

Needs of the survivors and victims of serious
violations under international law in the context
of war in Ukraine

- HFHR's goals in the documentation of violations:

- to ensure that victims and survivors of the most serious crimes of international law have access to:
 - truth (we save testimonies in shared data-base with Ukraine 5AM Coalition for the future historical archives)
 - justice (considering the will and situation of the survivors we share testimonies with Polish, Ukrainian prosecutors or ICC)
 - reparation (we monitor consequences of the violations and advocate for access to services that address them)

- Links with PWG:

- information about our work, so your beneficiaries can reach us
- collaboration with you, so we can refer vulnerable victims and survivors for services when they suffer consequences of crimes
- common advocacy: we want the government to introduce policy and guidelines that will enable victims and survivors of serious crimes to receive comprehensive support: rehabilitation (medical, psychosocial, legal)

Who are the victims and survivors of the most serious violations?

While the terms 'serious violations' or 'gross violations' are not formally defined in international law, it is widely accepted that they refer to violations that have adverse consequences for the most basic rights of individuals – primarily for the right to life and the right to physical and moral integrity.

The category of serious or gross violations includes among others:

- torture or other cruel, inhuman or degrading treatment or punishment;
- sexual violence;
- slavery;
- enforced disappearances;
- prolonged arbitrary detention or deportation or forcible transfer of population.
- immediate family of the people subjected to serious crimes – e.g., in cases of enforced disappearances.

Who are the victims and survivors of the most serious violations?

- Under international law, victims and survivors of gross violations of IHRL and serious violations of IHL have a right to reparation: access to justice and support that will provide relief for the harm suffered, and “repair” the harm caused by crimes.
- One of the important parts of the reparations is **rehabilitation** — access medical and psychological care, as well as legal and social services to address the consequences of the crimes they suffered.
- This is why we need people to be able to access services:
 - **Medical** - to address physical consequences of tortures, CRSV, shellings, lack of medical support on the occupied territories.
 - **Psychological** - experts, trained in work with war trauma, are needed all over the Poland.
 - **Legal** - to help them seek justice and get consultations with the issues related to their everyday needs (eg. legalization for people from **occupied territories**, who have no valid passport)
 - **Social** - to support them in seeking access to basic needs (eg. temporary accommodation for those who travel with the help of the evacuation buses, housing needs - especially, if they are not able to be self-reliant because of the trauma or have special needs)

For purpose of access to justice:

- Urgently needed system of protection and support for witnesses and victims who testify/are part of the criminal process (social workers and psychologists embedded in the prosecutor's unit, who can guide and support people through the process of giving interviews to the prosecutor and one day in court).
- In Poland no such system really working even for other victims (e.g. SV, human trafficking). It only works for child victims.
- As a result, prosecutors ask NGOs for support to meet the needs of these people

What are systematic problems?

- Survivors and victims of the serious violations of the international law in are not defined in the Polish law
- Because of that there is no system of the identification of such people among the rest of the refugees (outreach is done by NGOs such as ours and the prosecutor)
- Survivors and victims are not acknowledged as a separate vulnerable group that can benefit from the additional support when it comes to services provided by the State.

Possible solutions:

- clarifications in the law on temporary protection
- provision in Polish law for all victims of serious crimes (e.g. victims of torture) with instructions for service providers (hospitals, ZUS)
- support for selected NGOs from Fundusz Sprawiedliwosci

- How members of PWG can help?
 - Creating referral mechanisms to ensure that all survivors and victims have access to relevant services
 - Exchange of information and monitoring of survivors and victims need services for future advocacy: the more individual cases we have recorded the better chance to convince authorities for policy change

Thank you for your attention

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