at a media event on May 31 ([link in Ukrainian](#)), the report concentrates on evidencing Russia’s military support for the so-called “DPR/LPR” done through weapons supply, participation of the RF armed forces in hostilities, as well as organization and planning of military operations by Russia’s agents. Based on open sources and UHHRU’s own data, the given analytical account spotlights involvement of not just Russia’s regular troops, but also of mercenaries from private military companies in Donbas-located conflict, many of which have close ties to Russia enforcement agencies. The whole point is that to make Russia liable for committed war crimes, first it is needed to prove its control over Ukraine’s eastern territories (“effective control” concept, widely used in the case-law of the European Court of Human Rights). Among other things, the report gives certain recommendations on actions to be taken by

the GOU in that respect (*could be read in [executive summary](#); full report is given [here](#), in Ukrainian*).

- Annual report of human rights NGOs “Human Rights in Ukraine-2017”:

Summary of this USAID-supported paper has been already made available for downloading in [Ukrainian](#) and in [English](#). It includes a brief overview of the problems concerning the observance of human rights in Ukraine in the course of the armed conflict (including observance of the IDPs’ rights, human rights situation in the occupied Crimea and non-government controlled areas (NGCA) in Luhansk and Donetsk oblasts, unsatisfactory progress of institutional reforms, etc.).

For those who want not only to catch overall trends with human rights observance in Ukraine in 2017, but to find more detailed information on a specific theme – [here is the full](#) list of



Summary



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publications that laid the groundwork for the analytical account (*link is in Ukrainian*) accompanied by infographic materials (*both in English and Ukrainian*).

Other related activities by UHHRU in brief:

- **UHHRU-contributed analytical report on war crimes in Donbas has been presented**

On May 15, analytical report “When walls talk. War crimes committed against POWs and the facts of Russia soldiers’ presence in Donbas” was publicly discussed in course of a joint media event – the paper itself, major takeaways and full video footage are available from [the link](#). Furthermore, UHHRU expert delivered [comprehensive comments](#) on the issues concerned in the report, in Ukrainian.

- **UHHRU lawyers co-authored analytical account on de-occupation and reintegration of Crimea**

The Ukrainian Center for Independent Political Research issued the “The Green Paper: policy towards Crimea”, which gives analysis of Ukraine’s sanctions policy and provides recommendations how to improve it, and what other actions should be undertaken by Ukraine to bring closer peninsula’s de-occupation and reintegration. On May 23, UHHRU expert delivered remarks in course of [a roundtable](#) to present this analytical paper (*link is in Ukrainian*).

- **Open address of Human Rights Agenda Platform to the US State Special Representative for Ukraine Negotiations**

UHHRU joined the address Mr. Kurt Volker, which consists of a number of [recommendations](#) on the efforts to be made for the faster resolving of the armed conflict in Ukraine and its consequences.

- **UHHRU is concerned with new wave of harassment in Crimea**

- ✓ The application of criminal legislation of the Russian Federation in the territory of annexed Crimea is an international crime and violation of international humanitarian law. Besides, so-called Russia’s “anti-extremist laws” are very unclear, which provides grounds for so-called “enforcement agencies” in the peninsula to prosecute pro-Ukrainian citizens, including those among Crimean Tatar people. Been doing it for a long time, occupation authorities have once again authorized ungrounded mass searches at the houses of the Crimean Tatars ([link in Russian](#)). As this must not be left without attention, human rights defenders together with Ukraine’s officials held a media event on April 26 ([link in Ukrainian](#)) to advocate the rights of suffered people.

To give a couple of examples, here is information on the trumped-up charges against Igor Movenko (link [one](#) and [two](#)) and [Yevgen Panov](#), in Ukrainian.

- ✓ Another conference took place on May 29 ([link in Ukrainian](#)), where human rights activists called the GOU to adopt a framework law on the status of protected persons in armed conflict that considers the protection of political prisoners and all persons persecuted for political reasons, as well as prisoners held in the occupied Crimea providing them/their families with support. They also voiced an opinion that representatives of the public, human rights organizations and, in the first instance, relatives of imprisoned persons should be engaged in this process.

For more information on the events in Crimea, please refer to the [Main Events](#) section below.



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- **UHHRU continuously works on advocating and protecting the rights of conflict victims**

This time it goes about more than 4,700 sentenced Ukrainian citizens from Crimea-located places of custody, who have been forcibly removed to Russia's prisons after peninsula's purported annexation. So far our legal expert took part in a working group under the Justice Ministry to elaborate a draft law, which meant to serve the interest of detainees, namely in part of recognizing their legal status (covering not only those from Crimea, but also from Donbas). Human rights lawyers believe that Ukraine is not making enough efforts to help this category of its citizens, and this legislative document may become a step for bettering the situation. *More details are given [here](#), in Ukrainian.*

- **UHHRU joined newly instituted coalition for the protection of civil society in Ukraine**

On April 11, a media event was held to officially [present](#) the Coalition for the Protection of Civil Society in Ukraine and what it stands for. In general, Ukrainian CSOs combined their efforts to overcome the negative effects of the harassment and oppression they face from the GOU.

- **Parliamentary Assembly of the Council of Europe has adopted a number of resolutions relating to Ukraine**

- ✓ On 24 April, 2018, PACE adopted the Resolution [No 2209](#) "State of emergency: proportionality issues concerning derogations under Article 15 of the European Convention on Human Rights". Ukraine is listed among three countries, which have derogated from applying certain articles under the Convention.

It is important that throughout the whole period of the armed conflict taking place in Donbas, UHHRU has been voicing out that the territories in Donetsk and Luhansk oblasts have not been "temporarily occupied" but rather they have been under "effective control of the Russian Federation" (*for instance, [link one](#), §4, [link two](#)*). With the adoption of this Resolution, the position has finally been confirmed and clarified at the international level. *Detailed commentary of UHHRU's expert is available [in Russian](#). External commentaries can be found [here](#).*

- ✓ In its Resolution No. 2214 (2018) "Humanitarian needs and rights of internally displaced persons in Europe", PACE, among other issues, addresses both Ukraine and Russian Federation. In particular, it urges Russia to refrain from supplying weapons, ammunition and military personnel, which leads to continued violations of IHL and human rights of IDPs in the territory of Ukraine; as well as allow international humanitarian observer missions to enter the respective conflict areas in order to analyze the humanitarian needs of IDPs and provide assistance. Ukraine, in its turn, is being called to establish a commission for the compensation or return of IDPs' possessions and property. The said issues are continuously promoted by USAID Human Rights in Action Program.

STRATEGIC LITIGATIONS

Within this direction the USAID Human Rights in Action Project supports strategic legal cases domestically and internationally to protect public interests⁴, as well as assures their broad media

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



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coverage among the professional community and the public. Total number of UHHRU Strategic Litigation Centre's (SLC) cases within the Project equals 212.

Program-supported work on compensation for property damaged amid armed conflict

Since the GOU keeps away from compensating the damage done to people's property in conflict-affected eastern Ukraine, this important issue must be advocated at all levels. Raising public concern on this matter might help pushing the lawmakers to eventually develop a lacking mechanism to compensate people's losses. So far here is a fresh interview by one of our lawyers – [link in Russian](#) – explaining in details the whole process of seeking justice in this category of lawsuits, in particular, having USAID-supported “Loshadkin case” as a sound example. This case is an illustrative one, because it clearly shows that in spite of having a court judgement in favor of a defendant⁵, bodies of public authority (namely, the State Treasury) still [refuse to execute it](#) (*link is in Ukrainian*), and it is a huge gap in Ukraine's legislation⁶. As the first step to eliminate it, human rights defenders suggest that there must be eventually [created](#) a unified register of the destroyed property (*link is also in Ukrainian*).

Necessity to elaborate compensation mechanism both for pecuniary and non-pecuniary damage to the victims of armed conflict finds its reflection in the EU-Ukraine Parliamentary Association Committee's [final statement](#) and recommendations, to which UHHRU provided relevant input, as well as in the framework USAID-supported draft law on transitional justice issues. Besides, the PACE Resolution No. 2214 (2018) “Humanitarian needs and rights of internally displaced persons in Europe”, among other things, urges Ukraine to establish a commission for the compensation or return of IDPs' possessions and property. This is being in line with UHHRU advocacy campaign on protection the IDPs interests (namely, their property rights), which includes advocating adoption of draft law 2167⁷ currently pending Parliament's approval.

Follow-up of Program-supported case in the Constitutional Court of Ukraine on investigating crimes committed in the territory of Ukraine's State Criminal Executive Service (*links are in Ukrainian*)

On April 24, the Constitutional Court [judged](#) to find part 6 of Article 216 of the Code of Criminal Procedure as opposite to the Constitution of Ukraine and ruled to abolish it. The judgement also contains obligations imposed on the Verkhovna Rada of Ukraine to settle all normative regulations in line with the judgement and therefore the Constitution of Ukraine.

This is a follow-up of UHHRU's work that started back in 2017, when the Program supported our experts in preparing a [legal position \(amicus curiae\)](#) on the constitutionality of the said provision of the Code of Criminal Procedure that was presented at the Constitutional Court's [session](#). The case launched upon the constitutional submission of the Ombudsperson was concerned with the effectiveness of investigation into crimes by the investigative authorities of the State Criminal Executive Service of Ukraine. UHHRU/Program considers that this legislative provision leads to the institutional dependence of the investigative authorities and violates the

⁵ Back in late January 2018 Program-attributed lawyers won a domestic landmark judgment that granted a war-affected Loshadkin family with more than two millions UAH of pecuniary and 200,000 of non-pecuniary reimbursement ([link in Ukrainian](#)). Since that time lawyers managed to succeed in the appellate court, which obliged the state to pay the compensation ([link to judgment in Ukrainian](#)).

⁶ Just reminding that the Program proposes its own vision of the compensation policy as a part of the draft law “On fundamentals of public policy on human rights protection in the context of addressing the consequences of the armed conflict”, elaborated as a framework document to finally establish transitional justice model for Ukraine.

⁷ Draft law No 2167 dd. 18 February 2015 “On amendments to the Law of Ukraine “On ensuring the rights and freedoms of internally displaced persons” (re-compensation for the value of the IDPs damaged property).



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requirements of the European Convention on Human Rights regarding independence of the investigative authorities and, accordingly, will result in ineffective investigation into crimes and violation of Ukraine's international obligations.

Other related activities by UHHRU in brief

- **Important judgment of the European Court of Human Rights regarding the sales of agricultural land** (*links are in Ukrainian/Russian*)

A landmark judgement was [delivered](#) by the ECtHR in case, which concerns a moratorium on alienation of agricultural land plots – why this is an important victory by UHHRU Strategic Litigation Center can be read [here](#).

- **Why isn't Ukraine doing more to free its citizens held captive by Russia**

The Atlantic Council website released [an article](#) that is based on our findings, including analytical report "Prisoners of war: international practice as to release of POWs, civilian detainees and political prisoners. Conclusions for Ukraine" – [full version in Ukrainian, executive summary in English](#).

To learn more on this topic, we suggest referring to the [interview](#) (*link in Russian*) with our lawyer regarding the situation with detention of political prisoners.

- **Ex-detainees are not getting social payments**

SLC expert [spoke](#) to Hromadske Radio about the details of war crimes investigations in Ukraine, liberation of prisoners and social payments guaranteed to them (*link is in Russian*).

FREE LEGAL AID

[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 [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.

Raising awareness of citizens regarding the protection of their rights

- On violations of the rights of Crimean residents (*links are in Ukrainian/Russian*):
 - ✓ One of the issues of concern is that the migration service officials in different regions of Ukraine continue [rejecting applications](#) from Crimean residents, who wish to get a Ukrainian passport or simply refresh their photo in it. Another accompanying problem is that the management of the State Migration Service of Ukraine does not provide comprehensive explanations to employees on how to treat residents of occupied territories with proper respect to their law-guaranteed rights.



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- ✓ One of UHHRU lawyers [delivered](#) a comprehensive interview touching upon multiple matters on protecting the rights of Crimeans in mainland Ukraine. Furthermore, here is another fresh [interview](#) delivered by a cohort of our lawyers explaining ways on how Crimeans can resolve various administrative problems faced by them in the mainland.
- ✓ Kherson-based lawyer [explained](#) the situation when state officials in Ukraine refuse to provide IDPs from occupied Crimea with guaranteed social payments, demanding this or that Russia-issued document to prove that a person has not been enjoying similar payments in the peninsula.
- Lawyer from the Pokrovsk took part in producing a fresh “Legal ABC” podcasts: this time the issues concerned are (1) [misapplication of power](#) by the National Police representatives paying special attention to the conflict-torn region, and (2) problems arising when people from NGCA [cross the administrative border](#) with the government controlled area, and how to address them in a legal manner.
- A fresh publication appeared on Slovyansk LAC’s [Facebook page](#) explaining legal peculiarities of how a child, person under 18, can be granted with official status of “suffered from military actions and armed conflicts”, and what entitlements/guarantees the status grants.
- A [public lecture](#) was held to reach student youth of Sumy and raise their awareness on such an important topic as combatting domestic violence. This event was hosted by the “I Have the Right” project under the Justice Ministry, and engaged USAID-supported lawyer in Sumy as one of the lecturers.
- Since the GOU does not provide liberated detainees with a necessary degree of social protection, which is actually guaranteed to them, this category of people regularly applies to LACs (particularly to Dnipro-based one) to receive assistance in filing cases to the European Court of Human Rights. News release by the “1+1” TV outlet devoted to one of such USAID-attributed cases can be found from the [link](#).

Recent successes of legal aid centers in defense of human rights

- Sumy LAC’s success stories:
 - ✓ Lawyers helped a man to recognize the fact of his father’s death even despite it happened in NGCA, and to receive all accompanying Ukraine-standard certificates – [link in Ukrainian](#).
 - ✓ LAC helped an elderly woman, a veteran of labor and IDP from Luhansk oblast, to retrieve suspended pension payments, as well as to get repaid accumulated back payments – [link in Ukrainian](#).
 - ✓ An IDP-family from Donetsk oblast was granted the right to targeted financial aid – the matter is that IDPs can be granted that kind of assistance only if their previous place of residence is officially confirmed as an occupied one, and unfortunately it may take time for small rural localities because the state is a bit slow in this questions. LAC’s lawyers managed to set things right and [helped people to prove](#) that their village had indeed been occupied.
- As a part of defending rights of Crimean Tatars suffered from occupation (*links in Ukrainian*):

Since 2014, when the Verkhovna Rada of Ukraine adopted the law “On restoring the rights of the persons deported on ethnic grounds”, the issue of paying state-guaranteed compensation to the deported persons or their heirs has been topical among legal experts. Simply because the law doesn’t work as the Cabinet of Ministers developed no mechanism for the payments to be done. Keeping that in mind, Program/UHHRU lawyer still notices that certain [positive](#)



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[changes](#) appear in sight. In light of this, it is worthy of mentioning about a recent UHHRU's victory when a court [judgement](#) was delivered in favor of our client who applied for the compensation⁸.

HUMAN RIGHTS EDUCATION AND AWARENESS RAISING

UHHRU keeps on organizing human rights training events as well as formulating a comprehensive national human rights education policy. This activity is implemented under Ukraine-wide Educational Program "[We Understand Human Rights](#)" (WUHR)⁹, which is being the only informal educational system that has the material basis for its activities – Educational Human Rights House-Chernihiv.

Human rights education for lawyers

Pilot cycle of UHHRU's innovative training course for lawyers and judges ran to its end

On May 19-20, in course of the final meeting within the training course "Human rights standards in legal practice of lawyers and judges" the Program summarized results of the entire course, held final teaching classes, and eventually honored graduates – 16 advocates and 18 judges representing 18 regions of Ukraine, who were distinguished with diplomas and certificates of completion. Among other things, agenda of the event included a lecture and presentation of the book "Great Debates on the European Convention on Human Rights" (by its author Kostyantyn Degtyariov, famed expert in international human rights law), a simulated (moot) court "Human rights amid occupation" as well as a panel discussion "Human rights defenders and the state: threats, challenges and opportunities" with invited recognized human rights experts.



Certain feedback from the participants of the course is available on their personal Facebook pages – links [one](#), [two](#), and [three](#).

A bit earlier, the Program was carrying out the [fifth](#) in-class training within the course. The goal was to familiarize the participants with the practical application of knowledge gained during distance

⁸ UHHRU preserves history memory and commemorates both victims of past abuses, such as those suffered in result of [deportation of Crimean Tatars in 1944](#) (*link in Ukrainian*), and also pays considerable attention to protecting this especially vulnerable category of people under present period of Ukraine's history.

⁹ 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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learning on the subject of the right to peaceful enjoyment of possessions (Article 1 of the Protocol to ECHR), in particular amid armed conflict and occupation.

There two events were final in the first cycle of the course that was piloted from March 2017 till May 2018; visit this [website](#) (*link in Ukrainian*) to see more detailed information on the course. In regards to future plans, Program/UHHRU is now working to update the course taking into account accumulated experience and feedback from everyone involved. The course's second cycle will soon begin, with even greater emphasis on legal challenges that the armed conflict creates for lawyers and judges in Ukraine. As for trainees, the priority in selecting them will be given to the legal practitioners from conflict-affected regions or those who work directly with conflict-related cases.

Informal human rights education

Attending “Mistechko USAID” Information Fair in Kryvyi Rih

As a part of the fair held on May 19, UHHRU organized the “Human Rights in Action” platform where everyone interested had an opportunity to get information on UHHRU’s activities, its USAID-funded legal aid centers, about local partners etc. A special emphasis was put on informing people about USAID-contributed transitional justice model for Ukraine. Besides, our team together with partners delivered dozens of consultations to the visitors on various human rights related issues, including those related to the armed conflict. Around 60 children and teenagers were engaged in the “Fighters for human rights” and “Draw human rights” interactive games. Also UHHRU managed to organize kind of a human rights library, where everyone interested could get some takeaways and special literature devoted to human rights observance amid the humanitarian crisis.



Formal human rights education

UHHRU-contributed draft nationwide program for human rights education presented

A draft nationwide program and its action plan (provided [here](#), in Ukrainian), co-designed by three ministries (of Justice, Education, and Information Policy), as well as civil society groups (including USAID implementing partner, UHHRU, and USAID-contributed Educational Human Rights House-Chernihiv), was put on a conference agenda on May 21 – [link in Ukrainian](#).

Program’s objective is to introduce human rights education within the formal education system, both elementary and secondary, which is envisaged by the National Human Rights Strategy of Ukraine and being a first step towards implementation of the UN World Program for Human Rights Education¹⁰. As for the next steps, the draft has to be finalized by all involved stakeholders and later submitted for the consideration of and adoption by the Cabinet of Ministers.

USAID-attributed experts transferred knowledge on cutting-edge transitional justice issues to future international law professionals as a part of formal curriculum (*links are in Ukrainian*)

¹⁰ This is considered as the Program’s follow up, and is based on activities held within its previous cycle in order to contribute to quality sustainable changes, promotion and integration of the rule of law, human rights and democratic values and principles into the Ukraine’s system of formal education.



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In May, the Practicum on Human Rights Protection for master-level students of the Institute of International Relations at Taras Shevchenko National University of Kyiv came to its end. Worth of 120 academic hours in total (comprising lectures delivered exclusively by human rights practitioners, practical classes and an innovative case-method for students' self-work) the course primarily targeted students, but it is also opened for any interested listeners. The final classes dealt with such subjects as [“International police work standards. Application of international standards in the activities of UN International Police Missions”](#) and [“Rights of people with disabilities and people with mental health problems. Preventing and combating discrimination based on disability and health”](#). Next year UHHRU will update the course for making it nearly 100% responsive to arising transitional justice issues.

Other related activities by UHHRU in brief

- **UHHRU signs Memorandum of Cooperation with Ministry of Justice and Ministry of Education**

The memorandum [affirms](#) the cooperation between UHHRU and the ministries in building an effective and functional human rights education system as part of the implementation of the Action Plan for the National Human Rights Strategy until 2020 as well as the Action Plan for the Ukraine-wide Human Rights Education Program.

MAIN EVENTS IN HUMAN RIGHTS AREA

Presidential draft law on denial Crimean residents of Ukrainian citizenship was withdrawn

President Petro Poroshenko [withdrew](#) the draft law No. 8297 “On amendments to the Law of Ukraine “On the citizenship of Ukraine” regarding improvement of certain provisions” that (allegedly) provides for deprivation Crimea residents of the Ukrainian citizenship in case of exercising electoral or other rights and obligations granted/envisaged by the foreign citizenship of the occupying power. Since the mentioned legislative initiative became highly disputable, UHHRU/Program in cooperation with ally organizations rushed to launch an advocacy campaign to express its deep concern¹¹. The point is that despite it actually lays no ground for citizenship deprivation, the draft law’s purpose is still unclear; as well, no one can predict legal follow-ups for Crimea residents.

UHHRU [welcomes](#) President’s decision and expresses readiness to contribute to open and inclusive process of drafting of the legislation related to conflict and occupation.

Draft law No. 8068 on national security and defense of Ukraine passed in first reading

¹¹ Here is an echo of Program’s efforts – related [media event](#), as well as some [draft law’s analysis](#) (in Ukrainian) and a series of media appearances – [one](#), [two](#), [three](#) (in Ukrainian/Russian).



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[Presenting the draft law](#), Secretary of the National Security and Defense Council of Ukraine Oleksandr Turchynov said that the document should become a key instrument for reforms in the sphere of the national security. *“Such reforms that will strengthen the security and defense sector of Ukraine must ensure the preservation of Ukrainian statehood in the face of modern day threats, and, above all, the aggression on the part of the Russian Federation,”* he said. Turchynov stressed it had been worked out in close cooperation with experts from NATO, the EU and the U.S.

ECtHR’s Grand Chamber to examine four complaints against Russia over Crimea and eastern Ukraine

Four inter-state applications by Ukraine against the Russian Federation are set for the Grand Chamber hearings at the European Court of Human Rights. What is important is that the Grand Chamber is usually involved in dealing with complaints of extra importance (decisions are delivered by 17 judges, whereas in other cases it is done by three or seven ones). The cases concern Ukraine’s allegations of violations of the European Convention of Human Rights by Russia and armed groups, which Russia allegedly controls. *More details are given [here](#).*

Foreign Ministry’s statement on request for the UN International Court of Justice to interpret its provisional measures order against Russia

Ukraine [asks](#) the ICJ to provide a definitive interpretation of its order that was issued one year ago imposing provisional measures on the Russian Federation. In 2017, Ukraine initiated a case against Russia to hold it accountable for sponsoring acts of terrorism and engaging in racial discrimination in the course of its unlawful aggression against Ukraine. Court’s decision required Russia, among other things, to “refrain from maintaining or imposing limitations on the ability of the Crimean Tatar community to preserve its representative institutions, including the Mejlis.” Despite the clear meaning of this order, an entire year has passed and Russia continues to maintain its ban of the Mejlis.

Crimean Tatars are facing renewed persecution in annexed Crimea

✓ Political-motivated arrest of Crimean Tatar activists:

On May 21, two Crimean Tatar activists, Edem Smailov and Server Mustafaev, have been arrested after illegal searches of their houses occurred in the Kremlin-controlled Crimea. According to the statement made by occupational authorities, both activists are being suspected of belonging to the banned in Russia Hizb-ut Tahrir organization (certain details about the course of events are available [here](#), in Ukrainian). The Ministry of Foreign Affairs of Ukraine appeared with a reaction in that respect – [link in Ukrainian](#).

UHHRU’s official position is available from [the link](#), as well [here](#) is a subject-matter appeal addressed to international organizations and governments.

✓ Delegate of Crimean Tatar Kurultai was kidnapped and suffered physical violence:

In illegally occupied Crimea on May 23 Russia’s Federal Security Service kidnapped Asan Egiz, delegate of Crimean Tatar Kurultai. He was later found in a random location with signs of beatings on his body. This particular case just like plenty of other cases of harassment and brutal repressions against Crimean Tatar people clearly show Russia’s coordinated campaign against pro-Ukrainian people in the peninsula. The Ukraine Ministry of Foreign



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Affairs has expressed a protest against such actions ([more info in Ukrainian](#)), comparing it to the another wave of deportation, but this time in a new, hybrid, format.

This Briefer is made possible by the generous support of the American people through the United States Agency for International Development (USAID) in the framework of the Human Rights in Action Program implemented by the Ukrainian Helsinki Human Rights Union. The contents are the responsibility of the Ukrainian Helsinki Human Rights Union and do not necessarily reflect the views of USAID or the United States Government.

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