

## **Experience in Ukraine**

- 1 I first visited Ukraine in 1991 in order to teach a course in human rights for school-teachers in Donetsk, in eastern Ukraine. This was the beginning of a close engagement with Ukraine and its problems of reform.
- 2 In 1992 I was engaged by the United Nations Development Programme (UNDP) as an expert for their Crimea Integration and Development Programme (CIDP) in order to advise as to significant problems faced by the Crimean Tatars in their return to Ukraine (Crimea became part of the Ukrainian SSR in 1954 ; Ukraine became an independent state in 1991) from their deportation as a people in 1944 to Uzbekistan. They had been citizens of the USSR until its collapse in 1991. Many of them faced grave difficulties in acquiring Ukrainian citizenship. These problems were not finally resolved until 2001. I visited Ukraine and Crimea several times from 1992 to 1996 as part of CIDP. I also advised the United Nations High Commission on Refugees (UNHCR) and the Organisation on Security and Cooperation in Europe (OSCE) on the problems faced by the Crimean Tatars in obtaining Ukrainian citizenship.
- 3 From 1997 to 2004 I was the contracted adviser on Law Reform and Human Rights in Russia and Ukraine to the UK's Department for International Development (DFID) and visited Ukraine several times in order to monitor and assess a number of DFID projects there. In particular, I monitored a project in Kyiv and Kharkiv on resettlement of prisoners; a project at Kyiv Mohyla Academy on establishing a Centre for Clinical Law; and a project on support for legal education in Odessa. I also undertook further work for OSCE. In connection with the project on resettlement of prisoners I visited a number of Ukrainian prisons.
- 4 I also undertook several large projects concerning penitentiary reform in Russia, whose prison system has the same Soviet origins until the collapse of the USSR in 1991, and suffers from many of the same problems. Conditions are however considerably worse in Ukraine.
- 5 From 1999 to 2001 I was engaged by the OSCE's High Commissioner on National Minorities (HCNM) Mr Max van der Stoep (former Foreign Minister of the Netherlands) to accompany him on visits to Ukraine as his expert, as part of a study

carried out by him. We visited Kyiv, Lviv, Odessa, Simferopol, and Kharkiv. I advised him on the relevant Ukrainian law and practice.

6 My work for DFID ceased in 2004, when, in connection with the diversion of funds to Iraq, DFID terminated its spending and projects in Russia and Ukraine.

7 Since then I have continued my work in Ukraine, but primarily in the fields of minority rights and legal education, although I remain in close contact with the human rights NGO community in Ukraine, and follow developments in the judicial, law enforcement and penitentiary systems and their reform.

8 In 2003, on behalf of the HCNM, I took part in meetings in Kyiv with the then Human Rights Ombudsman, Nina Karpachova, who is referred to in PS. I maintained contact with her office. As noted above, she was replaced in 2012.

9 In 2004 to 2007 I acted as an expert for the Council of Europe in its Programme entitled Education and Minorities, and attended round table meetings and conferences in Ukraine.

10 In 2005 and 2006 I acted as expert for the Council of Europe on proposed legislation of Ukraine in the field of minority rights, and attended meetings with government official and parliamentarians in Kyiv.

11 From 2006 to 2008 I was the legal expert, with experts from Ukraine, for the European Union INTAS project “Language Policy in Ukraine: anthropological, linguistic and further perspectives” . On several occasions I visited Kyiv and other cities in Ukraine as part of this project, which resulted in the publication of a book in Ukrainian and in English , in which my chapter is the first in the collection.

12 From 2007 to 2009 I was the International Scholar attached to the Faculty of Law at the National University – Kyiv Mohyla Academy in Kyiv, the oldest and most prestigious university in Ukraine, under the Open Society Institute’s Academic Fellowship Programme. I spent several weeks during these years teaching and assisting with curriculum reform and development at the Academy. As it happened, several of the Ukrainian experts in the INTAS project were scholars at the Academy, and the final conference and presentation of the book took place there, where the Ukrainian version of the book was also published.

- 13 One of my interlocutors at the Academy was Professor Myroslava Antonovych. She is Head of the Department of International Law at the Academy. Professor Antonovych is a scholar who enjoys an international reputation, and she has published extensively in English, including a book chapter written jointly with me.
- 14 In April 2009 I travelled to Ukraine with the present HCNM, Mr Knut Vollebaek (the former Prime Minister and Foreign Minister of Norway), as his expert, and was concerned with a variety of issues concerning the Russian-speaking minority in Ukraine. We visited Kyiv, Donetsk, Simferopol, and Lviv.
- 15 I discussed issues of penitentiary reform with Professor Antonovych and a number of her colleagues, including experts on criminal law and penal reform while at AFP Conferences in Budva, Montenegro on 7-8 May 2010, and in Antalya, Turkey on 21-24 October 2010 in connection with another report on Ukraine, and obtained their confirmation of the accuracy of the views expressed below.
- 16 I returned to Kyiv from 29 to 31 March 2015 in order to lecture at a seminar organised by the European Centre for Minority Issues (ECMI), and also to participate in an International Conference “Human Rights in Crimea: Report, React, Restore”. During that visit I met several of my regular interlocutors.
- 17 In November 2015 I took part in a Conference in Kyiv on the question of the territorial integrity of Ukraine.
- 18 On 26-28 January 2017 I was invited to speak at the 10th Europe-Ukraine Forum in Rzeszów, Poland.
- 19 From 16-20 May 2017 I visited Kyiv as a member of the Steering Committee of the Eastern Partnership Programme of the European Centre for Minority Issues (ECMI)<sup>1</sup>.
- 20 In 2017 I was invited to serve on the Advisory Board of the UK Government funded Project ‘Ukraine’s hidden tragedy: understanding the outcomes of population displacement from the country’s war torn regions’.<sup>2</sup> This was the research project of an interdisciplinary team from the University of Birmingham, University of Oxford and Ukrainian Catholic University (AHRC PCCSR award). The Project period was November 2016 to April 2018.

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<sup>1</sup> <https://www.ecmi.de/programmes/epp/> (accessed on 10 February 2019)

<sup>2</sup> <https://idpukraine.com/> (accessed on 9 February 2019)

- 21 I attended Project meetings at Birmingham University and the final Project Conference in Kyiv in April 2018.
- 22 I follow closely events and developments in Ukraine connected with law reform, judicial reform, and reform of the penitentiary system. I always take the opportunity to speak to my many interlocutors in Ukraine as to the matters I am currently researching.