

2015-06-05

Fråga-svar

Ukraina. Inresa Krim och medlemmar av proukrainskt parti.

Fråga

- Är det möjligt att resa in till Krim?
- Är alla som har varit medlemmar i ett proukrainskt parti utsatta i Krim eller krävs det en viss grad av engagemang för att bli uppmärksammas?

Svar

Är det möjligt att resa in till Krim?

Passlagstiftning

Under 2014 förändrades lagstiftningen gällande pass och medborgarskap både på Krim och i övriga Ukraina. Atlantic Council och Freedom House har i en rapport sammanfattat hur förändringarna sett ut och hur de inverkar på möjligheterna att korsa gränsen.

Atlantic Council, Freedom House (2015-03-01):

On March 18, all citizens of Ukraine legally residing on the territory of the Autonomous Republic of Crimea and Sevastopol were automatically declared citizens of Russia. Those who wished to keep their Ukrainian citizenship had one month to inform the Russian occupation authorities.

This procedure violated all norms of international law related to citizenship. Moreover, it was purposely complicated.

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In response, Ukraine's parliament passed a law on April 15 suspending the country's dual citizenship prohibition for Crimeans who had Russian citizenship forced upon them. In a tit-for-tat measure, Russia's Duma then passed legislation on May 28 setting criminal penalties for Russian citizens who hold dual nationality but have not disclosed that fact to the Russian authorities. Penalties include fines of up to 200,000 rubles (about \$5,200) and up to 400 hours of community service. The law comes into force on January 2016.

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The authorities of occupied Crimea declared that Ukrainian passports would only be permitted until January 1, 2015, after which citizens with Ukrainian passports residing in Crimea would be considered aliens. As such, they would not be able to obtain free treatment at state health-care facilities, purchase mobile phone starter kits, register property, pay utilities, or be admitted to a university or work. Since the law came into effect, Ukrainian passports are de facto useless for everyday life.

By effectively coercing Crimeans into getting Russian citizenship, the Kremlin indirectly restricts Crimeans' freedom of movement to the territory of the Russian Federation. Ukrainian law does not recognize documents issued by the occupation authorities; therefore, holders of Russian passports issued in Crimea will not be able to use them to enter other parts of Ukraine. And because Ukraine has notified other states that it considers such passports illegal, Crimeans will likely encounter problems when traveling abroad, especially in countries that require visas. This will also affect those who were under eighteen years of age on March 18, 2014, and had not yet been required to obtain a passport for foreign travel. (s. 6-7)

Human Rights Watch (HRW) bekräftar att processen utformats så att det varit svårt för krimbor att inte bli ryska medborgare.

HRW (2014-11-17):

Russia has not simply offered Russian citizenship to residents of Crimea, but rather Russia has compelled residents to choose between Ukrainian and Russian citizenship while imposing adverse consequences, directly and indirectly, on those who chose to retain Ukrainian citizenship. In addition, as documented below, there were serious flaws in the process for Ukrainian citizens who sought to retain Ukrainian citizenship: some Ukrainian citizens were unable to exercise their choice to retain citizenship and had Russian citizenship imposed on them. Others were subject to harassment and intimidation for not obtaining Russian citizenship. In such circumstances, the imposition of Russian citizenship in Crimea was coercive. (s. 28-29)

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According to local residents and rights monitoring groups on the ground in Crimea, Russia's FMS operated only four offices in Crimea where Crimean residents could confirm Ukrainian citizenship. These offices were not easily accessible to Crimean residents living in the countryside: three were in or around the regional capital of Simferopol and one was in Sevastopol. Local media reported on long lines exceeding daily capacity of each of four offices, which resulted in some people not being able to get to the top of the queue before the deadline expired. Several more offices were open in Crimea in April, but the timeframe for retaining Ukrainian citizenship, which expired on April 18, was not extended.

Crimean residents who wanted to receive Russian passports could do so by mail, apply at 160 designated offices around Crimea, or apply at any Russian consulate or embassy in the world. Crimean residents who were Ukrainian citizens but were outside Crimea during that onemonth period had no clear recourse for declaring Ukrainian citizenship within the deadline due to conflicting information provided by the authorities on whether Russian embassies and consulates around the world accepted such applications. Rights groups, journalists, and bloggers reported cases where people were unable to apply to retain their Ukrainian citizenship abroad because Russian consulates refused to accept such applications citing lack of clear instructions and absence of forms to process such requests. (s. 31)

Problemen med att de ryska passen utfärdade på Krim inte accepteras i Ukraina har rapporterats av flera källor. Bland annat citerar den ryska nyhetsbyrån Tass en representant för ukrainska gränspolis, som meddelat att krimbor med ryska pass inte kan använda dem för att resa in i Ukraina. Tass (2014-11-03):

"Citizens who got the documents there [in Crimea] can not enter the territory of Ukraine with them, these documents are invalid"

HRW bekräftar att krimbor med ryska pass kan mötas av problem i den ukrainska passkontrollen. HRW (2014-11-17):

Human Rights Watch came across several reports of Crimean residents facing difficulties while traveling to other parts of Ukraine. While Ukraine does not allow dual citizenship, Ukrainian authorities made public pledges not to penalize Ukrainian citizens forced to obtain Russian citizenship in Crimea—as indeed they should, since they should be recognized as continuing their Ukrainian citizenship. Despite that, in the last six months there have been reports of Ukrainian border guards deliberately searching people for Russian passports and refusing permission to Ukrainian citizens who have received Russian passports to enter mainland Ukraine from Crimea. Human Rights Watch has been able to document three such cases.

In one incident on June 4, Ukrainian border guards stopped and searched Risa Veli, technical director of the ATR television channel, and his colleague, both of whom were traveling on a train from Crimea to Kiev on a work assignment, in the town of Melitopol on the administrative border between Crimea and mainland Ukraine. Both Veli and his colleague presented their Ukrainian passports to the border guards, but the border guards insisted on searching their bags where they discovered Russian passports. After that, the border guards refused Veli and his colleague entry into Ukraine and ordered them to leave the train and return to Crimea. Human Rights Watch has been unable to determine whether this and the two other incidents we documented are isolated cases or part of a broader problem. (s. 34)

Detta motsäger till viss del tidigare information som gått ut gällande den ukrainska synen på ryska passhållare från Krim.

European Union Democracy Observatory on Citizenship (2014-05-16):

However, Ukrainian officials stated that Ukraine will continue considering Crimean residents, including those who will apply and will be issued Russian passports, as citizens of Ukraine and will guarantee them political and economic rights. Acknowledging that this "to a certain extent" goes against Ukrainian legislation, the Ukrainian Cabinet of Ministers official explained that the case of illegal annexation of Ukrainian territory and "forceful issuance" of passports by Russia are circumstances that warrant an exception.

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Russia does not require Ukrainian citizens who apply for Russian citizenship to surrender their Ukrainian passports or to formally relinquish their Ukrainian citizenship although, as the Crimean Prime Minister indicated on 11 April, civil servants and law enforcement officials who wish to keep their jobs will be required to formally relinquish their Ukrainian passports. This conforms with the Russian law since, as noted above, holders of more than one citizenship cannot occupy government jobs in Russia. But under Ukrainian law these people will not be able to relinquish their Ukrainian citizenship even if they wanted since one has to permanently reside abroad before one can apply to have Ukrainian citizenship terminated.

På ukrainska utrikesministeriets hemsida finns information från juni 2014, där det förtydligas att personer med ukrainska pass kan passera genom de ukrainska gränskontrollerna.

Ministry of Foreign Affairs of Ukraine (2014-06-10):

Foreigners and stateless persons may entry the territory of the Autonomous Republic of Crimea and Sevastopol of Ukraine in accordance with the Law and international Treaties of Ukraine.

The Law of Ukraine "On protection of rights and freedoms of citizens and legal regime for the temporarily occupied territory of Ukraine", as amended on 09.05.2014, regulates a procedure for entry of persons in the temporarily occupied territory and the departure from it.

According to Article 10 of the Law the citizens of Ukraine have the right to free and unimpeded access to the temporarily occupied territories and the departure from it through the control points of entry and exit upon presentation of a document confirming the identity and citizenship of Ukraine.

However, the entry of foreigners and stateless persons to the temporarily occupied territory and the departure from it is allowed only by special permission through the control points of entry and exit.

Amnesty International (AI) rapporterar att tre tatarer fått problem vid den ryska gränskontrollen på väg ut från Krim på grund av ukrainska pass. AI (2015-03-18):

On 23 January 2015, the Eskender Bariev, Sinaver Kadyrov and Abdulmejit Suleymanov were trying to cross into mainland Ukraine when they were stopped at the checkpoint in Armyansk by Russian border guards. After their documents were checked, Sinaver Kadyrov was told that as a "foreigner" (he is a resident of Crimea but with a Ukrainian passport since he refused to become a Russian citizen) he had overstayed the maximum permitted period of 90 days "in Russia". He was taken to court on the same day which ruled in favour of his deportation from Crimea and fined him 2,000 rubles (US\$30). Sinaver Kadyrov was immediately deported and his appeal against the decision was denied by a higher-instance court on 6 February. (s. 18)

Gränskontroller

Notera att situationen är föränderlig och exakt vilka gränskontroller som är öppna kan variera.

Sedan december 2014 är det inte längre möjligt att resa med tåg över gränsen till Krim, men övrig trafik kan passera. UN High Commissioner for Refugees (UNHCR, 2015-02-06) skriver:

Difficulties with entering and exiting Crimea reported. The rail connection with Crimea has been closed since 26 December. Bus connections and private vehicles crossing the administrative border are often delayed for several days. The most successful way to cross the border is either by foot or by taxi. (s. 4)

Flera källor anger att gränskontrollerna är öppna men att kollektivtrafiken fortfarande inte går mellan Ukraina och Krim. Se exempelvis Ukrinform (2015-05-21):

As he [Head of Henichesk district administration Oleksandr Vorobyov] reported, last May 8, the regular bus route was opened to and from Chongar border crossing point which is served by two shuttle buses. They carry 38 passengers on an average day.

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According to the border guards, 2,500 persons cross the border with Crimea through the Chongar checkpoint on holidays in one day. During the weekdays the figure is 1,500 persons in both directions," said Vorobyov.

As a background note. Currently, the railroad and bus traffic from mainland Ukraine to Crimea has been suspended. The passenger trains towards Crimea go as far as the nearest railroad station Novooleksiyivka in Henichesk district and buses don't go past the administrative border between Kherson region and Crimea.

France24 (2015-03-18):

At the Chongar border crossing between Ukraine and Crimea, a long line of trucks snakes out under the springtime sun. Chongar is one of only two roads into Crimea and individuals must wait hours, and trucks days, to pass through.

Är alla som har varit medlemmar i ett proukrainskt parti utsatta i Krim eller krävs det en viss grad av engagemang för att bli uppmärksammas?

Det har inte gått att hitta information som besvarar frågan. Nedan följer en sammanställning av information om situationen för pro-ukrainska aktivister.

UN Office of the High Commissioner for Human Rights (OHCHR, 2015-06-01):

Pressure and intimidation against all those who oppose the de facto authorities or officially sanctioned views about events in Crimea continued. They usually take the form of arbitrary arrests, house searches, abusive questioning as suspects or witnesses, the imposition of fines and job dismissals. They also frequently involve the vague and unsubstantiated accusation of promoting extremism and intolerance. (s. 34)

AI (2015-03-18):

Public gatherings opposing the annexation of Crimea virtually ceased after 18 March 2014, when the “treaty” sealing Crimea’s annexation by Russia was signed in Moscow. Since then, most openly pro-Ukrainian activists – among them all publicly known EuroMaydan activists – have left the peninsula, fearing for their personal safety and the risk of criminal prosecution.

The Irish Times (2015-03-18):

The opposition of Ukrainian and Tatar communities to Crimea’s unification with Russia gives the lie to Moscow’s claim that 97 per cent of voters backed the move on turnout of 83 per cent, but today there is no political party or major civil society group here to represent opponents of annexation.

“People don’t talk about politics in public,” says Kuzmin.

“They only speak openly at home, at the kitchen table, like in Soviet times.”

Several pro-Ukraine activists have been abducted in the past year, at least one has been killed, and critics of Crimea’s new leaders and status complain of growing harassment and danger.

United Kingdom: Foreign and Commonwealth Office (2015-03-12):

Anyone with Ukrainian loyalist sentiments, such as civil society leaders, routinely had their properties searched, or faced other harassment.

Atlantic Council, Freedom House (2015-03-01):

Similarly, activists who oppose Russia's annexation of Crimea or simply speak up for human rights have been subjected to torture or hounded out of the peninsula, losing their property in the process. Some have gone missing, with authorities offering little to no evidence they are investigating the disappearances. (s. 16)

Freedom House (2015-01-28):

/.../ statements against the annexation, including in the media, could be punished with up to five years in prison.

UN Human Rights Council (2015-01-27):

/.../ some reports suggest that there has been intimidation of those who openly oppose Russian control of the region or use the Ukrainian language in public. (s. 13)

Denna sammanställning av information/länkar är baserad på informationssökningar gjorda under en begränsad tid. Den är sammanställd utifrån noggrant utvalda och allmänt tillgängliga informationskällor. Alla använda källor refereras. All information som presenteras, med undantag av obestridda/uppenbara fakta, har dubbelkontrollerats om inget annat anges. Sammanställningen gör inte anspråk på att vara uttömmande och bör inte tillämnas exklusivt bevisvärde i samband med avgörandet av ett enskilt ärende. Informationen i sammanställningen återspeglar inte nödvändigtvis Migrationsverkets officiella ståndpunkt i en viss fråga och det finns ingen avsikt att genom sammanställningen göra politiska ställningstaganden. Refererade dokument bör läsas i sitt sammanhang.

Källförteckning

Amnesty International, *One year on: Violations of the rights to freedom of expression, assembly and association in Crimea*, 2015-03-18, <http://www.refworld.org/docid/550bd5ff4.html> (hämtad 2015-05-28)

Atlantic Council, Freedom House, *Human Rights Abuses in Russian-Occupied Crimea*, 2015-03-01, https://freedomhouse.org/sites/default/files/CrimeaReport_FINAL.pdf (hämtad 2015-05-28)

European Union Democracy Observatory on Citizenship, *The Aftermath of Annexation: Russia and Ukraine Adopt Conflicting Rules for Changing Citizenship of Crimean Residents (updated)*, 2014-05-16, <http://eudo-citizenship.eu/news/citizenship-news/1113-the-aftermath-of-annexation-russia-and-ukraine-adopt-conflicting-rules-for-changing-citizenship-of-crimean-residents> (hämtad 2015-06-04)

France24, *Video: Crimea's isolation increasing after Russian annexation*, 2015-03-18, <http://www.france24.com/en/20150318-video-crimea-ukraine-russia-border-annexation> (hämtad 2015-05-29)

Freedom House, *Freedom in the World 2015 - Crimea*, 2015-01-28, available at: <http://www.refworld.org/docid/54d0d7b415.html> (hämtad 2015-05-28)

Human Rights Watch, *Crimea: Human Rights in Decline*, 2014-11-17, <http://www.refworld.org/docid/546b18954.html> (hämtad 2015-06-01)

Ministry of Foreign Affairs of Ukraine, *On entry to the territory of the Autonomous Republic of Crimea and Sevastopol*, 2014-06-10, <http://mfa.gov.ua/en/press-center/comments/1580-shhodo-pojizdok-na-teritoriju-avtonomnoji-respubliki-krim-ta-msevastopoly> (hämtad 2015-05-29)

Tass, *Residents of Crimea cannot enter Ukraine with Russian passports — State Border Service*, 2014-11-03, <http://tass.ru/en/russia/757959> (hämtad 2015-05-28)

The Irish Times, *No place for pro-Ukraine voices in Russian-held Crimea*, 2015-03-18, <http://www.irishtimes.com/news/world/europe/no-place-for-pro-ukraine-voices-in-russian-held-crimea-1.2143063> (hämtad 2015-06-03)

Ukrinform, *Kherson regional authorities to legalize passenger traffic to Crimea*, 2015-05-21, http://www.ukrinform.ua/eng/news/kherson_regional_authorities_to_legalize_passenger_traffic_to_crimea_331575 (hämtad 2015-05-29)

UN High Commissioner for Refugees (UNHCR), *Ukraine Situation - UNHCR Operational Update, 6 February 2015*, 2015-02-06, <http://www.refworld.org/docid/54da0ef04.html> (hämtad 2015-05-28)

UN Human Rights Council, *Report of the Special Rapporteur on minority issues, Addendum : Mission to Ukraine*, 2015-01-27, <http://www.refworld.org/docid/55082aeb4.html> (hämtad 2015-05-28)

UN Office of the High Commissioner for Human Rights (OHCHR),

Report on the human rights situation in Ukraine, 2015-06-01,
<http://www.ohchr.org/Documents/Countries/UA/10thOHCHRreportUkraine.pdf> (hämtad 2015-06-02)

United Kingdom: Foreign and Commonwealth Office, *Human Rights and Democracy Report - Country Case Study: Crimea and Separatist-Occupied Areas of Ukraine*, 2015-03-12,
<http://www.refworld.org/docid/551a52f315.html> (hämtad 2015-05-29)