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– Combating racism, xenophobia, and discrimination

Discrimination of Crimean Residents for Non-Possession of Russian Documents Issued Unlawfully by Russia in Crimea and Deportation of Ukrainian Citizens from Crimea

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1. Issue Description

On March 21st 2014 Mr Vladimir Putin, President of Russian Federation, signed the Federal Constitutional Law (hereinafter FKZ) # 6 'On admitting the Republic of Crimea to the Russian Federation and establishing new subjects – the Republic of Crimea and the federal city of Sevastopol – as parts of the Russian Federation'¹. By this law Russia 'legitimized' the annexation of the part of Ukraine – the Autonomous Republic of Crimea and Sevastopol City – after the unlawful occupation of the peninsula. This done, the Russian laws were enforced on this territory, with the citizens of Ukraine living on the unlawfully occupied territory being 'automatically' declared the RF citizens.

The UN General Assembly Resolution of 27 March 2014 affirmed the territorial integrity of Ukraine within its internationally recognized borders². On December 19th 2016 the UN General Assembly condemned the occupation of part of the territory of Ukraine – the Autonomous Republic of Crimea and the city of Sevastopol by the Russian Federation, reaffirmed the non-recognition of its annexation, and stated the worsening of the situation with human rights on the territory of Crimea³.

In disregard of international norms and commitments, the RF is forcing citizens of Ukraine living in Crimea to obtain Russian documents (RF citizen passports, permanent or temporary residence permits, working licenses). The key method of forcing to obtain such documents is a discriminatory policy regarding the citizens of Ukraine who cannot or do not want to obtain the documents issued by the occupation authorities. This policy is implemented through depriving from the opportunity to work, holding such people administratively liable up to a forced deportation from the Crimean territory or a ban on entering Crimea.

The documents issued by the Russian authorities in Crimea are not legal according to the international and Ukrainian laws, since Crimea is a territory of Ukraine. Though forced to receive the Russian citizenship or obtain other Russian documents, many citizens of Ukraine in Crimea do not possess the RF documents for several reasons.

Some citizens of Ukraine who were in Crimea at the moment of occupation had no Crimean residence registration stamp in the Ukrainian passport. Their place of residence was registered in another region of Ukraine though they resided in Crimea on a permanent basis. Without such a registration in Crimea, the RF authorities deny issuing 'a RF passport' in Crimea. This is mainly the issue for those who, being registered in another region of Ukraine, had been living in Crimea at the moment of occupation.

Some citizens of Ukraine who lived in Crimea and were registered there do not want to obtain the RF documents in Crimea because they do not recognize the RF legality to issue the documents on the occupied territory and consider such documents illegitimate.

The citizens of Ukraine face problems with getting not only a RF passport but also other RF documents. Pursuant to FKZ # 6 of 21 March 2014 Article 4, everybody living in Crimea on a permanent basis at the moment of occupation, shall be automatically recognized a RF citizen. This does not refer to those who have filed a statement on citizenship renunciation. Only 4 offices for receiving such statements were opened on the territory of Crimea where over 2mln lived, and there was just a month, until 18th April 2014, to submit the statement. Therefore, even those who intended to submit such a statement were unable to do this because the time was so short and the offices were extremely overloaded.

¹ Federal Constitutional Law 'On admitting the Republic of Crimea to the Russian Federation and establishing new subjects – the Republic of Crimea and the federal city of Sevastopol – as parts of the Russian Federation <http://pravo.gov.ru/proxy/ips/?docbody=&nd=102171897>

² http://www.un.org/en/ga/search/view_doc.asp?symbol=A/RES/68/262&referer=/english/&Lang=R

³ http://www.un.org/en/ga/search/view_doc.asp?symbol=A/RES/71/205&Lang=R

These conditions have resulted in appearing a category of Ukrainian citizens in Crimea who turned out to be in a very vulnerable situation since they do not possess a RF citizen passport or other Russian documents. On one hand, in terms of work, access to a free medical aid or social insurance benefits the RF authorities consider these people as foreigners and demand them to obtain a permanent or temporary RF stay permit. Consequently, in order to be issued such a permit, these residents should not be considered as RF citizens by the occupation authorities.

But, on the other hand, the RF Federal Migration Service staff (FMS) treat them as RF citizens, irrespective to the RF passport possession. Doing this, the FMS officials refer to the fact that such Ukrainian citizens lived in Crimea on a permanent basis at the moment of occupation, i.e. should be automatically considered RF citizens due to the Russian law. However, if a person in 2014 did not apply for retaining the Ukrainian citizenship and lived permanently in Crimea, the FMS rejects them to issue a RF citizen passport. But when such persons apply for a job, ask for medical care or want to open a bank account, they, without a Russian passport, are not considered RF citizens, that means they cannot exercise many rights.

In addition, the fact that the person lived in Crimea on permanent basis is used by the RF FMS bodies to deny issuing a residence permit. They demand first to submit a RF citizenship renunciation statement even if the person has not obtained a RF passport. But when someone tries to submit such a RF citizenship renunciation statement the person has to present a RF citizen passport and a RF personal tax number that are unavailable.

Thus, the citizens of Ukraine who have not submitted a statement on retaining the Ukrainian citizenship to the Russian bodies (that contradicts the international law and Ukrainian legislation) and reside permanently in Crimea cannot be granted a Russian residence permit as foreigners (according to the Russian laws valid de facto in Crimea). Such a situation makes them to ask for a RF citizen passport as the only way to reside permanently in Crimea.

Crimea is a part of Ukraine occupied by the Russian Federation, consequently, the Russian Federation is forbidden to restrict the citizens of Ukraine in Crimea in their civil and social and economic rights by availability of a RF citizen passport issued unlawfully in Crimea.

2. Methodology for information collection

The following sources were used for collecting and assessing the information:

- RF legal and regulative documents valid when the memo was produced;
- Information on the practices of applying the Russian legal norms in Crimea collected from the 'Crimean courts' websites, judgement database of Russian courts – 'JUSTICE State Automated Russian Federation System'⁴ and 'RF court and regulative documents'⁵
- Data received directly from the aggrieved when interviewing and/or receiving the supporting documents
- Data collected by the CHRГ monitors in Crimea.

⁴ <https://bsr.sudrf.ru/bigs/portal.html>

⁵ <http://sudact.ru/>

3. Discrimination of Ukrainian citizens in Crimea when applying for job

One of the consequences of the RF denial to grant equal rights to the Ukrainian citizens who have not received the RF documents and those what have received them is a restriction on employment. The RF authorities treat the Ukrainian citizens without a RF citizen passport in Crimea as foreigners so they are subject to restrictions on finding employment and exercising labour rights.

These restrictions are officially justified by Article 13 of Federal Law # 115 of 25 July 2002 'On a legal status of foreign citizens in the Russian Federation'⁶, that governs labour activities of the foreign citizens in the Russian Federation.

To be employed foreigners should obtain a residence permit, a permanent or temporary stay permit or, if they are unavailable, a labour licence. Such residents are in unequal situation comparing to those who have received the RF citizen passport. However, they all lived permanently on the territory of Crimea and had the equal rights in Ukraine before 2014. Moreover, extending the RF laws on their permanent residence territory did not depend on their will since the territory was occupied.

3.1. Exams on speaking the Russian language and knowing the RF history and RF laws

Federal Law # 115, Article 15-1 states that in order to be granted a permit for temporary stay, a residence card or a labour licence a foreign citizen shall pass an exam on speaking the Russian language, and knowing the RF history and laws. As the RF authorities consider the Ukrainian citizens in Crimea without the RF citizen passports as foreigners they are also demanded to pass first such exams.

This kind of examination creates an indirect discrimination for obtaining the licence for those citizens of Ukraine who do not speak Russian.

3.2. Persecution for violating the Russian legal norms on labour activities of foreigners

When the rules of foreigners staying in the RF, that have been extended by the Russia authorities on the Ukrainian citizens in Crimea, are violated, both employees and employers may be held liable. The liability is governed by RF CoAO (Code of Administrative Offences) Article 18.

3.2.1. Persecution under Article 18.10 'Unlawful labour activities of a foreigner or a stateless person in the Russian Federation'

As at 17 April 2018, a context-based search of court judgements under RF CoAO Article 18.10 in Crimea and in Sevastopol in the 'PRAVOSUDIYE' Russian Federation State Automated System (hereinafter JUSTICE RF SAS)⁷ gives an information on 338 court judgements including 144 rulings on imposing an administrative punishment.

The review of the found judgements shows that in most cases citizens of Ukraine who have come to Crimea or lived in Crimea without a residence registration ('propiska') on the peninsula are persecuted.

You may find below samples of several 'court' judgements from various Crimean regions confirming that persecuting Ukrainian citizens by possession or non-possession a RF citizen passport has become a routine practice for the entire Crimean territory. A punishment amounts for RUR2,000 to 5,000. Apart from the fine, if the Ukrainian citizen has not lived earlier in Crimea on a permanent basis he is subject to a voluntary or forced expulsion from Crimea to the mainland Ukraine.

⁶ http://www.consultant.ru/document/cons_doc_LAW_37868/c137c6f66afe76bc2b195f1d1743662a5fc3d372/

⁷ <https://bsr.sudrf.ru/bigs/portal.html>

On August 15th 2016 Mr D.R.Nasyrov, a ‘judge of Saki District Court of Republic of Crimea’, passed a decree on Case # 5-1068/2016 against Mr. O.N.Vorona, Ukrainian citizen. He was fined for RUR2,000 for renting out rooms in the house owned by him without a labour licence⁸.

On March 16th 2016 Mr. S.G.Smirnov, ‘a judge of Yalta Town Court’, passed a decree on Case # 5-739/2016 against Mr. I.N.Baslov, Ukrainian citizen. He was fined for RUR5,000 with a forced placement into the dedicated facility for temporary holding of foreign citizens in Sochi City (RF) with a further expulsion to Ukraine for working as unskilled worker without a labour licence⁹.

On December 7th 2017 Mr P.V.Kryllo, ‘a judge of Gagarinsky District Court of Sevastopol City’, passed a decree on Case # 5-784/2017 against Ms Olesia Zvorygina, Ukrainian citizen, who resides in Sevastopol. She was fined for RUR2,000 for selling the vegetables without a labour licence¹⁰.

On August 30th 2016 Mr. Ye.G.Rykov, ‘a judge of Sudaksky District Court of Sevastopol City’, passed a decree on Case # 5-294/2017 against Mr. Mekhti Memedov, Ukrainian citizen. He was fined for RUR5,000 with an administrative expulsion to the mainland Ukraine for selling the foodstuffs without a labour licence¹¹.

On February 13th 2018 the ‘Yevpatoriya City Council’ passed 23 rulings together on cases ## 5-48/2018 – 5-70/2018 against 23 citizens of Ukraine. All of them were sentenced to a fine of RUR5,000 with an administrative expulsion to the mainland Ukraine for participation in repairs of local nursery school since they had no labour licence

These examples illustrate that Ukrainian citizens who are self-employed people, without any employer’s involvement, are also persecuted.

3.2.2 Liability of employers for employing Ukrainian citizens without Russian documents in Crimea

When a Ukrainian citizen works at the employer without a labour licence, an employer is taken administrative actions against, too. This administrative fine under RF CoAO Article 18.15 (Unlawful employment of a foreign citizen or stateless person in the Russian Federation) for legal entities ranges from RUR250,000 to 800,000.

As at 17 April 2018, a context-based search of court judgements under RF CoAO Article 18.15 in Crimea and in Sevastopol at the ‘PRAVOSUDIYE’ Russian Federation State Automated System website (hereinafter JUSTICE RF SAS) ¹² gives an information on 2,225 court judgements including 538 rulings on imposing an administrative punishment.

It should be noted that a fine may be imposed on the employer several times for each recorded case of employing a Ukrainian citizen without a labour licence. The fines in such a case may be amount to several millions of roubles.

For instance, on March 15th, 21st, and 28th 2016 ‘the Kievsky District Court of Simferopol’ passed 20 rulings on a fine for RUR250,000 under RF CoAO Article 18.15-1 against FENIKSSTROY Ltd for each case of employing a foreign citizen (Ukrainian citizens were treated by the ‘court’ in Crimea as foreign citizens) without a labour licence.

⁸ https://saki--krm.sudrf.ru/modules.php?name=sud_delo&name_op=case&uid=9FE79300-6E3E-4559-8D07-FBACAE1BCC7&deloid=1500001&caseType=0&new=0&srv_num=1

⁹ https://yalta--krm.sudrf.ru/modules.php?name=sud_delo&name_op=case&id=440653423&deloid=1500001&caseType=0&new=0&srv_num=1

¹⁰ https://gagarinskiy--sev.sudrf.ru/modules.php?name=sud_delo&name_op=case&id=1063773654&deloid=1500001&caseType=0&new=0&doc=1&srv_num=1

¹¹ <http://sudact.ru/regular/doc/wcNzBV6ta3dQ/>

¹² <https://bsr.sudrf.ru/biggs/portal.html>

In addition to the liability for employing Ukrainian citizens without a labour licence, the employers are imposed liability for a failure to report making a contract with a foreigner (Ukrainian citizen) to the RF MIA (Ministry of Internal Affairs) according to Federal Law # 115, Article 13.8. The article requires an employer to send a notice to the RF MIA even if the foreigner has a residence permit, a temporary stay permit or a labour licence.

For instance, on November 6th 2015, 'Leninsky District Court of Sevastopol City' passed a ruling on Case # 5-2399/2015 against ZENIT AVTOTRANS Ltd. The company was fined for RUR400,000 for a failure to notify the employment of citizens of Ukraine, Armenia and Georgia, though, as the ruling states, all of them had residence permits.¹³

Such punishments establish conditions when the employers refuse employing Ukrainian citizen without the documents issued by the RF authorities in Crimea. It is safer for the employers to employ the RF citizens or Ukrainian citizens possessing the documents of occupation authorities.

Therefore, one may say that the RF restricts selectively the peninsula residents for employment and self-employment by availability/ non-availability of documents issued by the occupation authorities, while the RF citizens and the Ukrainian citizens who have obtained the documents of occupation authorities, do not face such problems.

Given that the Russian language exam is to be passed for obtaining a labour licence, this could be considered as national origin discrimination. A political belief based discrimination is seen in the fact that the Ukrainian citizens who do not obtain Russian documents deliberately since they do not consider the RF to be authorized to issue documents on the territory of Ukraine, are deprived of possibility to work in Crimea.

4. Discrimination of Ukrainian citizens in Crimea when applying for medical care

To be provided a free medical care in the RF an obligatory medical insurance policy (OMI police/ 'OMS' in Russian) is required.

Pursuant to Article 10 of Federal Law # 326 of 29 November 2010 'On obligatory medical insurance in the Russian Federation'¹⁴, an OMI police may be granted to:

- RF citizens;
- Foreign citizens and stateless persons residing in the RF on a permanent or temporary basis, namely the foreign citizens and the stateless persons with a residence permit or temporary stay permit on the RF territory;
- Persons entitled to a medical care according to Federal Law 'On refugees'.

The list is limited to these categories, and foreign citizens without the documents mentioned above have no access to a free medical care.

The Russian Federation has extended this law on the occupied territory of Ukraine – the AR of Crimea and Sevastopol City – and treats Ukrainian citizens on the occupied territory without a RF citizen passport as foreigners. Consequently, the Ukrainian citizens in Crimea are not equal in terms of access

¹³ https://leninskiy-sev.sudrf.ru/modules.php?name=sud_delo&name_op=case&_id=90935510&_deloid=1500001&_caseType=0&_new=0&_doc=1&_srv_num=1

¹⁴ https://mzdrav.rk.gov.ru/rus/file/pub/pub_232835.pdf

to the medical care. If a Ukrainian citizen living in Crimea has obtained the documents issued by the RF in Crimea, a free medical care is accessible for him. Otherwise, there is no access.

The Crimean Human Rights Group has received repeatedly statements of the Crimean residents that they cannot visit a doctor because they have no OMI policy. This is applied not only to medical care cases but even for a physician's consultation.

There are announcements in the Crimean out-patient departments that medical care is provided only subject to OMI policy availability.

For instance, on April 20th 2018 a monitor recorded such a notice in the children's out-patient department of Yalta Town:

WHEN APPLYING FOR MEDICAL CARE THE FOLLOWING DOCUMENTS SHOULD BE PRESENTED PURSUANT TO FZ # 323:

1. OBLIGATORY MEDICAL INSURANCE POLICY

2. PERSONAL IDENTIFICATION DOCUMENT OF LEGITIMATE CHILD'S REPRESENTATIVE

ATTENTION! Since 1 January 2015 patients in all town medical establishments will be seen by doctors only subject to presenting an OMI policy. An OBLIGATORY MEDICAL INSURANCE POLICY should be presented for filling an out-patient card.

On April 20th 2018 the monitor snapped away an announcement in the Yalta Town out-patient department '**Patients without an insurance policy shall pay for the visit**'.

On April 23rd 2018 the **Crimean Human Rights Group** monitor **snapped away an announcement** in Kerch City out-patient department '**For visiting a doctor you should bring photocopies and originals of the following documents with you: 1. PASSPORT 2. SNILS¹⁵ 3 MEDICAL INSURANCE.**

It should be noted that there is a list of medicines in the RF that are sold in the pharmacies only against doctor's prescription. Therefore the Ukrainian citizens in Crimea without RF documents may not be granted a free medical care or consulted by doctor as well as receive a doctor's prescription for buying medicines necessary for treatment.

Since lack of RF documents deprive Ukrainian citizens in Crimea of employment and, consequently, incomes as well as access to a free medical care, such people have no access to paid medical care because they cannot be employed.

¹⁵ Personal insurance policy number

5. Persecution of Ukrainian citizens for staying in Crimea without RF documents

The RF considers Crimea as its territory, and treats Ukrainian citizens without RF citizen passport as foreigners. Thus, the Ukrainian citizens living in Crimea without RF documents and not registered in Crimea are persecuted administratively by the RF authorities. Persecution means an administrative fine of RUR2,000 to 5,000 and/or voluntary or forced expulsion from Crimea to the mainland Ukraine.

The review of court judgements in Crimea shows that Ukrainian citizens are mainly persecuted in Crimea for lack of RF documents. This persecution is grounded by RF CoAO Article 18.8 (Violation of rules of entrance to the Russian Federation or stay (residence) regime in the Russian Federation by a foreign citizen or a stateless person).

As at 04 June 2018, a context-based search of court judgements under RF CoAO Article 18.8 in Crimea and in Sevastopol in the 'PRAVOSUDIYE' Russian Federation State Automated System (hereinafter JUSTICE RF SAS) ¹⁶ gives an information on **6,972 court judgements** on imposing an administrative punishment including **4,153 rulings** that were published. The context-based search of court judgements on the JUSTICE RF SAS website, by criterion – judgements on imposing a punishment passed in Crimea under RF CoAO Article 18.8 and containing the word 'UKRAINE' (УКРАИНА) – gave **2,086** positions. So it may be stated that as at 04 June 2018 at least **2,086** judgements have been passed against Ukrainian citizens in Crimea that do not possess RF documents for 'violating the stay regime on the RF territory'.

The CHRГ analyzed 1000 judgements, which showed that **369 rulings** on deportation were issued, including 40 rulings on deportation against persons who had relatives in Crimea or who were in a civil marriage.

The most typical reason for giving a ruling under RF CoAO Article 18.8 in Crimea is 'residing without documents verifying the right to stay in the RF, i.e. non-possession of the documents issued by the RF on the occupied territory of Ukraine by a Ukrainian citizen and 'exceeding the period of stay on the territory of the Russian Federation', even if a person has lived all his life in Crimea.

Many judgements were passed against Ukrainian citizens who had lived in Crimea before the occupation and had not received Russian documents. It should be noted that the RF authorities, according to Federal Constitutional Law # 6 treat them as RF citizens, though the 'judges' in Crimea subordinate to the RF authorities disregarded this law provisions. Several illustrations are given below.

On December 23rd 2016 'Nakhimovsky District Court of Sevastopol' passed a judgement on Case # 5-428/2016 against a resident of Yevpatoriya who had not obtained the RF documents. He was imposed a fine of RUR2,000 and sentenced to deportation despite his request not to be deported from the peninsula.

On October 13th 2016 'Razdol'noye District Court of Republic of Crimea' passed a judgement on Case # 5-653/2016 against a Crimean resident who had not obtained the RF documents. He was imposed a fine of RUR2,000 and sentenced to deportation

On October 3rd 2017 'Yalta Town Court' passed a judgement on Case # 5-791/2017 against Mr. Sergey Fedorov, a resident of Yalta, who did not have a migration card. Mr. Fedorov explained that he had been permanently living in Crimea for several years and was unable to obtain a migration card. He was sentenced to a fine of RUR2,000 and deportation

¹⁶ <https://bsr.sudrf.ru/bigs/portal.html>

On October 4th 2017 'Nakhimovsky District Court of Sevastopol' passed a judgement on Case # 5-272/2017 against Mr. Aleksandr Kas'yanov, a Sevastopol resident. He was charged with violating a stay regime, i.e. lack of RF documents. Mr. Kas'yanov informed that he had been living in Sevastopol for 10 years already, lived with a partner and had minor children. He was sentenced to a fine of RUR2,000 and deportation despite his family in Crimea

On October 3rd 2017 'Balaklavsky District Court of Sevastopol' passed a judgement on Case # 5-118/2017 against Mr. A. Gaydukevich, a Sevastopol resident. He was charged with violating a stay regime, i.e. lack of RF documents. Mr. Gaydukevich informed that he had been living in Sevastopol since 2011, lived with a partner and had a daughter. He was sentenced to a fine of RUR2,000 without deportation

On April 26th 2016 'Armiansk Town Court' passed a judgement on Case # 5-179/2016 against Mr. R.Marchenko, an Armiansk resident. He was charged with a lack of migration registration. Mr. Marchenko informed that he had been living in Crimea since 2012 and had not obtained RF documents. He was sentenced to a fine of RUR2,000 without deportation

On October 18th 2016 'Armiansk Town Court' passed a judgement on Case # 5-280/2017 against Ms. A. Skliar, an Armiansk resident. She was charged with violating a stay regime, i.e. lack of RF documents. Ms. Skliar informed that she had been living in Crimea since 2013. She was sentenced to a fine of RUR2,000 without deportation

On October 3rd 2017 'Leninsky District Court of Sevastopol' passed a judgement on Case # 5-376/2017 against Mr. Dmitriy Morozov, a Sevastopol resident. He was charged with violating a stay regime, i.e. lack of RF documents. Mr. Morozov informed that he had been permanently living in Sevastopol but had been de-registered because the house had been sold. He was sentenced to a fine of RUR2,000 without deportation

On October 5th 2017 'Leninsky District Court of Sevastopol' passed a judgement on Case # 5-381/2017 against Mr. Aleksey Dotsenko, a Sevastopol resident. He was charged with violating a stay regime, i.e. lack of RF documents. Mr. Dotsenko was sentenced to a fine of RUR2,000 with deportation

On October 16th 2017 'Krasnogvardeysk District Court' passed a judgement on Case # 5-510/2017 against Mr. A.Makhortov, a Crimean resident. Mr Makhortov had been living on a permanent basis at his aunt's since November 2013. He was sentenced to a fine of RUR2,000 with deportation

On October 14th 2016 'Tsentralny District Court of Simferopol' passed a judgement on Case # 5-2280/2016 against Mr. G.Dubrovsky, a Simferopol resident¹⁷. He was charged with violating a stay regime, i.e. lack of RF documents. He informed that he had been living in Crimea on a permanent basis, got married and had a small daughter. He was sentenced to a fine of RUR3,000

The other part of judgements was passed against Ukrainian citizens who arrived in Crimea after the occupation to their relatives or returned to Crimea after living in other regions of Ukraine. In such cases the fines are imposed with or without deportation. He was sentenced to a fine of RUR2,000 without deportation

On October 17th 2017 'Feodosiya City Court' passed a judgement on Case # 5-394/2017 against Mr D.Ivaniuscheko, a Feodosiya resident. He was charged with violating a stay regime, i.e. avoiding the departure from Crimea. Mr. Ivaniuschenko informed that due to his studies in the professional college he had not been in Crimea and had been registered for the period of studies in Odesa. With the studies

¹⁷ https://centr-simph--krm.sudrf.ru/modules.php?name=sud_delo&name_op=case&id=199411827&deloid=1500001&caseType=0&new=0&doc=1&srv_num=1

finished, he had returned to Crimea and was living with his mother in Feodosiya. He was sentenced to a fine of RUR2,000 without deportation

On October 23rd 2017 'Gagarinsky District Court of Sevastopol' passed a judgement on Case # 5-687/2017 against Mr. D.Matveyev, a Sevastopol resident. He was charged with avoiding the departure. He confirmed that he had arrived in Crimea after the occupation, but his wife, his child and his parents lived in Crimea. Nevertheless, Mr Matveyev was found guilty and sentenced to a RUR2,000 fine and expulsion

Ukrainian citizens who have obtained a residence permit or a temporary stay permit in Crimea from the RF occupation authorities are persecuted, too. They are to report regularly to the supervising bodies, and if they miss a scheduled report, they are also persecuted under RF CoAO Article 18.8 and imposed a fine.

For instance, on October 4th 2017 'Krasnogvardeysk District Court of Republic of Crimea' passed a judgement on Case # 5-498/2017 against Mr. Anatoliy Volik, a Crimean resident. He, possessing a residence permit, failed to inform in time the Russian authorities on his residence. Mr. Volik was imposed a RUR2,000 fine

Due to a great number of judgements passed in Crimea under RF CoAO Article 18.8, the Crimean Human Rights Group has used a random selection of judgements representing three time periods: October 2016, December 2016, and October 2017 - for illustration.

In addition to searching the judgements at the websites of 'courts' acting in Crimea and official collections of RF court decisions, the Crimean Human Rights Group contacted directly one of the victims. The information of **Mr. Aleksandr Koval'chuk, Ukrainian citizen**, illustrates how in fact a decision on deporting is taken.

Mr. Aleksandr Koval'chuk informed the CHRГ that he had been permanently living in Yalta since 2011. In his Ukrainian passport he had Kyiv City registration stamp. Since September 2014 he had been trying – though without any success – to prove a fact of his staying in Crimea at the moment of occupation at the courts. A 'judge' considered the testimony of next-doors and utility payment receipts an insufficient evidence. When Mr Koval'chuk failed to verify his staying in Crimea at the court, two FSB men came to his home in Yalta on November 16th 2017. They informed him that he could not stay in Crimea with a Ukrainian passport and demanded to go with them to the migration department. There a report on violating CoAO Article 18.8-1.1 was drawn on him. The FSB men stated that Mr. Koval'chuk had crossed the border between the RF and Ukraine in the Bryansk Region in 2016, though he claims that this did not happen and he did not leave Crimea. Next day – on November 17th 2017 a 'judge of Yalta Town Court' passed a judgement on Case # 5-926/2017 on a voluntary self-expulsion of Mr. Koval'chuk¹⁸. Before the court session the lawyer informed Mr Koval'chuk that if he did not plead guilty he would be detained and expelled forcedly without taking his belongings with him. The Crimean Human Rights Group has an original of Mr.Aleksandr Koval'chuk's evidence and a copy of judgement on his expulsion.

¹⁸ https://yalta--krm.sudrf.ru/modules.php?name=sud_delo&name_op=case&id=924680014&deloid=1500001&caseType=0&new=0&sv_num=1

6. Conclusions

The facts presented above illustrate that the Russian Federation is implementing a consistent discrimination policy against the Ukrainian citizens who do not possess RF documents, on the occupied territory – the AR of Crimea and Sevastopol City.

Discrimination consists in depriving of possibility to work officially without RF documents, depriving of right to a free medical care without OMI policy. Lacking opportunity to work, the Crimean residents have a reduced capacity without RF documents to be cured for payment.

In addition to the abovementioned restrictions, the RF authorities persecute administratively the Ukrainian citizens who do not possess RF documents on the occupied territory of Ukraine. An administrative persecution consists in imposing fines and deporting such people from the territory of Crimea – a permanent residence place of these people. Examples of court judgements prove that a judgement on deportation is passed even when a Ukrainian citizen has strong social connections in Crimea. A reason for this persecution is 'lack of documents required for staying on the RF territory' and 'staying over the maximum time limit on the RF territory'.

Crimea is a territory of Ukraine, and the RF is committed to establish equal conditions for Crimean residents as state controlling the territory. Then, imposing restrictions on the Ukrainian residents as if on foreigners, by the RF authorities in Crimea constitutes a violation of international law provisions. A foreign state shall not limit rights and freedoms of the citizens staying on the territory of their own state. Such restrictions of the RF should be considered not as distinctions related to citizenship but as discrimination by national origin and political beliefs as well as by presence of documents issued unlawfully by Russia in Crimea.

The illustration presented confirm that the Russian Federation violates a right to free movement and residence, right to labour and a free job selection, right to health care, medical aid, social security and social services established by the International Convention on the Elimination of All Forms of Racial Discrimination, Article 5.

7. Recommendation to the Russian Federation

The RF as occupying power shall ensure such conditions on the occupied territory of Ukraine when non-possession of any Russian Federation documents by Ukrainian citizens would not constitute a reason for restricting their civil, social or economic rights.



**CRIMEAN
HUMAN RIGHTS
GROUP**

The Crimean Human Rights Group (CHRG) is an initiative of Crimean human rights defenders and journalists aimed at supporting the observance and defense of human rights in Crimea through attracting a wide attention to the issues of human rights and international humanitarian law on the territory of the Crimean Peninsula as well as searching and elaborating instruments for defending human rights in Crimea.

The CHRG follows principles of fairness, accuracy and timeliness in preparing and distributing the information. The CHRG team is composed of experts, human rights defenders and journalists from various countries who have been participating in monitoring and documenting violations of human rights in Crimea since February 2014. The CHRG pays a major attention to the human rights violations due to the unlawful actions of the Russian Federation in Crimea.