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To UN Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity

Ongoing Minorities Discrimination in Russia-Occupied Territories of Ukraine

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 minorities' 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 illegal 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 situation with violence and discrimination based on sexual orientation and gender identity (IE SOGI), exploring the right to freedom of religion or belief (FoRB) in relation to sexual orientation and gender identity (SOGI)¹⁶.

1-4, 6-9. 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,

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-crimer.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-crimer.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

Zaporizhzhya regions and strong fights are going near cities with total population of millions persons near the frontline¹⁷¹⁸¹⁹²⁰²¹.

Russian government, propaganda and military forces use the hate speech as against the ethnic Ukrainians and Crimean Tatars, so exactly against LGBT communities in Ukraine. In Russian officials' statements the new Nazi symbols are used as letter "Z" for marking own troops, paramilitaries and "support actions" in Ukraine and occupied territories.

Among civil persons, who were victims of Russia-controlled mercenaries, there are a lot of LGBT persons who tried to replace themselves from the hostilities zone, who hid in the shelters and were used as a "life shield" by Russian troops. A lot of persons were killed or kidnapped as "non-loyal" ones regarding their gender or sexual orientation²². Russian troops block the humanitarian corridors established to evacuate civil population, including LGBT from hostilities zones and occupied territories.

As UN Independent Expert recognized already in its Ukraine-related statement dated 22 March, 2022 LGBT and gender-diverse people are vulnerable to acts of stigmatisation, harassment and violence from both armed combatants and civilians, whether such acts are opportunistically motivated, connected to larger social discriminatory patterns, or the result of explicit, targeted political repression.

In addition to the challenges existing before the onset of the military invasion, LGBT and gender-diverse persons are experiencing specific and particularly acute persecutory risks during the armed conflict and humanitarian response efforts²³.

On January 3, the criminal "Crimean speaker" Vladimir Konstantinov "gave out" fake "program speech"²⁴, allegedly about the "institution of the family". In it, he began to promote the fake "concept", already traditional for the Russian occupiers, according to which, under the control of the Kremlin, the population of the Russia-occupied Crimea will obviously live worse than in civilized countries, but allegedly "without LGBT".

Konstantinov explicitly admits that the structures of the aggressor cannot even "compete with the collective West, ...in the economic sphere", while stating that "welfare and living standards" are allegedly associated with "the destruction of the institution of the family".

Obviously realizing that this sounds obviously "weak" for the impoverished Crimean residents, the criminal "speaker" decided to make his hate speech against LGBT stronger and stated, that in the countries of the civilized world allegedly "the idea was voiced of the need to create human incubators" and "people will be raised on farms, divided into males and females, or they will immediately receive hermaphrodites."

The fantasy of Konstantinov's speechwriters regarding the alleged "global LGBT dictatorship" and the "struggle for the traditional family" was published in that time, when 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 and social aid" were 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, hate speech against any minority group.

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://arc.construction/26918>

²³ <https://www.ohchr.org/en/press-releases/2022/03/ukraine-protection-lgbti-and-gender-diverse-refugees-remains-critical-un>

²⁴ <https://arcrimea.org/en/news/2023/01/03/collaborator-with-wide-circle-of-connections-cares-of-family-institution/>

Russian illegal “social and educational policy” includes punishment for the youth for attempts to get distance any aid from Ukrainian authorities and social structures on-line. Also social infrastructure 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, some objects were criminally destroyed by Russian invaders. Those criminal steps of Russian invaders brutally violate the principles of inclusive social protection, including minorities’ protection.

Militarization of Russia-occupied Crimea makes strong negative impact on issues of discrimination the minorities. 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 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”²⁵. Criminal aggressor’s “administrations” in the occupied territories are urgently fulfilling the criminal instruction to “create cells” for so-called “Russian movement of children and youth” to enforce the degree of the corresponding criminal aggressor’ Nazi and war propaganda, hate speech against minorities²⁶²⁷²⁸.

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 and minorities; later some aggressor’s illegal activities were realized²⁹³⁰³¹.

5.10. 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 aggression³²³³.

Those issues now are the subject of the investigation the International Criminal Court³⁴ Due to gross violation the human rights Ukraine filed an application to the European Court of Human Rights also³⁵. 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 2022,³⁶ also as previous order of ICJ, given in April, 2017 in case No. 166³⁷.

²⁵ <https://arcrimea.org/en/news/2022/11/05/occupiers-step-up-criminal-militarization-of-crimea-through-dosaaf/>

²⁶ <https://arcrimea.org/en/news/2022/12/23/ukrainian-children-in-occupied-territories-and-aggressors-propaganda/>

²⁷ <https://arcrimea.org/en/news/2022/11/16/russian-occupiers-will-send-children-to-trenches-in-sevastopol-for-new-year/>

²⁸ <https://t.me/ARCconstruction/5354>

²⁹ <https://t.me/ARCconstruction/4614>

³⁰ <https://t.me/ARCconstruction/4245>

³¹ <https://t.me/ARCconstruction/4538>

³² <https://www.ohchr.org/sites/default/files/documents/issues/children/cfi/vulnerabilities-children/csos/2022-07-26/submission-sdgs-cso-ARC-second-submission.pdf>

³³ <https://www.icj-cij.org/en/case/182>

³⁴ <https://www.icc-cpi.int/ukraine>

³⁵ <https://hudoc.echr.coe.int/eng-press?i=003-7282553-9922068>

³⁶ <https://www.icj-cij.org/public/files/case-related/182/182-20220316-ORD-01-00-EN.pdf>

³⁷ <https://www.icj-cij.org/public/files/case-related/166/166-20170419-ORD-01-00-EN.pdf>

On March 16 2022, Russia was excluded from the Council of Europe and refused officially to execute the demands of European Convention on Human Rights³⁸ and European Social Charter that guarantee relevant human rights and ban the illegal minorities' discrimination. 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 Russia³⁹.

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 crimes⁴⁰, which are terroristic by their nature. In other UN experts' statements the negative impact of Russia's aggression on minorities was condemned⁴¹, and relevant risks for human right were pointed⁴²⁴³.

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 situations⁴⁴ that it actual for Ukrainian minorities' representatives.

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 sieges⁴⁵.

On 7 April 2022 the UN General Assembly adopted a resolution ES-11/3⁴⁶ calling for Russia to be suspended from the Human Rights Council⁴⁷.

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 areas⁴⁸.

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 minorities' representatives, violating their rights⁴⁹⁵⁰.

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

³⁸ <https://arc.construction/26897>

³⁹ <https://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session49/Pages/ResDecStat.aspx>

⁴⁰ <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=28231&LangID=E>

⁴¹ <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=28200&LangID=E>

⁴² <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=28201&LangID=E>

⁴³ <https://www.ohchr.org/en/press-releases/2022/05/ukraine-millions-displaced-traumatized-and-urgently-need-help-say-experts>

⁴⁴ <https://digitallibrary.un.org/record/3959039?ln=ru>

⁴⁵ <https://digitallibrary.un.org/record/3966630?ln=en>

⁴⁶ <https://digitallibrary.un.org/record/3967950?ln=ru>

⁴⁷ <https://news.un.org/en/story/2022/04/1115782>

⁴⁸ <https://arc.construction/31039>

⁴⁹ <https://hromadske.radio/en/news/2022/03/09/members-of-the-wagner-group-have-been-killed-in-ukraine>

⁵⁰ <https://www.bbc.com/news/world-europe-60547807>

to execute the demands of ICJ and ECHR orders to stop the aggression and hostilities that are directly pointed against Ukrainian's rights including minorities' rights.

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 minorities' rights must be reflected in UN official position.

So Ukrainian minorities' representatives in hostilities zone and in Russia-occupied territories are extremely vulnerable groups, which need urgent international protection.

Our Association believes that urgent, immediate steps of the UN OHCHR structures 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 Independent Expert on protection Ukrainian minorities representatives' 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 OHCHR's steps reacting the Russia's ongoing terrorist policy and aggression in Ukraine, including war crimes against minorities and violating their social right, in framework of UN mandate.

14th January, 2023

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