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Freedom in the World 2019 - Crimea

Not Free

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Key Developments:

Key Developments in 2018:

- Throughout the year, opposition figures and activists opposed to the Russian occupation continued to face harassment, arrest, and imprisonment for their peaceful activities, and Russian authorities routinely violated due process rights in pursuing cases against dissidents.
- In May, Russian officials opened the Kerch Bridge, which connects mainland Russia to Crimea. The bridge was sharply criticized by the international community for further consolidating Russian control over the peninsula.
- In November, Russian forces attacked and seized three Ukrainian naval vessels in the Black Sea near Crimea, further inflaming tensions; 24 Ukrainian military personnel who were detained during the attack remained in custody at the end of the year.
- In December, four Crimean Tatars received lengthy prison sentences for their alleged involvement with the Islamist group Hizb ut-Tahrir, which is designated as a terrorist organization in Russia but not in Ukraine.

Political Rights and Civil Liberties:

POLITICAL RIGHTS: -2 / 40 (-1)

A. ELECTORAL PROCESS: 0 / 12

A1. Was the current head of government or other chief national authority elected through free and fair elections? 0 / 4

Under the administrative system established by Russia, the Crimean Peninsula is divided into the Republic of Crimea and the federal city of Sevastopol, a port of roughly 380,000 residents. Sevastopol's political institutions largely mirror those of Crimea proper.

The head of the Republic of Crimea is elected by its legislature, the State Council of Crimea, for up to two consecutive five-year terms. Lawmakers choose the leader based on a list of nominees prepared by the Russian president. In October 2014, the legislature unanimously elected Sergey Aksyonov as the head of the republic in a process that did not conform to democratic standards. Aksyonov has led Crimea since February 2014, when a group of armed men forced legislators to elect him prime minister at gunpoint.

In March 2018, Crimea residents who accepted Russian citizenship voted in the Russian presidential election, which observers concluded was not genuinely competitive. Residents are not permitted to participate in some Ukrainian elections. However, they are able to participate in the presidential vote scheduled for March 2019, and the party-list portion of the October 2019 parliamentary elections, if they register ahead of time in mainland Ukraine.

A2. Were the current national legislative representatives elected through free and fair elections? 0 / 4

The State Council consists of 75 members elected to five-year terms. Two-thirds of the members are elected by party list and one-third in single-member districts. Legislative elections under the Russian-organized Crimean constitution were held in September 2014 in an environment that was neither fair nor competitive. All of the parties allowed to participate supported the annexation, pro-Ukraine parties were excluded, and the Crimean Tatar minority boycotted the voting. The ruling party in Russia, United Russia, took 70 seats, and the ultranationalist Liberal Democratic Party of Russia (LDPR) secured the remaining 5 seats.

A3. Are the electoral laws and framework fair, and are they implemented impartially by the relevant election management bodies? 0 / 4

The Russian occupation authorities have tailored the electoral system to ensure maximum control by Moscow. Legislators electing the chief executive are limited to candidates chosen by the Russian president. In the legislative elections, legitimate opposition forces are denied registration before the voting begins, leaving voters with the choice of either abstaining or endorsing pro-Russian candidates.

B. POLITICAL PLURALISM AND PARTICIPATION: 0 / 16

B1. Do the people have the right to organize in different political parties or other competitive political groupings of their choice, and is the system free of undue obstacles to the rise and fall of these competing parties or groupings? 0 / 4

Ukrainian political parties are banned, allowing Russia's ruling party and other Kremlin-approved factions to dominate the political system. Russia's Federal Security Service (FSB), the local police, and pro-Russian "self-defense" units use intimidation and harassment to suppress any political mobilization against the current government or Russia's annexation of Crimea.

B2. Is there a realistic opportunity for the opposition to increase its support or gain power through elections? 0 / 4

Because Ukrainian political parties are not allowed to compete in elections and Russia tightly controls the political and electoral systems, there is no opportunity for a genuine political opposition to form, compete, or take power in Crimea.

As in Russia, the authorities in the territory consistently crack down on opposition political activity. Crimean Tatars have continued to voice dissent and openly oppose the Russian occupation, but they risk harassment, arrest, and imprisonment for their actions. Other opposition figures also experience intimidation and police surveillance. For example, Dmitriy Kisiyev, a supporter of the Russian opposition leader Aleksey Navalny, had his apartment searched by the police in February 2018. Civil society groups reported that as of December, approximately 70 Ukrainians—including Crimean Tatars and ethnic Ukrainians—were imprisoned on the peninsula or in Russia for their political activities.

B3. Are the people's political choices free from domination by the military, foreign powers, religious hierarchies, economic oligarchies, or any other powerful group that is not democratically accountable? 0 / 4

Sergey Aksyonov, the chief executive, was originally installed by Russian security forces, and subsequent elections have been carefully controlled by the Russian government, which pressures citizens to vote. Among other abuses, during the 2016 Russian parliamentary elections, public- and private-sector workers were threatened with dismissal from their jobs if they failed to vote. During the March 2018 Russian presidential election, Crimean Tatar public employees were threatened with termination if they did not vote.

B4. Do various segments of the population (including ethnic, religious, gender, LGBT, and other relevant groups) have full political rights and electoral opportunities? 0 / 4

Russia's occupation authorities deny full political rights to all Crimea residents, but Crimean Tatars and ethnic Ukrainians are regarded with particular suspicion and face greater persecution than their ethnic Russian counterparts. The headquarters of the Mejlis, the Crimean Tatars' representative body, was closed by the authorities in 2014. The Mejlis's incumbent chairman, Refat Chubarov, and Crimean Tatar leader Mustafa Dzhemilev have been banned from the territory since then. The Mejlis was officially banned by Crimea's Supreme Court in 2016. In 2017, the International Court of Justice ordered Russia to "refrain from maintaining or imposing limitations on the ability of the

Crimean Tatar community to conserve its representative institutions, including the Mejlis." The prohibition on Ukrainian political parties leaves ethnic Ukrainians with no meaningful representation.

Women formally have equal political rights, but they remain underrepresented in leadership positions in practice, and government officials demonstrate little interest in or understanding of gender-equality issues. Women hold about one-fifth of the seats in the State Council.

C. FUNCTIONING OF GOVERNMENT: 0 / 12

C1. Do the freely elected head of government and national legislative representatives determine the policies of the government? 0 / 4

All major policy decisions are made in Moscow and executed by Russian president Vladimir Putin's representatives in Crimea or the local authorities, who were not freely elected and are beholden to the Kremlin.

C2. Are safeguards against official corruption strong and effective? 0 / 4

Corruption is widespread in Crimea and occurs at the highest levels of government, as exemplified by the October 2018 arrest of Deputy Prime Minister Vitaliy Nakhlyupin for bribery. Generally, efforts to investigate and prosecute corruption are inadequate. Some elements of the Russian-backed leadership, including Aksyonov, reputedly have ties to organized crime. In recent years, the FSB has arrested a number of Crimean officials as part of an ostensible campaign against graft; many of the arrests were related to allegations that local authorities embezzled Russian funds meant to support the occupation. However, some have also been linked to infighting between Crimean and Russian officials over control of the peninsula's assets.

C3. Does the government operate with openness and transparency? 0 / 4

With strict controls on the media and few other means of holding officials accountable, residents struggle to obtain information about the functioning of their government. Budget processes are nontransparent, and input from civil society, which is itself subject to tight restrictions, is limited.

ADDITIONAL DISCRETIONARY POLITICAL RIGHTS QUESTION

Is the government or occupying power deliberately changing the ethnic composition of a country or territory so as to destroy a culture or tip the political balance in favor of another group? -2 / 0 (-1)

Since the occupation began, the Russian government has taken decisive steps to solidify ethnic Russian domination of the peninsula and marginalize the Ukrainian and Crimean Tatar communities. The elimination of the Ukrainian language from school curriculums and the closure of most Ukrainian Orthodox churches since 2014 are indicative of this attempt to Russify the population.

Russian and local pro-Russian officials' policies and actions in Crimea have led to an influx of hundreds of thousands of people from Russia, including Russian troops, civilian personnel, and their families. People displaced by fighting and deprivation in eastern Ukraine—home to many ethnic Russians—have also come to Crimea. Ukrainian citizens from Crimea have been drafted into compulsory military service in the Russian armed forces, in contravention of international law. As of November 2018, approximately 12,000 Crimeans had been drafted into the Russian military.

Meanwhile, political persecution has led to an outflow of ethnic Ukrainians and Crimean Tatars. Russia instituted a policy of mass Russian naturalization for all residents of Crimea in 2014, in violation of international law. Once the policy was enacted, Crimeans had only 18 days to opt out of Russian citizenship. Ukrainian citizens, many of them long-term residents with immediate family on the peninsula, have been deported from Crimea since the beginning of the occupation, often for opting out of Russian citizenship.

Score Change: The score declined from -1 to -2 due to the continued influx of new residents from Russia to support the occupation, and the flight or forced removal of Ukrainians and Crimean Tatars from the peninsula amid political persecution.

CIVIL LIBERTIES: 10 / 60

D. FREEDOM OF EXPRESSION AND BELIEF: 3 / 16

D1. Are there free and independent media? 0 / 4

Media freedom is severely curtailed in Crimea. In addition to other restrictive Russian laws, a provision of the penal code prescribes up to five years in prison for public calls for action against Russia's territorial integrity, which has been interpreted to ban statements against the annexation, including in the media. Journalists in Crimea risk harassment, arrest, and imprisonment for carrying out their work. In March 2018, Crimean Tatar citizen journalist Nariman Memedeminov was arrested over YouTube videos he posted in 2013. As of December, he remained in a detention facility in Crimea.

A 2015 reregistration process overseen by the Russian media and telecommunications regulator Roskomnadzor effectively reduced the number of media outlets in Crimea by more than 90 percent. The occupation authorities have cut the territory off from access to Ukrainian television, and Crimea's internet service providers must operate under Russia's draconian media laws. Independent and pro-Ukraine media outlets no longer function openly on the peninsula, and Russian authorities have taken steps to prevent Ukrainian news sources from reaching Crimea. Russian officials blocked a number of Ukrainian news websites in 2018. A human rights group has concluded that Russian authorities also scramble the signals of Ukrainian radio stations in Crimea by transmitting Russian radio programming on the same frequencies.

D2. Are individuals free to practice and express their religious faith or nonbelief in public and private? 1 / 4

The occupation authorities forced religious organizations to reregister under new rules, sharply reducing the number of registered groups. All 22 Jehovah's Witnesses congregations were deregistered after the Russian Supreme Court ruled in 2017 that the group had violated laws against extremism. Mosques associated with the Crimean Tatars have been denied permission to register, and Muslims have faced legal discrimination. As of 2018, more than two dozen Crimeans had been charged with terrorism offenses for alleged involvement in Hizb ut-Tahrir. In December, four of them received sentences ranging from 9 to 17 years in prison.

The Ukrainian Orthodox Church–Kyiv Patriarchate (UOC-KP) did not reregister under Russian law after the occupation and faces pressure from occupation authorities, who have confiscated some of the church's property. Before the occupation, the UOC-KP had 52 parishes in Crimea, but as of October 2018 only 8 parishes remained. At least three UOC-KP churches have been appropriated by Russian authorities.

D3. Is there academic freedom, and is the educational system free from extensive political indoctrination? 1 / 4

Schools must use the Russian state curriculum. Instruction in the Ukrainian language has been almost completely eliminated. In a 2017 ruling, the International Court of Justice ordered Russia to ensure the availability of education in Ukrainian, but it does not appear that the authorities complied with this order in 2018. Access to education in the Crimean Tatar language has been more stable, declining only slightly since 2014.

D4. Are individuals free to express their personal views on political or other sensitive topics without fear of surveillance or retribution? 1 / 4

The FSB reportedly encourages residents to inform on individuals who express opposition to the annexation, and a climate of fear and intimidation seriously inhibits private discussion of political matters. Social media comments are reportedly monitored by authorities. The FSB frequently opens criminal cases against those who criticize the occupation and the oppression of Crimean Tatars. In July 2018, Ukrainian activist Volodymyr Balukh, who was arrested in 2016 on dubious weapons and explosives possession charges after he raised the Ukrainian flag on his property, was sentenced to five years in prison. A court overturned his initial 2017 conviction, but another court convicted him of the same charges in January, in addition to new charges that he attacked the warden of the prison where he was held.

E. ASSOCIATIONAL AND ORGANIZATIONAL RIGHTS: 1 / 12

E1. Is there freedom of assembly? 0 / 4

Freedom of assembly is severely restricted. Public events cannot proceed without permission from the authorities, and the Crimean government lists only 366 locations where they can be held. Permission to hold demonstrations is frequently denied, and when protests do proceed, participants are often arrested. In June 2018, for example, the organizers of a protest against local government policies toward businesses were detained by authorities.

E2. Is there freedom for nongovernmental organizations, particularly those that are engaged in human rights- and governance-related work? 0 / 4

The de facto authorities, including the FSB, repress all independent political and civic organizations. Nongovernmental organizations (NGOs) are subject to harsh Russian laws that enable state interference and obstruct foreign funding. NGO leaders are regularly harassed and arrested for their activities. In May 2018, Server Mustafayev and Edem Smailov, leaders of the human rights group Crimean Solidarity, were arrested and charged with involvement in Hizb ut-Tahrir. In December, Mustafayev was transferred to a psychiatric hospital, where he remained at the end of the year.

E3. Is there freedom for trade unions and similar professional or labor organizations? 1 / 4

Trade union rights are formally protected under Russian law but limited in practice. As in both Ukraine and Russia, employers are often able to engage in antiunion discrimination and violate collective-bargaining rights. Pro-Russian authorities have threatened to nationalize property owned by labor unions in Crimea.

F. RULE OF LAW: 0 / 16

F1. Is there an independent judiciary? 0 / 4

Under Moscow's rule, Crimea is subject to the Russian judicial system, which lacks independence and is effectively dominated by the executive branch. Opponents of Crimea's annexation argue that the judiciary is politicized and aggressively punishes dissidents in politically motivated cases. Russian laws bar dual citizenship for public officials, and Crimean judges were required to obtain Russian citizenship in order to return to their positions after the annexation.

F2. Does due process prevail in civil and criminal matters? 0 / 4

Russian authorities have replaced Ukrainian law with the laws of the Russian Federation, often using measures that were ostensibly adopted to fight terrorism, extremism, and separatism to target regime opponents. Arbitrary arrests and detentions, harsh interrogation tactics, falsification of evidence, pressure to waive legal counsel, and unfair trials are common. Many detainees and prisoners have been transferred from occupied Crimea to Russia in violation of international law. For example, Ukrainian film director Oleg Sentsov and left-wing activist Oleksandr Kolchenko, who both actively opposed Russia's annexation of Crimea, have been detained in Russia since shortly after their arrest in Crimea in 2014; they received lengthy prison sentences in 2015 after being convicted on extremism charges.

F3. Is there protection from the illegitimate use of physical force and freedom from war and insurgencies? 0 / 4

The Russian occupation authorities commonly engage in torture of detainees and other abuses. Victims of torture generally have no legal recourse, allowing security forces to act with impunity. Detention centers are often overcrowded and unhygienic.

The ongoing tensions between Russia and Ukraine threaten Crimea's security. In November 2018, Russian forces attacked and seized three Ukrainian naval vessels in the Black Sea near Crimea as they attempted to enter the Sea of Azov through the Kerch Strait. Russia then took the 24 Ukrainian military personnel on board into custody, where they remained at the end of the year. In defiance of international law on prisoners of war, Russia opened a criminal case against the sailors for unlawfully crossing into Russian waters. In May, Russia had opened the Kerch Bridge, which connects mainland Russia to Crimea. The opening of the bridge drew widespread international condemnation, as it bolstered Moscow's control over the peninsula and made it easier for Russian forces to block shipping to and from eastern Ukraine through the Kerch Strait.

F4. Do laws, policies, and practices guarantee equal treatment of various segments of the population? 0 / 4

In addition to official discrimination and harassment against ethnic Ukrainians and Crimean Tatars, women face de facto discrimination in the workplace, and the legal situation for LGBT (lesbian, gay, bisexual, and transgender) people has grown worse under the Russian occupation. After 2014, Crimea became subject to Russia's 2013 law banning dissemination of information that promotes "nontraditional sexual relationships," which tightly restricts the activities of LGBT people and organizations.

G. PERSONAL AUTONOMY AND INDIVIDUAL RIGHTS: 6 / 16

G1. Do individuals enjoy freedom of movement, including the ability to change their place of residence, employment, or education? 1 / 4

The occupation authorities have sought to compel Crimea's residents to accept Russian citizenship and surrender their Ukrainian passports. Those who fail to do so face the threat of dismissal from employment, loss of property rights, inability to travel to mainland Ukraine and elsewhere, and eventual deportation as foreigners.

G2. Are individuals able to exercise the right to own property and establish private businesses without undue interference from state or nonstate actors? 1 / 4

Property rights are poorly protected, and the Russian annexation has resulted in a redistribution of assets in favor of Russian and pro-Russian entities. After the occupation, the properties of many Ukrainian companies were seized by Russian authorities. In May 2018, a court in The Hague ordered Russia to pay \$159 million to Ukrainian companies that had their property confiscated. The properties of Crimean Tatars who returned in the 1990s—after a Soviet-era mass deportation—and built houses without permits are also vulnerable to seizure by Russian authorities.

G3. Do individuals enjoy personal social freedoms, including choice of marriage partner and size of family, protection from domestic violence, and control over appearance? 2 / 4

Domestic violence remains a serious problem in Crimea, and Russian laws do not offer strong protections. In 2017, Putin signed legislation that partly decriminalized domestic abuse in Russia, prescribing only small fines and short administrative detention for acts that do not cause serious injuries. Russian law does not recognize same-sex marriage or civil unions.

G4. Do individuals enjoy equality of opportunity and freedom from economic exploitation? 2 / 4

Economic opportunity has been limited since the occupation due to international sanctions, restrictions on trade via mainland Ukraine, and reliance on trade with Russia. Pollution problems in Crimea worsened in September 2018, when sulfur dioxide emitted from a chemical factory led to the evacuation of over 4,000 children in the town of Armyansk, near the de facto border with mainland Ukraine. Residents' access to goods and services remains constrained, and vital industries like tourism and agriculture have stagnated.

As in both Ukraine and Russia, migrant workers, women, and children are vulnerable to trafficking for the purposes of forced labor or sexual exploitation.

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