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OF CRIMEA

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To Special Rapporteur on the right to education

Russian War Crimes in Ukraine and Violations the Right to Education

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 children rights.

Since 2020 we sent more than 100 submissions and proposals to UN human rights' strictures, major part of them were published in the UN web-sources, including the issues of violation the children rights, illegal child trafficking and children prostitution in the Crimea³ We reported to UN bodies on issues of repressions against Ukrainian youth in the Crimea⁴⁵, including violations of freedom of opinion⁶⁷, right to privacy⁸, cultural rights⁹, racial and gender discrimination of Crimean youth¹⁰¹¹¹², its criminal sexual exploitation¹³¹⁴ and Russia's Nazi propaganda in Crimean "educational institutions"¹⁵.

We informed UN structures that illegal occupation and attempted annexation of the Crimea by Russia since 2014, as a part of Russian-Ukrainian interstate conflict, changed the situation in the region and worsened significantly the possibilities of children rights' realization and protection¹⁶.

As we pointed already to some UN bodies, since 24th of February 2022 Russia committed broad and open military aggression to Ukraine's territory. Due last eleven months of fights Russia occupied some territories of Donetsk, Kharkiv, Kherson, Luhansk, Zaporizhzhya regions and strong fights are going near cities with total population of millions persons near

¹ <https://arcrimea.org/>

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

³ <https://www.ohchr.org/sites/default/files/Documents/Issues/Children/SR/GA76/Association-of-reintegration-of-crimera.pdf>

⁴ <https://www.ohchr.org/sites/default/files/Documents/Issues/Slavery/SR/ReportHRC48/CSOs/ARC.pdf>

⁵ <https://www.ohchr.org/sites/default/files/Documents/Issues/Children/SR/GA76/Association-of-reintegration-of-crimera.pdf>

⁶ https://www.ohchr.org/sites/default/files/2021-11/ARC_Gender_Justice_Opinion_13_06_2021_3.pdf

⁷ <https://www.ohchr.org/sites/default/files/documents/issues/expression/cfis/conflict/2022-10-07/submission-disinformation-and-freedom-of-expression-during-armed-conflict-UNGA77-cso-arc.pdf>

⁸ <https://www.ohchr.org/sites/default/files/documents/issues/digitalage/reportprivindigage2022/submissions/2022-09-06/CFI-RTP-Association-of-Reintegration-of-Crimea.pdf>

⁹ https://www.ohchr.org/sites/default/files/documents/issues/culturalrights/sustainabledevelopment/2022-08-22/submission-development-ga77-cso-associationreintegrationcrimea-en_0.pdf

¹⁰ <https://owncloud.unog.ch/s/Gx716OB9FcqPMts?path=%2FCivil%20Society%20Organizations>

¹¹ <https://owncloud.unog.ch/s/65CjhIlud3G2yBu?path=%2FCivil%20Society%20Organizations>

¹² <https://www.ohchr.org/sites/default/files/2022-06/Association%20of%20Reintegration%20of%20Crimea.pdf>

¹³ <https://www.ohchr.org/sites/default/files/documents/issues/children/cfi/vulnerabilities-children/csos/2022-07-26/submission-sdgs-cso-ARC-second-submission.pdf>

¹⁴ https://www.ohchr.org/sites/default/files/documents/issues/sexualorientation/cfi-report-ga77/ngos/2022-11-10/ARC_Submission_Gender_Conflict_2022.pdf

¹⁵ <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G22/349/11/PDF/G2234911.pdf?OpenElement>

¹⁶ https://www.ohchr.org/sites/default/files/Documents/HRBodies/CEDAW/DGD24June2021/Oral_statements/Part1/31.DOC

the frontline¹⁷18192021. It creates strong challenges for right to education that we may describe in answers to the UN Special Rapporteur's questionnaire.

1. In Russia-occupied territories of Ukraine (AR Crimea, Sevastopol, parts of Donetsk, Kherson, Luhansk and Zaporizhzhya regions and some area of Kharkiv region) the so-called "Russian standards" of education established that reject the issues of human rights education and includes strong illegal Russia's militaristic propaganda, propaganda of so-called "priority" of "Russian world" in standards of Nazi policy, hate speech against ethnic Ukrainians and elements of racial discrimination.

Some teachers of Ukrainian schools in above-pointed Russia-occupied Ukraine's mainland areas were kidnapped by Russian troops and some teacher from Crimea were 'punished' and 'dismissed' by Russia-controlled criminal "administration" for their position against Russia's war propaganda in local 'schools'. Some thousands of Ukrainian minors from Russia-occupied Ukraine's mainland areas were transferred illegally to Russia-occupied Crimea and to Russia itself since summer, 2022; more that 2000 of them are kept by force in Yevpatoria without adequate education.

2. Russian illegal "educational policy" includes punishment for the youth and their parents for attempts to get distance Ukrainian education on-line. Also schools in Russia-occupied Ukrainian territories, especially in relevant parts of Kherson and Zaporizhzhya regions are used criminally by Russian invaders as places of disposition Russian troops and ammunition, school libraries are criminally destroyed or censored against any literature on Ukrainian language and about Ukraine. Those criminal steps of Russian invaders brutally violate the principles of availability, accessibility, acceptability and adaptability of education.

3. Ukraine immediately filed an Application with the International Court of Justice (ICJ) on 25 February 2022, instituting proceedings against Russian in a dispute concerning the interpretation, application or fulfillment of the UN Convention on the Prevention and Punishment of the Crime of Genocide. Russia refused to execute the ICJ order in this case to stop the aggression²²23.

Those issues now are the subject of the investigation the International Criminal Court²⁴ Due to gross violation the human rights Ukraine filed an application to the European Court of Human Rights also²⁵. Russian government refused to execute the demand of the ECtHR and the order of ICJ to immediately suspend the military operations that it commenced on 24 February 2022,²⁶ also as previous order of ICJ to ensure the availability of education in the Ukrainian language in the Russia-occupied Crimea, given in April, 2017 in case No. 166²⁷.

On March 16 2022, Russia was excluded from the Council of Europe and refused officially to execute the demands of European Convention on Human Rights²⁸ that guarantees rights to education in its Protocol. UN Human Rights Council (HRC) adopted its resolution 49/1 on 4

¹⁷ <https://www.ohchr.org/sites/default/files/2022-04/association-reintegration-crimea-ukraine-minnesota-protocol.pdf>

¹⁸ <https://www.ohchr.org/sites/default/files/2022-04/AssociationReintegrationCrimeaSubmission.pdf>

¹⁹ <https://www.ohchr.org/sites/default/files/2022-04/association-reintegration-crimea.pdf>

²⁰ <https://www.ohchr.org/sites/default/files/2022-04/association-reintegration-crimea.pdf>

²¹ https://www.ohchr.org/sites/default/files/2022-05/arc_replies-dp.pdf

²² <https://www.ohchr.org/sites/default/files/documents/issues/children/cfi/vulnerabilities-children/csos/2022-07-26/submission-sdgs-cso-ARC-second-submission.pdf>

²³ <https://www.icj-cij.org/en/case/182>

²⁴ <https://www.icc-cpi.int/ukraine>

²⁵ <https://hudoc.echr.coe.int/eng-press?i=003-7282553-9922068>

²⁶ <https://www.icj-cij.org/public/files/case-related/182/182-20220316-ORD-01-00-EN.pdf>

²⁷ <https://www.icj-cij.org/public/files/case-related/166/166-20170419-ORD-01-00-EN.pdf>

²⁸ <https://arc.construction/26897>

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 Russia²⁹.

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 crimes³⁰, that are terroristic by their nature. In other UN experts' statements the negative impact of Russia's aggression on children was condemned³¹, and relevant risks for children's right were pointed³²³³.

UN General Assembly in its resolution ES-11/1 on 2 March 2022 recognized that the military operations of Russia inside the sovereign territory of Ukraine are on a scale that the international community has not seen in decades and that urgent action is needed to save this generation from the scourge of war. In article 9 of this resolution UN General Assembly demanded to protect civilians, including persons in vulnerable situations³⁴ thea it actual for Ukrainian youth.

UN General Assembly in its resolution ES-11/2 on 24 March 2022, articles 5 and 8, demanded again full respect for and protection of objects indispensable to the survival of the civilian population and civilian infrastructure that is critical to the delivery of essential services in armed conflict (including schools and other educational institutions); stressed that the sieges of cities in Ukraine further aggravate the humanitarian situation for the civilian population and hamper evacuation efforts, and therefore demands to put an end to sieges³⁵.

On 7 April 2022 the UN General Assembly adopted a resolution ES-11/3³⁶ calling for Russia to be suspended from the Human Rights Council³⁷.

The UN Human Rights Council adopted on 12th of May a resolution on the deteriorating human rights situation in Ukraine where pointed that Russia should immediately cease its aggression, withdraw all its forces from the whole territory of Ukraine, and provide international human rights and humanitarian institutions with unhindered, immediate and safe access to persons transferred from conflict-affected areas³⁸.

Those decisions are not executed by Russian troops, Russia-controlled mercenaries and terroristic groups, which established policy of terror and repressions over the Russia-occupied territories of Ukraine. Russian troops, fake "administrations" and "commandant's offices" use actively the practice of extrajudicial executions of local civil population, including children, violating their rights, including right to education³⁹⁴⁰.

4. Russian illegal "educational policy" brutally violate the demands of article 26 of the Universal Declaration of Human Rights, of articles 13 and 14 of the International Covenant on Economic, Social and Cultural Rights, and of article 26, 27, 28, 29, 30 and others of the Convention on the Rights of the Child also as article 2 of Protocol to European Convention on Human Rights, obligatory for Russia till September, 2022.

5. In preparation for a large-scale aggression and increased militarization of the Crimea since 2020, the occupiers have increased funding for the "republican DOSAAF", including through the fake "government". In 2022, this criminal activity, due to the obvious demands of

²⁹ <https://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session49/Pages/ResDecStat.aspx>

³⁰ <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=28231&LangID=E>

³¹ <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=28200&LangID=E>

³² <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=28201&LangID=E>

³³ <https://www.ohchr.org/en/press-releases/2022/05/ukraine-millions-displaced-traumatized-and-urgently-need-help-say-experts>

³⁴ <https://digitallibrary.un.org/record/3959039?ln=ru>

³⁵ <https://digitallibrary.un.org/record/3966630?ln=en>

³⁶ <https://digitallibrary.un.org/record/3967950?ln=ru>

³⁷ <https://news.un.org/en/story/2022/04/1115782>

³⁸ <https://arc.construction/31039>

³⁹ <https://hromadske.radio/en/news/2022/03/09/members-of-the-wagner-group-have-been-killed-in-ukraine>

⁴⁰ <https://www.bbc.com/news/world-europe-60547807>

the Kremlin, intensified, and in 2022 the structure conducted criminal “military-patriotic gatherings” for the Crimean youth, and each “district department” received a separate “order” from above – radio direction finding, underwater swimming and so on.

Now the “Crimean DOSAAF” is criminally involved in the organization of the so-called “territorial defense” as a hidden component of the criminal “mobilization”, training “recruits” “off their job”⁴¹.

Criminal aggressor’s “administrations” in the occupied territories are urgently fulfilling the criminal instruction to “create cells in every school” for so-called “Russian movement of children and youth” to enforce the degree of the corresponding criminal aggressor’ Nazi and war propaganda⁴²

The level of aggressor’s militaristic propaganda among the minor residents of Crimea was reflected in eve of 2023 when so-called “Museum of victory” announced the “partial mobilization” of Sevastopol children for the “New Year’s front”.

It is reported that several times, starting from December 25, a “historical quest’ will be held in which children, instead of traditional New Year’s entertainment, “have to find and deliver a secret artifact to the partisan camp” and “destroy the insidious enemy saboteurs”, and then light the fires on the “tree of victory”⁴³.

Crimean ‘teachers’ are forced by Russian occupiers’ criminal “administration” to “voluntarily” give up part of their “salary” to “support” the army of the aggressor country. To do this, ‘teachers’ must write a “statement” addressed to the “director” of the “educational institution”. Failure to do so, according to the local illegal “authorities”, is “reason for dismissal”⁴⁴.

In the spring of 2022, the Russian invaders promised to conduct “massive retraining” of teachers in the occupied regions of southern mainland Ukraine in Crimea, while Crimean collaborators promised to “retrain” tens of thousands of teachers in framework of Russian Nazi and militaristic propaganda and hate speech against Ukrainians; later some aggressor’s illegal activities were realised⁴⁵⁴⁶⁴⁷.

In July-November 2022 Russian invaders transferred illegally thousands children from Russia-occupied Kherson and Zaporizhzhya regions’ areas to Russia-occupied Crimea allegedly for “recreation and safety” but de-facto as hostages⁴⁸.

Over 120 illegal “administrative cases” have recently been opened against Crimean ‘teachers’ and activists by Russian invader’s “law enforcement officers”; repressions continue throughout the period of occupation⁴⁹. A mathematics teacher from a ‘school’ in Ukromne village, Simferopol District, Said Asanov, “received a denunciation” regarding alleged statements by a ‘teacher’ in a lesson against Russia’s criminal “partial mobilization” in the Crimea⁵⁰. In Dzhankoy town, the “administration” of ‘school No. 8’, controlled by the Russian invaders, forced geography teacher Susanna Bezazieva “to resign” after she pointed on lesson against Russia’s aggression⁵¹.

⁴¹ <https://arcrimea.org/en/news/2022/11/05/occupiers-step-up-criminal-militarization-of-crimea-through-dosaaf/>

⁴² <https://arcrimea.org/en/news/2022/12/23/ukrainian-children-in-occupied-territories-and-aggressors-propaganda/>

⁴³ <https://arcrimea.org/en/news/2022/11/16/russian-occupiers-will-send-children-to-trenches-in-sevastopol-for-new-year/>

⁴⁴ <https://t.me/ARCconstruction/5354>

⁴⁵ <https://t.me/ARCconstruction/4614>

⁴⁶ <https://t.me/ARCconstruction/4245>

⁴⁷ <https://t.me/ARCconstruction/4538>

⁴⁸ <https://t.me/ARCconstruction/4862>

⁴⁹ <https://t.me/ARCconstruction/4977>

⁵⁰ <https://t.me/ARCconstruction/4823>

⁵¹ <https://t.me/ARCconstruction/4260>

6-9. 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 Ukrainian children's rights including right to education.

All those above-pointed steps of the Nazi policy of Russian government and by the Russia-controlled "administrations" in Russia-occupied Crimea, South and East of Ukraine in areas of violation the right to education must be reflected in UN official position.

So Ukrainian children in hostilities zone and in Russia-occupied territories are extremely vulnerable groups, that need urgent international protection.

Our Association believes that urgent, immediate steps of the UN OHCHR must be done including all observation procedures and immediate visits to Ukraine. Monitoring procedure, mentioned in HRC resolution 49/1, must be enforced immediately.

Our Association believes that urgent, immediate steps of the UN Special Rapporteur on protection Ukrainian children human rights in condition of ongoing interstate conflict and hostilities must be done including all observation procedures and immediate visit to Ukraine.

We hope that previous special statements of the UN experts and rapporteurs regarding situation in Ukraine must be supported by next UN Rapporteur's steps reacting the Russia's ongoing terrorist policy and aggression in Ukraine, including war crimes against children and violating their right to education, in framework of Rapporteur's mandate.

13th January, 2023

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