

# UA: UKRAINE ANALYTICA

Issue 1 (23), 2021

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## Crimea

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### Publisher:

Published by NGO "Promotion of Intercultural Cooperation" (Ukraine), Centre of International Studies (Ukraine), with the financial support of the Representation of the Friedrich Ebert Foundation in Ukraine, the Black Sea Trust.

**UA: Ukraine Analytica** is the first Ukrainian analytical journal in English on International Relations, Politics and Economics. The journal is aimed for experts, diplomats, academics, students interested in the international relations and Ukraine in particular.

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ISSN 2518-7481

500 copies

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# CIVIL SOCIETY IN OCCUPIED CRIMEA: A FIGHT FOR THE RIGHTS

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***The annexation of Crimea in 2014 brought about many internal problems. The laws and rules established by the Russian Federation in Crimea have significantly complicated NGOs' work and, in some places, even made it impossible for them to operate. New human rights movements have emerged in response to the Kremlin's aggressive policy toward ethnic and religious minorities, as well as toward ordinary citizens who opposed the establishment of the Russian regime. The purpose of this paper is to establish the real state of development of the civil society in Crimea and to describe the conditions in which it has to operate.***

## Introduction

The life of Crimeans has changed after the Russians occupied the peninsula. The new regime has gradually consumed all areas of Crimean life, including civil activity. Legislation restricting the activities of human rights organisations, constant violation of the rights of ethnic and religious minorities, the rejection of the pro-Ukrainian position, and the arbitrary detention of civil activists by law enforcement authorities became a point of departure for civil society and organisations in Crimea.

According to the Civil Society Organization Sustainability Index (CSOSI), the sustainability of Russia's civil society organisations (CSOs) has been constantly falling since 1997. Today this indicator has dropped to a critical score of 4.7 (out of 7, where 7 is "very low" and 1 is "very high"). In 2019, Russia overtook only Azerbaijan and Belarus in the Eastern European region

(which have 5.7 and 5.5 points respectively). These trends have also become relevant for occupied Crimea. For comparison, the indicator of sustainability of CSOs in Ukraine in 2019 was 3.2 (average sustainability of CSOs, close to "high")<sup>1</sup>.

The civil movement in Crimea since the Russian occupation can be divided into two types:

- official public associations and movements registered according to the norms of the occupying authorities of the Russian Federation;
- opposition civil movements, mostly unregistered, which are oppressed by the Russian authorities.

Due to the fact that registration of organisations not loyal to the occupying power is almost impossible, this article will consider both officially registered associations and informal movements

1 *Russia and Ukraine on the Interactive Map*, Civil Society Organization Sustainability Index, [<https://csosi.org/>].

aimed at protecting the rights and interests of various groups of people. The focus of the paper will be mostly on human rights organisations and movements.

## Legal Environment of Crimean Civil Society

According to the CSOSI, the legal environment has become one of the indicators of sustainability of Russian CSOs. It has been worsening, particularly in the recent five years. Today there is a steady increase, with a change from 5.6 in 2015 to 6.1 in 2019. One of the reasons is a growing number of laws restricting the activities of civil society and especially organisations dealing with the protection of human rights, environment, and public interests. Unfortunately, these restrictions also remain relevant for Crimea.

Legislation governing the activities of civil society in Russia and imposed by the occupation authorities in Crimea includes:

- The federal law of 12.01.1996 No. 7-FZ “On non-profit organisations”;
- The federal law of 19.05.1995 No. 82-FZ “On public associations”, which was supplemented by the “Foreign Agent” law in 2012 on the inclusion of organisations that receive funding from abroad in a special register of “foreign agents”;
- The “Undesirable Organisations” law (officially the federal law of 23.05.2015 No. 129-FZ “On amendments of some legislative acts of the Russian Federation”);
- Amendments from 2017 to the laws on media and information, allowing foreign media organisations to be classified as “foreign agents” (*Radio Liberty* came under this law in 2019).

Most of the special laws are aimed at limiting activities of CSOs that act contrary to the Russian state policy of restricting the rights and freedoms of people.

According to the Ministry of Justice of the Russian Federation<sup>2</sup>, from the beginning of the occupation until 14 January 2021, 1,154 public organisations, 10 civil movements, 799 religious organisations, 295 trade unions, 157 non-profit foundations, including charitable foundations, and 86 national and cultural autonomies were registered in Crimea.

It should be noted that public organisations created during this period operate mostly in military-patriotic (organisations of veterans, the war-disabled, patriotic education) and sports areas. This trend is relevant for the new youth organisations created during the period of occupation. Russia’s direct support of such organisations makes them a mechanism of local propaganda. Only nine organisations are involved in human rights activities among all the NGOs.

A rather unique phenomenon of non-profit organisations (NPOs) in Russia is the Cossack community. Their NPO unites the associations of ethnic minorities that provide self-organisation and public service. Sixty-six Cossack communities have been registered during the period of occupation in Crimea. According to *Krym.Realii*, these organisations took part in the occupation of the peninsula as a paramilitary formation. Thus, it is difficult to classify them as civil society organisations.

## Post-Annexation Activism

After the annexation of Crimea in 2014, numerous movements have been created by the Crimean Tatars to protect their interests. Russian authorities actively try to

2 *Information about Registered Non-profit Organizations*, Information portal of the Ministry of Justice of the Russian Federation [<http://unro.minjust.ru/NKOs.aspx>].

suppress their activities. Arrests of activists, harassment, and bans on assembly, control of freedom of speech, and other violations have become regular.

The most popular Tatar movement is Crimean Solidarity, established in 2016. This movement arose in response to illegal detentions and to protect victims of political repression. Crimean Solidarity unites relatives of political prisoners, civic activists, independent media, and bloggers, as well as lawyers and human rights activists. Its members provide support and legal advice to “at-risk groups” who are under particular pressure from the occupation authorities. The lawyers of Crimean Solidarity also pay special attention to the release of political prisoners and to countering discrimination, inter-confessional and religious strife. The Russian authorities regularly persecute members of this movement. For example, 32 criminal cases were brought against Crimean Solidarity activists in 2019.

Another important element of Tatar activism in Crimea is the Mejlis of the Crimean Tatar people, a representative body of the Crimean Tatars, which was established in 1991. The Mejlis opposed the annexation of Crimea by Russia and was put in Russia’s registry of terrorist organisations and banned in 2016.

In 2014, the Mejlis gathered a mass rally near the Crimean parliament to counter the illegal change of power on the peninsula. After that, the Russian authorities banned the new head of the Mejlis Refat Chubarov and former head Mustafa Dzhemilev from entering Crimea. Moreover, a number of leaders of the Mejlis were prosecuted. Today this institution supports the Crimean Tatar National Movement, and its members represent the Tatar position of Ukrainian Crimea in the parliament and internationally.

In 2018, bloggers and activists created a new civil movement, Vilnyy Krym (Free Crimea). The main goal of this movement is to oppose

the curtailment of freedom of speech and to protect the interests of independent media. The movement is not based on the protection of a particular ethnic group, but includes all interested representatives. Vilnyy Krym regularly holds events on information dissemination and media literacy.



***After the annexation of Crimea in 2014, numerous movements have been created by the Crimean Tatars to protect their interests. Russian authorities actively try to suppress their activities***

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All above-mentioned organisations cooperate with Ukrainian CSOs and the government. They help Ukrainian and international platforms to cover current events in Crimea. Of course, their activities are not enough to fully combat all violations occurring on the peninsula. However, without their efforts, there would not have been the small victories that the civil society of Crimea is achieving to protect its people.

### **Review of Human Rights Violations in Occupied Crimea**

As was mentioned before, human rights violations have become an ordinary practice of the Russian self-proclaimed authorities. Both Ukrainian and international organisations, including the United Nations, record such human rights violations. For example, the UN secretary-general annually issues reports on the “Situation of human rights in the Autonomous Republic of Crimea and the city of Sevastopol, Ukraine”, where human rights violations are recorded. Annual and monthly reports of CrimeaSOS are also a valuable source of detailed information about the state of human rights in Crimea.

According to CrimeaSOS data, during almost seven years of the Russian occupation of Crimea, 44 people have been victims of enforced disappearances on the peninsula. The fate and whereabouts of 15 of them are still unknown<sup>3</sup>. In addition, during the period of the Russian occupation of Crimea, at least 138 people have been prosecuted for political reasons. Some 119 of them have been imprisoned for various terms<sup>4</sup>.

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***In the context of illegal criminal prosecution, the problem of non-provision of medical assistance to political prisoners with serious illnesses requiring urgent medical intervention and threatening their life and health is extremely acute, especially during the coronavirus pandemic***

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In recent years, the occupation authorities in Crimea have continued to use repressive policies against “disloyal” groups of the population. Activists who assist victims of political repression and report the illegal actions of the Russian security officers on social media are persecuted.

The use of administrative legislation to combat civilians disloyal to the occupation authorities, as well as the use of torture to recruit for cooperation with the Russian secret services, is increasingly becoming widespread. In response to the intensification of administrative persecution, the Crimean

Tatar community created the Crimean Marathon initiative in 2017 to raise funds for paying fines for civil activists.

Along with a number of administrative sentences, the occupation authorities are initiating criminal cases against Crimean Tatar civil and religious activists, persons with pro-Ukrainian views, and those who express their position on social networks. In 2019, the biggest number of criminal cases was recorded against Crimean Tatars since the beginning of the occupation. As a result, today 70% of all political prisoners in Crimea are Crimean Tatars. Courts controlled by the Russian Federation sentence them to up to 19 years in prison on fabricated cases and on charges of crimes that had not been committed. Those who have served their sentences are subjected to lengthy administrative supervision, which severely restricts their rights, including a ban on leaving Crimea without special permission and the obligation to register with special bodies twice a month. The occupying authorities are deporting political prisoners to Russia to complicate the access to them for lawyers and family members.

The practice of “group cases” is actively used, when charges are brought against several persons at once. The most infamous are the “Hizb ut-Tahrir” case, the “Tablighi Jamaat” case, and the so-called “Extortion case”. The main reason for the arrests is designated as participation in the activities of banned and terrorist organisations. About 70 people in Crimea have been detained under this article, although the charges are largely fabricated<sup>5</sup>.

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3 *Enforced Disappearances in Crimea during the Period of Occupation by the Russian Federation in 2014-2020*, KrymSOS [<https://krymsos.com/files/d/e/de39035-----pdf>].

4 *Detention Conditions of Crimean Political Prisoners: Overview of Cases*, KrymSOS [<https://krymsos.com/files/9/2/92485e8-365b7e0-----1-.pdf>].

5 *The Hizb ut-Tahrir Case*, Crimean Solidarity [<https://crimean-solidarity.org/cases/delo-xizb-uttaxrir-14>].

In the context of illegal criminal prosecution, the problem of non-provision of medical assistance to political prisoners with serious illnesses requiring urgent medical intervention and threatening their life and health is extremely acute, especially during the coronavirus pandemic. Moreover, the occupying authorities of the Russian Federation are massively inoculating the population of Crimea from COVID-19 with a vaccine that has not received World Health Organisation approval.

The oppression of religious organisations and violations of the right to peaceful assembly are also a serious problem on the peninsula. In recent years, cases of persecution of representatives of Jehovah's Witnesses, Muslims (in particular those involved in the Hizb ut-Tahrir cases), and the community of the Orthodox Church of Ukraine (OCU) have become more frequent.

The local government controlled by the Russian Federation regularly refuses representatives of the Muslim community of Crimea to hold religious holidays, and also intimidates them with warnings about violating anti-extremist legislation. The occupation authorities impede the activities of the Orthodox Church of Ukraine in Crimea, having unjustifiably evicted it from the premises of the cathedral in Simferopol and initiated the demolition of the cathedral in Yevpatoria. As a result, members of the Ukrainian Orthodox community in these cities are deprived of the right to profess and practice religion. At the end of 2019, out of 25 priests of the OCU who were in Crimea before the occupation, only five remained. The rest were forced to move to mainland Ukraine due to the pressure on them and their families.

Another trend that began to be clearly seen since 2017 involves illegal detentions followed by the use of torture in order to recruit for cooperation with the special services of the Russian Federation. During forcible confinement, the victims are subjected to torture with electric shocks, beatings, death threats, psychological pressure, etc. By torture, they are persuaded to transmit information about the life of local Crimean Tatar and Muslim groups and communities. The fact that the cases have taken place in different regions of Crimea and followed the same pattern indicates that these are not local "excesses", but a planned and systematic policy.

Violation of rights of sexual minorities by the occupation authorities in Crimea is quite frequent. These are, in particular, actions based on homophobia, discrimination, violation of the right to peaceful assembly. The Federal Security Service, local police, and radical right-wing organisations are trying to limit the activities of the LGBTQ+ community by banning the activities of specialised clubs and organisations, as well as through harassment and threats.

Representatives of the Russian border service in occupied Crimea groundlessly detain activists when the latter cross the administrative border between Crimea and mainland Ukraine. FSB and border guard officers are trying to recruit Ukrainian citizens for confidential cooperation with the Russian Federation<sup>6</sup>.

There is a tendency to militarise children's education. Occupation authorities are agitating children to join the ranks of the "Yunarmiya" – a youth military-patriotic movement whose main goals are "to

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6 *FSB Recruits Ukrainians Who Visit Crimea – Counterintelligence*, "UkrInform.ua" [<https://www.ukrinform.ua/rubric-crimea/2811317-fsb-verbue-ukrainciv-aki-vidviduut-krim-kontrrozvidka.html>].

increase the prestige of military service and preserve patriotic traditions". Thus, a patriotic attitude toward the occupying state is forcibly implanted among Crimean children.

In addition, the occupation authorities deprive Crimeans of the right to receive education in their native language. The number of students studying in the Ukrainian and Crimean Tatar languages is constantly decreasing. As of the end of 2019, only 250 children were receiving school education in Ukrainian, and 6,000 children in Crimean Tatar. Thus, Crimea is going through forced russification.

The Russian Federation violates the rights of Crimeans to free access to information. Providers in occupied Crimea are blocking 18 Ukrainian information websites and two social networks (LinkedIn and Telegram).

At the same time, human rights violations in Crimea go far beyond persecution for political or ethnic reasons: A large number of residents of the north of the peninsula suffered from chemical emissions in Armyansk in August 2018. The Russian authorities are hiding real information about this incident and its consequences from the population. Moreover, since August 2020, the population of some regions of Crimea has had no free access to fresh water<sup>7</sup>.

### **Support by Ukrainian Organisations**

A number of organisations in Ukraine deal directly with Crimean issues. The first group of organisations includes CrimeaSOS, Crimean Human Rights Group, Crimean Tatar Resource Centre, Crimean project-educational platform Q-Hub, etc. All of them have been created as a reaction to the illegal actions of the Russian Federation in Crimea and are aimed at monitoring human rights

on the peninsula, working with migrants, and engaging in international advocacy.

The human rights organisation ZMINA, the Ukrainian Helsinki Human Rights Union, the Centre for Civil Liberties, and the Media Initiative for Human Rights are also engaged in Crimean issues by examining human rights violations. The media that cover the problems of occupied Crimea are also worth mentioning. *Krym.Realii* is a Crimean project of the Ukrainian office of *Radio Svoboda*, which was created in 2014 immediately after the occupation of the peninsula. In 2015, the same team created *Radio Krym.Realii*. Information centre QirimInfo, created by the CrimeaSOS organisation, covers events in Crimea. Other independent media with "Crimean roots" are the Crimean News Agency (QHA) and ATR TV channel.

Constant attention of the civil society in Ukraine to the issue of occupied Crimea allows keeping the urgency of this issue both within the country and at the international level. In addition, human rights activities by CSOs help victims of the Kremlin regime on the peninsula to find help and support in difficult situations, from finding a lawyer to providing asylum.

International institutions such as the United Nations, the International Migration Organisation, and Amnesty International support the activities of Ukrainian organisations. This creates the conditions for an effective fight against illegal actions and crimes against people and their freedom.

### **Conclusion**

By looking at the whole range of offenses taking place in Crimea and the meagre number of internal organisations and movements that are trying to fight them, several central problems can be identified.

<sup>7</sup> *Overview of the Situation in Crimea for 2020*, KrymSOS [<https://krymsos.com/files/7/f/7fd8a44-----ru.pdf>].

The first problem is that civil activism is not supported by the occupying power, but is suppressed in every possible way. Human rights organisations and movements cannot officially register, which could give them more rights under the Russian law. In addition, there are ongoing arrests of activists for various reasons.

The second problem is Russia's restriction of human rights organisations' access to support from Ukraine and international partners. This is evidenced by the ban on activists traveling from or to Crimea, restrictions on obtaining foreign funding by CSOs, and the forcible transfer of activists under investigation to Russia to minimise external interference.

And while the existing problems often lead to the creation of new informal human rights movements, this is rather a negative result.

Such arbitrariness on the part of the Russian authorities with regard to the civil sector and its deplorable results should be indicative also for Ukraine. Ukraine, for its part, must continue to actively cover the human rights situation in Crimea, involving the international community in this issue to increase pressure on Russia.

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ANALYTICA

Issue 1 (23), 2021

ISSN 2518-7481