



ASSOCIATION OF REINTEGRATION
OF CRIMEA

France, Paris, 14 Avenue de l'Opera, 75001
Ukraine, Kyiv, 56 Kharkivske highroad, 02175
arcconstructionofcrimea@gmail.com
28.03.2022 № 80/2022

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

Russian Aggression in Ukraine and Sexual Discrimination

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 gender 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 violating the sexual and gender rights of Crimean residents³

Illegal occupation and attempted annexation of Crimea by Russia since 2014, as a part of Russian-Ukrainian interstate conflict, changed the situation in the region regarding gender issues. In the Crimea since 2014 Russia executes illegally own legislation and administrative policy on gender issues that is far from the international standards and is directed on the oppression on the freedom of sexual orientation and gender identity.

Russian de-facto authorities in the Crimea, including so-called "Head of the Republic of Crimea" and "Head of the State Council of the Republic of Crimea" use actively not only the narratives of gender-related concepts but also the hate speech to LGBT persons⁴ or communities⁵. Russian de-facto authorities in the Crimea ban the gay prides systematically since 2014⁶⁷. Any public activities of LGBT persons are not allowed in the Crimea⁸. Those problems are banned for the public discussion in the Crimea by the Russian de-facto authorities, which regress the human rights of LGBTI individuals⁹.

As Russian de-facto authorities ban in the Crimea any public activities or legalized movements of feminist and LGBT and other groups are impossible on peninsula¹⁰. Russian de-facto authorities did not adopt any policies, programs and/or practices in the Crimea to diverse sexual orientations and gender identities and/or aiming to address violence and discrimination based on sexual orientation and gender identity. Those problems are banned for the public discussion in the Crimea.

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/Health/sexual-reproductive-health-covid/CSOs/ngo.association.of.reintegration.of.crimea.rtf>

⁴ <https://www.interfax.ru/russia/394482>

⁵ <http://www.c-inform.info/news/id/37983>

⁶ <https://svpressa.ru/society/news/147423/>

⁷ <https://crimeahrg.org/ru/narodnoe-opolchenie-v-kryimu-ugrozhaet-raspravvoy-organizatoram-gey-praydov/>

⁸ <https://ru.krymr.com/a/krym-borba-za-prava-lgbt/29874319.html>

⁹ <https://ru.krymr.com/a/29035373.html>

¹⁰ <https://ru.krymr.com/a/28823713.html>

Systematic gross violations of the human rights and humanitarian standards, gender and sexual discrimination, were committed in last seven years by Russia in the Crimea, were condemned by the UN GA resolutions¹¹, resolutions of the OSCE Parliamentary Assembly, of the PACE, of the European Parliament's resolutions etc. Gross human rights' violations, correlated with crimes against humanity in Crimea are now subject to consideration in International Court of Justice (case 166)¹² and the European Court of Human Rights (case 20958/14 and others).¹³ UN GA Resolution 76/179 on 16 December 2021¹⁴ condemned the reported serious violations and abuses committed by Russia against residents of the Crimea.

Since 24th of February 2022 Russia committed broad and open military aggression to all Ukraine's territory from own territory, from occupied Crimea, Belarus, Black and Azov seas against Ukrainian mainland. Due last weeks of fights Russia occupied some territories of Chernigiv, Donetsk, Kharkiv, Kherson, Kyiv, Luhansk, Mykolaiv, Sumy, Zaporizhzhya, Zhitomir regions and strong fights are going near cities of Kyiv, Kharkiv, Mykolaiv and others with total population more than 10 millions persons near the frontline.

In last weeks Russian troops committed in Ukraine, during this operation, gross violation of international humanitarian law and international human rights' law already. Russia commenced an unprovoked invasion throughout Ukrainian territory, which is already causing catastrophic harms to Ukraine and its people¹⁵.

Ukraine immediately filed an application with the International Court of Justice (ICJ) on 25 February 2022¹⁶ and to the European Court of Human Rights¹⁷. 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 in the territory of Ukraine and to shall ensure that any military or irregular armed units which may be directed or supported by it, as well as any organizations and persons which may be subject to its control or direction, take no steps in furtherance of those military operations.¹⁸

Russian government, propaganda and military forces uses the hate speech as against the ethnic Ukrainians and Crimean Tatars, so exactly against LGBTI 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.

On March 10, Russia stopped its participation in the Council of Europe and refused officially to execute the demands of European Convention on Human Rights, including ban on the discrimination¹⁹. Russian troops and "military commandant's offices" created by Russian invaders in Kherson and Zaporizhzhya regions, the use actively the practice of extrajudicial executions of local civil population and Ukrainian prisoners of war. Russian troops use actively mercenaries in their military activities in Ukraine, including those Russia-occupied territories²⁰. Russian troops search in public libraries any books or magazines published regarding gender issues and tolerance and destroy them.

Till March, 2022 more new was crimes were committed by the Russian troops, including usage civil population as hostages and "human shield", destruction objects of civil

¹¹ for example, <https://undocs.org/en/A/RES/73/263>

¹² <https://www.icj-cij.org/public/files/case-related/166/166-20191108-JUD-01-00-EN.pdf>

¹³ <http://hudoc.echr.coe.int/eng?i=001-207622>

¹⁴ <https://undocs.org/en/A/RES/76/179>

¹⁵ <https://www.icj-cij.org/public/files/case-related/182/182-20220307-PRE-01-00-EN.pdf>

¹⁶ <https://www.icj-cij.org/en/case/182>

¹⁷ <https://hudoc.echr.coe.int/eng-press?i=003-7282553-9922068>

¹⁸ <https://www.icj-cij.org/public/files/case-related/182/182-20220316-ORD-01-00-EN.pdf>

¹⁹ <https://arc.construction/26897>

²⁰ <https://hromadske.radio/en/news/2022/03/09/members-of-the-wagner-group-have-been-killed-in-ukraine>

²¹ <https://www.bbc.com/news/world-europe-60547807>

infrastructure, including pipe electric lines, bomb the civil objects, including kindergartens, schools and hospitals by missiles and artillery, kill medics that try to give aid to victims of war and enforced civil labour in military purposes. More than 10000 civil person, including 130 children, including some Crimean Tatars were killed by Russian troops and Russia-controlled mercenaries to 28th of March.

Among civil persons, who were victims of Russia-controlled mercenaries, there are a lot of LGBTI 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 LGBTI from hostilities zones and occupied territories.

Due to the fierce resistance of the population of Kherson Region, adjacent to the Crimea, the occupiers are trying to impose an administrative-police regime, for which Rosguard units were introduced in the region, which illegally detained more than 500 Ukrainian citizens on gender, racial and sexual grounds, including Ukrainian youth representatives²³.

Now the International Criminal Court started investigation on the war crimes committed by Russian invaders in Ukraine and it collect relevant proofs. Also the crimes’ against civil population committed by Russian troops and paramilitaries are investigated by the Ukraine’s legal enforcement bodies and by prosecutors’ offices of some European countries, including Germany. There is now peacekeeping missions in Ukraine as such initiatives were blocked by the Russian government. Activities of UN Monitoring Mission in Ukraine are low and OSCE Special Monitoring Mission in Ukraine de-facto stopped its activities since 7th of March²⁴. Russian invaders destroyed Ukrainian legal enforcement and court activities in the occupied territories so there victims of Russian troops and Russia-controlled mercenaries, including victims of gender-related discrimination and violence.

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, including the rights to life, 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 and loss of life; experts recalled that intentional attacks against civilians and civilian objects amount to war crimes²⁶. In other UN experts’ statements the negative impact of Russia’s aggression on right to life of persons with disabilities and older persons was condemned²⁷, and relevant risks for women’s right to life were pointed²⁸.

As UN Independent Expert recognized already in its Ukraine-related statement dated 22 March, 2022 LGBTI 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.

²² <https://arc.construction/26918>

²³ <https://arc.construction/26892>

²⁴ <https://www.osce.org/ru/special-monitoring-mission-to-ukraine/513430>

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>

In addition to the challenges existing before the onset of the military invasion, LGBTI and gender-diverse persons are experiencing specific and particularly acute persecutory risks during the armed conflict and humanitarian response efforts²⁹.

All Ukraine's attempts for the peace-building, including peace talks and negotiations with Russian government were unsuccessful and Russia refuses to execute the demands of ICJ and ECHR orders to stop the aggression and hostilities.

Ukraine provided the legislation amendments and organizational steps for support the internal displacement and evacuation from Ukraine. Russia did not adopt any measures on the occupied territories provided by Geneva Conventions, 1949, that are in force for Russia.

All those steps of the Nazi policy of Russian government and by the Russia-controlled "administrations" in Russia-occupied Crimea, South, North and East of Ukraine create the especial risks for the Ukraine's LGBTI. 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 started immediately.

Our Association believes that urgent, immediate steps of the UN Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity defending Ukrainian citizens rights in condition of ongoing interstate conflict and hostilities must be done including all observation procedures and immediate visit to Ukraine.

We hope that above-pointed special statement of the UN Independent Expert must be supported by next UN Expert's steps reacting the Russia's ongoing Nazi policy and aggression in Ukraine, counteracting the war crimes against sexual minorities and on gender-related issues, committed by the aggressor state in framework of Independent Expert's mandate.

28th March, 2022

Representative of the ARC
Dr. Borys Babin



²⁹ <https://www.ohchr.org/en/press-releases/2022/03/ukraine-protection-lgbti-and-gender-diverse-refugees-remains-critical-un>