

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 decision, taken at the 1403bis meeting on 11 May 2021, 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. Pursuant to the above-mentioned decision, the present report focuses on the main human rights developments starting from May 2021 as part of broader practices that have significantly impacted the situation in the peninsula since the beginning of the temporary occupation by the Russian Federation. The report follows preparatory work conducted in Strasbourg and *in situ* in Ukraine. It draws on meetings with the Ukrainian authorities, international organisations and human rights defenders and civil society activists, information obtained by relevant Council of Europe bodies, as well as reports available in the public domain. For the purposes of the report, fact-finding missions were conducted to Kyiv. The Secretary General also visited Ukraine and the administrative boundary line on 5 November 2021. 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. Regrettably, despite the continued efforts of the Secretary General, it proved impossible to agree on acceptable modalities for a Secretariat visit to Crimea. Lack of physical access created objective hindrances for a first-hand assessment of the human rights situation and for verification of the facts reported on the ground. Against this backdrop, the report focuses primarily on human rights issues from a European Convention on Human Rights standpoint and as outlined in the Committee of Ministers' decision. Various interlocutors identified a range of priority human rights issues within the reporting period. While those have been reflected to the 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.

4. Russia's full-scale military aggression against Ukraine on 24 February 2022 and related developments had a disruptive effect on the preparation of the report. A range of planned meetings and field trips could not take place constraining the Secretariat's access to information. Human rights developments in the Autonomous Republic of Crimea and the City of Sevastopol, Ukraine, in the aftermath of 24 February 2022, including aspects emerging in the context of the Russian aggression, will be included in the Secretary General's future reports to the Committee of Ministers.

5. This report does not replace the monitoring procedures established in the Council of Europe. It is recalled that currently Council of Europe mechanisms lack unhindered access to the peninsula. Nor should it be seen as prejudging any possible decisions in the cases pending before the European Court of Human Rights.

¹ CM/Del/Dec(2021)1403bis/2.3.

6. In this respect it is recalled that 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 partially 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

7. The Russian Federation's aggression against Ukraine has led to its expulsion from the Council of Europe and, as a result, the cessation of its membership to the Organisation as of 16 March 2022 on account of a serious violation of its obligations under the Statute of the Council of Europe (CM/Del/Dec(2022)1428ter/2.3).

8. The present report does not deal with status-related issues. 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. HUMAN RIGHTS IN THE FRAMEWORK OF LAW ENFORCEMENT

Right to life

9. 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 peace time admits no derogation. It comprises two substantive obligations: general obligation to protect by law 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.³

10. Aspects relating to the right to life have been previously addressed by Council of Europe bodies, including the Commissioner for Human Rights, in connection with enforced disappearances.⁴ A number of applications alleging enforced disappearances in Crimea remain pending before the European Court of Human Rights. The Parliamentary Assembly of the Council of Europe dealt with the issue in its Resolution 2425 adopted on 27 January 2022.

² *Ukraine v. Russia* (re. Crimea), Grand Chamber's admissibility decision of 16 December 2020, application no. 20958/14. In addition, the Court decided to join to the inter-state case *Ukraine v. Russia* (re. Crimea) another inter-state case which had been introduced in 2018; *Ukraine v. Russia* (VII), no. 38334/18. This latter application concerns an alleged administrative practice by the Russian Government of arresting, detaining in Russian prisons and prosecuting Ukrainian nationals – most of whom are from Crimea. Furthermore, approximately 1 180 individual applications before the Court concern Crimea: 1 054 of the applications from Crimea were lodged against Russia, seven were lodged against Ukraine and 121 were lodged against both states. A total of 143 applications were registered in 2021. As of 1 May 2021 (up to 1 February 2022), the Court has received five applications concerning allegations of unlawful deprivations of life (Article 2); nine applications concerning allegations of ill-treatment and torture (Article 3); 12 applications concerning allegations of unlawful detentions (Article 5); and 18 applications concerning alleged violations occurred in the course of civil and criminal proceedings (Article 6). According to the Court's practice, where an inter-state case is pending, individual applications raising the same issues or deriving from the same underlying circumstances are, in principle and in so far as practicable, not decided before the inter-state case. Approximately 300 applications have now been communicated in two thematic groups. The first of those groups concerns alleged interferences with the right to freedom of assembly and the second group concerns allegations of deprivations of property.

³ European Court of Human Rights: Guide on Article 2 of the European Convention on Human Rights, updated on 31 December 2021.

⁴ Cf. Report by the Human Rights Commissioner following his mission to Kyiv, Moscow and Crimea from 7-12 September 2014.

11. The Secretariat received no reports of active cases of enforced disappearances for the period of reference. There are however 43 documented cases of disappearance since 2014 which mainly took the form of kidnappings and abductions. The victims (39 men and 4 women) are of different ethnicities, including Crimean Tatars. As of end of 2020, of those, 11 persons remained unaccounted for amid fears that their disappearances have resulted in deaths, one is acknowledged to be in detention, one victim was found to have been reportedly summarily executed and 30 victims were released following their disappearance but not provided with redress.⁵ The latter have also reported credible allegations of torture. Members of militia groups such as the Crimean Self-Defence (*Samooborona*), which operated in the context of 2014 events and was later disbanded as well as agents of the Russian Federal Security Service and other law enforcement bodies have been implicated as alleged perpetrators.

12. 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 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.⁶ According to the Ukrainian authorities and human rights activists, progress in resolving the outstanding cases of enforced disappearances in Crimea is however not evident. In those cases where investigations were initiated, they appear to have stalled and remain incomplete. In cases where loss of life has been established, alleged perpetrators have not been brought before justice despite the evidence at hand, including video materials. It was also reported to the Secretariat that in some cases criminal proceedings had been opened and then terminated shortly after, requiring renewed efforts from lawyers and relatives to keep the process ongoing. Concerns were also expressed regarding the intimidation of witnesses.

13. Ukrainian law enforcement bodies have launched their own official investigations into cases of enforced disappearances. A specific department has been set up in the Office of the Prosecutor General of Ukraine to prosecute allegations of war crimes, including the allegations of enforced disappearances in Crimea. The Office of the Prosecutor General of Ukraine informed the Secretariat that in one prominent case involving loss of life, three complicit individuals had been identified and put on a wanted list. It is understood, however, that the extent of investigations has been limited temporarily by a lack of effective control on Crimea as well as the time factor.

14. Furthermore, although Ukraine ratified the 2015 International Convention for the Protection of all Persons from Enforced Disappearances, and amended the criminal legislation accordingly, it is reported that such cases are mainly investigated as murder or complaints on torture and inhuman or degrading treatment. In this regard, human rights groups, like Crimea SOS, have pointed to the need to develop relevant legislation guidance.

⁵ Cf. Briefing Paper on Enforced Disappearances in the Autonomous Republic of Crimea and the City of Sevastopol, Ukraine, temporarily occupied by the Russian Federation, UN Human Rights Monitoring Mission in Ukraine, issued on 31 March 2021.

⁶ 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.

Prohibition of torture and inhuman and degrading treatment

15. The prohibition of torture and ill-treatment is one of the most fundamental international human rights law norms enshrined in Article 3 of the Convention and provides for no exceptions under any circumstances. Together with Article 2, this reflects one of the basic values of democratic societies making up the Council of Europe. The Secretariat continued to receive information about cases where law enforcement officers of the occupying authorities had allegedly resorted to torture and other forms of ill-treatment including ostensibly to extract confessions from detainees or coerce them to self-incriminate. It was noted that those detained incommunicado were at particular risk.

16. It was reported that, on 10 March 2021, the Russian Federal Security Service officers in Crimea, Ukraine, had arrested Mr Vladyslav Yesypenko, a frequent contributor of *Krym Reali*, a Crimea-focused outlet of the Radio Free Europe/Radio Liberty (RFE/RL) which regularly reports on the human rights situation in the peninsula. He was reportedly initially accused of “illegal production, repair, or modification of firearms” to which later charges on espionage on behalf of Ukraine were added. While case investigators claimed that he had confessed to both offences, Mr Yesypenko himself later maintained that he had been subjected to torture by electrocution and coerced to admit crimes he had not committed. His health deteriorated afterwards, and he was transferred to a medical facility. His lawyers have reported multiple other violations of his procedural rights, notably the fact that he was held incommunicado and not immediately granted access to a lawyer of his choice following his arrest, lending additional credence to Mr Yesypenko’s complaints. The torture allegations however remained unaddressed. On 16 February 2022, a court in Crimea sentenced him to six years in prison and a fine on charges relating to possession of explosives.

17. While in some other cases official investigations have reportedly been launched into allegations of torture and other forms of inhuman or degrading treatment attributed to the FSB (abbreviation stands for the Russian Federal Security Service) and other Russian state agents, they appeared to be pro forma and ineffective. Notwithstanding the serious nature of allegations, in none of the cases reported to the Secretariat had those investigations succeeded in ensuring accountability.

18. As regards the situation in places of deprivation of liberty, it was reported to the Secretariat by human rights activists that conditions remained particularly dire in the only pre-trial detention facility in Simferopol which suffered from overcrowding, inadequate physical conditions and poor sanitation. These appear to run contrary to the Convention standards. The issue of insufficient space in detention facilities appears to be acknowledged by the Russian occupying authorities and the construction of two additional facilities, including in the City of Sevastopol, Ukraine, is reported to be underway. In another apparent consequence of overcrowding, in some cases detainees were reportedly transferred to other detention facilities before the court sentence entered into force, which complicated the preparation of appeal by lawyers.

19. There have also been reports that detainees suffering from serious health issues continued to lack access to adequate healthcare and medication. It was reported to the Secretariat that while lawyers continued to seek redress for defendants with health issues in courts, most of those motions were rejected. In one case, Mr Amet Suleymanov, a Crimean Tatar activist charged with “participation in a terrorist organisation” was kept in house arrest due to reported cardiovascular issues with the court reportedly dismissing his request to be allowed to visit a medical facility.⁷ On 29 October 2021, he was sentenced to 12 years of imprisonment in a strict regime colony.

20. Concerns continued to be expressed that some prisoners were restricted to small cells or exposed to lengthy solitary confinement, including for alleged minor violations, at high risk for their health. In one such case, human rights defenders in Crimea reported that Mr Teymur Abdullayev, a representative of the Crimean Tatar community earlier convicted to 17 years of imprisonment on alleged terrorism charges, had been released from a solitary confinement cell in a penal colony in the Russian region of Bashkortostan after spending there an uninterrupted period of 55 days – this was the second time such a disciplinary measure was applied to him. His mother has complained of visible deleterious effects on his health.

21. The Secretariat received reports about the continued practice of transferring prisoners deprived of their liberty in Crimea to penitentiary institutions in the Russian Federation, including in remote areas in the country, in poor conditions giving rise also to ill treatment. Their numbers could not be verified as the Russian Federation has not disclosed official data in this regard. It is understood that the majority of cases appeared to be dictated by the organisation of the Russian penitentiary and judiciary systems. A lack of high-security prisons, penitentiary facilities for juvenile offenders and female colonies in Crimea has been reported, *inter alia* allegedly as a reason to necessitate such transfers. Ukrainian authorities continued to protest in the strongest terms against such practice on the ground that it runs contrary to the international humanitarian law.⁸

22. The transfer of pre-trial detainees, on the other hand allegedly concerns a smaller number and appears to occur mainly in the context of criminal cases related to alleged “terrorism”, the jurisdiction for which is exercised by the military court limb of the Russian justice system. Defendants in those cases are as a rule transferred to Rostov-on-Don in the Russian Federation. Concerns persisted that defendants’ rights under the Convention in those cases were consistently violated. In general, transfer from the peninsula, especially in the case of very remote locations and severe climate, is perceived as a harsher punishment. The significant physical distance reported in some cases has been highlighted as an additional impediment to visits by relatives and defence lawyers.⁹

⁷ Crimean Solidarity [report](#) of 16 June 2021.

⁸ Article 76 of the Fourth Geneva Convention stipulates that protected persons accused of offences shall be detained in the occupied country and if convicted they shall serve their sentences therein.

⁹ It is recalled that the European Court of Human Rights has already found similar violations concerning the territory of the Russian Federation proper in a number of cases, e.g. in *Polyakova and Others v. Russia*, application no. 35090/09*, judgment of 7 March 2017.

Right to liberty and security and the right to fair trial

23. In meetings with the Secretariat, Ukrainian officials continued to raise concerns about abusive criminal prosecution of proponents of the Ukrainian territorial integrity as well as Russian Government critics from different backgrounds and groups ostensibly on dubious or fabricated charges. During the Secretariat's mission to Kyiv in July 2021, the Ukrainian Parliament Commissioner for Human Rights informed the delegation of approximately 138 such cases involving Ukrainian nationals (Crimean Tatars and Ukrainians) from Crimea. According to Ukrainian authorities, of those, 128 have been deprived of their liberty (106 in the Russian Federation and 22 in Crimea). Representatives of international and local human rights organisations reported a widespread practice of arbitrary arrests, searches of private residences and violation of procedural rights.

24. During a wave of searches in private residences of Crimean Tatars on 3-4 September 2021, five representatives of this community were arrested, including the First Deputy Head of the Mejlis, Mr Nariman Dzheljal. The searches appear to have been conducted in connection with the explosion of the gas pipeline supplying a Russian military unit in the Perevalne village on 23 August 2021. Lawyers and relatives held that they were all kept incommunicado for 24 hours. While two persons were released, Mr Dzheljal and two others, Mr Aziz Akhtemov and Mr Asan Akhtemov, were detained on charges of sabotage as part of an organised group in connection with the above-mentioned incident. Later, the occupying authorities also pressed against them two additional criminal charges on the acquisition, storage and transportation of explosives as well as their smuggling across the border as part of an organised group. Two defendants have complained that they were tortured to extract a confession on subversion during their arrest. Currently, all three reportedly remain in pre-trial detention until 26 July 2022 awaiting trial. It has been noted that prior to his arrest, Mr Dzheljal attended the Crimea Platform Summit in Kyiv on 23 August 2021, triggering perceptions that the criminal case against him constituted retaliation for his activism.

25. The attention of the Secretariat was also drawn to the widespread practice of reference to so-called "anonymous witnesses" to support criminal charges in many of the extremist/terrorist-related cases directed against representatives of Crimean Tatar community. These are individuals whose identity is concealed from the defence and whose testimony, which often seems scripted to echo the indictment, cannot be verified. Human rights defenders held that the prosecutors and courts had failed to ensure sufficient counterbalancing measures to protect a defendant's rights in an apparent violation of equality of arms principle.

26. The Secretariat was made aware of new cases of interference with a lawyer's profession, in particular in cases related to Crimean Tatar activists. On 26 October 2021, the Russian occupying authorities arrested Mr Edem Semedlyayev in a police station in Simferopol following a dispute with one of the police officers while he was providing legal counsel services. Mr Semedlyayev is known to have defended Crimean Tatar activists and other activists and journalists in Crimea.¹⁰ He was reportedly searched for extremist symbols and sent to administrative arrest for disobeying the orders of a police officer. He was released the following day by a court in Simferopol pending a review of the charges. On 11 November 2021, Mr Semedlyayev was sentenced to 12 days of administrative arrest and fined 4 000 roubles (approximately €49). The Supreme Court in Crimea later upheld the sentence. Mr Semedlyayev was released on 23 November 2021.

¹⁰ See Observatory for the Protection of Human Rights Defenders: [Ukraine/Russia: Arbitrary detention and release of lawyer Edem Semedlyayev](#).

III. NON-DISCRIMINATION

General observations

27. The situation of persons belonging to ethnic minorities in the peninsula in the aftermath of the illegal annexation has regularly sustained the attention of the Council of Europe bodies. The Russian occupying authorities have proclaimed the promotion of interethnic relations, the integration of minorities into the political, cultural and social life as well as ensuring their equal rights to be a priority. Recognition of the Ukrainian and Crimean Tatar language as official languages of the Republic of Crimea, the rehabilitation of the Crimean Tatars as a repressed group by the Stalin regime, as well as a range of socio-economic support measures have often been mentioned as concrete steps in this regard. While the Secretariat had no possibility to monitor the situation on the ground, it would appear that any effect of such measures appears to have been offset by systematic violations of human rights reportedly suffered by ethnic Ukrainians and Crimean Tatars who constitute respectively the second and the third largest ethnic groups in the peninsula.¹¹

28. During the reporting period, the Russian Federation notably failed to heed Council of Europe's numerous calls, including most recently by the Parliamentary Assembly, to reverse the Russian Supreme Court's unlawful ban on the Mejlis of the Crimean Tatar people.¹² In this regard, the Russian Federation has remained in non-compliance with the International Court of Justice's order of 19 April 2017.¹³

29. During their visit to Ukraine, a delegation of the Secretariat met with the Head of the Mejlis of the Crimean Tatar People, Mr Refat Chubarov, in Kyiv to discuss the general situation of the Crimean Tatar population. In this respect, the delegation was updated on the personal situation of Mr Chubarov, representing a clear example of human rights violations encountered by the Crimean Tatars since 2014. On 2 June 2021, the Supreme Court of Crimea sentenced him to six years' imprisonment and a fine of 200 000 Russian roubles. It is noteworthy that he was charged with "organising a mass riot", in connection with a rally in which he participated on 26 February 2014, in what appears to be an illustrative example of retroactively applied Russian legislation to developments preceding its assertion of jurisdiction in the peninsula. Like other Crimean Tatar leaders, Mr Chubarov had previously been banned from entering Crimea in 2014 and was hence sentenced *in absentia*. The Secretariat was informed about additional arrests and convictions of Crimean Tatar representatives during the period under review, some of which are reflected in this report.

¹¹ Russian official figures regarding the precise ethnic composition of the Autonomous Republic of Crimea including those from the October 2014 census remain contested.

¹² PACE Resolution 2387 (2021).

¹³ 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).

30. Consistent reports of abusive measures disproportionately affecting Crimean Tatars continued to underscore the concerns about their deliberate discrimination¹⁴ while exacerbating their sense of insecurity and mistrust towards the occupying authorities. The intimidation, prosecution and bans targeting the Mejlis and its leadership has had a detrimental effect on the exercise of the political and civic rights of the community as a whole. In addition, it would appear that such circumstances have contributed to divisions within the Crimean Tatar community in the peninsula, raising the question whether this also represents a deliberate policy. Indeed, several Crimean Tatar organisations (*kulturno-nacionalnie avtonomii*) are reported to have been established. The Secretariat could not obtain detailed information on their status including on the support they enjoy among Crimean Tatars.

31. During the reporting period, Ukraine strengthened its legislative framework and adopted other concrete measures aimed at protecting the rights of indigenous people in Crimea. On 1 July 2021, the Verkhovna Rada of Ukraine adopted the Law “On Indigenous People of Crimea” incorporating relevant international standards for such peoples in the peninsula, which comprise Crimean Karaites, Krymchaks and Crimean Tatars. The Government of Ukraine also adopted the Concept of Developing and Popularising the Crimean Tatar language and its alphabet.

32. As regards ethnic Ukrainians, it was questioned whether they were able to maintain their identity, language and culture. As an example, during the mission to Kyiv in July 2021, the Secretariat’s attention was drawn to the case of Mrs Galina Dolgoplova, a 62-year-old resident of Crimea, who was arrested by the occupying authorities reportedly for talking in Ukrainian in a public place. Concerns were expressed about practices aiming at side-lining those who criticise the Russian official view on Crimea as well as about the fact that the ties of this community with mainland Ukraine appear to have been further restricted. The Secretariat’s interlocutors recalled indeed that many Ukrainians had decided to leave the region after facing various forms of pressure, while others were reluctant to freely express their opinion.

33. The Ukrainian authorities and NGOs further stressed that the temporary occupation affected the ethnic composition of the peninsula due to a number of ethnic Ukrainians, Crimean Tatars and others¹⁵ fleeing to mainland Ukraine, while the inflow of population from the Russian Federation continued.

Right to education in the mother tongue

34. Mother-tongue based education in the native Ukrainian language in Crimean general education institutions has reportedly seen a pronounced decline since 2014. The number of school children receiving instruction in the Ukrainian language equals 212 representing 0.1% of the total number of school children for the school year 2021-2022¹⁶ compared to 7.3% in 2013-2014.¹⁷ Currently only one Ukrainian-language school (School no. 20) is reported to operate in Feodosya. This state of affairs appears to reflect not only diminishing opportunities to receive education in Ukrainian language but is also related to internal displacement from the peninsula to the rest of Ukraine.

¹⁴ PACE Resolution 2387 (2021).

¹⁵ According to the Ministry of Social Policy of Ukraine, at least 52,628 persons left Crimea in the aftermath of the illegal annexation.

¹⁶ Source : <https://monm.rk.gov.ru/ru/structure/210>.

¹⁷ “Situation of Human Rights in Crimea over 7 years of occupation”, June 2021.

35. Ukrainian human rights groups highlighted problems with relevant textbooks in the Ukrainian language as well as teachers' qualifications. During the Secretariat's mission to Kyiv in July 2021, the Ukrainian Parliament Commissioner for Human Rights indicated however that the school in Feodosya was lacking teachers qualified to provide instruction in Ukrainian language. It was noted in this regard that many teachers had left Crimea in the aftermath of 2014, while others were requalified to provide instruction in the Russian language.

36. School children from the peninsula wishing to receive instruction in the Ukrainian language reportedly enjoyed the possibility of remote education, in other schools in the rest of Ukraine in the form of distance learning programmes or online attendance formats. While such modalities are considered as suitable alternatives for those wishing to remain in the peninsula, it would appear that in some cases the schools were unaware that such programmes existed while in other cases they did not reply immediately to applications.

37. Concerns also persisted with education in the Crimean Tatar language. According to publicly available statistics, referred to also by the Ukrainian human rights defenders, the number of school children receiving instruction in the Crimean Tatar language during the 2021/2022 school year equalled to 7,049 (3.1 % of the total enrolment). The Secretariat could not verify the reliability of above-mentioned figures. However, Ukrainian human rights groups maintained that contrary to declared figures, in practice instruction in the relevant schools almost exclusively took place in the Russian language.¹⁸

38. Under education standards applicable in the Russian Federation, mother tongue-based education is based on the request of parents and the capacities of the education system. However, it was reported to the delegation that in some cases these applications have been ignored by the school administration, whereas in others, parents were reluctant to request minority languages, giving preference to the Russian language. There are concerns however that such decisions may be influenced by the sense of insecurity or instances of pressure, in particular when Ukrainian language is concerned.

39. As regards Crimean students' access to higher education in mainland Ukraine, the Ukrainian Government applies a quota system. Numbers of those enrolling in Ukrainian universities have fluctuated over the years with 337 reported in 2021/2022 education year. Ukrainian human rights defenders emphasised that established mechanisms of the Ukrainian Government allowing Ukrainian students from Crimea to enrol in universities in mainland Ukraine need to effectively function. They noted in particular the need to simplify and optimise university entry procedures considering the limited means at the disposal of students from the peninsula to prepare for entry exams. They also informed that legal changes in this regard were pending since November 2021. On the other hand, the entry into force of the new amendments to the Russian Federation's law "On Education in the Russian Federation" in June 2021, have reportedly created additional barriers for entrants to Ukrainian universities.¹⁹

¹⁸ Ibid.

¹⁹ UNESCO "Follow-up of the situation in the Autonomous Republic of Crimea (Ukraine)", 10 September 2021.

40. In addition to the issue of access to education in the native Ukrainian or Crimean Tatar languages, during their mission to Kyiv, the Secretariat's attention was drawn to the problem of militarisation of schools and school children in Crimea, Ukraine, by the occupying authorities. It is allegedly being carried out through course training managed by the Russian officers and through military games involving schoolchildren. The reported enrolment of school children in the so-called "Yunarmia" (Youth Army), a movement run by the Russian Defence Ministry, which offers basic military courses, is seen as another example of attempts to impose militaristic education policies which in turn reportedly tend to radicalise young people.

Freedom of religion

41. Violations of freedom of religion in the peninsula persisted during the reporting period. Not all religious denominations practicing in the peninsula before 2014 accepted the mandatory registration as "Russian legal entities" or completed the procedure within the set deadlines. Failure to do so has reportedly resulted in undue interference with their exercise of freedom of religion. In this regard, it was also reported to the Secretariat by the Ukrainian authorities that the number of religious organisations in the peninsula had been reduced almost by half, compared to the period before the illegal annexation.

42. The status of the Orthodox Church of Ukraine in Crimea (former Ukrainian Orthodox Church of the Kyiv Patriarchate, "OCU") remains in limbo after its repeated attempts to re-register were rejected by the Russian occupying authorities, allegedly because the initial deadline (1 January 2016) and other formalities required under Russian laws were omitted. Lack of legal status would imply that the OCU in Crimea, Ukraine, could not hold, *inter alia* worshipping activities and own property.

43. It was reported to the Secretariat that some of the OCU places of worship had already been seized or demolished by the Russian occupying authorities ostensibly due to cancellation of contracts pre-dating the illegal annexation in 2014 as well as illegal construction claims. Currently, it is reported that only six parishes remain, from 45 in the beginning of 2014 – the number of priests has also reportedly seen a drastic decrease during the same period. It was noted that the congregation faces the prospect of eviction from its main premises, the Cathedral of Sacred Equal Apostles St. Prince Volodymyr and St. Princess Olga in Simferopol following a decision upheld in 2020 by the Russian Supreme Court, which remains to be enforced. On 17 February 2022, the Verkhovna Rada of Ukraine decided to transfer the ownership of the Cathedral to State ownership. Some interlocutors noted that limitations imposed on the OCU could be linked to its active pro-Ukrainian public position often articulated publicly by its Archbishop (the OCU had previously declined to register arguing that it did not accept Russia's jurisdiction over Crimea, Ukraine). The Ukrainian authorities indicated to the Secretariat during the mission to Kyiv, that in their view, the OCU in Crimea was on the brink of extinction.

44. Developments during the reporting period highlighted the continued intimidation of Crimean Tatar members of the Muslim community over their alleged affiliation with organisations designated as "extremist" or "terrorist" in Russia, notably "Hizb-ut-Tahrir. According to the Crimean Human Rights Group, as of December 2021, a total of 79 Crimean Tatars remained deprived of their liberty while another ten were facing other types of movement restrictions respectively in connection with related criminal sentences or prosecution.²⁰

²⁰ Crimean Human Rights Situation review, December 2021, Crimean Human Rights Group.

45. The Secretariat received information on several waves of routine searches of mosques, schools (madrassas), and private dwellings of Crimean Tatars purportedly with the aim of seizing extremist literature, weapons and drugs, throughout 2021. Human rights organisations expressed concerns that raids, and searches were intrusive and disproportional to security threats alleged by the occupying authorities and violated the right to family life. Additionally, it was noted that such measures appeared to target specific mosques or communities that are perceived to be more “independent” from the Spiritual Administration of the Muslims of Crimea (DUMK).

46. The Russian occupying authorities also continued applying administrative penalties to target irregular “missionary activities” as defined by the 2016 Russian Federal Law No. 374.²¹ In May 2021, the authorities fined the Muslim community in Alushta for allegedly not properly labelling a handful of books in line with the afore-mentioned law requirements. The Imam of this community was also reportedly subjected to consecutive fines.

On 23 August 2021, a court in Crimea, Ukraine, reportedly found that a church service held by the Archimandrite of an OCU monastery in the Balki village in Bilohirsk, in the land plot where the monastery is built, constituted an “unlawful missionary activity” and fined him 15 000 Russian roubles. The defendant later complained that he had not been given the possibility to argue his case in court. Both he and his lawyer later questioned if the parish in question would be allowed to hold services in the future.

47. It was underlined to the Secretariat that members of Jehovah’s Witnesses faced a more severe situation being under a blanket ban and were subjected regularly to searches and criminal prosecution.²² According to human rights groups, at least six members of the Jehovah’s Witnesses were detained in 2021 in connection with the alleged organisation of extremist activities. Other members remain in house arrest or face other related restrictions.

IV. CIVIC AND POLITICAL RIGHTS

Freedom of expression

48. Over the eight years of ongoing occupation freedom of expression in the peninsula has significantly deteriorated in particular following the introduction of stringent Russian anti-extremist legislation and its excessive and disproportionate application to target critics. The overall environment remained non-conducive to the effective exercise of freedom of expression and media freedom.²³ The Secretariat continued to receive reports indicative of interference with the freedom to hold opinions and impart information tantamount to effective censorship.

²¹ 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.

²² 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.

²³ It is noted at this juncture, that, on 8 March 2022, the European Court decided to apply an urgent interim measure requesting the Russian Government not to interfere with the activity of the Russian daily newspaper *Novaya Gazeta* covering the armed conflict on the territory of Ukraine, in particular to abstain from blocking and terminating its activities in the case of *ANO RID Novaya Gazeta and Others v. Russia* (application no. 11884/22), see the Court Registrar’s press release ECHR 084(2022) dated 10 March 2022.

49. Criminal proceedings against journalists and more generally Russian Government critics, as illustrated by the criminal case against RFE/RL contributor Yesypenko reinforced perceptions of stifling dissent. The Council of Europe platform for the protection of journalists has ten pending alerts relating to criminal prosecution, fines and other types of harassment against journalists and media outlets from Crimea, Ukraine. The majority of the alerts involve Crimean Tatar “citizen journalists”.

50. On 29 October 2021, the Southern District Military Court of the Russian Federation in Rostov-on-Don found Mr Akhmet Suleymanov, a Crimean Tatar “citizen journalist”, guilty of participation in the activities of a “terrorist organisation”. Mr Suleymanov was earlier detained over his suspected involvement in the “Hizb ut-Tahrir” movement as part of the so-called “Third Bakhchisarai Group” of cases. Despite several medical recommendations regarding his health problems, earlier acknowledged by a court, he was sentenced to 12 years in a strict regime colony. More recently, on 10 March 2022, the same court sentenced Mr Remzi Bekirov, a correspondent for the Russian news website *Grani*, to 19 years in prison on similar charges.

51. It was reported to the Secretariat that the number of local media has declined against a backdrop of expected subservience to the occupying authorities. Several channels which were denied re-registration from the Russian authorities or faced repercussions, notably the only Crimean Tatar-language TV ATR and its affiliates as well as Black Sea News TV, have continued to broadcast from mainland Ukraine, where they moved since the beginning of the temporary occupation in 2014. A few local print media outlets continue to publish below the limit envisaged under the Russian law for registration of media organisations.

52. The Secretariat was also informed about instances of blockage of Ukrainian websites as well as the jamming of Ukrainian TV and radio channel signals coupled with the broadcast of Russian ones in the same frequency. Concerns were also raised that the procedure for blocking access to websites, sometimes without a court order, might be used to filter or censor the internet and limit access to “undesirable organisations”. Anti-extremist legislation has also had adverse negative effects on the freedom of expression on the internet.

Freedom of assembly and freedom of association

53. The Secretariat received consistent reports about undue restrictions on freedom of assembly throughout the period under review. Under legislation introduced by the occupying authorities, a blanket authorisation for organising public gatherings is required. In a report covering the period 1 November 2019 to 31 October 2021, the OHCHR documented 52 court-imposed sanctions for non-authorized rallies (affecting 41 men and 11 women).²⁴

²⁴ Civic Space and Fundamental Freedoms in Ukraine (1 November 2019-31 October 2021), OHCHR, 8 December 2021.

54. The occupying authorities continued to disperse, detain and in some cases fine participants of spontaneous rallies in an apparent arbitrary fashion. On 4 September 2021, it was reported that nearly 60 people had been detained on the grounds of violating covid-19 emergency-related rules, during a spontaneous gathering of relatives, friends, Crimean Tatar activists and journalists who arrived near the FSB building in Simferopol to inquire about the detention of First Deputy Head of the Mejlis. Some of them were then reportedly sentenced to administrative arrests while others were fined. According to Ukrainian human rights defenders, similar sanctions affected over 100 people who gathered in spontaneous rallies in Simferopol between October and November 2021.²⁵ Almost all of them were members of the Crimean Tatar community.

55. Furthermore, the OHCHR has noted cases of sanctioning single-person pickets notwithstanding the fact that they do not require prior authorisation under the Russian legislation. In one such instance reported on 21 May 2021, a court found three Crimean Tatar women guilty of participation in an unauthorised public gathering. Although each of them had staged a single-person picket at a different time and different location in support of their relatives who were facing criminal prosecution, the court reasoned that the three altogether constituted a single public gathering and sentenced them to fines.²⁶

Right to property

56. Protection of property rights for natural or legal persons is enshrined in Article 1 Protocol 1 of the European Convention on Human Rights, which also stipulates that no one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by law and by the general principles of international law.²⁷

57. Concerns persisted about continued interference with property rights, including expropriation of allegedly illegally allocated property prior to 2014, as well as demolition of construction which was found non-compliant with Russian legislation, in addition to the appropriation of public property owned by the Ukrainian state. During 2021, the Prosecutor's Office of the Autonomous Republic of Crimea and the City of Sevastopol, Ukraine, identified 250 persons whose real estate was demolished and 3 702 persons whose land plots were confiscated.

58. The attention of the Secretariat was drawn to the Russian presidential decree of 20 March 2020, which added most of the territory of the peninsula and the City of Sevastopol to the list of border territories in which non-Russian citizens are prevented from owning land. Around 12 000 people are estimated to be affected, nearly all of them are understood to have Ukrainian nationality. They were given one year to comply with the decree which became effective in 2021.

²⁵ Crimea Situation Report 2021, Crimea SOS.

²⁶ Cf. above-mentioned OHCHR report.

²⁷ The European Court of Human Rights developed these requirements in its abundant case-law, including in the application no. 13216/05, Grand Chamber judgment of 16 June 2015, or in the former Yugoslavia in *Ališić and Others v. Bosnia and Herzegovina, Croatia, Serbia, Slovenia and "the former Yugoslav Republic of Macedonia"*, application no. 60642/08, Grand Chamber judgment of 16 July 2014 or in Northern Cyprus in the case of *Cyprus v. Turkey*, application no. 25781/94, the Grand Chamber judgment of 10 May 2001.

59. Representatives of the Ukrainian authorities and civil society regarded these actions as violation of both international human rights and humanitarian law. They cautioned about the highly negative impact on socio-economic as well as on religious rights and considered that there was a high risk of further displacement from the peninsula.

Right to liberty of movement

60. On 24 February 2022, the Russian occupying authorities announced the temporary closure of all crossing points connecting Crimea and the City of Sevastopol with mainland Ukraine in connection with the “special military operation” and introduced an emergency situation in the adjacent areas. The Secretariat was unable to verify the situation on the ground.

61. During most of the reporting period, movement between the peninsula and mainland Ukraine continued to take place through three entry-exit checkpoints on each side of the Administrative Boundary Line (ABL). The Ukrainian authorities announced the temporary closure of the crossing point in Chaplinka on the Ukrainian-controlled side of the ABL as of October 2021.

62. The Ukrainian regulatory framework for entry and exit relating to Crimea are provided by the resolution of the Cabinet of Ministers of Ukraine № 367 of 4 June 2015. The resolution, *inter alia* stipulates that access is possible only through the mainland of Ukraine through the authorised checkpoints. Entry by air or sea is considered a violation, which may lead to a ban on entry into Ukraine and criminal sanctions in case of proven intent to undermine territorial integrity. On the other hand, the Russian occupying authorities continued to enforce “state border procedures”.

63. During the reporting period, covid-19 measures remained in place on both sides disrupting freedom of movement to and from the peninsula. On 29 December 2021, the Ukrainian Government adopted a simplified procedure of crossings by cancelling some of the requirements, including the need to install a tracking application, self-isolation etc., which were understood to have led to unnecessary barriers in the past, while others remained in place. The Ukrainian authorities also provided the possibility for every resident of Crimea to come to the border checkpoint and get vaccinated.

64. The occupying authorities continued to enforce pandemic-related travel bans allowing crossings only for special categories of people, notably Crimea residents as well as those travelling for family and health-related reasons. The Ukrainian authorities considered such measures as disproportional and aimed at further isolating the peninsula and pointed at the negative impact, in particular for those who needed to travel to mainland Ukraine to access basic services, enrol in higher education institutions or handle property-related issues.

65. In this regard, some Ukrainian human rights defenders also expressed concerns that limitations on crossings had hindered the access to the peninsula of local human rights observers and journalists. The Secretariat also received information that appeared to indicate that Crimean Tatars were more likely to be subjected to inquiries and checks by the Russian border guards.

V. CONCLUDING REMARKS

66. The impact of the ongoing annexation of the Autonomous Republic of Crimea and the City of Sevastopol, Ukraine, by the Russian Federation in 2014 on human rights situation in the peninsula cannot be overstated. The swift imposition of Russian legislation resulted in unprecedented changes to the legal order and the separation of the region from Ukrainian legal space.

67. The human rights environment in the peninsula eight years after the beginning of the temporary occupation is marred by reports of serious violations of the Convention. Evidence from several emblematic criminal cases targeting those perceived as opponents or critics of the Russian Government and authorities in control, notably from among the ethnic Ukrainians and Crimean Tatars, revealed that administration of justice systematically failed to uphold the relevant Convention standards raising legitimate concerns of reprisals and intimidation. Moreover, the sheer scale of criminal proceedings against them stands in stark contrast with the lack of resolve to effectively investigate allegations of serious human violations. This testifies, *inter alia* to an entrenched culture of impunity for serious human rights violations.

68. The cumulative effect of stringent Russian legislation and policies has also been noticeable in the narrowing of the space for civic and political freedoms. In particular, the over-use and misuse of the anti-extremism legislation, at times retroactively, to stifle dissent continues to be of particular concern. Media, their representatives and journalists perceived as non-loyal continued to face significant restrictions and insecurity.

69. Steps taken by the Russian authorities in control to promote the rights of minorities and, more broadly, interethnic relations have been overshadowed by recurring practices of violations targeting particular ethnic and religious groups. The Crimean Tatars seem to have been disproportionately affected while the ethnic Ukrainian population has struggled to maintain its identity, language and culture in an increasingly controlled environment. While Russian citizenship was introduced *en masse* in the peninsula, thousands who were opposed have had to struggle with multiple consequences on their rights, as evidenced by the new challenges emerging with regard to property rights.²⁸ The imposition of citizenship has also given rise to a host of issues such as forced displacement and conscription as well as prisoner transfers which may constitute human rights violations but also breaches under international humanitarian law.

70. While these issues have remained at the focus of the Committee of Ministers, the Parliamentary Assembly and the Commissioner for Human Rights and other relevant bodies of the Council of Europe, no meaningful efforts seem to have been undertaken by the authorities in control to provide effective remedies. The Council of Europe's ability to respond has been significantly impaired by a persisting lack of physical access. This concerns first and foremost the Commissioner for Human Rights and the Organisation's monitoring mechanisms which to date remain unable to effectively exercise their mandate in the peninsula. Lack of access has remained a major hindrance for the work of other international and Ukrainian human rights organisations.

²⁸ During the mission to Kyiv in July 2021, the Ukrainian authorities indicated that roughly 5 000 Ukrainian nationals had not accepted the Russian Federation citizenship in Crimea following the Russian Federation having taken effective control there.

71. Since 24 February 2022, the Russian Federation has extended its aggression on the mainland of Ukraine. The eruption of large-scale armed hostilities has elevated human rights threats across the country to alarming levels. As the aggression continues, the population in the Autonomous Republic of Crimea and the City of Sevastopol, Ukraine, is at even a more serious risk of being deprived from the human rights protection granted by the Convention and other relevant international mechanisms. The Council of Europe's readiness and ability to effectively engage on human rights issues in the peninsula within its areas of competence is therefore as vital as ever. The Secretary General will continue to regularly monitor the situation.