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Enclosed information material is submitted by Regional Center of Human Rights

Regional Center of Human Rights

Regional Center of Human Rights for the Working Session 8 “Tolerance and non-discrimination I, including equal opportunity for women and men, implementation of the OSCE Action Plan for the Promotion of Gender Equality, violence against women” of the 2019 Human Dimension Implementation Meeting

We would like to attract your attention to the situation with **violations of the rights of female prisoners** in the occupied territory of Crimea. This group of prisoners is a part of the vast problem of human rights violation in custodial settings by Russia in occupied Crimea.

Since the beginning of the occupation of Crimea, the RF collectively naturalized the population of Crimea as well as extended the effect of its legislation on the occupied territories. As a result, thousands of Ukrainian citizens, civil prisoners, were transferred to the custodial settings located in the territory of the RF.

According to the Ukrainian human rights NGOs, **more than 6000 civilian prisoners – Ukrainian citizens – kept in places of detention from Crimea**, and now they are **in at least 75 penal colonies located in 34 regions** of the Russian Federation.

Due to the absence of women's colonies in Crimea, every woman who has been sentenced to imprisonment in occupied Crimea is immediately transferred to serve the sentence from the remand prison in Simferopol to correctional facilities on the territory of the Russian Federation. This was confirmed by the United Nations Human Rights Office of the High Commissioner's (OHCHR) Report in the section VII Human Rights in the Autonomous Republic of Crimea and the City of Sevastopol (May 16 – August 15, 2016). This worsens their situation, because of the poor conditions of Russian penitentiary institutions, in particular, the non-provision of adequate medical care, lack of possibility to communicate with their families and relatives.

According to the aforementioned OHCHR report, the official response of the Federal Penitentiary Service of the Russian Federation for the Republic of Crimea and the city of Sevastopol confirms that between 18 March 2014 and 15 June 2016, **240 such women were transferred** to serve their sentence in the territory of the Russian Federation. The information from the RF penitentiary service requires verification since it seems understated in comparison to more than 6000 transferred prisoners and over 3000 prisoners remaining in Crimea.

Depriving women of the right to serve sentences in the places of deprivation of liberty in the occupied territory and making them do that together with **women citizens of the Russian Federation** is a complete disregard for the occupying state of the peremptory provisions of Article 76 of Geneva Convention IV. Convention explicitly **requires the state to ensure** that such persons serve their sentences in the occupied territory, as well as to ensure separate maintenance of protected persons and citizens of the occupying state.

Moreover, the latest report of the OHCHR on Ukraine provides another example where the Russian Federation authorities transferred a married couple from Crimea to two different penal colonies located in remote areas of Krasnodar and Stavropol Krai. The woman was transferred about 500 kilometres away from her husband and almost 1,000 kilometres away from their two minor children who remained in Simferopol. Such transfer and disruption of family ties also constitute a violation of the European Convention on Human Rights (Article 3 of Protocol No. 4, Article 3 and 8).

Therefore, such treatment of women constitutes discrimination based on sex and violates the article 14 of the ECHR as well as Convention on the Elimination of All Forms of Discrimination against Women (December 18, 1979).

We would also like to note that under the Rome Statute of the International Criminal Court (ICC), unlawful transfer of parts of civilian population (including persons who are kept in custodial settings) from the occupied territory to the territory of an Occupying Power is a discrete kind of war crimes.

Recommendations to the Russian Federation:

- To comply with its obligations under international law as an occupying state, in particular to the rules of the international humanitarian law embedded in the Fourth Geneva Convention of 1949;
- To provide access for the international organizations, including but not limited to the OSCE and the Council of Europe, to the Crimean Peninsula for the further objective analysis of the situation;
- To bring an end to the displacement of female prisoners from the Crimean Peninsula to the Russian Federation who have been sentenced to imprisonment by the authorities of the RF;
- To provide the conditions for female prisoners (to provide the correctional institutions for women) to serve their sentences in Crimea as far as there are no correctional institutions for women in Crimea up to now.