

Information Documents

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**Human rights situation in the Autonomous Republic of Crimea and the
City of Sevastopol, Ukraine**

I. INTRODUCTORY REMARKS

1. In their decisions, taken at the 1403bis meeting on 11 May 2021 and at the 1437th meeting on 15 June 2022, on the human rights situation in the Autonomous Republic of Crimea and the City of Sevastopol, Ukraine, the Ministers' Deputies invited the Secretary General 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 assessment of the situation and possible decisions on action.¹

2. The present report covers the one-year period from 24 February 2022. The report draws on meetings with the Ukrainian authorities, international organisations, human rights defenders and civil society activists, at the Council of Europe headquarters and in Ukraine, information obtained by relevant Council of Europe bodies, as well as reports available in the public domain. The Secretary General visited Ukraine on 9 May 2022 and 3-4 April 2023. The Secretary General wishes to express her gratitude to the Ukrainian authorities for their support in organising the visits and to all interlocutors for their assistance and valuable contributions.

3. Due to Russia's ongoing full-scale aggression against Ukraine and cessation of its Council of Europe membership, meaningful discussions with the Russian Government on access to the peninsula could not be pursued. The continued impossibility of physical access for international organisations to the temporarily occupied territory of the Crimean Peninsula creates significant obstacles in monitoring the human rights situation, verifying facts on the ground and establishing direct contacts with victims of human rights violations. Furthermore, international organisations and Ukrainian human rights defenders reported a general deterioration regarding access to information on Crimea as one of the consequences of the ongoing armed conflict.

4. In this context, the Secretariat has stepped up consultations with the Ukrainian authorities, human rights defenders and other stakeholders. On 20 December 2022, the Secretariat organised, for the first time in Strasbourg, a roundtable with representatives of Ukrainian and Crimean Tatar human rights defenders, the Office of the Ukrainian Parliament Commissioner for Human Rights and the Mission of the President in the Autonomous Republic of Crimea/Office of Crimea Platform.

5. The present report focuses primarily on human rights issues from a standpoint of the European Convention on Human Rights (hereinafter "the Convention"), as outlined in relevant Committee of Ministers' decisions and based on several well-documented cases of human rights violations. While these have been reflected to the best extent possible, the report does not purport to provide an exhaustive account of the human rights situation in the Autonomous Republic of Crimea and the City of Sevastopol, Ukraine.

6. This report does not replace the monitoring procedures established by the Council of Europe. It is recalled that Council of Europe mechanisms currently lack unhindered physical access to the Autonomous Republic of Crimea and the City of Sevastopol, which are the subject of this report, as well as to the territories neighbouring the peninsula.

¹ CM/Del/Dec(2021)1403bis/2.3, CM/Del/Dec(2022)1437/2.4.

7. Nor should the report be seen as prejudging any possible decisions in the cases pending before the European Court of Human Rights. While Russia ceased to be a High Contracting Party to the Convention on 16 September 2022, the Court remains competent to adjudicate applications regarding alleged violations that occurred before this date. During the reporting period the Court continued to receive applications against the Russian Federation pertaining to alleged violations in the Autonomous Republic of Crimea and the City of Sevastopol. In this respect, it is recalled that the inter-state case *Ukraine v. Russia (re Crimea)*, (application nos. 20958/14 and 38334/18), is currently pending before the Court. The case was declared partly admissible on 16 December 2020. The report relied on the Grand Chamber's conclusion in the admissibility decision 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 2014.²

8. Nothing in this report should be seen as an infringement of the independence, sovereignty and territorial integrity of Ukraine within its internationally recognised borders. The Council of Europe fully respects the independence, sovereignty and territorial integrity of Ukraine, as repeatedly reaffirmed by the Committee of Ministers and the Parliamentary Assembly.

II. BACKGROUND

9. On 24 February 2022, the Russian Federation started a full-scale military invasion against Ukraine via land, air and sea. The aggression was widely and resolutely condemned by international and regional organisations as well as individual states, which have called upon the Russian Federation to immediately, completely and unconditionally withdraw all of its military forces from the territory of Ukraine, within its internationally recognised borders.³ These calls reflect the constant position of the international community in recognising the independence, sovereignty and territorial integrity of Ukraine within the internationally recognised borders as stipulated by United Nations General Assembly resolution 68/262 adopted on 27 March 2014, and confirmed also in subsequent annual resolutions on the human rights situation in the temporarily occupied Autonomous Republic of Crimea and the City of Sevastopol, Ukraine.⁴

10. Despite such calls, armed hostilities continued at the time of the report. Although by the end of 2022 Russian forces had been repelled by Ukrainian forces from large parts of the Ukrainian territory, they continued to partially occupy the Donetsk, Zaporizhzhia, Luhansk and Kherson regions of Ukraine, in addition to the territory of the Autonomous Republic of Crimea and the City of Sevastopol.

² On 22 March 2023, the Court indicated that after completion of the written procedure a hearing on the admissibility and the merits in the case would be provisionally scheduled for 8 November 2023. In that hearing the Court will examine the merits of the complaints already declared admissible along with the admissibility and merits of other aspects of these two applications. See the press release issued by the Registrar of the Court (ECHR 087 (2023)) dated 22 March 2023.

³ See for instance UNGA resolution A/ES-11/L.7 adopted on 1 March 2023.

⁴ See UNGA resolution A/77/463/Add.3 DR IV adopted on 15 December 2022.

11. Russia's aggression has led to a high number of civilian casualties, including women and children. Since the start of the large-scale armed attack of the Russian Federation until 27 February 2023, the Office of the United Nations High Commissioner for Human Rights (OHCHR) had recorded 21 580 civilian casualties in the country, with 8 101 people killed and 13 479 injured. According to the data provided by the Ukrainian authorities, around 13.2 million people were affected by large-scale displacement within and outside the country's borders.⁵ Civilians have continued to bear the brunt of widespread destruction of housing and critical infrastructure, as well as the broader adverse humanitarian and socio-economic impacts. Moreover, massive violations of international humanitarian and human rights law have been reported. Some of them have been assessed by independent international bodies to constitute war crimes, while in other instances they may amount to crimes against humanity.⁶ National and international investigations are ongoing, underscoring the pressing need for accountability, reparation and remedy.

12. Although regions adjacent to Crimea became scenes of intensive combat, the peninsula has not witnessed large-scale hostilities. However, the Russian forces have extensively exploited Crimea for their ground offensive in the south and southeast of Ukraine's mainland, as well as for conducting numerous air attacks across the Ukrainian territory, including by the Black Sea Fleet which is headquartered in Sevastopol. The Russian military effort has also relied on unlawful conscription and military enlistment of the peninsula's population, logistics and healthcare capacities, as well as the tapping of other resources of the temporarily occupied territory. The life of the civilian population was significantly affected, including through the imposition of new and more severe legal restrictions by the occupying authorities.

13. On 30 September 2022, the Russian Federation moved to illegally annex the regions of Donetsk, Kherson, Luhansk and Zaporizhzhia after conducting so-called "referendums", which followed the example of Crimea in 2014 in violating the principles and norms of international law. A significant consequence of the expansion of Russia's occupation was Crimea's complete physical isolation from government-controlled territories in mainland Ukraine. In addition, many of the abusive human rights practices and violations reportedly committed by the occupying authorities in the Autonomous Republic of Crimea appear to have been replicated and scaled up in the newly occupied territories, highlighting all the more the negative significance of the temporary occupation of the peninsula by the Russian Federation since 2014.

⁵ According to the Ukrainian authorities, over 8.2 million people registered for temporary protection or refugee status in third countries, more than 70% of whom are reportedly women with children. In addition, almost 5 million people are registered as internally displaced persons (IDPs), including over 1 million children (data as of May 2023).

⁶ Report of the Independent International Commission of Inquiry on Ukraine, 15 March 2023.

III. HUMAN RIGHTS IN THE FRAMEWORK OF LAW ENFORCEMENT

Right to life

14. The right to life is a basic human right and is enshrined in Article 2 of the Convention, which ranks as one of the most fundamental provisions of the Convention and one that in times of peace admits no derogation. It comprises two substantive obligations: the general obligation to protect the right to life and the prohibition of intentional deprivation of life. Having regard to its fundamental character, Article 2 of the Convention also contains a procedural obligation to carry out an effective investigation into alleged breaches of its substantive limb.⁷

15. The ongoing large-scale military hostilities in Ukraine's territory, especially in the regions around Crimea, and the overall deterioration of the security environment due to Russia's armed aggression, has exposed the civilian population to significant physical integrity risks. According to Ukrainian human rights defenders, over 70 explosions were recorded in Crimea between August and December 2022.⁸

16. Serious concerns have been voiced regarding threats to the right to life arising in connection with new cases of enforced disappearances. In November 2022, the United Nations Human Rights Monitoring Mission in Ukraine (HRMMU) reported that it had documented five cases (four men and one woman) of enforced disappearance since 24 February 2022, one of which ended in a summary execution. Victims appeared to have been apprehended by Russian forces while crossing the Administrative Boundary Line (ABL) or in adjacent territories and subsequently forcibly transferred to Crimea. The HRMMU stressed the apparent high risk for men, particularly of Crimean Tatar origin.⁹

17. A human rights group working on Crimea reported having received dozens of complaints concerning persons who went missing when crossing via the Russian checkpoint between Crimea and the adjacent Kherson region, since 24 February 2022.¹⁰ In one documented case, a Crimean Tatar man went missing on 23 July 2022. Although his family reportedly received an anonymous call informing them about his detention, he remained unaccounted for until October 2022, when his whereabouts, in a pre-trial detention facility in Simferopol, became known for the first time.

⁷ European Court of Human Rights: Guide on Article 2 of the European Convention on Human Rights, updated on 31 December 2021.

⁸ Crimea SOS, How Crimea lived in 2022, February 2023.

⁹ HRMMU, Update on the Human Rights Situation in Ukraine, 1 August – 31 October 2022.

¹⁰ Crimean Human Rights Group, Human Rights and International Human Rights Norms: Crimea 2022 situation review, February 2023.

18. According to the Ukrainian authorities, the practice of enforced disappearances continues to contribute to an atmosphere of fear and intimidation. Pursuant to Convention standards, there is a procedural obligation (including in cases where a person has disappeared in life-threatening circumstances resulting from the use of force by agents of the state) to carry out an effective, prompt, impartial, thorough and independent investigation, as well as to ensure a sufficient element of public scrutiny of the investigation or its results to secure accountability in practice and to ensure the possibility of the next-of-kin of victims to be kept abreast of the developments in investigations.¹¹ However, the issue of accountability for abuses allegedly committed in 50 documented cases of enforced disappearances in Crimea since March 2014, remain unaddressed and perpetrators are yet to be brought to justice. It is recalled that 11 people remain missing. In one case the victim was subsequently summarily executed. In five cases, the missing persons were found in a detention centre, and 33 others were subsequently released.¹² A number of applications alleging enforced disappearances in Crimea remain pending before the European Court of Human Rights.

19. In April 2022, Ukraine updated the legislation on missing persons and appointed a Commissioner for Missing Persons under Special Circumstances, whose mandate includes consideration of enforced disappearances that occurred in the temporarily occupied territories. The establishment of a network of regional centres, under the auspices of the Commissioner, is underway.

Prohibition of torture and inhuman and degrading treatment

20. The prohibition of torture and ill-treatment is one of the most fundamental international human rights law norms. It is enshrined in Article 3 of the Convention and provides for no exceptions under any circumstances. Together with Article 2 of the Convention, this reflects one of the basic values of democratic societies making up the Council of Europe.

21. Local and international human rights organisations continued to document cases of torture and ill-treatment committed by members of the Russian security service (FSB) in Crimea amid an endemic climate of impunity. In a meeting with the Secretariat, the Office of the Prosecutor of the Autonomous Republic of Crimea reported having recorded six cases of torture, involving three ethnic Ukrainian and three Crimean Tatars, during the reference period. Allegations voiced by victims were consistent with the observed systematic pattern of use of torture and ill-treatment by the FSB to extract confessions and inculpatory testimony or simply to punish and intimidate victims in cases of *incommunicado* detention. Cases of physical abuse during arrest by police officers continued to be reported.

¹¹ Compare with the similar situation concerning the actions of Russian security forces in the Northern Caucasus, where the European Court found violations in more than 250 cases starting with the case of *Khashiyev and Akayeva v. Russian Federation*, application no. 57942/00, judgment of 24 February 2005. See also to that effect the CPT public statement of 11 March 2019, urging the Russian Federation to carry out effective investigations into allegations of torture in the Northern Caucasian region.

¹² Report of the UN Secretary General, Situation of human rights in the temporarily occupied Autonomous Republic of Crimea and the City of Sevastopol, Ukraine, 25 July 2022.

22. In addition, the Secretariat received numerous serious allegations of torture and ill-treatment in connection with individuals who were unlawfully detained in adjacent regions occupied by the Russian Federation and forcibly transferred to pre-trial detention facilities in Crimea. This includes the case of a Ukrainian woman activist who was unlawfully detained by unknown men in Kherson on 13 May 2022 and was found after several months to be held in a pre-trial detention facility in Crimea. The Ukrainian Parliament Commissioner for Human Rights and human rights defenders raised legitimate concerns that she was tortured while also having been denied a lawyer during the first weeks of confinement. The Ukrainian authorities were aware of at least one case in which the victim died in a hospital in the temporarily occupied City of Sevastopol, where he was transferred with injuries allegedly sustained from torture inflicted after his detention in Kherson.

23. Issues relating to overcrowding, deplorable physical conditions and poor sanitation in places of deprivation of liberty have been consistently raised, in view of the previous existence of only one pre-trial detention centre (SIZO) in Simferopol. A second pre-trial detention facility, with a capacity for 458 detainees, was reportedly constructed within a maximum-security colony and became operational at the end of October 2022. According to Ukrainian human rights groups, the detainees in the facility were mainly Ukrainian civilians from the occupied Kherson and Zaporizhzhia regions who were allegedly held without legal grounds or court decisions.¹³ In addition, the staff of the facility reportedly did not belong to the Russian penitentiary service, thus raising further concerns about the treatment of detainees, their safety and their health.

24. Lack of access to adequate medical care in detention reportedly resulted in instances of fatal outcomes for the most vulnerable. On 7 February 2023, it was reported that a Ukrainian citizen from Crimea, who had been convicted on alleged “illegal espionage charges”, died while serving his 12-year sentence in a Russian penal colony in Novotroitsk, in the Orenburg region of the Russian Federation. Although the victim reportedly suffered from cardiovascular disease, it has been claimed that the prison administration removed his medicines following his transfer from Crimea, while vital surgeries of heart and joints were not performed. His lawyer also maintained that his client was deprived of medication while in pre-trial detention. In an equally grave case, on 10 February 2023, a Crimean Tatar man, aged 60, was reported to have died in a pre-trial detention centre in Novocherkassk, in the Rostov region of the Russian Federation. At the time of his detention in Crimea in 2019, he had been diagnosed with a third-class disability due to heart and kidney disease but had regressed to second-class after suffering a heart attack in custody. Notwithstanding his health issues, in January 2023, he was sentenced to 13 years in prison on alleged terrorism-related charges.¹⁴ The Ukrainian Parliament Commissioner for Human Rights indicated that he had addressed to the Russian Ombudsperson a request to provide official information related to the afore-mentioned cases and had called on the Russian authorities to conduct an urgent and effective investigation into the causes of death. However, the appeal reportedly remained unanswered and it is unclear whether the Russian authorities had taken any investigative steps at the time of the writing of the report.

¹³ Crimean Human Rights Group, Human Rights and International Human Rights Norms: Crimea 2022 situation review.

¹⁴ Statement by human rights organisations regarding the death of Ukrainian prisoners of the Kremlin Kostiantyn Shyring and Dzhemil Hafarov in Russian prison, 10 February 2023.

25. According to the Mission of the President of Ukraine in the Autonomous Republic of Crimea, at least 29 persons detained or sentenced in allegedly politically motivated cases in the temporarily occupied Crimea or the Russian Federation suffer from significant health problems and lack access to adequate medical care. In addition to highlighting inadequate and sometimes life-threatening detention conditions, the two afore-mentioned tragic cases reinforced the broader perceptions that ethnic Ukrainians and indigenous Crimean Tatar people prosecuted or tried on alleged terrorism, extremism and other spurious charges, faced harsher treatment in detention as a form of a more severe punishment. Individuals facing such charges are regularly transferred to the detention facilities in the Russian Federation in apparent violation of international humanitarian law.

Right to liberty and security / right to fair trial

26. Article 5 of the Convention guarantees the right to liberty and security to everyone. The authorities have an obligation to ensure that any detention is lawful based on a procedure prescribed by law and to ensure Convention-compliant conditions of detention (Article 3 of the Convention). It is complemented by the right to a fair trial (Article 6 of the Convention) with a specific set of minimum rights to be ensured to persons charged with criminal offences. The right to a fair trial comprises also the right to an impartial and independent tribunal.

27. During the reporting period, the Russian occupying authorities resorted to arbitrary and unlawful detentions, arrests and criminal prosecutions in the name of purportedly fighting extremism, terrorism and other security threats. The Secretariat received reports confirming a significant increase in arbitrary detention cases in the aftermath of the launch of the full-scale invasion by the Russian Federation in the territory of Ukraine. In some cases, unlawful detention was reportedly followed by enforced disappearance of the victim. In many of the instances, victims alleged having been subjected to other violations, including torture and other degrading treatment.

28. On 29 April 2022, a female medical worker, who was also a news contributor for local and Ukrainian media, reportedly failed to return home from work in the village of Vladyslavivka, Crimea. On the same day, her house was searched by unidentified persons, who also confiscated the family's laptops and phones, and informed relatives that she had been detained for 10 days. While prosecutors launched an investigation into illegal detention and searches, her whereabouts remained unknown until 11 May 2022 when she was found by a lawyer in a pre-trial detention centre in Simferopol. Prior to that, on 7 May 2022, she had been charged with the illegal handling of explosives and sent to detention on remand. She claimed that until then she had been kept in an FSB headquarters' basement where she was interrogated on alleged ties with foreign services, Ukrainian media and Crimean Tatar organisations. She further claimed that she was forced to take a polygraph and sign blank documents, choked, threatened and subjected to very strong psychological pressure. On 3 June 2022, the Ministry of Justice of the Russian Federation added her to the list of foreign agents. On 28 December 2022, she was sentenced to seven years in prison and a fine of 50 000 roubles on charges of "illegal storage and manufacture of explosives" (Part 1 of Art. 222.1 of the Criminal Code of the Russian Federation).¹⁵ According to the Ukrainian authorities, because of inadequate conditions of detention, she had almost lost her hearing and suffered from severe headaches due to ear inflammation.

¹⁵ Alert on the Council of Europe Platform to Promote the Protection of Journalism and the Safety of Journalists, updated 3 January 2023.

29. The Ukrainian authorities and human rights defenders consistently raised the issue of individuals unlawfully detained in the Kherson and Zaporizhzhia regions and forcibly transferred further to Crimea. They reported that at least 110 persons were held in the new pre-trial detention centre in Simferopol as of October 2022, as well as other premises converted into detention facilities. While some were acknowledged to be in custody after periods of time ranging from several days to several weeks, in other cases the occupying authorities allegedly failed to officially recognise these facts of detention. In several cases, detainees – including at least one foreign citizen – were reportedly held in the absence of recorded criminal charges and without access to a lawyer. Under these circumstances, Ukrainian human rights defenders have stressed the need for a mechanism to enable verifications as well as the release and return of detainees.

30. The occupying authorities reportedly failed to administer justice in an impartial and independent manner. The information received by the Secretariat on several terrorism-related criminal cases revealed similar violations. These included judges' overreliance on testimony of "anonymous witnesses" and security personnel, their validation of coerced self-incriminatory confessions along with eavesdropping and other illicitly obtained evidence, regular dismissals of defence motions, inadequate reasoning of the final verdict, as well as the delivery of sentences *in absentia* or after pro-forma hearings. Public hearings were reportedly further restricted following the start of the Russian military offensive, including through a complete ban on access to court's premises for persons who are not parties to the proceedings.¹⁶ Those irregularities violated equality of arms and due process safeguards, casting doubts on the accusations and the final convictions of defendants and reinforcing the perceptions of a foregone outcome.

31. According to Ukrainian human rights defenders, there are at least 149 individuals in detention in Crimea and in the Russian Federation who have been prosecuted on criminal charges deemed politically or religiously motivated. Among them are Crimean Tatars, Ukrainian activists, journalists, bloggers as well as members of the Jehovah's Witnesses. In February 2023, the Mission of the President of Ukraine in the Autonomous Republic of Crimea/Office of the Crimea Platform reported 180 known cases (including 116 representatives of indigenous Crimean Tatar people), a figure which appears to comprise individuals unlawfully detained in Kherson and in Zaporizhzhia.

¹⁶ Report of the UN Secretary General, Situation of human rights in the temporarily occupied Autonomous Republic of Crimea and the City of Sevastopol Ukraine, 25 July 2022.

32. Lawyers, in particular the ones representing defenders in alleged cases of selective prosecution, remained unable to exercise their profession freely. Instances of harassment, abusive arrests and other forms of pressure on them continued to be reported, preventing them from effectively serving the cause of justice. In a telling case in May 2022, Russian security service agents consecutively detained four leading Crimean Tatar lawyers, including one woman, in the span of less than two days. The first lawyer was reportedly detained on 26 May 2022 in Simferopol and charged with “public actions aimed at discrediting the use of the Russian armed forces, accompanied by calls for unauthorised public events”, allegedly in connection with a social media tag by a third person. He was found guilty and sentenced to a fine of 75 000 roubles on the same day. Following the hearing, his lawyer was detained in the courthouse and sentenced to eight days of administrative arrest for allegedly organising a mass gathering leading to public disorder in October 2021. The next day the authorities also detained, on identical administrative charges, two other lawyers (who sought to represent their colleague) and sentenced them to eight and five days of administrative arrest, respectively.¹⁷ In a separate development, on 15 July 2022, the Bar Association of the Chechen Republic of the Russian Federation disbarred three Crimean Tatar human rights lawyers over alleged violations of the transfer procedure from one bar association to another. The measure effectively prevents them from participating in criminal cases and they remain ineligible to sit an exam for re-acquisition of their legal professional status for one year.

33. For their part the Ukrainian authorities continued to make efforts in providing redress. On 19 November 2022, Ukraine’s law “*On social and legal protection of persons proven to have been deprived of personal liberty due to the armed aggression against Ukraine, and their family members*” took effect. The law reinforced the existing policy support for victims of unlawful detention and established a legal status for victims of unlawful detention and imprisonment as well as their relatives, while rendering them eligible to financial, medical and other types of support. The full regulatory framework for the law remains to be adopted. Meanwhile, the Ukrainian Government, via the Ministry of Reintegration of the Temporarily Occupied Territories of Ukraine, continued to pay one-time financial aid to persons released from detention, as well as annual financial support to the families of detainees.

IV. NON-DISCRIMINATION

Persons belonging to ethnic minorities and indigenous people

34. The occupying authorities failed to ensure that all persons belonging to ethnic groups can freely and effectively exercise their fundamental human rights and freedoms without any discrimination. Deprivation of indigenous Crimean Tatar people and ethnic Ukrainians of cultural, religious, language and a wide range of other rights remained prevalent and led to manifest discriminatory practices and contributed to their ostracisation.

¹⁷ Statement of Ukrainian human rights defenders on arbitrary detention of lawyers in occupied Crimea, 27 May 2022.

35. Crimean Tatars continued to face systematic and multiple forms of reprisal. During the reporting period, the Secretariat received information about instances of them being prevented from using their language in public, including in at least one case during court hearings, as well as attempts to prevent them celebrating their national holidays or commemorating the 1944 deportation and its victims. It was reported to the Secretariat that on the eve of the Crimean Tatar National Flag Day, on 26 June 2022, at least 50 activists were issued warnings by the Prosecutor's Office against attending unsanctioned gatherings. At the same time, the Ukrainian authorities continued to actively develop and implement programmes aimed at supporting the Crimean Tatar language, notably through the envisaged creation of a National Corpus and the establishment of a National Commission of the Crimean Tatar language, in the framework of the Strategy of the Development of Crimean Tatar language 2022-2032, as well as supporting the broadcasting of Crimean Tatar TV channel ATR from mainland Ukraine.

36. Ordinary members of the community, notably those affiliated to the Mejlis – the main representative body of the Crimean Tatar people – continued to be targeted by regular mass raids and searches of private homes, businesses and places of worship, resulting in unlawful interference with the persons' rights to family life and privacy, along with a high number of prosecutions and excessive sentences in view of the abusive application of anti-terrorist and anti-extremist legislation (see also the part on Freedom of Religion).

37. The activities of the Mejlis remain prohibited. The Russian Supreme Court's ban on the Mejlis on extremism-related grounds continues to be in force, at variance, with the International Court of Justice's order of 19 April 2017¹⁸ and multiple calls from other international organisations, including the Council of Europe, to reverse the ban. References to the Mejlis on social media without its characterisation as "extremist" were reportedly fraught with the risk of facing administrative proceedings.

38. The occupying authorities relentlessly pursued the criminal prosecution of the Mejlis leadership and other prominent members of the community. On 21 September 2022, the Russian-appointed Supreme Court in Crimea sentenced the deputy leader of the Mejlis and member of the Qurultay of the Crimean Tatar People to 17 years imprisonment and a fine of 700 000 Russian roubles on "sabotage charges". It is recalled that he remains the highest-ranking member of the Mejlis that lives in Crimea and was detained shortly after his participation in the Summit of the Crimea Platform in 2021. Two more individuals from among the indigenous Crimean Tatar people were sentenced to equally harsh prison terms and large fines in the same case which was reportedly marred by irregularities. In a separate case, the community's historical leader, who is also a serving member of the Parliament of Ukraine, was sentenced *in absentia* on three different criminal charges relating to "storage of firearms", "illegal possession of ammunitions" and "illegal crossing of the Russian state border". Although the prison sentence demanded by the case prosecutor was reportedly waived due to the expiration of the term of charges in combination with an amnesty, he continues to face a ban from entering Crimea until 2034.

¹⁸ ICJ Order on the request for the indication of provisional measures submitted by Ukraine in the case concerning 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).

39. Pressure on the Ukrainian community intensified in the wake of the Russian full-scale invasion. In particular, Russia's newly introduced legislation banning public actions aimed at discrediting the Russian forces (see also the part on Freedom of Expression) was employed in tandem with the stringent Russian anti-extremist law provisions. These are used to censor expression of views sympathetic to Ukraine, prohibit the public display of Ukrainian symbols (including official state symbols) and the performing of the national anthem of Ukraine as well as the singing and posting of traditional Ukrainian songs in the Ukrainian language, thus effectively prohibiting any expressions of Ukrainian identity in the public realm.

40. Growing concerns were expressed to the Secretariat by a number of interlocutors that the ongoing armed conflict between Russia and Ukraine was being "instrumentalised" to portray Crimean Tatars and Ukrainians as a security threat. In this context, at least 15 people of Crimean Tatar and Ukrainian origin were deprived of liberty during the reporting period on charges related to serving in or financing of an illegal armed unit (Articles 208.1 and 208.2 of the Criminal Code of the Russian Federation). Nearly all of them were unlawfully detained in the Kherson region and taken to Crimea where they were subsequently accused of serving in the Noman Çelebicihan battalion, a Crimean Tatar formation, which was involved in the blockade of the peninsula from the government-controlled Kherson region in 2016. Despite reports that the formation was disbanded, the occupying authorities acted on media information that it had been reactivated. At least 13 defendants in the case were sentenced in 2022. On 1 June 2022, the Russian Supreme Court labelled the Noman Çelebicihan Battalion as a terrorist organisation.

41. Ukrainian authorities and civil society organisations continued to raise concerns that discrimination and harassment against ethnic Ukrainians and Crimean Tatars were aimed at creating unbearable conditions for these populations and hence served the objectives of the occupying authorities' deliberate policy to gradually change the ethnic composition of the peninsula. At the same time, the Ukrainian authorities cautioned that Russia's large-scale invasion and the increasing utilisation of the peninsula for military purposes had exacerbated the safety risks of Ukrainian citizens in Crimea, while also exposing some of them to the danger of committing serious criminal offences in case of their participation in the military operation against Ukraine. They consequently recommended, whenever possible, to leave the peninsula for government-controlled areas of Ukraine, including via third countries.

Access to education, including the right to education in one's mother tongue

42. According to Ukrainian observers, the number of schoolchildren who enrolled for the 2022-2023 school year increased to 230 000 (from 222 000 in the previous year). Schools in Crimea reportedly accepted children from occupied parts of the Donetsk, Kherson, Luhansk and Zaporizhzhia regions, where the education process was heavily disrupted by the armed hostilities. At the same time, access to education in Ukrainian remained severely limited, with only one school in Feodosia formally providing instruction in this language. The Ukrainian authorities estimated that since the start of the occupation, the number of Ukrainian schoolchildren studying in Ukrainian had decreased sixtyfold. According to Ukrainian human rights organisations, the teaching of Ukrainian literature and history will be stopped in school programmes as of 2023. Instruction in Crimean Tatar remained accessible in several schools, while the language itself was taught separately as an optional subject in 16 schools (although this information has remained impossible to verify).¹⁹

43. In this context, the Ukrainian Government continued to provide opportunities for attendance in Ukrainian education programmes for schoolchildren from Crimea. According to the Ministry of Education and Science of Ukraine, the creation of educational online platforms remains a priority. The authorities indicated that schoolchildren from Crimea (and other temporarily occupied territories) could enrol in educational institutions in the government-controlled areas in a simplified procedure even in the absence of personal files and documents certifying the educational degree or achievement. They also had the opportunity to obtain complete general secondary education through an individual education programme offered by the State Lyceum "International Ukrainian School" (IUS). Currently 86 students from Crimea follow the IUS programme.

44. Pressure on teachers reportedly intensified, including with a view to forcing them to endorse and promote the Russian invasion, while expression of criticism was reportedly followed by retaliation. Among the reported cases, a teacher of the Bilohirsk Technical School in Crimea was sentenced in September 2022 to administrative arrest for playing a Ukrainian military song opposing the full-scale Russian invasion to his students and was subsequently dismissed.²⁰ Within one month he was arrested for the second time after he posted a Ukrainian traditional song on his Russian social network page and finally charged with repeated discrediting of Russian armed forces for posting information, allegedly portraying illegal Russian army actions in Donbas. In another reported instance, a geography teacher from Dzhankoy, was forced to resign after stating to her students, during a break, that there was no Nazism in Ukraine. The occupying authorities also continued to run programmes facilitating the relocation of teachers from the Russian Federation's regions to teach in the educational institutions of the peninsula.

¹⁹ Centre for Civil Education *Almenda*, *Crimea Scenario: How the Russian Federation is destroying the Ukrainian Identity of Children in the Occupied Territories*.

²⁰ Article 20.3 of Russia's Code of Administrative Offences, Propaganda or Public Displaying of Nazi Attributes or Symbols, or Attributes or Symbols of Extremist Organisations, or Other Attributes or Symbols Whose Propaganda or Public Displaying Are Prohibited by Federal Laws.

45. The Ukrainian authorities reiterated their concerns over the Russian Federation's attempts to eradicate the Ukrainian national identity through a system that focuses on "patriotic education" and pursues indoctrination and militarisation combined with isolation from the educational, informational and cultural space of Ukraine. The Secretariat received reports that this process had intensified with the ongoing full-scale attack against Ukraine, evidenced by the fact that military and patriotic education lessons have become a common part of the mandatory school curriculum.

46. Education policies appeared to aim at fostering loyal attitudes among children and youth, promoting pro-government views as well as justifying Russian military action in Ukraine, notwithstanding its condemnation by the international community as an unprovoked act of aggression. As of September 2022, schools were reported to run special classes devoted to the discussion of patriotic duty to defend Russia, campaigns in support of the so-called "special military operation" and its participants as well as other diverse activities which allegedly contributed to anti-Ukrainian sentiment and one-sided understanding of historical events and recent developments.

47. On 19 December 2022, the occupying authorities passed a regional law on patriotic upbringing in Crimea whose stated objectives include, *inter alia* "the formation of the upbringing system, which ensures development of children's and young people's strong background of patriotic consciousness, feeling of obligation to protect their homeland, honest fulfilment of civil, professional and military obligations, and official duties".²¹

48. The significance of military-patriotic activities carried out by education institutions, through special classes embedded in their programmes, as well as by several youth organisations affiliated to security and defence apparatus, apparently increased in the context of Russia's military offensive. They were reportedly intended not only at teaching children and youth the basics of military training and handling of weapons but also to strengthen motivation to join the Russian armed forces in the future. Ukrainian human rights groups anticipated that the number of children who will enrol in those classes will increase in the coming years. Military-patriotic summer camps operated by organisations such as Young Army (*lunarmia*) during school holidays served a similar purpose and reportedly gained further traction. In addition to children from Crimea, they were also attended by children from other occupied regions of Ukraine. In this respect, the Ukrainian authorities warned that since the outset of the invasion, the peninsula had become a centre for the organisation, preparation and further implementation of a "proven scenario of Russification" in the newly occupied territories of Ukraine.

Freedom of thought, conscience and religion

49. Freedom of religion and belief remained restricted. Not all groups were able to practice their religion freely, while members of certain communities were reportedly subjected to pressure and intimidation. The most frequent restrictions involved criminal prosecution of members of religious groups on alleged terrorism and extremism charges, repeated and intrusive raids, searches and surveillance of places of worships and private dwellings, punishing non-compliance with Russian legislation on "missionary activities" and regulations on the display of names on religious buildings, literature and online posts.

²¹ Crimea Human Rights Group, 30 December 2022.

50. The occupying authorities continued to enforce a repressive policy towards Crimean Tatar Muslim individuals whom they continued to portray as violent extremists and terrorists over their alleged involvement in religious political Islamic organisations, notably *Hizb ut-Tahrir* which is banned in Russia but legal in Ukraine. In 2022, severe prison sentences ranging between 11 and 19 years were meted out to at least 26 individuals while an additional 10 were detained on fresh charges. As of the end of last year, according to Ukrainian human rights defenders, there were at least 88 Crimean Tatars who were deprived of liberty on related charges.²² As noted elsewhere in the report, legal proceedings have been consistently characterised as being manifestly ill-founded. In one reported case of 9 September 2022, regarding the conviction to 11 years in prison of a Crimean Tatar man from Orlyne, Sevastopol, evidence consisted, reportedly, of “prohibited literature” seized during a search, the possession of which the defender denied. Testimonies were given by “anonymous witnesses” and FSB agents, along with wiretapped conversations on religious and political issues.²³

51. The Crimean diocese of the Orthodox Church of Ukraine (OCU) continued to face uncertainty due to its inability to obtain a legal entity status and the threat of eviction from the Cathedral of Sacred Equal Apostles St. Prince Volodymyr and St. Princess Olga in Simferopol, the diocese’s main place of worship and a social centre of the Ukrainian Orthodox community. Russia’s full-scale invasion appears to have exposed the diocese to further pressure. On 30 March 2022, the head of the occupying government of Crimea publicly called for the adoption of federal legislation banning the OCU in the territory of the Russian Federation. On 28 October 2022, the Government of Ukraine decided to transfer the Cathedral of Sacred Equal Apostles St. Prince Volodymyr and St. Princess Olga in Simferopol to Ukraine’s state property. The decision was welcomed by the OCU.

52. The occupying authorities continued to sanction the conduct of some worship activities under Russian legislation banning irregular “missionary activities” as defined by the 2016 Russian Federal Law No. 374.²⁴ Non-compliance usually resulted in administrative fines. Those fined reportedly included Crimean Tatar Muslims, members of a Pentecostal group, the Council of Baptist Churches as well as the global Christian movement New Generation. Administrative charges were also reportedly pursued for failure to display the communities’ full official legal name on places of worship, literature and internet posts. On 5 August 2022, a court reportedly fined a Catholic priest of the southern coastal town of Yalta for his parish’s failure to use its full official legal name on material it had produced.²⁵

²² Crimean Human Rights Group, Crimean Human Rights Situation review, February 2022.

²³ Kharkiv Human Rights Protection Group, Crimean Tatar political prisoner sentenced to 11 years for ‘kitchen conversation’ about religion and politics, 12 September 2022.

²⁴ Law no 374 FZ introduces the “missionary activities” concept, with these activities performance area to be limited to cult buildings, structures or land plots owned by religious organisations, on the cemeteries and at the pilgrimage places. The law also introduces specific requirements for publications considered as part of the missionary activity.

²⁵ Religious Information Service of Ukraine (risa.ua), Crimea: Religious freedom survey, September 2022.

53. The activities of Jehovah's Witnesses remained banned pursuant to the Russian Supreme Court's decision of 20 April 2017.²⁶ Members of this religious community continued to face criminal prosecutions during the period under review. According to Ukrainian human rights organisations, at least 12 Jehovah's Witnesses remained deprived of their liberty by the end of 2022. Six additional individuals were reportedly sentenced to imprisonment on extremism-related charges. The occupying authorities reportedly conducted searches in at least 28 community members' homes in the framework of investigations, resulting in arrests of several individuals. At least 40 individuals were believed to be under ongoing investigations at the time of the report's writing.²⁷

V. OTHER CIVIL AND POLITICAL RIGHTS

Freedom of expression

54. Following the start of the full-scale aggression against Ukraine on 24 February 2022, the Russian authorities swiftly strengthened control over the information space through far-reaching measures curtailing freedom of expression as well as freedom to impart information. At the same time, the Russian authorities made no official derogation from international obligations incumbent on the state regarding freedom of expression, nor did they declare a martial law or a nationwide state of emergency which could potentially lead to such a derogation.

55. On 4 March 2022, the Russian Parliament adopted amendments to the Russian Criminal Code penalising "public dissemination knowingly of false information about the use of the Russian Armed Forces".²⁸ New provisions to the Russian Criminal Code and the Code of Administrative Offences were also introduced, making "public actions aimed at discrediting" Russian armed forces unlawful.²⁹ On 23 March 2022, additional amendments were adopted expanding the scope of the provisions to include other Russian state entities (including the Russian Guard (Rosgvardia), embassies and consulates, as well as emergency services).

²⁶ On 20 April 2017, the Supreme Court declared the Administrative Centre of Jehovah's Witnesses in the Russian Federation an extremist organisation and ordered its liquidation together with all 395 local organisations of Jehovah's Witnesses, as well as the confiscation of their property. The European Court found violations in respect of this denomination on the territory of the Russian Federation on account of the dissolution of the applicant community and the banning of its activity already in the case of *Jehovah's Witnesses of Moscow and Others v. the Russian Federation*, application no. 302/02, judgment of 10 June 2010. For recent case law see the judgment in the case of *Taganrog LRO and Others v. the Russian Federation*, application no. 32401/10 and 19 others, judgment of 7 June 2022.

²⁷ Crimean Human Rights Group, Human Rights and International Human Rights Norms: Crimea 2022 situation review.

²⁸ New Article 207.3 of the Russian Criminal Code envisages substantial fines and up to three years of imprisonment. Aggravating grounds comprise an "official position", "organised group", "motivation by political, ideological, racial, ethnic and religious hatred or hatred against a social group" as well as "grave consequences" and envisage a harsher punishment of up to 15 years in prison as well as a ban on carrying out a profession or certain activities.

²⁹ Article 280.3 to the Criminal Code and article 20.3.3 to the Code of Administrative Offences. First-time offences entail an administrative fine while a repetitive violation within the same year can lead to criminal charges punishable with up to three years in prison. Aggravating grounds apply for both administrative and criminal offences resulting in higher fines and an increase in prison sentences of up to five years.

56. The application of the new legislation was extended to Crimea in violation of international humanitarian law obligations of an occupying power to respect the criminal law of the occupied territory. According to the information received by the Secretariat, the laws were swiftly and extensively enforced to censor a wide range of expressions of direct and perceived criticism of or disagreement with the war, and in this context to virtually silence any calls for peace by ordinary individuals.³⁰ Soon after the adoption of the law, an elderly Simferopol resident was fined on 11 March 2022, for discrediting the Russian army after displaying an anti-war message in Ukrainian flag colours at the monument of Ukrainian poet Taras Shevchenko. By 31 January 2023, the OHCHR had documented 210 prosecutions since the introduction of these punishable offences with at least 206 prosecutions resulting in convictions, while observing at the same time a progressive increase in their number during 2022. Sentences reportedly varied in the form of fines ranging from 30 000 to 75 000 roubles and imprisonment from 5 to 15 days.³¹ According to the Mission of the President of Ukraine in the Autonomous Republic of Crimea, as of the end of February 2023, there were 229 administrative and four criminal cases on charges relating to the so-called discreditation of the Russian armed forces. On 21 October 2022, a court in Alushta sentenced a Ukrainian man to two and a half years' imprisonment in a maximum-security penal colony for disseminating leaflets denouncing participation in the war and its related crimes, marking the first criminal conviction in Crimea on charges relating to alleged dissemination of false information on the Russian army.

57. During the reporting period, the Council of Europe's Platform to Promote the Protection of Journalism and the Safety of Journalists continued to receive new alerts relating to criminal proceedings and convictions of journalists in Crimea. As of the end of 2022, the platform counted 14 journalists currently in detention, including one woman. 11 of them are Crimean Tatars. On 31 December 2022, an alert was lodged on the sentencing of a Crimean Tatar citizen journalist to 11 years of imprisonment in a strict military regime colony on alleged terrorism-related charges. The conviction by Russia's Southern District Military Court followed new proceedings launched after the previous acquittal verdict, dating back to 16 September 2020, was revoked on 14 March 2022. It is recalled that the defendant was arrested on 11 October 2017 as part of the occupying authorities' clampdown on citizen journalists, including those from the human rights initiative "Crimean Solidarity". Three more Crimean Tatar journalists were handed down extremely harsh prison sentences, between 14 and 19 years, on alleged terrorism and attempted violent seizing of power, in a separate case known as the "Second Simferopol Group" of Hizb ut-Tahrir cases.

³⁰ According to the Mission of the President of Ukraine in the Autonomous Republic of Crimea that in 70 out of 183 published court decisions regarding alleged discreditation of Russian Armed Forces as of February 2023, the defendants were tried for posting and displaying calls such as "No war", "Stop War" and later "We are waiting for the Armed Forces of Ukraine", etc.

³¹ OHCHR, Report on the human rights situation in Ukraine, 1 August 2022 to 31 January 2023, 24 March 2023.

58. The occupying authorities continued to prohibit Ukrainian television and radio broadcasting in the peninsula, including by seizing Ukrainian frequencies and assigning them to Russian channels. The Ukrainian authorities reported that 86 Ukrainian media entities continued to function under occupation in Crimea. In the aftermath of the full-scale invasion on 24 February 2022, the media landscape further deteriorated as the Russian Government proceeded to block access to websites of key Ukrainian news outlets, foreign media, as well as a number of Russian outlets purportedly critical of the Government. On 28 February 2022, by the request of the Prosecutor General's Office of the Russian Federation, several news outlets, including Ukrainian media outlets were blocked – Krym.Realii (a Radio Free Europe/Radio Liberty service covering Crimea also in Crimean Tatar language), New Times, Interfax-Ukraine, Gordon, Ukrayinska Pravda (pravda.com.ua) and the website of the magazine Korrespondent. Access to several other news websites was blocked, including BBC Russia, Deutsche Welle, Latvia-based Meduza and the Russian-language service of Voice of America (VOA).³² On 24 February 2022, the Russian media regulatory authorities (Roskomnadzor) issued new requirements under which media outlets could cover Russia's full-scale military invasion using only official Russian sources while warning that non-compliance would be punishable with fines and blocking of articles, potentially leading to the blocking of news websites.

59. The Russian authorities also implemented large-scale de-platforming measures, notably by the blocking and subsequent banning of Facebook and Instagram in the territory of the Russian Federation in March 2022, in response to the removal of Russian state-backed channels from those social media platforms. The ban was enforced in Crimea with the effect of further narrowing the space for political dissent and alternative views, and limiting access to and dissemination of information (including over the internet). While circumventing the ban for personal use did not purportedly entail sanctions, according to human rights organisations, the designation of Meta Inc. for extremist activities by the Russian Government generated additional risks of prosecution for residents of Crimea.³³

Freedom of assembly and freedom of association

60. Public assemblies could not proceed without prior permission from the occupying authorities. This stood in contrast with the legislation and practice regarding the freedom of assembly in Ukraine which requires notifying public authorities. In addition, the introduction of new legislation punishing public actions aimed at discrediting the Russian armed forces further undermined the exercise of freedom of assembly in Crimea and was used in several reported cases to penalise and dissuade single-person pickets which are not formally covered by the blanket ban.

³² Source: Council of Europe Platform to Promote the Protection of Journalism and the Safety of Journalists.

³³ Report of the UN Secretary General, Situation of human rights in the temporarily occupied Autonomous Republic of Crimea and the city of Sevastopol Ukraine, 25 July 2022.

61. As regards freedom of association, the working environment for human rights defenders in the aftermath of 24 February 2022 was marked by new impediments and security risks. The Secretariat received information from several prominent Ukrainian human rights groups working in Crimea that the Russian authorities had blocked access to their websites on the Russian territory. One of them was added to the list of undesirable organisations in Russia and its activities were deemed to represent a threat to the Russian Federation's constitutional order and security. The OHCHR also reported that local human rights defenders covering human rights issues in Crimea from Kherson, were compelled to flee to areas under control of the Ukrainian Government due to well-grounded fear of reprisals after large parts of the region were occupied by Russian forces.

62. Furthermore, in July 2022, the Russian Parliament adopted the Law on Control Over Activities of Entities/Persons under Foreign Influence which significantly broadens the definition of "foreign agents".³⁴ The law applies to Russian and foreign entities, unregistered associations as well as individuals, regardless of nationality. It also excludes the participation of "foreign agents" from key aspects of public life, such as participating in the organisation of public assemblies, or supporting them via donations, and prevents them from engaging in teaching of minors and producing information material for them. The law entered into force on 1 December 2022. Concerns have been expressed that its implementation in Crimea would lead to further infringements of civic and political freedoms, as well as other rights.

VI. OTHER HUMAN RIGHTS ISSUES

Forced transfers of children

63. During the reporting period, the practice of forced and unlawful transfer of children to the Russian-occupied territories as well as deportations to the Russian Federation solicited widespread international attention and strong concerns over potential violations of the state obligations set forth by the Fourth Geneva Convention (relative to the Protection of Civilian Persons in Time of War) and the Convention on the Rights of the Child. The Ukrainian authorities reported that 16 226 children were affected as of end February 2023. While 10 513 had been located, it had been possible to return only 308.

³⁴ According to the law, a foreign agent is a person who received support from foreign states or is under foreign influence and is engaged in political activities in Russia, purposefully gathering information on military, military-technical activities of the Russian Federation or disseminating messages and materials for an unlimited number of people.

64. In the broader context of this serious and complex issue, most of the reported transfers to Crimea have been primarily related to children's expedited placement in recreation camps which engaged in intensive pro-Russian re-education and provided military training. While precise data is lacking, the occupying authorities in Crimea claimed having received 10 000 children from other occupied territories in 2022. At least seven institutions, with a capacity of hosting 2 000-2 500 children, were identified by a recent independent research study.³⁵ Although initial parental or legal guardianship consent appeared to have been obtained, the relentless pressure of the war context may have contributed to a situation of duress. Moreover, many of those children seem to have been unable to return, after the camp administrations allegedly decided to delay or suspend altogether the children's return to their parents in Ukraine³⁶ or due to the camp authorities refusing to hand them over unless their parents collected them in person.³⁷ According to a local human rights initiative, by December 2022, at least 100 children in Crimea were waiting for the re-unification procedure provided for under the Geneva Conventions.³⁸

65. There have been significantly fewer reports of transfers of children in institutional care. In one case, 46 children aged from four months to four years from the Kherson Regional Children's Home, were reportedly transferred by Russian forces to Simferopol on 21 October 2022. In a separate case reported by the Ukrainian media, 16 children with disabilities from Oleshky in the Kherson region were taken to a psychiatric hospital in Crimea on 23 October 2022, although their prospective transfer onwards to the Russian Federation was not ruled out at the time.³⁹

66. In February 2023, the Council of Europe Commissioner for Human Rights noted that failure to return Ukrainian children to their parents or legal guardians is a clear violation of those children's human rights and the best interest of the child. The Commissioner called for the urgent identification of concrete mechanisms and solutions and to use them to reunite these children with their families.

67. The scarcity of information, but also the limited or lacking communication between children and/or occupying authorities on one side and parents on the other, have contributed to a growing uncertainty regarding the children's situation and status. Concerns also persisted over the practice of changing the nationality of Ukrainian children through the accelerated granting of Russian citizenship and subsequent renunciation of Ukrainian citizenship, in apparent violation of the Fourth Geneva Convention (relative to the Protection of Civilian Persons in Time of War). Despite multiple calls, the Russian Federation continued to refuse access to international organisations and human rights defenders to the institutions where children are placed. Similarly, calls to establish a register or a database to trace children, as well as a legal mechanism to facilitate the restoration of their identity by Russia, remain unheeded.

³⁵ Yale School of Public Health's Humanitarian Research Lab (HRL), *Russia's Systematic Program for the Re-education and Adoption of Ukraine's Children*, 14 February 2023.

³⁶ *Ibid.*

³⁷ Council of Europe Commissioner for Human Rights, *Memorandum on country visit to Ukraine*, 6 March 2023.

³⁸ Crimean Idea, *Review of the situation with human rights and adherence to norms of international humanitarian law in Crimea after the beginning of Russia's full-scale war against Ukraine*.

³⁹ *Suspilne report*, 23 October 2022.

68. The Secretariat's attention was also drawn to the relocation of orphans from Crimea in the period pre-dating 24 February 2022, purportedly for adoption following the integration of the peninsula in well-established adoption programmes such as the "Train of Hope", which is already operating in the Russian Federation.

Military enlistment

69. The "partial mobilisation" launched in the Russian Federation on 21 September 2022 was also enforced in Crimea in an apparent violation of the Fourth Geneva Convention (relative to the Protection of Civilian Persons in Time of War).⁴⁰ By 25 September 2022, according to the occupying authorities, 2 000 persons had been drafted. However, it has been noted that the related Russian presidential decree did not stipulate an end date, in practice creating grounds for an open-ended enlistment.

70. In addition, biannual conscription campaigns continued to take place in Crimea, keeping with the practice observed in previous years, bringing their total number since the 2014 illegal annexation to 18. Approximately 3 000 persons were reportedly called up in one round. According to the Mission of the President of Ukraine in the Autonomous Republic of Crimea, by the end of February 2023 at least 39 000 Crimeans may have been called up for compulsory military service in the Russian army since the start of the occupation of the peninsula. While military service can possibly be avoided in case of forfeiting Russian citizenship, this implies other negative consequences in accessing social services, healthcare and education and other basic services. The Secretariat was informed that conscription of the residents of Crimea into the Russian armed forces and other formations is subject to a criminal investigation by the Prosecutor's Office of the Autonomous Republic of Crimea and the City of Sevastopol.

71. The Ukrainian authorities and representatives of the Mejlis of the Crimean Tatar people expressed serious concerns that mobilisation has disproportionately affected the Crimean Tatar population and further exacerbated helplessness within the community. According to some estimates, as many as 5 000 Crimean Tatars may have received summonses. The particularly forceful nature of enlistment in several places where the Crimean Tatars resided has been backed by local monitors who also reported about police raids in the early hours of 22 September 2022, distribution of summonses at the workplace and the busing of draftees to mobilisation points. Many were reportedly forced to leave Crimea to avoid being enlisted, leading to further displacement of the indigenous population.

72. Sanctions for evading military service of the Russian Federation continued to be enforced: 429 criminal cases were reportedly recorded by the end of 2022, out of which 307 ended with a guilty verdict from first instance courts, including 86 issued after 24 February 2022. In another 67 cases, criminal proceedings were terminated, even though this outcome did not result in exemption from military duties.⁴¹ The Ukrainian authorities observed that the number of cases was marked by a sharp increase since 2020. In addition, prior to the announcement of "partial mobilisation", the Russian Parliament strengthened criminal responsibility for a range of offences such as desertion, damage to military property and insubordination if they are committed during military mobilisation or combat situations.

⁴⁰ Under its Article 51, an Occupying Power may not compel protected persons to serve in its armed or auxiliary forces. No pressure or propaganda which aims at securing voluntary enlistment is permitted.

⁴¹ Crimean Human Rights Group, Human Rights and International Human Rights Norms: Crimea 2022 situation review.

73. The Secretariat's interlocutors underlined that military enlistment was carried out against the backdrop of an information environment dominated by official narratives and state-controlled media which promoted serving in the Russian armed forces in the context of the war, contrary to relevant international humanitarian law provisions.

Transitional justice aspects

74. On 15 March 2022, in response to the large-scale invasion by the Russian Federation, the Ukrainian Parliament adopted the Criminal Liability for Collaboration Law, a set of legislative amendments with the aim of prosecuting collaboration activities by individuals, under Ukraine's jurisdiction, with an aggressor state, its occupation administration, its armed forces or military formations.⁴² The amendments, *inter alia* supplement the Ukrainian Criminal Code with a new Article 111(1) which defines collaboration activities as: public denial of the existence of the armed aggression against Ukraine and of the temporary occupation of part of its territory; public calls for support of decisions and actions of the aggressor state; co-operation with the aggressor state; and the refusal to recognise Ukraine's state sovereignty over the temporarily occupied territories.

75. Criminal liability is introduced for the dissemination of propaganda in educational institutions and the implementation of actions aimed at promoting the aggressor state's academic agenda. Supplying material resources to illegal armed units established by the aggressor in temporarily occupied Ukrainian territory and any economic activities in co-operation with the aggressor state are punishable by a fine or imprisonment for three to five years, restrictions on professional activities for 10–15 years and confiscation of property.

76. In addition, citizens of Ukraine who voluntarily hold a position related to the performance of organisational, administrative or economic functions in "authorities, enacted by the occupying power" and who participate in organising and conducting illegal elections or referendums in the temporarily occupied territory, are punishable by a restriction of their freedom for 5-10 years, with or without confiscation of property. An even harsher punishment of imprisonment for 12-15 years may be imposed on Ukrainians who co-operate with Russian judicial or law enforcement agencies, participate in illegal military formations created by Russia in Ukrainian territory, or assist in conducting combat operations against the armed forces of Ukraine.⁴³

⁴² Law No. 2108-IX on Amendments to Certain Legislative Acts regarding the Establishment of Criminal Liability for Collaboration Activities (Criminal Liability for Collaboration Law) and Law No. 2107-IX on Amendments to Certain Legislative Acts on Ensuring the Responsibility of Individuals Who Carry Out Collaboration Activities (Individual Responsibility for Collaboration Law).

⁴³ Fremer, Iana. Ukraine: New Laws Criminalize Collaboration with an Aggressor State. 2022. Web Page. <https://www.loc.gov/item/global-legal-monitor/2022-04-04/ukraine-new-laws-criminalize-collaboration-with-an-aggressor-state/> accessed on 27 February 2023.

77. The Secretariat was informed that the law was already enforced to target individuals in Crimea mainly through convictions *in absentia*. In meetings with the Secretariat, while endorsing the rationale of legislative responses against the ongoing full-scale military invasion of large parts of Ukrainian territory, Ukrainian human rights defenders expressed concerns about the overly broad scope of the law and stressed the need for ensuring legal certainty and human rights safeguards. Representatives of the authorities appear to agree on the need to amend the law, in particular insofar as its application to economic activities in the Autonomous Republic of Crimea was concerned, and in view of the prolonged occupation of the peninsula since 2014.⁴⁴ They informed the Secretariat that the preparation of relevant proposals to this end was underway.

78. The authorities also informed the Secretariat that work was currently ongoing to develop legislation on the legal regime of de-occupied territories. The aim of such a law would be, *inter alia* to set out the principles and mechanisms governing the transitional period in the areas concerned until their full reintegration back into Ukraine (including aspects related to documentation, review of judicial decisions and property rights). It is understood that the new legislation would also extend to Crimea.

⁴⁴ Interview of the Head of the Prosecutor's Office of the Autonomous Republic of Crimea and Sevastopol, Interfax-Ukraine, 8 March 2023.