



ASSOCIATION OF REINTEGRATION
OF CRIMEA

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To UN Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health

Russian Nazi Aggression in Ukraine and Ukrainians' Right to Health

Our Association of Reintegration of Crimea (ARC)¹, is non-governmental expert and human rights organisation, with activities devoted to Crimea's issues.

ARC's expert researches are related with human rights of Crimean residents and ethnic groups, including social and economic rights. Since 2020 we sent more than 50 submissions and proposals to UN human rights' strictures, major part of them were published in the UN web-sources, including the issues of right to health²

Sending answers on the Special Rapporteur's submission on racism and right to health regarding issues appeared in the situation of Russian ongoing aggression against Ukraine.

1. 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 monthes Russia occupied some territories of Donetsk, Kharkiv, Kherson, Luhansk, Mykolaiv, Zaporizhzhya regions and active hostilities were in Chernigiv, Kyiv, Sumy, Zhitomir regions of Ukraine. Strong fights are going near cities of Kharkiv, Mykolaiv, Mariupol and others with total population more than 10 millions persons near the frontline.

In last three monthes Russia-controlled troops and mercenaries committed in Ukraine, during this operation, gross violation of international humanitarian law and international human rights' law already, including broad crimes against civil population, clinics and medical using the slogans of Russian nazism as racial discrimination of Ukrainians and other persons who do not belong to the so-called "Russian world"³.

The World Health Organization said that since February 24 to May 6, 306 attacks had taken place on health facilities in Ukraine in contravention of international humanitarian law and human rights law⁴.

2. 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 rights⁵⁶⁷⁸⁹¹⁰. Human Rights Watch has documented several cases of Russian military forces committing laws-of-

¹ https://www.journal-officiel.gouv.fr/associations/detail-annonce/associations_b/20210005/1348

² https://www.ohchr.org/sites/default/files/2022-05/Association_of_Reintegration_of_Crimea.docx

³ <https://sofrep.com/news/russian-soldiers-gang-raped-ukrainian-woman-as-her-child-was-crying-in-the-next-room/>

⁴ <https://www.aa.com.tr/en/russia-ukraine-war/128m-people-displaced-in-ukraine-since-russia-launched-war-un-human-rights-experts/2580552>

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://arc.construction/26892>

¹⁰ <https://news.un.org/en/story/2022/03/1113652>

war violations against civilians in occupied areas, including medic personnel, clinics and persons with disabilities¹¹.

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, including objects, essential for sick persons and persons with disabilities¹².

As major of Kharkiv stated in 31st of March, 2022 Russian troops destroyed more than 1290 apartment buildings in this one-million city, most of them were multi-floor ones¹³. Up to this date 90% of apartment building in Mariupol, city with 400 thousands inhabitants, are destroyed¹⁴ Among 3300 multi-storey residential buildings in Mykolaiv 400 were destroyed partially and 60 – totally¹⁵; those data are proved by UNOSAT maps¹⁶.

So thousands of Ukrainians, including sick persons and persons with disabilities lost their houses and save access to medical and social services due to Russian aggression and related hostilities. Due to the Russian occupation and blockade against “Ukrainian nationalists”, Kherson city was approaching a humanitarian catastrophe, as the city was critically short of medicines¹⁷.

The water supply and sewerage networks in Mariupol have been destroyed by the Russian army and are not functioning. Forecasts of summer rains do not add optimism, which will have a negative impact on chaotic burials. Under these conditions, the invasion of cockroaches and rats, poisoned water in the sources and the upcoming epidemic catastrophe with outbreaks of infectious diseases are, unfortunately, only a matter of time for the thousands of citizens who remained in Mariupol¹⁸.

In Oleshkovsky district hospital and the town hospital of Hola Pristan, Kherson Region doctors are forced to treat the invaders and medical workers were forbidden to evacuate. Citizens remaining in the occupied territories are practically cut off from medical services; establishments are closing, there are not enough doctors, the delivery of medicines from the territories controlled by Ukraine is prohibited¹⁹.

Risks of black transplantology arise on the occupied Crimea for children displaced from Russian-controlled areas of mainland Ukraine²⁰ and the medic system of Russia-controlled Crimea is not effective²¹.

3. Russia as occupying Power does not execute in its-occupied territories of Ukraine special obligations to refrain from denying or limiting equal access for all persons, comprising minorities, asylum seekers and migrants including undocumented migrants, to preventive, curative and palliative health services.

7. Due to such gross violation the human rights Ukraine filed an application with the International Court of Justice (ICJ) on 25 February 2022²² and to the European Court of Human Rights²³. 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

¹¹ <https://www.hrw.org/news/2022/04/03/ukraine-apparent-war-crimes-russia-controlled-areas>

¹² <https://www.washingtonpost.com/world/interactive/2022/ukraine-before-after-destruction-photos/>

¹³ <https://nv.ua/kharkiv/harkov-obstrelly-skolko-domov-razrusheno-dannye-31-marta-novosti-harkova-50229919.html>

¹⁴ <https://www.pravda.com.ua/rus/news/2022/03/31/7336102/>

¹⁵ <https://www.liga.net/politics/interview/mer-aleksandr-senkevich-rakety-do-nas-doletayut-za-tri-minuty-pod-pritselom-ves-nikolaev>

¹⁶ <https://unitar.org/maps/map/3540>

¹⁷ <https://arc.construction/27786>

¹⁸ <https://arc.construction/31687>

¹⁹ <https://arc.construction/31532>

²⁰ <https://arc.construction/31354>

²¹ <https://arc.construction/25876>

²² <https://www.icj-cij.org/en/case/182>

²³ <https://hudoc.echr.coe.int/eng-press?i=003-7282553-9922068>

2022.²⁴ UN Human Rights Council (HRC) 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 Russia²⁵.

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 crimes²⁶. In other UN experts' statements the negative impact of Russia's aggression on persons with disabilities and older persons was condemned²⁷, and relevant risks for women's right to life were pointed^{28,29}.

The European Disability Forum called in open letter for all parties to ensure the protection and safety of persons with disabilities in Ukraine³⁰.

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 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 that all parties to allow safe and unfettered passage to destinations outside of Ukraine and to facilitate the rapid, safe and unhindered access to humanitarian assistance for those in need in Ukraine, to protect civilians, including persons in vulnerable situations, including persons with disabilities and to respect human rights³¹.

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; 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 these sieges³².

On 7 April 2022 the UN General Assembly adopted a resolution ES-11/3³³ calling for Russia to be suspended from the Human Rights Council³⁴.

The UN Human Rights Council adopted on 12th of May a resolution on the deteriorating human rights situation in Ukraine stemming from the Russian aggression. UN Human Rights Council 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 areas of Ukraine³⁵.

8. 11. 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;³⁶ later Russia blocked the prolongation such Mission's activities.

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

²⁴ <https://www.icj-cij.org/public/files/case-related/182/182-20220316-ORD-01-00-EN.pdf>

²⁵ <https://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session49/Pages/ResDecStat.aspx>

²⁶ <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=28231&LangID=E>

²⁷ <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=28200&LangID=E>

²⁸ <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=28201&LangID=E>

²⁹ <https://www.ohchr.org/en/press-releases/2022/05/ukraine-millions-displaced-traumatised-and-urgently-need-help-say-experts>

³⁰ <https://www.edf-feph.org/protection-and-safety-of-persons-with-disabilities-in-ukraine/>

³¹ <https://digitallibrary.un.org/record/3959039?ln=ru>

³² <https://digitallibrary.un.org/record/3966630?ln=en>

³³ <https://digitallibrary.un.org/record/3967950?ln=ru>

³⁴ <https://news.un.org/en/story/2022/04/1115782>

³⁵ <https://arc.construction/31039>

³⁶ <https://www.osce.org/ru/special-monitoring-mission-to-ukraine/513430>

to execute the demands of ICJ and ECtHR orders to stop the aggression and hostilities that are directly pointed against right to health.

Our Association believes that next urgent, immediate steps of the UN Special Rapporteur on protection the right to health in Ukraine, in condition of ongoing interstate conflict and hostilities, of ongoing Russia's discriminative and racist policy must be done, including all observation procedures and visit 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 UN 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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