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Promotion and protection of human rights: human rights situations and reports of special rapporteurs and representatives

Situation of human rights in the Autonomous Republic of Crimea and the city of Sevastopol, Ukraine

Report of the Secretary-General

Summary

The present report is submitted pursuant to General Assembly resolution [73/263](#), in which the Assembly requested the Secretary-General to report at its seventy-fourth session on the progress made in the implementation of that resolution, including options and recommendations to improve its implementation.

* [A/74/150](#).



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I. Introduction

1. The present first report of the Secretary-General on the situation of human rights in the Autonomous Republic of Crimea and the city of Sevastopol, Ukraine, is submitted pursuant to General Assembly resolution [73/263](#), in which the Assembly requested the Secretary-General to report at its seventy-fourth session on the progress made in the implementation of that resolution, including options and recommendations to improve its implementation.
2. The report is based on the information collected by the Office of the United Nations High Commissioner for Human Rights (OHCHR) in line with General Assembly resolutions [68/262](#), in which the Assembly affirmed the territorial integrity of Ukraine, within its internationally recognized borders, and [71/205](#), [72/190](#) and [73/263](#).
3. The present report provides information on the progress made in the implementation of resolution [73/263](#) up to 30 June 2019. In line with the General Assembly resolutions, the present report refers to “the Autonomous Republic of Crimea and the city of Sevastopol, Ukraine, temporarily occupied by the Russian Federation” as “Crimea” and takes into account, inter alia, the Assembly’s call on the Russian Federation “[t]o uphold all of its obligations under applicable international law as an occupying Power”.

II. Methodology

4. In its resolution [73/263](#), the General Assembly requested the Secretary-General to seek ways and means, including through consultations with the United Nations High Commissioner for Human Rights and relevant regional organizations, to ensure safe and unfettered access to Crimea by established regional and international human rights monitoring mechanisms, in particular the human rights monitoring mission in Ukraine. With the objective of implementing the resolution, on 5 March 2019, OHCHR transmitted a note verbale to the Russian Federation seeking its cooperation to conduct a mission in Crimea. In its reply, the Russian Federation expressed “principled non-acceptance” of the Assembly resolutions “on Crimean and Ukrainian issues” but noted that it was willing to host missions undertaken “in full compliance with the procedures applied for visiting the territory of the Russian Federation”.
5. Given those conditions, OHCHR was not in a position to conduct a mission to Crimea in line with General Assembly resolution [73/263](#). The present report is therefore limited to information collected through remote monitoring conducted by OHCHR through the human rights monitoring mission in Ukraine. That mission has worked in Ukraine continuously since 2014. Some of the information it collected derives from direct interviews with victims and witnesses of alleged human rights violations and abuses in Crimea. The Mission verifies allegations by interviewing other stakeholders (including relatives of victims, witnesses and lawyers), collecting and corroborating documents, meeting Government officials of Ukraine and analysing information obtained from sources from the Russian Federation. The Mission also analyses the human rights impact of legislation of Ukraine and of the Russian Federation in relation to Crimea.

6. Unless otherwise specified, the information presented in the present report was documented and verified by the mission, according to OHCHR methodology.¹ The information was verified when an ordinarily prudent observer would have reasonable grounds to believe that the facts took place as described. OHCHR is committed to protecting its sources and systematically assesses the potential risks of harm and retaliation that those interviewed may face. The Secretariat was guided by the relevant rules of international humanitarian law and international human rights law in preparing the present report.

7. In a further effort to ensure implementation of resolution 73/263, OHCHR transmitted notes verbales on specific human rights issues to the Governments of Ukraine and the Russian Federation. The Government of Ukraine provided information on Ukrainian citizens detained in Crimea and detainees transferred from Crimea to the Russian Federation.² The Government of the Russian Federation did not provide the information that OHCHR requested. OHCHR also sent requests for information to regional organizations (including the Council of Europe and the Organization for Security and Cooperation in Europe) and the International Committee of the Red Cross. A substantial response from the above-mentioned organizations has not been received as yet.

III. Civil and political rights

A. Right to nationality

8. The automatic granting of citizenship by the occupying Power can have a negative impact on the enjoyment of rights that are inextricably linked to citizenship, particularly freedom of movement and residence rights.³

9. According to the information collected by OHCHR, the Russian Federation automatically extended Russian Federation citizenship to all Ukrainian citizens and stateless persons who resided in Crimea on a permanent basis.⁴ The authorities of the Russian Federation determined permanent residency on the basis of a residency registration stamp in the Ukrainian passport. An exception applied to persons who, within a period of one month, rejected citizenship of the Russian Federation in writing. OHCHR has, however, documented cases of Crimean residents who rejected such citizenship but subsequently discovered they were considered to be citizens of the Russian Federation despite not holding passports from the Russian Federation.

10. Residents of Crimea whose rejection of citizenship of the Russian Federation was accepted by the authorities, as well as those who did not qualify because they were registered elsewhere in Ukraine, were considered by the Russian Federation as having assumed the status of foreigners under the laws of the Russian Federation. That meant they could no longer permanently reside in Crimea and faced the risk of

¹ See Office of the United Nations High Commissioner for Human Rights (OHCHR), *Training Manual on Human Rights Monitoring* (2001), available at <https://www.ohchr.org/Documents/Publications/training7Introen.pdf> (currently under revision, with updated chapters available at <http://www.ohchr.org/EN/PublicationsResources/Pages/MethodologicalMaterials.aspx>).

² See sect. III.E below, on the rights of detainees.

³ Article 45 of the 1907 Regulations respecting the Laws and Customs of War on Land (Hague Regulations), which provide that “[i]t is forbidden to compel the inhabitants of occupied territory to swear allegiance to the hostile Power”, may also be relevant.

⁴ See art. 5 of the law of the Russian Federation “On the Accession of the Republic of Crimea into the Russian Federation and the Creation of New Federal Subjects – the Republic of Crimea and the City of Federal Significance Sevastopol” (21 March 2014).

deportation.⁵ Without a residence permit,⁶ people have limited access to social security and public services.⁷

B. Administration of justice and fair trial rights

11. International humanitarian law requires the occupying Power to take all measures in its power to restore, and ensure, as far as possible, public order and safety, while respecting, unless absolutely prevented, the laws in force in the country.⁸ It further provides that the penal laws of the occupied territory shall remain in force, with the exception that they may be repealed or suspended by the occupying Power in cases where they constitute a threat to its security or an obstacle to the Geneva Convention relative to the Protection of Civilian Persons in Time of War (Fourth Geneva Convention), and provides that the occupying Power may, however, subject the population of the occupied territory to provisions that are essential to enable the occupying Power to fulfil its obligations under the Convention, to maintain the orderly government of the territory and to ensure the security of the occupying Power, of the members and property of the occupying forces or administration, and likewise of the establishments and lines of communication used by them.⁹ International human rights law and international humanitarian law provide guarantees of fair trial rights, enjoyed by any person facing criminal charges. These include the presumption of innocence, the right to defend oneself or to be assisted by legal counsel of one's own choice, the right to trial without undue delay, the right to a hearing by an independent and impartial tribunal and the right to appeal.¹⁰

12. Shortly after the “referendum”¹¹ in March 2014, authorities of the Russian Federation repealed Ukrainian penal legislation on the peninsula and requalified the criminal sentences of all pre-conflict detainees in accordance with the criminal law of the Russian Federation.

13. According to information received by OHCHR, the laws of the Russian Federation designed to fight terrorism, extremism and separatism have sometimes been applied to acts committed pre-conflict.¹²

⁵ See sect. VI below, on population transfers.

⁶ The procedure for seeking a permanent residency permit is marked by constraints, with no guarantee that a permit will be obtained.

⁷ See OHCHR, “Situation of human rights in the temporarily occupied Autonomous Republic of Crimea and the city of Sevastopol (Ukraine)”, issued pursuant to General Assembly resolution 71/205 and covering from 22 February 2014 to 12 September 2017 (hereinafter “OHCHR first report on Crimea”), paras. 61–70, available at http://www.ohchr.org/Documents/Countries/UA/Crimea2014_2017_EN.pdf.

⁸ See art. 43 of the Hague Regulations.

⁹ See Geneva Convention relative to the Protection of Civilian Persons in Time of War (Fourth Geneva Convention), art. 64.

¹⁰ See International Covenant on Civil and Political Rights, arts. 14 and 15; European Convention on Human Rights and Fundamental Freedoms, art. 6; Fourth Geneva Convention of 1949, arts. 67–77; and Protocol additional to the Geneva Conventions of 12 August 1949, and relating to the protection of victims of international armed conflicts (Protocol I), art. 75.

¹¹ Following the dismissal of the Government of Crimea on 27 February 2014, a “referendum” on Crimea’s “incorporation” into the Russian Federation was held on 16 March 2014. The “referendum” was declared invalid by the Government of Ukraine, as well as by the General Assembly of the United Nations, which stated that the referendum, “having no validity, cannot form the basis for any alteration of the status of the Autonomous Republic of Crimea or of the city of Sevastopol” (General Assembly resolution 68/262, para. 5). See also OHCHR first report on Crimea, paras. 5, 24 and 28.

¹² See International Covenant on Civil and Political Rights, art. 15; Fourth Geneva Convention, art. 70; and Additional Protocol 1 to the Geneva Conventions of 12 August 1949, art. 75.

14. OHCHR notes that defence lawyers in cases of alleged extremism and terrorism reported numerous violations of fair trial rights. OHCHR also notes that, in some cases, authorities of the Russian Federation in Crimea exerted pressure on defendants to coerce them to waive their privately hired lawyers in exchange for a lenient sentence or release from custody.¹³

15. According to information gathered by OHCHR, lawyers who defend cases of alleged extremism and terrorism in Crimea, human rights defenders and civic activists face the risk of deliberate hindrance, disbarment, harassment by the authorities of the Russian Federation in Crimea and, in some cases, detention.¹⁴

C. Rights to life, liberty and security

16. No one must be deprived of liberty except on such grounds and in accordance with such procedures as are established by law.¹⁵ According to the Human Rights Committee, the prohibition of abductions and unacknowledged detention is absolute and not subject to derogation.¹⁶ Enforced disappearance is generally defined as the arrest, detention, abduction or any other form of deprivation of liberty by agents of the State or by persons or groups of persons acting with the authorization, support or acquiescence of the State, followed by a refusal to acknowledge the deprivation of liberty or by concealment of the fate or whereabouts of the disappeared person, which place such a person outside the protection of the law.¹⁷ States concerned are expected to investigate every enforced disappearance with the aim of bringing perpetrators to justice.¹⁸

17. OHCHR has identified 42 victims (38 men and 4 women) of enforced disappearance in Crimea since March 2014. As at 30 June 2019, 28 had been released after being abducted or detained illegally; 2 were being held in custody, 11 were still missing and one had been found dead.¹⁹ The victims include pro-Ukrainian activists, affiliates of Crimean Tatar institutions and journalists. The majority of disappearances (24 men and 4 women) occurred in 2014, with allegations of involvement of the Crimean self-defence²⁰ in most cases. For cases that occurred between 2015 and 2018, the involvement of the Federal Security Service of the Russian Federation (FSB) was most frequently cited. As far as OHCHR is aware, the “authorities” in Crimea have not brought to justice any individual in cases identified as enforced disappearances.²¹

¹³ See OHCHR, “Report on the situation of human rights in the temporarily occupied Autonomous Republic of Crimea and the city of Sevastopol (Ukraine), 13 September 2017 to 30 June 2018”, issued pursuant to General Assembly resolution 72/190 (hereinafter “OHCHR second report on Crimea”), para. 21, available at https://www.ohchr.org/Documents/Countries/UA/CrimeaThematicReport10Sept2018_EN.pdf.

¹⁴ OHCHR documented no fewer than three cases in which human rights defenders or civic activists were detained on criminal charges. See, for example, OHCHR report on the human rights situation in Ukraine, 16 November 2018–15 February 2019, paras. 104–106.

¹⁵ See Universal Declaration of Human Rights, art. 9; and International Covenant on Civil and Political Rights, art. 9 (1).

¹⁶ See Human Rights Committee, general comment No. 29 (2001) on states of emergency (article 4), para. 13.

¹⁷ See International Convention for the Protection of All Persons from Enforced Disappearance, art. 2.

¹⁸ See Declaration on the Protection of All Persons from Enforced Disappearance, arts. 13 and 14; and European Court of Human Rights, *Yaşa v. Turkey*, judgment of 2 September 1998, para. 114.

¹⁹ This refers to the killing of a Crimean Tatar activist. See OHCHR, “Accountability for killings in Ukraine from January 2014 to May 2016”, paras. 119–121.

²⁰ The term commonly used to refer to the “people’s militia”, a local paramilitary formation created on 23 February 2014. See OHCHR first report on Crimea, paras. 3 and 86.

²¹ For a more comprehensive overview, see OHCHR second report on Crimea, paras. 32–35.

18. OHCHR documented numerous accounts of arbitrary arrests, usually preceded by house raids and searches conducted by police and FSB. From 1 January 2017 to 30 June 2019, OHCHR recorded 186 searches, 140 of which concerned homes, private businesses or meeting places of Crimean Tatars.²² In some of these cases, individuals were reportedly detained without formal charges being brought against them or respecting procedural guarantees.²³ In nearly all cases of arbitrary arrest documented by OHCHR, “authorities” in Crimea and the Crimean self-defence allegedly resorted to torture, ill-treatment and the extraction of false confessions.

D. Right to physical and mental integrity

19. International human rights law²⁴ and international humanitarian law²⁵ explicitly prohibit torture and cruel, inhuman or degrading treatment (hereinafter “ill-treatment”). This prohibition is absolute and can never be limited, suspended or repealed.²⁶ International human rights law requires that the competent authorities proceed to a prompt and impartial investigation, wherever there is reasonable ground to believe that an act of torture has been committed in any territory under the jurisdiction of the State concerned.²⁷

20. OHCHR received information alleging torture and ill-treatment of individuals deprived of their liberty before and after their admission in places of detention in Crimea. The majority of victims were men. According to OHCHR, such individuals were usually charged with extremism, affiliation with groups banned in the Russian Federation, sabotage or “anti-Russian” activities.

21. In nearly all accounts received by OHCHR, torture was used to obtain a confession of the victim’s engagement or plans to engage in unlawful activities, or to elicit incriminating information regarding other individuals.²⁸ In those reports verified by OHCHR, perpetrators resorted to various forms of torture and ill-treatment, including mock executions, beatings and electric shocks, as well as sexual violence.

22. OHCHR does not have access to official information on criminal investigations and prosecutions against members of FSB, the “police force” in Crimea or the Crimean self-defence believed to have been involved in cases of torture or ill-treatment in Crimea. Based on the information received by OHCHR, it appears that criminal investigations have not been launched systematically even in cases where victims made credible complaints of torture or ill-treatment supported by medical evidence or personal details regarding the alleged perpetrators.²⁹ While OHCHR is aware of some cases in which investigations were initiated, no alleged perpetrators have been brought to justice.

²² OHCHR recorded 56 searches in 2017, 63 in 2018 and 39 during the first half of 2019.

²³ See, for example, OHCHR report on the human rights situation in Ukraine, 16 May–15 August 2017, para. 135.

²⁴ See Universal Declaration of Human Rights, art. 5; International Covenant on Civil and Political Rights, arts. 7 and 10; Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; and European Convention on Human Rights, art. 3.

²⁵ See Fourth Geneva Convention, art. 32; Additional Protocol I to the Geneva Conventions of 12 August 1949, art. 75 (2); and International Committee of the Red Cross, Customary IHL, rule 90.

²⁶ See International Covenant on Civil and Political Rights, art. 4 (2); and Convention against Torture, arts. 2 (2) and (3).

²⁷ See Convention against Torture, art. 12; and European Court of Human Rights, and *Afanasyev v. Russia*, judgment of 5 April 2005, application No. 38722/02, para. 69.

²⁸ See OHCHR report on the human rights situation in Ukraine, 16 August–15 November 2017, para. 138.

²⁹ See OHCHR second report on Crimea, paras. 24–25.

E. Rights of detainees

23. The Russian Federation considers that, pursuant to the application of the laws of the Russian Federation in Crimea, four Ukrainian penal institutions located in Crimea have been “integrated” into the penitentiary system of the Russian Federation. According to OHCHR, this has affected pre-conflict prisoners in Crimea, some of whom have been transferred to penal colonies in the Russian Federation. OHCHR also verified cases of detainees remaining in Crimea who faced inhuman conditions of detention, ill-treatment and inadequate medical assistance.

24. The number of detainees in Crimea dropped to 2,575 in 2018 from 3,295 in 2014. OHCHR collected first-hand information suggesting that the vast majority of the prison population in Crimea was automatically considered by the “authorities” in Crimea as citizens of the Russian Federation. According to statistics of the Russian Federation, 18 prisoners have managed to comply with a formal opt-out procedure rejecting its citizenship.³⁰

1. Detainees in Crimea

25. According to international human rights law, all persons deprived of their liberty shall be treated with humanity and with respect for the inherent dignity of the human person³¹ and should be held in places which meet the international standards for material conditions of detention.³²

26. OHCHR received complaints from some former detainees alleging detention conditions which could potentially amount to inhuman or degrading treatment.³³ The only pretrial detention facility in Crimea is reportedly severely overcrowded. In 2018, pretrial detention centre No. 1 in Simferopol had an average of 1,349 inmates compared with a capacity of 747. Similar levels of overcrowding were reportedly observed in previous years.³⁴

27. OHCHR also received information alleging that prisoners had not received adequate medical assistance. In the majority of documented cases, prison officials are alleged to have either ignored the health needs of detainees or not provided effective medical assistance.³⁵ OHCHR noted that the Russian Federation had previously acknowledged “enormous problems” in diagnosing medical problems and providing medical assistance in detention. OHCHR notes that, according to information publicly available but not independently verified, during the past two years, 27 individuals are thought to have died in places of detention in Crimea.³⁶

2. Detainees transferred from Crimea to the Russian Federation

28. International humanitarian law prohibits individual or mass forcible transfers, as well as deportations of protected persons, from occupied territory to the territory

³⁰ Report of the High Commissioner for Human Rights in the Russian Federation (2014), p. 100, available at <http://ombudsmanrf.org/www/upload/files/docs/appeals/doklad2014.pdf>.

³¹ See International Covenant on Civil and Political Rights, art. 10 (1).

³² United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules) (General Assembly resolution 70/175, annex).

³³ These include allegations of overcrowding, limited access to daylight and inadequate sanitary conditions.

³⁴ The prison population of pretrial detention centre No. 1 in Simferopol was 1,066 in March 2014 and 1,532 in December 2015.

³⁵ See, for example, OHCHR report on the human rights situation in Ukraine, 16 February–15 May 2017, paras. 146–152.

³⁶ Fourteen people reportedly died in detention in 2017 (including one from suicide) and 13 in 2018 (including four owing to asphyxia).

of the occupying Power, or to that of any other country, occupied or not, regardless of their motive.³⁷ Protected persons accused of offences shall be detained in the occupied territory and, if convicted, they shall serve their sentences therein.³⁸

29. OHCHR obtained and verified information concerning the transfer of prisoners from Crimea to penitentiary institutions across the Russian Federation to face trial or serve prison sentences, including in Rostov-on-Don, Novorossiysk, Volgograd, Bataysk, Tambov, Kirovo-Chepetsk, Nizhny Novgorod and Vladimir. Some detainees were reportedly placed in remote prisons, which can negatively impact the frequency of visits by lawyers and family members.

30. In several cases verified by OHCHR, requests from detainees to meet with Ukrainian consular officers were rejected, on the basis that their “Russian citizenship” prevailed under the law of the Russian Federation. OHCHR received accounts of alleged intimidation, harassment and inadequate medical assistance being provided to prisoners transferred from Crimea to the Russian Federation.³⁹ OHCHR has verified that, since 2014, 12 pre-conflict Ukrainian detainees (11 men and 1 woman) previously transferred to the Russian Federation have returned to Ukraine as a result of cooperation between the ombudspersons of the Russian Federation and Ukraine. Despite repeated calls from OHCHR, the Russian Federation has not publicly disclosed the number of detainees transferred from Crimea to the Russian Federation.

F. Freedom of thought, conscience and religion

31. International human rights law guarantees to everyone the right to freedom of thought, conscience and religion. This right includes freedom to have or to adopt religion or belief of one’s choice and freedom, either individually or in community with others and in public or private, to manifest one’s religion or belief in worship, observance, practice and teaching, subject to the limitations specified in international human rights law.⁴⁰ International humanitarian law also provides that protected persons are entitled to respect for their religious convictions and practices.⁴¹

32. OHCHR notes that, since 2014, religious communities in Crimea have been obliged to register under the laws of the Russian Federation in order to retain legal status and operate freely. This requirement has reportedly led to a drop in the number of registered religious organizations.⁴² Some communities, including the Ukrainian Orthodox Church of the Kyiv Patriarchate, chose not to register and have been considered by the “authorities” in Crimea as having lost their legal status in Crimea. This led, inter alia, to the non-recognition of church property by the “authorities” in Crimea.⁴³

33. Religious communities with strong links to churches in other parts of Ukraine, like the Ukrainian Greek Catholic Church, faced obstacles in their attempts to register.⁴⁴ OHCHR notes that, since 2014, several priests from that Church have left

³⁷ See Fourth Geneva Convention, art. 49.

³⁸ *Ibid.*, art. 76.

³⁹ See OHCHR report on the human rights situation in Ukraine, 16 February–15 May 2017, para. 152.

⁴⁰ See International Covenant on Civil and Political Rights, art. 18; see also European Convention on Human Rights, art. 9.

⁴¹ See Hague Regulations, art. 46; Fourth Geneva Convention, art. 27; and Additional Protocol I to the Geneva Conventions of 12 August 1949, art. 75 (1).

⁴² For the exact figures, see OHCHR first report on Crimea, para. 143; and OHCHR second report on Crimea, para. 40.

⁴³ See OHCHR second report on Crimea, para. 41.

⁴⁴ See OHCHR report on the human rights situation in Ukraine, 16 August–15 November 2017, para. 143.

Crimea after receiving physical threats or not meeting requirements for permanent residency under the laws of the Russian Federation.

34. Since the consideration by the “authorities” in Crimea that the congregations of Jehovah’s Witnesses in Crimea had lost their right to operate in 2017 after the Supreme Court of the Russian Federation found the group in breach of its anti-extremism law,⁴⁵ OHCHR received information that the “authorities” in Crimea had reportedly charged and arrested individual members.

35. OHCHR reports that the “authorities” in Crimea have prosecuted perceived sympathizers of *Hizb ut-Tahrir* and *Tablighi Jamaat*, Muslim groups considered to be terrorist and extremist organizations under the laws of the Russian Federation but not under Ukrainian legislation. During the reporting period, OHCHR documented the cases of 67 men charged for offences related to terrorism and/or extremism for alleged affiliation with these groups.

G. Freedoms of opinion and expression

36. The right to hold opinions without interference and the right to freedom of expression, which includes the freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art or through any other media of one’s choice, is guaranteed by international human rights law, subject to the restrictions specified in that law.⁴⁶

37. OHCHR received information alleging that the “authorities” in Crimea applied legislation of the Russian Federation arbitrarily and sometimes selectively brought criminal and administrative charges in ways that undermine freedom of expression in Crimea. OHCHR documented cases of individuals sanctioned and even detained for expressing dissenting views towards authorities of the Russian Federation online, criticizing the occupation of Crimea or distributing content and literature deemed “extremist”, including on social networks.⁴⁷

38. OHCHR has also received credible and consistent accounts from journalists from Crimea, who complained about interference from law enforcement authorities of the Russian Federation in their journalistic activity. In order to avoid repercussions for independent journalistic work, they frequently self-censored, used pseudonyms and filtered their content prior to publication. Ukrainian journalists, as well as public figures who are perceived as critics of Crimea’s occupation, have faced entry bans issued by FSB and were unable to access Crimea to conduct their professional activities.⁴⁸

39. Further concerns over the potential adverse impact on the legitimate exercise of the right to freedom of expression in Crimea were noted by OHCHR following the introduction by the Russian Federation on 18 March 2019 of new laws on the offences of “public insults towards State authorities” and “distribution of false information of public importance”.⁴⁹

⁴⁵ See OHCHR first report on Crimea, para. 144.

⁴⁶ See International Covenant on Civil and Political Rights, art. 19; and European Convention on Human Rights, art. 10.

⁴⁷ Whether or not the content should be deemed “extremist” is determined by reference to the Russian Federation federal list of extremist materials. As at 2 April 2019, the list contained 4,873 entries.

⁴⁸ See OHCHR report on the human rights situation in Ukraine, 16 November 2018–15 February 2019, para. 112.

⁴⁹ Federal laws dd. 18 March 2019 No. 27-Φ3, 28-Φ3, 30-Φ3 and 31-Φ3.

H. Freedoms of peaceful assembly and association

40. International human rights law guarantees the freedoms of peaceful assembly and of association with others, subject to the restrictions specified in international human rights law.⁵⁰

41. According to OHCHR, public events initiated by perceived supporters of Ukrainian territorial integrity or critics of policies of the Russian Federation in Crimea were reportedly prevented and/or prohibited by the “authorities” in Crimea, in ways that might potentially undermine the exercise of the freedoms of peaceful assembly and association. All legal entities wishing to continue their operations in Crimea had to undergo reregistration under the laws of the Russian Federation.⁵¹

42. When assemblies took place without explicit prior authorization, protesters were subjected to administrative prosecution.⁵² For instance, courts in Crimea prosecuted for administrative offenses 80 Muslim men who conducted single-person protests in October 2017 against criminal cases against other Muslims perceived as sympathizers of unauthorized religious groups. The judicial decisions against the protestors offered no evidence that the prosecution was necessary for a legitimate aim allowed under international human rights law.

43. OHCHR also notes that the introduction of legislation of the Russian Federation prohibiting propaganda for “non-traditional sexual relations”, which the “authorities” in Crimea appear to consider as being applicable in Crimea, has effectively denied the lesbian, gay, bisexual, transgender and intersex community in Crimea the possibility of exercising its freedoms of assembly and association, including the rejection by the “authorities” in Crimean municipalities of requests to hold assemblies advocating for the recognition of the human rights of lesbian, gay, bisexual, transgender and intersex individuals.⁵³

44. According to the information obtained by OHCHR, in view of stringent registration requirements and a perceived selective approach on the part of the authorities toward the granting of permission for public events, many civic groups that emerged after 2014 chose not to register, as illustrated by the case of Crimean Solidarity, a civic group that connects Crimean Tatar activists and relatives of detainees. According to OHCHR, the “authorities” in Crimea disrupted private meetings of the group and issued formal warnings to some attendees to refrain from engaging in “extremist” activity.⁵⁴

I. Right to maintain one’s identity, culture and tradition

45. Under international human rights law, in those States in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities shall not be denied the right, in community with the other members of their group, to enjoy their own culture, to profess and practise their own religion and to use their own language.⁵⁵

⁵⁰ See International Covenant on Civil and Political Rights, art. 22.

⁵¹ For a description of the constraints faced by associations, see OHCHR first report on Crimea, paras. 162–169.

⁵² See OHCHR second report on Crimea, para. 50.

⁵³ *Ibid.*, paras. 51 and 56.

⁵⁴ *Ibid.*, para. 53; see also OHCHR report on the human rights situation in Ukraine, 16 November 2018–15 February 2019, paras. 104–106.

⁵⁵ See International Covenant on Civil and Political Rights, art. 27.

International humanitarian law also provides that protected persons are entitled to respect for their manners and customs.⁵⁶

46. OHCHR has documented a narrowing of space for manifestations of Ukrainian and Crimean Tatar identities and enjoyment of the respective cultures in Crimea. The restrictions have reportedly been closely connected to the suppression of political dissent and alternative political opinion. OHCHR noted that they comprised pressure on members of Ukrainian cultural organizations and a complete ban on the *Mejlis*,⁵⁷ which has been widely perceived, albeit not by all members of the community, as an important self-governing institution of the Crimean Tatar people.

47. OHCHR further reports that members of Ukrainian cultural organizations, particularly the civic group “Ukrainian Cultural Centre”, were allegedly threatened and interrogated by the “authorities” in Crimea on dubious grounds.⁵⁸ Public activities aimed at maintaining Ukrainian culture and identity, including by paying tribute to historical figures, are often subjected to restrictions and/or obstructed. According to OHCHR, since 2014, several activists who engaged in activities to promote Ukrainian culture and language felt compelled to leave Crimea.⁵⁹

48. On 26 April 2016, the “Supreme Court of Crimea”⁶⁰ declared the *Mejlis* an extremist organization and prohibited it from conducting any activities. According to information gathered by OHCHR, the activities of the *Mejlis* remained outlawed in Crimea as at 30 June 2019 despite the order of the International Court of Justice delivered on 19 April 2017 requiring the Russian Federation to “[r]efrain from maintaining or imposing limitations on the ability of the Crimean Tatar community to conserve its representative institutions, including the *Mejlis*”.⁶¹

IV. Economic, social and cultural rights

A. Right to education in one’s native language

49. International standards applicable to education in native languages recommend that instruction in one’s mother tongue be “extended to as late a stage in education as possible”.⁶² In addition, OHCHR notes that the order of the International Court of Justice of 19 April 2017 ordered the Russian Federation to “ensure the availability of education in the Ukrainian language”.

50. OHCHR reports that, since 2014, there has been an increased tendency towards the Russian language becoming the predominant language of instruction in Crimea. OHCHR notes that this is largely the result of a dominant Russian cultural environment and a reported decrease in the availability of education in the Ukrainian language. OHCHR also notes that, according to statistics of the Russian Federation, in the 2018/19 academic year, the number of schoolchildren educated in Russian

⁵⁶ See Fourth Geneva Convention, art. 27.

⁵⁷ The *Mejlis* is a self-governing institution of the Crimean Tatar people holding executive powers. Its members are chosen from among the members of an elected assembly, the *Kurultai*.

⁵⁸ See OHCHR second report on Crimea, para. 54.

⁵⁹ See OHCHR report on the human rights situation in Ukraine, 16 August–15 November 2018, paras. 104–105.

⁶⁰ Judicial body established by the Russian Federation in Crimea.

⁶¹ International Court of Justice, *Application of the International Convention for the Suppression of the Financing of Terrorism and of the International Convention on the Elimination of all forms of racial discrimination (Ukraine v. Russian Federation)*, order on the request for the indication of provisional measures of 19 April 2017 (A/72/4, sect.V.A.16).

⁶² UNESCO guidelines on language and education (see “Education in a multilingual world”, UNESCO Education Position Paper (Paris, 2003), part III), principle I.

increased to 96.7 per cent of all students, from 90.7 per cent in 2013–2014, and the number of students instructed in Ukrainian decreased to 249 children (0.2 per cent of all students in Crimea) from 12,694 in 2013/14. Education in Ukrainian in Crimea is reportedly now available in one Ukrainian-language school and eight classes in five Russian-language schools. According to the same statistics, 10,600 Crimean students reportedly had the opportunity to learn Ukrainian as a regular subject, an elective course or as part of extracurricular activities.

51. OHCHR notes that the statistics of the Russian Federation indicate that the use of Crimean Tatar in school instruction has been largely unaffected since 2014. Thus, in 2018–2019, 6,100 students were reportedly enrolled in 15 Crimean Tatar schools and 126 Crimean Tatar classes in 27 Russian-language schools, compared with 5,551 Crimean Tatars educated in their native language in 2013/14. The statistics also reportedly indicate that 27,700 Crimean Tatar children learned their native language as a regular subject, an elective course or within extracurricular activities.

52. OHCHR notes potential discrepancies between the formal language status of a school or class and the de facto use of Crimean Tatar and Ukrainian in the curriculum. According to OHCHR, in some cases, students in such schools or classes did not actually have access to instruction in Ukrainian or Crimean Tatar, but only had the opportunity to learn their native language as a regular subject, an elective course or as part of extracurricular activities. OHCHR documented cases in which the school administration disregarded or rejected explicit requests from parents to use Crimean Tatar as the language of instruction for their children.⁶³

B. Property rights

53. International humanitarian law prohibits the confiscation of private property by the occupying Power.⁶⁴

54. According to OHCHR estimates, at least 4,671 real estate assets have been expropriated to date in Crimea,⁶⁵ as part of what the “State council of Crimea”⁶⁶ presented as “nationalization”, including the seizure of real property of private companies and individuals allegedly conducted without compensation, legal certainty and sufficient safeguards.

55. OHCHR also reports that the “authorities” in Crimea announced plans to legalize the unauthorized appropriation of land by formerly displaced people in Crimea, including Crimean Tatars,⁶⁷ or to allocate to them alternative land plots. In 2019, OHCHR received information about numerous cases of allocation of land plots to formerly displaced people in Crimea, including Crimean Tatars, free of charge, as part of plans to legalize the unauthorized appropriation of land or allocation of alternative land plots.⁶⁸ This follows the adoption of a special legislative framework in 2017 through which the “authorities” of the Russian Federation in Crimea

⁶³ See OHCHR second report on Crimea, para. 70.

⁶⁴ See Hague Regulations, art. 46; see also Universal Declaration of Human Rights, art. 17.

⁶⁵ This figure is based on information collected by OHCHR from open sources. See OHCHR first report on Crimea, paras. 171–176; and OHCHR report on the human rights situation in Ukraine, 16 February–15 May 2018, paras. 100–101.

⁶⁶ Executive body established by the Russian Federation in Crimea.

⁶⁷ This refers to the mass displacement of the Crimean Tatar population and other minority groups from Crimea in 1944.

⁶⁸ See OHCHR second report on Crimea, paras. 66–67.

reportedly identified 60 unauthorized settlements and conducted two audits of land squatters.⁶⁹

V. Prohibition on forced conscription

56. International humanitarian law provides that the occupying Power may not compel protected persons to serve in its armed or auxiliary forces, and that no pressure or propaganda aimed at securing voluntary enlistment is permitted.⁷⁰

57. OHCHR reports that, as at 2019, the total number of Crimean men conscripted into the Armed Forces of the Russian Federation since 2015 amounted to at least 18,000.⁷¹ OHCHR further notes that, since 2017, some of the enlisted men from Crimea had reportedly been assigned to military bases in the Russian Federation.

58. OHCHR reports that, according to the court registry of the Russian Federation, there had been least 29 guilty verdicts rendered as at 30 June 2019 in criminal prosecutions of Crimean men for draft evasion since 2017, with the majority of available judgments reportedly indicating monetary fines and a conviction. The payment of a monetary fine does not lift the obligation to undergo military service.

59. OHCHR notes that residents of conscription age face obstacles in exercising their freedom of movement rights when crossing the Administrative Boundary Line at the northern extreme of Crimea, including additional checks, delays and/or possible refusal to be allowed to cross the Administrative Boundary Line if they fail to present confirmation of military registration.

VI. Population transfers

60. Under international humanitarian law, individual or mass forcible transfers, as well as deportations of protected persons from occupied territory to the territory of the occupying Power, or to that of any other country, occupied or not, are prohibited regardless of their motive.⁷²

61. OHCHR notes that, according to the court registry of the Russian Federation, during 2017–2018 courts in Crimea ordered the transfer of at least 947 individuals considered foreigners under the laws of the Russian Federation, including the transfer of 518 Ukrainian citizens (468 men and 50 women).⁷³ Of the total number transferred in 2017–2018, at least 109 Crimean residents were reportedly “forcibly removed”⁷⁴ by the law enforcement authorities of the Russian Federation. In the majority of cases, the victims were thought to be Ukrainian citizens whom the Russian Federation did not consider as having residence rights in Crimea.

⁶⁹ In February 2019, the so-called “Head of Crimea” reported that the problem of land squatting had been solved and all unauthorized buildings had been dismantled, and that 4,355 formerly displaced people had acquired plots of land free of charge.

⁷⁰ See Fourth Geneva Convention, art. 51.

⁷¹ For previously reported numbers, see OHCHR second report on Crimea, para. 73; and OHCHR report on the human rights situation in Ukraine, 16 November 2018–15 February 2019, para. 114. All figures are approximate and primarily based on reports of the Ministry of Defence of the Russian Federation.

⁷² See Fourth Geneva Convention, art. 49.

⁷³ For more details regarding the transfer of detainees, see sect. III.E.2 above, on detainees transferred from Crimea to the Russian Federation.

⁷⁴ This phrase is used in the procedure prescribed by article 3.10 of the Code of Administrative Offences of the Russian Federation, which provides for the detention of an individual prior to his or her deportation (transfer).

62. OHCHR also reports that transfers occurred against a backdrop of restrictions on freedom of movement and choice of residence, as a direct consequence of the restrictions on movement between Crimea and the rest of Ukraine across the Administrative Boundary Line by the Russian Federation. The authorities of the Russian Federation have also been issuing entry bans, which, according to information obtained by OHCHR, seem to target journalists and individuals denouncing the occupation of Crimea.⁷⁵ Until mid-2017, Ukraine maintained a strict prohibition on the transfer of personal items across the Administrative Boundary Line, which impeded free movement and fuelled corrupt practices.⁷⁶

63. Under international humanitarian law, the occupying Power must not deport or transfer parts of its own civilian population into the territory it occupies.⁷⁷ The International Court of Justice stated that this provision “prohibits ... any measures taken by an occupying Power in order to organize or encourage transfers of parts of its own population into the occupied territory”.⁷⁸ As reported by OHCHR, according to statistics of the Russian Federation, during 2014–2018, 140,198 people changed their residency registration from regions of the Russian Federation to “the Republic of Crimea” or the city of Sevastopol. These relocations include appointments of public sector employees from the Russian Federation to Crimea, including 16 judges to the “Supreme Court of Crimea.”⁷⁹

VII. Measures taken by the Government of Ukraine towards residents of Crimea

64. The Government of Ukraine is bound by its obligations under international human rights law, which include its obligation to use all available means to ensure respect for the enjoyment of human rights in Crimea.

65. According to Ukrainian government statistics, 39,053 registered internally displaced persons from Crimea remained in government-controlled areas in the rest of Ukraine as at 31 May 2019.⁸⁰

66. OHCHR reports that, since 2014, Ukraine has set up several law enforcement agencies that are focused on the investigation of crimes committed in Crimea. These include the Prosecutor’s Office for the Autonomous Republic of Crimea, the Crimean police and the Crimean department of the Security Service. These agencies must conduct, within practical limits, effective investigations and ensure accountability for human rights violations in Crimea. According to the Human Rights Committee, in absentia trials must ensure essential fair trial guarantees, including all due steps to inform the accused of the charges⁸¹ and provide the possibility of retrial.⁸²

⁷⁵ See OHCHR first report on Crimea, para. 128.

⁷⁶ Ibid., para. 133.

⁷⁷ See Fourth Geneva Convention, art. 49, sixth paragraph.

⁷⁸ See International Court of Justice, *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory*, *Advisory Opinion*, ICJ Reports 2004, para. 120.

⁷⁹ The verification is based on an analysis of the judges’ rulings in the court registry of the Russian Federation as at 30 March 2019.

⁸⁰ Source: Permanent Representative of the President of Ukraine in the Autonomous Republic of Crimea. The number of registered internally displaced persons does not necessarily represent the complete figure, as many displaced persons choose not to register.

⁸¹ See Human Rights Committee, general comment No. 32 (2007) on the right to equality before courts and tribunals and to a fair trial, para. 31.

⁸² See Human Rights Committee, Communication No. 699/1996, *Maleki v. Italy*, Views adopted on 15 July 1999, para. 9.5.

67. According to OHCHR, Ukrainian legislation treats both current residents in Crimea and residents in other parts of Ukraine with a Crimean address in their passport as “non-residents” for banking purposes, reportedly effectively excluding them from banking services or creating significant obstacles for maintaining bank accounts and conducting financial transactions.⁸³ This policy has enabled some banks to block access by residents of Crimea to their personal savings.⁸⁴ Internally displaced persons are thought to face difficulties in receiving social security payments, particularly pensions, owing to obstacles faced by the Pension Fund of Ukraine in accessing employment records in Crimea.

68. OHCHR also notes that, unlike Ukrainians residing outside Crimea, Crimean residents cannot register births and deaths with regular civil registration bodies but rather have to apply to courts in Ukraine that are located outside Crimea.⁸⁵ Although the simplified judicial procedure requires cases to be heard “without delay”, it still entails obstacles to swift registration, which discourage the completion of such registrations under Ukrainian law.

VIII. Conclusions and recommendations

69. **In line with General Assembly resolution 73/263, during the reporting period, the United Nations Secretariat, on my instructions, undertook all steps necessary to ensure the full and effective coordination of all United Nations bodies with regard to the implementation of that resolution, including the gathering and reporting of the relevant information by OHCHR.**

70. **I continued to actively seek ways and means to ensure safe and unfettered access to Crimea by established regional and international human rights monitoring mechanisms, in particular by supporting the work of the human rights monitoring mission in Ukraine, to enable them to carry out their important mandate. Specifically, this included consultations with OHCHR, as well as engagement with relevant regional organizations and Member States, including the Russian Federation and Ukraine.**

71. **Additionally, in line with General Assembly resolution 73/263, I continued to seek opportunities to engage my good offices and pursue discussions relating to Crimea, involving all relevant stakeholders and including the concerns addressed in the resolution. Specifically, the Secretariat and relevant departments, offices and agencies of the United Nations continued to actively engage the Russian Federation, as well as Ukraine, with regard to the issue of access to Crimea, as well as the overall human rights situation in Crimea. Furthermore, during its briefings to the Security Council on developments in Ukraine, the Secretariat continued to refer to developments in and around Crimea, as appropriate, including by consistently reaffirming the commitment of the United Nations to the sovereignty, independence and territorial integrity of Ukraine, within its internationally recognized borders, in accordance with relevant General Assembly and Security Council resolutions.**

⁸³ Law of Ukraine of 12 August 2014 on the establishment of the free economic zone “Crimea” and on specifics of economic activity in the temporarily occupied territory of Ukraine”, available at <http://zakon2.rada.gov.ua/laws/show/1636-18?info=1>. An exception applies for registered Crimean internally displaced persons, but implementation of the law has not guaranteed unimpeded access to banking services.

⁸⁴ See OHCHR report on the human rights situation in Ukraine, 16 August–15 November 2018, para. 107.

⁸⁵ A special accelerated procedure is foreseen under article 317 of the Civil Procedure Code of Ukraine.

72. Regrettably, despite such efforts, and despite the willingness of the Russian Federation and Ukraine to discuss the issue with the United Nations, it was not possible to find a mutually acceptable formula to ensure access by OHCHR to Crimea during the reporting period. Such access is essential to ensure first-hand monitoring and reporting on the human rights situation in Crimea. I urge the Russian Federation, as well as Ukraine, to undertake all efforts to ensure unfettered access by OHCHR, and other relevant United Nations and other entities, to Crimea to enable the effective implementation of the relevant General Assembly resolutions. To that end, I will continue to seek possible opportunities and identify practical avenues to ensure access to Crimea by OHCHR and other relevant United Nations entities.

73. In line with General Assembly resolution [73/263](#), I also urge the Government of the Russian Federation, as well as the Government of Ukraine, to implement the detailed options and specific recommendations formulated by OHCHR and listed in its previous reports.⁸⁶ Specifically, this includes facilitating the granting of unimpeded access to Crimea for international and regional human rights monitoring mechanisms, pursuant to General Assembly resolutions [71/205](#), [72/190](#) and [73/263](#).

74. I urge the Government of the Russian Federation to uphold its obligations under international human rights law in Crimea and to respect obligations that apply to it pursuant to international humanitarian law. I also urge the Government of the Russian Federation to ensure the proper and unimpeded access of international human rights monitoring missions and human rights non-governmental organizations to Crimea, pursuant to General Assembly resolutions [71/205](#), [72/190](#) and [73/263](#), as well as to ensure unimpeded freedom of movement between Crimea and other parts of Ukraine. It is equally essential to ensure effective investigation of all allegations of ill-treatment, torture and enforced disappearance in Crimea, as well as ensure that the rights to freedom of expression, peaceful assembly, association, thought, conscience and religion can be exercised by any individual or group in Crimea, without discrimination on any grounds. The authorities of the Russian Federation are called on to respect the right to peaceful assembly and to lift restrictions imposed on the Crimean Tatar community, including the ban on the *Mejlis*, in order to preserve its representative institutions. In addition, the authorities of the Russian Federation need to ensure the availability of education in the Ukrainian language. Other recommended measures include ending the conscription of residents of Crimea into the armed forces of the Russian Federation and restoring the property rights of all former owners deprived of their title as a result of the “nationalization” and confiscations carried out in Crimea. It is also important to end the transfers of protected persons, including those who are detained, outside the occupied territory and to ensure that all protected persons previously transferred to the Russian Federation are allowed to return to Crimea.

75. The Government of Ukraine for its part is urged to respect its human rights obligations in relation to Crimean residents. Specific recommendations include, but are not limited to, facilitating freedom of movement between Crimea and other parts of Ukraine and ending policies restricting access by foreign journalists, human rights defenders, international human rights monitoring missions, human rights non-governmental organizations and other civil society actors to Crimea. In addition, the Ukrainian authorities should consider simplifying access by current and former residents of Crimea to all public

⁸⁶ See OHCHR first and second reports on Crimea.

services offered to residents in other parts of Ukraine, including banking services, identification documents, social security and civil registration procedures, and supporting dialogue between the Ombudspersons of Ukraine and the Russian Federation to facilitate the voluntary transfer of Ukrainian detainees held in Crimea and the Russian Federation to detention facilities in the Ukrainian territory outside Crimea.

76. It remains essential for other Member States to encourage the Russian Federation, as well as Ukraine, to facilitate the granting of unimpeded access to Crimea for international and regional human rights monitoring mechanisms. I also urge Member States to continue to support the work of the United Nations to ensure respect for international human rights law and international humanitarian law in Crimea.
