**Information for compiling the List of Issues for the review of 8th report of the Russian Federation on the implementation of the International Covenant on Civil and Political Rights**

in the context of the Covenant’s application in the Autonomous Republic of Crimea and the city of Sevastopol

submitted to the United Nations Human Rights Committee (for its consideration at the 129th session (29 June to 24 July 2020) by a Coalition of civil society organizations

******



**This Submission was prepared by a coalition of civil society organizations.**

HUMAN RIGHTS HOUSE CRIMEA (HRH Crimea) is an Initiative Group uniting 4 human rights organizations having been dealing with human rights issues on the territory of Crimean peninsula since 2014. The HRH Crimea is a member of the HRH International Network uniting 17 organizations in 11 countries of Eastern and Western Europe, the Caucasus, and the Balkans. HRH-Crimea main aim is to develop and enhance the potential of organizations defending human rights in Crimea, for an efficient and consistent work on overcoming the consequences of the peninsula occupation

Regional Centre for Human Rights (RCHR) is a non-governmental human rights organization whose core is composed of lawyers who, before the occupation of Crimea by the Russian Federation, worked on the peninsula and moved to Kyiv in 2014. Since 2014, the organization has focused on identifying human rights violations in the context of the Russian occupation of the Crimean peninsula and on protecting human rights at the international level - at the European Court of Human Rights, the UN Human Rights Committee and the International Criminal Court.

01054, Kyiv, Yaroslaviv Val Street, 21E, office 59

Office phone +38 044 235 5910

https://rchr.org.ua/

е-mail: rchr.sev@gmail.com

The Crimean Human Rights Group (CHRG) is a public non-profit organization of Crimean human rights defenders and journalists, aimed at promoting the observance and protection of human rights in Crimea by attracting wide attention to problems of human rights and international humanitarian law in the territory of the Crimean peninsula. The CHRG focuses on documentation and ongoing monitoring of human rights violations in connection with the illegal actions of the Russian Federation in Crimea.

In the preparation and spreading of the information, the CHRG is guided by principles of objectivity, reliability and timeliness.

01034 Ukraine, Kyiv, Yaroslaviv Val street, 33B

Office phone +38 067 224 01 73, +38 050 397 17 61

crimeahrg.org

е-mail: crimeahrg@gmail.com

The Ukrainian Helsinki Human Rights Union (UHHRU) is the largest association of human rights organizations in Ukraine, which unites 27 human rights NGOs. The Union contributes to the development of a humane society based on respect for human life, dignity and harmonious relationship between man, nature and the state through the creation of a platform for cooperation between members of the Union and the other members of the human rights movement.

04070, Kyiv, Frolivska street, 3/34

Office phone +38 044 485 17 92; fax +38 044 245 99 24.

[www.helsinki.org.ua](http://www.helsinki.org.ua)

е-mail: office@helsinki.org.ua

Human Rights Center ZMINA is a Ukrainian human rights organization, the purpose of which is to promote human rights, the rule of law and values of civil society in Ukraine. In March 2014, together with Russian and Crimean human rights activists, the organization participated in the Crimean Field Mission for Human Rights (CFM), the only international human rights civil initiative that had worked in Crimea on a permanent basis. After the Federation Council included KFM in the so-called “patriotic stop list” in summer 2015, it was forced to stop working in Crimea because of the risk of criminal prosecution of its monitors. Since then, ZMINA has continued monitoring the situation regarding freedom of speech and expression in Crimea, cooperating with local activists and supporting Crimean journalists and human rights defenders. The organization is engaged in informational, analytical work and advocacy of human rights topics in Crimea on the national and international arena.

01054, Ukraine, Kyiv, Yaroslaviv Val Street, 33B

Office phone +38 044 272-42-52

E-mail: info@humanrights.org.ua

<https://zmina.ua/en/>

The Centre of Civic Education „Almenda” is a non-governmental human rights organization, registered on 14.09.2011 in the city of Yalta and re-registered in the city of Kyiv on 18.07.2014 due to the change of location following the occupation of the Autonomous Republic of Crimea and the city of Sevastopol by the Russian Federation in early 2014.

The main aims of the CCE “Almenda” are: protection of human rights through legal and educational activities and development of civil society institutions. Due to the events in Crimea, a separate direction of work of the CCE “Almenda” is provision of legal aid to internally displaced persons and those who remained in the occupied territory, as well as development of regulatory and legal framework and monitoring of Ukrainian legislation in the occupied territories and protection of human rights on the peninsula.

Phone +38 050 39 30 213

<http://almenda.org/>

almenda.ngo@gmail.com

KrymSOS. Our activities are aimed at highlighting the illegality of the occupation of Crimea and the repressive policy of the Russian Federation, maintaining connections between the peninsula with the mainland Ukraine, as well as the consolidation of Ukrainian society through the protection of rights, freedoms and interests of internally displaced persons (IDPs) and others who were affected by armed the conflict in eastern Ukraine and Crimea.

KrymSOS is involved in advocacy of Crimea- and IDP-related issues at national and international levels, monitoring of human rights violations in the occupied Crimea, legal, social and psychological support for affected persons on the peninsula.

http://krymsos.com/

help@krymsos.com

JustCraft is a Ukrainian non-Governmental informal initiative focused on strategic human rights litigations both at a national level and before a wide range of international institutions (ECtHR, UN Human Rights Committee, etc). A large part of work is devoted to the protection of human rights in the context of the occupation of the Crimean Peninsula by the Russian Federation.

[www.justcraft.org](http://www.justcraft.org)

[www.occupied.crimea.ua](http://www.occupied.crimea.ua)

Tel.: +38(050)4023025

# Article 6

**The capture of Ukrainian sailors in the Kerch Strait**

On November 25, 2018, Russian armed forces attempted to ram the tugboat Yany Kapu and fired on the boats Berdyansk and Nikopol. Three crewmen of the Berdyansk were injured, the boat was damaged in at least 8 places, 2 of those by 30 mm projectiles that hit the boat’s upper superstructure. The nature of the damage suggests that the shelling was done with lethal force and was aimed at the command decks of the ships with crew stationed, which could have resulted in their deaths. Ramming a ship in open sea could also have resulted in the death of the people aboard.

The use of force was spontaneous, it was not accompanied by careful planning of the operation and was not necessary under the circumstances.

***Suggested questions:***

* Was there an investigation into the use of lethal force against Ukrainian sailors? What did the investigation reveal? Were the victims allowed to participate in the investigation and/or informed of its results?

**Missing persons**

As of today, 15 people have been reported missing in Crimea, with 45 people in total having fallen victim of enforced disappearances in Crimea since the outset of the occupation..

The most likely cause of these disappearances is the active civic stance of these people against the occupation of Crimea and their participation in protests. This is evidenced by the fact that 6 people gone missing have been found dead with signs of violence on their bodies. 18 people were released, others were discovered in jail and were later convicted by courts.

There are also grounds to conclude that the occupying power or certain groups it controls are responsible for the vast majority of these disappearances. Thus, the family of **Ervin Ibragimov**, one of the victims, found out that his abduction had been carried out by persons dressed in uniforms of Russia’s road police; even before that he had been threatened by representatives of the de facto investigative authorities. **Vasyl Chernysh** was arrested at his apartment by the police.

The involvement of the authorities in the enforced disappearances is the most likely explanation for the negligence of the de facto Crimean authorities in conducting investigations, as well as for their denial of the enforced nature of the disappearances. The whereabouts of **Ruslan Ganiyev**, **Seyran Zinedinov**, **Ervin Ibragimov**, **Arlen Terekhov**, **Dzhevdet Islyamov**, **Islyam Dzhepparov**, **Vasyl Chernysh** and others are still unknown, and so are the circumstances and persons responsible for their disappearance. The investigations in all these cases have been suspended.

***Suggested questions:***

* What measures have been taken to establish the circumstances of the disappearances of Ruslan Ganiyev, Seyran Zinedinov, Ervin Ibragimov, Arlen Terekhov, Dzhevdet Islyamov, Islyam Dzhepparov, Vasyl Chernysh and other missing persons? Why have the investigations been suspended?
* Are the families of missing persons allowed access to investigation materials? Are they being informed about the progress of the investigations, the evidence obtained, possible scenarios of the events, etc.? Have any of the officials responsible for investigating these criminal cases been disciplined for poor performance of their duties? What do the authorities intend to do in order to locate the missing persons?

# Article 10

Humane treatment of persons in places of detention requires governments to take appropriate actions to protect the lives and health of prisoners from infectious diseases such as hepatitis C, HIV, tuberculosis, etc. This problem is particularly urgent now due to the COVID-19 pandemic.

A number of restrictions have been introduced in order to prevent the spread of COVID-19 in Crimean prisons and pre-trial detention centers. However, the actual state of events revealed during the monitoring by the Crimean Human Rights Group gives reason for concern. Thus, a “quarantine cell” has been designated at Pre-Trial Detention Center No. 1 of the Office of Russia’s Federal Penitentiary Service in the Republic of Crimea and the City of Sevastopol, which, according to the inmates, is meant to hold up to 6 people. People with symptoms of COVID-19 or SARS are put there. The cell lacks proper sanitary conditions and hot tap water. Those suspected of having COVID-19 undergo no tests, only their body temperature is taken; they are also not provided with personal protective equipment (masks and disinfectants). The Simferopol pre-trial detention center is overcrowded, which was also confirmed by Aleksandr Kalashnikov, Director of Russia’s Federal Penitentiary Service, in his letter addressed to the chairman of Russia’s Supreme Court[[1]](#footnote-1).

Moreover, the courts of the occupying authorities have not changed their practice in regards to choosing or extending restraining measures for persons under investigation, namely when it comes to ordering measures other than detention, which significantly increases the risk of COVID-19’s spread among this vulnerable category of the population.

Thus, Russia is in violation of the recommendations of international organizations on combating the spread of COVID-19 in places of detention, namely the guidance of the World Health Organization for UN member states Preparedness, Prevention and Control of COVID-19 in Prisons and Other Places of Detention.

***Suggested questions:***

* What measures have been taken to prevent overcrowding of pre-trial detention centers and prisons in Crimea and how are the UN recommendations on reducing prison terms, allowing release on parole and prioritizing non-custodial alternatives to detention are being implemented?
* How are persons held in Crimean places of detention tested for COVID-19 and are they being provided with medical treatment?

# Article 12 (with elements of violation of Article 9 of the Covenant)

Since the occupation began, the Russian authorities have been pursuing a policy of changing the demographics of the occupied territory.

This policy involves several elements: expulsion of Ukrainian citizens and other undesirable (usually disloyal) people from Crimea and resettlement of Russian citizens there. This is resulting in drastic changes in the political sentiments on the peninsula, and the population that had been there prior to the occupation is rapidly losing the ability to influence the situation there while facing numerous violations of its rights.

Due to the occupation, Russia has extended its legislation to the territory of Crimea and has declared all Ukrainian citizens with their place of residence registered there as citizens of the Russian Federation, regardless of whether Crimea was their actual place of residence or not. At the same time, those who were actually living in Crimea but weren’t registered there as well as those who refused to accept Russian citizenship were declared foreign nationals, which is used as grounds for expelling Ukrainian citizens from the occupied territory. Convicted criminals, on the other hand, Russia does consider as its citizens and is in the habit of transferring them to Russian prisons.

At least 163 persons (Ukrainian citizens, foreign nationals and stateless persons) have been identified against whom Crimean occupying courts applied forcible deportation from June 2014 to May 2018 which involved deprivation of liberty for terms from one day to over one and a half years[[2]](#footnote-2). The most recent example is the case of journalist Evgeny Gaivoronsky. He was arrested on 20 December 2019 by the police in the city of Yalta, after which a protocol on the commission of an administrative offense was drawn up, namely violation of the regime of stay in the Russian Federation by a foreign national (part 1.1, Article 18.8 of Russia’s Code of Administrative Offenses), on account of his living in Crimea with a Ukrainian passport. Until his expulsion, the court ordered to place Mr. Gaivoronsky at the Temporary Holding Facility for Foreign Nationals in Gulkevichsky Rayon, Novoukrainskoye village, Krasnodar Territory. He had remained there until his transfer to Ukraine on 30 December 2019, after 9 days of arbitrary detention.

Russia has moved at least 9 thousand inmates (convicts as well as those held in pre-trial detention centers) from Crimea to its territory. These people are now being held in about 71 correctional facilities located in 33 administrative divisions of the Russian Federation. The number of those transferred from the occupied Crimea keeps rising, since Crimea, among other things, lacks correctional facilities for such categories as minors, women and people with serious illnesses (HIV/AIDS, active tuberculosis, other somatic diseases, mental disorders, drug addiction, alcoholism). There are only two correctional facilities in Crimea (in Simferopol and Kerch) and only one pre-trial detention center (Simferopol), which can accommodate no more than 3,400 people[[3]](#footnote-3).

In addition, the authorities are implementing programs involving the resettlement of Russian citizens in the occupied territory.

Following the occupation, and shortly afterwards the annexation of the Crimean peninsula, a part of Ukraine’s territory, by the Russian Federation in 2014, many residents of Crimea left the peninsula for mainland Ukraine and abroad. Many left because of persecution and fear of falling victims of violations of human rights carried out by Russia in Crimea.

Despite the prohibition by International Humanitarian Law, Russian authorities deport children to the Russian Federation as a result of their adoption or as a result of general policy implemented in the occupied territory. Thus, some children have been transferred and are now being held in special institutions in the Russian Federation, others have been transferred for adoption to families of Russian citizens, also in the Russian Federation. This issue is the most sensitive and latent violation due to secrecy of adoption as well as due to the children’s impossibility to protect their rights independently.

***Suggested questions:***

* What measures are taken by Russian authorities to prevent violation of freedom of movement and freedom to choose place of residence of Ukrainian citizens from the territory of Crimean Peninsula?
* Have there been any steps taken in order to prevent deportation of Crimean children to the territory of the Russian Federation?
* How many Russian citizens have moved to the Crimean peninsula after 1 April 2014? How many Ukrainian citizens, foreign nationals and stateless persons that had been living in Crimea (including Sevastopol) prior to 18 March 2014 have left this territory? How many of them have moved within the territory controlled by Russia and how many have moved outside this territory? On what conditions is it possible to retain the right to reside in Crimea (including Sevastopol) for Ukrainian citizens, foreign nationals and stateless persons that had this right before 18 March 2014 and refused to get a Russian passport?
* What programs on the resettlement of Russian citizens in Crimea (including Sevastopol) have been implemented since the beginning of the occupation (in relation to medical and pedagogical workers, cultural workers and other specialists)? How many of those that have migrated to Crimea (including Sevastopol) are military personnel and their families?
* Have there been any measures taken in order to prevent transfer of persons convicted in the occupied Crimea citizens of Ukraine to the territory of the Russian Federation to serve their sentences?
* How many convicts holding Ukrainian citizenship have been sentenced by courts to serve their sentences outside the Crimean peninsula?
* How many children holding Ukrainian citizenship deprived of parental care and guardianship that were in Crimea as of 18 March 2014 are now under the control of the Russian authorities? How many of them have been taken to children's institutions (orphanages, boarding schools, etc.) outside Crimea?

# Article 17

One of the consequences of the occupation was the seizure by Russian authorities of records and databases containing the personal data of Ukrainian citizens, foreign nationals and stateless persons that had been living in Crimea before the occupation. The fact that the Russian authorities have access to this information poses a threat to the right of these people to privacy.

The Russian authorities are systematically using this information to run checks on people traveling from Crimea to mainland Ukraine or crossing the Russian border. They also use this information to verify the identity of people that were declared citizens of the Russian Federation on the grounds of Law No. 6-FKZ as well as to apply the consequences of this status. Thus, since those held in places of detention have been declared Russian citizens, their requests to be transferred to Ukrainian prisons are being denied.

***Suggested questions:***

* What is the situation with the personal data of Ukrainian citizens, foreign nationals and stateless persons that had been living in Crimea before 18 March 2014 (information about place of residence, birth records, education, marital status, property, etc.) which ended up in the possession of the Russian authorities?
* What measures have been taken by the Russian authorities to ensure the protection of personal data of Ukrainian citizens, foreign nationals and stateless persons that had been living in Crimea before 18 March 2014 (information about place of residence, birth records, education, marital status, property, etc.)?
* On what legal basis do the Russian authorities continue to own this information? Are the Russian authorities using information on the official registration of residence in Crimea (including Sevastopol) before 18 March 2014 to determine Russian citizenship? For what other purposes is this information used?

According to the Ministry of Social Policy of Ukraine, there were 4,228 children deprived of parental care in specialized children's institutions of the Autonomous Republic of Crimea and Sevastopol, that is, under the guardianship of the state, as of 1 August 2014.

Since the beginning of the occupation the authorities of the Russian Federation took control over administration of these institutions that provided care for children.

Russian Federation at the beginning of the occupation subjugated all orphanages and other institutions where children were kept. According to Article 4 of the Federal Law no. 6-FKZ, Russian citizenship was imposed on all children residing in the occupied territory and being in such institutions. On the grounds of “respecting the best interests of the child” in favor of these children there was not filed any application “declaring willingness to keep their existing ... other nationality”.

Besides, children, born since the beginning of the occupation in the territory of the occupied Crimea, are automatically recognized as citizens of the Russian Federation by the occupying authorities. Thus, in accordance with art. 12 of the Federal Law “On the citizenship of the Russian Federation”, a child acquires citizenship of the Russian Federation by birth, if at the date of the birth of the child both or the only parent have citizenship of the Russian Federation (irrespective of the birthplace).

Also, despite all obligations, Russian authorities had subordinated children to common rules of adoption that are valid in the Russian Federation[[4]](#footnote-4).

***Suggested questions:***

* How many children holding Ukrainian citizenship deprived of parental care and guardianship that were in Crimea as of 18 March 2014 are now under the control of the Russian authorities?
* How many of them have not been declared Russian citizens?
* How many of these children have been adopted?

# Article 18

Russia’s policy in Crimea has resulted in the virtual eradication of the parishioners of the Orthodox Church of Ukraine (called Ukrainian Orthodox Church of the Kyiv Patriarchate before 2019). Of the 49 religious communities of the Crimean Diocese of the OCU, only 7 remain, and only 4 members of the clergy out of 23. In 2019, an attempt was made to seize the main - and last - church of this community - the Cathedral of the Holy Apostles Volodymyr and Olga in Simferopol. It could completely wipe out this community in Crimea.

Members of the religious organization Jehovah's Witnesses, declared an extremist organization by Russia in 2017, are still being persecuted in Crimea. Ukrainian law does not consider it an extremist organization, yet Russia, in violation of international humanitarian law, has extended its ban of the Jehovah's Witnesses to the territory of the occupied Crimea. Thus, on 5 March 2020 Judge of the “Dzhankoi District Court” Maria Yermak sentenced Sergiy Filatov, a member of the Jehovah's Witnesses, to 6 years in a general security prison under part 1, Art. 282.2 of Russia’s Criminal Code (organizing the activities of extremist organizations)[[5]](#footnote-5). Also on 5 March, Judge of the “Yalta City Cour” Volodymyr Romanenko imposed a fine of 400,000 rubles on Yalta resident Artem Gerasymov under part 1, Article. 282.2 for being a member of the Jehovah's Witnesses[[6]](#footnote-6).

The practice of administrative prosecution under Art. 5.26 of Russia’s Code of Administrative Offenses (violating the law on freedom of conscience, freedom of religion and religious associations), which involves punishment for missionary activities, is still ongoing in Crimea. Believers in Crimea are being persecuted for performing rites outside or on premises not registered under Russian law as religious buildings. Since the beginning of the occupation, the Crimean Human Rights Group has recorded 78 administrative proceedings against religious organizations and their members under Art. 5.26, including Muslims, Protestants, Baptists, Judaists, Scientologists and members of the Hare Krishna movement. These proceedings have resulted in fines amounting to at least 905,500 rubles in total.

Also ongoing is the criminal prosecution of Muslims for membership in the organization Hizb ut-Tahrir, which was declared a terrorist organization by Russia[[7]](#footnote-7). Hizb ut-Tahrir is not banned in Ukraine and had not been banned prior to the occupation. The official justification for this persecution is information obtained from “secret witnesses” (many of whom are members of Russia’s FSB or Ministry of Internal Affairs), books found during searches and posts on social networks (including those published before 2014). The FSB have provided no direct proof of terrorist activities.

Among the Muslims and Crimean Tatars detained in March 2019, most are bloggers, journalists or activists of the Crimean Solidarity association.

In 2019, 35 more people were deprived of their liberty in Crimea for being members of Hizb ut-Tahrir. As of March 2020, 65 Muslims are being held in places of detention. 4 others have had their freedom of movement restricted. 3 persons are under surveillance and not allowed to leave the occupied territory, 1 is under house arrest. In 2019, 12 convictions were delivered in the “case of Crimean Muslims”, with sentences ranging from 7 to 17 years in maximum security prisons. Another sentence (2 years and 2 months in a penal colony) was delivered against media activist and blogger Nariman Memedeminov for promoting Hizb ut-Tahrir (Article 205.2 of Russia’s Criminal Code).

On 15 April 2019 Rustem Abilyev, imam of a mosque in the village of Shturmove, was arrested after a search under part 1, Art. 280 of Russia’s Criminal Code (public incitement to extremist activities) for conducting sermons in the mosque using banned works of literature. He had been held at the Simferopol pre-trial detention center for at least 2 months; on 10 October 2019 he was fined for 100,000 rubles. Searches were also conducted at the mosque in the village of Zarichne, Simferopol Rayon, as well as the mosque of the Kurtsy village, during Friday prayers.

**Suggested questions:**

* What measures have been taken to ensure that “anti-extremist” and “anti-terrorism” legislation would not be used to persecute believers for exercising their religious freedoms and would be consistent with the state party's obligations under Article 18 of the Covenant?
* What measures have been taken to protect the rights provided for in Article 18 of the Covenant and to ensure unimpeded operation of the Ukrainian Orthodox Church (Autocephalous Orthodox Church of Ukraine) in Crimea?
* What religious communities of the Orthodox Church of Ukraine and/or Ukrainian Orthodox Church of the Kyiv Patriarchate are still operating on the Crimean peninsula? What is the status of these organizations? What churches are used by the believers of this denomination?
* What practical measures were taken to prepare for legislative amendments that would enable such religious groups to freely profess their religion in Crimea given the exclusive circumstances on the peninsula after the occupation and the damaging humanitarian effect of the current status quo?

# Article 19

The application of the Russian legislation on combating extremism has led to a continuous and increasing usage of it to curtail freedom of expression, including political dissent, and freedom of religion, targeting, inter alia, Crimean Muslims, Jehovah’s Witnesses, pro-Ukrainian activists, human rights defenders. This issue had been reinforced by the July 2014 amendment to the Criminal Code (art. 280.1) introducing the offence of public calls for action aimed at violating the territorial integrity of the State. The amendment has effectively enabled repressions against Crimeans who denounce the occupation. As of April, 27th, 2020 at least 92 political prisoners from Crimea are detained either in occupied Crimea or in Russia. Despite Committee’s recommendation that “the State party should also ensure that article 280.1 is applied in a manner consistent with the State party’s obligations under article 19 of the Covenant as interpreted in the Committee’s general comment No. 34 (2011) on freedoms of opinion and expression and is not used to silence individuals critical of the State party’s foreign policy, including with regard to Crimea”, persecution, intimidation and sentencing of Crimeans using article 280.1 has been going on from 2014 through 2020. Among the victims of the application of the article has been Radio Liberty journalist Mykola Semena who has been forced to discontinue his journalistic activity in Crimea and eventually to leave Crimea for mainland Ukraine in 2020.

Systematic violations of freedom of expression and information, including harassment of media, blockage of Ukrainian Internet sites and forced relocation of local Internet sites, and threats and intimidation against journalists are all a continuous practice. The initial wave of forcing independent media out of Crimea has been followed by the introduction of the practice of issuing entry prohibition for journalists from mainland Ukraine. On January, 18th, 2020 representatives of the Border Service of the Federal Security Service of the Russian Federation have banned Ukrainian journalist Taras Ibrahimov from entering Crimean peninsula or Russian Federation for 34 years, until May 30th, 2054. The case of Ibrahimov followed similar prohibitions for Ukrainian journalist Alyona Savchuk (banned from entering Crimea for 10 years) and photojournalist Alina Smutko (banned from entering Crimea for 9 years).

Forced isolation of Crimeans from the reach of independent media has led to the emergence of the local phenomenon of citizen journalism. A number of activists of Crimean Solidarity, a grassroots human rights group that was founded in order to help the families of political prisoners, engaged in filming searches and trials of the political prisoners and spreading the information about repressions online. This has led to persecutions of these individuals. Among the 92 political prisoners at least 11 are journalists and/or bloggers who covered politically motivated trials.

Since March 28, 2019, four laws have entered into force on the territory of Russian Federation that place significant restrictions on freedom of speech: 27-FZ58, 28-FZ59, 30-FZ60 and 31-FZ61. The effect of these laws extends to Russia-occupied Crimea. Under these laws, a Crimean resident can be penalized for 30 thousand to 100 thousand rubles for dissemination of deliberately inaccurate socially significant information; officials – for 60 to 200 thousand rubles; and legal entities – for 200 to 500 thousand rubles. In this case, the "object of the administrative violation" is confiscated. Furthermore, for “contempt of authorities in an indecent form” Crimeans can be detained for up to 15 days or penalized for 30 thousand to 300 thousand rubles. These laws have vague wording and do not meet the qualitative criteria for legislation, providing the authorities with opportunities for corruption, pressure on media and selective application of regulations. The laws allow widespread practice of persecution aimed against activists, journalists and bloggers in Crimea for their open criticism of the occupying authorities in the media and social networks.

The lack of proportionality in laws restricting freedom of expression and assembly and the devastating effect this has on human rights defenders and the media is further exacerbated by the inability of the UN Human Rights Monitoring Mission as well as of the OSCE Special Monitoring Mission to access Crimea for monitoring, as Russian Federation does not recognize their mandates.

***Suggested questions:***

* What practical steps have been made in order to better protect the freedom of expression of the representatives of categories of population of Crimea that became most vulnerable in the aftermath of the occupation (e.g. Crimean Muslims, Jehovah’s Witnesses, pro-Ukrainian activists, human rights defenders)?
* What legislative amendments were adopted for the article 280.1 to be applied in a manner consistent with the State party’s obligations under article 19 of the Covenant as interpreted in the Committee’s general comment No. 34 (2011) on freedoms of opinion and expression?
* What measures are being taken to reintroduce proper conditions for the independent media (in particular the Ukrainian media that operated in Crimea prior to occupation) to conduct their professional activities in Crimea?
* What actions are taken to lift the existing barriers for independent media from Crimea as well as from mainland Ukraine and abroad to cover trials and searches of the most vulnerable categories of population ((e.g. Crimean Muslims, Jehovah’s Witnesses, pro-Ukrainian activists, human rights defenders)? In particular what was done in order to reverse the decision to issue an entry prohibition for Taras Ibrahimov, Alyona Savchuk and Alina Smutko?
* What additional efforts were invested in amending the legislation for it to allow for independent media coverage of possible human rights violations in Crimea?
* What measures have been taken to protect the right of the representatives of Crimean Solidarity to freedom of expression and freedom to peacefully assemble as they continue to be arrested and detained on allegedly questionable grounds?
* What steps have been taken to guarantee the safety and independence for the citizen journalists, in particular those representing Crimean Solidarity and documenting trials of political prisoners?
* Have the 27-FZ58, 28-FZ59, 30-FZ60 and 31-FZ6 laws been discussed with independent media, human rights defenders and civil society on the subject of their possible damaging effect on the possibility of these categories to exercise their freedom of expression?
* Have there been plans envisioned to amend these laws in a manner that would eliminate the possibility of using them to curtail dissent and expression of deviant opinion?
* Without prejudice to the General Assembly resolution 68/262, adopted on 27 March 2014, entitled “Territorial integrity of Ukraine”, what were the practical steps taken to enable the UN Human Rights Monitoring Mission as well as of the OSCE Special Monitoring Mission (both holding internationally recognized mandate to monitor human rights in Ukraine) to access Crimea for monitoring the situation with human rights protection?

# Article 20

For 5 years the de facto authorities in the occupied territory, using education institutions of formal and non-formal education, have been pursuing a deliberate policy aimed at destroying national identity and militarizing local youth. The Crimean occupying authorities are blatantly ignoring the UN Security Council Resolution 2250 (2015) adopted during the 7,573rd session on 9 December 2015 which stresses the importance of eliminating conditions and factors that lead to the the rise of radicalization to violence and violent extremism among young people, which can be conducive to terrorism.

There has been an increase in militarization in the Crimean education system, with the number of military classes having at least tripled over six years. The number of cadet classes in Simferopol went from 12 in 2016 to more than 40 in 2019. The system of formal and non-formal education in Crimea is aimed at fostering Russian identity and instilling in children the idea that fighting wars waged by the government is a “sacred duty of every Russian citizen”. This propaganda is further strengthened by actual military training of children with the aim of involving them in future military operations.

Russia’s Ministry of Defense, Ministry of Education and Science, FSB, Ministry of Emergencies, Ministry of Internal Affairs, Investigative Committee and other state bodies as well as the Russian Orthodox Church and various paramilitary organizations, such as the so-called “Cossacks”, are all involved in the military training of children.

Thus, a sports and defense project is being implemented at the Koreiz School (Yalta); navy classes have been established at Yalta Sschool No. 7; a Cossack class[[8]](#footnote-8) has been opened at the Livadia School and cadet classes[[9]](#footnote-9) - at School No. 11.

The Investigative Committee has opened cadet classes at School No. 22 in Sevastopol, two classes at Lyceum No. 3 in Simferopol, three cadet classes at School No. 16 in Yevpatoriya for students from the third, sixth and seventh grades. Moreover, third-graders are the youngest among the students of the Investigative Committee’s cadet classes in Russia.

According to the information from the website of the State Budgetary Education Institution of the Republic of Crimea “Cadet Boarding School ‘Crimean Cadet Corps’ ”, 273 young men graduated from the cadet corps over 5 years. 240 were admitted into higher education institutions (88% of the total number of graduates). Of these, 145 (53% of the total number of graduates) chose universities of defense ministries and agencies, with 122 (45% of the total number of graduates) entering military higher education institutions.

In regards to the creation of a cult of war among Crimean children, particular attention should be paid to the All-Russian Social-Patriotic Movement Yunarmy whose branches are being opened in almost every school on the peninsula.

This organization was established in 2015 on the initiative of Russia’s Defense Minister Sergey Shoygu. Yunarmy’s Crimean office is run by the State Budgetary Education Institution of Additional Education of the Republic of Crimea “Regional Center for the Preparation for Military Service and Military-Patriotic Education ‘KRYMPATRIOTTSENTR’ ” (Director Andrey Shparyov, Deputy Director for Main Activities Valery Ilyichyov).

In 2019 an unspoken directive was issued to establish Yunarmy branches in every school. This was confirmed by participants of a scientific-practical conference “Cadet education in general education schools: issues, experience and effective solutions”.

The movement is gaining momentum, with 65 branches operating in Sevastopol alone and about 5,000 children being trained there. According to Russia’s Deputy Minister of Defense Andrey Kartapolov, by 2019 Yunarmy departments should be opened in every school in the country (and in the occupied Crimea as well).

There’s also information that there have been attempts by the command of the Russian Armed Forces to forcibly enlist officers' children in the Yunarmy (telegram photo).

Yunarmy members take classes on various military disciplines, learning to use military vehicles, automatic weapons and parachutes as well as taking trips to military training camps and firing ranges.

On 10 February 2019 Russia’s Ministry of Defense organized a military-sports game “Seeking information about the enemy”. On 30 March School No. 9 in Yalta hosted an army hand-to-hand combat tournament. Military-patriotic games are held every year, such as Zarnitsa, Orlyonok and Pobeda, which involve contests on shooting and locating saboteurs.

On 15 May 2019, the village of Novofedorovka hosted a regional stage of the All-Russian Military-Sports Game for Children and Youth “Zarnichka” for teams aged 7-10 from all Crimean municipalities.

In Yevpatoriya, cadet games named after Andrey Fedyukin were held at the military base in the village of Vitino. Andrey Fedyukin was an officer of Berkut’s Operative Battalion No. 1 who died in Kyiv during the Euromaidan events.

The Crimean Federal University was the venue for the muster of Yunarmy units and Crimean cadet classes as part of the public project “Yunarmy. We are the children of the Crimean Spring” which was attended by cosmonaut Roman Romanenko, Yunarmy’s Chief of Staff and Hero of Russia.

**Suggested questions:**

• What measures have been taken by the Russian authorities to eliminate the conditions and factors that lead to the growth of national, racial or religious hatred which constitutes incitement to discrimination, hostility or violence?

• What measures have been taken by the Russian authorities to comply with Article 20 of the Covenant, in particular the combating of propaganda for war among minors?

# Article 21

Prior to historically significant dates (e.g. birthday of Taras Shevchenko, anniversary of the deportation of Crimean Tatars, etc.), Crimean activists, mainly those from among the Crimean Tatars, are systematically receiving warnings from the local authorities on the “inadmissibility of violating anti-extremism law and the law on assemblies, rallies, demonstrations, marches and pickets”. These warnings are justified with vague references to some information the authorities have that the addressees intend to take part in particular events.

***Suggested questions:***

* How fully and objectively do authorities collect and analyze information about planned public gatherings and their participants? How is such information processed and who has access to it?

# Article 22

Despite the International Court of Justice order from 2017 the Mejlis of Crimean Tatar people remains criminalized. This effectively strips the nation of its internationally recognized political representation. The political leaders of Crimean Tatars Mustafa Dzhemilev and Refat Chubarov are both facing accusations from Russian Federation upon entry and thus are effectively stripped of the ability to visit Crimea.

Obstruction of the activities of civil society organizations. Harassment of members of the Ukrainian House NGO and the Crimean Solidarity Initiative. On May 21, 2018, Server Mustafayev, human rights activist and coordinator of the Crimean Solidarity”, was arrested and remains in custody to this day on evidence-free accusations. Searches conducted on March, 11th, 2020 in the city of Bakhchysarai resulted in arrest of 4 members of Crimean Solidarity. Crimeans associated with Crimean Solidarity are now one biggest category among the 92 political prisoners.

A revised sentence for Yunus Masharipov, a Crimean Tatar political prisoner, from March, 3rd, 2020 ordered involuntary psychiatric treatment. Masharipov’s request to travel to mainland Ukraine for treatment was rejected. Combined with the fabricated and politically motivated trial that preceded the verdict there are grounds to suspect that Masharipov may be subject to inhumane treatment for his political views.

On March, 5th, 2020 Serhiy Filatov, a representative of the Crimean community of Jehovah’s Witnesses was sentenced to 6 years of prison for “organizing the activities of an extremist organization” with a reference to art. 282.2. The case of Filatov essentially exemplifies a gross violation of religious freedom as well as a denial of freedom to peacefully assembly for a religious community.

***Suggested questions:***

* What actions were taken to execute the Order of ICJ and permit the functioning of Mejlis of Crimean Tatar people?
* Have there been practical steps taken in order to prevent further strengthening of the pressure on Crimean Solidarity?
* What measures were taken in order to enable the return and independent functioning of the Ukrainian House NGO?
* What practical steps were taken in assisting Yunus Masharipov, a citizen of Ukraine, to undergo the prescribed psychiatric treatment in mainland Ukraine?
* Have there been any measures taken to allow Jehovah’s Witnesses in Crimea profess their religion given that the religious community is and has been legal in Ukraine?
* Have there been attempts to amend the legislation on combating extremism so that peaceful religious practices would not be designated as extremist solely on the basis of affiliation with a religious organization listed as extremist?
1. Federal Penitentiary Service asks not to arrest people for minor offenses due to the virus. URL: https://www.rbc.ru/society/18/04/2020/5e9ae92c9a79477104514365?fbclid=IwAR1GDz8NrKL020tHOj1k6eIRcdsJlxryUfpUSxELhDQWYQIyurVy9yVX0U4 [↑](#footnote-ref-1)
2. Thematic review of the human rights situation under occupation “Crimea Beyond Rules: Forcible Expulsion of the Civilian Population from the Occupied Territory by Russia”: https://precedent.crimea.ua/wp-content/uploads/2019/01/CBR\_forcible-expulsion.pdf [↑](#footnote-ref-2)
3. The issue of the transfer of convicted Ukrainian citizensto the Russian Federation is also raised in complaints previously submitted to the UN Human Rights Committee, namely: Communication No. 3022/2017 Bratsylo, Golovko and Konyukhov v. Russia; Case No. 3326/2019 Larionov v. Russia and others. [↑](#footnote-ref-3)
4. https://www.unian.net/politics/997041-mid-prizyivaet-rossiyu-ostanovit-kampaniyu-po-usyinovleniyu-kryimskih-sirot-inostrantsami.html [↑](#footnote-ref-4)
5. CHRG: S.Filatov, Defendant of Jehovah’s Witnesses Case in Crimea, Imposed a 6 Year Sentence

https://crimeahrg.org/en/s-filatov-defendant-of-jehovahs-witnesses-case-in-crimea-imposed-a-6-year-sentence/ [↑](#footnote-ref-5)
6. CHRG: A.Gerasimov, Defendant of Jehovah’s Witnesses Yalta Case, Sentenced to RUR400,000 Penalty

https://crimeahrg.org/en/a-gerasimov-defendant-of-jehovahs-witnesses-yalta-case-sentenced-to-rur400000-penalty/ [↑](#footnote-ref-6)
7. By the decision of the Supreme Court of the Russian Federation of 11 February 2003 [↑](#footnote-ref-7)
8. https://cadets-crimea.ru/chto-dolzhny-ponyat-roditeli/abiturientam/ [↑](#footnote-ref-8)
9. https://www.mediayalta.ru/news/article/kadetskoe-obrazovanie-problemy-opyt-effektivnye-resheniya [↑](#footnote-ref-9)