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16.01.2022 № 011/2022

**To UN Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health**

*Type of Stakeholder: Other (****non-governmental organisation****)*

*Name of State:* ***Ukraine***

*Name of Survey Respondent:* ***Association of Reintegration of Crimea***

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*Can we attribute responses to this questionnaire to your State publicly?* ***Yes***

**Conflict gender based violence and its impact on the right to health:**

**situation in the Crimea**

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Our Association of Reintegration of Crimea (ARC)[[1]](#footnote-1), as non-governmental expert and human rights organisation[[2]](#footnote-2), with activities devoted to Crimea’s issues, submits this application to the UN Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health for her next thematic report to the 50th session of the Human Rights Council in June 2022 to the theme of “Violence and its impact on the right to health.”

Our position is grounded on ARC’s expert researches that are related with human rights of Crimean residents and ethnic groups, including their right to development, to food, to water, to health, with relevant cultural, economic, social and financial impacts.

Illegal occupation and attempted annexation of Crimea by Russia since 2014, as a part of Russian-Ukrainian interstate conflict, changed the situation with gender, ethnic and minorities’ issues radically in the region. Systematic gross violations of the human rights and humanitarian standards, relevant atrocities and discrimination were committed in last seven years in the peninsula, condemned by the UN GA resolutions[[3]](#footnote-3), resolutions of the OSCE Parliamentary Assembly, of the PACE, of the European Parliament’s resolutions etc. Such gross human rights violations, correlated with crimes discrimination and violence in the Crimea are now subject to consideration in International Court of Justice (case 166)[[4]](#footnote-4) and the European Court of Human Rights (case 20958/14).[[5]](#footnote-5)

ARC’s submission is devoted to the situation of **conflict gender based violence** *(p. 1.6 of the UN Special Rapporteur’s questionnaire),* including violence against indigenous Crimean Tatar women in the Crimea.

Special negative situation is connected with Crimean Tatar women, vulnerable to the situation of the ongoing racial discrimination the Crimean Tatar People on its historic Native Land – Crimean peninsula. The key source of discrimination of the Crimean Tatars is concentrated in Russian punitive and propaganda policy, which revitalized the Soviet myth about the “enemy people” and determined any indigenous activists as “extremists”, if they manifested any disloyalty towards the Russian policies.

In 1944 Crimean Tatars felt victims of genocide (forced deportation) under the control of the Soviet authorities. In the Soviet period since 1967, the USSR state authorities refused to recognize of Crimean Tatars as separate ethnic group, they were determined as “Tatars,” as the part of undetermined Tatar population of the USSR. Up until 1987-1989, the Crimean Tatars were not allowed to resettle back to the Crimea from the Soviet Central Asian regions. In 1990–2014 approximately 300 thousands of Crimean Tatars returned to the Crimea. Ukraine was trying to preserve the interethnic peace in the Crimea[[6]](#footnote-6).

After 2014 Crimean Tatars are the subject or repression by Russian de-facto “authorities” for their collective position against the attempted annexation the Crimea and against their discrimination. Now there are not less than 230 politic prisoners in the Crimea, among them 158 Crimean Tatars; since 2014 not less than 55 persons were killed very likely with participation of Russia’s punitive bodies and paramilitary groups in the Crimea and among them – 25 Crimean Tatars; since 2014 not less than 21 persons are the victims of the forced disappearances in the Crimea very likely with participation of Russia’s bodies and groups, and among them – 15 Crimean Tatars.

Majority of those victims are persons who were the main breadwinners for their families, often in the rural areas of the Central Crimea[[7]](#footnote-7). So their mothers and other women – family members are now in extremely hard situation as the “dangerous family members of terrorist and extremists” as they are named by Russian propaganda. And more they are now in extremely dangerous social situation as dependents who lost the source of own minimal economic stability.

And even more, Crimean Tatar women are the direct subject of the politic repressions by Russian punitive bodies in the Crimea. The most terrible example is the Mrs. Veciye Qaşqa story. Veciye was deported in 1944 in nine-year old age from Crimea and from the end of 1950th she united the Crimean Tatar national movement. In 1960th she tried twice to return to Crimea but was deported again by Soviet punitive structures.

In Soviet and post-Soviet time Mrs. Qaşqa’s house was a place of meeting the Crimean Tatar’s activists. Mrs. Qaşqa took part in the activities of the Crimean Tatar ethnic movement, traveled with errands to Russian and Turkey, helped to organize mass events. After the occupation of the Crimea begun in 2014, she advocated the blockade of Crimea by the civilized nation, was the active member of groups that organized help to the politic prisoners and their families. On 23 November 2017 Mrs. Veciye Qaşqa who was 73 years old, was arrested in brutal form by the Russian punitive structures in Simferopol cafe “Medobory” with some other Crimean Tatars[[8]](#footnote-8). Arrested Mrs. Veciye Qaşqa felt herself bad and died in few hours, in road from café being under control of Russian “officers”.

Russian de-facto “authorities” refused to investigate the death of Mrs. Veciye Qaşqa and Russian propaganda used hate speech against dead Mrs. Qaşqa as “Crimean Tatar extremist”. In January 2021 the European Court of Human Rights started the proceeding on application the lawyer of Mrs. Qaşqa’s relatives on issue of her forced death[[9]](#footnote-9).

Issues of conflict gender based violence in the Crimea are **connected with COVID impact** *(regarding p. 1.7 of the UN Special Rapporteur’s questionnaire).*

In 2014 Russia started a “medical reform” in Crimea and implemented its “own insurance medicine model”[[10]](#footnote-10). In 2020-2022, this resulted in the absence of adequate quantity of medical personnel in Crimean hospitals[[11]](#footnote-11) that minimized the possibility of effective medical aid to the residents of Crimea[[12]](#footnote-12)[[13]](#footnote-13), violated their right to health and right to life guaranteed by multilateral human rights multilateral.

Since 2014, Russia bans usage of medical drugs certified by the Ukrainian authorities, including antibiotic and antivirus medicals produced in European countries and allowed for usage in Ukraine[[14]](#footnote-14). Instead, Russia provided Crimean medical institutions and pharmacies with own-produced drugs, often of extremely low quality. Russian “authorities” ban citizens from carrying high-quality medical drugs from Ukraine’s mainland, which is punishable as “smuggling”, including confiscation of drugs[[15]](#footnote-15).

In 2020, Russia banned all anti-COVID vaccines in Crimea[[16]](#footnote-16), except those which are produced in the Russia without internationally recognized certification procedure (like “Sputnik” vaccine)[[17]](#footnote-17). To make things worse, the vaccination of Crimean residents by the Russian non-certified vaccine is de-facto obligatory for citizens[[18]](#footnote-18)[[19]](#footnote-19). ARC stresses that such policies bear features of a medical experiment[[20]](#footnote-20) over the population of the occupied territory[[21]](#footnote-21) and anyway they become a ground for organized disinformation[[22]](#footnote-22).

Russia’s de-facto “authorities” in Crimea did not take action to prevent and address racial discrimination[[23]](#footnote-23), hate speech, xenophobia[[24]](#footnote-24), and related intolerance[[25]](#footnote-25) faced by persons displaced to and from Crimea, including in the COVID-19 context[[26]](#footnote-26).

Russia violated the right to freedom of movement by systematic blockade of all three ABL checkpoints used to enter and exit Ukraine’s mainland due to “COVID-related quarantine measures”. All Russian policies and measures “to minimize health risks associated with the COVID-19”[[27]](#footnote-27) by blocking the visits of Crimean residents to Ukraine’s mainland[[28]](#footnote-28) and of IDPs and other Ukrainians to Crimea[[29]](#footnote-29) are not effective even potentially, since in 2020-2021 the Russia’s “authorities” organized mass visits of Russian tourists to Crimea (more than one million in the summer-2020)[[30]](#footnote-30)[[31]](#footnote-31), the resettlement of own residents to Crimea (more than sixty thousands of Russians have been resettled to Sevastopol alone in 2020)[[32]](#footnote-32), and by massive military trainings (more that twenty thousands Russian soldiers were re-dislocated from Russia to Crimea only in the first half of 2021)[[33]](#footnote-33).

The Russian “anti-COVID” policy in Crimea violates the right to sustainable development, guaranteed by the above-pointed multilateral treaties. Russia’s “authorities” did not adopt the “COVID-19 socio-economic response and recovery plan”[[34]](#footnote-34)[[35]](#footnote-35) and do not use the human rights-based approach[[36]](#footnote-36) in pandemic-related issues[[37]](#footnote-37), they do not use the human rights and gender-sensitive indicators[[38]](#footnote-38) in this area[[39]](#footnote-39). The only way to effectively influence Russia in those issues is the UN and other international structures’ decisions and judgments of the international courts[[40]](#footnote-40). Russia’s “authorities” do not protect human rights of the population of Crimea, including IDPs, in the COVID-19 context[[41]](#footnote-41). Such “powers” violate their right to health, housing, education, information, social protection, basic services, safe and dignified return and sustainable reintegration[[42]](#footnote-42).

Issues of conflict gender based violence in the Crimea are connected with relevant **levels of impunity** from the Russia-controlled “authorities” (regarding p. 2 of the UN Special Rapporteur’s questionnaire).

There are any gender-based violence watch and/or femicide observatory and/or observatory on violence against women with a femicide watch role in the occupied Crimea. Russia’s de-facto “authorities” do not have such activities and the civil society structures in the Crimea were totally eradicated since 2014. Such “authorities” in the Crimea do not take any measures including research and studies undertaken to analyse femicide or gender related killings of women and girls, or homicides of women by intimate partners or family members and other femicides. Russia’s punitive system in the Crimea has no practical goal to “investigate” the crimes against persons, including the femicide cases[[43]](#footnote-43).

Russia’s de-facto “authorities” in the Crimea do not take any measures to improve support to victims of gender violence and to prevent it, they do not have the good practices regarding the prevention of gender violence and femicide. And more, such de-facto “authorities” do not publish any real data or statistics regarding the femicide and gender violence issues in the Crimea

Association believes that a special research on the rights to health and defense from gender-based violence in situations of armed conflicts and related “grey zones” like Crimea, done by the UN Special Rapporteur, may be a starting point for improvement of the situation. The UN Special Rapporteur’s visit to Ukraine, including Crimea would contribute to collection of information, and would enable the Expert to make a first-hand impression of the situation with rights to health in the region.

16th January, 2022 Representative of the Association of Reintegration of Crimea

Dr. Borys Babin

1. https://arc.construction/ [↑](#footnote-ref-1)
2. https://www.journal-officiel.gouv.fr/associations/detail-annonce/associations\_b/20210005/1348 [↑](#footnote-ref-2)
3. for example, https://undocs.org/en/A/RES/73/263 [↑](#footnote-ref-3)
4. https://www.icj-cij.org/public/files/case-related/166/166-20191108-JUD-01-00-EN.pdf [↑](#footnote-ref-4)
5. http://hudoc.echr.coe.int/eng?i=001-207622 [↑](#footnote-ref-5)
6. https://www.intechopen.com/books/indigenous-aboriginal-fugitive-and-ethnic-groups-around-the-globe/legal-statute-and-perspectives-for-indigenous-peoples-in-ukraine [↑](#footnote-ref-6)
7. https://ctrcenter.org/en/zhertvy-okkupacii [↑](#footnote-ref-7)
8. https://www.bbc.com/ukrainian/features-russian-42103579 [↑](#footnote-ref-8)
9. https://www.ukrinform.ru/rubric-crimea/3169666-espc-prinal-k-rassmotreniu-zalobu-po-delu-vedzie-kaska.html [↑](#footnote-ref-9)
10. https://arc.construction/14919 [↑](#footnote-ref-10)
11. https://arc.construction/8847 [↑](#footnote-ref-11)
12. https://arc.construction/15547 [↑](#footnote-ref-12)
13. https://arc.construction/3773 [↑](#footnote-ref-13)
14. https://arc.construction/5967 [↑](#footnote-ref-14)
15. https://arc.construction/8252 [↑](#footnote-ref-15)
16. https://arc.construction/5003 [↑](#footnote-ref-16)
17. https://arc.construction/15669 [↑](#footnote-ref-17)
18. https://arc.construction/4829 [↑](#footnote-ref-18)
19. https://arc.construction/9108 [↑](#footnote-ref-19)
20. https://arc.construction/17171 [↑](#footnote-ref-20)
21. https://arc.construction/5074 [↑](#footnote-ref-21)
22. https://arc.construction/25056 [↑](#footnote-ref-22)
23. https://arc.construction/11306 [↑](#footnote-ref-23)
24. https://arc.construction/15537 [↑](#footnote-ref-24)
25. https://arc.construction/5788 [↑](#footnote-ref-25)
26. https://www.icj-cij.org/public/files/case-related/166/166-20191108-JUD-01-00-EN.pdf [↑](#footnote-ref-26)
27. https://arc.construction/1537?lang=ru [↑](#footnote-ref-27)
28. https://arc.construction/5037?lang=ru [↑](#footnote-ref-28)
29. https://arc.construction/12003?lang=ru [↑](#footnote-ref-29)
30. https://arc.construction/15317?lang=ru [↑](#footnote-ref-30)
31. https://arc.construction/1239?lang=ru [↑](#footnote-ref-31)
32. https://www.blackseanews.net/read/176965 [↑](#footnote-ref-32)
33. https://arc.construction/12823?lang=ru [↑](#footnote-ref-33)
34. https://arc.construction/4052?lang=ru [↑](#footnote-ref-34)
35. https://arc.construction/8106?lang=ru [↑](#footnote-ref-35)
36. https://arc.construction/2597?lang=ru [↑](#footnote-ref-36)
37. https://arc.construction/8765?lang=ru [↑](#footnote-ref-37)
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39. https://arc.construction/10479 [↑](#footnote-ref-39)
40. https://arc.construction/4900?lang=ru [↑](#footnote-ref-40)
41. https://arc.construction/7082?lang=ru [↑](#footnote-ref-41)
42. https://arc.construction/12411 [↑](#footnote-ref-42)
43. https://www.ohchr.org/Documents/Issues/Women/SR/Femicide/2021-submissions/CSOs/association-of-reintegration.pdf [↑](#footnote-ref-43)