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27.02.2023 № 212/2023

To UN Independent Expert on the enjoyment of all human rights by older persons

**Russian Aggression in Ukraine and  
Challenges for Older Persons**

Our Association of Reintegration of Crimea (ARC)<sup>1</sup>, 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 100 submissions and proposals to UN human rights' strictures, major part of them were published in the UN web-sources, including the issues of older persons and persons with disabilities<sup>2</sup>

1. The major challenges for Ukrainain older persons are connected with ongoing Russian aggression. Since 24<sup>th</sup> of February 2022 Russia committed broad and open military aggression against Ukraine. Due last twelve monthes Russia occupied some territories of Donetsk, Kherson, Luhansk, Zaporizhzhya regions. Strong fights are going near cities with total population more than million persons near the frontline.

2. In last year Russia-controlled troops and mercenaries committed in Ukraine, during this operation, gross violation of international humanitarian law and international human rights' law already, including broad crimes against older persons<sup>3</sup>.

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 rights<sup>456789</sup>. Human Rights Watch has documented several cases of Russian military forces committing laws-of-war violations against civilians in occupied areas, including older persons<sup>10</sup>.

3. All war crimes, committed by Russian invaders during ongoing hostilities, are connected with absolutely clear Russia's war targets in maximal destruction the civil infrastructure, including objects, essential for older persons<sup>11</sup>.

4. As major of Kharkiv stated in 31<sup>st</sup> of March, 2022 Russian troops destroyed more than 1290 apartment buildings in this one-million city, most of them were multi-floor ones<sup>12</sup>. Up to summer, 2022 90% of apartment building in Mariupol, city with 400 thousands inhabitants,

<sup>1</sup> [https://www.journal-officiel.gouv.fr/associations/detail-annonce/associations\\_b/20210005/1348](https://www.journal-officiel.gouv.fr/associations/detail-annonce/associations_b/20210005/1348)

<sup>2</sup> <https://www.ohchr.org/Documents/Issues/OlderPersons/OlderWomen/submissions-csos/Association-reintegration-Crimea.docx>

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

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

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

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

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

<sup>8</sup> <https://arc.construction/26892>

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

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

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

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

are destroyed<sup>13</sup> Among 3300 multi-storey residential buildings in Mykolaiv 400 were destroyed partially and 60 - totally<sup>14</sup>; those data are proved by UNOSAT maps<sup>15</sup>.

The World Health Organization said that since February 24 to May 6, 306 attacks had taken place on health facilities in Ukraine in contravention of international humanitarian law and human rights law<sup>16</sup>. In April 2022, the UN Committee on the Rights of Persons with Disabilities warned that 2.7 million persons with disabilities in Ukraine were at risk of being abandoned in their homes or in residential care.

**Russian attacks against Ukrainian non-combatants, including medic and social personnel and against Ukrainian civil infrastructure have features of state terrorism and made strong negative influence on realisation the rights of older persons.**

5. Due to such gross violation the human rights Ukraine filed an application with the International Court of Justice (ICJ) on 25 February 2022<sup>17</sup> and to the European Court of Human Rights<sup>18</sup>. Russian government refused to execute the demand of the ECtHR and the order of ICJ to immediately suspend the military operations<sup>19</sup>

On March 16 2022, Russia was excluded from the Council of Europe and refused officially to execute the demands of European Convention on Human Rights<sup>20</sup>, which guarantee the right of older persons to life, safety, justice, non-discrimination, information etc.

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 Russia<sup>21</sup>.

On 8 March 2022 UN human rights experts called on Russia to immediately end its invasion of Ukraine to avoid further bloodshed<sup>22</sup>. In other UN experts' statements the negative impact of Russia's aggression on persons with disabilities and older persons was condemned<sup>23</sup>, and relevant risks for women's right to life were pointed<sup>24</sup>.

UN experts pointed their concern by the appalling humanitarian situation of older people. They are often among the last to flee conflict zones and face many challenges during displacement, living in poorly equipped temporary shelters and struggling with chronic health conditions without access to proper health care and rehabilitation centres<sup>25</sup>.

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, that also has direct influence to the rights of the older persons<sup>26</sup>.

The European Disability Forum called in open letter for all parties to ensure the protection and safety of persons with disabilities in Ukraine<sup>27</sup>.

UN General Assembly in its resolution ES-11/1 on 2 March 2022 recognized that the

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

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

<sup>15</sup> <https://unitar.org/maps/map/3540>

<sup>16</sup> <https://www.aa.com.tr/en/russia-ukraine-war/128m-people-displaced-in-ukraine-since-russia-launched-war-un-human-rights-experts/2580552>

<sup>17</sup> <https://www.icj-cij.org/en/case/182>

<sup>18</sup> <https://hudoc.echr.coe.int/eng-press?i=003-7282553-9922068>

<sup>19</sup> <https://www.icj-cij.org/public/files/case-related/182/182-20220316-ORD-01-00-EN.pdf>

<sup>20</sup> <https://arc.construction/26897>

<sup>21</sup> <https://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session49/Pages/ResDecStat.aspx>

<sup>22</sup> <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=28231&LangID=E>

<sup>23</sup> <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=28200&LangID=E>

<sup>24</sup> <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=28201&LangID=E>

<sup>25</sup> <https://www.ohchr.org/en/press-releases/2022/05/ukraine-millions-displaced-traumatised-and-urgently-need-help-say-experts>

<sup>26</sup> <https://arc.construction/26902>

<sup>27</sup> <https://www.edf-fehp.org/protection-and-safety-of-persons-with-disabilities-in-ukraine/>

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<sup>28</sup>.

UN General Assembly in its resolution ES-11/2 on 24 March 2022, 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<sup>29</sup>.

Also, the politicization and obviousness of these Russian aggressor's crimes against older persons, accompanied by statements and demands from both the leaders of the occupying "authorities" in the Crimea, and the Russian leadership as a whole, has all the signs of state terrorism, which was adopted by the PACE on 13th of October 2022 that declared the current Russian regime as a terrorist one<sup>30</sup>.

On January, 26 PACE adopted the resolution 2482 (2023)<sup>31</sup> recalling in resolution that the ongoing aggression is a continuation of the aggression started on 20 February 2014, which included the invasion, occupation and attempted annexation of Crimea by Russia.

On February 24, 2023 OSCE officials and structures made a number of statements, condemning the Russia's atrocities<sup>32</sup>. OSCE ODIHR Director pointed out that human rights violations must end, and those responsible be held accountable. He pointed that OSCE Office has conducted interviews with some 140 survivors and witnesses of violations both in Ukraine and outside the country, finding credible evidence that the conduct of hostilities by Russia has been characterized by a general disregard for the basic principles set out by international humanitarian law<sup>33</sup>.

Also on February 24, a Joint Statement of the OSCE Parliamentary Assembly Bureau, was made also. In a Joint Statement, the OSCE PA Bureau condemned Russia's conduct of its war of aggression, marked by extreme and deliberate brutality; the indiscriminate targeting of Ukrainian civilians and destruction of civilian infrastructure.

OSCE PA Bureau declared the duty to hold accountable, in co-ordination with Ukraine, those responsible for such crimes, including by supporting existing international judicial structures or mechanisms, and to consider the establishment of a special international tribunal for the crime of aggression<sup>34</sup>.

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 older peoples' rights.

**So, the above-pointed issues of negative impact of Russian aggression against Ukraine allow us to suggest such proposals for the report on violence, abuse and neglect of older persons.**

a. Role of International Criminal Court and special tribunals in cases of war crimes against older persons and of ECtHR in cases of gross violations of rights of older persons in conflict zones and zones of foreign effective control must be reflected in the report.

b. Issues of illegal activities of mercenaries, paramilitary structures, militaristic and racist propaganda against older persons in conflict zones and zones of foreign effective control must be reflected in the report.

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<sup>28</sup> <https://digitallibrary.un.org/record/3959039?ln=ru>

<sup>29</sup> <https://digitallibrary.un.org/record/3966630?ln=en>

<sup>30</sup> <https://pace.coe.int/en/files/31390/html>

<sup>31</sup> <https://pace.coe.int/en/files/31620/html>

<sup>32</sup> <https://arcrimea.org/en/news/2023/02/25/osce-statements-were-made-on-large-scale-russian-aggression-anniversary/>

<sup>33</sup> <https://www.osce.org/odihr/537933>

<sup>34</sup> <https://www.oscepa.org/en/documents/officers-of-the-assembly/4627-joint-statement-of-the-osce-pa-bureau-action-on-the-one-year-anniversary-of-russia-s-war-against-ukraine-and-the-international-legal-order-24-february-2023/file>

c. Aspects of state terrorism and financing of terrorist groups and activities that are against older persons in conflict zones and zones of foreign effective control must be reflected in the report.

d. Issues of racial discrimination and genocidal policy against older persons with disabilities, older persons belonging to minorities and indigenous peoples, in conflict zones and zones of foreign effective control must be reflected in the report.

Our Association believes that next urgent, immediate steps of the UN Independent Expert on the enjoyment of all human rights by older persons, in condition of ongoing interstate conflict and hostilities, must be done, including all observation procedures.

We hope that above-pointed special statements of the UN bodies 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 UN HRC resolution 49/1, must be enforced immediately. UN Independent Expert must reflect in his reports the risks and challenges for older people in conflict zones, including situation in Ukraine.

27<sup>th</sup> of February, 2023

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