
1403bis meeting, 11 May 2021

2.3 Human rights situation in the Autonomous Republic of Crimea and the city of Sevastopol (Ukraine)

Decisions

The Deputies,

Recalling their previous decisions on the situation in Ukraine, including CM/Del/Dec(2017)1285/2.1bisb as of 3 May 2017,

Underlining that peace and democratic security in Europe are based on the respect for international law and the values and standards of the Council of Europe,

Reiterating their commitment to the peaceful settlement of disputes, to the independence, sovereignty and territorial integrity of Ukraine within its internationally recognised borders,

Recalling that, in its admissibility decision, given on 14 January 2021, the Grand Chamber of the European Court of Human Rights in the case of Ukraine v. Russia (re Crimea) (Application Nos. 20958/14 and 38334/18) declared the complaint by Ukraine against Russia partly admissible. In its admissibility decision, the Grand Chamber concluded that Russia exercised effective control over Crimea as to the period from 27 February to 18 March 2014 and in respect of the period after 18 March 2014, proceeded on the basis of the assumption that the jurisdiction of the respondent State was in the form or nature of “effective control over an area”,

Recalling the United Nations General Assembly Resolutions 71/205 of 19 December 2016, 72/190 of 19 December 2017, 73/263 of 22 December 2018, 74/168 of 18 December 2019 and 75/192 of 16 December 2020 “Situation of human rights in the Autonomous Republic of Crimea and the city of Sevastopol, Ukraine”,

Condemning the ongoing temporary occupation of part of the territory of Ukraine in the Autonomous Republic of Crimea and the city of Sevastopol (hereinafter “Crimea”) by the Russian Federation as a violation of international law and the principles upheld by the Council of Europe, and reaffirming the non-recognition of the illegal annexation by the Russian Federation,

Gravely concerned about the continuing disregard by the Russian Federation as an occupying power for its obligations under international law and all its attempts to legitimise its illegal annexation of Crimea,

Recalling that the aim of the Council of Europe is the achievement of greater unity between its members and that one of the methods by which that aim is to be pursued is the maintenance and further realisation of human rights and fundamental freedoms and that human rights constitute a core value of the Council of Europe,

Recalling the Council of Europe Convention for the Protection of Human Rights and Fundamental Freedoms and its Protocols,

Expressing their profound concern that the human rights situation in Crimea has been significantly deteriorating under Russian occupation with multiple and grave violations of human rights, including arbitrary detentions and arrests, enforced disappearances, deportations, torture, ill-treatment and other cruel, inhuman or degrading treatment, including towards detainees, harassment, intimidation, discrimination and undue restrictions on the basis of ethnicity, religion and beliefs,

Recognising that the international presence and monitoring of compliance with international human rights law

and international humanitarian law in Crimea are of paramount importance in preventing further deterioration of the situation,

Welcoming the commitment by Ukraine to further enlarge its co-operation with human rights treaty bodies and international institutions, including the Council of Europe,

1. urged the Russian Federation:

1.1 to uphold all of its obligations under international law and restore the territorial integrity of Ukraine within its internationally recognised borders;

1.2 to release and allow the return, without preconditions, of all Ukrainian citizens, who were unlawfully detained and judged without regard for the requirements of international law, as well as those transferred or deported across internationally recognised borders from Crimea to the Russian Federation;

1.3 to fulfil its obligations under international humanitarian and human rights law and to restore enjoyment of the rights of all individuals, belonging to all ethnic communities in Crimea, in particular ethnic Ukrainians and Crimean Tatars, to ensure their right to education, to ensure the availability of education in the Ukrainian and Crimean Tatar languages, without any discrimination based on origin, religion or belief, to revoke the decisions that banned cultural and religious institutions, non-governmental organisations, human rights organisations, media outlets and cultural gatherings;

1.4 to revoke the decision declaring the Mejlis of the Crimean Tatar People an extremist organisation and banning its activities, repeal the decision banning leaders of the Mejlis from entering Crimea and refrain from maintaining or imposing limitations on the ability of the Crimean Tatar community to preserve its representative institutions;

1.5 to co-operate fully with all human rights bodies of the Council of Europe, including the Council of Europe Commissioner for Human Rights, on the situation of human rights in Crimea, which must have safe, secure and unhindered access to the Autonomous Republic of Crimea and the city of Sevastopol, in order that they can carry out their monitoring activities in accordance with their mandates;

2. reiterated the necessity:

2.1 to continue engaging constructively and supporting the efforts of the Council of Europe to ensure respect for international law in Crimea;

2.2 to continue supporting human rights defenders in Crimea, both on a bilateral and multilateral levels;

2.3 to continue engaging constructively in concerted efforts on Crimea also within international frameworks. Those efforts should be aimed at the improvement of human rights situation in Crimea and call on the Russian Federation, as the occupying power, to comply with obligations under international human rights and humanitarian law and grant unimpeded access to Crimea for established regional and international human rights monitoring mechanisms;

2.4 to continue supporting the efforts of Ukraine to maintain economic, financial, political, social, informational, cultural and other ties with its citizens in Crimea in order to facilitate their access to democratic processes, economic opportunities and objective information;

3. invited the Secretary General:

3.1 to engage in a dialogue with all parties concerned in order to secure immediate and unrestricted access of the Council of Europe bodies to Crimea;

3.2 to report on a regular basis, at least once a year, on the human rights situation in Crimea, using all available sources of information, so as to provide the Committee of Ministers with a basis for an assessment of the situation and possible decisions on action;

4. invited the relevant Council of Europe human rights bodies, including the Commissioner for Human Rights:

to consider assessing on a regular basis the human rights situation in Crimea, in line with their respective mandates and according to principles and norms of international law, with full respect for the sovereignty, independence and territorial integrity of Ukraine, taking due account of the Ukrainian legislation and the status of Crimea as a temporarily occupied territory of Ukraine.

