



SC (16) SI 1 E
Original: English

SUPPLEMENTARY ITEM

DRAFT RESOLUTION

ON

**“VIOLATIONS OF HUMAN RIGHTS AND
FUNDAMENTAL FREEDOMS IN CRIMEA”**

**PRINCIPAL SPONSOR
Ms. Natalia Ahafonova
Ukraine**

TBILISI, 1 – 5 JULY 2016

DRAFT RESOLUTION

Violations of Human Rights and Fundamental Freedoms in Crimea

Principal Sponsor: Ms. Natalia Ahafonova (Ukraine)

1. Reaffirming full adherence to the UN Charter and to all OSCE norms, principles and commitments, starting with the Helsinki Final Act, the Charter of Paris, the Charter for European Security, and all other OSCE documents to which all participating States have agreed, and the responsibility to implement them fully and in good faith,
2. Recalling the OSCE Parliamentary Assembly's Resolution on Clear, Gross and Uncorrected Violations of Helsinki Principles by the Russian Federation, adopted at its 23rd Annual Session in 2014, whereby, *inter alia*, the Assembly affirmed that the Russian Federation has, since February 2014, violated every one of the ten Helsinki principles in its relations with Ukraine, some in a clear, gross and thus far uncorrected manner, and is in violation of the commitments it undertook in the Budapest Memorandum, as well as other international obligations,
3. Recalling the OSCE Parliamentary Assembly's Resolution on The Continuation of Clear, Gross and Uncorrected Violations of OSCE Commitments and International Norms by the Russian Federation, adopted at its 24th Annual Session in 2015, whereby, *inter alia*, the Assembly recognized the actions by the Russian Federation in the Autonomous Republic of Crimea and the city of Sevastopol, as well as in certain areas of the Donetsk and Luhansk regions of Ukraine, as acts of military aggression against Ukraine,
4. Reaffirming strong support for the sovereignty, political independence, unity, and territorial integrity of Ukraine within its internationally-recognized borders as confirmed by UN General Assembly resolution 68/262 of 27 March 2014 "Territorial Integrity of Ukraine" and guided by its provisions,
5. Emphasizing that the 16 March 2014 so-called referendum in Crimea was not authorized by Ukraine, was held in clear violation of the Constitution of Ukraine and international law and, therefore, is an illegitimate and illegal act, the results of which have no validity and legal consequences,
6. Stressing that under international law, no territorial acquisition resulting from the threat or use of force shall be recognized as legal,
7. Recalling that it is the primary responsibility of the participating States to promote and protect all human rights and fundamental freedoms, and that the implementation of the OSCE commitments in this area is of direct and legitimate concern to all participating States,
8. Witnessing that the violation of fundamental OSCE principles and occupation of the territory of one participating State by another leads to gross human rights violations,

9. Deeply alarmed that under the conditions of the illegal occupation of Crimea by the Russian Federation, the situation on the peninsula continues to deteriorate, leading to grave and systematic violations of human rights and fundamental freedoms, as reported by international human rights institutions, the OSCE, the UN, and the Council of Europe,
10. Stressing that under international law the Russian Federation bears full responsibility for human rights violations in the Autonomous Republic of Crimea and the city of Sevastopol as an occupying power in effective control of the Crimean peninsula, and is obligated to respect, protect and fulfil human rights and fundamental freedoms in Crimea in line with the international treaties to which the Russian Federation is party, as well as its commitments as an OSCE participating State to uphold those human rights and fundamental freedoms,
11. Underlining the need to secure full and effective enjoyment of the rights and freedoms enshrined in the European Convention for the Protection of Human Rights and Fundamental Freedoms, Framework Convention for the Protection of National Minorities, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the UN Convention on the Rights of the Child, the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and other relevant international instruments, which obligates the Russian Federation as the occupying power with binding standards of conduct and positive obligations toward residents of Crimea,
12. Welcoming the continued efforts by the Organization for Security and Co-operation in Europe, the United Nations and the Council of Europe aimed at monitoring and reporting on the human rights situation in Crimea, and expressing deep concern that their representatives and missions have all had their access to the Crimean peninsula fully or partially restricted by the occupying authorities since the beginning of the illegal occupation in February 2014,
13. Being alarmed by the findings of the independent reports of human rights missions on the situation in Crimea undertaken upon the request of the Ukrainian Government, including the joint missions of the OSCE Office for Democratic Institutions and Human Rights (ODIHR) and the OSCE High Commissioner on National Minorities (HCNM), which documented numerous compelling accounts of human rights violations in Crimea under the Russian Federation's illegal occupation,
14. Emphasizing the important role played by the OSCE Special Monitoring Mission to Ukraine, including monitoring and supporting respect for human rights and fundamental freedoms, in line with the agreed mandate which covers the entire territory of Ukraine within its internationally recognized borders, including the Autonomous Republic of Crimea and the city of Sevastopol,
15. Considering the visit of the Council of Europe's delegation to occupied Crimea in January 2016 to be the first step aimed at facilitating free and unconditional access to the peninsula for the constant international presence of relevant Council of Europe, OSCE and UN mechanisms, as well as other international organizations,

16. Welcoming the initiative of Ukraine to launch an international negotiation framework with regard to the de-occupation of the Autonomous Republic of Crimea and the city of Sevastopol and their return under the control of the Government of Ukraine,

The OSCE Parliamentary Assembly:

17. Urges the Russian Federation to stop aggression against Ukraine and to fully comply with its obligations under the UN Charter, the Helsinki Final Act and other norms and principles of international law, including OSCE principles and commitments;
18. Strongly condemns the illegal annexation by the Russian Federation of the Autonomous Republic of Crimea and the city of Sevastopol, Ukraine, and as well as reiterates its call on the Russian Federation to reverse the attempted annexation;
19. Calls on the participating States to refrain from any action or dealing that might imply, directly or indirectly, a recognition of the change of status of the Autonomous Republic of Crimea and the city of Sevastopol as an integral part of Ukraine;
20. Strongly condemns all violations of human rights and fundamental freedoms in the Crimean peninsula, marked in particular by increasing repression, violence, and discrimination against the Crimean Tatar indigenous people and ethnic Ukrainians, including abductions, killings, torture and ill-treatment, enforced disappearances and harassment, arbitrary arrest, detention or incarceration;
21. Condemns the reprisals by the *de facto* authorities against the Mejlis of the Crimean Tatar People and its leaders, as well as the severe restrictions on the freedom of peaceful assembly and association, including the traditional events to commemorate the anniversary of deportation of Crimean Tatars in 1944 recognized by the Ukrainian Parliament as genocide of the Crimean Tatar people;
22. Expresses deep concern over the fact that education in and of the Ukrainian language is disappearing in Crimea through pressure on school administrations, teachers, parents and children to discontinue teaching in and of the Ukrainian language, which further limit the presence of the Ukrainian language and culture on the peninsula;
23. Condemns the severe limitations on media freedom and freedom of expression in Crimea, where Ukrainian television channels are switched off and replaced with channels originating from the Russian Federation, Crimean Tatar media outlets are forced to close, and the journalists are threatened, intimidated, and persecuted;
24. Remains alarmed over the significant number of manifestations of religious-bias violence and discrimination by the occupying authorities, which take, *inter alia*, the form of the banning and seizure of Ukrainian churches, attacks on and the expulsion of their priests from Crimea, as well as raids and searches in Crimean Tatars' mosques and madrasas, and restrictions on the distribution of Muslim religious literature under the false pretext of the fight against extremism;
25. Calls upon the Russian Federation as an occupying power in effective control of the Crimean peninsula to abide by its obligations under international law:

- a. to stop all violations of human rights and fundamental freedoms on the Crimean peninsula, including the constant terror, harassment, and discrimination of the ethnic Ukrainian and Crimean Tatar populations, as well as the persecution and illegal detention of all those residents of Crimea who oppose the illegal occupation of the peninsula,
- b. to conduct prompt, impartial and effective investigations into all cases of human rights violations in Crimea, including the cases of torture, abductions and enforced disappearances,
- c. to stop imposing the application of the Russian Federation's laws in occupied Crimea, as well as the forced conferral of Russian citizenship to residents of Crimea in violation of international law,
- d. to refrain from transferring persons in detention or social care institutions, including children, to other territories controlled by the Russian Federation,
- e. to halt the eradication of education in and of the Ukrainian language, restriction and suppression of cultural, religious and other manifestations of the Ukrainian identity and to refrain from the policy of russification in the occupied Crimea,
- f. to immediately and unconditionally release Deputy Chairman of the Crimean Tatar Mejlis Ahtem Ciygoz, Crimean activists Oleg Sentsov, Alexander Kolchenko, Oleksiy Cherniy, Gennadiy Afanasyev, civil society activist Oleksandr Kostenko and other Ukrainian citizens, who have been unlawfully detained or imprisoned under fabricated charges by the *de facto* authorities in the occupied Crimea,
- g. to put an end to all forms of intimidation, harassment, discrimination and persecution of religious communities in Crimea,
- h. to ensure respect for all human rights, including of persons belonging to national minorities, in line with the relevant international standards,
- i. to protect all human rights and fundamental freedoms in the Autonomous Republic of Crimea and the city of Sevastopol in issues related to, *inter alia*, freedoms of peaceful assembly and association, freedoms of media and expression, access to information, freedom of thought, conscience, religion or belief, freedom of movement, right of residence, citizenship, labour rights, property and land rights, access to health and education, and all other civil, political, economic, social and cultural rights,
- j. to implement all recommendations contained in the reports of the ODIHR/HCNM human rights assessment missions,
- k. to immediately grant unimpeded access to Crimea to international agencies, institutions, special procedures and independent experts of the OSCE, the United Nations and the Council of Europe, as well as for any human rights NGOs or media outlets that wish to visit, assess and report on the situation in Crimea;

26. Encourages the continuous active engagement of the OSCE Chairmanship, the OSCE Institutions, the OSCE Parliamentary Assembly and the participating States in seeking observance of human rights and fundamental freedoms in the occupied Crimean peninsula;
27. Expresses deep sympathy with the great number of people affected by the crisis in and around Ukraine, including internally displaced persons (IDPs) and refugees, as well as those living in the Russia-occupied territories, and urges the OSCE participating States to assist the Ukrainian authorities in their efforts to ensure the rights and social protection of IDPs;
28. Recalls that a number of OSCE human dimension commitments notably recognize the vital importance of participating States' realization of their binding human rights obligations under international treaties;
29. Notes with grave concern in this context that the Russian Federation's legislation allowed the Constitutional Court of Russia to take rulings on the non-implementation of decisions of interstate bodies on the protection of human rights and fundamental freedoms, which the OSCE PA views as an attempt to avoid responsibility for serious and systematic human rights violations committed by the Russian authorities in the occupied territories;
30. Expresses its grave concern over increasing militarization of the Crimean peninsula and the Russian Federation's intention to deploy nuclear weapons in that region, undermining global, European, and regional peace and security;
31. Urges the Russian Federation to abide fully by its international obligations and the OSCE principles and commitments, in particular the Helsinki Final Act, and to take practical steps to implement the OSCE PA resolutions on Clear, Gross and Uncorrected Violations of Helsinki Principles by the Russian Federation and The Continuation of Clear, Gross and Uncorrected Violations of OSCE Commitments and International Norms by the Russian Federation, as well as on Abducted and Illegally Detained Ukrainian Citizens in the Russian Federation;
32. Calls upon the OSCE Chairmanship and the participating States to take exhaustive measures to address the existing breach by the Russian Federation of the basic norms and principles of international law and the OSCE principles and commitments.

PROPOSED AMENDMENT to the DRAFT RESOLUTION

on

**“VIOLATIONS OF HUMAN RIGHTS AND
FUNDAMENTAL FREEDOMS IN CRIMEA”**

[Set out text of Amendment here:]

Principal Sponsor:

Mr/Mrs	Family Name in Capital Letters	Country	Signature

Co-sponsored by:

Mr/Mrs	Family Name in Capital Letters	Country	Signature