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December 7, 2015

Vice President Joseph Biden
Eisenhower Executive Office Building
1650 Pennsylvania Ave. NW
Washington, DC 20502

Dear Mr. Vice President,

We are writing regarding your upcoming travel to Ukraine the week of December 7, 2015. Your trip presents an important opportunity for the United States to raise human rights concerns with President Petro Poroshenko and other senior officials. We write to outline a few key concerns regarding Ukraine that we hope you will discuss during your trip.

Use of Schools in Armed Conflict: Since the beginning of the armed conflict in eastern Ukraine, both Ukrainian forces and Russia-backed rebels have used schools for military purposes. Hundreds of schools on government-controlled and rebel-occupied territories have been damaged or destroyed by indiscriminate shelling or targeted attacks. Targeted attacks on educational institutions not in use by military, and which therefore do not constitute military objectives, are war crimes under international criminal law and the laws of war. In light of Ukraine's upcoming membership of the United Nations Security Council, we urge you to encourage the government of Ukraine to heed Security Council Resolution 2225 (2015) and "take concrete measures to deter ... use of schools by armed forces and armed groups".

Cluster Munitions: Human Rights Watch has documented evidence of the use of cluster munitions by pro-government forces and Russia-backed rebels during the armed conflict in eastern Ukraine. Cluster munitions are inherently indiscriminate weapons that tend to cause significant harm to civilians, particularly when used in populated areas. We hope you will urge Ukraine to conduct a full investigation into the use of such weapons over the course of the conflict, and to take clear action to prevent them from being deployed in ways that can harm civilians in the future.

Internally Displaced Persons (IDPs): Over 1.5 million people have been internally displaced by the conflict since April 2014. The existing IDP registration procedure is unnecessarily cumbersome and

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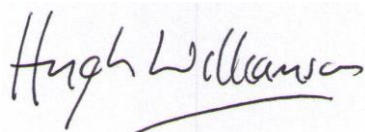
bureaucratic. We hope you will urge President Poroshenko to sign a proposed law that improves the registration procedure and means of accessing employment and state benefits for those displaced by the conflict. President Poroshenko rejected the bill when it first came before him, returning it to parliament, but will have a second chance to sign the bill, which should retain the provisions to improve the IDP registration process.

LGBT Rights: In November 2015 the Rada adopted amendments to the labor code that ban discrimination based on sexual orientation and gender identity. Despite this very positive move, anti-LGBT sentiment in Ukraine remains strong – including among senior officials –and a new labor code is currently being prepared for adoption that does not include the same anti-discrimination provision. We hope you will urge Ukraine’s leadership to ensure that the anti-discriminatory provision is included in any new version of the labor code.

Accountability for Past Abuses: We urge you to press the Ukrainian government to ensure accountability for the perpetrators of abuses during the 2014 Maidan protests and the May 2, 2014 political violence in Odessa by conducting adequate and transparent investigations, capable of leading to the identification and prosecution of those responsible. We hope you will also urge Ukraine’s leadership to conduct full investigations into abuses by both pro-Russia rebels and Ukrainian forces in eastern Ukraine since April 2014, including arbitrary detention, forced labor and torture of detainees.

Finally, we hope you will urge Ukraine’s leadership to cooperate fully with the International Criminal Court (ICC). While not yet a member of the ICC, Ukraine has accepted the Court’s jurisdiction, including over alleged crimes committed on its territory since February 20, 2014. This time period includes the armed conflict in eastern Ukraine. The ICC prosecutor is now considering whether a formal investigation is merited under the Rome Statute, the ICC treaty. We hope you encourage Ukraine’s leadership to cooperate with the ICC prosecutor in her preliminary examination.

Sincerely,



Hugh Williamson
Director, Europe and Central Asia Division