

INFORMATIONAL BULLETIN

of the Association of Ukrainian Monitors of Human Rights Observance in Law Enforcement

JANUARY-MARCH 2016

> INTERNATIONAL ACTIVITY

Representatives of Association UMDPL had a meeting with Human Rights Ambassador of the Kingdom of the Netherlands

Experts of the Association UMDPL met with the Human Rights Ambassador of the Kingdom of the Netherlands Mr. Kees van Baar. The main goal of the Ambassador's visit to Kviv is the collection and systematization of success stories of Ukraine with regard to its obligations within the EU-Ukraine Association Agreement. Representatives of the Association UMDPL shared an information on the state of human rights observance law enforcement authorities as well as on the main aspects of the ongoing police reform in Ukraine.

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Kees van Baar, Human Rights Ambassador

> AWARENESS RAISING ACTIVITY

Association UMDPL presented a monitoring campaign "Police under Control" in Minsk

10n 18 February in Minsk there was an International forum "Citizens and police: cooperation based on trust". During the forum Association UMDPL presented results of the monitoring campaign "Police under Control". During the event presented were also the results of Belorussian police monitoring, information on openness in the activity of Russian law enforcement authorities and experience of Kazakhstan in conducting inspections of police units.

Besides this, a lot of time was dedicated to discussions of reforms taking place in Ukraine, effectiveness of commissions on reattestation of law enforcement officers, challenges civil society is facing, and possibilities to influence the processes going on in the state.

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Presentation of results of campaign "Police under Control" in Minsk

Association UMDPL held another masterclass "You and Police" for youth

Event was held for 18 participants of the project of the All-Ukrainian movement "Your Country" of the Foundation of Regional Initiatives who came to Kyiv from all around the country. During the interactive lecture its participants learned how to behave themselves with police in different life situations according to the Law of Ukraine "On Police" etc.

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Master-class for youth

You and Police. How to stay protected from. law enforcement officers

On 19 March 2016 Yuriy Chumak, a Board member of the Association UMDPL, held a lecture "Police and I" for activists of the Foundation of Regional Initiatives and all other interested people. Besides an interesting lecture on main rules on how to behave oneself with a police officer, a human rights defender demonstrated the 1st issue of the educational cartoon "You and Law Enforcement Officers".



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> COOPERATION WITH THE OMBUDSMAN

Officials of Department for the realization of national preventive mechanism of the Secretariat of the Ukrainian Parliament Commissioner for Human Rights together with representatives of the Association UMDPL conducted an inspection of human rights observance in the following institutions:

- Irpin city court of Kyiv region. Read more
- Poltava penitentiary institution (№23). Read more
- "PTDC branch" in Khmelnitsk regional TB dispensary. Read more
- Kriukiv penitentiary institution №29. Read more
- Cherkassy penitentiary colony (№ 62) and Starobabanivska penitentiary colony (№ 92). Read more
- Borzniansk police unit of Bakhmatsk police department of the Directorate General of National Police in Chernihiv region. Read more
- Chernomorsk penitentiary colony of Department of State Penitentiary Service of Ukraine in Odessa region (№ 74). Read more
- Oleksandrivsk penitentiary center of Department of State Penitentiary Service of Ukraine in Kirovohrad region (№ 104). Read more

> ANALYTICS, USEFUL MATERIALS

During January-March prepared for publishing was the scientific and practical issue "Human Rights in the Activity of Ukrainian Police -2015" (presented on 8 April)

Association UMDPL conducts annual analysis and generalizes the state of human rights observance in the activity of Ukrainian police (until 07.11.2015 - militia) giving a comprehensive picture of human rights and freedoms violations. Such analysis is then formed in a scientific and practical issue that has been published since 2008.

This year the guide was elaborated by the experts of the platform of human rights organizations — Expert group "Police under Control" consisting of Association UMDPL, Center of Policy and Legal Reform, Expert Center for Human Rights. The report has 10 sections encompassing such human rights spheres as observance of the right to life, freedom and personal immunity, property right, violence and ill-treatment, combating corruption etc. We also could not but to include into the report a section dedicated to reform of police — main event that took place within the policy of MIA and National police in 2015 and substantially influenced the work of certain police units.

Electronic version can be downloaded by the following link

From "old" militia officers to "new" policemen. How hard it is to pass reattestation for ex-militia officers?

A journalists' material describes the impressions of police officers passing (re)attestation. An article is built on interviews conducted with police officers after they passed attestation commissions as well as on the experts' commentaries to them. In particular, they highlight a number of problems connected with (re)attestation. Read more

Here is such an attestation: first conclusions and impressions

The article dedicated to the expert analysis of legal regulation of (re) attestation of police officers. Placed legal analysis «Instruction on the procedure for attestation», approved by the MIA №1465 from 17.11.2015 and described basic elements of commissions in the city. Kyiv / Kiev region. Also article includes the first conclusions on the outcome of the attestation, highlighted shortcomings in the work of commissions and recommendations for their elimination. The article begins a series of expert materials on the process of (re) attestation of police officers that will be published later. Read more



> ACCESS TO INFORMATION

To detect violations in organization and ensuring a right to access to public information, representatives of the Association UMDPL within the program "Openness of Law Enforcement System" in cooperation with a representative of the Secretariat of the Ukrainian Parliament Commissioner for Human Rights conducted a number of monitoring visits:

- to the Directorate General of National Police in Odessa region and its territorial units. Read more
- to the Directorate General of National Police in Chernihiv region. Read more
- to the Directorate General of National Police in Ivano-Frankivsk region. Read more

Monitoring visits detected a number of problems and violations in ensuring the right to access public information in institutions of National police. Most of them are typical and are the consequence of absence of relevant training of officers as well as of lack of understanding by the leadership of the importance of openness and transparency in the activity of state authorities as one of the most important guarantees of any democratic society.

The most common violations are:

- An institution does not have a designated official/structural unit responsible for ensuring access to public information;
- There is no specially equipped working place for the work of inquirer with documents;
- Insufficient number of informational stands or lack thereof in the hall of an institution;
- Insufficient or lack of information, foreseen by article 15 of the Law of Ukraine "On Access to Public Information" on informational stands or on the official website of an institution;
- Unlawful limitation of access to public information;
- Unlawful denial in providing public information (references to generally accessible sources);
- Ignoring requests, particularly, in connection with malfunctioning e-mails;
- Violations of the terms of execution of requests;

TViolations in the process of organization of procedure of registration, consideration and execution of requests for public information were also detected.

Publications within the framework of the program:

How to appeal against violation of the right to access public information?

Article provides a legal basis regulating the process of appeal against violation of the right to access public information as well as gives practical advices to the enquirer with regard to the procedure of appeal. In particular, the article provides answers to the following questions:

- Which violations an enquirer can appeal against and who a person shall address to?
- How to form a complaint?
- How to prove the fact of violation?
- Under which conditions a complaint consideration can be denied?

An article will be useful both for enquirers and for the holder of public information

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How to form an inquiry for public information?

An article provides a legal basis regulating an issue of submitting a request for public information as well as practical advices for the enquirer on how to act to receive an answer to a request on time and in full. In particular, the article provides answers to the following questions:

- What is a public information? Which information has to be provided upon a request?
- Which information has to be provided in the request?
- How to correctly form a request and describe an inquired information?
- How many requests can one enquirer make to one holder of information? How many questions a request can include?
- How an enquirer has to communicate with a holder of information to obtain an inquired information on time and in full?
- How to protect one's right to access public information?

An article will be interesting mostly for an enquirer, but it might be of interest to the holder of public information as well. <u>Read more</u>

#TBOE ПРАВО В Майменування розпорядника Право ЗНАТИ Відповідно до Закону України "Про доступ до публічної інформації прошу надати документ(и), який містить інформацію про Відповідь прошу надіслати аказати спосіб надання відповіді (поштою, на електронну скриньку) та адресу для надсилання Дата Підпис

> OTHER NEWS

Representative of Association UMDPL took part in a transfer of 18 convicted persons from Non-government controlled areas of Donbas

Executive director of Association UMDPL Vadym Pyvovarov took part in the fourth successful transfer of convicted persons from Non-government controlled areas of Donbas. Arrested persons were kept in Yenakievo, Kirov, Torez, Zakhidniy, Donetsk penitentiary colonies № 52, 33, 28, 97, 124 accordingly and in Donetsk PTDC.

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(крім запитів, надісланих електронною поштою)

A case on tortures in police, which a member of Association UMDPL dealt with, won 20 thousand EUR in the European Court of Human Rights.

Read more Watch video



Support of a penitentiary reform in Ukraine

ΠRepresentative of Association UMDPL took part in the meeting of the Coordination Committee of the CoE project "Further Support for the Penitentiary Reform in Ukraine" which is now being implemented in Ukraine. The main goal of the event was to discuss the report on the work done within the last six months as well as to define ways of further cooperation. Members of the Committee approved a working plan for the next six months.

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In Chygirin roma and local authorities discussed ways of realization of the Strategy for Protection and Integration of Roma Minority into Ukrainian Society

Member of the Association UMDPL Volodymir Batchaev took part in a working meeting of NGO activists and roma community of Chygirin district with local authorities. During the event its participants discussed a national "Strategy for Protection and Integration of Roma Minority into Ukrainian Society till 2020" as well as elaborated steps for its successful realization in the regions. By the end of the meeting, regional coordinator of the Ukrainian Parliament Commissioner for Human Rights Olena Fiudr and Volodymir Batchaev conducted a personal reception of the present roma who received qualified consultations, inter alia on issues of social protection, relations with law enforcement officers etc.



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