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Promotion and protection of human rights: human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms

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 [75/192](#), in which the Assembly requested the Secretary-General to report to it at its seventy-sixth session on the progress made in the implementation of that resolution, including options and recommendations to improve its implementation.

* [A/76/150](#).



I. Introduction

1. The present 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 [75/192](#), in which the Assembly requested the Secretary-General to report to it at its seventy-sixth session on the progress made in the implementation of that resolution, including options and recommendations to improve its implementation.
2. The report is the fifth report of the Secretary-General on the human rights situation in Crimea. It covers the period from 1 July 2020 to 30 June 2021. The fourth report ([A/HRC/47/58](#)), an interim report, was submitted at the forty-seventh session of the Human Rights Council and covered the period from 1 July to 31 December 2020.
3. In its resolution [68/262](#), the General Assembly affirmed its commitment to the territorial integrity of Ukraine within its internationally recognized borders. In line with the relevant Assembly resolutions, in the present report, the Autonomous Republic of Crimea and the city of Sevastopol, Ukraine, temporarily occupied by the Russian Federation is referred to as “Crimea”, and the occupation authorities of the Russian Federation in Crimea as “occupation authorities” or “Russian authorities”. The report also takes into account the call by the Assembly for the Russian Federation to “uphold all of its obligations under applicable international law as an occupying Power”.

II. Methodology

4. In its resolution [75/192](#), 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, the Office of the United Nations High Commissioner for Human Rights (OHCHR) transmitted a note verbale to the Russian Federation on 11 February 2021 in which it sought its cooperation to discuss practical arrangements for a mission to Crimea, once the coronavirus disease (COVID-19) crisis allowed. In its reply of 1 March 2021, the Russian Federation indicated its readiness to “discuss the prospects” of such a mission on the condition that it would be “organized in compliance with the rules regulating visits to the territory of the Russian Federation”.
5. Mindful of General Assembly resolution [68/262](#) on the territorial integrity of Ukraine, and given those conditions, to date, OHCHR has not been able to find appropriate modalities to conduct a mission to Crimea. The present report is therefore based on information collected through remote monitoring conducted by OHCHR through the human rights monitoring mission in Ukraine. The mission has worked in Ukraine and monitored the situation in Crimea remotely on a continuous basis since March 2014. The report is primarily based on direct interviews with victims of alleged human rights violations in Crimea, which are further verified by multiple sources, including interviews with relatives of victims, witnesses and lawyers. It also draws on court documents, official records, legislation, open sources and other relevant material. Findings are based on verified information collected from sources which, in accordance with OHCHR methodology, are assessed to be credible and reliable.¹

¹ *Training Manual on Human Rights Monitoring*, Professional Training Series No. 7 (United Nations publication).

Information has been included in the report if the “reasonable grounds to believe” standard of proof has been met.

6. Unless otherwise specified, and taking into account the information presented in the most recent interim report, the information in the present report was documented and verified by the mission during the reporting period. The report should not be considered as representing an exhaustive list of all issues of concern. The Secretariat was guided by relevant rules of international humanitarian law and international human rights law in preparing the report. In a further effort to ensure the implementation of resolution 75/192, OHCHR transmitted notes verbales on specific issues to the Governments of Ukraine and the Russian Federation and requests for information to relevant organizations (see also [A/HRC/47/58](#), para. 2).

III. Human rights

A. Administration of justice and fair trial rights

7. Under international human rights law, any individual facing criminal proceedings is entitled to a fair and public hearing by a competent, independent and impartial tribunal established by law and has the right to be present during trial.² Although in absentia proceedings are not prohibited, certain conditions must be met, including, according to the Human Rights Committee, the possibility of retrial once the accused has been located.³ According to the European Court of Human Rights, courts must ensure that trials in absentia are fair and, accordingly, that the counsel defending the accused in their absence is given the opportunity to do so.⁴ All arrested, detained or imprisoned persons should be provided with adequate opportunities, time and facilities to be visited by and to communicate and consult with a lawyer, without delay, interception or censorship, and in full confidentiality.⁵ International humanitarian law also contains rules concerning the rights of persons accused of an offence that are applicable in occupied territory.⁶

8. OHCHR documented the use of trials in absentia against individuals perceived to be opponents of the Russian authorities in Crimea who, following the occupation of the Crimean Peninsula, relocated to other parts of Ukraine. Proceedings in three documented cases⁷ raised significant concerns regarding the defendants’ right to a fair hearing. In one case, in absentia criminal proceedings were held against a Crimean Tatar man whom the Russian authorities had banned from entering Crimea until 2034. The travel ban not only prevented the defendant from participating in the trial, but also effectively denied him the possibility of obtaining a retrial for the next 13 years, which could amount to a denial of justice.⁸ In addition, in both this and another case, the defendants were prosecuted retroactively for acts committed prior to the de facto

² International Covenant on Civil and Political Rights, art. 14; and European Convention on Human Rights, art. 6.

³ Concerning the entitlement to retrial, see [CCPR/C/66/D/699/1996](#), annex, paras. 9.4–9.5. See also Optional Protocol to the International Covenant on Civil and Political Rights, art. 5, para. 4.

⁴ European Court of Human Rights, *Van Geyselghem v. Belgium*, Application No. 26103/95, Judgment, 21 January 1999, para. 33.

⁵ See Basic Principles on the Role of Lawyers, para. 5 and 8.

⁶ Geneva Convention relative to the Protection of Civilian Persons in Time of War (Fourth Geneva Convention), arts. 64–77; 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.

⁷ Two cases ended in conviction while the other case is ongoing.

⁸ See, for example, European Court of Human Rights, *Einhorn v. France*, Application No. 71555/01, Decision, 16 October 2001, para. 33.

implementation of the Russian legislation in Crimea.⁹ The court also denied the accused the right to retain the legal counsel of his choosing by disqualifying his lawyer from the case on arbitrary grounds.¹⁰

9. As was reported previously, courts in Crimea continued to rely on the testimony of anonymous witnesses during trials and did not give the defence an opportunity to question them directly. OHCHR assessed that no fewer than 13 men were convicted largely on the basis of the testimony of witnesses whose identity was concealed from the accused. In none of the cases did the courts provide sufficient reasons why the witnesses' identities should be kept secret. In one case, the defendant was convicted on the basis of the testimony of an anonymous witness who did not appear in court and whom the defence was unable to question at any stage of the proceedings. The court admitted the anonymous witness' pretrial written testimony as evidence without verifying whether the person existed and whether the testimony given was voluntary and genuine.

10. The occupation authorities continued to restrict the access of suspects to their lawyers. In six documented cases (all concerning men), Russian law enforcement officers in Crimea refused to allow privately contracted lawyers to meet with their clients. In those cases, the police and the Federal Security Service of the Russian Federation obtained incriminating statements or collected DNA samples from the defendants during the period when their lawyers were denied access. Access was generally denied for periods of between 3 and 17 hours. In one extreme example, the victim was not allowed to meet with his privately contracted lawyers until the twenty-eighth day of his detention.

B. Rights to life, physical and mental integrity, liberty and security

11. Torture and cruel, inhuman or degrading treatment ("ill-treatment") are prohibited under both international human rights law¹¹ and international humanitarian law.¹² The State must ensure that its competent authorities proceed to a prompt and impartial investigation, wherever there is reasonable ground to believe that an act of torture or ill-treatment has been committed in any territory under its jurisdiction.¹³ No one may be deprived of liberty except on such grounds and in accordance with such procedures as are established by law.¹⁴ Enforced disappearance involves the 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

⁹ One man faced criminal charges related to an incident that occurred in May 2013, while the other was accused of organizing "mass disturbances" in Simferopol on 26 February 2014.

¹⁰ The decision to disqualify the lawyer was formally based on the possibility that there would be a conflict of interest because the lawyer had previously represented another individual convicted of similar charges. The court did not establish that there had actually been a conflict of interest and failed to adequately consider the wish of the accused to be represented by this lawyer.

¹¹ 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.

¹² See Fourth Geneva Convention, arts. 3 (1) (a) and 32; Additional Protocol I to the Geneva Conventions of 1949, art. 75, para. 2; and International Committee of the Red Cross, Customary International Humanitarian Law database, rule 90.

¹³ Convention against Torture, arts. 12 and 16; and Human Rights Committee, general comment No. 20 (1992) on the prohibition of torture or other cruel, inhuman or degrading treatment or punishment, para. 14.

¹⁴ Universal Declaration of Human Rights, art. 9; and International Covenant on Civil and Political Rights, art. 9 (1).

of the disappeared person, which place such a person outside the protection of the law, and is prohibited under international law.¹⁵

12. According to information available to OHCHR, no tangible progress has been made in investigating the 43 cases of enforced disappearances (39 men and 4 women) documented in Crimea since March 2014. Eleven men remain missing, one man has reportedly been summarily executed following his initial disappearance, one man remains in an official place of detention, and 30 victims have been released but provided with no redress.¹⁶ The alleged perpetrators who participated in the abductions, incommunicado detention, deprivation of liberty in unofficial places of detention, concealment of the whereabouts of the disappeared persons, and torture and ill-treatment include the Federal Security Service, the Crimean self-defence militia group and the local police. No arrests have been made, even though 28 of the disappearances occurred in 2014. Relatives of the victims complained to OHCHR about the pro forma character of investigations, non-transparency and denial of access to the investigation case files. Those victims who were released or transferred to official places of detention received no redress and complained of impunity for the violations that they had suffered. They often faced an imminent risk of retaliation and most of them left Crimea soon after their release.¹⁷

13. OHCHR documented six cases of torture or ill-treatment (five men and one woman) allegedly carried out by officers of the Federal Security Service against individuals in their custody.¹⁸ In all six cases, the perpetrators used torture and ill-treatment to coerce the victims to incriminate themselves, provide incriminating information against others or waive their right to use their private lawyers. To date, none of the perpetrators have been brought to justice. In cases in which victims successfully initiated investigations, they were carried out ineffectively and were subsequently closed (see [A/HRC/47/58](#), para. 13). In one emblematic case, officers of the Federal Security Service reportedly subjected a freelance journalist suspected of the illegal possession of explosives to electrocution and sexual violence, which could amount to torture, in an unknown location to obtain a “confession” of his cooperation with Ukrainian intelligence agencies. The Federal Security Service subsequently organized the public broadcast on State television of an interview in which the victim repeated his forced confession. During the bail hearing, the judge dismissed the victim’s complaint of torture, without ordering an investigation, stating that it went beyond the subject matter of the hearing.¹⁹

14. The reporting period was marked by a significant increase in the number of arbitrary arrests and detentions of members of religious minorities in Crimea. OHCHR documented the arbitrary arrests of 33 individuals (30 men and 3 women)²⁰ in Crimea during that period, which represents an almost fivefold increase in comparison with the seven individuals arrested in the 2019–2020 period. Thirty-one of the victims belonged to religious minorities in Crimea (21 Muslims and 10 Jehovah’s Witnesses).²¹ In at least 22 of those cases, at the time of arrest neither the

¹⁵ International Convention for the Protection of All Persons from Enforced Disappearance, art. 2.

¹⁶ For detailed information and emblematic cases, see human rights monitoring mission in Ukraine, briefing paper “Enforced disappearances in the Autonomous Republic of Crimea and the City of Sevastopol, temporarily occupied by the Russian Federation”, 31 March 2021.

¹⁷ According to information from OHCHR, only 2 of the 30 victims released remained in Crimea.

¹⁸ Three incidents occurred during the reporting period.

¹⁹ The right to make criminal complaints during court hearings is outlined in article 141 (4) of the Code of Criminal Procedure of the Russian Federation.

²⁰ OHCHR documented a total of 36 arbitrary arrests, 3 of which occurred outside the reporting period. Fourteen individuals were released after spending various amounts of time, but up to 18 hours, effectively under the control of Russian law enforcement officers.

²¹ Charges included membership of extremist or terrorist organizations, the failure to report a crime and the violation of rules on public assembly.

police nor officers of the Federal Security Service informed those arrested of the reasons for their arrest or the accusations against them. In addition, victims complained of the unjustified and disproportionate use of force during their arrests, the planting of evidence by law enforcement authorities and the seizure of their Ukrainian passports.

C. Rights of detainees

15. Under the International Covenant on Civil and Political Rights, all persons deprived of their liberty must be treated with humanity and with respect for the inherent dignity of the human person.²² A detained or imprisoned person has the right to bring a disciplinary action to higher authorities for review.²³ Solitary confinement may be used only in exceptional circumstances as a last resort, for as short a time as possible and subject to independent review, and only pursuant to the authorization of a competent authority.²⁴ According to international humanitarian law, protected persons accused of offences are to be detained in the occupied territory and, if convicted, are to serve their sentences there.²⁵

16. OHCHR continued receiving complaints from detainees, as well as their relatives and lawyers, about conditions of detention in Crimea and the Russian Federation that could amount to inhuman or degrading treatment or punishment, or even torture.²⁶ In three cases concerning detainees transferred from Crimea to the Russian Federation, OHCHR verified the systematic use by penitentiary authorities of the arbitrary placement of such detainees in disciplinary cells. Relatives of affected detainees voiced concerns that this punishment, usually applied in the form of solitary confinement, combined with the restriction of visitation rights and inadequate medical assistance, including the failure to provide requisite medical assistance in the context of the COVID-19 pandemic, have adversely affected the mental health of the detainees. The detainees' lawyers were unable to take legal action because penitentiary authorities refused to provide information on the grounds for such disciplinary sanctions.²⁷ In one case, a resident of Kyiv arrested in Crimea and transferred to the Russian Federation has been held continuously in solitary confinement for four years, with periodic placement in disciplinary cells for alleged minor violations of the prison rules. Such prolonged solitary confinement could amount to ill-treatment or even torture.

17. The practice of transferring detainees from Crimea to stand trial and serve prison sentences in remote regions of the Russian Federation continued. OHCHR received information of some 28 transfers of that kind. The long distances and the high costs of travel from Crimea to the Russian Federation rendered family visits excessively difficult, which impinges on the detainees' right to respect for their private and family life.²⁸

²² International Covenant on Civil and Political Rights, art. 10 (1).

²³ Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment, approved by the General Assembly in its resolution 43/173, principle 30 (2).

²⁴ United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules), rules 43 (1) and 45 (1).

²⁵ Fourth Geneva Convention, art. 76.

²⁶ For more information on specific complaints, see [A/HRC/47/58](#), para. 17.

²⁷ In one emblematic case, the detainee's lawyer was denied information concerning the nature of the disciplinary offences allegedly committed by his client in the penitentiary facility and the sanctions imposed, with reference being made to unspecified "internal regulations" that provide for the disclosure of this information only at the request of the prosecutor's office or the judge.

²⁸ In the case of *Khodorkovskiy and Lebedev v. Russia* (application Nos. 11082/06 and 13772/05), 25 July 2013, the European Court of Human Rights stated that the interests of convicted people in maintaining at least some family and social ties had to be taken into account in the distribution of the prison population to penitentiary institutions.

D. House searches and raids

18. International human rights law prohibits arbitrary or unlawful interference with a person's privacy, family, home or correspondence.²⁹ States parties to the Convention for the Protection of Human Rights and Fundamental Freedoms (European Convention on Human Rights) are required to ensure that there is no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others.³⁰

19. During the reporting period, OHCHR documented 61 house searches and raids in Crimea. Most of them concerned homes, meeting places or business premises belonging to Crimean Tatars or Jehovah's Witnesses.³¹ OHCHR noted that, while the overall annual number of searches that it had documented in Crimea remained quite similar to previous years,³² the proportion of them that affected Crimean Tatars decreased from 74 per cent of all searches in 2019 to 48 per cent in 2020.

20. In collecting victims' testimony, OHCHR noted that, during the searches, law enforcement officials often planted evidence and applied unnecessary or disproportionate force³³ against victims. There were not adequate and sufficient guarantees against arbitrariness in the manner in which the searches were carried out: private lawyers were unlawfully denied entry to the searched premises, while attesting witnesses frequently behaved in a way that raised doubts about their ability to serve as impartial and independent observers.³⁴

E. Freedoms of opinion and expression

21. International human rights law guarantees the right to hold opinions without interference, as well as the right to freedom of expression, including the freedom to seek, receive and impart information and ideas of all kinds.³⁵ According to the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, such rights extend to minority opinions, as well as opinions that may be considered by some as offensive, extreme or shocking.³⁶ The Human Rights Committee has noted that a trial of a person for reasons of the opinions they may hold constitutes a violation of international human rights law.³⁷ The Committee has also noted that a free, uncensored and unhindered press and other media is essential to ensure freedom of opinion and expression and has emphasized the freedom "to debate public affairs ...

²⁹ International Covenant on Civil and Political Rights, art. 17; and European Convention on Human Rights, art. 8.

³⁰ European Convention on Human Rights, art. 8 (2).

³¹ During the reporting period, OHCHR documented a total of 22 searches of premises used by or belonging to alleged Jehovah's Witnesses.

³² OHCHR documented 54 searches in Crimea in 2020 (26 of which concerned Crimean Tatar properties), 75 searches in 2019 and 63 searches in 2018. During the first six months of 2021, OHCHR documented 29 searches.

³³ Such as prolonged and/or tight handcuffing and pushing the victims to the floor in circumstances in which it is not absolutely necessary.

³⁴ Under Russian law, attesting witnesses should be invited by the investigator to act as neutral observers of an investigative measure. OHCHR received information that attesting witnesses were affiliated trainees or military cadets of the Federal Security Service and wore balaclavas that hid their faces during searches.

³⁵ International Covenant on Civil and Political Rights, art. 19.

³⁶ Report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, [A/67/357](#), para. 49; and Human Rights Committee, general comment No. 34 (2011), para. 46.

³⁷ Human Rights Committee, general comment No. 34 (2011), para. 9.

to criticize and oppose, to publish political material ... and to advertise political ideas".³⁸ Accordingly, the penalization of a media outlet, publishers or journalists solely for being critical of the Government or of the political or social system espoused by the Government is not considered a necessary restriction of freedom of expression.³⁹

22. On 20 April 2021, a court in Crimea fined the editor-in-chief of Crimean Tatar newspaper *Qirim* for "abuse of the freedom of mass information" in connection with its publication in 2020 of the report of the Secretary-General on the situation of human rights in the Autonomous Republic of Crimea and the city of Sevastopol, Ukraine (A/75/334). The newspaper published the Russian translation of the full report, which refers to the Mejlis.⁴⁰ Russian Federation law, as applied in Crimea, prohibits the "distribution of information" about the Mejlis without indicating that its activities are prohibited in the Russian Federation.⁴¹ The Federal Service for Supervision of Communications, Information Technology and Mass Media (Roskomnadzor), a Russian Federation State agency charged with monitoring media compliance with legislation, routinely monitored the newspaper and issued "warnings" to the editor-in-chief in connection with other publications.

23. Under Russian Federation legislation, Crimean residents were also prosecuted for disseminating in the media and online "false information of public importance" and "obscene language", which expresses "non-respect for society, the State, official State symbols of the Russian Federation ... government authorities".⁴² OHCHR had previously documented the prosecution of six individuals from Crimea (three men and three women) under the aforementioned legislation and their fining for having expressed alternative and critical views on public issues. In one case in August 2020, a female editor-in-chief of a local newspaper was prosecuted for an article in which she criticized COVID-19 prevention policies and questioned the effectiveness of lockdowns, face masks and vaccines. The court convicted the journalist of disseminating false information of public importance, on the grounds that the views expressed in the article contradicted the official position of the Russian authorities. In another case, a man was prosecuted in November 2020 for insulting the President of the Russian Federation on his social media page, which was found by the court to be disrespectful of the Government of the Russian Federation.⁴³

F. Freedoms of peaceful assembly and association

24. While certain limitations or restrictions of the freedoms of peaceful assembly and association are permitted under international human rights law,⁴⁴ the Human Rights Committee has noted that having to apply for permission from the authorities to hold any assembly undercuts "the idea that peaceful assembly is a basic right".⁴⁵ States must fully protect the right to peaceful assembly of all persons, including "persons espousing minority or dissenting views or beliefs".⁴⁶ The European Commission for Democracy through Law (Venice Commission) recommends that, unless a clear and present danger

³⁸ Human Rights Committee, general comment No. 25 (1996), paras. 13 and 25.

³⁹ Human Rights Committee, general comment No. 34 (2011), para. 42.

⁴⁰ The Mejlis is a self-governing institution of the Crimean Tatar people.

⁴¹ The occupation authorities outlawed the Mejlis as an "extremist organization" in 2016.

⁴² The relevant provisions were introduced into the Code of Administrative Offences of the Russian Federation in 2019 (art. 13.15, paras. 9–10, and art. 20.1, paras. 3–5).

⁴³ In paragraph 38 of general comment No. 34 (2011), the Human Rights Committee stated that "the mere fact that forms of expression are considered to be insulting to a public figure is not sufficient to justify the imposition of penalties."

⁴⁴ International Covenant on Civil and Political Rights, arts. 21–22.

⁴⁵ Human Rights Committee, general comment No. 37 (2020), para. 70.

⁴⁶ Human Rights Council resolution 24/5, para. 2.

of imminent violence actually exists, law enforcement officials should not intervene to stop, search or detain protesters en route to an assembly.⁴⁷ States must refrain from unduly interfering with the freedom of association and ensure that persons belonging to ethnic, religious or linguistic minorities are not denied the right, in community with the other members of their group, to enjoy their own culture, to profess and practise their own religion, or to use their own language.⁴⁸

25. The expression of dissenting political or alternative views through participation in public assemblies continued to be curtailed in Crimea and the major legislative restriction, a blanket requirement to seek pre-authorization from the Russian authorities for any planned assembly, remained (see A/75/334, para. 30). On 23 January 2021, up to 100 people gathered in Simferopol for a political protest, without applying for pre-authorization. Fearing prosecution for an unauthorized assembly, the participants refrained from expressing any political demands or displaying any banners. Nevertheless, OHCHR received information that participants had been arrested⁴⁹ and prosecuted for “administrative offences”.⁵⁰ Over the following weeks, residents of Simferopol were also stopped in the streets and brought in for questioning on the days on which opposition protests were being held in the Russian Federation, even though no such gatherings were being held in Simferopol during that period. The police presented some activists with written “warnings”, which described possible sanctions for participation in future unauthorized protests.

26. In one case, a married couple participated in the gathering on 23 January 2021 to protest against the Russian Government and corruption. The police arrested the husband at the gathering and detained him in the police station for five hours. The police told the man in vague terms that they had arrested him for participating in an unauthorized assembly, but he was later fined for an administrative offence related to COVID-19 prevention rules. In the following weeks, the wife and husband were each arrested two more times when walking in the street at a time when no gatherings were taking place and were taken in for questioning at the police station. During the woman’s second arrest, the police threatened her by referring to “problems” that she would face at the university where she studied. In advance of another opposition gathering in April 2021, the woman was detained for five days for an “extremist” video on her social media page. Opposition activists referred to this arrest as a “method of intimidation” and as a means of dissuading people from participating in further gatherings.

27. The activities of the Mejlis remained prohibited in Crimea. It should be recalled that the International Court of Justice indicated a provisional measure to refrain from maintaining or imposing limitations on the ability of the Crimean Tatar community to conserve its representative institutions, including the Mejlis.⁵¹ The Chair of the Mejlis and another key leader of the Crimean Tatar community, both of whom were

⁴⁷ Venice Commission and Organization for Security and Cooperation in Europe (OSCE) Office for Democratic Institutions and Human Rights, *Guidelines on Freedom of Peaceful Assembly*, 2nd ed (Warsaw, 2010), para. 154.

⁴⁸ International Covenant on Civil and Political Rights, art. 27.

⁴⁹ Human rights non-governmental organizations reported up to 15 arrests on 23 January 2021 alone. See, for example, Crimean Human Rights Group, “Crimean human rights situation review”, January 2021, p. 8. Available at https://crimeahrg.org/wp-content/uploads/2021/02/crimean-human-rights-group_jan_2021_en.pdf.

⁵⁰ The protesters were prosecuted for “administrative offences”, which imply offences of an inherently criminal character, since the prescribed penalties serve both for deterrent and for punitive purposes. International human rights standards applicable to criminal cases also extend to protect defendants in such cases. On the issue of the criminal nature of certain administrative offences, see European Court of Human Rights, *Menesheva v. Russia*, Application No. 59261/00, Judgment, 9 March 2006, paras. 94–98.

⁵¹ 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 of 19 April 2017, General List No. 166, para. 106.

banned from entering Crimea in 2014, continued to be prosecuted in absentia. On 1 June 2021, a Simferopol court sentenced the Chair of the Mejlis in absentia to six years of imprisonment.

G. Freedom of thought, conscience and religion

28. International human rights law protects the freedom to have or to adopt a religion or belief of one's choice, and to manifest it in worship, observance, practice and teaching,⁵² and provides that no one should be subject to coercion that would impair freedom of religion or belief.⁵³ According to the Special Rapporteur on freedom of religion or belief, religious manifestation through the non-coercive persuasion of others ("proselytism") may be subject to discriminatory or arbitrary limitations because of vague or overly broad definitions of religious proselytism (see [A/67/303](#), paras. 44–47). Such forms of religious manifestation therefore need to be protected. International humanitarian law provides that protected persons are entitled to respect for their religious convictions and practices.⁵⁴

29. OHCHR received information that, on 29 March 2021, a male Jehovah's Witness from Sevastopol was convicted of an extremism-related offence for practising his faith and sentenced to six and a half years in prison, which was the harshest sanction applied in cases related to Jehovah's Witnesses in Crimea to date.⁵⁵ The court convicted him for religious practices, such as discussing religious doctrine with other believers in a private apartment, playing religious songs and studying religious literature. The court failed to explain how the man's religious practices amounted to extremist activities and gave no weight to his argument that he had a right to freedom of religion. The verdict simply established that the man's "actions of an organizational character" were directed at the "continuation of unlawful activity" of a religious organization listed as extremist under Russian Federation laws. That was the third conviction known to OHCHR of Jehovah's Witnesses in Crimea (all men) for practising their faith. All congregations of Jehovah's Witnesses in Crimea remain prohibited (see [A/HRC/44/21](#), para. 35).

30. OHCHR recorded 32 new court cases⁵⁶ against religious organizations or individuals for offences related to proselytizing (14 Protestant, 10 Muslim, 2 Jewish, 1 Catholic and 1 Mormon organizations).⁵⁷ The cases stem from the application of anti-extremist laws of the Russian Federation, commonly referred to as the "Yarovaya package". The number of documented cases increased by 33 per cent in 2020 compared with 2019, and the percentage of cases involving Muslim groups or individuals doubled.⁵⁸ In one documented case, a Baptist church in Sevastopol was fined 30,000 Russian roubles (equivalent to \$400) for not having the full registered name of the organization on a social media page managed by a parishioner who had posted information about church activities.⁵⁹ In other documented cases, individuals

⁵² International Covenant on Civil and Political Rights, art. 18 (1).

⁵³ *Ibid.*, art. 18 (2).

⁵⁴ Regulations respecting the Laws and Customs of War on Land of 1907 (the Hague Regulations), art. 46; and Fourth Geneva Convention, art. 27.

⁵⁵ An additional sanction was imposed in the form of a seven-year prohibition on conducting educational and awareness-raising activities, publishing materials, appearing in media and posting "materials" online.

⁵⁶ All of these cases are from 2020.

⁵⁷ Two cases concerned other Christian churches and in two other cases, the affiliation of the defendant was unknown or unclear.

⁵⁸ For applicable legislation and 2019 cases and trends, see [A/75/334](#), para. 28.

⁵⁹ The social media page was entitled "Sevastopol Church of Evangelical Baptist Christians", while the full name in the legal registry was "local religious organization Sevastopol Church of Evangelical Baptist Christians".

and religious groups were prosecuted for failing to indicate the full name of the religious organization on the nameplate of the place of worship; for leading a Muslim prayer and a sermon without “a document ... confirming the right to conduct missionary activity on behalf of the religious organization”; for publishing a newspaper announcement about an event organized by a Jewish group; and for the “distribution of religious literature” by a man who did not have the registered status as the head or authorized representative of the religious organization. The courts fined individuals and religious organizations 5,000 and 30,000 Russian roubles, respectively. In 2020, unlike in 2019, the courts have not dismissed charges in any cases and have used a warning instead of a monetary fine in only one case.

31. Under growing pressure, the Orthodox Church of Ukraine⁶⁰ is facing the loss of its two largest places of worship in Crimea (see [A/HRC/47/58](#), paras. 24–25). Following decisions by the Russian authorities to demolish its place of worship in Yevpatoria and evict the church from its central cathedral in Simferopol, the Federal Bailiffs Service demanded that the respective parishes comply with the decisions. In March 2021, the Church received a notification instructing it to demolish the place of worship in Yevpatoria or face administrative and/or criminal prosecution, which could result in prison sentences.

H. Right to education in one’s native language

32. It is recommended in international human rights standards that instruction in one’s mother tongue be “extended to as late a stage in education as possible”.⁶¹ States are recommended to approach minority education rights in a proactive manner and adopt special measures “to the maximum of their available resources”.⁶² The International Court of Justice indicated a provisional measure with regard to the situation in Crimea to “ensure the availability of education in the Ukrainian language”.⁶³

33. According to statistics of the Russian Federation,⁶⁴ in the 2020/21 academic year, 214 students (0.1 per cent of all students) were taught subjects in Ukrainian (up from 206 in 2019/20),⁶⁵ and 4,155 students (1.9 per cent) learned Ukrainian as a regular subject, an elective course or an extracurricular activity (down from 5,621 in 2019/20). Only one school on the peninsula has the status of a Ukrainian-language school, while additionally, three Ukrainian classes are offered in a Russian-language school.

34. According to statistics of the Russian Federation, 6,700 students (3 per cent) received instruction in Crimean Tatar in the 2020/21 academic year (up from 6,400 in 2019/20), and 30,475 students (13.9 per cent) learned Crimean Tatar as a regular subject, an elective course or an extracurricular activity (down from 31,190 in 2019/20). Sixteen Crimean Tatar schools operate on the peninsula, while additionally, 22 Russian-language schools offer classes with instruction in Crimean Tatar. Concerns remained about discrepancies between the formal language status of a

⁶⁰ Prior to the Orthodox church reform in Ukraine in the period 2018–2019, the church was known as the Ukrainian Orthodox Church of the Kyiv Patriarchate.

⁶¹ United Nations Educational, Scientific and Cultural Organization, “Education in a multilingual world”, Education Position Paper (Paris, 2003), part III, principle I.

⁶² OSCE, High Commissioner on National Minorities, *Hague Recommendations regarding the Education Rights of National Minorities and Explanatory Note* (The Hague, 1996), para. 4.

⁶³ *Ukraine v. Russian Federation*, para. 106 (1) (b).

⁶⁴ Statistics cited in the present section exclude the city of Sevastopol, Ukraine, temporarily occupied by the Russian Federation. Data from the Ministry of Education, Science and Youth of Crimea are available at <https://monm.rk.gov.ru>.

⁶⁵ These numbers are significantly lower than the number of students taught in Ukrainian prior to occupation. According to official statistics, in the 2013/14 academic year, 12,694 students received education in Ukrainian.

native language school or class and the de facto use of Crimean Tatar and Ukrainian in the curriculum (see [A/74/276](#), para. 52).

35. The availability of instruction in Crimean Tatar and Ukrainian, and the possibility of learning those languages as subjects, has not always satisfied demand. OHCHR documented a complaint from a Crimean Tatar mother of two children regarding the absence of instruction in her native language at either the primary or secondary school levels in the Dzhankoi area. For three consecutive academic years, the mother had submitted applications to the school administration requesting the opening of a Crimean Tatar class, but did not receive any formal reply from the school.⁶⁶ Parents from Sevastopol informed OHCHR that there was no instruction in Ukrainian or teaching of Ukrainian as a subject in any school in the city.⁶⁷ Thus, they had to hire private language teachers for their children to attain a sufficient level of language ability to successfully apply for university admission in other parts of Ukraine.

36. The one-exit policy⁶⁸ introduced by the Russian authorities in the context of travel restrictions during the COVID-19 pandemic created obstacles for pupils graduating from Crimean schools in their access to university education. In one case, a student from Sevastopol had to cross the Administrative Boundary Line several times, first to participate in the nationwide testing for school graduates⁶⁹ and then to submit the paperwork necessary for university admission in Kyiv.⁷⁰ After the first trip, the student was banned from leaving Crimea to travel to other parts of Ukraine again. He was allowed to cross the Administrative Boundary Line only on “exceptional grounds” almost two months later, following numerous unsuccessful appeals to have the ban lifted.⁷¹

IV. Prohibition on forced conscription

37. Under international humanitarian law, an occupying Power may not compel protected persons to serve in its armed or auxiliary forces.⁷² The Russian Federation conducted two military drafts in 2020, conscripting male Crimean residents, including those holding Ukrainian citizenship, into its armed forces. At least 5,000 male residents were enlisted during the 2020 campaigns,⁷³ bringing the total number of residents conscripted from Crimea since 2015 in 12 military drafts to at least 26,200.⁷⁴ During each campaign, a contingent of conscripts from Crimea has been deployed to bases located in the Russian Federation.

38. Russian Federation criminal law, as applied by the occupation authorities in Crimea prescribes fines, correctional labour and up to two years in prison for draft

⁶⁶ According to the mother, there are 11 students of full or mixed Crimean Tatar origin in her son’s class and 10 such students in her daughter’s class.

⁶⁷ OHCHR interviews confirm that Ukrainian was taught as a subject in schools of Sevastopol until the 2013/14 academic year.

⁶⁸ OHCHR, “Impact of COVID-19 on human rights in Ukraine”, December 2020, paras. 32–34.

⁶⁹ This refers to the external independent evaluation, a State exam required for applying to undergraduate programmes at universities in Ukraine.

⁷⁰ See International Covenant on Civil and Political Rights, art. 12 (1).

⁷¹ OHCHR received information about 20 students from Crimea who faced similar obstacles in trying to leave Crimea for higher education establishments in other parts of Ukraine during the university admission period in 2020.

⁷² Fourth Geneva Convention, art. 51.

⁷³ All figures are approximate and based on analysis by OHCHR of data provided by the Ministry of Defence of the Russian Federation and military draft offices in Crimea.

⁷⁴ The public data of the Russian authorities contain considerable discrepancies. OHCHR uses the most conservative number, although the figures on conscription are likely to be higher. The thirteenth military draft started in the first half of 2021.

evasion.⁷⁵ Conviction for draft evasion does not absolve a person from the obligation to complete military service.⁷⁶ OHCHR documented an increase in the number of draft evasion cases registered with courts in Crimea, with at least 78 cases in 2020, up from 31 cases in 2019. That brings the total number of documented cases since 2017 to 160. Among the 2020 cases, OHCHR documented 63 cases in which the defendant had been fined, either by means of a guilty verdict (33) or a “court fine” (30).⁷⁷ That represents a 162 per cent increase compared with the 24 individuals fined in 2019 cases. An additional seven guilty verdicts were handed down in the first three months of 2021, bringing the total number of sanctioned residents of Crimea to 139.⁷⁸ In 2020 and 2021, the court fines issued ranged from 5,000 to 60,000 Russian roubles (from \$68 to \$826). The defendants were typically prosecuted for failing to appear before the military draft commissions after receiving the conscription notice or after being summoned for a medical examination.

V. Population transfers

39. 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.⁷⁹

40. The Russian authorities continued to consider Ukrainian citizens residing in Crimea without Russian passports as foreigners. Russian immigration laws, as applied in Crimea, oblige such individuals to either apply for a residency permit, leave the peninsula⁸⁰ or face administrative sanctions in the form of monetary fines or transfers.⁸¹ According to the court registry of the Russian Federation, during the reporting period, courts in Crimea issued no fewer than 180 transfer orders for individuals considered foreigners, at least 72 of which (66 men and 6 women)⁸² concerned Ukrainian citizens whom the occupation authorities considered not to have residency rights in Crimea. In at least 16 cases, transfer orders were issued against Ukrainian citizens as punishment for suspected drug possession and/or drug use or refusal to undergo a drug test. OHCHR noted a steady decrease in the number of court-ordered transfers over the previous four years,⁸³ which could be explained by a

⁷⁵ Criminal Code of the Russian Federation, art. 328.

⁷⁶ In the documented judgments, upon handing down the guilty verdicts, the courts returned the defendants’ case files to the military draft commission, which indicated that the defendants were likely to be conscripted in the next military drafts.

⁷⁷ Article 76.2 of the Criminal Code of the Russian Federation provides for the imposition of a court fine instead of a criminal punishment for first-time perpetrators of light offences who have remedied the damage caused by the crime. In practice, amounts imposed as court fines are comparable to those imposed under guilty verdicts.

⁷⁸ OHCHR counts as verified only those prosecutions in which the full text of a judgment has become available. As such, the actual number of sanctioned individuals could be higher.

⁷⁹ Fourth Geneva Convention, art. 49, first para.

⁸⁰ In accordance with Russian immigration laws, the total period of stay in these cases may not exceed 90 days in any 180-day period.

⁸¹ Under the Russian laws applied in Crimea, transfers could be carried out either in the form of “forcible removals” (where a person is detained in a temporary detention facility waiting for the removal procedure) or “controlled departures” (where a person must leave the territory within five days).

⁸² The actual number could be higher given that in at least 58 cases, the victims’ nationalities were not disclosed in the judgments available.

⁸³ From 512 in 2017 to 197 in 2020. 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”, para. 77, available at https://www.ohchr.org/Documents/Countries/UA/CrimeaThematicReport10Sept2018_EN.pdf; and A/HRC/47/58, para. 42.

more lenient approach by judges in immigration-related cases, a growing number of naturalizations as a result of the risk of losing property rights or being transferred from Crimea⁸⁴ and the temporary ban on deportations and transfers imposed by the Russian Federation authorities in response to COVID-19.⁸⁵

41. According to official data, as at 5 January 2021, 47,897 registered internally displaced persons from Crimea (24,419 men or boys and 23,478 women or girls), including 9,370 children, were in other parts of Ukraine (up from 44,773 as at 4 March 2020). The practice of transferring Ukrainian citizens from Crimea to other parts of Ukraine through the denial of their residency rights in immigration cases contributes to forced displacement.⁸⁶ Registration as an internally displaced person continues to be a precondition for Ukrainian citizens with a registered address in Crimea to gain access to certain public services and social security in Government-controlled areas.

42. Under international humanitarian law, the occupying Power must not deport or transfer parts of its own civilian population into the territory that it occupies.⁸⁷ The International Court of Justice stated that this provision also 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”.⁸⁸ According to official statistics provided by the Russian Federation, in 2020, 33,137 people changed their residency registration from regions of the Russian Federation to Crimea,⁸⁹ bringing the total number of such relocations between 2014 and 2020 to 205,541.⁹⁰ According to official data, this number represented 8.7 per cent of the overall population of Crimea in 2020 (2,356,238).

VI. Conclusions and recommendations

43. In line with General Assembly resolution 75/192, the Secretariat undertook all steps necessary to ensure the full and effective coordination of all United Nations bodies with regard to the implementation of that resolution.

44. I continued to seek ways and means to ensure safe and unfettered access to Crimea by established human rights monitoring mechanisms, in particular by supporting the work of OHCHR and the human rights monitoring mission in

⁸⁴ See also [A/HRC/44/21](#), para. 45. A total of 14,586 individuals considered to be foreigners in Crimea applied for and successfully acquired Russian citizenship in 2020, which is 18.7 per cent more than in the previous year. Over the past five years, 41,208 individuals in Crimea have acquired citizenship of the Russian Federation. For more information and the reasons why Ukrainian citizens have applied for Russian citizenship, see [A/HRC/47/58](#), para. 41.

⁸⁵ On 15 June 2021, the Russian Federation extended the temporary ban on deportations and transfers until 30 September 2021. The temporary ban does not apply to individuals released from prisons, those who have illegally crossed the State border of the Russian Federation, individuals posing a threat to State security, including those seeking to violently amend the constitutional order of the Russian Federation, individuals involved in or supporting terrorism or extremism, as well as those who participate in unauthorized public assemblies.

⁸⁶ In principle 6 (2) (a) (b) of the Guiding Principles on Internal Displacement ([E/CN.4/1998/53/Add.2](#)), it is stated that “the prohibition of arbitrary displacement includes displacement when it is based on ... practices aimed at/or resulting in altering the ethnic, religious or racial composition of the affected population” and “in situations of armed conflict, unless the security of the civilians is involved or imperative military reasons so demand”.

⁸⁷ Fourth Geneva Convention, art. 49, sixth para.

⁸⁸ International Court of Justice, *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory, Advisory Opinion*, ICJ Reports 2004, para. 120.

⁸⁹ The figure available for “the Republic of Crimea” covers 11 months (from January to November) and the figure for Sevastopol covers 10 months (from January to October).

⁹⁰ Official figures provided by the Russian Federation are likely to include movements between “the Republic of Crimea” and the city of Sevastopol that are not covered by this prohibition.

Ukraine, and engagement with relevant regional organizations and Member States, including the Russian Federation and Ukraine.

45. I continued to offer my good offices and pursue discussions relating to Crimea, involving all relevant stakeholders and raising concerns addressed in General Assembly resolution [75/192](#). The Secretariat continued to refer to developments in and around Crimea, as appropriate, 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 Assembly and Security Council resolutions.

46. Despite such efforts and the willingness of the Russian Federation and Ukraine to discuss the issue with the United Nations, it was still not possible to find a mutually acceptable formula to ensure access by OHCHR to Crimea. Such access is essential to ensuring first-hand monitoring and reporting, including in the context of the COVID-19 pandemic. I urge the Russian Federation, as well as Ukraine, to undertake all efforts to ensure unfettered access to Crimea by OHCHR, as well as by international and regional human rights monitoring mechanisms, to enable the effective implementation of relevant General Assembly resolutions. I will continue to seek possible opportunities and to identify practical avenues in that regard.

47. I call upon the Russian Federation to uphold its obligations in Crimea under international human rights law and international humanitarian law. In particular, the Russian authorities are required to comply fully with the absolute prohibition of torture and to ensure the independent, impartial and effective investigation of all allegations of torture or ill-treatment, enforced disappearances, and arbitrary arrests and detentions in Crimea. They have the further obligation to ensure that the fair trial rights of persons deprived of liberty are fully respected, including by allowing adequate opportunities, time and facilities to communicate and consult with a lawyer, without delay, interception or censorship, and in full confidentiality. Lawyers should be able to perform their professional functions without intimidation, hindrance, harassment or improper interference. I urge the Russian Federation to ensure that the right to freedoms of expression and opinion, peaceful assembly, association, thought, conscience and religion can be exercised by all individuals and groups in Crimea, without discrimination on any grounds or unjustified interference. In particular, the Russian authorities should end the policy of prior authorization for peaceful assemblies and refrain from issuing warnings or voicing threats to potential participants in those assemblies. I also call upon the Russian authorities to enable a safe environment for independent and pluralistic media outlets and civil society organizations, and to refrain from any retaliation or suppression of critical and alternative views. Journalists should be protected from retaliation for their published material, including the publication of official documents of the United Nations. Religious groups should enjoy access to their places of worship and should be able to gather freely for prayer and other religious practices. I also urge the Russian Federation to lift restrictions imposed on the Crimean Tatar community to conserve its representative institutions, including the ban on the Mejlis. The Russian authorities also need to ensure the availability of education and instruction in the Ukrainian and Crimean Tatar languages that, to the extent possible, satisfies the demand for such education.

48. Other recommended measures include ending the conscription of Ukrainian nationals residing in Crimea into the Russian armed forces, as well as the criminal prosecution of protected persons for military draft evasion. It is also critical to refrain from organizing or encouraging transfers of parts of the population of the occupying Power to Crimea, to end transfers of protected

persons, including detainees, outside the occupied territory, and to ensure that all protected persons previously transferred be allowed to return to Crimea.

49. I call upon the Government of Ukraine to respect its obligations under international human rights law in relation to Crimean residents and to continue facilitating access to public services for all citizens, irrespective of their registration as internally displaced persons.

50. I call upon Member States to support human rights defenders who work for the protection of human rights in Crimea and to continue to support the work of the United Nations to ensure respect for international human rights law and international humanitarian law in Crimea. It remains essential that the issue of access to Crimea not be politicized. I urge all other Member States to encourage the Russian Federation and Ukraine to facilitate unimpeded access to Crimea by international and regional human rights monitoring mechanisms.
