



ASSOCIATION OF REINTEGRATION
OF CRIMEA

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To UN Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context

Russian Aggression in Ukraine and Ukrainians' Right to Adequate Housing

Our Association of Reintegration of Crimea (ARC)¹, is non-governmental expert and human rights organisation, with activities devoted to Crimea's issues.

ARC's expert researches are related with human rights of Crimean residents and ethnic groups, including social and economic rights. Since 2020 we sent more than 50 submissions and proposals to UN human rights' strictures, major part of them were published in the UN web-sources, including the issues of housing²

Since 24th of February 2022 Russia committed broad and open military aggression to all Ukraine's territory against Ukrainian mainland from own territory, and from the Russia-occupied Crimea, Belarus, Black and Azov seas.

Due last two monthes Russia occupied some territories of Donetsk, Kharkiv, Kherson, Luhansk, Mykolaiv, Zaporizhzhya regions and active hostilities were in Chernigiv, Kyiv, Sumy, Zhitomir regions of Ukraine. Strong fights are going near cities of Kharkiv, Mykolaiv, Mariupol and others with total population more than 10 millions persons near the frontline.

In last eight weeks Russia-controlled troops and mercenaries committed in Ukraine, during this operation, gross violation of international humanitarian law and international human rights' law already³.

Russia commenced an unprovoked invasion throughout Ukrainian territory, which is already causing catastrophic harms to Ukraine and its people, including gross violation the international humanitarian law and destruction the fundamental human rights⁴⁵⁶⁷⁸⁹. Human Rights Watch has documented several cases of Russian military forces committing laws-of-war violations against civilians in occupied areas¹⁰.

All war crimes, committed by Russian invaders during ongoing hostilities are connected with absolutely clear Russia's war targets in maximal destruction the civil object including apartment buildings and private houses¹¹.

As major of Kharkiv stated in 31st of March, 2022 Russian troops destroyed more than 1290 apartment buildings in this one-million city, most of them were multi-floor

¹ https://www.journal-officiel.gouv.fr/associations/detail-annonce/associations_b/20210005/1348

² <https://www.ohchr.org/Documents/Issues/Housing/SubmissionsCFIhousingdiscrimin/AssociationofReintegrationofCrimeaARC.docx>

³ <https://sofrep.com/news/russian-soldiers-gang-raped-ukrainian-woman-as-her-child-was-crying-in-the-next-room/>

⁴ <https://www.icj-cij.org/public/files/case-related/182/182-20220307-PRE-01-00-EN.pdf>

⁵ <https://www.bbc.com/ukrainian/features-60888528>

⁶ <https://hromadske.radio/en/news/2022/03/09/members-of-the-wagner-group-have-been-killed-in-ukraine>

⁷ <https://www.bbc.com/news/world-europe-60547807>

⁸ <https://arc.construction/26892>

⁹ <https://news.un.org/en/story/2022/03/1113652>

¹⁰ <https://www.hrw.org/news/2022/04/03/ukraine-apparent-war-crimes-russia-controlled-areas>

¹¹ <https://www.washingtonpost.com/world/interactive/2022/ukraine-before-after-destruction-photos/>

ones¹². Up to this date 90% of apartment building in Mariupol, city with 400 thousands inhabitants, are destroyed¹³ Among 3300 multi-storey residential buildings in Mykolaiv 400 were destroyed partially and 60 - totally¹⁴; those data are proved by UNOSAT maps¹⁵.

So thousands of Ukrainians, including children and older persons lost their houses due to Russian aggression and related hostilities.

Due to such gross violation the human rights Ukraine filed an application with the International Court of Justice (ICJ) on 25 February 2022¹⁶ and to the European Court of Human Rights¹⁷.

Russian government refused to execute the demand of the ECtHR and the order of ICJ to immediately suspend the military operations that it commenced on 24 February 2022.¹⁸

On March 16 2022, Russia was excluded from the Council of Europe and refused officially to execute the demands of European Convention on Human Rights¹⁹, which guarantee the right to receive and disseminate the information.

UN Human Rights Council (HRC) adopted its resolution 49/1 on 4 March 2022 where it expressed grave concern at the documented harm to the enjoyment of many human rights, resulting from the aggression against Ukraine by Russia²⁰.

On 8 March 2022 UN human rights experts called on Russia to immediately end its invasion of Ukraine to avoid further bloodshed; experts recalled that intentional attacks against civilian objects amount to war crimes²¹.

In other UN experts' statements the negative impact of Russia's aggression on persons with disabilities and older persons was condemned²², and relevant risks for women's right to life were pointed²³.

UN Special Rapporteur on the right to adequate housing, Dr. Balakrishnan Rajagopal, expressed on 9th of March the grave concerns about the serious violations of the right to adequate housing in Ukraine after Russian forces invaded the country.

UN official stated that indiscriminate use of weapons such as cluster munitions, multiple launch rocket systems, tactical missile systems and artillery systems have been reported in multiple areas of Ukraine including in and around the cities of Chernihiv, Kyiv, Kherson, Mariupol, Okhtyrka, Zhytomyr and several others. Many homes, civilian infrastructure including fuel depots, water and power stations are under attack or threat of attack. UN Rapporteur pointed regarding Russia's invasion that "directly or indirectly, the aggression will have a massive toll on the access to and habitability of housing in Ukraine"²⁴.

UN General Assembly in its resolution ES-11/1 on 2 March 2022 recognized that the military operations of Russia inside the sovereign territory of Ukraine are on a scale that the international community has not seen in Europe in decades and that urgent action is needed to save this generation from the scourge of war.

¹² <https://nv.ua/kharkiv/harkov-obstrely-skolko-domov-razrusheno-dannye-31-marta-novosti-harkova-50229919.html>

¹³ <https://www.pravda.com.ua/rus/news/2022/03/31/7336102/>

¹⁴ <https://www.liga.net/politics/interview/mer-aleksandr-senkevich-rakety-do-nas-doletayut-za-tri-minuty-pod-pritselom-ves-nikolaev>

¹⁵ <https://unitar.org/maps/map/3540>

¹⁶ <https://www.icj-cij.org/en/case/182>

¹⁷ <https://hudoc.echr.coe.int/eng-press?i=003-7282553-9922068>

¹⁸ <https://www.icj-cij.org/public/files/case-related/182/182-20220316-ORD-01-00-EN.pdf>

¹⁹ <https://arc.construction/26897>

²⁰ <https://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session49/Pages/ResDecStat.aspx>

²¹ <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=28231&LangID=E>

²² <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=28200&LangID=E>

²³ <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=28201&LangID=E>

²⁴ <https://arc.construction/26902>

In article 12 of this resolution UN General Assembly demanded that all parties fully comply with their obligations under international humanitarian law to spare the civilian objects, refraining from attacking, destroying, removing or rendering useless objects indispensable to the survival of the civilian population²⁵.

UN General Assembly in its resolution ES-11/2 on 24 March 2022, articles 5 and 8, demanded again full respect for and protection of objects indispensable to the survival of the civilian population and civilian infrastructure that is critical to the delivery of essential services in armed conflict; stressed that the sieges of cities in Ukraine further aggravate the humanitarian situation for the civilian population and hamper evacuation efforts, and therefore demands to put an end to these sieges²⁶.

On 7 April 2022 the UN General Assembly adopted a resolution ES-11/3²⁷ calling for Russia to be suspended from the Human Rights Council²⁸.

There are no peacekeeping missions in Ukraine; as such initiatives were blocked by the Russian government. Activities of UN Monitoring Mission in Ukraine are extremely low now and OSCE Special Monitoring Mission in Ukraine de-facto stopped its activities since 7th of March;²⁹ later Russia blocked the prolongation such Mission's activities.

All Ukraine's attempts for the peace-building, including peace talks and negotiations with Russian government were unsuccessful and Russia rejects all peace propositions and it refuses to execute the demands of ICJ and ECtHR orders to stop the aggression and hostilities that are directly pointed against right to adequate housing.

Our Association believes that next urgent, immediate steps of the UN Special Rapporteur on protection the right for housing for Ukrainians, in condition of ongoing interstate conflict and hostilities, must be done, including all observation procedures and **visit to Ukraine**.

We hope that above-pointed special statements of the UN experts and rapporteurs regarding situation in Ukraine must be supported by next UN HRC's and UN High Commissioner for Human Rights' official positions. Our Association believes that urgent, immediate steps of the UN OHCHR bodies must be done; monitoring procedure, mentioned in HRC resolution 49/1, must be enforced immediately.

Such UN steps must counteract the gross human rights violations committed by the Russian troops in Ukraine; such UN steps must include the activities of the Human Rights Council and in the framework of High Commissioner for Human Rights' and Human Rights Council's mandates.

5th of May, 2022

Representative of the ARC
Dr. Borys Babin



²⁵ <https://digitallibrary.un.org/record/3959039?ln=ru>

²⁶ <https://digitallibrary.un.org/record/3966630?ln=en>

²⁷ <https://digitallibrary.un.org/record/3967950?ln=ru>

²⁸ <https://news.un.org/en/story/2022/04/1115782>

²⁹ <https://www.osce.org/ru/special-monitoring-mission-to-ukraine/513430>