

ДІЯЛЬНІСТЬ МІЖНАРОДНИХ НЕУРЯДОВИХ ОРГАНІЗАЦІЙ У СФЕРІ ЗАХИСТУ ПРАВ ЛЮДИНИ ЗА УМОВ РОСІЙСЬКО-УКРАЇНСЬКОГО КОНФЛІКТУ

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Досліджено роль міжнародних неурядових організацій у сфері захисту прав людини в Україні, особливо в контексті війни, котра зараз відбувається на Сході України. Дослідження охоплює результати діяльності Міжнародної федерації прав людини, Міжнародної амністії, Human Rights Watch, Міжнародний комітет Організації Червоного Хреста та інших неурядових організацій, що привертають увагу громадян та урядів з усього світу до порушень прав людини та норм міжнародного гуманітарного права у зоні конфлікту. Відзначено, що діяльність неурядових інституцій у вирішенні цієї проблеми є ефективною, впливає на врегулювання проблеми порушення прав людини та необхідність вирішення цього питання на урядовому та громадському рівнях. Наголошено, що роль міжнародних неурядових інституцій в українському суспільстві зростає, їхня діяльність впливає на вирішення порушень сфері захисту прав людини в умовах російсько-українського конфлікту, зокрема, вони допомагають жертвам як серед цивільного населення, так і серед військовослужбовців, пораненим особам, військовополоненим, цивільному населенню на окупованій території.

Ключові слова: міжнародні неурядові організації, захист прав людини, російсько-український конфлікт, внутрішньо переміщені особи, біженці.

ACTIVITY OF INTERNATIONAL NON-GOVERNMENTAL ORGANIZATIONS IN THE FIELD OF HUMAN RIGHTS PROTECTION IN CONDITIONS OF RUSSIAN-UKRAINIAN CONFLICT

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The authors analyze the role of the non-governmental organizations from abroad in the sphere of human rights protection in Ukraine in the context of war happening now in Eastern Ukraine. The research covers the activity of

International Federation for Human Rights, Amnesty International, Human Rights Watch, International Committee of the Red Cross and other NGOs involved in attracting the attention of the citizens and governments of all around the world to violations of human rights and international law in the conflict zone. It is outlined, that non-governmental institutions act effectively in solving this problem at the governmental and public levels. The authors emphasize that the role of these institutions in Ukrainian society is increasing and their activities influence the resolution of violations of the sphere of human rights protection in the conditions of the Russian-Ukrainian conflict, in particular, they help the victims among civilians and the soldiers, prisoners of war and civilian population in Ukraine and in the occupied areas.

Keywords: *international non-governmental organizations, human rights protection, Russian-Ukrainian conflict, internally displaced people, refugees.*

Non-governmental organizations play an important role in the development of our state, in the protection of human rights and freedoms, in the process of studying and voicing public needs. At the same time they are offering new ideas and options to state institutions. These issues are particularly relevant in the current conditions of the Russian-Ukrainian war, since the level of violence in the conflict zone is extremely high. The human rights violations in the East of Ukraine are now articulated both by Ukrainian and international experts, in particular, the issues of amnesty and internally displaced people remain especially acute. Thus, a comprehensive study of the role of international non-governmental organizations at the current stage of Ukraine's development is obviously relevant.

One of the main attributes of a modern democratic rule of law is a proper realization and effective protection of the rights and freedoms of a citizen. At the same time, non-governmental organizations are an important institutional component in the human rights protection process as they carry out their activities at the local, regional, national and international levels.

A significant number of internal armed conflicts, taking place in the world, needs a scientific research of the relationship between the norms of international human rights law and international humanitarian law. In the context of the armed conflict that is taking place in Ukraine today, this issue is becoming extremely urgent.

Indicated topic lacks a deep research in Ukrainian political science as well as among foreign scholars. It is explored only fragmentally by A. Solod'ko and T. Drapaliuk (policy-making towards internally displaced people in Ukraine), T. Semigina, N. Gusak, S. Trukhan (social help for displaced), L. Usachenko (cooperation between public institutions and civil society institutions), M. Malykha (state and regional practice of protecting rights of internally displaced), S. Tolstov (activity of foreign institutions in Ukraine) etc. Many public institutions are conducting research and create statistics, analyze and make reports concerning internally displaced people in Ukraine. But still, all these investigations do not show all the aspects and results of the activity of international non-governmental organizations in the field of human rights protection in

conditions of Russian-Ukrainian conflict. That is why further research of this topic is very important and which the objective of this article becomes.

Today, a large number of intergovernmental and non-governmental organizations are engaged in law-enforcement activities. Among international NGOs in the field of human rights and human rights protection is the International Federation for Human Rights, Amnesty International, Human Rights Watch and others. The tasks of law-enforcement organizations include finding out the causes of violations of human rights and attracting the attention of the international community to human rights violations.

As a result of the current situation happening in Ukraine, many non-governmental international organizations, as well as various public associations are active in the area of armed conflict and help the victims of the war. Human rights non-governmental organizations play an important role in the East of Ukraine, in particular, they provide unbiased information to authorities and international institutions competent in human rights violations and international humanitarian law, provide legal assistance to victims of human rights violations that occurred during the armed conflict in the Donbas area. Moreover, the special trust of the civilian population towards non-governmental organizations is due to the fact that they have declared their neutrality and independence from state structures.

An important role is played by the **International Committee of the Red Cross (ICRC)**, an independent humanitarian organization whose main activity is to protect the lives and dignity of people affected by armed conflicts and other situations of violence. The main tasks of the ICRC include: visiting prisoners of war, as well as civilians detained in the context of the conflict; helping to search for missing people; organizing the exchange of letters between members of families bordered by the conflict; reunification of separated families; providing food, water and medical care to civilians; dissemination of knowledge about international humanitarian law and control over observance of its norms; attracting attention to violations of humanitarian law and promoting its development [International Committee of the Red Cross].

Representative offices of NGOs in Ukraine may have the status of diplomatic mission. For example, the Mission of the International Committee of the Red Cross, this has been cooperating with Ukraine since 1995. Concerning the armed conflict in the Eastern Ukraine, the Mission actively pursues its activities on the territory of the country in order to protect the victims of armed conflict. Now in Ukraine six offices are opened: in Luhansk, Donetsk, Odessa, Mariupol, Kharkiv and Severodonetsk.

Non-governmental organizations such as the International Committee of the Red Cross (ICRC), the Danish Refugee Council (DRC), and Doctors without Borders often take part in really dangerous events and are the first to enter the conflict zone and leave the “battlefield” the last. Extremely skilled personnel involved in the work of non-governmental organizations, allows representatives of various non-governmental organizations quickly make contacts with the population of conflict areas, as well as with the representatives of the parties of the conflict.

The ICRC provides assistance and protection to victims of international or internal armed conflicts. They help the victims among both civilian population and among the military, including the wounded, the prisoners of war, and the civilian population in the occupied territory.

As we know, the health care system in the conflict zone in the east of Ukraine is not in the best condition, because there is a problem of basic materials and equipment lack. Therefore, the ICRC provides the necessary medicine, and other materials for hospitals and medical centers. It also organizes trainings for health care workers on emergency care and work with people who have received armed wounds.

One of the main activities of the ICRC is to promote the improvement of living conditions and the restoration of infrastructure, since public institutions, private homes, and water supply stations have been severely damaged after the attacks. The ICRC helps to restore water supply and sewage systems on both sides of the collision line and provides building materials to the victims of war, so that people can repair their homes. It is important to note that the ICRC acts as a neutral mediator during the simultaneous release and transfer of detainees to protect their dignity throughout the process.

According to the information in mass media, more than 1,000 people are now considered missing due to a conflict in Eastern Ukraine. The ICRC helps families to find out information about their missing relatives, and helps to maintain contact with those people who have been divided by the conflict. It also collaborates with NGOs, helping in seeking, collecting and identifying human remains.

It is obvious that during armed conflicts the civilian population suffers the most, as the territory of the conflict zone is simply “pouring” with unexploded ordnance, so it is very important for human rights’ organizations to carry out various measures for the security of the population. The ICRC, together with the Red Cross Society of Ukraine, train children at school, teachers and locals to secure themselves, and also set warning signs along the roads in places with a high level of mining.

Ukraine effectively cooperates with the ICRC through the Committee of the National Red Cross Society of Ukraine in many areas: informing the population about the risks associated with mines and ammunition; distribution of humanitarian assistance to settlers and locals affected by the conflict in Donetsk and Luhansk regions; search for missing people; providing Ukrainian families with food, warm clothes, medical materials, medicine etc.

Today, specially trained staff and volunteers of NRCSU provide psychological and social assistance to internally displaced and injured people, servicemen who have been injured as a result of hostilities, as well as members of their families. In particular, this assistance consists of counseling, providing information support, meeting basic needs, holding regular meetings and discussing issues.

From July 2015 till March 2016 the Danish Ministry of Foreign Affairs through the Danish Red Cross supported the program “*Emergency Assistance to the Ukrainian Population Affected by the Conflict*”. For the implementation of this program, foreign partners provided assistance in the amount of over 350 thousand Euros. The main objective of the program was to assist internally displaced people in Luhansk and Donetsk region.

Due to the program, more than 9 thousand people received the necessary assistance. In the villages of Luhansk region, the representatives of the ICRC provided food aid to the inhabitants of the village and the most vulnerable segments of the population: the disabled, single mothers, the families whose homes were destroyed, and the people who lost their jobs.

Employees of the Red Cross of Ukraine are actively conducting trainings and sharing knowledge about the mine danger in cities like Mariupol, Lysychansk, Zaporizhzhia and other areas that are located near the conflict zone. It should be noted that the number of victims of mines, as well as various unexploded ordnance, comes at least up to 300 deaths and about 540 injured. Despite the fact that demining is ongoing, the number of victims is constantly increasing. To some extent, informing the public about the danger

helps to save lives and health of people. The classes are conducted by the staff from various organizations, including the Danish Refugee Council, Handicap International, as well as school teachers, representatives of the state service institutions of Ukraine, etc.

Amnesty International is also actively involved into the situation in Ukraine and aims to carry out research and action aimed at preventing and suppressing violations of the rights to physical and psychological integrity, freedom of conscience and expression, and freedom from discrimination in the context of its work on the promotion of human rights [Amnesty International].

Amnesty International works in five main areas: women's rights, children's rights, the elimination of torture and death, refugee law and the rights of prisoners of conscience. In addition, the organization pursues the following specific goals: to abolish the death penalty; to put an end to out-of-court considerations and «disappearances»; to ensure that the conditions of detention in prisons meet international human rights standards; to guarantee timely and fair trial for all political prisoners; to guarantee free education for children around the world; to fight impunity of judicial and legal system; to put an end to the recruitment and use of child soldiers; release all «prisoners of conscience»; to strengthen the economic, social and cultural rights of the population with disabilities; protect the interests of human rights defenders; to encourage religious tolerance; to stop torture and ill-treatment; to put an end to illegal murders in armed conflicts and to protect the rights of refugees, migrants and asylum seekers. In our opinion, it is one of the most important organizations, which helps not only our state but also the whole world.

In Ukraine, Amnesty International carries out a wide range of tasks: protects from discrimination, supports people who are in difficult life situations, investigates problems related to human rights violations, supports LGBT, monitors the trials, cooperates with local human rights institutions, and interviews local officials. One of its main responsibilities is the publication of unbiased reports. Amnesty International, together with Human Rights Watch, hosted about 40 meetings with the representatives of international organizations, victims and witnesses of ill-treatment, members of their families, lawyers of victims working in eastern Ukraine, representatives of Ukrainian authorities, representatives of DPR, representatives of official and informal groups involved in the negotiations on the exchange of prisoners etc. [Amnesty International 2016].

Amnesty International conducted a survey with many former prisoners both from the Ukrainian side and from the separatists. Illegal detention, beatings and other serious atrocities were committed on both sides. The

Amnesty International also documented several cases of murders of pro-Ukrainian prisoners by representatives of the separatist groups. It shows that brutal treatment of prisoners in the East of Ukraine is not limited and widespread.

Amnesty International notes that battalions in the Donetsk and Luhansk regions, in particular the *Prizrak* and *Sparta* battalions are extremely violent in dealing with prisoners. Regarding the Ukrainian forces, the Amnesty International is worried about the «Right Sector» actions most of all, since they underwent terrible violations (captures of hostages, brutal beatings, threats of murder, imitating the death penalty and failure to provide necessary medical care) [Amnesty International 2015].

Human Rights Watch (HRW) is a non-governmental organization that opposes discrimination and protects human rights, freedom of religion and press. The organization is well-known for its precise facts, impartial reporting, and the effective use of the media, often cooperating with local human rights groups. Each year, Human Rights Watch delivers more than 100 reports and briefings on the topic of human rights in 90 countries, generating extensive coverage in local and international media.

HRW conducts missions to investigate situations that cause suspicion and highlights the identified violations in the media. In Ukraine this organization conducts active investigations in the Donbas area and publishes cases of human rights violations, investigates war crimes and crimes against humanity, and also tries to prevent the use of child soldiers. The organization also conducts annual monitoring reports. According to the report of Human Right Watch, international and domestic actors are fighting hard to put an end to the armed conflict in the eastern part of Ukraine, but the situation remains unstable. Parts of Donetsk and Luhansk regions *de facto* remain under control of Russia. All parties of the conflict violated international humanitarian law. The travel restrictions introduced by the government in January 2015 contributed to a dramatic increase in delivery times for humanitarian assistance, including medicine, in districts affected by conflicts as a result of the difficult humanitarian situation for civilians. In autumn 2015, according to humanitarian organizations, more than 5 million people in the eastern part of Ukraine are in need of humanitarian assistance and this number is constantly increasing.

It is difficult to estimate the total number of civilians who have become victims of violence, however, the «Human Rights Situation Report in Ukraine from 16, February to 15, May 2016», issued in June 2016 by the Office of the United Nations High Commissioner for

Human Rights (OHCHR), states that «unlawful detention, torture and degrading treatment remains a habitual matter in the region». This indicates that these issues are far more extensive than the limited number of cases documented by Amnesty International and Human Rights Watch.

Amnesty International and Human Rights Watch documented 9 cases of lengthy secret custody conducted by representatives of the Ukrainian authorities and parliamentarians. Amnesty International makes every effort to ensure that the perpetrators of crimes committed during the events in the Maidan and in the East of Ukraine were punished, advocates for the observance of human rights in Ukraine and the rest of the world, and also demands the release of Ukrainians who are unfairly imprisoned in Russia.

In July 2016, Amnesty International and Human Rights Watch issued a joint report «You Do not Exist», in which they show cases of lengthy, violent, and sometimes secret detentions of people in custody, as well as ill-treatment of detainees from both the Ukrainian authorities and pro-Russian separatists sides [Amnesty International 2016]. Human Rights Watch and Amnesty International call up the DPR and LNR to put an immediate end to enforced disappearances and illegal detention. They also advocate a policy of «zero tolerance» for the use of torture and ill-treatment towards people [Amnesty International 2015].

The practice of unlawful detention, in particular detention by members of armed groups and any government agencies that do not have the authority to keep detainees in custody outside officially designated places and without contact with the outside world, should be stopped immediately; to fully cooperate with the relevant UN procedural mechanisms, namely with the Special Rapporteur on Torture, the Working Group on Arbitrary Detention, the Working Group on Enforced and Involuntary Disappearances; to enable these procedural mechanisms to make visits to Ukraine; issue invitations to their members and provide access to places of official detention and other places where there is allegedly an unofficial detention of detainees.

Amnesty International and Human Rights Watch urge the *de facto* authorities in self-proclaimed Donetsk and Luhansk People's Republics to take immediate steps to ensure that no arrested person would suffer torture and ill-treatment; to stop the practice of illegal detention and exchange prisoners.

Office of the United Nations High Commissioner for Refugees (UNHCR) deals with the protection and support of refugees, and also helps other groups of people – asylum seekers and refugees returning to their homeland, as well as to those displaced within

their own countries and officially recognized as «internally displaced people».

The UNHCR office in Ukraine began its activities in the mid-1990s. The organization activated its work in 2014, when the problem of internally displaced people from Crimea and Donbas emerged in Ukraine. The agency provides refugees with full and unimpeded access to the territory, as well as asylum procedures and legal protection against forced return, supports the government and civil society organizations in Ukraine that provide the needs of internally displaced people, providing legal, material and social assistance [UNHCR].

Due to the UNHCR interference in Ukraine, the law «On Amendments to Certain Legislative Acts Concerning State Support for Children Residing in Settlements on the Line of Clash» was adopted in Ukraine. The law is aimed at protecting children who live in difficult conditions near the battlefield and need constant assistance. According to the law, such children are exempt from tuition fees, they are provided with free textbooks, access to the Internet, as well as free housing during their studies at higher education institutions [Znaj.ua].

UNHCR provides counseling for internally displaced people and people living in the conflict zone. A total of about 19,500 consultations were provided since October 2016. More than half of the consultations were provided to women in need of humanitarian and social assistance, housing assistance, as well as issues related to winter preparation, employment, crossing of the line of demarcation and others.

A special human rights group headed by UNHCR reacted to the escalation of hostilities in Avdiivka and provided humanitarian assistance to internally displaced people, who were relocated to other areas. The team developed informational messages, as well as an emergency response plan in areas not far from the delimitation line. One of the important tasks of the group is the dissemination of recommendations for evacuation among civic organizations in order to familiarize them with the important principles of protection during evacuation.

Representative office of the **Danish Refugee Council (DRC)** is aimed at providing direct assistance to people affected by conflicts: refugees, internally displaced people; moreover, it speaks on behalf of the victims of the international conflicts.

An integral part of the Danish Refugee Council is its special unit, the Danish Mine Action Group, which works to reduce the level of armed conflict and humanitarian activities, related to mine clearance. In other words, the organization aims to help people adapt to living conditions in areas where hostilities have taken

place, that is, those places that are dangerous because of unstoppable shells [Danish Refugee Council].

In the conditions of today's crisis that has taken place in our country, DRC is actively working in Ukraine since 2014, providing their professional assistance. For example, in Mariupol and Berdyansk, the representation of DRC in Ukraine provides assistance to people affected by armed conflict and internally displaced people. In addition to food supplies, it provides housing, helps with the restoration of homes, gives psychological support for disadvantaged people and financial assistance to families, etc.

DRC conducts trainings for teachers of former mine-risk schools, informs the population about the risks connected with mines and ammunition. In addition, DRC has implemented a mobile project based on the principle of involving large numbers of people in the collection of information, so that people can report on found shells, ammunition, etc.

The International Federation for Human Rights (FIDH) protects the civil, political, economic, social and cultural rights of the people proclaimed in the Universal Declaration of Human Rights. Among the most important priorities of its activities, the FIDH defines the following: the protection of women rights, the administration of justice for victims, the protection of migrants, the strengthening of international and regional protection mechanisms, and the promotion of the protection of human rights in conflicts. FIDH also provides information to the public through online resources, holding press conferences, and preparing press releases to raise awareness of human rights violations around the world [International Federation for Human Rights].

On 20–24, October, 2015, the FIDH sent its advocacy mission to Ukraine in order to support Ukrainians in their fight against impunity for crimes committed since the beginning of the conflict during events in Crimea and eastern Ukraine. In Ukraine, two missions of the International Federation for Human Rights (FIDH) worked, most of them providing assistance to the legal analysis of the collected evidence. In its report, FIDH focuses on the most serious violations of human rights committed during the conflict in the Donbas during 2014–2015. The violations included violent disappearances, torture and physical assaults, extrajudicial executions, abductions and arbitrary detentions [International Federation for Human Rights 2015]. In general, the International Federation for Human Rights, in cooperation with other NGOs, helps our state in providing activities related to the collection, analysis and preparation of materials for investigating crimes committed during protest events in Ukraine, and also happening in the Crimea and the East of Ukraine.

All the help of the international non-governmental organizations is important and necessary for Ukraine. With this help people who suffered and continue suffering from the consequences and ongoing events linked to the Russian-Ukrainian war, survived and go on living. Very often state institutions do not work effectively in this sphere so only with the help of NGO's we will manage to overcome this situation happening now in Ukraine. Our research shows how much international non-governmental organizations do for our citizens. Of course, this topic needs to be investigated more deeply.

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