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PHOTO: ZMINA

At the end of June, a ZMINA journalist visited Shestovytsia together with the Educational Human Rights House Chernihiv experts who document the Russian war crimes of the Russians within Ukraine 5 AM Coalition.

SAFEGUARDING HUMAN RIGHTS DURING WAR

by **Ninna Mörner**

Civil society in Ukraine is, although under severe stress, very active and plays an important role in providing people with their basic needs and safeguarding their human rights. Civil society in Ukraine is still functioning even in a situation of full-scale invasion and warfare, with constant shelling and unpredictable attacks on infrastructure and Ukrainian civilians. How is this possible?

I talk with one of many Ukrainian human rights activists, Onysiia Syniuk, an international lawyer working at the

Ukrainian Human Right Center ZMINA (Change).¹ ZMINA is part of a coalition of NGOs, 5 AM Coalition, working together to safeguard human rights during war.² Among other things Onysiia Syniuk analyzes reports, collected by documentators at ZMINA and by volunteers trained by the 5 AM Coalition, on possible war crimes in the occupied regions, where settlements have been liberated. Onysiia Syniuk's explanation of Ukraine society's resilience:

"As NGOs, we need to be very flexible and very creative. Also, many citizens show solidarity and take their own initia-

tives when they see what is needed most. Society is also focused, trained and has routines on how to act to secure a newly liberated area and repair the most urgently needed infrastructure".

When an occupied area is liberated, she explains, the army make sure that the area is safe and that for instance there are no Russians dressed as Ukrainian soldiers hiding anywhere, and soon afterwards, the law enforcement units enter to keep order.

"National shop/supermarket chains are moving in quickly to provide all kinds of products, not only agricultural – this

was the case in Kherson. In a lot of areas infrastructure is heavily damaged or completely destroyed; Russians very often destroy it deliberately when retreating, so there is a lot of work to do to make it function again”.

Testimonies of war crimes

As soon as the areas are safe enough a team of trained people from ZMINA, often journalists, enter the area to collect testimonies and indications of war crimes. The law enforcement authorities have sometimes argued that they should be the first to hear the stories that may become evidence in a possible trial. According to Onysia Syniuk, people prefer to talk with someone who just wants to listen and does not convince anyone to talk and take part in a criminal proceeding.

“A good approach is the ‘no-harm-approach’. We never make anyone talk; if they want to tell us, we are there to listen. If not, that is fine. We ask if we can publish their stories, if they may be made public to tell the world what is happening.”

She continues: “If they do not want us to make their statement public, we ask for permission to file them in our archives, to be able to use them later if the person changes their mind. We also leave information on where and how to contact us if they would like to add anything, or if they later feel like reporting what they have been exposed to.”

If there are reports that indicate violations of the conventions and human rights that are there to protect them, ZMINA can refer them to receive further legal support. War crimes such as rape and sexual violence are occurring as part of the war and the dehumanization process.

Survivors of sexual violence

Onysia Syniuk has an academic background in working with gender-based violence and is aware of the trauma and stigma that surround sexual violence. People hesitate to talk because they can be blamed and shamed if it is known that they are survivors of sexual violence.

“It happens that Ukrainian people say about Ukrainian women that have been

raped or violated by Russians that *she* is to blame, that she ‘let them have her’, ‘went to the Russians’ or similar remarks”.

Therefore, one needs to have the possible consequences in mind when one collects testimonies. Many more stories of violations might come up later during the criminal investigation, if just one or two victims dare to talk. That survivors are met with compassion is crucial, not only for their own healing process, but also for their participation in the legal process if it goes to court.

“Law enforcement units have been trained to interact with people that have severe traumas and to do so in a sensitive way. But there is limited training within their official education; it is all given by civil society and as part of programs. When the project or program has ended the people that they trained might have left their positions, and the new employees have not yet been trained. We still need to integrate the trauma-sensitive approach in the education of all groups in law enforcement”, Onysia Syunik says.

Secondary traumatization

It is also a problem that people in law enforcement who work with war crimes get secondary traumas themselves, from working with such a challenging and brutal reality.

How do you yourself deal with it when you are analyzing testimonies and reporting on war crimes?

“We recently had resilience training



Onysia Syniuk, ZMINA.

“WE NEVER MAKE ANYONE TALK; IF THEY WANT TO TELL US, WE ARE THERE TO LISTEN. IF NOT, THAT IS FINE.”

with Ukrainian experts, recommending the WHO *Doing What Matters in Times of Stress: An illustrated Guide*, which is a self-help tool. One of the techniques they shared was turning negative thoughts into an “I feel” statement and trying to turn it into action. For example, if you have a circulating thought: “I am useless, I am not doing enough”, try thinking about it as “I feel useless, I feel like I am not doing enough”, and then try thinking what you can do to change that feeling. For me personally, it was a case of reading news of all the violations, and I felt like what I was doing was really insignificant, like I was doing nothing when there is so much suffering. So I sat down and wrote a legal analysis of the case that was the last straw for me – I wrote about the legal instruments and specific rules governing the situation and how they were violated.

In Ukraine today people know that everyone, in one way or another, is suffering in this war. There is like a silent understanding of this, but one does not talk openly about the violence and the sentiments. This is the experience expressed by many, and also Onysia Syniuk. There is solidarity in this situation of constant alertness, and everyone has joined forces against the external enemy: Russia.

“Russia is imperialistic and has been since the dissolution; it is ‘in them’, this self-proclaimed sense of their right to people and land in the former USSR. They never left the Cold War dichotomy”, she says, expressing her sentiments against the Russians as having internalized this Russian viewpoint of their neighbor countries as “their little brothers”.

Forced displacement of children

When she and a colleague were mapping the forced displacement of Ukrainians by Russia, she also took into account Russian information about children taken from Ukraine and re-educated and adopted by Russian families. It is very hard to verify the amount of forced displacement.

There are Russian speakers in the occupied parts of Ukraine that have willingly left for Russia, there are Ukrainians that left these areas believing they would

be transferred to a safer part of Ukraine but instead were locked inside the buses and taken to Russia, and then there are many children that simply have been brought to Russia.

“Children without guardians cannot consent. Many children were taken from institutions, sometimes by the staff, and then there are children that lost their parents, but they might still have relatives in Ukraine!”, she underlines.

The Ukrainian government has created a website, *Children of War*, to gather information and help people find missing children. As I write this, November 30, 2022, there are 12,462 deported children.³

Onysiia Syniuk says that the children taken to Russia immediately came under the influence of Russian propaganda.

“These children are usually brought to summer camps, recreation centers, hotels and shelters. Those children that are of age to go to school are automatically enrolled in Russian schools and learn according to the Russian curriculum, which is heavily influenced by propaganda. And during walks they listen to the Russian anthem and all events held include Russian flags placed all around.”

Some Ukrainian children have also been adopted by Russian families – although she emphasizes that they may have Ukrainian relatives searching for them. ZMINA works intensively together with the 5AM Coalition to try to bring the children back to Ukraine.

“We work to bring the children back immediately. The relatives do not know if the children are still alive; we cannot get information from Russia although we tried to cooperate on this. The Russification campaign of the children is known through open sources, and media investigations.”⁴

If the war goes on several years, it might be a problem to determine the child’s best interest if they have settled in Russia?

“We prioritize getting them back as soon as possible. Two years is a long time



Children of War is a government-run website.

“THE RELATIVES DO NOT KNOW IF THE CHILDREN ARE STILL ALIVE.”

for a child, they will be easily indoctrinated.”

A future peace

There is planning for a future of Ukraine without occupation, the peace that Onysiia Syniuk hopes to see. Civil society in Ukraine is cooperating with the Ukrainian authorities to develop a strategy for how to deal with liberated Crimea and the areas in the south-east that have been occupied since 2014. Apart from rebuilding destroyed cities, examples of what issues the strategy includes are the need to have a plan to give property back to owners that were forced to flee, to introduce a functional educational system, and to give information and counter the years of propaganda that Russia spread.

If such a peace is achieved there will be a lot of traumatized people and a lot of weapons. We know from the Balkan war that this resulted in an escalation of human trafficking and gender-based

violence. Have you been able to prepare for this as well?

“Yes; we, Ukrainian civil society, did actually visit Bosnia and talked with NGOs there to learn from them and prepare to avoid this development after war. It was very helpful to meet them. Also, our first lady Zelenska makes the issue of gender-based violence a priority and one issue that must not be forgotten in time of war as well.”

Today, however, the focus is on survival for all and the solidarity in Ukrainian society is striking. Many countries are reacting against the Russian aggression and in support for Ukraine and the resilience

shown by Ukrainians, including civil society. ❌

Ninna Mörner is editor-in-chief for *Baltic Worlds*

references

- 1 ZMINA Human Rights Center works to protect freedom of speech and movement, counter discrimination, prevent torture and cruel treatment, combat impunity, support human rights and civil activists in Ukraine, including in the territory of occupied Crimea, as well as protect the rights of people afflicted by the armed conflict. The organization carries out information campaigns, education programs, monitors and documents violations of human rights, conducts research providing analytical outputs, and seeks changes through national and international advocacy. Read about ZMINA at <https://pen.org.ua/en/centr-prav-lyudini-zmina>
- 2 The coalition is formed by a number of Ukrainian human rights organizations. Read more at <https://www.5am.in.ua/en>
- 3 See the Governmental website, *Children of War*. Available at <https://childrenofwar.gov.ua/en/>
- 4 See for instance: Sarah El Deeb, Anastasiia Shvets and Elizaveta Tilna, “How Moscow grabs Ukrainian children and makes them Russian”, *AP*, October 13, 2022. Available at: <https://apnews.com/article/ukrainian-children-russia-7493cb22c9086c6293c1ac7986d85ef6>