

**Flygtningenævnets baggrundsmateriale**

<b>Bilagsnr.:</b>	<b>794</b>
Land:	Rusland
Kilde:	UN General Assembly
Titel:	Situation of human rights in the temporarily occupied Autonomous Republic of Crimea and the city of Sevastopol, Ukraine
Udgivet:	1. september 2023
Optaget på baggrundsmaterialet:	12. januar 2024



# General Assembly

Distr.: General  
1 September 2023

Original: English

---

## Seventy-eighth session

Item 73 (b) of the provisional agenda\*

**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*

In the present report, the Secretary-General describes the progress made in the implementation of General Assembly resolution [77/229](#) and provides options and recommendations for improving its implementation.

---

\* [A/78/150](#).

\*\* The present report was submitted after the deadline so as to include the most recent information.



## 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 [77/229](#), in which the Assembly requested the Secretary-General to submit to it at its seventy-eighth session a report on the progress made in the implementation of the resolution, including options and recommendations to improve its implementation.

2. This is the ninth report of the Secretary-General on the human rights situation in Crimea. It covers the period from 1 July 2022 to 30 June 2023, which saw the human rights situation in Ukraine deteriorate considerably as a result of the full-scale invasion of Ukraine by the Russian Federation and the subsequent temporary military control of parts of Ukrainian territory, in addition to Crimea.

3. In its resolutions [68/262](#), [ES-11/1](#) and [ES-11/4](#), the General Assembly reaffirmed 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 are referred to as the “occupying authorities” or “Russian authorities”, unless otherwise specified. The Secretary-General 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 [77/229](#), the General Assembly requested the Secretary-General to continue 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 and other territories of Ukraine, under the temporary military control of the Russian Federation, by established regional and international human rights monitoring mechanisms, in particular the United Nations human rights monitoring mission in Ukraine. On 24 January 2023, OHCHR transmitted a note verbale to the Russian Federation, in which it requested the country’s cooperation for the Office to conduct a mission in Crimea. In its reply, the Russian Federation expressed “principled non-acceptance” of Assembly resolutions “on Crimean and Ukrainian issues”, but noted its willingness to host missions undertaken “in full compliance with the procedures applied for visiting any other subject of the Russian Federation”.

5. Given those conditions, OHCHR has, to date, been unable to find a modality under which to conduct a mission to Crimea or other territories of Ukraine temporarily controlled by the Russian Federation, in line with General Assembly resolution [77/229](#). The present report is based on information collected through remote monitoring conducted by OHCHR through the human rights monitoring mission in Ukraine. The mission has worked in Ukraine and monitored the situation in Crimea remotely since March 2014. Findings are based on verified information collected from sources that are assessed as credible and reliable, according to OHCHR methodology. Information is included where the “reasonable grounds to believe” standard of proof is met. The report is based primarily on direct interviews with victims of alleged human rights violations in Crimea, which have been further verified with other sources, including through interviews with relatives of victims, witnesses, human rights defenders, lawyers and representatives of civil society. It also

draws on information obtained from court documents, official records, analysis of relevant legislation, open sources and other relevant material.

6. According to OHCHR, the armed conflict in Ukraine has had a negative impact on access to verifiable information from Crimea. Certain official Russian online records containing information relevant to human rights monitoring are no longer accessible from outside the Russian Federation. The introduction of new sanctions for publicly voicing opinions has made victims of human rights violations and other relevant interlocutors less willing to participate in interviews and share documents and other information. The operating environment for human rights defenders and the ability to move freely between Crimea and other parts of Ukraine has significantly deteriorated as a result of the military situation, further limiting the scope for the monitoring of human rights violations.

7. In further efforts to implement resolution 77/229, OHCHR transmitted notes verbales to the Governments of Ukraine and the Russian Federation, in which it requested information on specific issues; it also transmitted requests for information to relevant international organizations. The European Court of Human Rights provided information on applications instituted concerning alleged human rights violations in Crimea.<sup>1</sup>

8. Unless otherwise specified, the information in the present report was verified and documented 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 and human rights law in preparing the report.

### **III. Human rights**

#### **A. Human rights defenders, administration of justice and fair trial rights**

9. Following the full-scale invasion of Ukraine by the Russian Federation and the subsequent impact in Crimea and Sevastopol, defendants have faced increasing difficulties in gaining access to independent legal representation. During the reporting period, Russian authorities disbarred and dismissed five Crimean human rights lawyers (four men and one woman), who had played a pivotal role in advocating justice, from criminal cases. They also frequently denied defendants in other criminal cases access to lawyers of their choice or pressured them to cease their engagement with them. That worrying trend not only undermines the integrity of the legal profession, but also exacerbates existing challenges related to fair trial rights in Crimea.

10. On 20 March 2023, after more than six months of litigation, a local court in Simferopol disbarred two prominent Crimean Tatar human rights lawyers (one man and one woman) who were well known for representing Ukrainian citizens charged with terrorism and extremism in Crimea and the Russian Federation. The court, at the request of the Bar Association of Crimea, retroactively reviewed the decisions of the Bar Association of the Chechen Republic of the Russian Federation to admit both lawyers, in 2018 and 2019, respectively. The lawyers' disbarment was the culmination

---

<sup>1</sup> Between 1 July 2022 and 30 May 2023, the European Court of Human Rights received 28 individual applications on human rights violations in Crimea (25 filed against the Russian Federation and 3 filed against both the Russian Federation and Ukraine). Those applications concerned, inter alia, enforced disappearances, torture and/or ill-treatment (six cases); prosecution for a Facebook post (one case); property rights (four cases); prosecution for holding one-person pickets (three cases); and unlawful house searches (two cases).

of a prolonged campaign of intimidation and harassment by the Russian authorities that appears to be in retaliation for their lawful professional activities (A/HRC/53/64, paras. 8 and 9). OHCHR believes that the court may not have been competent to entertain their case,<sup>2</sup> and that it had based its decision to disbar the individuals on formalistic grounds, such as the absence of photocopies of law degree transcripts in the case file, insufficient years of practical experience, the absence of cases in the Chechen Republic of the Russian Federation and the failure to update telephone numbers in the registry of lawyers.

11. OHCHR documented the arbitrary dismissal by the Federal Security Service of the Russian Federation of three lawyers (all men) who had been privately engaged by detainees' family members and whom the detainees wished to retain to represent them in a case in which they faced terrorism charges. Following their dismissal on 23 January 2023,<sup>3</sup> the Federal Security Service investigator denied the lawyers access to their clients. The investigator argued that the lawyers had previously represented other defendants in a separate terrorism case in Crimea, which could potentially lead to a conflict of interest in the future. Given that the assertion was grounded in speculation and not supported by any evidence, the decision to dismiss the lawyers appears to have been made arbitrarily.<sup>4</sup> In another case documented by OHCHR, an older Crimean Tatar male defendant was coerced into discharging his privately retained lawyer, after the Federal Security Service threatened the defendant with physical violence and a long prison sentence inside the courthouse following his bail hearing on 25 January 2023.

12. OHCHR documented 17 cases (concerning 16 men and 1 woman) in which courts<sup>5</sup> convicted Ukrainian citizens following proceedings that had been carried out without ensuring fair trial guarantees. In an emblematic case, on 28 December 2022, a local court in Feodosia sentenced a nurse to seven years in prison for illegal possession of an explosive device. The defendant consistently testified that she had been abducted by Federal Security Service officers, had been kept against her will in a basement for nine days without being formally detained and had been ill-treated and denied access to a lawyer. Although the court examined some of these issues during trial, it did not address them in the final judgment. The failure to address specific and material issues raised by the defendant may indicate that the judicial decision lacked reasoning<sup>6</sup> and can be considered arbitrary to the point of prejudicing the overall fairness of the proceedings.<sup>7</sup>

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

13. During the reporting period, OHCHR documented violations of the rights to life, liberty and security by Russian security forces in Crimea, as well as in parts of Kherson, Zaporizhzhia, Donetsk and Luhansk Provinces of Ukraine under the

<sup>2</sup> The court exceeded its jurisdiction by adjudicating on a case against defendants located in the Chechen Republic of the Russian Federation, beyond its territorial purview.

<sup>3</sup> The lawyers were not allowed to represent their clients in criminal cases. Under Russian law, unlawfully applied in Crimea, investigators are entitled to dismiss lawyers during pretrial investigations in criminal cases (Code of Criminal Procedure of the Russian Federation, art. 72).

<sup>4</sup> Contrary to the International Covenant on Civil and Political Rights, art. 14 (2), and the Basic Principles on the Role of Lawyers, para. 19.

<sup>5</sup> Unless indicated otherwise, "courts" refer to both courts located in Crimea and, when considering cases of Crimean residents standing trial, in the Russian Federation. Under international humanitarian law, courts of the occupying Power must sit in the occupied territory.

<sup>6</sup> European Court of Human Rights *Rostomashvili v. Georgia*, Application No. 13185/07, Judgment, 8 November 2018, para. 59.

<sup>7</sup> European Court of Human Rights, *Moreira Ferreira v. Portugal*, Application No. 19867/12, Judgment, 11 July 2017, para. 85.

temporary military control of the Russian Federation. OHCHR collected information about 104 cases where such violations reportedly occurred in Crimea and 55 cases where they occurred across both sides of the administrative boundary line between Crimea and other parts of Ukraine, as a result of the forcible transfer of population to Crimea from other territories of Ukraine under the temporary military control of the Russian Federation.<sup>8</sup> The actual figures are likely considerably higher, given the lack of access to Crimea and other territories of Ukraine under the temporary military control of the Russian Federation and delays in verification due to the security risks for survivors and witnesses of such violations.

14. OHCHR documented 24 cases of torture or ill-treatment by Russian law enforcement officers concerning 23 men and 1 woman, who were all detained following house raids in Kherson city and Kherson and Zaporizhzhia Provinces and subsequently transferred to Crimea. The victims were handcuffed, blindfolded and taken to buildings in unknown locations, where they were held incommunicado, without access to lawyers, and forced to provide self-incriminating statements or testimony against third persons, implicating them or themselves in espionage, sabotage or other criminal activities. The methods of torture included physical and psychological violence, including electrocution to various body parts, such as genitals, and leaving victims in a standing position and handcuffed for several days. In two cases, the victims were severely beaten over five consecutive days while in custody in the basement of the former Administration of National Police building, located at 4 Luteranska Street in Kherson. In another case, a victim lost 34 kilograms while detained from July to September 2022 in a pretrial detention facility in Simferopol, owing to poor conditions. He was beaten by the Russian penitentiary officers and provided with inadequate food and water. He received no medical care and was diagnosed with cancer shortly after his release on 2 September.

15. In total, OHCHR documented 124 cases of arbitrary arrest (117 men and 7 women), 95 of which (91 men and 4 women) occurred during the reporting period. In some cases, Russian law enforcement officers arrested victims in other territories of Ukraine under the temporary military control of the Russian Federation and kept them in incommunicado detention in unofficial places for periods ranging from several days to more than two months. Their detention was usually formalized only upon their transfer to Crimea and handover to the Federal Security Service. In six of the cases (all concerning men), following a period of detention in Crimea, the persons originally arrested in other territories of Ukraine under the temporary military control of the Russian Federation were deported to Moscow and remanded to the Lefortovo pretrial detention centre. All six of them are accused of “international terrorism” and currently face up to 20 years in prison or a life sentence.

16. On 4 December 2022, the Russian border service arrested a 25-year-old Crimean Tatar woman who was crossing the Georgian-Russian border on her way to Crimea to care for her father, who had been diagnosed with cancer. She did not have a Russian passport, which resulted in her being subjected to a more thorough check. She was found liable for numerous administrative offences and held in a local centre for irregular migrants for four months. On 4 May 2023, she was forcibly transferred from North Ossetia-Alania to the Lefortovo pretrial detention facility in Moscow and accused of espionage.

---

<sup>8</sup> Of those cases, 111 occurred during the reporting period. The remaining cases involve violations that had either occurred previously but were documented during the reporting period or that qualify as ongoing violations.

### C. Enforced disappearances

17. Following the full-scale invasion of Ukraine by the Russian Federation, enforced disappearances emerged as a significant human rights concern in Crimea and other territories of Ukraine under the temporary military control of the Russian Federation. The risks of arbitrary deprivation of liberty increased for individuals residing in occupied parts of Kherson and Zaporizhzhia Provinces or travelling through the administrative boundary line with Crimea. OHCHR documented the forcible transfer of detained individuals from other parts of Ukraine to Crimea and deportations to the territory of the Russian Federation, increased risks of detention for individuals undergoing the “filtration” process<sup>9</sup> at the administrative boundary line with Crimea and the prolonged concealment of the fate and whereabouts of individuals, combined with a lack of official charges against them. In all cases, there were strong indications that the Federal Security Service or the Russian armed forces were the likely perpetrators.

18. During the reporting period, OHCHR documented 50 cases (47 men and 3 women) of enforced disappearance<sup>10</sup> originating in Crimea, at the administrative boundary line, or where persons were transferred to Crimea from other parts of Ukraine, representing a significant increase from the 7 cases documented in the previous reporting period. According to OHCHR, during the initial period of detention, the Federal Security Service often detained persons in unofficial places of detention and, in response to enquiries from victims’ relatives, denied the detention. In 29 cases (28 men and 1 woman), after the initial periods of detention, the Federal Security Service forcibly transferred individuals from Kherson and Zaporizhzhia Provinces to Crimea. In 8 of 36 other documented cases, persons (all men) were further deported to the Russian Federation from Crimea and detained in pretrial detention centres.

19. In one case, Federal Security Service officers apprehended a journalist who had reported on pro-Ukrainian demonstrations in Kherson on 7 March 2022. He was first detained in unofficial places of detention in Kherson. Nine days later, the Federal Security Service unlawfully transferred him to Crimea, where he was held in a pretrial detention facility in Simferopol. Federal Security Service officers tortured him to force him to record a statement to the effect that the Ukrainian State Security Service had financed pro-Ukrainian demonstrations in Kherson. During the period of detention, the man was held without charges and denied the right to challenge the lawfulness of the detention. His relatives tried to establish his fate and whereabouts, but the occupying authorities provided no information in response to their requests and concealed his location by categorically denying his presence in all places of detention visited by his relatives, even though he had been present in one such location. He was eventually released after 11 months of unofficial and arbitrary detention.

20. OHCHR documented 10 cases (9 men and 1 woman) of enforced disappearance that occurred after persons had undergone the “filtration” process. Russian armed forces or Federal Security Service officers had initiated the process by requesting that persons crossing the administrative boundary line undergo additional checks, which included reviewing the content of their mobile devices and laptops. In one example, a young Crimean Tatar man was apprehended at the administrative boundary line in July 2022, as he had previously provided a loan of 500 hryvnias to a friend who had participated in the Ukrainian volunteer battalion, and the Federal Security Service

---

<sup>9</sup> This entails a thorough security check, which usually involves subjecting persons to body searches, forced nudity and detailed interrogations about their personal background, family ties, political views and allegiances, along with the collection of personal data, including sensitive personal data, and the checking of cell phone content (see [A/HRC/53/64](#), para. 31).

<sup>10</sup> For context, the Office of the United Nations High Commissioner for Human Rights (OHCHR) documented 48 cases of enforced disappearance in Crimea during the period 2014–2021.

had found communications on his smartphone with details about the loan. His relatives tried to establish his fate or whereabouts, but their enquiries to law enforcement were left without a response. After three months of incommunicado detention, he was charged with financing an illegal armed formation under article 208 (1) of the Criminal Code of the Russian Federation. He was sentenced to seven years in prison in April 2023.

21. In another case, a schoolteacher from Kherson Province travelled through the administrative boundary line with his wife and children on 29 July 2022. During the “filtration” process at the administrative boundary line, he was interrogated and his phone was checked. The Russian armed forces apprehended him because they had found the telephone numbers of Ukrainian State Security Service personnel in his contact book. He was detained in an unofficial place of detention in Armiansk and then transferred to a pretrial detention facility in Simferopol. The man was released on 2 September 2022. During the entire period of detention, his wife and parents did not know where he was being held, despite their numerous efforts to clarify his fate and whereabouts.

22. In all documented cases, and despite reports filed by lawyers and relatives with law enforcement agencies and appeals to the occupying authorities, OHCHR found no credible information to indicate that the Russian authorities had opened investigations into the disappearances. Overall, OHCHR has documented 98 cases (91 men and 7 women) of possible enforced disappearances related to Crimea since the beginning of the occupation in 2014. This total comprises 22 persons who remain missing, 2 enforced disappearances of persons who were subsequently summarily executed; 32 victims, including 1 woman, who were found in an official detention centre where they remained as of the end of the reporting period; and 42 victims, including 6 women, who were released. None of the victims has been provided with any form of redress.<sup>11</sup> OHCHR has previously reported on the persistent lack of accountability for perpetrators of enforced disappearance and the absence of any investigation.

#### **D. Rights of detainees**

23. OHCHR continued to receive complaints from legal representatives and relatives of detainees from Crimea regarding the inadequate provision of medical care in detention facilities in Crimea and the Russian Federation. In one case documented by OHCHR, the failure to provide medical assistance resulted in the death of a 60-year-old Crimean Tatar man, on 10 February 2023, at the pretrial detention centre in the city of Novochoerkassk, Russian Federation. The victim, a former resident of the Simferopol district of Crimea, was serving a 13-year prison sentence for his membership in Hizb ut-Tahrir.<sup>12</sup> He had multiple long-standing health conditions, including chronic kidney disease, and had suffered a stroke in 2017 while in detention. Eight days before his death, the head of pretrial detention facility No. 5 in Rostov-on-Don, where he was being held at the time,<sup>13</sup> had rejected a request from the victim’s lawyer for a medical examination at an external medical facility due to the

<sup>11</sup> United Nations, 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.

<sup>12</sup> A religious group considered a terrorist organization under Russian law but not under Ukrainian law.

<sup>13</sup> On an unspecified date between 2 and 10 February 2023, the victim was apparently transferred from the pretrial detention facility in Rostov-on-Don to the facility in Novochoerkassk.



significant deterioration in his client's health.<sup>14</sup> The official cause of the victim's death was recorded as heart failure caused by atherosclerotic heart disease.

24. According to OHCHR, at the time of writing, at least 20 individuals (19 men and 1 woman) from Crimea, who are detained in Crimea and the Russian Federation, suffer from medical conditions that require regular and appropriate medical attention. These include five men with disabilities, two men with hepatitis C, two men with heart-related conditions, one person who had suffered from stroke in detention and one man with suspected cancer. The Russian Federation must guarantee the provision of proper health care for these individuals.<sup>15</sup>

25. A new pretrial detention centre, facility No. 2, opened in Simferopol in September 2022. It is used by the Russian authorities as a remand centre for conflict-related civilian detainees arrested in Kherson and Zaporizhzhia Provinces and transferred to Crimea. OHCHR has identified two main categories of individuals remanded to facility No. 2. The first category comprises detainees formally charged with offences against the State security of the Russian Federation, and the second comprises detainees who have been deprived of their liberty without any formal charges. In the latter category, detainees were either released following a lengthy clearance process (usually from 1 to 11 months) or subsequently formally charged with a criminal offence. During the reporting period, OHCHR received reliable information about unlawful conditions of detention in facility No. 2, including incommunicado detention, denial of the right to outdoor exercise and enforcement of prolonged stress positions during daily roll calls amounting to inhuman and degrading treatment and possibly torture.

## **E. Freedoms of opinion, expression, peaceful assembly and association**

26. The Russian authorities continued to prosecute individuals for "public actions directed at discrediting" the use of Russian armed forces.<sup>16</sup> In March 2023, the Russian Federation broadened the relevant legislation to encompass actions "discrediting volunteer formations, organizations or individuals who perform tasks for the armed forces" (Federal Act No. 58-FZ of 18 March 2023). As a result, military and security contractors and other private formations are also protected under the law. The criminal punishment was also increased from three to five and from five to seven years imprisonment, depending on the offence.

27. During the reporting period, OHCHR documented four criminal prosecutions (all against men), all of which resulted in guilty verdicts, and 191 administrative prosecutions (against 120 men and 71 women), 189 of which resulted in convictions (against 119 men and 70 women). Those persons convicted received fines ranging from 30,000 to 100,000 roubles and imprisonment sentences ranging from 5 to 15 days. Crimean residents were convicted, inter alia, for various verbal and non-verbal expressions, such as mentions of a Russian "attack" or "aggression", criticism of the "Z" and "V" symbols used by the Russian army, standing on the street and holding a "no war" poster, putting a "stop the war" sticker on their cars or wearing a blue and yellow armband. The convictions led to arbitrary detentions, as they were carried out in response to the victims' legitimate exercise of their right to freedom of expression, and

---

<sup>14</sup> The lawyer informed the head of the facility that the victim had experienced acute pain in the heart area, breathing problems and hypertension. All services in the external medical facility had been already prepaid by the victim's family.

<sup>15</sup> International Covenant on Civil and Political Rights, arts. 10 (1) and 12 (1).

<sup>16</sup> Punishable under the Code of Administrative Offences of the Russian Federation, art. 20.3.3, and the Criminal Code of the Russian Federation, arts. 207.3 and 280.3.

the legal grounds for the convictions do not appear to comply with international human rights law, as the victims did not violate public order while exercising their rights.<sup>17</sup>

28. In one case documented by OHCHR, a man from Simferopol was prosecuted after posting a “no war” hashtag on social media. Federal Security Service officers apprehended him in the city centre, forced him into a car and took him to his apartment. They searched the apartment and beat him. He complained of nausea and intense headache and asked them to call him an ambulance. Instead, the Federal Security Service officers took him to the police station, where a police officer drafted a report for “public actions directed at discrediting the Russian armed forces”. The next day, the court in Simferopol convicted the man and fined him 40,000 roubles. During the hearing, the man informed the judge that the Federal Security Service officers had beaten him, but the judge rejected the man’s assertions and commended the professional work of the officers in question. The supreme court of Crimea rejected the man’s appeal. The man also filed complaints with the police, the Prosecutor’s Office and the Federal Security Service against the officers who had beaten him. They did not find any violations in the actions of the Federal Security Service officers. As a result of his conviction, the man had to borrow money to pay the fine and then left Crimea permanently, fearful of the risk of continued persecution for his anti-war statements.

29. In another case, in September 2022, a tertiary level college teacher was forced to resign after his student published a video recording of him watching a video clip of a song depicting a Bayraktar uncrewed aerial vehicle on a smartphone in the classroom during a break. He was charged with “discrediting the Russian armed forces” and sentenced to 13 days of administrative arrest. On 28 October, Federal Security Service officers went to the victim’s residence and severely beat him. On the same day, a local court sentenced the man to a further 14 days of administrative arrest, on the basis of his social media post sharing the Ukrainian song “Chervona Kalyna”. The occupying authorities subsequently initiated criminal proceedings for “discrediting the Russian armed forces” and placed the man under house arrest for two months. On 22 March 2023, a court in Simferopol convicted him, fined him 100,000 roubles and banned him from using social media for two years. As a result of the conviction, his bank account was frozen and his wages were garnished to pay the fine. As he was forced to resign from his job and could not leave his house for two months, his circumstances remained dire at the time of writing.

## **F. Freedom of religion or belief**

30. All congregations of the Jehovah’s Witnesses religious group in Crimea remained under a blanket prohibition as “extremist organizations” (A/HRC/44/21, para. 35). The occupying authorities continued to conduct criminal prosecutions against believers on the peninsula on the basis of their religious practices, violating international human rights law. During the reporting period, OHCHR documented three cases of prosecutions of Jehovah’s Witnesses. On 6 October 2022, a district court in Sevastopol sentenced three men to six years in prison for organizing online worship gatherings with other Jehovah’s Witnesses adherents. The court also prohibited the men from conducting educational activities or publicly disseminating information for seven years. In another case, on 1 December 2022, two men from Armiansk were sentenced to six years in prison for conducting worship gatherings

<sup>17</sup> The application of such legislation in Crimea may violate the obligation of the Russian Federation, as the occupying Power, to respect the penal laws of the occupied territory. It could also limit the right to form and hold opinions without interference under article 19 (1) of the International Covenant on Civil and Political Rights.

and discussing religious doctrine. At their trial, the defendants maintained that the prosecution was aimed at intimidating Jehovah's Witnesses and forcing them to give up their faith or leave the territory of Crimea. On 27 February 2023, the city court in Yalta convicted three men and one woman, imposing sentences ranging from a three-year suspended sentence to 6.5 years in prison. In all documented cases, victims were convicted of "extremist activities". These convictions bring the overall number of victims to 13 men and 1 woman since prosecutions began in 2020.

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

31. Prior to the temporary occupation of Crimea, 90.7 per cent of children received instruction in Russian.<sup>18</sup> According to official statistics of the Russian Federation,<sup>19</sup> for the 2022/23 academic year, 197 students (0.1 per cent) were taught subjects in Ukrainian (down from 212 in 2021/22 and 214 in 2020/21), and 3,486 students learned Ukrainian as a regular subject, an elective course or an extracurricular activity (down from 3,780 in 2021/22 and 4,155 in 2020/21). Only one school has the status of a Ukrainian-language school in Crimea, while one Ukrainian class is offered in a Russian-language school in Simferopol.<sup>20</sup>

32. According to the same statistics, 7,300 students (3.2 per cent) received instruction in Crimean Tatar for the 2022/23 academic year (up from 7,049 students in 2021/22), and 33,351 students learned Crimean Tatar as a regular subject, an elective course or an extracurricular activity (up from 31,205 in 2021/22). In all, 16 Crimean Tatar schools operate on the peninsula, and 21 Russian-language schools offer classes with instruction in Crimean Tatar. OHCHR continues to note potential discrepancies between the formal language status of a native-language school or class and the de facto availability of learning and instruction in both Crimean Tatar and Ukrainian, as well as the impact it could have on the well-being and development of children belonging to those ethnic minorities (A/77/220, paras. 39 and 40).

33. In a welcome development in 2022, the Cabinet of Ministers of Ukraine adopted a 10-year strategy for the development of the Crimean Tatar language (Order No. 224-r of 23 February 2022). The strategy is aimed at supporting the increased use of Crimean Tatar, including through regular identification of the educational needs of Crimean Tatars and support for media that broadcast in Crimean Tatar.

## H. Prohibition on forced conscription

34. In April 2023, the Russian Federation amended its law on military duty and military service (Federal Act No. 127-FZ of 14 April 2023). The amendments provide for the establishment of an electronic registry of persons eligible to be called for military service and for the issuance of electronic summons to such persons, which will be deemed delivered once published on the individuals' private page on the public services portal of the Russian Federation. The failure to present oneself at the military commissariat within 20 days of the date of publication will constitute draft evasion and will result in such restrictions as a ban on driving vehicles, selling real estate or travelling abroad. The application of the new law by the occupying authorities places

<sup>18</sup> OHCHR, "Report on the situation of human rights in the temporarily occupied Autonomous Republic of Crimea and the city of Sevastopol, Ukraine, 13 September 2017 to 30 June 2018", para. 68.

<sup>19</sup> From the Ministry of Education, Sciences and Youth of the "Republic of Crimea". Statistics cited in this section exclude Sevastopol.

<sup>20</sup> By contrast, of a total of 230,300 students, 222,800 (96.7 per cent) receive their education in Russian.

Crimean residents, including Ukrainian citizens, at a heightened risk of being compelled to serve in the Russian armed forces in violation of international humanitarian law.<sup>21</sup>

35. During the reporting period, the Russian Federation conducted one official conscription campaign following Presidential Decree No. 647 of 21 September 2022. The campaign resulted in the enlistment of at least 2,500 men from Crimea, according to official information from the occupying authorities. In addition, the Russian Federation conducted two regular military drafts, including in Crimea. This brings to 17 the overall number of drafts since the beginning of the occupation in 2014.

36. Criminal prosecution continued to be used to enforce conscription in Crimea, with the occupying authorities imposing fines, correctional labour and up to two years of imprisonment for draft evasion.<sup>22</sup> Conviction for draft evasion does not absolve a person from the obligation to complete military service. During the reporting period, OHCHR documented 146 draft evasion cases where defendants were sanctioned with court fines ranging from 8,000 to 180,000 roubles. This compares with 123 such cases in 2021 and 78 cases in 2020. Among the 2022 and 2023 cases, OHCHR documented 91 cases where the defendant was sanctioned either by a conviction (90)<sup>23</sup> or a “court fine” (1).<sup>24</sup> The fines ranged from 8,000 to 180,000 roubles. Men were typically convicted for the failure to report to their local military draft commission upon receiving an official summons.

37. The conscription campaign and regular military drafts led to many male Crimean residents leaving the peninsula. In two cases documented by OHCHR, two men who had remained in Crimea following the occupation in 2014 permanently left the peninsula in 2022 because they felt threatened by the active efforts of the occupying authorities aimed at enlisting Crimean residents.

38. On 30 January 2023, a district court in Kyiv sentenced in absentia an individual who had served at a Russian Federation military commissariat in both Simferopol and Alushta to 11 years in prison for violations of international humanitarian law.<sup>25</sup> The man is a Russian citizen and had started to work in Crimea in 2018. He planned and implemented five military drafts in Crimea and was charged with compelling protected persons to serve in the armed forces of the occupying Power. It was the first verdict in Ukraine for such a criminal offence.

## I. Population transfers

39. The Russian authorities continued the practice of transferring protected persons, including Ukrainian citizens whom they consider “foreigners” from Crimea. During the reporting period, courts in Crimea issued 532 transfer orders for individuals without Russian passports, at least 15 of whom are Ukrainian citizens (11 men and 4 women).<sup>26</sup> The decrease in transfer orders against Ukrainian citizens can be largely

<sup>21</sup> Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War, art. 51.

<sup>22</sup> Russian Federation, Criminal Code, art. 328.

<sup>23</sup> These numbers should not be interpreted as indicating that the remaining cases resulted in acquittals. OHCHR only considers criminal cases with full-text verdicts as verified.

<sup>24</sup> Article 76.2 of the Criminal Code of the Russian Federation provides for the imposition of a court fine instead of a criminal punishment for first-time perpetrators of light offences who have remedied the damage caused by the crime. In practice, amounts imposed as court fines are comparable to those imposed under guilty verdicts.

<sup>25</sup> See <https://reyestr.court.gov.ua/Review/108861126> (in Ukrainian).

<sup>26</sup> In 58 transfer orders analysed by OHCHR, data on the citizenship of the victims has been deleted in the decisions uploaded on the courts' websites. In 664 cases, the decisions had not been uploaded on the courts' websites.

explained by the simplification of the process of naturalization as Russian citizens, enabled by Decree No. 440 of 11 July 2022 of the President of the Russian Federation<sup>27</sup> and by the long-standing practice of the occupying authorities of transferring Ukrainian citizens out of Crimea. In total, the number of persons without Russian citizenship who are officially resident in Crimea decreased from 35,630 in 2017 to 10,622 in 2022.<sup>28</sup>

40. OHCHR documented that approximately 1,600 civilian prisoners, who had been serving sentences in different penal colonies in Kherson Province prior to February 2022, were deported to the Russian Federation in early November and sent to penal colonies in Krasnodarsky krai and Rostov and Volgograd Provinces. OHCHR was able to establish the identity and general whereabouts of 75 of them.<sup>29</sup> Russian law enforcement officers beat the prisoners while they transited through Crimea. In another case, on 4 November 2022, 96 residents with psychosocial and intellectual disabilities of the Dniprianskyi psychoneurological institution in Nova Kakhovka were put on buses and transferred to Crimea by the Russian armed forces. They were further deported to psychoneurological facilities in Stavropol krai of the Russian Federation.

41. OHCHR also documented cases that may not amount to forcible transfers or deportations, but which nonetheless raise concerns regarding violations of the human rights of children and their family members, such as the rights to respect for family life and to know the fate and whereabouts of missing relatives and the rights of children to preserve their identity and to family reunification. States must take measures to avoid the unnecessary separation of children from their families that is not in the best interest of the child.<sup>30</sup>

42. In one case, the mother of a 16-year-old boy with an intellectual disability learned through social media that her son had been transferred by the occupying authorities from a long-term care facility in Oleshky, in occupied Kherson Province, to Crimea, in early November 2022. She later learned from volunteers that he had been further transferred to a facility for children with disabilities in Bilohirsk in Crimea. She faced financial difficulties with regard to traveling to Crimea to pick him up in person, as requested by the occupying authorities. She was eventually able to do so in March 2023. According to OHCHR, at least 28 children from the Oleshky orphanage were moved to Crimea, and 55 were moved to Skadovsk, Kherson Province. Most of those children are orphaned or deprived of parental care, which makes the process of tracing them all the more complex.

43. OHCHR has also documented cases where children from Russian-occupied parts of Kharkiv and Kherson Provinces were sent to summer camps in Crimea and the Russian Federation with the consent of their parents, who often sought a safer environment for their children. Those children were not returned home at the end of the vacation period, following the retreat of the Russian armed forces from the occupied areas of those Provinces. The Russian authorities requested that their parents travel to the Russian Federation and Crimea to collect them. OHCHR also spoke to teenage children who recounted experiencing or witnessing physical and psychological violence against themselves or other teenage children by staff at summer camps in Crimea.

---

<sup>27</sup> According to the Decree, all Ukrainian citizens can obtain Russian citizenship following a simplified procedure by filing in an application.

<sup>28</sup> Russian Federation, Ministry of Internal Affairs, “Selected indicators of the migration situation in the Russian Federation for January–December 2022 by country and region”, n.d. This represents nearly 0.5 per cent of the population of Crimea, including Sevastopol.

<sup>29</sup> OHCHR, “Report on the human rights situation in Ukraine, 1 August 2022–31 January 2023”, 24 March 2023, para. 66.

<sup>30</sup> Convention on the Rights of the Child, arts. 8 and 9.

44. Following the full-scale invasion of Ukraine by the Russian Federation, the violations of international human rights law and international humanitarian law related to population transfers documented in Crimea have also been documented in other territories of Ukraine that are or have been under the temporary military control of the Russian Federation, including in Donetsk, Kharkiv, Kyiv and Kherson Provinces. Both OHCHR and the Independent International Commission of Inquiry on Ukraine have documented forced transfers and deportations of adults and children, including unaccompanied and separated children.<sup>31</sup> The United Nations has also reported on the transfer of children to the Russian Federation, including children forcibly separated from parents and children removed from schools and institutions without the consent of guardians (see [A/77/895-S/2023/363](#), para. 318).

#### **IV. Conclusions and recommendations**

45. **In line with General Assembly resolution 77/229, 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.**

46. **Although ongoing hostilities meant that any prospects of securing access to Crimea were remote, I continued to seek ways and means to ensure safe and unfettered access to Crimea and other territories of Ukraine under the temporary military control of the Russian Federation by established human rights monitoring mechanisms, in particular by supporting the work of OHCHR and the human rights monitoring mission in Ukraine and by engaging with relevant regional organizations and States, including the Russian Federation and Ukraine.**

47. **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 77/229. 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, political independence, unity and territorial integrity of Ukraine within its internationally recognized borders, in accordance with relevant Assembly and Council resolutions.**

48. **Despite those efforts, and despite the willingness of the Russian Federation and Ukraine to engage on this issue with the United Nations, it was still not possible to find mutually acceptable terms to ensure unimpeded access by OHCHR to Crimea. Such access is important to ensure first-hand monitoring of and reporting on the situation of human rights in Crimea. I urge the Russian Federation and Ukraine to make every effort to ensure unfettered access by OHCHR and international and regional human rights monitoring mechanisms to Crimea and other territories of Ukraine under the temporary military control of the Russian Federation, to enable the effective implementation of the relevant General Assembly resolutions. I will continue to seek potential opportunities and identify practical avenues in this regard.**

49. **I call upon the Russian Federation to uphold its obligations under international law, including the Charter of the United Nations, international human rights law and international humanitarian law, in Crimea and other territories of Ukraine under the temporary military control by the Russian Federation. In particular, the Russian authorities should comply fully with the**

---

<sup>31</sup> OHCHR, “Report on the human rights situation in Ukraine”, paras. 63–70; see also [A/HRC/52/62](#), paras. 68–70 and 95–102.

absolute prohibition of torture and ill-treatment and ensure the independent, impartial and effective investigation of all allegations of ill-treatment, torture, sexual violence, arbitrary arrest and detention in Crimea. The Russian Federation has the obligation to ensure that the rights of persons deprived of liberty are fully respected. No individual should be subjected to enforced disappearance. I call upon the occupying authorities to investigate all enforced disappearances effectively and promptly. Lawyers must be able to perform their professional functions without intimidation, hindrance, harassment or improper interference, and defendants must have their right to be defended by the lawyers of their choosing respected.

50. Individuals should be able to exercise their right to freedom of movement, unless reasonably justified for security reasons, and should not be subjected to any unjustified intrusion into their right to private and family life, including during the so-called practice of the “filtration” of travellers at the administrative boundary line with Crimea. I also call upon the Russian Federation to end the transfers and deportations of protected persons, including those who are detained, within and outside the occupied territory, unless the security of the population involved or reasons of imperative military necessity so demand. The Russian Federation should also ensure that all protected persons previously transferred from other parts of Ukraine to Crimea and from Crimea to the Russian Federation are allowed to return to their homes.

51. I urge the Russian Federation to ensure that the right of peaceful assembly and the rights to freedom of expression and opinion, association, thought, conscience and religion 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 and the armed conflict in Ukraine without fear of retaliation, such as imprisonment or other sanctions.

52. I also call upon the Russian Federation to enable a safe environment for independent civil society organizations and to refrain from any retaliation or suppression of critical and alternative views. I urge the Russian Federation to respect and protect human rights defenders, including women human rights defenders, and not to interfere in their work.

53. No individual should be criminally charged or detained for practising his or her religion or belief, including in the form of collective worship and proselytizing. Religious groups should enjoy access to their places of worship and should be able to gather freely for prayer and other religious practices. The occupying authorities must ensure the availability of education in the Ukrainian language and ensure that instruction in and the learning of the Crimean Tatar language satisfies the demand for such education options.

54. The Russian Federation should refrain from restricting freedom of movement between Crimea and other parts of Ukraine. Any restrictions on free movement must be proportionate to a legitimate aim and be non-discriminatory.

55. 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 their voluntary enlistment. Protected persons should not be subjected to sanctions or criminal prosecution for their refusal to be conscripted into the Russian armed forces in Crimea.

56. I am troubled by reports, some of which were verified by the United Nations, of children having been transferred to the Russian Federation from areas of Ukraine that, in part, are or have been under the temporary military

control of the Russian Federation. I urge the Russian Federation to provide full information on Ukrainian children forcibly transferred or deported to the Russian Federation, from territories of Ukraine that are or have been under the temporary military control of the Russian Federation, including Crimea, to immediately cease any further forcible transfers and deportations of children and any changes to their personal status, including their nationality. I further call upon the Russian Federation to ban adoptions of unaccompanied and separated children displaced from Crimea and other territories of Ukraine and to take all necessary steps with a view to their safe return and to family reunification, in line with the best interests of the child and in accordance with international law.

57. I call upon 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 States to encourage the Russian Federation to immediately cease its use of force against the territorial integrity or political independence of Ukraine, to withdraw its forces from the territory of Ukraine and to renew discussions to facilitate unimpeded access to Crimea by international and regional human rights monitoring mechanisms.

---