



EASTERN PARTNERSHIP
Civil Society Forum

УКРАЇНСЬКА НАЦІОНАЛЬНА
ПЛАТФОРМА

To European Union,

United Nations:

High Commissioner for Human Rights,

United Nations Human Rights Council,

Human Rights Treaty Bodies :

United Nations Human Rights Committee,

Council of Europe:

Council of Europe Commissioner for Human Rights,

The Framework Convention for the Protection of National Minorities,

United Nations Permanent Forum on Indigenous Issues,

Organization for Security and Cooperation in Europe (OSCE),

The Mejlis of the Crimean Tatar People

Statement

We would like once again to draw your attention to the situation in the occupied and illegally annexed Crimea. The world community is already well informed about continuing and ever-increasing attacks on all kind of human rights and freedoms taking place in Crimea due to regular reports of the OSCE and UN missions, the national and international human rights organizations and independent experts. However, the restricted access to Crimea to the human rights monitoring bodies and intimidation of the local population by the *de facto* authorities of Crimea have recently made gathering of the objective information on the actual situation a very difficult task.

Therefore, first of all we express our full support for the demand to ensure unimpeded access to Crimea for international missions, independent experts, human rights activists and media in accordance with the resolutions and recommendations of the OSCE, UN, EU and the Council of Europe.

We also propose to pay more attention to breaches of not only individual human rights but also of the collective rights of indigenous peoples of Crimea – first and foremost, those of the Crimean

Tatars who have been officially recognized as an indigenous people of Ukraine by the Decree of Verkhovna Rada (Parliament) of Ukraine on March 20, 2014.

Although collective rights of indigenous peoples, including the right for self-determination, are enshrined in the UNGA Declaration on the Rights of Indigenous Peoples adopted on September 13, 2007, in statements and reports on Crimea by the international organizations there is a tendency to ignore this important aspect of the Crimean Tatar problem, usually referring to the Crimean Tatars in the context of "vulnerable minorities".

Unlike the UN and the OSCE, the European Parliament Resolution of 4 February 2016 'Human rights situation in Crimea, in particular of Crimean Tatars' emphasizes violations of the rights of Crimean Tatars as those of indigenous people, and condemns persecutions of the Mejlis of the Crimean Tatar people as being its 'highest executive and representative body'. Indeed, this status of the Mejlis, whose members are democratically elected by the delegates of Kurultay (National Assembly), is quite different from that of any NGO thus making senseless the demands to register it under legislation on civil society organisations. Recent repressions targeting Mejlis, its criminalisation as an 'extremist organisation' and current 'temporary termination' of its activities represent one more undeniable violation of international law.

We also believe that rhetoric and terminology of the first basic document signifying the standpoint of the international community – the UN General Assembly Resolution of 27 March 2014 named 'Territorial Integrity of Ukraine' – does not fully comply with the subsequent developments and today's realities. In particular, this concerns the lack, in contrast to the above-mentioned Resolution of the European Parliament, of such terms as 'occupation' and 'annexation'. This hinders the application of the provisions of 4-th Geneva Convention of 1949 – for example, of Article 51 stating that "The Occupying Power may not compel protected persons to serve in its armed or auxiliary forces to the situation in Crimea. No pressure or propaganda which aims at securing voluntary enlistment is permitted", also of the quite relevant Articles 49, 53 and 55.

Concerning the so-called 'Case of 26 February 2014', the criminal prosecution of the organizers and participants of a meeting that took place when Crimea was yet under jurisdiction of Ukraine is a violation of Article 70, according to which "Protected persons shall not be arrested, prosecuted or convicted by the Occupying Power for acts committed or for opinions expressed before the occupation...".

The EaP CSF Ukrainian National Platform with the overwhelming support of the Steering Committee