

## Submission of the Human Rights Center ZMINA

to the Special Rapporteur

on the rights to freedom of peaceful assembly and of association

for his report to be presented at the 75th session of the General Assembly

*This submission focuses on conditions in which female human rights defenders and Crimean Tatar activists operate in the occupied Crimea.*

*Following the occupation of the peninsula by Russian Federation in 2014 the space for independent civil activism has been shrinking with continuous repression of dissent, persecution of human rights defenders, journalists and pressure on ethnic, linguistic and religious minorities.*

*Facing threats and reprisals after occupation of Crimea in 2014 many local human rights defenders, among them many women, were forced to leave their homes (including **Oleksandra Dvoretzka, Alyona Luniova, Valentyna Potapova, Daria Svyrydova, Olga Skrypnyk, Iryna Sedova, Maria Sulialina** and others). However, despite being outside of Crimea, they help protect the rights of people, who stayed on the peninsula and provide assistance to the internally displaced persons in Ukraine.*

*At the same time people who had not been active members of civil society prior to the occupation could not remain indifferent and, staying in Crimea, become human rights defenders and get involved in collecting and documenting human rights violations, informing the authorities and international organizations of those violations so that the crimes of the occupying authorities do not go unpunished.*

*Representatives of the indigenous Crimean Tatar community appear to be among the biggest victims of the occupying power. As of June 11, 2020 the coalition of human rights organizations that monitor and document human rights violations in the occupied Crimea since 2014 recognize at least 94 Ukrainian political prisoners who are illegally detained in either Crimea or Russian Federation. Among them a clear majority of 71 individuals are Crimean Tatars. The repressive policy of targeting the most active and prominent leaders of the community has led to a phenomenon of Crimean Tatar female activists, including wives of the political prisoners taking a leading role in providing legal, humanitarian help as well as advocacy and media coverage of existing persecutions in Crimea.*

*This phenomenon dwells on the rarely studied heritage of Soviet-time female activism among Crimean Tatars. Yet the harsh realities of the post-occupation Crimea in 2014-2020 have triggered an unprecedented degree of involvement from Crimean Tatar women and girls. As the severity of repressions grows, the dedication of female activists and human rights defenders gets stronger too.*

*As it was stated by the international human rights mission to Crimea conducted by the representatives of the Human Rights Houses from Azerbaijan, Belarus and Ukraine in September 2018<sup>1</sup>, **women are becoming increasingly active in Crimea, therefore more and more of them are being prosecuted.** The Mission met with the relatives of people who have been detained and imprisoned by the Russian authorities, including many*

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<sup>1</sup> <https://humanrightshouse.org/wp-content/uploads/2018/12/web-Crimea-breaking-the-wall-of-silence.pdf>

wives, mothers and relatives of political prisoners. Some of the women came to the meetings with their children because they had no one to take care of them (many of the fathers of the children are in prison). They all spoke of the hardships and discrimination they endured.

The Human Rights Houses mission observed in Crimea that it is difficult for families to communicate with their relatives in prison and obtain visits, and often the only way to obtain information on their loved ones is through their lawyers. The procedure to request a visit is complicated; the investigator of the case must send a letter to the pre-detention center (SIZO), and families must come in person to the SIZO to enquire whether the authorisation has been granted. No information is provided over the phone, and requests with mistakes are rejected with families having to re-start the whole procedure. Examination of cases are lengthy and drag on, and relatives feel the refusal to visit as a form of psychological pressure. They have to travel long distances for visits or to attend trials, particularly when these have been transferred to the territory of the Russian Federation, to Rostov-on-Don. Women spend a long time on the road to obtain permissions for visits and to bring food parcels to the prison, leaving little time to care for the family. Children in particular suffer from the consequences of persecution and detention of their parents. The mission heard that some children had not seen their fathers for more than a year, and sometimes experience bullying in school linked to their parents. Children who have experienced such situations need psychological support. As one of the mothers told the mission, “They will remember this all their lives”. In addition, the families and wives of political prisoners face economic hardship, especially as detainees are on the Russian “list of extremists and terrorists”. Families also have difficulties accessing social services. In numerous cases, relatives have lost their jobs following the arrest of their family members, with the people making these decisions “not wanting to have problems”. Also some women have problem when they cross administrative border with the mainland Ukraine. As reported by OHCHR, seven Crimean Tatar women, all spouses of men under criminal prosecution in Crimea, were detained and interrogated for several hours when returning from the mainland in November 2017<sup>2</sup>. However, many people in Crimea privately express their support to these families, and also help them materially.

This submission is also specifically featuring stories of three Crimean Tatar human rights defenders: **Lilia Hemedzhy, Mumine Saliyeva and Lutfiye Zudiyeva**. All three of them are remaining in Crimea despite growing threats to their safety and all three are actively involved in providing legal, advocacy and humanitarian assistance to the victims of the repressions and to their families.

**I-3)** Unlike mainland Ukraine, where Ukrainian legislation guarantees every citizen to assemble peacefully without requiring any permission (Art. 39 of Ukrainian Constitution) occupied Crimea is subject to unlawful application of Russian laws that require citizens to request permission for peaceful assembly. Between 2014 and 2020 this has led to numerous instances of Crimeans (mainly Ukrainian and Crimean Tatar activists) being denied their right to peacefully assemble under various politicized pretexts. In May 2020 Lutfiye Zudiyeva, a female Crimean Tatar human rights activist, affiliated with the Crimean Solidarity initiative was among more than 60 Crimean Tatar activists and human rights defender who were formally warned<sup>3</sup> by the de facto police forces in Crimea not to participate in any assemblies related to annual commemoration of 1944 deportation of Crimean Tatars.

Lutfiye Zudiyeva started her activism prior to occupation, being involved in “Muslim women league Insaf”. The league focused on helping adapting the needs of Muslim women (e.g. wearing of the headscarf at photoshoot for ID) to the norms of the predominantly non-Muslim population of Autonomous Republic of

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<sup>2</sup> <https://www.ohchr.org/en/countries/enacaregion/pages/uareports.aspx>

<sup>3</sup> <https://www.facebook.com/watch/?v=218351059465868>

Crimea. Lutfiye recalls this early stage of her activism as free of stress and definitely free of any safety risks. Russian occupation of the peninsula in the beginning of 2014 was immediately followed with aggressive wave of searches, arrests, abductions and tortures of Crimean Tatars (among other cases – abduction of Ervin Ibrahimov, torture and murder of Reshat Ametov). This triggered Zudiyeva’s dedication to combating the injustice that Crimeans had to now face. In January of 2016 Lutfiye’s own kids education center was searched by numerous law enforcement units of the occupant administration (including Federal Security Service and Police). Her father was arrested for three days. The 2016 “Yalta group” arrests brought the understanding that a systematic protection of people needs to be organized. Crimean Solidarity initiative, focused on providing legal and humanitarian help to victims of repression and families of political prisoners was established in April 2016. With the efforts of Nariman Memedeminov and Server Mustafayev (Crimean Solidarity coordinators, now both detained by the occupation authorities and recognized by the human rights organisations as political prisoners) the movement grew fast. In 2019 Lutfiye was arrested by the occupational authorities alongside other Crimean Tatar activist Mumine Saliyeva, was subject to interrogation and later release the same day.

Despite the emotional and physical fatigue that she cites, Lutfiye Zudiyeva believes she will stay a human rights activist for life even after the occupation ends and justice is restored. Lutfiye believes the 2014-2020 Crimean Tatar female activism is seen as phenomenal by outsiders only because of the stigmatizing stereotypes about Muslim women as ‘passive’ and ‘family-focused’.

Since all three women featured in this submission are simultaneously human rights activists and practicing Muslims there are instances of mismatch between the work that they do and the social norms, particularly among the representatives of law-enforcement of the occupant administration in Crimea. Lilia Hemedzhy, a barrister, lawyer and human rights activist admits that because of the headscarf she often receives confused looks from judges, prosecutors and court personnel. Because of the stereotypes a Muslim woman is viewed as a person who normally either needs help or needs to be treated with suspicion and definitely not as somebody, who could be a barrister. The stereotypical treatment, which sometimes may lead to the need to defend one’s rights with extra efforts, is also cited by Lutfiye Zudiyeva.

Lilia Hemedzhy<sup>4</sup> started her human rights activism in 1998, a recent returnee from place of her family’s deportation, she was providing legal advising services to Crimean Tatars who were returning to Crimea from Uzbekistan and Russia and needed to apply for Ukrainian citizenship. Lilia then became a mother of three children with lengthy maternity leave and only occasional freelance involvement in legal consultancy. The repression of dissent that followed the occupation in 2014 motivated Lilia to dive into full-time protection of victims of state oppression. Hemedzhy admits the emergence of post-occupation persecution of people with deviant political views and religious beliefs was the point of no return for her. Subsequently she became one of the symbols of Crimean Tatar resistance to occupation defending many of the political prisoners and activists. Apart from helping political prisoners Lilia is training human rights activists on proper conduct in prosecutor’s office and courts, advises those Crimean men who do not wish to be drafted to Russian army (a continuous gross violation of international humanitarian law, documented in UNHCHR reports, including the quarterly report in February 2020<sup>5</sup>). In 2018 Lilia Hemedzhy in cooperation with Human Rights Center ZMINA issued “safety note cards” that listed the most needed instructions on how to act during a search, arrest or in court or interrogation for human rights activists. These cards were then distributed among many Crimean Tatar

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<sup>4</sup> See also story of Lilia Hemedzhy [https://zmina.ua/content/uploads/sites/2/2019/05/crimeanalbum-booken\\_web.pdf](https://zmina.ua/content/uploads/sites/2/2019/05/crimeanalbum-booken_web.pdf)

<sup>5</sup> [https://www.ohchr.org/Documents/Countries/UA/29thReportUkraine\\_EN.pdf](https://www.ohchr.org/Documents/Countries/UA/29thReportUkraine_EN.pdf)

activists. A hotline for reports of violations was also opened in 2018. In January 2019 Lilia Hemedzhy obtained a barrister license.

**4-5a)** Human Rights Center ZMINA has been continuously cooperating with Crimean human rights defenders and Crimean Tatar human rights activists, including those who are women and girls. In September 2018 representatives of Human Rights ZMINA (back then under the old name Human Rights Information Center), as part of the Human Rights Houses Mission, traveled to occupied Crimea and met also with the female activists and families of political prisoners. The mission report “*Crimea: Breaking the Wall of Silence*”<sup>6</sup> mentions the difficulties that many of the wives of political prisoners face since they have to combine regular visits to court and prisons with raising children and sustaining family materially. The book “*Crimean Album: Stories of Human Rights Defenders*”<sup>7</sup> contains evidence and memories of Crimean human rights defenders including their work experience before and after the occupation. There are twenty personal stories about the past, present and future of people, who continue to fight for the protection of human rights in Crimea even after losing their home, as well as those, who oppose reprisals living under the occupation. Among them female human rights defenders – Olga Anoshkina, Oleksandra Dvoretzka, Lilia Hemedzhy, Alyona Luniova, Valentyna Potapova, Anna Rassamakhina, Daria Svyrydova, Olga Skrypnyk, Iryna Sedova, Tamila Tasheva, and Maria Sulialina.

**5b)** Lack of safe access to peninsula remains the greatest barrier for Human Rights ZMINA in our cooperation with the Crimean Tatar activists and Crimean human rights defenders, including those who are women and girls. With majority of independent human rights organizations having to leave Crimea because of security risks and independent media being systematically blocked in the peninsula, it is increasingly difficult to access Crimea for proper monitoring or training. The United Nations Human Rights Monitoring Mission and OSCE Special Monitoring Mission to Ukraine both did not have access to Crimea ever since occupation happened.

**6a)** Continuous diplomatic, political and economic pressure on Russian Federation when it comes to human rights issues works. Mentioning the names of political prisoners, of human rights defenders and their organizations in resolutions, official and informal communication, appointing rapporteurs on situation with freedom of assembly and association, freedom of media, rights of human rights defenders etc, - these are all needed and anticipated measures.

**6b)** Crimean Tatar female activists are exceptionally well-equipped and dedicated voices of their community. Mumine Saliyeva is an activist of Crimean Solidarity initiative. Her husband and the father of their four children Seyran Saliyev is a political prisoner, who has been illegally detained by Russia since October of 2017. A citizen journalist and streamer for the Crimean Solidarity movement, he has been accused of links to a religious group that Russia defines as extremist. Mumine Saliyeva has since become an advocacy legend, traveling extensively and demanding freedom for all of the political prisoners.

Prior to occupation in 2014 Mumine had no plans of becoming a human rights advocate. Instead she wanted to pursue her academic career in economics (Mumine Saliyeva was a lecturer in Crimean engineer pedagogical university in Simferopol). For Mumine her activism is not a career but rather way of life now. She says she cannot imagine her life without activism anymore and feels it is her duty before Crimean Tatar community and before humanity. Her activism motivated her to begin studies in international journalism (National University “Odesa Law Academy”). Mumine Saliyeva was arrested in April 2019 alongside Lutfiye Zudiyeva. They were released after an interrogation later on that day. Both activists claim the arrest was merely a way for the

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<sup>6</sup> <https://humanrightshouse.org/wp-content/uploads/2018/12/web-Crimea-breaking-the-wall-of-silence.pdf>

<sup>7</sup> [https://zmina.ua/content/uploads/sites/2/2019/05/crimeanalbum-booken\\_web.pdf](https://zmina.ua/content/uploads/sites/2/2019/05/crimeanalbum-booken_web.pdf)

occupant administration to spread fear among the female Crimean Tatar activists. Mumine Saliyeva claims the opposite effect could be observed.

In an interview conducted by Human Rights Center ZMINA with Mumine Saliyeva in the process of preparation of this submission, the activist mentioned her recent conversation with her illegally detained husband Seyran Saliyev during one of the rare meetings. She told her husband that her dedication to human rights protection is so strong she could not imagine leaving Crimea for safety or any other reasons. She wants to continue helping people oppressed by the state. Mumine said her husband Seyran has supported her decision and promised to continue supporting her. Human rights activism of Crimean Tatar women and girls in 2014-2020 has definitely stood out as true phenomenon, breaking stereotypes, transforming fear into resistance and dedication and inspiring fellow women within the Crimean Tatar community as well as many others.

**6c)** Active participation and leadership of women like Lutfiye Zudiyeva, Mumine Saliyeva and Lilia Hemedzhy in initiatives like Crimean Solidarity and Crimean Childhood (an initiative helping the children of political prisoners) will continue to shape a more favorable role for women and girls both in Crimean Tatar community and among other communities in Ukraine. However, the growing persecution of dissent in Crimea by Russian Federation and occupant administration means these activists need the vocal and persistent support and advocacy on international arena.

*About the authors of the submission: Human Rights Centre ZMINA is a Ukrainian human rights organization, the purpose of which is to promote human rights, rule of law and values of civil society in Ukraine. In March 2014, together with Russian and Crimean human rights activists, organisation participated in the Crimean Field Mission for Human Rights (CFM), the only international human rights civil initiative, which worked in Crimea on a permanent basis. After the Federation Council included CFM in the so-called «patriotic stop list» in summer 2015, it was forced to stop working in Crimea because of the risk of criminal prosecution of its monitors. Since then, ZMINA has continued monitoring the situation regarding freedom of speech and expression in Crimea, cooperating with local activists, and supports Crimean journalists and human rights defenders. The organization is engaged in informational, analytical work and advocacy of human rights topics in Crimea at the national and international arena.*

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