

Crimea beyond rules

Thematic review of the human
rights situation under
occupation

Issue N° 1

The right to liberty of
movement and freedom
to choose residence



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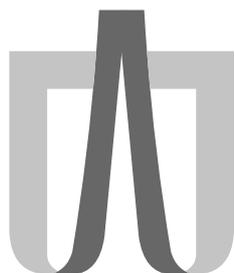
РЕГІОНАЛЬНИЙ ЦЕНТР ПРАВ ЛЮДИНИ

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Regional Center of Human Rights – NGO, the nucleus of which consists of professional lawyers from Crimea and Sevastopol, specializing in the field of international human rights law.

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Rights Union**

UHHRU - non-profit and non-political organization. The largest association of human rights organizations in Ukraine, which unites 29 NGOs, the purpose of which is to protect human rights.

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CHROT - expert-analytical group, whose members wish to remain anonymous.

Some results of work of this group are presented at the link below :

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Institute of International Relations of Taras Shevchenko
National University of Kyiv

Dear readers,

Crimean events at the beginning of 2014 have challenged the post-war system of international security. They stirred up the whole range of human emotions - from the loss of vital references to the euphoria, from joyful hope to fear and frustration. Like 160 years ago, Crimea attracted the attention of the whole Europe. In this publication we have tried to turn away from emotions and reconsider the situation rationally through human values and historical experience. We hope that the publication will be interesting to all, regardless of their political views and attitudes towards those events.

S. Zayets

R. Martynovskyy

D. Svyrydova

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Introduction

By signing on 1 August, 1975 the Helsinki Final Act which concluded the Conference on Security and Cooperation in Europe (URL: <https://www.osce.org/mc/39501?download=true>), European countries recognized the inviolability of their frontiers and committed themselves to refrain from any actions that constitute the threat or use of force, as well as recognized inadmissible making each other's territory the object of military occupation or other direct or indirect measures of force in contravention of international law. The countries of Europe proclaimed the principle that no such occupation or acquisition would be recognized as legal.

Events in the Crimea in February-March 2014 and the occupation of the territory of Ukraine by the Russian Federation is the first example of large-scale violations of the provisions and principles of the Final Act in Europe.

The occupation and the subsequent annexation of Crimea presented the world with a new challenge. The situation in the region is fundamentally different from the unrecognized territories like Transnistria, Abkhazia, North Ossetia, where external interference is expressed mainly in support of the newly emerged regimes. Some similarities can be observed in the Turkish occupation of Northern Cyprus. However, the current level of economic and informational development of the society, the degree of mutual integration and many other similar aspects make Crimea stand out among other cases. All this, as well as the fact that the occupation of Crimea happened without active military clashes and preceding internal conflicts in that territory, has put before the world a number of new questions that still remain to be answered.

In order to analyze the current situation, to find solutions to emerging issues and to ensure observance of human rights in the context of the occupation the efforts of the team of human rights activists, experts and scholars from various organizations were united. Namely, the effort of Regional Centre for Human Rights (URL: <http://rchr.org.ua/>), Ukrainian Helsinki Human Rights Union (URL: <http://helsinki.org.ua/>), Institute of International Relations of Taras Shevchenko National University of Kyiv (URL: <http://uail.com.ua/>) and Ukrainian Association of International Law (URL: <http://uail.com.ua/>).

The review, prepared by joined efforts of our team and invited experts, aims to help the international community, human rights organizations, international and national bodies and structures as well as anyone who wants to understand the human rights situation in Crimea.

Each review has a theme and includes a number of analytical articles, references to international regulations and standards relating to the chosen themes as well as the legislation adopted in respect of Crimea by Ukraine, the Russian Federation and illegally established authorities of Crimea and Sevastopol. The review also includes an analysis of prospects for potential complaints or those already filed with the European Court or other international human rights bodies.

International law assumes that the occupation is a temporary regime. We are also convinced that the need for such reviews is temporary. Looking to the future with hope, we believe that the main task of these materials should be apprehension of what had happened and generalization of experience in order to prevent further human rights violations in Crimea or other regions of the world.

Full version of the publication is available on the website: crimeahumanrights.org.

Crimea and city of Sevastopol

The decision of the Presidium of the State Council of the Republic of Crimea N° 1785-6/14 dd. 21 March, 2014 "On the persons who undertake anti-Crimean activities, whose residence in the territory of the Republic of Crimea is undesirable"

(Collection of normative legal acts of the Republic of Crimea. – No 3. – Part 1. – P.304. –
URL: <http://crimea.gov.ru/content/uploads/files/sbornik/2014-03.pdf> (12.09.2015))

This decision specifies that entrance to and stay in Crimea is undesirable for a number of Ukrainian MPs and officials as well as leaders of political parties and public organizations whose activities are prohibited in the Republic of Crimea. According to paragraph 2 of the decision, this list is not exhaustive. Among the reasons are political collaboration and cooperation with the illegitimate authorities of Ukraine, the initiation of cancellation by judicial procedure of the ARC Parliament's Resolution to hold a referendum and others.

The decision of the Presidium of the State Council of the Republic of Crimea N° 2062-6/14 dd. 18 April, 2014 "On the stay of certain persons in the territory of the Republic of Crimea"

(URL: <http://crimea.gov.ru/act/12067> (12.09.2015))

By this decision the Presidium of the State Council of the Republic of Crimea instructed the Permanent Commission of the State Council of the Republic of Crimea on the rulemaking to supplement the lists of persons engaged in anti-Crimean activities whose residence in the territory of Crimea is not desirable, as well as to include to these lists the deputies of the Verkhovna Rada of Ukraine who voted for the adoption of the draft Law of Ukraine "On ensuring the rights and freedoms of citizens in the temporarily occupied territory of Ukraine".

The list of persons whose stay in the territory of the Republic of Crimea is undesirable (as of 21. 11.2014)

(URL: http://crimea.gov.ru/news/21_11_14 (12.09.2015))

Special parliamentary committee of the State Council of the Republic of Crimea repeatedly revised the list of persons whose stay in the territory of the Republic of Crimea is undesirable. According to the latest update as of 21 November, 2014, the specified list included 334 persons. It is interesting that the former MP of Ukraine V.L. Polyakov, who declared his loyalty to the authorities of Crimea and filed notice revoking his vote for the draft resolution of the Verkhovna Rada of Ukraine N° 4461 dd. 03.15.2014 " On the early termination of the powers of the Supreme Council of the Autonomous Republic of Crimea", was removed from this list.

The occupation is inevitably connected with the restriction of liberty of movement. This is determined by a number of reasons that we leave outside the scope of this analysis. Instead, we try to consider several examples that can be used to construct a complaint to the European Court or the UN Human Rights Committee. These examples can relate both to complaints that have been actually submitted to the European Court and to typical situations that are illustrated in the cases described in the media.

In order to take up the issue of violation of the right to liberty of movement and freedom to choose one's residence with the international bodies it is necessary (1) to show what exactly the interference consists of (2) to assess whether it was based on the law and, if necessary, (3) to give reasons for the position on disproportionality of such interference. Let's consider these issues with specific cases.

Sinaver Kadyrov, the coordinator of the Committee on Crimean Tatar Rights Protection was deported from the territory of Crimea in January 2015 as a citizen of Ukraine for violation of the 90-day period of stay (URL: <http://ru.krymr.com/content/article/26809768.html>).

The applicant, a citizen of Ukraine, legally resided for a long time in Crimea. Pursuant to the Federal Constitutional Law of 21.03.2014 No. 6 -FKZ "On acceptance of the Republic of Crimea into the Russian Federation and the creation of new constituent entities of the Russian Federation – the Republic of Crimea and the Federal City of Sevastopol" starting from 1 April, 2014 the legislative and other regulatory legal acts of the Russian Federation are applicable in the territory of the Crimean peninsula.

In particular in the territory of Crimea the restrictions on the stay of foreigners are applied (if the stay does not require a visa, a foreigner may stay in Russia without registration for 90 days during every 180 days). These restrictions are applied also in regard to non-Russian citizens, who prior to the occupation resided in Crimea (Ukrainian citizens, citizens of third countries as well as stateless persons). Control of entry and exit, period of stay and liability for violation of this period are the interference with liberty of movement.

However, despite the existence of a special law on the status of foreigners, such interference in regard to those who constantly resided in Crimea can not be based on this law: Russian legislation provides for restrictions on foreigners who enter the country, but does not envisage a situation where a foreigner happens to be under the jurisdiction of the Russian Federation as a result of the occupation (without changing territory). Moreover, in this case the provisions of Art. 49 of the Geneva Convention (IV) are also applicable relative to the protection of civilian persons in time of war, which prohibit the expulsion of persons living in the occupied territory, from this territory.

In this example, as in the majority of other cases, it is necessary to exhaust effective remedies available at the national level. However, as the decision on administrative expulsion is based on a court decision, the exhaustion of effective remedies means to appeal the decision. The decision of the court of second instance is final, and six months term for the application to the ECHR needs to be calculated from the date of this decision. All subsequent possibilities of appeal are not an effective remedy.

Thus, in this example, the interference lacked a basis in domestic law. In such cases one needs to focus on the fact that the applicant resided continuously in the territory of Crimea, and only temporarily left it (obviously, the Russian government will argue that the applicant, on the contrary, entered this territory as a foreigner). In order to file an application to the ECHR it is necessary to appeal the court decision in the court of second instance which will be final.

Oleg Khomenok, the well-known media-trainer, on October 29, 2012 was banned from entering the Russian Federation for the period of five years. By the time of occupation of Crimea, his place of residence was registered in Crimea, his relatives still live in Crimea and his property is still there.

(URL: <http://goo.gl/I5jbG5>)

As it has already been mentioned, since April 1, 2014 the legislation of the Russian Federation is extended over the Crimean Peninsula. Thus, since April 1, 2014 the ban on entry into Russia was also extended to the territory of the Crimean Peninsula. Violation of this prohibition is a criminal offense under Art. 322 of the Criminal Code of the Russian Federation.

Interference in the freedom of movement in this example took place at the time of declaration of the Crimean Peninsula as a part of the Russian Federation. The main point of the intervention is the ban on entry into the territory of Ukraine.

This case is interesting because in addition to the freedom of movement there was also violation of the right to property. In this context the conclusions made by the Court in its judgment in the case of *Loizidou v. Turkey* ([URL: http://hudoc.echr.coe.int/eng/?i=001-58007](http://hudoc.echr.coe.int/eng/?i=001-58007)) (Judgement of December 18, 1996; Application no.15318 / 89) can be applied. In this case, the applicant owned land plots in the northern Cyprus, but after the occupation she was deprived of access to them. Since the applicant retained title to these plots, the ECHR found that there had been a continuing violation of the right to use the property.

In the case of *Loizidou*, the Court found no violation of Art. 8 of the Convention because the applicant did not have such a dwelling in reality, rather it concerned the apartment under construction. This, however, does not exclude applicability of the article in other cases in which the applicants lived in Crimea before facing such a ban.

In the case of *Loizidou* the question of violation of freedom of movement has never been raised - this is due to the fact that Turkey signed the Protocol N°4 after application to the Court (but still has not ratified it). This, however, does not rule out the possibility to raise the issue of violation of freedom of movement in similar situations. It is important to remember that Article 2 of the Protocol N°4 does not guarantee the right to enter a foreign state, for which reason the motivation of similar complaints can only be based on the fact that the actions of the Russian Federation to establish checkpoints on the Crimean isthmus violated the freedom of movement on the territory of Ukraine.

Lasting nature of the violations found in the *Loizidou* case allows access to the Court without complying with the six-month period in regard of violations of the rights to property.

In this example, there are no effective remedies because the statutorily stipulated period for appeal of the decision had lapsed before its effect was extended to the territory of Crimea. Since the restoration of such a period depends on the discretion, in the present situation its appeal can not be considered an effective remedy that must be exhausted.

Ismet Yüksel, an ethnic Crimean Tatar, a Turkish national, had a permanent residence permit in Crimea, where his family lived and where he was running the business, but in August 2014 he was not admitted to the territory of Crimea, and received a ban on entry into the territory of the Russian Federation for a period of five years. ([URL: gordonua.com/news/crimea/Sovetniku-predsedatelya-Medzhliisa-krymskotatarskogo-naroda-po-Turcii-YUkselyu-zapretili-vezd-v-Krym-na-pyat-let-35603.html](http://gordonua.com/news/crimea/Sovetniku-predsedatelya-Medzhliisa-krymskotatarskogo-naroda-po-Turcii-YUkselyu-zapretili-vezd-v-Krym-na-pyat-let-35603.html)).

In this case, the same principles are applied as in the case of *O. Khomenok* (violation of Article 8 of the Convention, Article 1 of the First Protocol, Article 2 of Protocol N° 4), but with some peculiarities related to the citizenship of I. Yüksel.

Article 2 of Protocol N° 4 guarantees the freedom of movement within the state to everyone who is legally present in its territory. That is, this rule does not distinguish between citizens and non-citizens. In this example, the legitimacy of residence of I. Yüksel in the territory of Ukraine is confirmed by the permanent residence permit. However, as we have already noted, the emphasis is also placed on the fact that the applicant did not try to enter the occupied territory, but temporarily left it and attempted to come back home.

This case is also interesting from the perspectives of appeal to the UN Committee on Human Rights. Art. 12 of the International Covenant on Civil and Political Rights, as opposed to the Protocol N°4 to the Convention, does not focus on citizenship and guarantees the right to return to "one's own country". In accordance with General Comment number 27, the HRC stated that the scope of "one's own country" is broader than the scope of the concept "country of one's nationality". It is not limited to nationality in its formal sense, i.e. the citizenship acquired by birth or by naturalisation; it extends at least to persons who, because of their special ties to the country or their claims against the country, may be regarded as foreigners. Citizens who were deprived of their nationality in violation of international law, or persons whose country of nationality has been incorporated into other national entity or handed over to it, but they are refused in acquiring the citizenship of such an entity may find themselves in such a situation. The wording of paragraph 4 of Article 12 also allows for a broader interpretation that might embrace other categories of long-term residents, including stateless persons arbitrarily deprived of the right to

acquire a nationality of a country of residence, as well as other categories of persons. Since other factors may in certain circumstances lead to the establishment of close and enduring connections between a person and a country concerned, participating States should include information on the rights of permanent residents to return to their own country in their reports. The Committee considers that the circumstances, under which the deprivation of the right to enter their own country could be reasonable, are not numerous, if they exist at all. By depriving a person of nationality or expelling him to a third country, the participating State should not impede this person to come back to his own country" (See para. 19-21 of the General Comment N°27 of UN HRC URL: <http://www1.umn.edu/humanrts/russian/gencomm/Rhrcom27.html>).

Although, as a rule, simultaneous appeal to similar in their jurisdiction bodies should be avoided (for example, to the ECHR and the UN HRC) - in the most unfortunate case it may lead to the inadmissibility of both complaints - in this case the European Convention does not contain a similar provision. In such cases, one may complain about the violation of the right to return to one's own country.

It is important, however, to remember that in this case there are effective remedies: a ban on entry to Russia can be appealed. Therefore, the requirement of exhaustion of effective remedies is a binding prerequisite for admissibility in both the UN HRC and the ECHR. In the case Demopoulos and others v. Turkey (dec.), nos. 46113/99 (URL: <http://hudoc.echr.coe.int/eng?i=001-97649>) non-exhaustion of effective remedies led to the inadmissibility of a significant number of complaints. The same position was confirmed by the European Court in J. Yüksel: the initial complaint was declared inadmissible for non-exhaustion of effective remedies (an appeal is currently ongoing).

Mustafa Dzhemilev and Refat Chubarov, the leaders of the Crimean Tatar National Movement, were banned from entering the Crimea by the Russian government. Mustafa Dzhemilev was notified of the ban on entry to Crimea at his departure from the territory of the peninsula and Refat Chubarov - at the moment when he attempted to enter the territory of peninsula. Both politicians by virtue of their activity spent much time in Kyiv but their property, families and their main residence are in Crimea.

(URL: <http://www.segodnya.ua/politics/pnews/dzhemilev-o-zaprete-na-vezd-v-krym-eto-menya-razveselilo-515090.html> и <http://ru.krymr.com/content/news/26971240.html>), URL: (<http://www.pravda.com.ua/rus/news/2014>)

Although the actions of the Russian authorities look like a ban for foreigners to enter the territory of the Russian Federation, in fact, such actions can be qualified as expulsion. Their presence on the Crimean Peninsula was legitimate but travel beyond borders was temporary. In the case of Nolan and K. v. Russia (Judgment of 12 February 2009; Application no. 2512/04) the Court concluded that the authorities' refusal to admit the citizen to his residence after his temporary departure from the territory of a State may be considered as expulsion. Expulsion from a certain territory in itself constitutes interference with the freedom of movement.

Unlike other examples, it is clear that in these cases the Russian authorities will rely upon the existence of a legitimate objective related to the protection of national security or the prevention of disorder. Thus, the Court's decision will be based on an assessment of the facts whether the authorities could have the legitimate aim of the expulsion of the applicants in a situation with Crimea, and whether the actions of the authorities were proportional to the declared objectives. Obviously, the provisions of the Fourth Geneva Convention, which prohibit the transfer of the population from the occupied territories, may also be taken into consideration. Qualification of the authorities' activity as the occupation could call into question the legitimacy of the aim pursued.

Citizens of Ukraine, who expressed, in accordance with Article 4 of Federal Constitutional Law No6 "their desire to retain their other existing citizenship and (or) citizenship of their minor children or remain without citizenship" are now unsuccessfully trying to get Russian residence permit.

In this case, the interference with freedom of movement may be a requirement of the Russian authorities to obtain a residence permit (under the threat of restriction of rights or even expulsion) as well as the refusal to issue such a document.

In this example, the statement remains true that such intervention is not based on the law as it applies only to foreigners newly arrived in Russia. The law does not stipulate the provision of a residence permit for foreigners who find themselves in the Russian-controlled areas due to the change of jurisdiction. Equally, any refusal to issue a residence permit or registration of a residence will also not be based on the law:

neither one procedure, nor the other may not concern the Ukrainian citizens living in Crimea.

In such cases findings of the ECHR in the case *Tatishvili v. Russia* (URL: <http://hudoc.echr.coe.int/eng?i=001-79564>) (Application no. 1509/02; judgment of 22/02/2007) are generally applicable. *Tatishvili*, an ethnic Georgian that lived in the territory of the Russian Federation until 1991 (before independence), had a passport of the citizen of the USSR and had no evidence of the citizenship of Georgia. The refusal of the Russian authorities to register the place of her residence was declared by the Court as the interference with freedom of movement and right to choose her place of residence.

It's obvious that the appeal to international bodies in such cases should be preceded by an appeal of actions and decisions of the authorities.

Citizens of Ukraine who can not go to the mainland Ukraine in virtue of legal restrictions or the use of discretionary powers of the State Border Service employees.

The freedom of movement can also be violated by the Ukrainian authorities. For instance, the penalty for attempting to cross the checkpoints in case of loss of documents during the stay in Crimea constitutes an interference with freedom of movement. Such penalty is imposed not for the fact of loss of documents but for the fact of absence of documents at the exit from the temporary occupied territories. This intervention is currently prescribed by law (Art. 204-2 of the Code of Ukraine on Administrative Offenses). Thus, in this example, there is a question regarding proportionality of intervention. It seems that such an intervention can not be acknowledged proportional as far as there are no state bodies of Ukraine on the occupied territories which could restore the lost documents. The restored documents would allow to leave the territory of the peninsula without restrictions.

At the same time it is unlikely that the refusal to admit Ukrainian citizens living in Crimea to the mainland of Ukraine could be recognized as the proportional intervention. Such a citizen has an opportunity to leave Crimea through the territory of the Russian Federation and in accordance with Article 33 of the Constitution of Ukraine can not be deprived of the right to return to Ukraine. So, in their majority, any measures, if they are not connected to any threat that exists directly in the isthmus, or on the closest following route, cannot reach any effect and are therefore disproportional.

Regarding the possibility of application of Article 3 of Protocol N°4 (prohibition of expulsion of nationals) and Article 1 of the Protocol N°7 (procedural safeguards relating to expulsion of aliens) in the Crimean cases.

It shall be recalled that the UN General Assembly in its resolution A / RES / 68/262 of 27 March 2014 on the territorial integrity of Ukraine called upon all States, international organizations and specialized agencies not to recognize the change in the status of Crimea and Sevastopol through the referendum held on March 16 and to refrain from any action that could be interpreted as a recognition of such status.

Article 1 of the Protocol N°7 stipulates that an alien lawfully resident in the territory of a State shall not be expelled therefrom except in pursuance of a decision reached in accordance with the law, and should be allowed (a) to submit reasons against his expulsion; (b) to have his case reviewed, and (c) to be represented for these purposes before the competent authority or a person or persons designated by that authority.

Thus, for the application of these guarantees it is necessary that the expelled foreigner is resident in the territory of the Russian Federation and is expelled from the territory of the Russian Federation. The requirement of non-recognition of the change of status of Crimea does not allow to consider the expulsion from the territory of the Crimean Peninsula as the expulsion from the territory of the Russian Federation.

In this context, there is an important decision of the European Court in case *Denizci and others v. Cyprus* (Judgement of May 23, 2001; Applications nos. 25316-25321 / 94 and 27207/95; §§ 407-411) regarding the application of Article 3 of Protocol N° 4 (prohibition of expulsion of nationals). In this case, the Court pointed out that the reference to the fact that the Cyprus government controls only the southern part of the peninsula is not sufficient for claiming that there was an expulsion to the territory of another state. This means that the reverse situation - the refusal to allow the citizens of Ukraine, coming from Crimea to the Ukrainian mainland to enter Ukraine or even expulsion to Crimea - can not be regarded as a violation of the provisions of Article 3 of the Protocol N°4 because Crimea still constitutes a part of the territory of Ukraine.

However, this does not mean that the first and second situation can not be considered in the context of Article 2 of Protocol N°4 as a violation of freedom of movement, or in the context of Art. 14 of the Convention as discrimination.

The consistent appeal against decisions of the authorities violating the freedom of movement in the national courts is a criterium of admissibility of application before the European Court.

The practice of the European Court in cases *Bolat v. Russia* (Judgment of 05/10/2006; App. No. 14139/03), *Nolan and K. v. Russia* (Judgement of 12 February 2009; App. No. 2512/04), and in particular, the decision of the Grand Chamber on admissibility *Demopoulos and others v. Turkey* (Decision of 01/03/2010; Application nos. 46113/99, 3843/02, 13751/02, 13466/03, 10200/04, 14163/04, 19993/04, 21819/04) indicate the need for a consistent appeal against decisions of the authorities before the vertical of judicial instances. The last decision is particularly noteworthy because the applicants called into question the authority of the courts, which were established in the occupied territory of the Northern Cyprus, regarding the review of their complaints to the authorities, but the Court did not agree with their arguments. Although the Crimean situation has a number of differences from the case of *Demopoulos*, the recent decision of the European Court on the admissibility of the case *Abramyan and Others v. Russia* (Decision of 04/06/2015; Application nos. 38951/13, 59611/13) indicates that all the courts up to the Supreme Court of the Russian Federation should be exhausted in civil cases. This means that regardless of the status of the courts, functioning in the territory of Crimea and Sevastopol, the final decision will be made by the court, the status of which is not called into question. The situations similar to *S. Kadyrov* and *O. Khomenok* constitute the exception. In the case of *S. Kadyrov* the last judicial instance subject to mandatory exhaustion is the court of second instance. In the case of *O. Khomenok* effective remedies are not available, because the term for appeal against the ban had expired long before the effect of the ban was extended to the territory of Crimea. It is worth mentioning that in general, the term for appeal to the European Court starts running from the date of the final decision on the complaint. In the case of *O. Khomenok* violation can be considered as a lasting violation. The requirement of exhaustion of effective remedies is also required when applying to the UN Human Rights Committee. However, in this case there is no strict deadline for lodging the complaints.

Below is a list of other possible interventions to the freedom of movement, which can take place in the context of the occupation (the list is not exhaustive):

- denial of access to the territory of Crimea;
- denial of permission to leave the territory of Crimea;
- the requirement to obtain permission to enter the territory of the Crimean Peninsula, or exit from this territory;
- seizure of documents needed to leave the territory of the Crimean Peninsula or for entry to the territory;
- failure of the state to realize its obligation to establish a mechanism ensuring the right to leave the territory of the Crimean Peninsula in case passport or any other document is lost (for example, in cases when a citizen of Ukraine or a foreigner temporarily arrived in Crimea and lost his passport);
- change in the conditions of stay of citizens of Ukraine, foreigners and stateless persons who were in the Crimea at the time of occupation (for example, in relation to Ukrainian citizens who resided in Crimea, but had their place of stay registered in other parts of Ukraine, foreigners and stateless persons who had a permanent residence permit on the territory of Crimea, issued by the immigration authorities of Ukraine);
- any control over the stay in Crimea (for example, control of the period of stay); penalties for failure to fulfill the requirements of immigration control;
- establishment of additional restrictions due to the granting of automatic citizenship of the Russian Federation (for example, it can concern a child whose parents have not filed a statement "about their desire to retain their existing different nationality and (or) nationality of their minor children or remain stateless" and in such a way the child is considered to be a citizen of Russia; the prevention of such a child to enter the mainland of Ukraine in case of objections from the other parent);
- the requirement of a passport of a citizen of the Russian Federation for children aged from 14 to 16 years, without which they can not leave the territory of Crimea.

Once again we draw your attention that violation of the freedom of movement is, as a rule, accompanied by violation of other rights (right to property, the right to respect for family life, discrimination, etc.). However, the coverage of these issues is beyond the scope of this material.

Our experts deal with some cases mentioned in this publication, or cases similar to them. It is important to remember that individual circumstances of the case could affect the course of its review, so it is important to refer to the specialist. You can ask for free aid by filling out the questionnaire at the link below: goo.gl/forms/KLqi9LsA5Z.

"Crimea BEYOND RULES. Topical review of the human rights situation under occupation." - Vol. 1 - Freedom of movement and freedom to choose residence / Edited by S. Zayets, R. Martynovskyy, D. Svyrydova. – Kyiv, 2015. – p. 12.

The publication is destined for representatives of international organizations, diplomatic missions, government bodies and professional legal community, who need information on the practical application of international human rights standards under occupation of the Crimea.

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The partners of this publication are Ukrainian public organization "Ukrainian Association of International Law" and the Institute of International Relations of Taras Shevchenko National University of Kyiv

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Contact info@crimeahumanrights.org

The Contact person: Alexander Sedov, tel.: 38 (050) 222 06 60

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