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- CRIMEAN PLATFORM
- TEMPORARY OCCUPATION
- INTERNATIONAL REACTION

Crimea

Editors

Dr. Hanna Shelest
Dr. Mykola Kapitonenko

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Contacts:

website: <http://ukraine-analytica.org/>
e-mail: Ukraine_analytica@ukr.net
Facebook: <https://www.facebook.com/ukraineanalytica>
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THE HUMAN RIGHTS SITUATION IN THE TEMPORARILY OCCUPIED CRIMEA AND UKRAINE GOVERNMENT'S ACTIONS FOR SECURING TIES WITH UKRAINIAN CITIZENS RESIDING THERE

Dr. Anton Korynevych

*Permanent Representative of the President of Ukraine
in the Autonomous Republic of Crimea*

This article analyses two important issues: the human rights situation in the temporarily occupied Autonomous Republic of Crimea and the city of Sevastopol, Ukraine, and the actions of the Ukrainian government implemented to secure ties with citizens of Ukraine residing in Crimea. In the first part of the article, human rights violations committed by the Russian occupation authorities in the temporarily occupied Autonomous Republic of Crimea are examined. The second part of the article provides information on the actions of the Ukrainian government implemented in order to secure ties with citizens of Ukraine residing in the temporarily occupied Crimea and in order to assist Crimean IDPs.

The Human Rights Situation in the Temporarily Occupied Autonomous Republic of Crimea and the City of Sevastopol, Ukraine

Discussions on human rights violations in Crimea should start with mentioning systematic persecution of Crimean Tatars and pro-Ukrainian activists. Such persecution results in illegal detentions of Ukrainian citizens for expressing their pro-Ukrainian position, and some of them become political prisoners on charges of

extremism, terrorism, etc. As of now, there are more than 100 Ukrainian citizens who are political prisoners detained by the occupying authorities¹. Most of them are Crimean Tatars. Server Mustafayev, Seyran Saliyev, Emir-Usein Kuku², Volodymyr Dudka, Oleksii Bessarabov³, and many other Ukrainian citizens are still kept in Russian jails for committing no crime.

Forced conscription to the armed forces of the occupying power is another grave violation of international humanitarian

1 Data of Ukrainian human rights NGOs, such as CrimeaSOS, Ukrainian Human Rights Group, etc.

2 *Crimean Tatar Rights Defender Sentenced*, Amnesty International, 11 December 2020 [<https://www.amnesty.org/download/Documents/EUR4634582020ENGLISH.pdf>].

3 *Олексій Бессарабов (Oleksii Bessarabov)*, "CrimeaSOS", 28 January 2021 [<https://krymsos.com/news/oleksii-bessarabov/>].

law by the Russian occupation authorities in Crimea. This forced conscription started in the spring of 2015, and up to now, more than 28,000 Ukrainian citizens from the temporarily occupied Crimea have been forcibly conscripted to serve in the Russian armed forces⁴. This has continued during the COVID-19 pandemic. Such forced conscription to the armed forces of the occupying power is considered a war crime in international humanitarian and international criminal law and is seen as one of the most systematic war crimes committed by the representatives of the Russian occupying authorities in the temporarily occupied Crimea⁵.



Forced conscription to the armed forces of the occupying power is another grave violation of international humanitarian law by the Russian occupation authorities in Crimea

Militarisation also affects education in the temporarily occupied Crimea. Children at school study the basics of military training within the framework of movement “Yunarmia”, Russian “Cossack” schools, and “Cossack” classes. Ukrainian Crimean children are taught how to fight⁶.

Education in the temporarily occupied Crimea has another problematic dimension –

erasure by the Russian occupying authorities of the Ukrainian and Crimean Tatar national identity, in particular by limiting education in the Crimean Tatar language and closing schools with Ukrainian as the language of education⁷.

Occupation authorities also systematically use the transfer of citizens of the Russian Federation to the temporarily occupied territory of the Autonomous Republic of Crimea and the city of Sevastopol. It is done with the specific intent to change the demographic map of Crimea. Such a conduct is a war crime under international law⁸. Together with the coming of the Russian citizens to the temporarily occupied Crimea, the Russian occupying authorities create such conditions for actively pro-Ukrainian Crimeans that they have to leave Crimea under the threat of persecution and illegal detention.

Forced Russian citizenship on the territory of the temporarily occupied Autonomous Republic of Crimea and the city of Sevastopol can be deemed to be a new form of hybrid warfare as it may be seen by the occupying power as an instrument that gives it specific rights in relation to Ukrainian citizens residing in Crimea.

The Ukrainian Orthodox Church (Orthodox Church of Ukraine) is one of the religious communities of Crimea that is in an extremely difficult situation. After the attempted occupation started, the Orthodox Church of Ukraine has appeared

4 *Infographics: Seven Years of the Military Aggression of Russia against Ukraine*, Ministry of Foreign Affairs of Ukraine [<https://mfa.gov.ua/news/7-rokiv-zbrojnoyi-agresiyi-rosiyi-proti-ukrayini-infografika>].

5 *United National General Assembly Resolution A/RES/75/29*, 14 December 2020 [<https://digitallibrary.un.org/record/3895282>].

6 H. Coynash, *Russian Defence Ministry Wants a Million Children in ‘Youth Army’ by 2020*, Kharkiv Human Rights Protection Group, 22 March 2019 [<http://khpg.org/en/1552597279>].

7 H. Coynash, *Russia Has Eliminated All Classes Taught in Ukrainian Since Its Annexation of Crimea*, Kharkiv Human Rights Protection Group, 27 March 2019 [<http://khpg.org/en/1553612958>].

8 *Rule 130. Transfer of Own Civilian Population into Occupied Territory*, Customary IHL, ICRC [https://ihl-databases.icrc.org/customary-ihl/eng/docs/v1_rul_rule130].

outside the law from Russian point of view. Before the occupation, there were 49 parishes of the Crimean Diocese of the Ukrainian Orthodox Church – Kyiv Patriarchate (nowadays – the Orthodox Church of Ukraine), including 25 churches and 20 clergymen all over the peninsula, but now there are only several parishes and a few clergymen left there.

The worshipers and clergymen of the Crimean Diocese of the Orthodox Church of Ukraine (headed by Metropolitan Klyment) have been subject of harassment; the parish premises were taken over, and Sunday schools, established by the Crimean Diocese with education in the Ukrainian language, were closed down by the occupying authorities⁹. The ability of the diocese to use its main cathedral is limited, and the representatives of the so-called “self-defence” were stationed in the cathedral in order to secure the occupying power’s body, which is located in the cathedral together with the Ukrainian Church.

Other religious groups also face harassment and persecution in the temporarily occupied Crimea, in particular Jehovah’s Witnesses and some Muslim organisations.

Lawyers also face problems in the temporarily occupied Crimea, in particular lawyers who defend political prisoners in courts controlled by Russia. In many cases, lawyers are the only source of information about what is happening in Crimea. The

Russian occupying authorities want to block their ability to defend political prisoners in courts¹⁰.

Human rights activists, in particular members of the Crimean Solidarity group, are also subject of persecution. The coordinator of Crimean Solidarity, Server Mustafayev, is now in a Russian jail for committing no crime.



Occupation authorities also systematically use the transfer of citizens of the Russian Federation to the temporarily occupied territory of the Autonomous Republic of Crimea and the city of Sevastopol. It is done with the specific intent to change the demographic map of Crimea

Crimean Tatars, the indigenous people of Crimea and of Ukraine, face persecution by the Russian occupation authorities as they have a pro-Ukrainian position and are not loyal to the regime of the occupying power. The Mejlis of the Crimean Tatar People, the principal self-governing body of the Crimean Tatar people, is proclaimed an extremist organisation in the Russian Federation and its activity is deemed illegal¹¹. Despite the decision of the International Court of

9 *Statement by the Delegation of Ukraine to the OSCE on Russia’s Attack on the Freedom of Religion and Belief in the Temporarily Occupied Territories of Ukraine, Ministry of Foreign Affairs of Ukraine*, 28 February 2019 [<https://mfa.gov.ua/en/news/70849-zajava-delegaciji-ukrajini-v-obse-shhodo-napadu-rosiji-na-svobodu-religijita-virosvidannya-na-timchasovo-okupovanih-teritorijah-ukrajini-movoju-originalu>].

10 For example, see Clause 104, *Report on the Human Rights Situation in Ukraine 16 November 2018 to 15 February 2019*, A/HRC/40/CRP.3, Human Rights Council, United Nations, 21 March 2019 [https://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session36/Documents/A_HRC_36_CRP.3_E.docx].

11 *Crimean Tatar Elected Body Banned in Russia*, “Human Rights Watch”, 29 September 2016 [<https://www.hrw.org/news/2016/09/29/crimean-tatar-elected-body-banned-russia>].

Justice¹², the situation on the ground has not changed.

All in all, Crimea now is a “grey zone,” where human rights and rules of international humanitarian law are systematically violated by the representatives of the Russian occupying authorities. Anybody can face charges of extremism or terrorism without committing any offence. Thus, the right to a fair trial is not secure in the temporarily occupied Crimea.

Ukrainian Government’s Actions to Secure Ties with the Citizens of Ukraine Residing in the Temporarily Occupied Crimea and to Provide Necessary Services for IDPs from Crimea

As the result of the temporary occupation of the Autonomous Republic of Crimea and the city of Sevastopol, Ukraine is faced with the task of providing the necessary humanitarian and administrative assistance to its citizens residing in the temporarily occupied Crimea. Since the beginning of the occupation, Ukraine has continued to implement its positive obligations to the residents of the temporarily occupied Autonomous Republic of Crimea and the city of Sevastopol in all areas of public life.

Ukraine provides an unhindered access for residents of the temporarily occupied Crimea to administrative services by creating a wide network of administrative centres throughout the territory controlled by the government of Ukraine. The largest number of requests for administrative services is in Kherson region. According to the Ukrainian

legislation in force, citizens of Ukraine with the place of registration in the Autonomous Republic of Crimea or the city of Sevastopol receive ID cards under the same procedure as the residents of other regions of Ukraine.

All state healthcare institutions in all regions of Ukraine provide qualified aid in hospitalisation, medical registration, preventive medical examinations, and vaccinations. Medicines, including insulin, sponsored by the state budget are available for the internally displaced people (IDPs) on preferential terms.

Ukraine guarantees access of the residents of Crimea to education programmes at all levels, both on general grounds and in a special educational programme, “Crimea – Ukraine”. In 2020, the president of Ukraine initiated a law, adopted by the parliament¹³, allowing children from the temporarily occupied Crimea to enrol in universities located on the territory controlled by the government of Ukraine without exams. About 400 Crimean residents entered Ukrainian universities in 2020.

Also due to the regulation adopted in 2020 by the National Bank of Ukraine, residents of the temporarily occupied Crimea can use banking services in Ukrainian banks. These services have been unavailable to the residents of Crimea since the Russian occupation started in 2014.

The issues of temporary housing for IDPs and their social needs will remain a priority for Ukraine until the Crimean Peninsula becomes de-occupied. Today, Ukraine is considering building accommodation for

12 The Court finds that Russia must refrain from imposing limitations on the ability of the Crimean Tatar community to conserve its representative institutions, including the Mejlis, and ensure the availability of education in the Ukrainian language, International Court of Justice, Press Release, No. 2017/15, 19 April 2017 [<https://www.icj-cij.org/public/files/case-related/166/19412.pdf>].

13 *Рада ухвалила закон про вступ до українських вишів дітей із Криму та ОРДЛО (Rada Adopted Law on Admission of Children from Crimea and Donetsk-Luhansk Territories to Ukrainian Universities)*, “DW”, 03 July 2020 [<https://p.dw.com/p/3ekAf>].

IDPs from Crimea with the support of Turkey. The official number of IDPs from the Autonomous Republic of Crimea and the city of Sevastopol is about 48,000 people¹⁴. However, this number may be much higher if we take into account also persons who moved from Crimea since 2014 and did not receive the official IDP status.

On the occasion of the Independence Day of Ukraine on 24 August 2020, the president of Ukraine gave state awards to many Crimeans, both IDPs and those who reside in the temporarily occupied Crimea. In particular, Metropolitan Klyment was granted the Order of Merit, 2nd grade, while Server Mustafayev (coordinator of the Crimean Solidarity movement, now illegally detained in Russia), Nariman Dzhelyalov (deputy head of the Mejlis), Alim Aliev (deputy director of the Ukrainian Institute), and Anife Kurtseitova (manager of educational and cultural centre “Crimean Family”) were granted the Order of Merit, 3rd grade. For the president of Ukraine, it is very important to recognise the results of the work of Crimeans.

In November–December 2019, border crossing facilities at the temporary administrative boundary line with the temporarily occupied Autonomous Republic of Crimea were improved significantly. The construction of regime zones and service zones at the checkpoints Kalanchak and Chonhar were completed. Now, the regime zones are equipped with all the necessary elements, such as good quality road pavement, premises for border guard officers, passport control devices, lighting, sanitary and hygienic conditions. In December 2019, large service zones to provide administrative and transport services were constructed near the abovementioned checkpoints. Now Crimeans can receive Ukrainian administrative services directly

at the administrative boundary line. At the Chonhar checkpoint, a modern hub with large number of services will also soon be built.

All in all, Ukraine works to secure ties with its citizens residing in the temporarily occupied Autonomous Republic of Crimea and the city of Sevastopol and to make them feel at home in Ukraine.



Ukraine provides an unhindered access for residents of the temporarily occupied Crimea to administrative services by creating a wide network of administrative centres throughout the territory controlled by the government of Ukraine

On 26 February 2020, President of Ukraine Volodymyr Zelenskyy signed a decree on the establishment of the Day of the Resistance to the Occupation of the Autonomous Republic of Crimea and the City of Sevastopol, which will be observed from now on. 26 February 2014 was the day of the biggest pro-Ukrainian rally in Simferopol near the Supreme Council of the Autonomous Republic of Crimea led by Crimean Tatars and pro-Ukrainian activists. Moreover, on 26 February 2021, President Zelenskyy signed the Decree 78/2021, “On certain measures, aimed at de-occupation and reintegration of the temporarily occupied territory of the Autonomous Republic of Crimea and the city of Sevastopol”. This decree established the organising committee of the inauguration summit of the Crimean Platform. Also, this decree contains tasks for the National Defence

14 Data of the Ministry of Social Policy of Ukraine provided in letters addressed to the Mission of the President of Ukraine in the Autonomous Republic of Crimea.

and Security Council of Ukraine to develop a strategy of de-occupation and reintegration of the temporarily occupied territories of the Autonomous Republic of Crimea and the city of Sevastopol and for the cabinet of ministers of Ukraine to develop the 2022–2032 strategy of the development of the Crimean Tatar language and to adopt the Crimean Tatar Latin-based alphabet. Ukraine is ready to work hard on the path to de-occupation and reintegration of the Autonomous Republic of Crimea and the city of Sevastopol and citizens residing there. We will never forget them and their resistance to the occupation.

Anton Korynevych, PhD, is a Permanent Representative of the President of Ukraine in the Autonomous Republic of Crimea. He is head of the Mission of the President of Ukraine in the Autonomous Republic of Crimea, a state authority currently based in Kyiv and Kherson. Dr. Korynevych holds a PhD in international law and graduated from the Institute of International Relations of Taras Shevchenko National University of Kyiv.

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