

Food-for-thought paper Ukrainian nationals in the occupied Crimea

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Ukrainian nationals residing in the occupied Autonomous Republic of Crimea have found themselves as suppressed minority on their own territory being steadily deprived of basic human rights and fundamental freedoms by *de facto* Crimean authorities. This particular issue should be thoroughly scrutinized and broadly investigated by international community despite of existing difficulties and ambiguities.

The purpose of this food-for-thought paper is to describe general and unbiased picture of human rights violations and restriction of fundamental freedoms of ethnic Ukrainians and supporters of Ukrainian territorial integrity in occupied Crimea, not diminishing aggravated situation with Crimean Tatars and other national minorities concerned.

Based on available information highlighted in recent updates of the OSCE Special Monitoring Mission to Ukraine, reports and statements of the OSCE High Commissioner on National Minorities, reports of the UN Human Rights Monitoring Mission in Ukraine as well as survey of joint Ukrainian-Russian Crimean Field Mission on Human Rights, the following main evidences of human rights violations and restriction of fundamental freedoms of Ukrainian nationals by *de facto* Crimean authorities have been revealed:

- Discrimination and clamp-down directed against those who expressed views contrary to the annexation of Crimea to the Russian Federation;
- Forcing local civil servants to accept Russian citizenship in order to keep their jobs and further participate in public affairs;
- Imposing Russian citizenship "by default" without Ukrainians' consent;
- Risk of reprisals and exclusion from political, socio-economic life and active participation in public affairs;
- Continuing political pressure, persecution and imprisonment of political activists supporting Ukraine's unity;
- Curtailed freedom of assembly and enforced disappearances;
- Prohibition of using Ukrainian language in education process;
- Exclusion all Ukrainian TV programs from local broadcasting area;
- Continuing intimidation of journalists and political opponents;
- Banning of all Ukrainian media outlets and threatening pro-Ukrainian ones;
- Closing down all institutions promoting Ukrainian culture;
- Spreading fear of religious and ethnic discrimination;
- Total persecution and harassment of the Ukrainian Orthodox Church (Kyiv Patriarchate), violence against clergy people and places of worship;
- Legal problems and difficulties in crossing administrative boundary line between occupied Crimea and Ukraine's mainland;
- Forcing persons who had been convicted on Ukrainian law to complete their sentence in accordance with Russian law;
- Causing difficulties with communication;
- Forced resettlement to the RF of all Ukrainians who temporary escaped fighting area in the East of Ukraine, and unlawful attempts to provide a refugee status to almost 300,000 of such Ukrainians temporary residing in Crimea, etc.

The list of given evidences is not exhaustive one. All cited documents are complementary on their nature and could provide quite a true picture for understanding what's going on not only in Ukraine's mainland, but also in the occupied Crimea. Current situation there should be characterized by human rights violations and restrictions on freedoms affecting, in particular, Ukrainian nationals, Crimean Tatars and other national minorities. As a result, according to the latest official data, increasing human rights restrictions lead to the

growing number of internally displaced persons from the peninsula to mainland Ukraine (around 18,000 people since the illegal occupation and annexation of Crimea by the Russian Federation).

Overwhelming feeling of uncertainty and insight of mournful future life in annexed Crimea became extremely apparent, especially on the backdrop of recent results of unlawful and unrecognized parliamentary elections held on 14 September 2014.

Increased attention of the OSCE to the human rights situation in the occupied territory of the Autonomous Republic of Crimea, as well as in the eastern part of Ukraine, will help to overcome the systemic violations of human rights in these regions affected by Russia's aggression.

The list of possible recommendations consists of the following:

To the ODIHR:

- Initiating, within the margins of its mandate, the creation of a special international commission on human rights monitoring in the occupied Crimea, focusing attention on national minorities issues;
- Building up throughout the whole territory of Ukraine the capacity of Ukrainian civil society in the area of national minorities' rights protection;
- Making regular and strict appeals to the Russian Federation for release of all illegally detained Ukrainian activists, including in the occupied Crimea;
- Calling on the Russian Federation to ensure access to justice for all those detained, and to ensure that people are not detained indefinitely, under arduous conditions and without adequate legal counsel;
- Establishing a special rapporteur on the cases of indefinite detention or lack of rule of law in the occupied Crimea.

To the OSCE Secretary General:

- Establishing contacts with other international organizations aimed at promoting joint actions on human rights monitoring in the occupied Crimea;
- Supporting relevant Track II initiatives, incl. within the margins of the OSCE Network of Think Tanks and Academic Institutions, devoted to the protection of national minorities in the occupied and annexed territories in the OSCE area.

To the OSCE Representative on Freedom of the Media:

- Providing close attention on and prompt response to all the cases of intimidation of journalists, curbing local broadcasting area and banning of Ukrainian media in the occupied Crimea.

To the OSCE HCNM:

- Prioritizing its activities on monitoring current developments in protecting rights of Ukrainians, Crimean Tatars and other national minorities in the occupied Crimea;
- Providing support to the Ukrainian governmental authorities in elaborating and implementing conceptual approaches of the new ethno-national policy;
- Preparing and issuing special report on the status of Ukrainian nationals, Crimean Tatars and other national minorities in the occupied Crimea.

To the OSCE SMM to Ukraine:

- Covering the entire territory of Ukraine within its internationally recognized borders, including the occupied Autonomous Republic of Crimea and the city of Sevastopol, focusing particular attention on the Ukrainian nationals and national minority's issues on the peninsula.

To the OSCE Project Coordinator in Ukraine:

- Elaborating and implementing in partnership with newly established Ukrainian governmental bodies (the Governmental Commissioner on the Ethno-National Policy and the Council of Inter-Ethnic Accord at the Cabinet of Ministers of Ukraine) and the HCNM a special project proposals on protecting rights of the Ukrainian nationals, Crimean Tatars and other national minorities in the occupied Crimea within the margins of practical support to elaboration of the new ethno-national policy of Ukraine.

To the OSCE Chairmanship:

- Prioritizing the issue of protection of the rights of persons belonging to national minorities in the occupied and annexed territories within the OSCE area, incl. in the occupied Crimea;
- Appointing Special Representative on the occupied Crimea with quite a broad mandate covering Ukrainian nationals', Crimean Tatars' and other national minorities' rights protection issues;
- Further supporting active involvement of Track II initiatives, human rights defenders and civil society representatives in resolving current problems with protection of the rights of national minorities in the occupied and annexed territories within the OSCE area, incl. in the occupied Crimea, etc.