



# PROMOTING HUMAN RIGHTS

Making Sure the Truth is Known:  
Systems for Human Rights Monitoring for Crimea and the East

Supporting Civic Oversight for Ukraine's  
International Obligations

Designing the Human Rights Compass.  
Strategy for Human Rights Takes Wing

Injecting Everyday Social Action  
with Human Rights DNA: Learning to Apply HRBA

Summary of Core Publications:  
Human Rights

## 3.1

### MAKING SURE THE TRUTH IS KNOWN: SYSTEMS FOR HUMAN RIGHTS MONITORING FOR CRIMEA AND THE EAST

When in a matter of days, or even hours, things start going sour; when there is sheer disillusionment and outward confusion; when things so trivial, things one had taken for granted, cease to exist or start transforming into something alien and potentially ominous – there are three ways to act. One is to escape, another is to disassociate yourself with your environment and become a passive onlooker. And the third is to do at least something, even if it seems of little impact in the face of the spreading evil.

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“People often call us brave. But we are not doing anything outstanding. We are not reckless heroes. We are those who refuse to do nothing. And we hope that our work will help bring about justice. The truth is out there and is worthwhile digging into”.

*Volodymyr Shcherbachenko,  
Coordinator,  
Justice for Peace  
in Donbas Coalition*



The spring of 2014 was in many ways a very painful awakening for Ukrainian society. The grief over the Heavenly Hundred murdered amidst protest in the heart of the Ukrainian capital was still hanging heavy in the air, but other alarming news started pouring in almost immediately. Unidentified armed military officers were, overnight, in the streets of Crimea and the eastern oblasts of Donetsk and Luhansk saw instigated protests that unfolded into a full-scale military conflict that same year.

Within weeks of the events unfolding in Crimea, the Programme resolved to allocate assistance to Crimean or Crimea-oriented civil society initiatives through a small grant facility, “Solidarity, Interaction, Progress”, that aimed to link the peninsular CSOs with their sister institutions in mainland Ukraine. The grant was also designed to promote human rights monitoring, production of awareness-raising media products for advancement of human rights and democratic governance, provide legal counsel and advice in the Crimean context, and other activities.

Among the initiatives supported, a true game-changer was the launch of the Crimea Human Rights Field Monitoring Mission (CFM). This action, supported originally by a coalition of more than 15 human rights organisations from Ukraine and Russia, has over several months become the only independent and most comprehensive source of information about human rights violations in Crimea since the “referendum” on separation from Ukraine. By the summer of 2015, the civic space of Crimea had shrunk so much – exacerbated by the new legislation of the Russian Federation on “undesirable organisations” – that the CFM, by that time already on the “patriotic stop-list” of 12 foreign NGOs that would be investigated by the Russian prosecution system in Crimea, resolved to continue its operations as two new separate initiatives: Crimean Human Rights Group and Human Rights Field Centre.



**15**  
NGOs from Ukraine  
and Russia



In the course of its operation (recently without DHRP support), the Mission produced monthly reports on the status of human rights in Crimea, reported on enforced disappearances, pressure of the media, retaliation against pro-Ukrainian activists and even mere sympathizers, persecution of Crimean Tatars, and restriction of



peaceful assembly and religious beliefs, just to name a few issues. The accounts gathered by the CFM and its later incarnation, CHRG, are a unique log of the month-by-month deterioration of human rights in the Ukrainian peninsula, and have been extensively used by the civil society and human rights community in Ukraine and beyond, the Ukrainian Ombudsperson, as well as international organisations and diplomatic missions in Kyiv, New York, Geneva and Strasbourg to assess the current situation in the Autonomous Republic.

In a parallel move, to respond to the events unfolding in the east of the country, the Programme launched a slot for support of civil society organisations “Restoration of Life and Protection of Human Rights in Post-Conflict Territories of the Luhansk and Donetsk Regions”. The initiatives supported in 2014 included nurturing a community of civic human rights monitors for the conflict-affected areas in the east of the country, including through the mechanism of so-called “mobile human rights monitoring groups”.

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### Mobile Human Rights Monitoring in the East of Ukraine in 2014



Throughout the autumn of 2014, the CSOs participating in the initiative received further training and gained additional skills to work carefully with the sensitive issues of conflict aftermath, on documenting human rights violations and on mediation and dialogue-building.

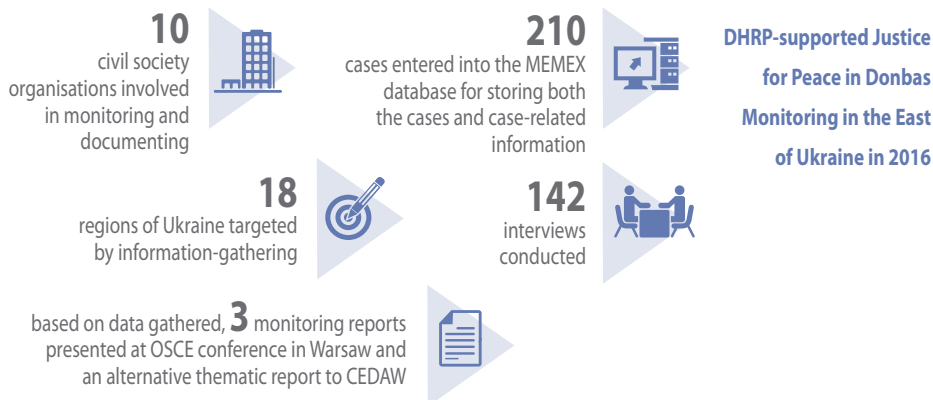
With the unifying experiences of joint monitoring efforts, as well as first-hand knowledge of the east of the country (the majority of organisations being from the east), the original 14 organisations working for/in Donbas created a coalition called “Justice for Peace in Donbas”, aiming at standardizing their approaches to human rights monitoring and serving as a “one-voice” platform. Apart from running a joint pool of tracked cases of human rights violations in the east,

the Coalition has to date produced more than 11 thematic monitoring reports, including:

- "Chemical Triangle of the Luhansk Region During the Occupation"
- "Situation with Obstruction of Evacuation of Civilians from Territory of the ATO in Ukraine"
- Report on events in Severodonetsk (April 2014-January 2015)
- "Chronology of Events in Alchevsk," Report on cases of abduction, deprivation of liberty, torture, and murder during the military conflict in Luhansk and Donetsk regions (May 2014-September 2014)
- "Cauldron for Civilians": Hindering Evacuation of Civilians during an Armed Conflict in Donetsk and Luhansk oblasts (April 2015)
- "Justice in Exile"
- "Looking for Justice"
- "Surviving Hell"
- "Unspoken Pain. Gender-Based Violence in the Conflict Zone of Eastern Ukraine"
- "Places of Illegal Detention"
- "Involvement of Children in Armed Formations during the Military Conflict in Donbas".



The reports may be downloaded from the Coalition's web-site:  
<https://jfp.org.ua/rights/analytika/reports/coalition>.



These reports, as well as the cases recorded by the coalition members, have been widely presented at both national and international fora, and are the foundation for three applications to the European Court of Human Rights pending international adjudication.

## 3.2

### SUPPORTING CIVIC OVERSIGHT FOR UKRAINE'S INTERNATIONAL OBLIGATIONS

State's duty bearers, having formally agreed to the principles of international human rights conventions, have made a pledge. They have committed not only to adhere to the values and rules set forth in these documents, but also to provide access for periodic verification of their performance through peer-review by international committees or groups of country experts. Many of these international human rights mechanisms are also equipped with a safety valve: the ability of the civil society to submit its own views of the situation in the country, raise concerns and offer a picture different from that presented by the country officials in state reports.



The Programme, aiming to support the Ukrainian civil society organisations in becoming a more consolidated force in monitoring of international commitments on human rights, stimulated operations of several thematic coalitions that did exactly that: presented an alternative view of the situation and demanded accountability from the duty bearers at the international review platforms.

Anticipating that Ukrainian authorities would report on adherence to the principles of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), International Convention on the Elimination of All Forms of Racial Discrimination (ICERD) and the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), the Programme and its partners prepared for the task.

In early November 2014, the Programme supported the presentation of alternative reports on Ukraine's implementation of the provisions of the CAT by Ukrainian human rights defenders and the Ombudsperson to the UN Committee against Torture. Participation of civil society

representatives and the Ombudsperson from Ukraine provided the members of the UN Committee against Torture with an objective picture of Ukraine's implementation of its CAT commitments and helped them prepare a list of questions to the official delegation of Ukraine, in particular on the investigation of torture cases, access to medical help and translators in places of detention, detention of migrants, juvenile justice, and documenting human rights violations in the eastern regions of the country.



ineffective system of registering and prosecuting hate crimes: **seven court** rulings from 2012 to 2016



risks that the current decentralisation reform and amalgamation of communities pose risks to national minorities' rights



consistent human rights problems faced by the Roma population in Ukraine, in particular with access to official registration, education, medical services, and employment



## CERD Alternative Report Highlights

Held in June 2015 at the Office of the Ukrainian Ombudsperson, the start-up meeting for the CSOs interested in putting together a coalition report on the country's compliance with CERD initialized discussions regarding possible formats for the coalition submission, and jump-started the dialogue necessary to move forward with the process.

The resulting coalition encompassing five human rights organisations was able to arrive at a joint vision and produced a consolidated alternative report on Ukraine's performance under the convention, taking specific note of those areas where challenges have been left unaddressed.



45

human rights  
and women's CSOs  
united

Collective work on scrutinizing Ukraine's progress on ensuring elimination of discrimination against women started with a wide coalition taking root.

The task of uniting 45 human rights and women's CSOs, non-trivial in and of itself, was to be followed by in-depth discussions and background analysis.

As a result, the Gender Strategic Platform coalition compiled the 8th Alternative Periodic Report on the situation of women throughout the country, focussing on the effects of the new challenges that Ukraine is facing. At present, the work initiated by the Programme is being continued, as UNDP is coordinating its support for follow-up actions on the concluding CEDAW findings with other development actors, including UN Women and OHCHR.

In addition to Ukraine's commitments under the international treaties and conventions, the Programme supported the same coalition-building approach and support for CSOs to seek common ground in the area of human rights defence in the Universal Periodic Review (UPR) process. The UPR mid-term shadow report was co-produced by 20 leading Ukrainian human rights organisations that are part of the UPR coalition, reflecting both on the issues raised



in the 2012 UPR report, and on the new challenges. Findings and observations from the report were also used by CSOs as a baseline to contribute to the development of the National Human Rights Strategy and Action Plan.

## CEDAW Alternative Report Highlights

priority reforms identified after the Revolution fail to apply the gender lens, exclude women experts, and fail to apply gender impact analysis



gender pay gap persists with disparities in some sectors reaching **35.6%**



new National Police is a positive case, with **25%** female officers who now also do patrolling



very modest growth in female Parliament representation – by 1.4% (to 12%)



the situation in regional / oblast councils remains sub-optimal as well (15% women in the deputy corps)



**issues of concern remain:** situation of Roma women, GBV – especially in the zone of armed conflict, and participation of women in peace-building and reconciliation



## 3.3

### DESIGNING THE HUMAN RIGHTS COMPASS: STRATEGY FOR HUMAN RIGHTS TAKES WING

The events of the Revolution of Dignity in 2013 and 2014 brought two major issues to the fore. The first was corruption prevention and response, and the second was due respect for human rights. In a country still experiencing the phantom pains of its totalitarian past, there was a pressing need and desire for an overarching pact that would confirm government commitments to respect and protect human rights, especially against the backdrop of the dramatic human rights violations in the occupied Crimea, and the military conflict in Donetsk and Luhansk oblasts. In this light, a decision was made to craft the National Human Rights Strategy, which was formalized in a Presidential Decree in October 2014, giving the Cabinet of Ministers a mandate for an open and participatory consultative process to arrive at a shared vision by 1 January 2015.



As this was the first such experience for Ukraine, government actors reached out to the Programme for advice and possible support in organising the process. DHRP, after contacting its counterparts

in Georgia (where a similar strategy was recently elaborated and adopted), responded by offering the Ukrainian delegation an opportunity to learn from their peers.



The Ukrainian group included representatives of the Secretariat of the Cabinet of Ministers, Office of the Ombudsperson, Ministry of Justice, Ministry of Foreign Affairs and a member of the Parliament Committee on Human Rights.

An additional stimulus to the consultative process was provided through the portal on shaping the Human Rights Strategy, which served as a virtual “meeting point” for both the state entities and the non-governmental human rights actors wishing to participate.

Despite opportunities to collaborate, a small group of well-respected CSOs stated their view that the broad working group format under the Ministry of Justice would be neither effective nor conducive to developing a document “with enough teeth”.

This resulted in the emergence of two parallel documents that would have to be reconciled before being adopted as the unified strategy. In spring 2015, the attempts to negotiate a way out stalled.

However, the Programme was able to revitalize the discussions on the matter and bring the engaged stakeholders back together to reconcile the proposals on the table. A number of discussions in the extended

The **24**-priority Strategy spanned a wide range of rights and freedoms

working group composed of members of the Administration of the President of Ukraine and human rights defenders were supported in the summer of 2015 to ensure finalization of the merged Strategy text that was adopted through Presidential decree. The 24-priority Strategy spanned a wide range of rights and freedoms, including responses to new challenges (such as supporting human rights in the territories not under control of Ukraine, safeguarding the rights of internally displaced persons (IDPs) and enshrining gender equality into the document as a separate priority).



The Action Plan to operationalize the Strategy followed the NHRS signing and included more than 250 experts (both government and CSOs representatives) divided into six thematic groups.

Keeping in mind the size and complexity of the process, the Programme intervened with short-term expertise to facilitate the consultative process and help integrate the inputs into a coherent system.



Finally, the Action Plan, aligned with the Strategy, was signed by the Prime Minister in November 2015.

As 2016 came to a close as the first year implementing the Strategy through the Action Plan, some preliminary conclusions could be drawn on the pace of human rights-related reforms.

Initial assessments show that the 5-year roadmap had an implementation rate ranging from 13 to 21% as per estimates of the Office of the Ombudsperson and a group of human rights CSOs, with justice and police reform aspects showing progress and rule of law remaining a weak point.



As such, significant progress remains to be achieved for the new ambitious and forward-looking plan to be implemented. But the foundation is solid, and progress is likely if a systemic approach is maintained.

## 3.4

### INJECTING EVERYDAY SOCIAL ACTION WITH HUMAN RIGHTS DNA: LEARNING TO APPLY HRBA

Approaches to social change differ, as do ways of thinking about such change and the means to ensure that results are sustainable. One of the ways to think about social transformations is to root your vision in human rights. One may think of it this way: the absence of a bus to take children to a school in the regional centre may be seen as an issue of lack of charity or failed corporate social responsibility (the charity-driven lens). It may also be an issue of badly designed budgetary policies or low capacity of the members of the council to lobby the interests of their region (the developmental approach).

Finally, the root of the problem may be seen in the fact the state authorities, or the duty-bearers, are failing to ensure a human right – the right to education, while the parents and the children, as the rights-holders, would be better off demanding that the right be effectively guaranteed (the human rights-based approach).

This last lens is gaining popularity in thinking about social change and is being applied more and more in developmental projects. Anchored in the human rights obligations under international treaties and the Universal Periodic Review process, the human rights-based approach (HRBA) is increasingly used both as an instrument to induce the desired change in policies and practice of governance and as a framework to apply to internal workings of the civil society sector (including issues of non-discrimination, gender equality, transparency and openness to participation, to name only few).

Importantly, and contrary to popular belief, HRBA application is by no means restricted to human rights organisations, but instead applies to a very wide spectrum of activities.



The Programme began raising awareness among its civil society partners regarding HRBA in early 2016, and the only logical solution was to tap into an already existing resource: the expertise of the Chernihiv Regional Hub, the MART civil society organisation that specializes in human rights education. In spring 2016, MART organised a 5-day immersive training session for its peers from the Hub network on application of HRBA in everyday activities of civil society organisations in Ukraine.



The HRBA Study for Belarus, Moldova and Ukraine is another one-of-a-kind tool that seeks to explore the extent to which this approach is applied (consciously or otherwise) by civil society in the three countries. It clarifies such HRBA principles as participation, non-discrimination, transparency and accountability, and offers the civic actors a number of hands-on tools for taking HRBA from the theoretical realm into practical activities. For more, see: <https://goo.gl/mwUVVM>.

This learning event for 20 CSO representatives not only exposed the participants to the knowledge shared by their peers but also enabled them to learn from Head of the Office of the Ombudsperson Secretariat and a representative of the OHCHR Human Rights Monitoring Mission.

Moving the HRBA theme up to the regional level, a three-country learning event was organised in the summer of 2016 for partner

“Applying HRBA and gender mainstreaming to planning, implementation and assessment of programmes and projects allows civil society and state actors to increase the effectiveness of their operations, as well as make their services more targeted, and transition from one-time, ad hoc solutions for local issues to tackling them systemically. Take, for instance, the introduction of an individual assistant for people with disabilities. Due to the introduction of this position, people with disabilities in Sweden not only became “visible” but are also proactively present in all spheres of life and, instead of slowly dying on welfare, are working for the benefit of their country and themselves”.

*Dzmitry Markusheuski, SYMPA Academic Director, Belarus*

**30**-participant event as a platform to discuss the awareness



CSOs from Belarus, Moldova and Ukraine. Among other things, the 30-participant event was used as a platform to discuss the awareness of various HRBA elements in the civil society sectors of the three countries, and equipped the participants with simple, action-oriented checklists to determine whether they are applying HRBA properly both within their organisations and in their programmes.

In order to enable further dissemination of HRBA knowledge and practices and, most importantly, to keep the knowledge spreading, the Programme and its Hub partner, MART, organised a second training event, this time as a ToT that would enable the participants to piece together theoretical considerations and highly practical approaches and hone their adult education skills to showcase HRBA





application in both external organisational contexts and the internal operations of an organisation.

The **3-day training** session conducted by MART specialists for **18 future HRBA trainers** (including representatives of the regional CSO Hubs) was the last step before the Hubs were to go to the grassroots level to increase awareness among their local partners of HRBA core principles and techniques. An overall of **eight training sessions** were conducted at the regional level of Ukraine, with **160 participants benefiting**.



**3**-day  
training session



**18**  
trainers



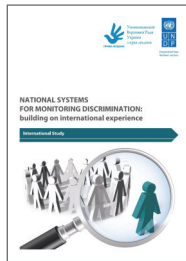
**160**  
participants



Change in the way one sees things, especially in development work, takes time and practice. However, it seems that the Hub network is up to the challenge this time as well.

## 3.5

### SUMMARY OF CORE PUBLICATIONS: HUMAN RIGHTS



#### *National Systems for Monitoring Discrimination: Building On International Experience*

<https://goo.gl/XjAc0h>

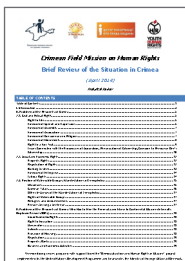
The study contains analysis of the existing discrimination monitoring systems with a particular focus on gender discrimination. It compiles examples of good practices and lessons learned in a range of countries in the field of monitoring and reporting by National Human Rights Institutions (NHRIs). The study also analyses an array of cases that may become models for extraction of lessons learned to further clarify and strengthen the role of the Ukrainian Office of the Ombudsperson in the country's anti-discrimination system.



#### *Crimean Field Mission on Human Rights – Brief Review of the Situation in Crimea (Apr 2014-Dec 2015)*

<https://goo.gl/dYyLxB>

Supported in the immediate aftermath of the occupation of Crimea, literally within several weeks after it began, the Crimean Field Mission on Human Rights (which later, under pressure from the authorities, had to reorganise and regroup) has remained the only entity that regularly supplies verified information on human rights in the Autonomous Republic. The data and accounts gathered by the Field Mission, now the Crimean Human Rights Group, have been widely used by national organisations, government institutions and the international community.

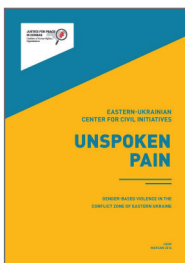


### ***The “Chemical Triangle” of the Luhansk Region During the Occupation***

<https://goo.gl/ja9sbJ>

The report results from a week-long mission of human rights field observers and researchers from Ukrainian CSOs to the newly liberated cities of Severodonetsk, Lysychansk and

Rubizhne to collect data on human rights violations that took place from April to July 2014. Cases of kidnapping, hostage-taking, torture and extrajudicial executions have been uncovered. Data from this report, as well as other field studies supported by DHRP, have become part of national and international analyses of the human rights situation in the east of the country, and have informed international action by the Ukrainian authorities.



### ***Unspoken Pain. Gender-Based Violence in the Conflict Zone of Eastern Ukraine***

<https://goo.gl/7g2Za0>

The title of this analytical review speaks for itself. Produced by the “Justice for Peace in Donbas” Coalition that was supported by DHRP and the International Renaissance Foundation, the

paper presents cases from spring 2014 to summer 2016. The bulk of information was obtained from testimonies of victims and witnesses of gender-based violence who were kept in illegal detention facilities in the conflict zone.



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