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

### **Situation of human rights in the temporarily occupied Autonomous Republic of Crimea and the city of Sevastopol, Ukraine**

#### **Report of the Secretary-General**

#### *Summary*

The present report is submitted pursuant to General Assembly resolution [76/179](#), in which the Assembly requested the Secretary-General to report to it at its seventy-seventh session on the progress made in the implementation of that resolution, including options and recommendations to improve its implementation, and to submit an interim report to the Human Rights Council at its fiftieth session.

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\* [A/77/150](#).



## I. Introduction

1. The present report of the Secretary-General on the situation of human rights in the temporarily occupied Autonomous Republic of Crimea and the city of Sevastopol, Ukraine, is submitted pursuant to General Assembly resolution [76/179](#), in which the Assembly requested the Secretary-General to submit to it at its seventy-seventh session a report on the progress made in the implementation of that resolution, including options and recommendations to improve its implementation.
2. The report is the seventh report of the Secretary-General on the human rights situation in Crimea. It covers the period from 1 July 2021 to 30 June 2022.
3. In its resolutions [68/262](#) and [ES-11/1](#), the General Assembly affirmed its commitment to the territorial integrity of Ukraine within its internationally recognized borders. Accordingly, in the present report, the Autonomous Republic of Crimea and the city of Sevastopol, Ukraine, temporarily occupied by the Russian Federation, is referred to as “Crimea”, and the occupying authorities of the Russian Federation in Crimea as “occupying authorities” or “Russian authorities”. The report also takes into account the call by the Assembly for the Russian Federation to uphold all of its obligations under applicable international law as an occupying Power.

## II. Methodology

4. In its resolution [76/179](#), the General Assembly requested the Secretary-General to seek ways and means, including through consultations with the Office of the United Nations High Commissioner for Human Rights (OHCHR) and relevant regional organizations, to ensure safe and unfettered access to Crimea by established regional and international human rights monitoring mechanisms, in particular the human rights monitoring mission in Ukraine. At the time when the military offensive of the Russian Federation inside Ukraine began, on 24 February 2022, preparations had been under way to request formal access to Crimea by way of a note verbale to the Russian Federation. The ongoing hostilities, including in areas adjacent to Crimea, meant that it was no longer practicable to proceed further with requesting such access.
5. The present report is based on information collected through remote monitoring conducted by OHCHR through the human rights monitoring mission in Ukraine. Findings are based on verified information collected from sources that, in accordance with OHCHR methodology, are assessed to be credible and reliable. Information has been included in the report if the “reasonable grounds to believe” standard of proof has been met. The report is based primarily on direct interviews with victims of human rights violations in Crimea, which have been further verified by additional sources, including interviews with relatives of victims, witnesses, human rights defenders, lawyers and representatives of civil society. It also draws on court documents, official records, analysis of relevant laws and open sources.
6. According to OHCHR, the armed conflict has further negatively affected access to verifiable information from Crimea. Access to certain Russian official records, which contain information relevant to human rights monitoring, has been blocked. Some government websites have also become inaccessible in Crimea. The introduction of new sanctions for voicing opinions has made victims and other relevant interlocutors located in Crimea less willing to participate in interviews and share documents and other evidence (see sect. III.D below). The operating environment for human rights defenders has significantly deteriorated, further limiting the scope for the monitoring and documentation of human rights violations.

7. Unless otherwise specified, the information in the present report was documented and verified by the human rights monitoring mission in Ukraine during the reporting period. The report should not be considered to represent an exhaustive list of all issues of concern. The Secretariat was guided by relevant rules of international humanitarian law and international human rights law in preparing the report.

### III. Human rights

#### A. Administration of justice and fair trial rights

8. Under international human rights law and international humanitarian law, any individual facing criminal proceedings is entitled to a fair and public hearing by a competent, independent and impartial tribunal established by law and has the right to be present during trial.<sup>1</sup>

9. OHCHR documented 29 cases in which courts<sup>2</sup> had convicted Ukrainian citizens in circumstances that raised serious fair trial concerns, including cases in which tribunals appeared to lack independence and impartiality, judges failed to ensure equality of arms for the defence, the accused were denied the right to be present at the hearing and judgments lacked sufficient reasoning. In one case, a court in Simferopol convicted, on 16 February 2022, a freelance journalist working for Radio Free Europe/Radio Liberty of the unlawful storage, possession and transportation of an explosive device and sentenced him to six years of imprisonment and a fine. The court relied on the defendant's pretrial confession despite credible claims by the defendant that it had been obtained under torture and in the absence of his lawyer.<sup>3</sup>

10. OHCHR documented four cases in which the defendants were convicted in absentia.<sup>4</sup> In two of these cases, the court ignored the defendants' requests to adjourn the hearings. In another two cases, the court failed to duly notify the defendants of the date of the hearing despite knowing their whereabouts and contact details. In at least seven other cases, convictions followed pro forma hearings in which the court either relied exclusively on the testimony of police officers or lacked any clear evidence. In one such case, the court failed to provide any written reasoning regarding the basis for the conviction, in violation of international human rights law.<sup>5</sup>

<sup>1</sup> International Covenant on Civil and Political Rights, art. 14; European Convention on Human Rights, art. 6; Geneva Convention relative to the Protection of Civilian Persons in Time of War, arts. 64–77; and Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I), art. 75.

<sup>2</sup> Unless indicated otherwise, hereinafter the term "courts" refers to both courts located in Crimea and, when considering cases of Crimean residents standing trial in the Russian Federation, courts located in the Russian Federation.

<sup>3</sup> Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, art. 15. See also Human Rights Committee, general comment No. 20 (1992) on the prohibition of torture or other cruel, inhuman or degrading treatment or punishment, para. 12.

<sup>4</sup> In all four cases, the defendants were prosecuted for taking part in a spontaneous public gathering.

<sup>5</sup> International Covenant on Civil and Political Rights, art. 14 (5). In paragraph 49 of its general comment No. 32 (2007) on the right to equality before courts and tribunals and to a fair trial, the Human Rights Committee noted that the right to have one's conviction reviewed can only be exercised effectively if the convicted person is entitled to have access to a duly reasoned, written judgment. In addition, according to the European Court of Human Rights, courts should adequately provide reasoning in their judgments. See European Court of Human Rights, *Moreira Ferreira v. Portugal* (no. 2), Application No. 19867/12, Judgment, 11 July 2017, para. 84.

11. The right to a public hearing remained restricted in Crimea. The courts continued to rely on restrictions introduced to respond to the coronavirus disease (COVID-19) pandemic to justify the public's exclusion from courtrooms (see [A/HRC/50/65](#), para. 8). These measures mostly affected journalists and family members of defendants, who were often denied access to court premises on the grounds that they were not parties to the proceedings. This trend was further exacerbated following the start of the military offensive of the Russian Federation inside Ukraine on 24 February 2022. Since then, some courts in Crimea have introduced a complete ban on access to their premises by persons who are not parties to the proceedings, including a ban on the reception of visitors and the issuance of documents by the courts' registries.<sup>6</sup> Lawyers complained to OHCHR that the court database of the Russian Federation has been unavailable in Crimea since at least April 2022, while it has remained accessible throughout the territory of the Russian Federation. Article 14 (1) of the International Covenant on Civil and Political Rights contains a list of the reasons for which the press and the public may be excluded from all or part of a trial, and provides that any judgment rendered in a criminal case or in a suit at law shall be made public, with limited exceptions.<sup>7</sup>

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

12. There is an absolute ban on torture and cruel, inhuman or degrading treatment (hereinafter "ill-treatment") under international human rights law<sup>8</sup> and international humanitarian law.<sup>9</sup> In addition, article 9 (1) of the International Covenant on Civil and Political Rights reads: "Everyone has the right to liberty and security of person. No one shall be subjected to arbitrary arrest or detention. No one shall be deprived of his liberty except on such grounds and in accordance with such procedure as are established by law."<sup>10</sup>

13. OHCHR documented five cases (all concerning men) of torture and ill-treatment of Crimean residents by Russian law enforcement officers. OHCHR verified that, in three of those cases, the victims were tortured or ill-treated after having been detained by the Federal Security Service following early morning house raids. They were then handcuffed, blindfolded and taken to buildings in unknown locations where they were held incommunicado without access to lawyers and forced to provide information concerning their alleged involvement in criminal activities. The methods of torture included electrocution and threats of physical violence, including threats of sexual and gender-based violence (see [A/HRC/50/65](#), para. 13).

14. According to OHCHR, during the reporting period, Russian law enforcement officers arbitrarily arrested at least 234 individuals in Crimea, including 211 men, 20 women and 3 children (1 boy and 2 girls). OHCHR notes with concern that the number of arbitrary arrests increased by more than 600 per cent in comparison with the previous reporting period. The victims include participants in peaceful public assemblies, persons suspected of being members of banned religious groups,<sup>11</sup>

<sup>6</sup> Such bans were introduced without specific reasons by the Armyansk and the Krasnoperekopsk district courts on 1 March 2022.

<sup>7</sup> See [A/63/223](#), para. 30; and Human Rights Committee, general comment No. 32, para. 29.

<sup>8</sup> International Covenant on Civil and Political Rights, arts. 7 and 10; and Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

<sup>9</sup> Fourth Geneva Convention, art. 32; and Protocol I, art. 75 (2).

<sup>10</sup> Specific grounds for deprivation of liberty in times of occupation are established in the Fourth Geneva Convention.

<sup>11</sup> The Russian authorities arrested nine men for allegedly being members of Hizb ut-Tahrir, a religious group considered a terrorist organization under Russian Federation law but not under Ukrainian law. Since the beginning of the occupation, the Russian authorities have arrested no fewer than 91 men for their alleged affiliation with this group.

individuals affiliated with the Mejlis,<sup>12</sup> journalists, including citizen journalists,<sup>13</sup> activists of Crimean Solidarity<sup>14</sup> and people prosecuted for sharing information, including their views on matters of public interest and content deemed “extremist”, on social media. In one case, on 14 December 2021, Federal Security Service officers arrested a man and brought him to their premises in an unknown location. Following an interrogation and a polygraph test, the officers threatened the victim with imprisonment to force him to become an informant. He was released only after he had signed the necessary paperwork to become an informant and agreed to a call sign for future contact. Among the victims is also the First Deputy Head of the Mejlis, who was arrested by the Federal Security Service on 4 September 2021 in connection with an alleged explosion at a gas pipeline, an act qualified by the Russian authorities as sabotage (see [A/HRC/50/65](#), para. 15). The alleged perpetrators held him incommunicado for 19 hours and denied him access to a lawyer.

15. OHCHR documented seven enforced disappearances in Crimea. Six victims are men (four of them are Crimean Tatars, including one Deputy Head of the Mejlis) and one is a local woman activist and citizen journalist who went missing on 29 April 2022, marking the first documented disappearance of a woman since earlier reports in 2014. The Federal Security Service kept the victims incommunicado, including in unofficial places of detention, and refused to provide information on their fate and whereabouts to their lawyers and relatives. In some cases, the Federal Security Service directly denied its involvement in the disappearances. The victims were subjected to torture, ill-treatment and periods of detention that were not recorded to compel them to testify against themselves and/or others. Five victims were subsequently formally arrested, but the initial periods of detention were not included in the official record of arrest.<sup>15</sup> Victims were missing for between 13 hours and 18 days until their whereabouts became known to their relatives or lawyers.

16. Since 2014, OHCHR has documented a total of 50 cases of enforced disappearances in Crimea involving 45 men and 5 women, including 11 people who remain missing. In one case, the victim was subsequently summarily executed. In five cases, including one involving a woman, the victims were subsequently found at an official detention centre, where they remained at the time of writing. In 33 cases, the victims, including five women, were subsequently released. Of the 50 total cases, 28 are from 2014. None of the victims have been provided with redress.<sup>16</sup> OHCHR notes the persistent lack of accountability for perpetrators and an absence of progress in investigations.

### C. Rights of detainees

17. Under international human rights law, all persons deprived of their liberty must be treated with humanity and with respect for the inherent dignity of the human

<sup>12</sup> A representative body of Crimean Tatars.

<sup>13</sup> The Russian authorities arrested at least 17 men who identify themselves as “citizen journalists”. While there is no universal definition of citizen journalism, the concept is usually understood to refer to independent reporting, often by amateurs on the scene of an event. See [A/65/284](#), para. 62.

<sup>14</sup> Crimean Solidarity is a civic group that connects Crimean Tatar activists and relatives of detainees.

<sup>15</sup> Four remain in pretrial detention. One was released after serving a 15-day sentence.

<sup>16</sup> See human rights monitoring mission in Ukraine, “Enforced disappearances in the Autonomous Republic of Crimea and the city of Sevastopol, Ukraine, temporarily occupied by the Russian Federation”, briefing paper, 31 March 2021. Available at <https://ukraine.un.org/sites/default/files/2021-03/BN%20Enforced%20dis%20Crimea%20ENG.pdf?fbclid=IwAR2zh7gM2wNuti5aKxgtR4-1A1AUwCIfRUQ1q3U6YrxEwCB043WCzfrLdvo>.

person.<sup>17</sup> In addition, everyone has the right to the enjoyment of the highest attainable standard of physical and mental health.<sup>18</sup>

18. OHCHR continued to receive allegations of inadequate conditions of detention and lack of access to medical care in prison colonies and detention centres. Detainees (all men), including those transferred from Crimea to the Russian Federation, complained of poor hygiene and sanitary standards, extremely low quality of food, the unjustified seizure of personal items, including religious books such as the Qur'an, and severe prison overcrowding. In the pretrial detention centre in Novochoerkassk in the Rostov region, where, as of May 2022, at least 25 Crimean Tatar men were being held following their transfer from Crimea, detainees were forced to sleep in three shifts owing to extreme overcrowding. OHCHR notes that poor hygiene and sanitation coupled with overcrowding endangers the life and health of detainees, especially in the context of the COVID-19 pandemic.<sup>19</sup> In at least one pretrial detention centre, detainees were denied their right to an effective remedy when prison authorities did not permit them to correspond with courts and refused to certify powers of attorney to authorize their lawyers to act on their behalf.

19. OHCHR also received information about the discriminatory practice of subjecting Crimean Tatar detainees to special security regimes,<sup>20</sup> causing additional distress and hardship, and possibly amounting to degrading treatment or punishment.<sup>21</sup> In at least 26 cases (all concerning men), prison authorities classified detainees as “susceptible to engage in extremist activities” or “susceptible to escape” without any probable cause. Contrary to Russian law, these decisions were taken without the detainees’ presence or knowledge, thus depriving them of the opportunity to counter the allegations and present their case. Special security regimes are applied indefinitely and with no possibility of appeal. OHCHR received complaints from detainees that the imposition of such regimes exacerbated their suffering in detention. In particular, such detainees were more likely to be placed in disciplinary cells of an inferior quality to normal cells or denied phone calls and personal visits. Moreover, the classification remains in the detainees’ personal files, reducing their chances of early release.

20. Detainees in high-profile criminal cases continued to complain about involuntary psychiatric institutionalization. In such cases, detainees were subjected to a formal outpatient psychiatric assessment, and those who were unwilling to answer all questions from forensic experts<sup>22</sup> or who invoked their right to remain silent were involuntarily placed in psychiatric clinics for a period of between two and four weeks. While the Russian authorities justified the institutionalization on the basis of the need

<sup>17</sup> International Covenant on Civil and Political Rights, art. 10 (1).

<sup>18</sup> International Covenant on Economic, Social and Cultural Rights, art. 12 (1).

<sup>19</sup> For more information on individual cases related to the COVID-19 pandemic in detention, see [A/HRC/50/65](#), para. 17.

<sup>20</sup> Special security regimes should be of the necessary duration and severity to attain a legitimate aim pursued by the authorities and should not exceed the legitimate requirements of ensuring security in prisons. See European Court of Human Rights, *Piechowicz v. Poland*, Application No. 20071/07, Judgment, 17 April 2012, para. 178.

<sup>21</sup> Under Russian law, this process is called “профилактический учет” (“placement on a preventive list”) and is regulated by paragraph 24 of the guidelines on the prevention of offences among detainees, approved by the Ministry of Justice of the Russian Federation on 20 May 2013.

<sup>22</sup> As part of such assessments, the medical history of the person under assessment is gathered, and the person is questioned and undergoes a body check-up. See the rules on forensic psychiatric examinations approved by Resolution of the Ministry of Health of the Russian Federation No. 3H of 12 January 2017.

to determine the detainees' capacity to stand trial,<sup>23</sup> the victims and their lawyers believed that the real reason for this practice was to punish, stigmatize or humiliate the detainees for their unwillingness to cooperate with the prosecution.<sup>24</sup> During the reporting period, OHCHR verified four such cases (all concerning men), including the case of the First Deputy Head of the Mejlis, who spent nearly four weeks in a psychiatric hospital between October and November 2021. In all documented cases, the decisions lacked sufficient safeguards against arbitrariness and appeared to constitute disproportionate interference in the detainees' right to respect for private life. In particular, the decisions relied solely on the discretion of the case investigator, did not specify the period of institutionalization, lacked sufficient reasoning and were not subject to an independent review or the possibility of appeal. According to the European Court of Human Rights, a compulsory medical intervention constitutes a violation of the right to respect for private life unless it is in accordance with domestic law, necessary in a democratic society and in pursuit of a legitimate aim.<sup>25</sup>

#### D. Freedoms of opinion and expression

21. The introduction of new laws further curtailed the already limited civic space in Crimea for the expression of dissenting and critical opinions on social media or through other means. The Russian authorities introduced a range of punishable offences for the "dissemination of knowingly false information" about the use of armed forces and the "performance of functions by State authorities" outside the territory of the Russian Federation,<sup>26</sup> "public actions directed at discrediting" and "obstructing" the Russian armed forces,<sup>27</sup> and the denial of the "decisive role of the Soviet people in the defeat of Nazi Germany" and the "humanitarian mission of the Union of Soviet Socialist Republics".<sup>28</sup> The application of these laws seriously infringed upon the exercise of fundamental freedoms in Crimea, including the expression of opinions critical of the official position and policies of the Russian authorities. The laws also severely restricted the space for pluralistic media to report on issues of public interest in Crimea. In addition, the application of such laws in Crimea violates the obligation of the Russian Federation, as the occupying Power, to respect the penal laws of the occupied territory.<sup>29</sup>

22. Within two months from the start of the military offensive of the Russian Federation inside Ukraine on 24 February 2022, OHCHR documented 41 cases of Crimean residents (29 men and 12 women) being prosecuted for "discrediting" or "calls to obstruction". Protesters were prosecuted for holding signs or posting phrases

<sup>23</sup> According to Russian law, a psychiatric examination of defendants in criminal cases is mandatory if there are doubts about their sanity, if they are accused of sexual crimes against minors or if there are grounds to believe that they suffer from a drug addiction. In the documented cases, the investigators justified a psychiatric examination by simply referring to the need to establish whether the defendants had a mental illness but did not express doubts about the defendants' sanity, and none of the defendants was accused of violent offences, entered an insanity or diminished responsibility plea, or claimed that they were unable to stand trial. See, for example, European Court of Human Rights, *Manannikov v. Russia*, Application No. 74253/17, Judgment, 23 October 2018, para. 37.

<sup>24</sup> The Working Group on Arbitrary Detention has noted that psychiatric detention must not be used to jeopardize freedom of expression, nor to punish, deter or discredit someone on account of his or her political, ideological or religious views, convictions or activity (E/CN.4/2005/6, para. 58 (g)).

<sup>25</sup> European Court of Human Rights, *Fyodorov and Fyodorova v. Ukraine*, Application No. 39229/03, Judgment, 7 July 2011, paras. 82–89. See also Human Rights Committee, *MG v Germany*, Communication No. 1428/2006.

<sup>26</sup> Russian Federation, Criminal Code, art. 207.3.

<sup>27</sup> *Ibid.*, art. 280.3; and Russian Federation, Code of Administrative Offences, art. 20.3.3.

<sup>28</sup> Russian Federation, Code of Administrative Offences, art. 13.48.

<sup>29</sup> Fourth Geneva Convention, art. 64.

akin to “no to war”, “I support peace” or “no to war with Ukraine”, writing an insult over a billboard featuring a photo of the President of the Russian Federation, criticizing the Russian military offensive and commending the Ukrainian resistance at a food market, spitting on a car with a “Z” symbol and cutting clamps holding a “Z” banner, and exchanging private text messages in phone messenger applications. Under international human rights law, everyone has the right to freedom of expression, which includes the freedom to seek, receive and impart information and ideas of all kinds.<sup>30</sup> The Human Rights Committee stated that “in circumstances of public debate concerning public figures in the political domain and public institutions, the value placed by the Covenant upon uninhibited expression is particularly high”.<sup>31</sup>

23. The application of these laws resulted in the penalization by the Russian authorities of a wide range of expressions concerning the use of force by the Russian Federation against Ukraine, including calls for peace. In one case, a 70-year-old woman was fined 35,000 roubles after she brought flowers and a handmade “no to war” sign on blue and yellow paperboard to the monument of Taras Shevchenko in Simferopol to commemorate the anniversary of his birth on 9 March. The judge dismissed her argument that she supported peace and stated that the use of the colours of an “unfriendly country” had contributed to the purported offence. The fine presented a significant financial burden for her because the amount corresponded to double her monthly pension.

24. On 25 March 2022, a court fined the head of the electoral commission of the Qurultay<sup>32</sup> 40,000 roubles for expressing, in a post on Facebook, outrage at the civilian deaths caused by the use of force by the Russian Federation against Ukraine. The court referred to legislative provisions on incitement to hatred, propaganda of war and “extremism” without providing any reasoning regarding their relevance to the social media post in question. On the same day, the court convicted the man and sentenced him to two days of detention on a charge of “propaganda or public display of Nazi symbols”, for sharing a Facebook post dated 1 March 2014 with a photo of a synagogue in Simferopol that had been vandalized with painted swastikas, in which the police were called upon to investigate the anti-Semitic incident.<sup>33</sup> The court gave no weight to the context or the defendant’s intent, and limited its reasoning to establishing that the photo included a Nazi symbol. The court also failed to provide any justification for imposing a custodial sentence.<sup>34</sup>

25. On 16 March 2022, the Russian authorities detained a Crimean Tatar human rights defender for 15 days following a search of his house. During the arrest, the victim’s relatives and supporters gathered next to his house.<sup>35</sup> Police denied the defendant access to his lawyers during his interrogation. The individual was prosecuted for sharing a post by another Facebook user in 2019 that included a link to a YouTube video from 2013 in which similarities between a Soviet march tune and a march tune from Nazi Germany were discussed and photographs from the Second World War were featured, including photographs of jets and posters from Nazi Germany. The court convicted him of displaying a Nazi symbol, without any analysis of the context of the post or the defendant’s argument that he had intended to

<sup>30</sup> International Covenant on Civil and Political Rights, art. 19 (2).

<sup>31</sup> Human Rights Committee, general comment No. 34 (2011) on the freedoms of opinion and expression, para. 38; and [CCPR/C/TUN/CO/5](#), para. 18.

<sup>32</sup> The national assembly of Crimean Tatars.

<sup>33</sup> The victim explained in court that he had shared the post to express solidarity with the Jewish people and call upon the police to investigate.

<sup>34</sup> See United Nations Standard Minimum Rules for Non-custodial Measures (the Tokyo Rules), rule 1.5.

<sup>35</sup> Two relatives of the victim were arrested, and one was hit on the head with a gun by a law enforcement officer.

contribute to a debate on an issue of public interest.<sup>36</sup> The court sentenced him to the maximum period of 15 days in detention for the offence, giving rise to concerns about the proportionality of the punishment.<sup>37</sup> OHCHR received information that the defendant was convicted in retaliation for his criticism of the authorities and his human rights work. In previous years, law enforcement authorities had routinely given him formal written “warnings” not to engage in “illegal activities”.

26. Multiple media outlets have been blocked since 24 February 2022. The blocking of Ukrainian and foreign media, as well as Russian media perceived as critical of the authorities, has seriously restricted the right to freedom of expression, including the right to receive and impart information and ideas of all kinds regardless of frontiers. These measures have limited access to a range of sources of information on political and socioeconomic issues on the peninsula. The restrictions risk limiting access in Crimea to only State-controlled media. The Russian authorities blocked the “Crimea.Realities” website, a leading Crimea-focused outlet of Radio Free Europe/Radio Liberty, without prior notification. Previously, the Federal Service for Supervision of Communications, Information Technology and Mass Media (Roskomnadzor)<sup>38</sup> had ordered publications related to the forced conscription of Ukrainian citizens in Crimea to be deleted on the website.

27. The ban by the Russian Federation on Facebook and Instagram applies in Crimea, significantly limiting the freedom to seek, receive and impart ideas, restricting space for political content, journalistic activities and civic activism, and generating new risks of prosecution for the use of these platforms. Facebook and Instagram were banned on 4 and 11 March 2022, respectively, following a decision by Roskomnadzor. On 21 March, a district court in Moscow banned the products of Meta Platforms Inc. “on the territory of the Russian Federation” on the basis that it “conducts extremist activities”.<sup>39</sup> The Human Rights Committee considers generic bans on the operation of certain sites or systems to be contrary to the freedom of expression as a necessary condition for the realization of the principles of transparency and accountability that are, in turn, essential for the promotion and protection of human rights, and recommends that any permissible restrictions should generally be content-specific. It also stated that bans on publishing material solely on the basis that it may be critical of the Government are inconsistent with the permissible restrictions on the right to freedom of expression.<sup>40</sup>

28. Although bypassing the blocking of Facebook and Instagram platforms for personal use<sup>41</sup> is not penalized, labelling Meta Platforms Inc. as “extremist” creates additional risks of prosecution, including for Crimean residents. Any reference to Meta, Facebook and Instagram by media outlets or individuals without indicating that Meta and its platforms are banned in the Russian Federation, as well as any use of their graphic symbols, falls under the anti-extremist laws of the Russian Federation. In addition, the purchase of an advertisement or other services on these platforms creates the risk of prosecution for “financing of extremism”.

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<sup>36</sup> The court referred to various provisions of Russian “anti-extremist” laws without explaining how they applied to the specific conduct of the victim.

<sup>37</sup> Article 20.3.1 of the Code of Administrative Offences of the Russian Federation also provides for non-custodial penalties, including fines.

<sup>38</sup> A State agency in the Russian Federation with law enforcement functions in the media and information sectors.

<sup>39</sup> The court reasoned that the social networks promote “publications containing false information of public significance about the course of the special military operation and the conduct of the Russian military”.

<sup>40</sup> General comment No. 34, para. 43.

<sup>41</sup> For example, through virtual private network software.

## E. Freedoms of peaceful assembly and association

29. The Russian authorities maintained the blanket requirement of prior authorization for peaceful assemblies in Crimea.<sup>42</sup> This led to participants in peaceful assemblies who did not receive “authorization” as defined in Russian Federation law being convicted and fined or sentenced to community service or imprisonment (61 documented court cases in 2021, compared with 16 in 2020). Courts in Crimea also convicted participants in peaceful assemblies of violations of COVID-19 regulations. Crimean Tatar assemblies between September and November 2021 were particularly affected, with at least 116 people charged with violating public health regulations, of whom at least 22 were sentenced to administrative detention (see [A/HRC/50/65](#), para. 28). In addition, protesters were arrested without charge and released after hours of detention at police stations.

30. The introduction of new laws on “discrediting the Russian Federation armed forces” has had an adverse effect on the right to freedom of peaceful assembly in Crimea. Since its introduction, the Russian authorities have convicted residents who held single-person pickets with anti-war signs in public spaces.

31. In an emblematic case, a 16-year-old Crimean Tatar was arrested three times within a six-week period in autumn 2021. The child, who is a citizen journalist of Crimean Solidarity and the son of an imprisoned Crimean Tatar man, was initially arrested and interrogated while filming the exterior of a court building during a trial. The police physically assaulted and arrested the victim for the second time when he joined a gathering of Crimean Tatars during another trial. After being detained for more than eight hours, he was released without charge. The police have not followed up on his formal complaint about having been assaulted by an officer. The police arrested the child for the third time when he attended a gathering for the release of a well-known human rights lawyer. The Commission for Minors’ Affairs convicted him of “participation in a mass gathering of citizens in public spaces that led to violations of public order and public health regulations and rules” and fined him 10,000 roubles, while his mother was separately convicted for neglect of her parental duties by allowing her son to join the protest.

32. According to OHCHR, one of the ways in which the Russian authorities in Crimea interfered with the legitimate work of human rights organizations was by restricting access to websites on human rights and international humanitarian law issues. For example, the Crimean Human Rights Group, Human Rights Centre Zmina and Crimea SOS informed OHCHR that the authorities had blocked their websites without any prior notice. On 6 May 2022, the Prosecutor General of the Russian Federation characterized the activities of the Crimean Human Rights Group as “undesirable” and determined that it “poses a threat to the constitutional order and security” of the Russian Federation.

33. Notwithstanding the binding 2017 order for provisional measures of the International Court of Justice, in which the Court stated that the Russian Federation must, in accordance with its obligations under the International Convention on the Elimination of All Forms of Racial Discrimination, refrain from maintaining or imposing limitations on the ability of the Crimean Tatar community to conserve its

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<sup>42</sup> The Human Rights Committee has noted that requiring permission to be obtained from State officials before holding any assembly “undercuts the idea that peaceful assembly is a basic right”. See general comment No. 37 (2020) on the right of peaceful assembly, para. 70.

representative institutions,<sup>43</sup> the activities of the Mejlis remained prohibited as at 30 June 2022.

## F. Freedom of religion or belief

34. International human rights law protects the right to have or to adopt a religion or belief of one's choice, and to manifest it in worship, observance, practice and teaching.<sup>44</sup> No one shall be subject to coercion which would impair one's freedom of religion,<sup>45</sup> including through penal sanctions or other forms of prosecution.

35. All congregations of Jehovah's Witnesses in Crimea remained under a blanket prohibition as "extremist organizations" (see [A/HRC/44/21](#), para. 35). Believers continued to be subject to criminal prosecution and imprisonment for practising their religion, in violation of international human rights law. During the reporting period, OHCHR documented two new convictions of Jehovah's Witness men for practising their faith, bringing the overall number of victims to five men since 2020. In the most recent case, on 16 February 2022, a man from Kerch was convicted of "extremist activities" and given a two-year suspended sentence for discussing the Bible and religious doctrine. The court also restricted his freedom of movement to the city of Kerch for six months and prohibited him from participating in religious or civil society organizations for three years.

36. OHCHR recorded 23 new court cases<sup>46</sup> against religious organizations or individuals (including 14 Protestant, 4 Muslim, 1 Judaist and 1 Orthodox Church of Ukraine)<sup>47</sup> for offences related to proselytizing. The cases stem from the application in the occupied territory of "anti-extremist" laws of the Russian Federation and a wide interpretation of the term "missionary activities".<sup>48</sup> Protestant churches remain predominantly affected. In the cases documented by OHCHR, individuals and religious groups were prosecuted on such grounds as holding Bible study groups, discussing religious doctrine, singing religious songs in private dwellings and other premises, and failing to indicate the full name of the registered religious organization on social media. The courts fined individuals between 5,000 and 15,000 roubles<sup>49</sup> and religious organizations 30,000 roubles.

## G. Freedom of movement

37. As a result of the military offensive of the Russian Federation against Ukraine from the territory of Crimea on 24 February 2022, the Ukrainian crossing points at the Administrative Boundary Line between Crimea and other parts of Ukraine were destroyed. The Border Service of the Federal Security Service maintained its crossing points between Crimea and the Kherson region of Ukraine. In addition, Russian armed forces installed checkpoints in those territories of Ukraine occupied since

<sup>43</sup> International Court of Justice, *Application of the International Convention for the Suppression of the Financing of Terrorism and of the International Convention on the Elimination of All Forms of Racial Discrimination (Ukraine v. Russian Federation)*, Order of 19 April 2017, General List No. 166, para. 106.

<sup>44</sup> International Covenant on Civil and Political Rights, art. 18 (1).

<sup>45</sup> *Ibid.*, art. 18 (2).

<sup>46</sup> All of these cases are from 2021.

<sup>47</sup> In three cases, the affiliation was unknown or unclear.

<sup>48</sup> According to the Special Rapporteur on freedom of religion or belief, religious manifestation through the non-coercive persuasion of others (proselytism) may be subject to discriminatory or arbitrary limitations because of vague or overly broad definitions of religious proselytism (see [A/67/303](#), paras. 44–47).

<sup>49</sup> In 2020, the maximum fine imposed on an individual was 5,000 roubles.

24 February. The hostilities and the Russian military's effective control of parts of the Kherson region severely compromised the freedom of movement. OHCHR interviewed individuals who, having decided to leave Crimea for the European Union, followed the long overland route through the territory of the Russian Federation to northern Europe, rather than risk moving through other parts of Ukraine.<sup>50</sup>

## H. Right to education in one's native language

38. According to official statistics of the Russian Federation,<sup>51</sup> in the 2021/22 academic year, 212 students (0.1 per cent of all students) were taught subjects in Ukrainian (down from 214 in 2020/21 but up from 206 in 2019/20)<sup>52</sup> and 3,780 students learned Ukrainian as a regular subject, an elective course or an extracurricular activity (down from 4,155 in 2020/21 and 5,621 in 2019/20).<sup>53</sup> The only school to have the status of a Ukrainian-language school in Crimea is a school in Feodosia, while three Ukrainian classes are offered at a Russian-language school in Simferopol.<sup>54</sup>

39. The same statistics indicate that, in the 2021/22 academic year, 7,049 students (3.1 per cent) received instruction in Crimean Tatar (up from 6,700 students in 2020/21) and 31,205 students learned Crimean Tatar as a regular subject, an elective course or an extracurricular activity (up from 30,475 in 2020/21). Sixteen Crimean Tatar schools operate on the peninsula, and 22 Russian-language schools offer classes with instruction in Crimean Tatar. Concerns remained about discrepancies between the formal language status of a native language school or class and the de facto use of Crimean Tatar and Ukrainian in the curriculum (see [A/74/276](#), para. 52).

40. According to Crimean Tatar graduates of schools in Crimea and parents of current students interviewed by OHCHR, the availability of instruction in Crimean Tatar and Ukrainian and the possibility of learning those languages as subjects does not satisfy the demand. Interviewees from Simferopol, the Greater Yalta area and Dzhankoi complained of the insufficient hours, low quality or unavailability of instruction in Crimean Tatar and the lack of opportunities to enrol in Crimean Tatar language classes. In one documented case, the mother of a girl enrolled in the fifth grade in the Greater Yalta area complained that there was neither instruction in Crimean Tatar nor separate Crimean Tatar language classes. Instead, her daughter was enrolled in a compulsory "native language" class, which was de facto an extra Russian language class, in addition to Russian being taught as a regular subject. In an ongoing previously reported case (see [A/76/260](#), para. 35), a Crimean Tatar mother has been unable to enrol her two schoolchildren in Crimean Tatar classes despite four years of submitting requests to the school administration and protesting against Russian being assigned as the native language of her children.<sup>55</sup> Her son had been enrolled in a Crimean Tatar extracurricular class once per week the previous year, but the class had

<sup>50</sup> OHCHR identified numerous bus companies offering routes out of Crimea, the Kherson region and other areas of Ukraine temporarily occupied by the Russian Federation to Georgia, the Baltics and Poland through the territory of the Russian Federation.

<sup>51</sup> From the Ministry of Education, Sciences and Youth of the "Republic of Crimea". The statistics cited in the present section exclude Sevastopol.

<sup>52</sup> These numbers are significantly lower than the number of students taught in Ukrainian before the temporary occupation. In 2013/14, 12,694 students received education in Ukrainian.

<sup>53</sup> The number of students learning Ukrainian has steadily decreased every year. In 2018/19, 10,600 students in Crimea learned Ukrainian.

<sup>54</sup> By contrast, out of a total of 224,600 students, 217,313 (96.8 per cent) receive their education in Russian.

<sup>55</sup> Interviewees also complained that the procedure for requesting additional instruction in or teaching of the Crimean Tatar and Ukrainian languages is dysfunctional and rarely leads to improvements.

been discontinued the following year. Instead, the school administration enrolled both children in the compulsory “native language” class, which means that they have an additional hour of Russian on top of five regular weekly lessons.

41. A Crimean Tatar woman from Simferopol informed OHCHR that there had been no opportunity to take Ukrainian language classes at school following the cancellation of all such classes shortly after the temporary occupation. Her parents had requested both Ukrainian and Crimean Tatar extracurricular classes, but the school administration allowed students to choose only one. She had taken one Crimean Tatar language class per week, which had not satisfied her expectations in terms of quality and the quantity of hours. Given her desire to pursue higher education in Kyiv, she had been forced to learn Ukrainian on her own to prepare for admission.

## I. Prohibition on forced conscription

42. Under international humanitarian law, an occupying Power may not compel protected persons to serve in its armed or auxiliary forces, and no pressure or propaganda which aims at securing voluntary enlistment is permitted.<sup>56</sup>

43. In 2021, the Russian Federation conducted two new military drafts of male Crimean residents, including those holding Ukrainian citizenship, raising the overall number of drafts since the beginning of the temporary occupation to 14. Russian Federation law, as applied in Crimea, prescribes fines, correctional labour and up to two years in prison for draft evasion.<sup>57</sup> Courts in Crimea continued to enforce this provision by convicting men of evading military service.

44. Against the backdrop of the military offensive of the Russian Federation against Ukraine, Crimean residents, including Ukrainian citizens, were summoned to the military draft offices before the start of the official conscription campaign of spring 2022. Russian armed forces extensively used large parts of temporarily occupied Crimea as the base for their attack on other southern parts of Ukraine, in particular the Kherson region. Before the military offensive, the temporarily occupied territory was strategically used for the build-up of military infrastructure, equipment and forces.<sup>58</sup> OHCHR noted multiple reports that members of the Russian armed forces actively participating in the hostilities in other parts of Ukraine included Crimean residents. The introduction of new legislative restrictions on reporting and the expression of opinions (see sect. III.D above) means that the access of prospective service members to independent information about the use of force against Ukraine is severely limited. These limitations exist against a backdrop of State-controlled reporting and reports of the introduction of special lessons in schools on the “operations” of the Russian military in Ukraine, which could be viewed as measures aimed at securing popular support for engagement in hostilities against Ukraine and encouraging voluntary enlistment.

## IV. Population transfers

45. Under international humanitarian law, individual or mass forcible transfers, as well as deportations of protected persons from occupied territory to the territory of the occupying Power or to that of any other country, occupied or not, are prohibited, regardless of their motive.<sup>59</sup>

<sup>56</sup> Fourth Geneva Convention, art. 51.

<sup>57</sup> Russian Federation, Criminal Code, art. 328.

<sup>58</sup> On the progressive militarization of Crimea, see General Assembly resolutions [73/194](#) and [76/70](#).

<sup>59</sup> Fourth Geneva Convention, art. 49.

46. Ukrainian citizens residing in Crimea without Russian passports are considered foreigners and, as such, are deprived of important rights<sup>60</sup> and at risk of losing their property (see [A/HRC/50/65](#), para. 40). In addition, those without Russian residence permits face the risk of forcible transfers from Crimea and/or subsequent bans on re-entering the peninsula.<sup>61</sup> In 2021, courts in Crimea issued no fewer than 191 transfer orders<sup>62</sup> for individuals considered foreigners, affecting at least 77 Ukrainian citizens (71 men and 6 women).<sup>63</sup> OHCHR assesses that, during the reporting period, these factors compelled more than 10,000 individuals considered foreigners in Crimea<sup>64</sup> to either leave the peninsula or acquire Russian citizenship. In total, over the past five years, the number of legal residents without Russian citizenship in Crimea has decreased by 59 per cent, from 35,630 in 2017 to 14,626 in 2021.<sup>65</sup>

47. The situation of residents without Russian citizenship deteriorated following the introduction on 29 December 2021 by the Russian authorities of mandatory fingerprinting, photographing and medical examinations for stays in Crimea of more than 90 days.<sup>66</sup> The medical examination was designed to identify persons living with HIV, drug users and persons suffering from certain infectious diseases, who would then be denied residence rights and banned from entering the peninsula. OHCHR notes that the denial of residence rights and the banning of entry into Crimea of Ukrainian citizens because of their HIV-positive status and the use of associated medicines are discriminatory towards such persons and constitute an unlawful restriction of their freedom of movement.<sup>67</sup>

48. Under international humanitarian law, the occupying Power must not deport or transfer parts of its own civilian population into the territory that it occupies.<sup>68</sup> The International Court of Justice stated that this provision also prohibits “any measures taken by an occupying Power in order to organize or encourage transfers of parts of its own population into the occupied territory”.<sup>69</sup>

49. OHCHR verified that the Russian authorities continued to appoint residents of the Russian Federation to public service positions in Crimea. Out of 368 judges serving in the general courts and arbitration courts in Crimea, no fewer than 68 (44 women and 24 men), or 18.5 per cent, have been appointed from the Russian Federation by presidential order.<sup>70</sup> In certain higher courts, the proportion of Russian appointees was much higher. For example, in the Sevastopol city court, out of 22 judges, 17 (11 men and 6 women), or 77 per cent, were former judges of courts in the Russian Federation. In the arbitration court of Sevastopol, out of 13 sitting judges, 7 (4 men and 3 women), or 54 per cent, were appointed from the Russian Federation.

<sup>60</sup> They cannot, among other things, own agricultural land, vote and be elected, apply to hold a public meeting or hold positions in the public administration.

<sup>61</sup> For more information on the relevant legislative framework, see [A/76/260](#).

<sup>62</sup> The statistics exclude Sevastopol.

<sup>63</sup> The actual number could be higher given that, in at least 67 cases, the victims’ nationalities were not disclosed in the available judgments.

<sup>64</sup> The vast majority are believed to be Ukrainians.

<sup>65</sup> See Russian Federation, Ministry of Internal Affairs, “Selected indicators of the migration situation in the Russian Federation for January–December 2021 by country and region”. Available at <https://мвд.рф/Deljatelnost/statistics/XXX/>.

<sup>66</sup> Russian Federation, Federal Act No. 274-FZ of 1 July 2021.

<sup>67</sup> See International Covenant on Economic, Social and Cultural Rights, Art. 2(2); CESCR, General comment No. 20: Non-discrimination in economic, social and cultural rights (art. 2, para. 2, International Covenant on Economic, Social and Cultural Rights), [E/C.12/GC/20](#), para. 33; European Court of Human Rights, *Kiyutin v. Russia*, Judgment, 10 March 2011, paras. 62–74.

<sup>68</sup> Fourth Geneva Convention, art. 49.

<sup>69</sup> International Court of Justice, *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory*, Advisory Opinion, ICJ Reports 2004, para. 120.

<sup>70</sup> The numbers in this paragraph were verified as at 2 December 2021.

The proportion was close to that of the general courts and arbitration courts in the Supreme Court of Crimea, where, out of 74 judges, 12 (7 women and 5 men), or 16 per cent, were appointed from courts in the Russian Federation.

50. OHCHR also verified similar appointments to positions in all key law enforcement agencies in Crimea. Such appointments include the Head of the Federal Security Service, the Minister of Internal Affairs and the Prosecutor of Crimea. The appointments involve the relocation of the families of appointees and could thus be considered to encourage the transfer of civilian populations into occupied territory.

51. Human rights non-governmental organizations raised concerns regarding the systematic appointment of public officials from the Russian Federation to positions in Crimea and federal programmes aimed at encouraging the relocation of categories of the population from the Russian Federation to the peninsula. Non-governmental organizations reported that these categories included academic personnel, medical personnel and retirees, who were provided with financial support and other incentives for relocation.<sup>71</sup>

52. During the reporting period, residents of the Russian Federation continued to change their residency registration to Crimea.<sup>72</sup> According to official statistics, 20,530 people changed their formal residency registration from regions of the Russian Federation to Crimea in 2021,<sup>73</sup> bringing the total number of relocations between 2014 and 2021 to 227,703.<sup>74</sup>

## V. Conclusions and recommendations

**53. In line with General Assembly resolution 76/179, the Secretariat undertook all steps necessary to ensure the full and effective coordination of all United Nations bodies with regard to the implementation of the resolution.**

**54. In the light of the military offensive of the Russian Federation against Ukraine, it was not possible to sustain a meaningful dialogue regarding access to Crimea. Nevertheless, OHCHR and the human rights monitoring mission in Ukraine continued their engagement with relevant regional organizations and Member States, including the Russian Federation and Ukraine.**

**55. I unreservedly urge the Russian Federation to cease its use of force against Ukraine. I also urge the Russian Federation to renew its willingness to pursue discussions to enable the identification of a mutually acceptable formula to ensure access by OHCHR to Crimea. I reiterate my willingness to discuss potential opportunities and identify practical avenues in this regard.**

**56. I continue to offer my good offices to pursue discussions relating to Crimea with all relevant stakeholders and to raise the concerns addressed in General Assembly resolution 76/179. During briefings to the Security Council on the situation in Ukraine, the Secretariat continued to refer to developments in and around Crimea, as appropriate, consistently reaffirming the commitment of the United Nations to the sovereignty, independence and territorial integrity of**

<sup>71</sup> See <https://rchr.org.ua/analytics/peremishchennia-tsyvil-noho-naselennia-rosiys-koi-federatsii-na-okupovanu-terytoriiu-ukrainy/>.

<sup>72</sup> Change of residency registration does not constitute a precondition for de facto residence and employment in Crimea. The number of civilians who have moved to Crimea from the Russian Federation is therefore likely to be higher.

<sup>73</sup> This figure excludes Sevastopol.

<sup>74</sup> Official figures provided by the Russian Federation are likely to include movements between “the Republic of Crimea” and the city of Sevastopol, which are not covered by the prohibition described in para. 48 above.

Ukraine within its internationally recognized borders, in accordance with relevant General Assembly and Security Council resolutions.

57. I call upon the Russian Federation to uphold its obligations under the Charter of the United Nations, international human rights law and international humanitarian law in Crimea. In particular, the Russian authorities are required to comply fully with the absolute prohibition of torture and ill-treatment and to ensure the independent, impartial and effective investigation of all allegations of ill-treatment, torture, arbitrary arrest and detention in Crimea. They have the further obligation to ensure that the rights of persons deprived of liberty are fully respected in accordance with international law. I call upon the Russian authorities not to engage in discriminatory practices aimed at compelling inhabitants of the occupied territory to acquire Russian citizenship in violation of its obligation as an occupying Power.

58. I urge the Russian Federation to ensure that the rights to freedom of expression, to hold opinions, to freedom of association, thought, conscience and religion, and to peaceful assembly can be exercised by all individuals and groups in Crimea, without discrimination on any grounds or unjustified interference. In particular, individuals must be able to express opinions that are critical of the Russian authorities without fear of retaliation, such as imprisonment or other sanctions. The Russian authorities should refrain from blanket restrictions on social media and websites of media outlets and civil society organizations. It is equally essential to ensure that all arrested, detained or imprisoned persons are provided with adequate opportunities, time and facilities to be visited by, and to communicate and consult with, a lawyer, without delay, interception or censorship and in full confidentiality. Lawyers must be able to perform all their professional functions without intimidation, hindrance, harassment or improper interference. Religious groups must be able to gather freely for prayer and other religious practices. No individual in Crimea should be criminally charged or detained for practising his or her religion or belief. I also urge the Russian Federation to lift the restrictions imposed on the ability of the Crimean Tatar community to conserve its representative institutions, including the ban on the Mejlis. The occupying authorities must ensure the availability of education in the Ukrainian language and that instruction in and teaching of the Crimean Tatar language satisfies, to the extent possible, the demand for such education.

59. The Russian Federation must immediately end the conscription of Ukrainian nationals residing in Crimea into its armed forces and any pressure or propaganda aimed at securing voluntary enlistment. It is also critical to put an end to policies aimed at encouraging the movement of Russian civilian populations to Crimea, including through the appointment of officials, and to transfers and deportations of protected persons, including detainees, outside the temporarily occupied territory, and to ensure that all protected persons previously transferred or deported are allowed to return to Crimea.

60. I call upon Member States to support human rights defenders who work for the protection of human rights in Crimea and to continue to support the work of the United Nations to ensure respect for international human rights law and international humanitarian law in Crimea. It remains essential for other Member States to encourage the Russian Federation to immediately cease its use of force against Ukraine, to withdraw its forces from Ukrainian territory and to renew discussions to facilitate unimpeded access to Crimea by international and regional human rights monitoring mechanisms.