

Thursday 4 February 2016

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Human rights situation in Crimea, in particular of the Crimean Tatars

European Parliament resolution of 4 February 2016 on the human rights situation in Crimea, in particular of the Crimean Tatars (2016/2556(RSP))

(2018/C 035/08)

The European Parliament,

- having regard to its previous resolutions on the Eastern Partnership (EaP), Ukraine, and the Russian Federation,
 - having regard to the Reports of the Human Rights Assessment Mission on Crimea conducted by the OSCE Office for Democratic Institutions and Human Rights (ODIHR) and the OSCE High Commissioner on National Minorities (HCNM),
 - having regard to the European Council decisions (of 21 March, 27 June and 16 July 2014) imposing sanctions on the Russian Federation as a follow-up to the illegal annexation of Crimea,
 - having regard to the ‘Report on the human rights situation in Ukraine — 16 August to 15 November 2015’ of the Office of the United Nations High Commissioner for Human Rights,
 - having regard to UN General Assembly Resolution 68/262 of 27 March 2014 entitled ‘Territorial integrity of Ukraine’,
 - having regard to the Freedom House report ‘Freedom in the World 2016’, which assesses the state of political and civic freedoms in illegally annexed Crimea as ‘not free’,
 - having regard to Rules 135(5) and 123(4) of its Rules of Procedure,
- A. whereas the Russian Federation has illegally annexed Crimea and Sevastopol and therefore violated international law, including the UN Charter, the Helsinki Final Act, the 1994 Budapest Memorandum and the 1997 Treaty of Friendship, Cooperation and Partnership between the Russian Federation and Ukraine;
- B. whereas during the illegal annexation of Crimea by the Russian Federation in March 2014 Ukrainians, including Crimean Tatars, and the Ukrainian army showed great courage and loyalty to Ukraine and peacefully opposed the belligerent act of annexation; whereas several international organisations and human rights groups denounce the fact that human rights protection in Crimea has been severely curtailed since the occupation and illegal annexation of the peninsula by the Russian Federation in early 2014;
- C. whereas targeted abuses have been registered against the Tatar community, the majority of which opposed the Russian takeover and boycotted the so-called referendum on 16 March 2014, particularly through the enforcement of Russia’s vague and overly broad ‘anti-extremist’ legislation to intimidate or silence critics; whereas these abuses include abduction, forced disappearance, violence, torture and extrajudicial killings that the de facto authorities have failed to investigate and prosecute;
- D. whereas Crimean Tatar leaders, such as Mustafa Dzhemiliev, a member of the Verkhovna Rada of Ukraine, and Refat Chubarov, the Chairman of the Mejlis, were banned from entering Crimea; whereas they are currently allowed to enter, but under threat of arrest; whereas a Russian court has now issued an arrest warrant for Mustafa Dzhemiliev, who earlier spent 15 years in Soviet prisons for his efforts to allow his nation to return to their native land in Crimea;

Thursday 4 February 2016

- E. whereas all religious communities, including Christian churches independent of Moscow, have had restrictions put on their activities; whereas these difficulties are due to the severe restriction of the freedom of association, expropriations, the non-extension of documents, and regular searches conducted in the remaining premises of these religious organisations;
- F. whereas individuals who refused to assume Russian citizenship after the annexation experience discrimination and serious difficulties in all areas of political, social and economic life;
- G. whereas Russia has been restricting access to Crimea for the OSCE, the UN, and the Council of Europe, not to mention human rights NGOs and independent journalists; whereas the lack of access makes human rights monitoring and reporting in Crimea very difficult;
- H. whereas the entire population of Crimean Tatars, an indigenous people of Crimea, was forcibly deported to other parts of the then USSR in 1944 with no right to return until 1989; whereas on 12 November 2015 the Verkhovna Rada of Ukraine adopted a resolution in which it recognised the deportation of the Crimean Tatars in 1944 as genocide and established 18 May as a Day of Remembrance;
1. Reiterates its strong commitment to the sovereignty and territorial integrity of Ukraine within its internationally recognised borders and to its free and sovereign choice to pursue a European path; recalls its severe condemnation of the illegal annexation by Russia of the Crimean peninsula and the commitment of the EU, its Member States and the international community to implement fully the policy of non-recognition of the illegal annexation of Crimea; highlights also that the restoration of Ukrainian control over the peninsula is one of the prerequisites for re-establishing cooperative relations with the Russian Federation, including the suspension of related sanctions;
 2. Strongly condemns the unprecedented levels of human rights abuses perpetrated against Crimean residents, most notably Crimean Tatars, who do not follow the imposed rule of the so-called local authorities, particularly under the pretext of combating extremism or terrorism;
 3. Condemns the severe restrictions on the freedoms of expression, association and peaceful assembly, including at traditional commemorative events such as the anniversary of the deportation of the Crimean Tatars by Stalin's totalitarian Soviet Union regime and cultural gatherings of the Crimean Tatars; stresses that, in line with international law, the Tatars, as an indigenous people of Crimea, have the right to maintain and strengthen their distinct political, legal, economic, social and cultural institutions; calls for respect for the Mejlis as the legitimate representation of the Crimean Tatar community, and for avoidance of any harassment and systematic persecution of its members; expresses concern at the infringement of their property rights and liberties, their intimidation and incarceration, and disrespect of their civic, political and cultural rights; notes with equal concern the restrictive re-registration requirements for media outlets, as well as for civil society organisations;
 4. Urges the Russian and the de facto local authorities to investigate effectively, impartially and transparently all cases of disappearances, torture and human rights abuses by the police and paramilitary forces active in the Crimean peninsula since February 2014;
 5. Recalls that the Russian Federation as an occupying power has the responsibility to ensure the safety of the whole population and respect for the human, cultural, and religious rights of the indigenous Tatars and all other minorities of Crimea, and to uphold the legal order in Crimea;
 6. Recalls that institutions and independent experts from the OSCE, the United Nations and the Council of Europe were fully or partly denied access to the Crimean peninsula, and were therefore impeded from monitoring the human rights situation despite their mandates to pursue such activities in Crimea;
 7. Calls on the Russian Federation authorities and the de facto authorities in Crimea, which are bound by international humanitarian law and international human rights law, to grant unimpeded access to Crimea for international institutions and independent experts from the OSCE, the United Nations and the Council of Europe, as well as for any human rights

Thursday 4 February 2016

NGOs or news media outlets that wish to visit, assess and report on the situation in Crimea; calls on the Council and the EEAS to put pressure on Russia in this regard; welcomes the decision of the Secretary General of the Council of Europe to send his Special Representative for Human Rights to Crimea, as this was the first visit following the Russian annexation and is expected to provide a fresh assessment of the situation on the ground; looks forward to his findings; stresses that any international presence on the ground should be coordinated with Ukraine;

8. Welcomes the Ukrainian initiative to establish an international negotiation mechanism on the reestablishment of Ukrainian sovereignty over Crimea in the 'Geneva plus' format, which should include direct engagement by the EU; calls on Russia to start negotiations with Ukraine and other parties on the de-occupation of Crimea, to lift trade and energy embargos and to revoke the state of emergency in Crimea;

9. Deplores the impediments to Tatar leaders returning to Crimea and their prosecution, as well as the mounting and unacceptable pressure on other members of the Mejlis; deplores also the wrongful closure of the ATR media outlet which has a significant outreach within the Crimean Tatar community; calls on the European Commission to extend the necessary financial assistance required to secure the functioning of this and other media in exile in Ukraine; considers the closing down of Crimean Tatar schools and classes and the restrictions on the use of the language as a serious limitation of the basic rights of the members of the community, as is the fact that the Ukrainian language has been removed from the public sphere;

10. Calls for the preservation of the multicultural environment of Crimea and for full respect for Ukrainian, Tatar and other minority languages and distinctive cultures;

11. Deplores the actions of the de facto administration to hinder the functioning of the Mejlis of the Crimean Tatar People, the highest executive and representative body of the Crimean Tatars, through the closure of its headquarters and seizure of some of its properties and through other acts of intimidation;

12. Condemns the regular crackdowns on the independent media, journalists and civil society activists in Crimea; deplores the forceful passportisation of Ukrainian citizens in Crimea by the Russian Federation; condemns also the de facto authorities' practice of imposing Russian citizenship on residents of Crimea;

13. Reiterates its support for the EU's decision to prohibit imports originating from Crimea unless they are accompanied by a certificate of origin from the Ukrainian authorities, as well as for restrictive measures relating to the export of certain goods and technologies, investment, trade and services in Crimea; calls on the Council to continue with these sanctions until the completion of Crimea's full reintegration into the legal order of Ukraine;

14. Calls on the Russian Federation to investigate all cases of torture of prisoners illegally apprehended in Crimea, to release prisoners such as Oleg Sentsov and Oleksandr Kolchenko, as well as Ahtem Chiigoz, the deputy chairman of the Mejlis, Mustafa Degermendzhi and Ali Asanov who were arrested in Crimea for their peaceful protest against the occupation, and to guarantee their safe return to Ukraine; urges the Russian Federation to end the politically motivated prosecution of dissidents and civic activists; condemns their subsequent transfer to Russia and the forcible attribution of Russian citizenship;

15. Condemns the militarisation of the Crimean peninsula with its significant negative impact on economic and social life, as well as Russia's threats to deploy nuclear weapons in Crimea, which constitute a significant threat to regional, European and global security; reiterates its appeal for the withdrawal of all Russian forces from Crimea and the eastern Ukraine;

16. Stresses that economic cooperation, as well as the supply of goods and services between Ukraine and the temporarily occupied Crimean peninsula, should be conducted within the legal framework of Ukraine and respected by all sides, thus avoiding any negative consequences for the population living in Crimea; in case of disrespect of such conduct, calls on the authorities to investigate and stop such breaches;

Thursday 4 February 2016

17. Expresses its grave concern regarding the situation of LGBTI people in Crimea, which has substantially worsened following the Russian annexation, and regarding repressive action and threats by the de facto authorities and paramilitary groups;
 18. Instructs its President to forward this resolution to the VP/HR, the Council, the Commission, the governments and parliaments of the Member States, the President, Government and Parliament of Ukraine, the Council of Europe, the OSCE, the President, Government and Parliament of the Russian Federation, and the Mejlis of the Crimean Tatar People.
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