



ASSOCIATION OF REINTEGRATION
OF CRIMEA

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To UN Special Rapporteur in the field of cultural rights

Russian Aggression Against Ukraine, Sustainable Development and Right to Justice

Our Association of Reintegration of Crimea (ARC)¹, is non-governmental expert and human rights organisation², with activities devoted to Crimea's issues. ARC's expert researches are related with human rights of Crimean residents and ethnic groups, including fundamental, humanitarian, cultural, social and ecologic rights and transitional justice. In 2020-2022 we sent more than 75 submissions regarding those issues to UN officials, and more than 30 of them were published by the UN bodies, including some, devoted to the issues of cultural rights³.

Systematic gross violations of the human rights and humanitarian standards, including cultural rights, especially for Crimean Tatars and Ukrainians, were committed in last seven years by Russia in the Crimea, were condemned by the UN GA resolutions⁴, resolutions of OSCE Parliamentary Assembly, of PACE, of European Parliament's resolutions etc. Gross human rights' violations, correlated with violation the rights to education in Crimea are now subject to consideration in and the European Court of Human Rights (case 20958/14 and others).⁵ UN GA Resolution 76/179 on 16 December 2021⁶ condemned the reported serious violations and abuses committed by Russia against residents of the Crimea, in particular – their cultural rights.

As we pointed already to some UN bodies, since 24th of February 2022 Russia committed broad and open military aggression to all Ukraine's territory, against Ukrainian mainland from own territory, and from the Russia-occupied Crimea, Belarus, Black and Azov seas.

Due last two months of fights Russia occupied some territories of Chernihiv, Donetsk, Kharkiv, Kherson, Kyiv, Luhansk, Mykolaiv, Sumy, Zaporizhzhya, Zhitomir regions and strong fights were going near cities with total population more than 10 millions persons near the frontline. During end of March, 2022 Ukraine returned back control over districts in Kyiv, Sumy, Zhitomir and Chernigiv regions.

Russian aggression and occupation caused most serious harm to cultural heritage of Ukrainian people, including indigenous peoples and national minorities. Russian bombing and artillery destroyed in hostilities zone museums in Mariupol⁷, Kharkiv⁸, Chernihiv⁹ and other

¹ <https://arc.construction/>

² https://www.journal-officiel.gouv.fr/associations/detail-annonce/associations_b/20210005/1348

³ https://www.ohchr.org/sites/default/files/Documents/Issues/IPeoples/SR/Urban-areas_Submissions/Indigenous_Organisations_Civil_Society/association-of-reintegration-of-crimea.pdf

⁴ for example, <https://undocs.org/en/A/RES/73/263>

⁵ <http://hudoc.echr.coe.int/eng/?i=001-207622>

⁶ <https://undocs.org/en/A/RES/76/179>

⁷ <https://www.pcgamer.com/retro-computing-museum-in-ukraine-destroyed-by-russian-bomb/>

⁸ <https://www.occrp.org/en/37-ccb/ccb/16134-the-battle-for-ukrainian-culture>

⁹ <https://time.com/6161734/ukraine-war-history-museums/>

cities. UN's cultural agency has confirmed that at least 53 historical sites, religious buildings and museums have sustained damage during Russia's invasion of Ukraine¹⁰.

The Ministry of Culture and Information Policy of Ukraine has recorded on 1st April, 2022 135 episodes of Russian war crimes against cultural heritage in Ukraine. During the war, the Russian occupiers destroyed in fire a historic building of the Local History Museum in the village of Ivankiv in Kyiv region. An aviation bomb strike almost completely destroyed the building of the Donetsk Academic Regional Drama Theater in Mariupol. The buildings of the Arkhip Kuindzhi Mariupol Art Museum and the Local History Museum in Okhtyrka, Sumy region, were damaged.

Religious buildings – 59 sites – suffered the most. Among them: churches of the Orthodox Church of Ukraine and the Ukrainian Orthodox Church of the Moscow Patriarchate, protestant houses of worship, mosques, synagogues. In total, 58 monuments of architecture and urban planning were destroyed and damaged by the occupiers; five of them are monuments of national importance. Twenty-five valuable historical buildings were damaged – ancient buildings of the second half of the 19th – early 20th centuries, as well as ten memorial stelae or sculptures related to historical events. Twelve museums and historical and architectural reserves, six theaters and cinemas, five libraries were damaged.

Crimes were recorded in ten regions and the city of Kyiv: 54 – in Kharkiv region, 22 – in Donetsk region, 16 – in Chernihiv region, 10 – in Kyiv region, 9 – in Luhansk region, 9 – in Sumy region, 5 – in Kyiv city, 4 – in Zaporizhzhia region, 4 – in Zhytomyr region, 1 – in Dnipropetrovsk region, 1 – in Kherson region¹¹.

Except destroying national culture Russian occupiers demand the local middle and high schools in the occupied territories of Donetsk, Kharkiv, Kherson, Luhansk, Mykolaiv, Zaporizhzhya regions to pass educational process on Russian language and pro-Russian school program¹².

In last eight weeks Russia-controlled mercenaries committed in Ukraine, during this operation, gross violation of international humanitarian law and international human rights' law already¹³. Russia commenced an unprovoked invasion throughout Ukrainian territory, which is already causing catastrophic harms to Ukraine and its people, including gross violation the international humanitarian law and destruction the fundamental human rights¹⁴.

Russian troops and Russia-controlled mercenaries, created by Russian invaders on local level during March, 2022 in Chernihiv, Donetsk, Kharkiv, Kherson, Kyiv, Sumy and Zaporizhzhya regions, committed various war crimes¹⁵¹⁶¹⁷¹⁸¹⁹. Human Rights Watch has documented several cases of Russian military forces committing laws-of-war violations against civilians in occupied areas²⁰.

Due to such gross violation the human rights Ukraine immediately filed an application with the International Court of Justice (ICJ) on 25 February 2022²¹ and to the European Court of

¹⁰ <https://www.theguardian.com/world/2022/apr/01/at-least-53-culturally-important-sites-damaged-in-ukraine-unesco>

¹¹ <https://www.ukrinform.net/rubric-society/3446115-135-war-crimes-against-cultural-heritage-recorded-in-ukraine.html>

¹² <https://arc.construction/29523>

¹³ <https://sofrep.com/news/russian-soldiers-gang-raped-ukrainian-woman-as-her-child-was-crying-in-the-next-room/>

¹⁴ <https://www.icj-cij.org/public/files/case-related/182/182-20220307-PRE-01-00-EN.pdf>

¹⁵ <https://www.bbc.com/ukrainian/features-60888528>

¹⁶ <https://hromadske.radio/en/news/2022/03/09/members-of-the-wagner-group-have-been-killed-in-ukraine>

¹⁷ <https://www.bbc.com/news/world-europe-60547807>

¹⁸ <https://arc.construction/26892>

¹⁹ <https://news.un.org/en/story/2022/03/1113652>

²⁰ <https://www.hrw.org/news/2022/04/03/ukraine-apparent-war-crimes-russia-controlled-areas>

²¹ <https://www.icj-cij.org/en/case/182>

Human Rights²². Russian government refused to execute the demand of the European Court of Human Rights and the order of ICJ to immediately suspend the military operations that it commenced on 24 February 2022.²³

But on March 16, Russia's participation in the Council of Europe was stopped and Russia refused officially to execute the demands of European Convention on Human Rights, including all guarantees for human fundamental rights²⁴. Now the International Criminal Court started investigation on the war crimes committed by Russian invaders in Ukraine and it collect relevant proofs.

There are no peacekeeping missions in Ukraine; as such initiatives were blocked by the Russian government. Activities of UN Monitoring Mission in Ukraine are extremely low now and OSCE Special Monitoring Mission in Ukraine de-facto stopped its activities since 7th of March;²⁵ later Russia blocked the prolongation such Mission's activities.

Russian invaders destroyed Ukrainian legal enforcement and court activities in the occupied territories so there victims of Russian troops and Russia-controlled mercenaries have no access to justice and aid. UN Human Rights Council adopted its resolution 49/1 on 4 March 2022 where it expressed grave concern at the documented harm to the enjoyment of many human rights, resulting from the aggression against Ukraine by Russia²⁶.

On 8 March 2022 UN human rights experts called on Russia to immediately end its invasion of Ukraine to avoid further bloodshed; experts recalled that intentional attacks against civilian objects amount to war crimes²⁷. In other UN experts' statements the negative impact of Russia's aggression on right to life of persons with disabilities was condemned²⁸, and relevant risks for women's right to life were pointed²⁹.

UN General Assembly voted 7th of April to suspend Russia from the UN Human Rights Council after high-profile allegations of atrocities committed by Russian soldiers during the war in Ukraine. After such UN General Assembly's resolution was adopted Russia immediately stated that it will "early terminate its powers" in the Human Rights Council. Neither suspended nor terminated Russia's membership in the Council will not stop any Russia's duties that fall from the UN human rights' treaties and UN human rights' mechanisms and programs.

All Ukraine's attempts for the peace-building, including peace talks and negotiations with Russian government were unsuccessful and Russia rejects all peace propositions and it refuses to execute the demands of ICJ and ECHR orders to stop the aggression and hostilities that are directly pointed against older people.

As the development, including sustainable development³⁰ is impossible without cultural rights' realization, above-pointed facts of Russian destruction the Ukrainian cultural life makes impossible further sustainable development of Ukrainian people in all territory of state, including the Crimea.

Russian ongoing aggression makes impossible for Ukraine effective planning, implementation and monitoring of the strategy adapted to the cultural values, world views, practices and identities of the concerned persons. Any international support in this area will be

²² <https://hudoc.echr.coe.int/eng-press?i=003-7282553-9922068>

²³ <https://www.icj-cij.org/public/files/case-related/182/182-20220316-ORD-01-00-EN.pdf>

²⁴ <https://arc.construction/26897>

²⁵ <https://www.osce.org/ru/special-monitoring-mission-to-ukraine/513430>

²⁶ <https://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session49/Pages/ResDecStat.aspx>

²⁷ <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=28231&LangID=E>

²⁸ <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=28200&LangID=E>

²⁹ <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=28201&LangID=E>

³⁰ <https://arc.construction/23368>

effective when Russian aggression will be stopped and Russian-caused damage will be compensated.

Our Association believes that next urgent, immediate steps of the UN Special Rapporteur in the field of cultural rights on protection the cultural rights for Ukrainians, in condition of ongoing interstate conflict and hostilities, must be done, including all observation procedures and immediate visits to Ukraine.

We hope that above-pointed special statements of the UN experts and rapporteurs regarding situation in Ukraine must be supported by next UN HRC's and UN High Commissioner for Human Rights' official positions. Our Association believes that urgent, immediate steps of the UN OHCHR bodies must be done; monitoring procedure, mentioned in HRC resolution 49/1, must be enforced immediately.

Such UN steps must counteract the gross human rights violations committed by the Russian troops in Ukraine; such UN steps must include the activities of the Human Rights Council and in the framework of High Commissioner for Human Rights' and Human Rights Council's mandates.

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