Theses for HDIM 2018 on behalf of Ukrainian NGO "Regional Center of Human Rights"

Since the occupation of the Crimean Peninsula rules of the international humanitarian law and international human rights have been constantly subjected to violations on its territory.

The federal constitutional law No.6 of 21 March 2014 extended the legislation of the Russian Federation over the occupied territory of the Crimean Peninsula effective from 18 March 2014. The extension of the Russian legislation on the territory of the Crimean Peninsula resulted in imposition of Russian citizenship on the Ukrainian citizens permanently residing on this territory. At the same time Ukrainians residing on the Crimean Peninsula who had managed to declare their will to retain Ukrainian citizenship and those who had their registration on the mainland of Ukraine became foreigners.

The above events were followed by the widespread expulsions of the Crimean population, in particular of those who are not in a possession of the Russian citizenship. Such expulsions are based on the alleged violations of the provisions of the domestic migration law of the Russian Federation and the Code of Administrative Offenses of the Russian Federation. Thus, Ukrainian citizens, stateless persons and foreigners who had been residing on the territory of the Crimean Peninsula and ordered by the so-called Russian local occupying courts to be expelled from that territory had to leave Crimea within the short period of time. According to the comprehensive research conducted by the NGO "RCHR" between July 2017 and June 2018 there are at least 2,425 of those to whom expulsion has been applied since the beginning of the occupation. The policy of the Russian Federation has also created a huge number of internally displaced persons from the territory of the Crimean Peninsula to the mainland of Ukraine. These persons are leaving the Peninsula under the threat being persecuted for their pro-Ukrainian position. Even the HDIM Report of 2015 mentioned that the real number of IDP from the Crimean Peninsula was significantly bigger than the registered one.

Simultaneously with the cleaning up territory of Crimea from "undesirable elements", the authorities of the Russian Federation have been effectively implementing policy on transfer of their own civilian population from the mainland of the Russian Federation to the Crimean Peninsula. Such transfer has been stimulated by a number of means, in particular by economic incentives introduced with the establishment of the special free economic zone regime on the territory of the so-called "Republic of Crimea" by the Federal law of the Russian Federation dated of 21 November 2014. The other incentive is a sharp change in the legislation, which creates a requirement for the employees to know the legislation of the Russian Federation. In addition, many of the job opening for the officials on the territory of Crimea require the applicants to be only citizens of the Russian Federation.

Whilst the above-mentioned cases might be seen more as private initiatives indirectly fostered by the State, there are also examples of direct government stimulation of labour migration. In particular, public services responsible for employment, openly disseminate information about vacancies in Crimea. While some of such jobs entail seasonal employment, there are also a fairly large number of vacancies for permanent work, including with the provision of housing.

Important that interregional migration to the so called "Crimean Republic" from the federal unit of the Russian Federation from June 2014 till December 2017 constituted 57 034 persons. At the same time interregional migration to the city of Sevastopol constituted within the same period 51 208 persons.

Such transfer policy implemented by the Russian Federation significantly changes demographic composition on the territory of the occupied Crimean Peninsula and constitutes an example of a migration process resulted from the occupation of the Crimean Peninsula.

18 September 2018   *Nataliia Ryzhenko*

Recommendations directed to the OSCE, ODIHR, NGOs and delegations of all participating states from the Ukrainian NGO "Regional Center of Human Rights" related to the thesis introduced by the representative of the above NGO on the Working session 13 of the HDIM 2018 on 18 September 2018

- To provide adherence of the Russian Federation to all obligations under international law as an occupying state, especially to the rules of international humanitarian law;

- To ensure access for international organizations, including but not limited to the OSCE and the Council of Europe;

- To reverse consequences of the extension of the legislation of the Russian Federation over the territory of the occupied Autonomous Republic of Crimea and the city of Sevastopol. In particular, expulsion of the Ukrainian citizens, stateless persons and foreigners who have been residing on the territory of the Crimean Peninsula before and after the occupation from this territory;

- To cease the discrimination of the population of the Crimean Peninsula on the basis of the retainment of Ukrainian citizenship. Especially, to cease persecution and repressive actions of the authorities against people loyal to the Ukrainian authorities on the territory of the occupied Crimean Peninsula that brings to the increase of the number of IDPs;

- To cease and to prevent further the policy of the Russian Federation on the transfer of the Russian civilian population from its mainland to the territory of the occupied Crimean Peninsula. In particular, to redress the causes in the form of economic, labour and other incentives suggested by the authorities of the Russian Federation in order to encourage civilian population from the federal units of the Russian Federation to move to the Crimean Peninsula. These actions of the Russian Federation cause change of the demographic situation on the Peninsula and constitute an example of a migration process resulted from the occupation of the Crimean Peninsula. Therefore, such policy of the Russian Federation shall be ceased.

20 September 2018   *Ms Nataliia Ryzhenko*