Parliamentary Assembly
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COUNCIL OF EUROPE
CONSEIL DE L'EUROPE

Resolution 2387 (2021)[1]

Human rights violations committed against Crimean Tatars in Crimea

Parliamentary Assembly

1. The Parliamentary Assembly reaffirms its commitment to the pursuit of peace based upon respect for human rights, democracy and the rule of law. In this context, it underscores its role as the most important pan-European forum in which political dialogue can take place, on the basis of the Council of Europe's values and principles, as a means of reaching lasting, peaceful solutions.

2. The Assembly recalls that since the adoption of its Resolution 1988 (2014) "Recent developments in Ukraine: threats to the functioning of democratic institutions" and Resolution 1990 (2014) "Reconsideration on substantive grounds of the previously ratified credentials of the Russian delegation" in April 2014, it has repeatedly condemned the violation of Ukraine's sovereignty and territorial integrity by the Russian Federation, and the latter's illegal annexation of Crimea; has expressed its deep concern about the situation of the Crimean Tatars and other persons belonging to groups in a numerical minority in Crimea, notably Ukrainians; and has urged the Russian Federation to ensure that their rights are not violated.

3. The Assembly strongly condemns the ongoing temporary occupation of part of the territory of Ukraine – the Autonomous Republic of Crimea and the city of Sevastopol (hereinafter "Crimea") – by the Russian Federation and reaffirms the non-recognition of its annexation. It also condemns all attempts by the Russian Federation to legitimise or normalise its attempted annexation of Crimea.

4. The Assembly condemns the grave human rights violations committed against Crimean Tatars immediately prior to and following the illegal annexation of Crimea by the Russian authorities, including killings and enforced disappearances, which moreover have not since been effectively investigated.

5. It deplores the fact that many serious violations of the rights of Crimean Tatars, including torture and inhuman or degrading treatment by members of the security forces and law-enforcement officials, continue to be reported. Crimean Tatars continue to be subjected to unjustified legal proceedings and illegal searches, as do lawyers and human rights defenders working to defend the rights of Crimean Tatars. The Assembly deeply regrets the fact that these violations often result from the application in Crimea of Russian legislation, which is contrary to international law.

6. The Assembly strongly condemns the high number of arbitrary arrests and unfounded prosecutions and convictions of Crimean Tatars on false extremism- or terrorism-related charges for political reasons, including alleged affiliation with Muslim groups and opposition to the current regime in Crimea. It is deeply concerned by numerous cases of violations of Crimean Tatars' freedom of religion, including the targeting of specific religious groups allegedly involved with terrorist and extremist organisations in spite of there being no connection to any offence against public order.

7. The Assembly also expresses its concern about the restrictions faced by Crimean Tatars with regard to freedom of expression and peaceful assembly, and freedom of thought, conscience and religion, including the prosecution of individuals for having conducted peaceful single-person protests. It is deeply concerned by the

1. *Assembly debate* on 23 June 2021 (20th sitting) (see Doc. 15305, report of the Committee on Equality and Non-Discrimination, rapporteur: Ms Thorhildur Sunna Ævarsdóttir). *Text adopted by the Assembly* on 23 June 2021 (20th sitting).

practice of denying entry to Crimea to journalists and banning them from entering the territory of the Russian Federation for long periods, sometimes decades, which not only violates their rights but contributes to the isolation of Crimea and to a lack of independent reporting outside the peninsula about the situation in Crimea.

8. The Assembly regrets that, despite the granting of official status to the Crimean Tatar language, the number of Crimean Tatar children receiving instruction in their language has reportedly not increased, as parents are not encouraged to request it.

9. The Assembly is deeply concerned about the unlawful decisions of the Supreme Court of the Russian Federation on banning the Crimean Tatar Mejlis representative and self-governing body in Crimea, as an extremist organisation, which is contrary to international standards. It calls on the Russian Federation to implement immediately the provisional measures ordered by the International Court of Justice on 19 April 2017.

10. The deterioration of the human rights situation and the pattern of abusive application of Russian legislation create a climate of fear and hostility in Crimea that may affect all those who live there. However, the Assembly observes with regret that Crimean Tatars appear to be under constant pressure and disproportionately affected. Crimean Tatars are thus not only victims of violations of their human rights as such, but also, due to the disproportionate application of abusive measures against them, victims of discrimination.

11. The Assembly is deeply concerned by this situation, which, in its view, gives rise to serious violations of numerous international human rights instruments, including the European Convention on Human Rights (ETS No. 5). It notes in this context that the European Court of Human Rights has declared admissible an interstate case raising many of these issues: *Ukraine v. Russia (re Crimea)* (Application No. 20958/14).

12. The Assembly further underlines that the failure of the Russian Federation to implement the resolutions adopted by the United Nations General Assembly and the measures ordered by the International Court of Justice and the European Court of Human Rights is likely to worsen the situation of the Crimean Tatars and that of other persons belonging to groups that are in a numerical minority in Crimea.

13. In view of the above, and reaffirming the recommendations contained in its Resolution 2292 (2019), in which, *inter alia*, it called on the Russian Federation to implement all the recommendations of the Assembly contained in its Resolutions 1990 (2014), 2034 (2015) and 2063 (2015), the Assembly urges the Russian authorities:

13.1. to implement United Nations General Assembly Resolution A/RES/68/262 on the territorial integrity of Ukraine and its Resolutions A/RES/71/205, A/RES/72/190, A/RES/73/263, A/RES/74/168 and A/RES/75/192 on the situation of human rights in the Autonomous Republic of Crimea and the city of Sevastopol, Ukraine, and to comply with the measures ordered with respect to the Russian Federation by the International Court of Justice and the European Court of Human Rights;

13.2. with regard to violations of international humanitarian law in Crimea that have a particular impact on Crimean Tatars, to:

13.2.1. cease applying Russian law in Crimea, including in the fields of terrorism and extremism, and to apply, in accordance with international law, the laws in force in Ukraine;

13.2.2. release any person unlawfully detained or imprisoned due to the abusive application of Russian law in Crimea, including for political reasons, which is contrary to international law;

13.2.3. put an end to the forced conscription of residents in Crimea, including Crimean Tatars, into Russian Federation armed forces;

13.2.4. put an end to the transfer of detainees, including Crimean Tatars, from Crimea to the territory of the Russian Federation and to ensure their return to Crimea or mainland Ukraine;

13.3. with regard to allegations of human rights violations committed against Crimean Tatars in Crimea or within the territory of the Russian Federation, to:

13.3.1. conduct without delay an effective investigation within the meaning of the European Convention on Human Rights into each alleged case of killing, abduction, forced disappearance, torture or inhuman or degrading treatment of Crimean Tatars and to apply appropriate sanctions to the perpetrators of any violations found;

13.3.2. take all necessary measures to prevent similar violations in future;

13.3.3. ensure dignified conditions of detention and that all detained persons have access to all the medical care they need;

13.3.4. allow lawyers and other human rights defenders working with Crimean Tatars to carry out their work without hindrance;

13.3.5. put an immediate end to any administrative or judicial harassment of Crimean Tatars and ensure that any search or raid carried out with regard to them is undertaken with full respect for human rights;

13.3.6. ensure full respect for the freedom of religion of Crimean Tatars and cease persecuting them for alleged membership of Muslim groups with no connection to any offence;

13.3.7. annul the decision prohibiting the activities of the Mejlis of the Crimean Tatar people, and allow its leaders Mr Mustafa Dzhemiliev and Mr Refat Chubarov to return to Crimea;

13.3.8. guarantee full respect for the freedoms of expression, association and peaceful assembly of Crimean Tatars;

13.3.9. lift the ban on Crimean Tatars' media outlets and allow these media to operate in compliance with the standards of the European Convention on Human Rights;

13.3.10. ensure access to teaching in and of the Crimean Tatar language, and work actively to create the conditions enabling Crimean Tatars to express, preserve and develop their identity, in accordance with the standards of the Framework Convention for the Protection of National Minorities (ETS No. 157) and the United Nations Declaration on the Rights of Indigenous Peoples;

13.4. to ensure full and unfettered access of established international and regional human rights monitoring bodies to Crimea, in accordance with the principles and recommendations set out in Assembly Resolution 2240 (2018) "Unlimited access to member States, including 'grey zones', by Council of Europe and United Nations human rights monitoring bodies", to enable them to carry out their mandate without prejudice to the principles and norms of international law and to the status of Crimea as a temporarily occupied territory of Ukraine.

14. The Assembly invites all relevant actors to envisage directly involving the representatives of Crimean Tatars, including the Mejlis of the Crimean Tatar people, in international dialogue related to the situation of Crimean Tatars and of Crimea.

15. The Assembly invites its Committee on the Honouring of Obligations and Commitments by Member States of the Council of Europe (Monitoring Committee) to take into account in its future work the follow-up by the Russian Federation to these recommendations and also to pay particular attention in this context to the situation of other groups present in Crimea, such as Ukrainians and religious minorities.