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OF CRIMEA

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To UN Independent Expert on the Promotion of Democratic and Equitable International Order

Modern Multilateralism and Covid Pandemia: Example of Crimea

Submission for Report

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The Association of Reintegration of Crimea¹, as a registered non-governmental organisation, herewith submits the following submission to the questionnaire of the UN Independent Expert, for his forthcoming report to be presented at the Human Rights Council and General Assembly. Our submission is devoted to the situation of systematic violation of universal and regional human rights and humanitarian treaties by Russia in the Autonomous Republic of Crimea and city of Sevastopol (hereinafter – Crimea) in the present conditions of the COVID-19 pandemic. The response deals with the issues identified by the Association in its work, namely the issue of intentional and organised Russian policy against fundamental human rights in the Crimea.

The illegal occupation and attempted annexation of Crimea by Russia since 2014 have been condemned in a set of international acts, including UN GA resolutions 2014 68/262, 2016 71/205, 2017 72/190, 2018 73/263 2019 74/168, 2020 75/192, 2018 73/194, 2019 74/17, 2020 75/29², resolutions of the OSCE Parliamentary Assembly, of the Parliamentary Assembly of the Council of Europe 1988 (2014), 2028 (2015), 2067 (2015), 2112 (2016), 2132 (2016), 2145 (2017), 2198 (2018), 2231 (2018) etc., of the European Parliament's resolutions 2014/2841 (RSP), 2014/2965 (RSP), 2016/2556 (RSP), 2016/2692 (RSP), 2017/2596 (RSP), 2017/2869 (RSP), 2018/2754 (RSP), 2018/2870 (RSP), 2019/2734 (RSP), 2019/2202 (INI) etc. In this fashion, the attempted annexation of Crimea by Russia was never recognized by the international community. Human rights violations in the Crimea are now subject to consideration in international courts, including the International Court of Justice (case *Ukraine v. Russian Federation*)³ and the European Court of Human Rights (case 20958/14 and others).⁴

Both Russia and Ukraine are members to all Geneva Conventions, 1949 and of Protocols thereto, 1977. Ukraine and Russia are members to other universal human rights treaties including Convention on the Elimination of All Forms of Racial Discrimination, 1965; International Covenant on Civil and Political Rights, 1966; International Covenant on Economic, Social, and Cultural Rights, 1966; Convention on the Elimination of All Forms of Discrimination Against Women, 1979; Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, 1984 Convention on the Rights of a Child, 1989; Convention on the Rights of Persons with Disabilities, 2006; International Convention on the Suppression and Punishment of the Crime of Apartheid; Convention Relating to the Status of

¹ <https://arc.construction/>

² for example, <https://undocs.org/en/A/RES/73/263>

³ <https://www.icj-cij.org/public/files/case-related/166/166-20191108-JUD-01-00-EN.pdf>

⁴ <http://hudoc.echr.coe.int/eng?i=001-207622>

Refugees and Protocol Relating to the Status of Refugees; Convention on the Prevention and Punishment of the Crime of Genocide; European Convention on Human Rights; European Convention for Prevention of Torture and Inhuman or Degrading Treatment or Punishment and European Social Charter.

The policy of Russia's de-facto "authorities" during COVID-19 the pandemic created some new challenges for the residents of Crimea and for internally displaced persons (IDPs) from Crimea, as such policy bluntly violates the abovementioned multilateral humanitarian and human rights standards. These violations take the following forms:

1. In 2014 Russia started a "medical reform" in Crimea and implemented its "own insurance medicine model"⁵. In 2020, this resulted in the absence of adequate quantity of medical personnel in Crimean hospitals⁶ that minimized the possibility of effective medical aid to the residents of Crimea⁷, violated their right to health and right to life guaranteed by multilateral human rights multilateral. At the same time Russia as occupier-State has an obligation under Geneva Convention IV to ensure adequate medical aid to the population of Crimea, that is bluntly violated by its ineffective medical policies.

2. 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 Ukraine⁸. Instead, Russia provided Crimean medical institutions and pharmacies with own-produced drugs, often of extremely low quality. Furthermore, Russian "authorities" ban citizens from carrying high-quality medical drugs from Ukraine's mainland, which is punishable as "smuggling", including confiscation of drugs⁹. Such actions violate the right to health and right to life guaranteed by multilateral human rights treaties, as well as the requirements of the Geneva Convention IV to preserve legislation and public order on the occupied territory, including medical and pharmacy certification procedures.

3. In 2020, Russia banned all anti-COVID vaccines in Crimea¹⁰, except those which are produced in the Russia without internationally recognized certification procedure (like "Sputnik" vaccine)¹¹. To make things worse, the vaccination of Crimeans by the Russian non-certified vaccine is de-facto obligatory for citizens¹². We believe, that such policies bear features of a medical experiment over the population of the occupied territory¹³. This is another impermissible violation of the Geneva Convention IV. This also violates the rights of Crimeans to health, to life and to privacy, as well as prohibition of degrading treatment and enforced medical experiments, guaranteed by multilateral human rights treaties

4. Russian "anti-COVID" policy in Crimea is discriminative for the citizens of Ukraine in Crimea who refused or could not acquire the so called "Russian citizenship" after 2014, when Russia started claiming title over the Crimean peninsula. Such Ukrainian citizens resided in Crimea before the attempted annexation or resettled to peninsula later due to Russian aggression on the East of Ukraine and to ongoing armed conflict there¹⁴. Such Ukrainian citizens in Crimea are determined by the Russian de-facto authorities as "foreigners", "migrants" and even "illegal migrants" who are obligated by the occupiers to apply for "residence permits" and "special

⁵ <https://arc.construction/14919>

⁶ <https://arc.construction/8847>

⁷ <https://arc.construction/15547>

⁸ <https://arc.construction/3773>

⁹ <https://arc.construction/5967>

¹⁰ <https://arc.construction/8252>

¹¹ <https://arc.construction/5003>

¹² <https://arc.construction/15669>

¹³ <https://arc.construction/4829>

¹⁴ <https://arc.construction/9108>

¹⁵ <https://arc.construction/5074>

¹⁶ <https://www.ohchr.org/Documents/Issues/Slavery/SR/ReportHRC48/CSOs/ARC.pdf>

permission” to work. In reality, thousands of such persons cannot have the “residence permit” and the “special permission” in the Crimea, due to gross corruption, bureaucracy and political position of the Russian “authorities” in this region¹⁷.

At the same time, after the attempted annexation of Crimea by the RF, tenth of thousands of Crimeans became internally displaced persons in the Ukrainian mainland and acquired the IDP status, or resettled to third countries as asylum-seekers or migrants. According to experts, the number of such persons is as high as 65-70 thousand¹⁸, and there are approximately 35 thousand of IDPs from Crimea officially registered on the Ukrainian mainland¹⁹. Ukraine provided them with free masks and COVID-19 testing in 2020²⁰ and free vaccination in 2021 on the checkpoints “Kalanchak” and “Chongar” on the administrative boundary line (ABL). However, Russia, continued to ban the vaccination of Crimeans by any internationally certified vaccine. To the contrary, it arranged forcible vaccination by the Russian non-certified “Sputnic” COVID-19 vaccine²¹.

IDPs in Ukraine’s mainland have full access to medical services in places of their de-facto residence on the same grounds as the locals. However, those Ukrainian citizens, who did not acquire the Russian “passport” or “residence permit” or “special permission”, have no access even to those limited medical services that are available in the peninsula to the “Russian citizens”. As Russia’s de-facto “authorities” banned, squelched or made impossible all independent civil society structures’ activities in Crimea after 2014, the help of the NGOs to the vulnerable Ukrainians in the Crimea is impossible. The same applies to assistance by international organizations, which Russia prevents from visiting and operating in Crimea.

Russia’s de-facto “authorities” in Crimea did not take action to prevent and address racial discrimination²², hate speech, xenophobia²³, and related intolerance²⁴ faced by persons displaced to and from Crimea, including in the COVID-19 context. Racial discrimination of ethnic Ukrainians and indigenous Crimean Tatars in Crimea, including IDPs is now subject to consideration in the International Court of Justice²⁵. Thus, the Russian Federation violated the right of the Ukrainian citizens to non-discrimination guaranteed by guaranteed by multilateral human rights and humanitarian treaties.

5. 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”²⁶ by blocking the visits of Crimeans to Ukraine’s mainland²⁷ and of IDPs and other Ukrainians to Crimea²⁸ 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)^{29,30}, the resettlement of own residents to Crimea (more than sixty thousands of Russians have been resettled to Sevastopol alone in 2020)³¹, and by massive military trainings

¹⁷ <https://www.ohchr.org/Documents/Issues/Slavery/SR/Submissions/CSOs/Association-of-reintegration-of-Crimea.docx>

¹⁸ <https://www.blackseanews.net/read/176965>

¹⁹ <https://www.unhcr.org/ua/en/internally-displaced-persons>

²⁰ <https://arc.construction/7337?lang=ru>

²¹ <https://arc.construction/10142?lang=ru>

²² <https://arc.construction/11306>

²³ <https://arc.construction/15537>

²⁴ <https://arc.construction/5788>

²⁵ <https://www.icj-cij.org/public/files/case-related/166/166-20191108-JUD-01-00-EN.pdf>

²⁶ <https://arc.construction/1537?lang=ru>

²⁷ <https://arc.construction/5037?lang=ru>

²⁸ <https://arc.construction/12003?lang=ru>

²⁹ <https://arc.construction/15317?lang=ru>

³⁰ <https://arc.construction/1239?lang=ru>

³¹ <https://www.blackseanews.net/read/176965>

(more than twenty thousands Russian soldiers were re-dislocated from Russia to Crimea only in the first half of 2021)³².

Measures of Russia's de-facto "authorities" in Crimea aimed at limitation of crossing the ABL were disproportional and bluntly violated human rights and fundamental freedoms of the citizens of Ukraine. They are not effective³³ and may be qualified as part of Russia's social "iron curtain" and militarization policy in the peninsula³⁴. While limiting the crossing of the ABL, Russia's "authorities" in Crimea, closely related with criminal groups in area of human trafficking³⁵, take part in or cover the transfer to Crimea working migrants from Russia, first of all in area of the illegal housing construction³⁶. These processes are lawless even under the Russian legislation implemented illegally in Crimea, so there are no "regularization programs" or "long-term solutions" in the peninsula for conditions of the COVID-19 pandemic³⁷.

6. 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"^{38,39} and do not use the human rights-based approach⁴⁰ in pandemic-related issues⁴¹, they do not use the human rights and gender-sensitive indicators⁴² in this area⁴³. The only way to effectively influence Russia in those issues is the UN and other international structures' decisions and judgments of the international courts⁴⁴. Russia's "authorities" do not protect human rights of the population of Crimea, including IDPs, in the COVID-19 context⁴⁵. Such "powers" violate their right to health, housing, education, information, social protection, basic services, safe and dignified return and sustainable reintegration⁴⁶.

The solutions to overcome such obstacles in a fair and sustainable manner are reflected in the requirements of the UN, CoE and OSCE acts on Russia regarding Crimea. The avenues for realization of these documents must be discussed on the international multilateral level, including the "Crimean Platform" - a recent initiative proposed by some UN states. In any case, a new international treaty for pandemic preparedness and response must reflect specific features of interstate conflict situations and illegal occupation of a foreign territory with effective control over its population. Our Association believes that a special research on those issues in situations of armed conflicts and related "grey zones" like the Crimean peninsula, performed by a UN Independent Expert, may be a starting point for improvement of the situation. The Expert's visit to Ukraine, including Crimea, would contribute to collection of information, and would enable making a first-hand impression of the situation in the region.

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³² <https://arc.construction/12823?lang=ru>

³³ <https://arc.construction/14919>

³⁴ <https://arc.construction/8252>

³⁵ <https://arc.construction/10072>

³⁶ <https://arc.construction/13851>

³⁷ <https://arc.construction/8163?lang=ru>

³⁸ <https://arc.construction/4052?lang=ru>

³⁹ <https://arc.construction/8106?lang=ru>

⁴⁰ <https://arc.construction/2597?lang=ru>

⁴¹ <https://arc.construction/8765?lang=ru>

⁴² <https://arc.construction/15590>

⁴³ <https://arc.construction/10479>

⁴⁴ <https://arc.construction/4900?lang=ru>

⁴⁵ <https://arc.construction/7082?lang=ru>

⁴⁶ <https://arc.construction/12411>