

WHAT SHOULD BE DONE BY THE POWER TO REINTEGRATE THE RESIDENTS OF CRIMEA TEMPORARILY OCCUPIED TERRITORY?

Overview of situation in Crimea

The armed aggression of the Russian Federation against Ukraine began in 2014 with the occupation of the territories of the Autonomous Republic of Crimea and the city of Sevastopol, when the Russian Federation established effective control over the peninsula.

When a large-scale armed aggression against Ukraine had started in February 2022, the Russian Federation transformed the Crimean Peninsula not only into one of the major military bases, but also into an entire site of unfreedom. Ukrainian prisoners of war and civilian hostages are being held in Crimea, and Ukrainian children from territories occupied after February 24, 2022, are forcibly relocated there.

Ukrainian citizens are being persecuted in Crimea for their political views, opposition to the occupation, and religious affiliation. On the eve of the full-scale invasion, at least 116 citizens of Ukraine were held in sites of unfreedom due to politically motivated criminal persecutions. Today, **at least 160 citizens of Ukraine** are behind bars for political reasons. Among them are journalists such as Vladyslav Yesypenko, Osman Arifmemetov, Iryna Danylovyh; Crimean Tatar public figures such as Nariman Dzhelial; Ukrainian activists such as Bohdan Ziza, Halyna Dovhopolova, Oleh Prykhodko. Furthermore, the **Crimean residents** are being administratively **persecuted for any demonstration of pro-Ukrainian position, even for singing Ukrainian songs**.

2022 became a year of intensifying curtailment of freedom of speech and persecution of journalists in Crimea. After March 4, 2022, criminal liability for so-called “fakes” about the actions of the Russian army in Ukraine (new Article 207.3 of the Criminal Code of the Russian Federation) was enforced. Thus, the numerous politically motivated persecutions under articles for “extremism” and “terrorism”, under which Crimean residents had been already tried, were completed with **new articles for “discrediting the Russian army”**.

A campaign of forced mobilization into the ranks of the armed forces of the Russian Federation continues in the occupied Crimea. Though forcing citizens of the enemy side to participate in hostilities against their own country constitutes a war crime, the Russian Federation has conducted **17 conscription campaigns** and forcibly conscripted **at least 43,000 Crimeans** into the ranks of its armed forces during the occupation period. This figure does not include the number of people mobilized in Crimea after the decree of the President of the Russian Federation dated September 21, 2022 “on ‘partial mobilization’”.

The occupation authorities of the Russian Federation keep on militarizing the educational system in the territory of the Crimean Peninsula. Russia has been implementing the policy of militarization through patriotic education instrument both in educational institutions and during informal events initiated, in particular, by numerous children's and youth organizations. As of 2022, **the number of YUNARMIA (Young Army) detachments in Crimea and the city of Sevastopol was over 874**, with a total membership of **more than 30 thousand children**. An additional danger is caused by the fact that in the case of the Russian Federation, patriotism and civic responsibility are inextricably linked with militarism and service in its armed forces. The aim is to motivate children most of whom are citizens of Ukraine, to fulfill their "civic duty" serving as military for the Russian Federation. Such actions meet the criteria of political indoctrination prohibited at the international level as well as violation of international humanitarian law in the context of propaganda for enrolling voluntarily the armed forces of the occupying power.

Governmental policy of Ukraine regarding the temporarily occupied Crimea and its residents

In March 2021, the President of Ukraine approved the Strategy for De-occupation and Reintegration of the Temporarily Occupied Territory of the Autonomous Republic of Crimea and the City of Sevastopol. This document presents guidelines and prioritized aspects for the reintegration of the temporarily occupied territory of Crimea. With the start of the large-scale invasion, this strategy was not revised considering new challenges that arose in 2022.

This said, when the large-scale invasion had begun, the national declarative political course to liberate the Crimean Peninsula by "political and diplomatic" instruments was sweepingly changed: the territory of Crimea shall be returned by military actions that creates both additional risks and opportunities, since this is obviously the only realistic way to de-occupy the peninsula. However, in addition to issues of military tactics and strategy, the getting on prospect of de-occupying the territory of Crimea gives rise to many matters regarding the ways and forms of reintegrating the peninsula residents into the legal, educational, cultural, and information spaces of Ukraine.

In 2022-2023, several documents affecting the Crimea occupied territory residents were adopted in Ukraine. For instance, amendments to the Criminal Code of Ukraine approved in March 2022, criminalized acts of collaboration, i.e., cooperation with the occupation authorities. The relevant article – 111-1 of the Criminal Code – is worded so that the principle of legal certainty is violated. This might cause bringing the substantial number of Crimean residents to criminal responsibility for teaching/ lecturing in educational institutions in the occupied territory, for serving at any positions in the occupation authorities, for carrying out any business, etc. Such an approach can adversely affect the mood of the Crimeans and their perception of peninsula de-occupation prospect.

In November 2022, Law of Ukraine "On Social and Legal Protection of Persons Deprived of Personal Freedom as a Result of Armed Aggression Against Ukraine, and Their Family Members" entered into force. It has determined the legal status of such victims and introduced mechanisms for the families of persons who are in captivity as a result of aggression, or those who were released from Russian captivity, to receive financial aid from the Ukrainian government. A mechanism for reimbursing the costs of professional legal assistance to those in custody has also been activated.

In 2022-2023, several draft laws were registered, for instance, on implementing the administrative procedure for recognizing the facts of birth and death, marriage and divorce that occurred in the occupied territories (bill no 9069), on paying pensions to Crimeans (bill no 9453), on mechanism of verifying educational qualifications obtained during the occupation (bill no 9591). These draft laws are now being considered by relevant parliamentary committees.

In addition, the Representative Office of the President of Ukraine in the Autonomous Republic of Crimea, together with experts, has developed a list of immediate government actions after the de-occupation of the Crimean Peninsula that includes a vision of key issues related to the restoration of Government of Ukraine control over the de-occupied territory, verification of documents that were issued by the Russian occupation authorities; the issues of property, humanitarian and information recovery, general approaches to responsibility, amnesty and lustration, etc. The document has not been made public yet, since consultations with various target groups are still in process.

Recommendations

- 1. To develop and adopt an overall vision for reintegration of the temporarily occupied territories, including the Autonomous Republic of Crimea and the City of Sevastopol.** Though the prospect of liberating the territories occupied since 2014 is getting on, the national overall vision for reintegrating these territories into the legal, educational, cultural, and information spaces of Ukraine does not exist. The experience obtained on de-occupying the part of the territories of Ukraine after the full-scale invasion highlights significant risks of new conflicts between communities and within communities, which could potentially escalate into security threats. These are both long-standing and traditional culture- and folkway- based conflicts, autonomy status-based conflicts, conflicts originated from the different views on the international geopolitical course of the country's development, etc., and relatively new conflicts between those who actively resisted the occupation and those who were influenced by Russian propaganda. These issues should be addressed against the comprehensive vision of reintegration goals and objectives, based on general principles of respecting human rights, and with transitional justice approaches applied.
- 2. To establish a proper mechanism of supporting the persons deprived of freedom as a result of armed aggression against Ukraine, and their families though provision of consistent aid.** Law of Ukraine "On Social and Legal Protection of Persons Deprived of Personal Freedom as a Result of Armed Aggression Against Ukraine, and Their Family Members" provides for not only monetary, but also medical and rehabilitation aid. However, these types of aid are not now available for the victims, because the government has not developed and approved relevant regulations on their providing yet.
- 3. To support establishing an efficient international mechanism to identify civilian hostages, release them and return to the Ukraine controlled territory.** With the start of the full-scale invasion, tens of thousands of citizens have become civilian hostages and are kept in unlawful sites of unfreedom in the occupied territories or in the Russian Federation. The current exchange processes between Ukraine and the Russian Federation are for POWs, while in case of civilians (including political

prisoners) there are no effective mechanisms for their release and return as well as for their data verification and monitoring of their places of detention. Ukraine should become pro-active and initiate international consultations to seek and establish such mechanisms.

- 4. To introduce an extrajudicial procedure for recognition of acts of civil status (birth, death, marriage and divorce) that occurred in the occupation.** At present, there is only a judicial procedure, which is especially complicated in the situation when leaving the occupied territory of Crimea is impossible. Thus, for example, only every tenth child born in the occupied Crimea has a Ukrainian birth certificate. Adopting the draft Law “On Amendments to Certain Legislative Acts of Ukraine Regarding the Peculiarities of State Registration of Civil Status Acts Occurred in the Territory of Ukraine Temporarily Occupied by the Russian Federation and Outside Ukraine” (bill no 9069) would allow for establishing an administrative procedure to recognize acts of civil status that occurred under the occupation.
- 5. To develop a strategy for educational integration of the occupied Crimea residents.** It is necessary to establish conditions for remote education of children who are currently in Crimea as well as to lay foundation for the future restoration of the Ukrainian education system in the de-occupied territory of Crimea. Therefore, it is important to have both a vision document in this sphere and a step-by-step implementation plan developed. It should include a “revision” of access to education for residents of the temporarily occupied Crimea, and a worked-out system to overcome the difference between the educational system of the occupying power and Ukraine. The issue of reintegrating children and youth from the occupied territories should be in focus at all stages of the general secondary education reform.
- 6. To change approaches to bringing to criminal responsibility for cooperation with the occupational authorities (collaboration) given an ongoing occupation of Crimea territory.** Investigative and judicial practice in the context of mass war crimes committed by the Russian Federation should be focused on international crimes and crimes against national security with the most serious consequences. At the same time, it is worth bringing to criminal responsibility for living and working in the occupation, which has been ongoing since 2014, the persons whose actions ensured the establishment of the occupation regime and whose activities adversely affected the State of Ukraine. It is also advised that lustration procedures be developed and adopted to bar discredited persons from public offices after de-occupation, to build up trust in the bodies and structures being created, with a possible engagement of the locals.
- 7. To establish a platform for drafting and discussing laws aimed at further reintegration of the de-occupied Crimea territory at the Parliament of Ukraine.** Since the start of large-scale armed aggression against Ukraine in 2022, the Parliament of Ukraine (Verkhovna Rada) has become less open for civil society representative. However, it is the Parliament that may become a platform for developing and discussing legislative initiatives that would establish a framework for a full reintegration of the de-occupied Crimea territory and other territories that will be liberated from the occupation.