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**DIGEST No 2(55) BY UKRAINIAN HELSINKI HUMAN RIGHTS UNION,  
USAID HUMAN RIGHTS IN ACTION PROGRAM**

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## USAID HUMAN RIGHTS IN ACTION PROGRAM UPDATES

### HUMAN RIGHTS MONITORING, ANALYTICAL ACTIVITY AND ADVOCACY

#### Keeping transitional justice model for Ukraine on domestic agenda

This month the USAID Human Rights in Action Program organized or participated in a number of events dedicated to this important topic (*links are in Ukrainian*):

- A [roundtable was held](#) in the Verkhovna Rada, during which UHHRU and other NGOs articulated key conflict-related human rights challenges and presented possible mechanisms for addressing them at the legislative level. A key tool for this should be the [a tailored national model of transitional justice](#) with a focus on the armed conflict victims and restoration of their infringed rights. In the near future, the Legal Reform Commission under Ukraine's President [plans](#) to make presentation of the subject-matter framework bill developed through a participatory approach under the Ombudsperson's auspices.

In light of this, it is important to harmonize domestic criminal legislation in line with provisions of international law to bring war criminals liable (i.e. by adopting a bill No. 0892, [previously known as bill No. 9438](#)).

- Implementation of the transitional justice fundamentals is a pre-condition for transition to the post-conflict period, de-occupation and reintegration of people – this was pointed out by the Program's delegates amidst [an event](#) co-held with the Parliamentary Committee on Human Rights on November 26. Participants recommended the state authorities to apply all the components of transitional justice, its 4 pillars, to study the experience of conflict settlement in other countries in order to avoid its ill-considered use.



- Program [attended](#) the second International Forum on Reintegration in Eastern Ukraine, co-hosted by the CivilM+ platform. It was mostly aimed at discussing how civil society and state institutions could accelerate the process of reintegration of Donbas region and how to empower local civil society actors to become a driving force of the process.



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Other relevant news:

- President of Ukraine considers transitional justice concept as one of work priorities – namely, this relates to the work of his Permanent Representative in Crimea. [New President's decree](#) rules to intensify the process of restoration of Ukraine's territorial integrity, de-occupation and reintegration of Crimea, in particular, the clause 6 relating to development of thematic strategic papers, restoration of infringed rights, drafting proposals on transitional justice concept.
- Several thematic interviews with USAID Program experts can be found [here](#), [here](#), and [here](#).

### Only one third of Ukraine's National Human Rights Strategy is completed, its Action Plan should be revised

UHHRU in concert with the Verkhovna Rada Human Rights Committee held an [expert discussion](#) (link is in Ukrainian) on enforcement of the National Strategy. Main outcome is that during further Committee's hearings MPs and other involved stakeholders should discuss the reasons for the Strategy's poor execution and figure out lessons learned from this situation<sup>1</sup>.

### Unveiling a joint bill on social and legal protection of persons deprived of their liberty in result of armed aggression against Ukraine (links are in Ukrainian)

An exhaustive readout about public presentation of the bill, co-drafted by the USAID Human Rights in Action Program, Ministry for Veterans Affairs, TOT and IDPs and other stakeholders, is given [here](#). This legislation-to-be, among other things, [specifies](#): three categories of persons who will be given appropriate status; procedure for granting such status by a responsible interagency commission; legal and social guarantees that will be given to people based on this status.

## Проект Закону України

### «Про соціальний і правовий захист осіб, позбавлених свободи внаслідок збройної агресії проти України»

**ВИРІШУЄ ПРОБЛЕМУ,**  
яка виникла внаслідок збройної агресії РФ: визначає категорії та види державної допомоги військовополоненим і цивільним особам, позбавленим свободи внаслідок збройної агресії.

**ВИЗНАЧАЄ ТРИ КАТЕГОРІЇ ОСІБ:**  
особи, позбавлені свободи з політичних мотивів досі в полоні не менше 87 осіб  
цивільні заручники внаслідок агресії досі в полоні більше ніж 120 осіб  
військовополонені досі в полоні не менше 28 осіб

**ПЕРЕДБАЧАЄ ДЕРЖАВНУ ДОПОМОГУ:**

- щорічна грошова допомога на час позбавлення свободи
- одноразова грошова допомога після звільнення
- безоплатна медична допомога, психологічні послуги, стоматологічна допомога і зубопротезування
- сприяння працевлаштуванню
- збереження місця роботи та займаної посади упродовж періоду позбавлення свободи
- зарахування часу позбавлення свободи до страхового стажу
- право на освіту осіб, позбавлених свободи, та дітей таких осіб
- відшкодування витрат на правову допомогу, безоплатну вторинну правову допомогу
- відстрочення платежів за зобов'язаннями, звільнення від сплати податків, неустойки (штрафу, пені)
- забезпечення житлом для тимчасового проживання після звільнення

**ФАКТ НАЛЕЖНОСТІ**  
до осіб, позбавлених свободи внаслідок збройної агресії проти України, встановлює Міжвідомча комісія. Складається з представників міністерства, правоохоронних органів України та інших органів державної влади, представників національних та міжнародних організацій громадянського суспільства.

**ЗАПРОВАДЖЕННЯ РЕЄСТРУ**  
(електронна база даних) для обліку та ефективної обробки інформації про осіб, позбавлених свободи внаслідок збройної агресії проти України.

**МАЄ УНІВЕРСАЛЬНИЙ ХАРАКТЕР**  
та поширюється на будь-які випадки позбавлення свободи внаслідок агресії проти України. Надаватиме допомогу особам, позбавленим свободи внаслідок війни з РФ після 20 лютого 2014 року та звільненим до прийняття Закону (більш ніж 3000 осіб)

**ВАЖЛИВО** – дія Закону не буде поширюватися на осіб, стосовно яких набув законної сили обвинувальний вирок суду у зв'язку із вчиненням ними діянь, спрямованих на насильницьку зміну чи повалення конституційного ладу або на захоплення державної влади; посягання на територіальну цілісність і недоторканність України або злочинів проти миру, безпеки людства та міжнародного правопорядку.

**ПРОЕКТ РОЗРОБЛЯЛИ ТА ПІДТРИМУЮТЬ**

Органи влади:

Неурядові організації:

Підтримують: організація «Stabilization Support Services» та фінансові відділи Посольства Великої Британії в Україні

<sup>1</sup> USAID Human Rights in Action Program has been monitoring the National Strategy's implementation in part related to the armed conflict and occupation. Find out more on the overall state of affairs on this [website](#), in Ukrainian.



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**Co-holding expert panel on POWs at the Lviv Security Forum (*links are in Ukrainian*)**

We were soundly defeated in Russia’s lawfare against Ukraine when it comes to the Kerch incident, even though we managed to free our seamen – such opinion was expressed during the event by Taras Tsymbrivskyy, Chief of Party of USAID Human Rights in Action Program. Find details on how the new world security order should look like [here](#) and [here](#).<sup>2</sup>

**Rehabilitation of the armed conflict victims: what the city of Dnipro and Dnipropetrovsk oblast can offer**

In late 2018, USAID Human Rights in Action Program released the analytical review “Rehabilitation of the victims of the conflict. Does the state offer anything apart from disability status and crutches?”. In 2019, as its follow-up we hosted a series of local-level discussions with the conflict-affected communities in order to jointly develop remedial measures to be implemented by the region/city-level officials, because in fact a lot can be done in a decentralized way. The fruit of this labor is our [new analytical account](#) that describes a situation in Dnipropetrovsk oblast. *It is available in Ukrainian, with the executive summary in English – [link](#).*



Оцінка якості та належного інформування постраждалих осіб про можливість отримання реабілітаційних послуг виявила досить прикрий обставину: більшість опитаних з числа внутрішньо переміщених осіб зазначили, що не мають достатньої інформації про послуги, які можуть отримати (83%) і лише 9 осіб (15%) підтвердили, що отримана інформація дозволяє без перешкод звернутися за отриманням послуг.



**Other related activities by UHHRU in brief:**

- **Updated infographic on Kremlin’s political detainees**

Although the swap between the RF and Ukraine in September might have given some impression that the issue of Kremlin’s detainees has been resolved, this is a misleading thought. The

<sup>2</sup> Ahead of the main event he also managed to [deliver a couple of lectures](#) on transitional justice to local students.





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occupying authorities in Crimea continue their policy of political persecutions – [here is an update](#) on the matter concerned.

- **Dignity and Freedom Day**

This day [will remind](#) future generations of Ukrainians about the fateful events that took place in the country at the beginning of the XXI century (*link in Ukrainian*).

## STRATEGIC LITIGATIONS

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Within this direction USAID Human Rights in Action Program supports strategic legal cases domestically and internationally to protect public interests<sup>3</sup>, as well as assures their broad media coverage among professional community and public. Total number of conflict-related UHHRU Strategic Litigation Centre's (SLC) cases within the Program equals 165.

### **Protecting pre-conflict prisoners in the European Court of Human Rights**

The ECtHR applied Rule 39 towards a Ukraine's national, who has been unlawfully kept in detention in occupied Donetsk since 2014. Our client suffers from serious health issues, and in the absence of proper medical assistance his health conditions have been deteriorating – [link in Ukrainian](#).

### **Other related activities by UHHRU in brief**

- **UHHRU presented application to the International Criminal Court**

Drafted jointly by the human rights defenders and the Prosecutor General's Office of Ukraine, it touches upon forced disappearances and out-of-court executions of Ukrainian servicemen, detained by Kremlin-backed illegal armed forces amidst clashes near Ilovaysk and Debaltsevo of Donetsk Oblast – [link in Ukrainian](#).

- **Application to the European Court of Human Rights**

An application was submitted concerning a violation of an IDP's rights. In April 2017, a woman's pension account was blocked, which had made it impossible for her to receive pension payments until October 2019.

- **Murders, illegal detentions, torture, forced labour and other conflict-related crimes**

These types of cases that UHHRU lawyer Vitaliya Lebid concentrates on. She shared her work experience with the Balkan Insight outlet – *links in [English](#) and [Ukrainian](#)*.

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<sup>3</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).



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## FREE LEGAL AID

[UHHRU 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. USAID supports activities of the UHHRU's legal aid centers in Starobilsk of Luhansk oblast, [Toretsk](#), [Mariupol](#), Kramatorsk, [Pokrovsk](#) of Donetsk oblast, [Sumy](#) and Dnipro providing legal aid to conflict-affected population, as well as a [Kyiv-based Specialized LAC](#) targeting both Crimean and Donbas residents and IDPs and a Specialized Crimea-oriented LAC in Kherson.

### We join the campaign against violence (*links are in Ukrainian*)

On November 25, '16 Days of Activism against Gender Based Violence' campaign was launched worldwide. The date was not picked at random – it is the International Day for the Elimination of Violence against Women. Talking about violence is difficult but necessary, which is why our LACs organized a series of events to discuss relevant legislation, current practices on rescuing victims from aggressors and other topics – in [Dnipro](#), [Sumy](#).

### Events to raise awareness of citizens on how to protect their rights (*links are in Ukrainian*)

- According to the Social Policy Ministry 33,000+ children have already been granted this status amidst Ukraine's warfare, however, human rights defenders believe that at least 200,000 children deserve it with all law-promised preferences. Here is a [memo](#) on how to obtain official status of a child who suffered from military operations and armed conflicts.
- Suspension of pensions and termination of social benefits, employment disputes, difficulties in registering facts of births and deaths – these are but some of the problems that Ukrainians, forced to relocate from the temporarily occupied territories, face every day. UHHRU prepared a brochure with useful tips for IDPs on how to protect their rights – new "Legal ABC for IDPs" is available [here](#), in Ukrainian.
- The Mariupol LAC [published a post](#) on how to appeal against default court decisions concerning debt collection on IDPs' loans.
- Another [post](#) from the same LAC on how IDPs can get financial assistance for burial.
- The Sumy-based LAC published a [post](#) on the state budget for 2020 and the changes to the monthly targeted aid for IDPs to cover living expenses, including utilities.
- The Kramatorsk LAC's [post](#) clarifies the subsidy monetization procedure for the residents of conflict-affected territories.





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### **Legal assistance to the victims of armed conflict and occupation (*links are in Ukrainian*)**

- *Dnipro-based LAC won precedent case twice*: The court of appeals [left in force](#) the decision of a lower instance court, obliging DTEK energy company to pay unpaid salary to a former “DPR” hostage for the period of time she spent in captivity<sup>4</sup>.
- *Toretsk LAC [helped](#) an IDP to freely enjoy her right to pension, other bank services*: A woman had been in a GOU-owned sanctions list (for allegedly providing assistance to Kremlin-backed invasion agents in Donbas) until our lawyers proved the GOU was mistaken. Being in the list obstructed her right to use her pension-related bank account.
- *Toretsk LAC [helped](#) to protect right to equal access to education for 120 children through preventing a closure of a local school.*

### **Other related activities by UHHRU in brief**

- **Analytical paper on provision of social services to residents of conflict-affected communities and IDPs**

The [study](#) contains monitoring results of the observance of the right to a decent standard of living, as well as provision of social services at the local level in a number of Donetsk Oblast localities.

## **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 Program “[We Understand Human Rights](#)” (WUHR)<sup>5</sup>, which is being the only informal educational system that has the material basis for its activities – Educational Human Rights House-Chernihiv.

### **Program continues delivering the Practicum on Human Rights Protection to master-level students of the Taras Shevchenko National University of Kyiv**

Students majoring in international law are equipped with theoretical knowledge and practical insights on the cutting-edge transitional justice issues. Several classes were held this month – [here's](#) one (*link is in Ukrainian*), devoted to crossing of the entry-exit checkpoints at the administrative border with the temporarily occupied areas of Donetsk and Luhansk Oblasts.

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<sup>4</sup> [Additional link](#), in Ukrainian

<sup>5</sup> Launched in 2007, the 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 conflict resolution. The Program currently counts more than 3,500 alumni from all regions of Ukraine.



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## MAIN EVENTS IN HUMAN RIGHTS AREA

### ICJ delivered its judgment on jurisdiction in the case of Ukraine v. the Russian Federation

The International Court of Justice decided that it is on board with 'Ukraine v. RF' case – by approving that its jurisdiction covers the touched matters (e.g. financing terrorism in Donbas, and prohibiting all forms of racial discrimination, among others banning Crimean Tatar's Mejlis by the RF) – [link in Ukrainian](#).<sup>6</sup>

### UNGA's Third Committee approves draft resolution on Crimea with definition of "aggression"

The Third Committee of the UN General Assembly [approved](#) the draft resolution "Situation of human rights in the Autonomous Republic of Crimea and the city of Sevastopol, Ukraine", in which the definition of "aggression" towards Crimea is indicated for the first time<sup>7</sup>.

### Another politically motivated court judgement against Crimean Tatars

The RF's Rostov-on-Don court convicted six activists from the temporarily occupied Crimea, with sentences ranging from 7 to 19 years in a maximum security penal colony. All of them were accused in frames of so-called "Hizb ut-Tahrir" case (just reminding that Hizb ut-Tahrir is a Pan-Islamist organization allowed in Ukraine, but labeled terroristic and banned in Russia).

*UHHRU and other human rights organizations strongly condemn these actions and [urge](#) (link in Ukrainian) Kremlin to immediately cease political persecution. We also call for the international community to intensify pressure on the RF's leadership.*

### GOU simplified procedure of crossing demarcation line with uncontrolled territories of Donbas

Details on the simplification of the procedure are available [here](#)<sup>8</sup>.

### New draft law introduced to the Parliament, promising to relief IDP-pensioners from unfair bureaucratic procedure

This bill targets the pensioners from NGCA of Donetsk and Luhansk oblasts, who wish to receive pensions in Ukraine-controlled territory, by de-linking this right from their compulsory registration as IDPs – [link in Ukrainian](#). More than 1,2 million pensioners will potentially benefit from this new legislation-to-be<sup>9</sup>.

<sup>6</sup> Why this judgement is critically important for Ukraine, according to USAID Program Chief of Party Taras Tsymbriivskyy: [link 1](#) in Ukrainian and [link 2](#) in English.

<sup>7</sup> Here is [a post](#), in Ukrainian, which lists other developments, the majority of which were proposed and advocated by human rights NGOs including UHHRU.

<sup>8</sup> [Remarks](#) by Minister of Veterans, Temporarily Occupied Territories and IDPs Koliada, in Ukrainian.

<sup>9</sup> Approximately 500,000 residents of Donbas already registered as IDPs, who receive their pension payments, and more than 700,000 pensioners without an IDP status, who cannot enjoy this right.





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## **Good news from entry-exit checkpoints at administrative border with occupied Crimea**

In November 2019, the GOU has completed [modernizing facilities](#) (*link in Ukrainian*) at two exit-entry checkpoints to ensure proper sanitary and hygienic conditions for border-crossing persons.

UHHRU welcomes such actions, listed in [joint recommendations](#) produced by a number of human rights NGOs, and urge the government to address all of them to enable Crimeans feel “less isolated” from the rest of the Ukrainian society.

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