**Human rights in Crimea**

A lost cause or a growing cause of concern?

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1. **Introduction**

As Russian President Putin delivered his annual State of the Union address on 4 December, it was amid the country’s worse relations with the West since the end of the Cold War. Yet the first point on the agenda was not the ongoing separatist conflict in eastern Ukraine; nor was it the sanctions regime and its increasingly negative impact on the Russian economy. Instead, Putin devoted the first part of his speech to Crimea and the Russian annexation of the region in March. Putin compared the region’s historical significance to Russia to that of Jerusalem for Jews and Muslims, and rather ominously declared that ‘this is how we will always consider it’.[[1]](#footnote-1) Meanwhile, the region has gradually been incorporated into the legal, institutional and financial framework of Moscow. The rouble quickly replaced the Ukrainian hryvnia, administrative structures have been brought into the Russian framework and ‘nationalisation’ of the private sector has been undertaken, including by force. The region is scheduled to be fully incorporated into the legal, institutional and economic framework of Russia by January 2015, making a change in the status quo appear increasingly unlikely.[[2]](#footnote-2)

When Russia annexed Crimea in March, it was met with international outcry, condemnation and sanctions. The international community was swift to declare that it refused to recognise any results of the country’s aggression, including the outcome of the Crimean referendum on unification with Russia held in mid-March.[[3]](#footnote-3) However, the issue of Crimea seems to have been put on hold in the face of a deteriorating security situation and fears of another frozen conflict in the eastern parts of Ukraine. Few states have risen to defend the human rights continuously violated in the region in the wake of the annexation. Reports of forced disappearances, unlawful detentions and torture, alongside discriminating policies and increasing repression against minorities, activists and journalists have largely been lost in the diplomatic struggles between Moscow and its Western adversaries. A recent report by international watch-dog Human Rights Watch is the latest in a long series of disturbing reports regarding continued discrimination and increasing abuse in Crimea.[[4]](#footnote-4)

While it is in many ways understandable that the ongoing violence in eastern Ukraine is a key priority, marginalising the situation in Crimea may not only contribute to further abuses and a culture of impunity, evidence of which is already abundant, but also have significant implications for the future stability of the wider region and the role of the international community in fostering such stability. Developments in other break-away regions of the former Soviet Union clearly show that failure to learn the lessons of the past may turn out to come at a high price. By outlining some of the implications of Western policy of indifference and isolation in other parts of the former Soviet space, this article seeks to highlight some of the adverse effects of adopting a similar policy in Crimea. Keeping Crimea on the agenda, rather than merely paying lip-service to Ukrainian sovereignty and international law, should be a key priority for decision makers in Europe and elsewhere.

1. **Minority rights**

Since the illegal annexation of Crimea in March, numerous reports by international organisations and NGO’s have raised concern about the human rights situation in the region, in particular for the minority Crimean Tatar population that make up around 12% of the population.[[5]](#footnote-5) The community have been openly critical of Russian actions in Crimea and boycotted both the March referendum and the September local elections in protest. Harassment against the group’s leadership, institutions and individual members have reportedly increased after the annexation, often justified by local authorities on allegations of anti-Russian activism and extremism.[[6]](#footnote-6) Two of the group’s most prominent leaders, Mustafa Dzemilev and Refat Chubarov, have either been declared persona non grata by the Russian authorities or expelled on the grounds of inciting extremism and interethnic tension.[[7]](#footnote-7) Public gatherings have been banned, including the annual commemoration of the 1944 deportation of the Crimean Tatars. In September, the Crimean Tatar executive council, the Mejlis, was searched and raided by local authorities with the assistance of the Russian security service, and it has effectively been inoperable since.[[8]](#footnote-8) Human Rights Watch have also documented cases of mosques and schools being searched and property seized, including numerous Muslim books banned under the Russian anti-extremism legislation.[[9]](#footnote-9) In addition, individual members of the Tatar community have been subjected to detention and abuse by autonomous ‘self-defense units’, as will be discussed in further detail below.

The discrimination and repression is however not limited to the Crimean Tatars. The Ukrainian minority, making up around 23% of the population, have also been increasingly targeted by both the local administration and pro-Russian paramilitary groups. The Ukrainian language is reportedly being used less frequently in schools as it is being replaced by Russian. Individuals that chose to retain their Ukrainian citizenship after March are unable under Russian law to hold positions in government or the civil service.[[10]](#footnote-10) Furthermore, churches previously part of the Ukrainian Orthodox Church have been transferred to Moscow, including by force, and the Patriarch of Kiev have confirmed that, as of September, six out of fifteen churches are outside direct control of the Ukrainian church.[[11]](#footnote-11)

Pro-Ukrainian and critical media have largely been disbanded, and the few remaining independent media outlets now face the process of re-registering under Russian law, alongside threats of being unable to do so should they retain their critical stance on Russia.[[12]](#footnote-12) Journalists and human rights activists are also among the groups subject to harassment and searches, and many have chosen to leave the region. The lack of independent media, long a staple of Putin’s domestic policies, appears to have been transferred to Crimea as part of its Russification.

1. **First annexation, then ‘Chechenisation’?**

Noted Russian historian and opposition figure Vladimir Ryshkov recently drew a parallel between the unfolding situation in Crimea and the conflict-ridden Chechnya, where Russia fought two wars against separatist forces following the collapse of the Soviet Union in the 1990’s. Ryshkov highlights the historic dimension of both situations as their common denominator and identifies Crimea as the most serious ethnic conflict in Russia today.[[13]](#footnote-13) The parallels with Chechnya do not end there however. Perhaps even more disturbing are reports of autonomous or semi-independent ‘self-defense units’ largely outside the control of either Russia or the local authorities. Several reports suggest that the groups are responsible for unlawful detentions and disappearances of activists and members of the Crimean Tatar community, cases of beatings and torture, as well as suspicious deaths.[[14]](#footnote-14) The acts clearly constitute severe violation of fundamental human rights, including the right to life and the prohibition on torture and ill-treatment.[[15]](#footnote-15)

The ‘self-defense units’ are reminiscent of the paramilitary groups, loyal to the former Chechen president Akhmad Kadyrov, that played a prominent role in the aftermath of the wars in Chechnya. Led by current president Ramzan Kadyrov, the groups, commonly known as Kadyrovtsy, have been implicated in numerous cases of serious human rights abuses, many of which have ended up in the European Court of Human Rights.[[16]](#footnote-16)

As in Chechnya, the ‘self-defense units’ in Crimea have been allowed to operate outside any legal or institutional framework and both the local authorities and Russia have failed to investigate alleged violations, choosing instead to foster a culture of impunity.[[17]](#footnote-17) The protection against deprivations of life and freedom and the absolute status of the ban on ill-treatment in international law includes obligations on the state, or the authority exercising effective control over a territory, to prevent and investigate abuses.[[18]](#footnote-18) Rather than holding the groups responsible however, the local authorities opted in June to incorporate them into normal law enforcement structures in an apparent attempt to re-gain control over the groups.[[19]](#footnote-19) Another local initiative, and a similar one before the Russian State Duma, provides members of the groups with immunity for the period after the March annexation.[[20]](#footnote-20)

In Chechnya, the former Kadyrovtsy are now part and parcel of Kadyrov’s regime, while disappearances and killings remain unresolved. It should be noted that while there are similarities between the two situations, the scale of abuses in Chechnya far exceed what has been reported in Crimea. Nevertheless, it is important to recognise the possible implications of allowing the current situation in Crimea to deteriorate further, as well as the long-term effects of suggested amnesties. The continued abuse and lack of effective investigations in Crimea may contribute to silencing of activists and opposition and further the resentment of the Tatar and Ukrainian minorities. A failure to act against abuse may thus obstruct future reconciliation between the groups, a development that is clearly not conducive to normalisation and stability in the region.

1. **The international community and the cost of indifference**

The implications of the international indifference towards the situation in Chechnya, often justified on the basis of respecting the sovereign rights of Russia, are still visible in the region. By comparison, the strong condemnation of Russia’s actions in Crimea and the subsequent sanctions regime gives the impression of wider international engagement. However, the question of Crimea, while still prominent in international rhetoric, was surprisingly quickly removed from the concrete policy agenda. Instead, European policy makers have retained a staunch commitment to non-recognition with regards to Crimea and meaningful debate regarding the future of the region seems to have gone silent. A substantial part of the policy response to events in Crimea and Ukraine have been the US and EU sanctions regime against Russia. Yet the sanctions regime also extends to Crimea as the EU has banned imports and restricted trade and investment with the region.[[21]](#footnote-21) On 10 December, it was reported that the Union is negotiating further economic limitations, principally in the tourism and energy sector.[[22]](#footnote-22) In addition to placing an unfair burden on the Crimean population, the blending of measures to punish Russia with the policy on Crimea also fails to appreciate the potential long-term effects of pushing the region closer to Russia.

Parallels to other post-Soviet break-away regions may again be instructive for understanding the potential implications of this policy of isolation and the current stalemate. While in many ways different from the situation in Crimea, the international responses to de facto independent regions in the former Soviet Union have largely been guided by an urge to disengage, both for legal and political reasons. The international policy towards South Ossetia and Abkhazia can offer valuable insights into potential effects of choosing a similar policy of isolation in Crimea. The regions have been de facto separated from Georgia since the country gained independence, and even more so following the Russian recognition of the regions as independent states after a brief war with Georgia in 2008. The international community, in particular Western states, have chosen a policy of disengagement as a way to condemn Russian actions and, seemingly, preserve the territorial integrity of Georgia with little attention to the situation on the ground. The legal indeterminacy has pushed the regions closer to Russia, increasing both their political and economic dependence.

While in many ways detrimental to the development and stability in both the regions and Georgia, detachment also carries costs for those that chose to isolate. It has for example been argued that the policy of disengagement has meant that Western states lack influence and effective channels of contact in the regions.[[23]](#footnote-23) The downside of adopting a similar policy of isolation in Crimea is thus that the initiative and influence is handed over to Russia, with Western states and the international community left largely on the sidelines. The categorical refusal to recognise Russia’s actions in the region risks paralysing any efforts to resolve the situation, leaving Crimea in a political and legal vacuum where the only option is to turn east.

1. **Conclusion**

The ultimate responsibility for protecting and ensuring individual and minority rights in the region undoubtedly rests with Russia. Nonetheless, the deteriorating situation for the population of Crimea should be of greater concern for the international community, not just from a humanitarian perspective but also because of the adverse effects that further repression may have on future reconciliation and stability in both Crimea and Ukraine. Ample examples abound of what may happen otherwise, from Chechnya to Abkhazia and beyond. Minority abuse and impunity in the face of grave violations of human rights should not be accepted in silence and the plight of the Crimeans must be given the attention it deserves. It must be possible to hold Russia responsible for its illegal actions while simultaneously recognising that Crimea, and in particular the Crimean population, is the victim.

Rather than categorically rejecting any meaningful debate on resolution, the international community should seriously consider ways that the policy on Crimea can be decoupled from Russia once and for all. The current sanctions regime is a central element and it should be devised so as to minimise adverse effects within Crimea. Punishing Crimea for Russia’s actions will, if history is any guidance, only lead to further isolation and suffering, and diminish any future role of Europe in resolving the crisis. As Europe shuts the door on Crimea, it should at the very least be done with a clear understanding of what the consequences will be, both for the Crimean population and for the wider region.

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Cite this article as:

Hartikainen, S. (2014). 'Human Rights in Crimea: A lost cause or a growing cause for concern?’ *Human Security Centre Policy Brief,* Issue 12, No. 3. December 2014.

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4. HRW, November 17, 2014 [[Link](http://www.hrw.org/sites/default/files/reports/crimea1114web_0.pdf)]; see also for example HRW March 14, 2014 [[Link](http://www.hrw.org/news/2014/03/14/crimea-attacks-disappearances-illegal-forces)] and October 7, 2014 [[Link](http://www.hrw.org/news/2014/10/07/crimea-enforced-disappearances)] [↑](#footnote-ref-4)
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14. HRW, November 17, 2014 [[Link](http://www.hrw.org/sites/default/files/reports/crimea1114web_0.pdf)]; see also Council of Europe High Commissioner for Human Rights, October 27, 2014 [[Link](https://wcd.coe.int/com.instranet.InstraServlet?command=com.instranet.CmdBlobGet&InstranetImage=2624575&SecMode=1&DocId=2197556&Usage=2)] [↑](#footnote-ref-14)
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