



ASSOCIATION OF REINTEGRATION
OF CRIMEA

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To UN OHCHR

Russian Aggression against Ukraine and Social Security

Our Association of Reintegration of Crimea (ARC)¹, is non-governmental expert and human rights organisation², our expert researches are related with human rights and humanitarian issues, including civil, politic, indigenous, social, fundamental, informational, cultural rights, right to development, also as with issues of the transitional justice for Crimean peninsula, with relevant humanitarian, informational, economic, social and financial impacts.

So we send out brief comment regarding OHCHR's questions regarding right to social security in context of Human Rights Council resolution 52/11.

Since 2014 Crimean peninsula was illegally occupied by Russia. Since 24th of February 2022 Russia committed broad and open military aggression to all Ukraine's territory. Russia refused to execute the ICJ order in this case to stop the aggression³. Russia-controlled troops and mercenaries committed in Ukraine, during this invasion, gross violation of international humanitarian law and international human rights' law already, including broad crimes against property, social rights and environment, attacks against Ukrainian social institutions⁴⁵⁶⁷⁸⁹¹⁰.

All war crimes, committed by Russian invaders during ongoing hostilities, are connected with absolutely clear Russia's war targets in maximal destruction the civil infrastructure and environment, including objects, essential realization of social rights¹¹.

Those issues now are the subject of the investigation the International Criminal Court¹² and European Court of Human Rights¹³¹⁴

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 Europe in decades¹⁵. UN General Assembly in its resolution ES-11/2 on 24 March 2022, demanded again full respect for and protection of objects indispensable to civilian population's survival and civilian infrastructure¹⁶.

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

¹ <https://arcrimea.org/en/about/>

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

³ <https://www.icj-cij.org/en/case/182>

⁴ <https://sofrep.com/news/russian-soldiers-gang-raped-ukrainian-woman-as-her-child-was-crying-in-the-next-room/>

⁵ <https://www.icj-cij.org/public/files/case-related/182/182-20220307-PRE-01-00-EN.pdf>

⁶ <https://www.bbc.com/ukrainian/features-60888528>

⁷ <https://hromadske.radio/en/news/2022/03/09/members-of-the-wagner-group-have-been-killed-in-ukraine>

⁸ <https://www.bbc.com/news/world-europe-60547807>

⁹ <https://news.un.org/en/story/2022/03/1113652>

¹⁰ <https://www.hrw.org/news/2022/04/03/ukraine-apparent-war-crimes-russia-controlled-areas>

¹¹ <https://www.washingtonpost.com/world/interactive/2022/ukraine-before-after-destruction-photos/>

¹² <https://www.icc-cpi.int/ukraine>

¹³ <https://hudoc.echr.coe.int/eng-press?i=003-7282553-9922068>

¹⁴ <https://www.icj-cij.org/public/files/case-related/182/182-20220316-ORD-01-00-EN.pdf>

¹⁵ <https://digitallibrary.un.org/record/3959039?ln=ru>

¹⁶ <https://digitallibrary.un.org/record/3966630?ln=en>

aggression. Those decisions are not executed by Russian troops, Russia-controlled mercenaries and terroristic groups, which established policy or terror and repressions over the Russia-occupied territories of Ukraine, including the Crimea¹⁷¹⁸.

Since 2018 Ukrainian authorities adopted some strategic and program documents regarding processes of reintegration the Crimea after its de-occupation.

The Plan of emergency measures to counter Russian aggression from the temporarily occupied territory of Ukraine in Crimea, the protection of the interests of the state, citizens of Ukraine and Ukrainian legal entities in Crimea for 2018–2019¹⁹, the Plan of measures aimed at implementing some of the principles of state internal policy regarding the temporarily occupied territory of the AR Crimea and Sevastopol, 2018²⁰, Strategy of information reintegration of the AR Crimea and Sevastopol. 2018, Strategy for Crimean Tatar language development for 2022–2032²¹, Strategy of deoccupation and reintegration of the temporarily occupied territory of Crimea and Sevastopol, 2021 also as plans for its implementation were adopted²².

Those documents regulate some issues of Ukraine’s policy regarding social security in the Crimea after its de-occupation. Law of Ukraine № 1618-IX, 2021 cancelled the Law of Ukraine “On the establishment of a free economic zone "Crimea" and on the peculiarities of economic activity in the temporarily occupied territory of Ukraine" and on amendments to some legislative acts of Ukraine” № 1636-VII that was adopted in 2014. Ukraine amended its Criminal Code in March 2022 and established criminal responsibility for all persons who participated in Russian illegal “authorities and municipalities” in the Crimea.

The key modern challenge in Ukraine in social, security area is the social security for victims of hostilities and displaced persons and the future challenge is related with temporal social security mechanisms to be established for de-occupied territories during reintegration period.

On March 3-6, 2023 the I Session of Strategic Forum “Future of Crimea” initiated by the Crimean Tatar Resource Center was held²³, in which more than twenty key experts of various structures on the subject of the peninsula, including ARC’s representatives, took part²⁴. Strategic Forum elaborated proposals for Ukrainian government to make relevant preparations for next temporal social security mechanisms to be established for de-occupied Crimea during reintegration period.

Relevant recommendations were sent by the organizing committee of the Forum to the authorized state bodies of Ukraine, and meeting was held with the Deputy Prime Minister of Ukraine Iryna Vereshchuk, on May 3, but the above-pointed strategic and program documents regarding processes of reintegration the Crimea after its de-occupation may be soon amended and they need to be modernized regarding social security issues. Such situation was discussed upon ARC’s initiative at World for Ukraine (W4UA) Summit that was held in Poland, in Rzeszow-Jasionka at September 28²⁵.

Also those issues were discussed at II Session of Strategic Forum “Future of Crimea” initiated by the Crimean Tatar Resource Center in October, 2023²⁶ and relevant recommendations were granted to Ukrainian government and third countries’ representatives²⁷.

¹⁷ <https://hromadske.radio/en/news/2022/03/09/members-of-the-wagner-group-have-been-killed-in-ukraine>

¹⁸ <https://www.bbc.com/news/world-europe-60547807>

¹⁹ <https://arcrimea.org/en/analytics/2023/04/28/legal-programming-of-crimeas-deoccupation-and-reintegration-measurement-of-effectiveness/>

²⁰ <https://arcrimea.org/en/analytics/2023/04/25/actual-dimension-of-program-acts-implementation-on-crimea-reintegration/>

²¹ <https://arcrimea.org/en/analytics/2023/05/28/financial-aspects-of-reintegration-crimean-strategies-budget-programs-and-international-projects/>

²² <https://journals.fpk.kyiv.ua/index.php/kyivlawjournal/article/view/17/15>

²³ <https://arcrimea.org/en/activity/2023/03/06/results-of-strategic-forum-future-of-crimea/>

²⁴ <https://arcrimea.org/en/activity/2023/05/04/ministry-of-reintegration-held-meeting-with-experts-from-future-of-crimea-forum/>

²⁵ <https://arcrimea.org/en/activity/2023/09/28/world-for-ukraine-summit-discussions-and-occupied-crimea/>

²⁶ <https://arcrimea.org/en/activity/2023/11/23/recommendations-were-presented-to-governmental-plan-for-reintegration-of-crimea/>

²⁷ <https://arcrimea.org/en/activity/2023/12/15/presentation-of-results-of-strategic-forum-future-of-crimea/>

Also regarding Human Rights Council resolution 52/11 we want to stress on importance of its article 14 that underlines the importance of access to justice and to an effective remedy for violations of economic, social and cultural rights, including those of a systemic character, and in this regard notes with appreciation the measures taken by States for the domestic adjudication of cases and to ensure access to complaints procedures for victims of alleged human rights violations, and calls upon States to strengthen their efforts to guarantee access to judicial and non-judicial remedies at the national, regional and international levels²⁸.

As exactly Russia as aggressor state bears the responsibility for violation the conflict related violation of Ukrainians' right to social security relevant mechanisms of compensation and reparations must be established with strong participation of UN OHCHR, ILO and UN Committee on Economic, Social and Cultural Rights.

So we ask UN OHCHR to include issues of transitional justice and postconflict reintegration in framework of promoting social security to resolutions, thematic reports and other researches.

29th of December, 2023

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²⁸ <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G23/082/44/PDF/G2308244.pdf?OpenElement>