

JI Urgent Appeal for a More Robust International Response to Russia's Invasion of and Human Rights Violations in Ukraine

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The Russian Federation launched an armed invasion of Ukraine on February 24, 2022, initiating the largest military attack in Europe since World War II, and provoking a major geopolitical crisis. Russia's invasion poses an existential challenge to the rules-based global order prohibiting armed aggression and affirming the importance of individual human rights. The attack, which Russian President Vladimir Putin is alleged to have launched for the purpose of suppressing a democratic government in a neighboring country with close historical ties to Russia and eliminating a threatening alternative to his autocratic rule, can rightly be seen as an attack on democracy itself. Governments, individually and collectively, as well as United Nations officials tasked with upholding the UN Charter, should respond to this major crisis in ways that demonstrate their enduring resolve to defend and uphold these values and protect the people of Ukraine.

Over the past month, Russian forces have carried out large-scale missile and artillery attacks on cities throughout Ukraine, causing widespread devastation, destroying dozens of health care facilities and schools, and other civilian infrastructure, as well as causing reportedly high numbers of civilian casualties.¹ The U.S. government recently determined that some of these acts constitute war crimes.²

The Russian invasion has already triggered large-scale internal displacement within Ukraine of reportedly 6.5 million persons as well as an exodus of 3.7 million refugees into Europe, making this Europe's largest refugee crisis since World War II.³ According to UNICEF, more than half of the children in Ukraine have already been displaced by the armed attacks.⁴ In response the UN has launched a humanitarian flash appeal for \$1.7 billion, seeking the significant resources that will be required to provide those displaced within Ukraine and in neighboring countries, and particularly vulnerable people such as women and children, people with disabilities, and the many people who have experienced trauma and injuries during the conflict, with access to basic necessities, health care, and education.⁵ As the number of displaced persons and refugees continues to rise, so too will these needs.

Russian forces have also reportedly committed serious human rights violations against citizens of Ukraine as armed units have asserted control over Ukrainian territory.⁶ These include the reported abduction and enforced disappearance of at least 37 local-level Ukrainian officials, journalists, and pro-Ukrainian civil

¹ As of March 24, 2022, Ukrainian govt officials estimated that at least 1,081 Ukrainian civilians had been killed; the UN's Human Rights Office had documents 2,788 civilian casualties as of March 24, but cautioned that its access to Ukrainian territory is limited and that the actual civilian death toll is "considerably higher." OHCHR. 2022. Ukraine: civilian casualty update 25 March 2022. Available at: <https://www.ohchr.org/en/press-releases/2022/03/ukraine-civilian-casualty-update-25-march-2022>.

² United States Department of State. 2022. War Crimes by Russia's Forces in Ukraine. March 23, 2022. Available at: <https://www.state.gov/war-crimes-by-russias-forces-in-ukraine/>. World Health Organization. 2022. Stop attacks on health care in Ukraine, Joint statement from UNICEF, UNFPA, and WHO. March 13, 2022. Available at: <https://www.who.int/news/item/13-03-2022-stop-attacks-on-health-care-in-ukraine>.

³ As of March 24, 2022, the UN High Commissioner for Refugees estimated that more than 6.5 million Ukrainians were internally displaced and more than 3.7 million had become refugees and over 12 million stranded or unable to leave the country. UNHCR. 2022. Ukraine situation: Flash Update #5. Available at: <https://data2.unhcr.org/en/documents/details/91589>.

⁴ UNICEF, More than half of Ukraine's children displaced after one month of war, March 24, 2022. Available at: [unicef.org/ukraine/en/press-releases/more-half-ukraines-children-displaced-after-one-month-war](https://www.unicef.org/ukraine/en/press-releases/more-half-ukraines-children-displaced-after-one-month-war).

⁵ United Nations. 2022. Ukraine Crisis Response, March 19, 2022. Available at: https://webcache.googleusercontent.com/search?q=cache:KJVW_i896DAJ:https://www.un.org/en/ukrainecrisisresponse/humanitarian-response+&cd=2&hl=en&ct=clnk&gl=us.

⁶ Marc Santora & Neil MacFarquhar, The Russians Might Have Expected a Warm Welcome. Instead the Mayor Labeled Them 'Occupiers.', New York Times, March 12, 2022. Available at: <https://www.nytimes.com/2022/03/12/world/europe/ukraine-mayor-kidnapped-ivan-fyodorov.html>.

society activists, according to the UN's human rights monitoring unit now in Ukraine.⁷ Russian military forces reportedly targeted journalists, torturing at least one detained journalist and attempting to kill others.⁸ Ukrainian officials have alleged that Russian forces have abducted substantial numbers of Ukrainian civilians, including thousands of children, from Ukrainian territory they control and transferred them to camps within Russia.⁹ Russian military forces have allegedly used excessive force, including live ammunition and grenades, against peaceful protesters in territory they control.¹⁰ The conflict will have an enormous impact on other human rights, such as the right to education for the many children forced to flee the conflict and whose schools have been destroyed in the course of Russian military attacks.

Inside the Russian Federation, officials have also committed serious rights violations against Russian citizens in connection with the conflict. More than 15,000 Russian citizens have been reportedly arbitrarily detained for protesting or expressing disagreement with the invasion.¹¹ The Russian government is also engaged in widespread violations of the right to freedom of opinion and expression, including by adopting new legislation imposing heavy fines and prison sentences up to 15 years for “knowingly” spreading “false information” about Russian operations abroad. Russian authorities have censored independent media sources, and severely restricted or completely blocked access within Russia to social media platforms like Facebook, Instagram, and Twitter.¹²

The UN Office of the High Commissioner for Human Rights has publicly reported about many of these violations, reflecting data from its in-country human rights monitoring mission in Ukraine (HRMMU) that it has maintained since 2014.¹³ The human rights violations resulting from Russia's invasion of Ukraine have also been condemned by a large number of independent UN human rights experts, known as Special Procedures.¹⁴ There is a significant risk that the human rights situation will deteriorate further should Russian forces continue to gain control over Ukrainian territory. It will be essential for States to

⁷ OHCHR, Situation on Ukraine, March 25, 2022. Available at: <https://www.ohchr.org/en/statements/2022/03/situation-ukraine>; OMCT, Ukraine: Grave human rights violations in territories under recent Russian control, March 16, 2022. Available at: <https://www.omct.org/en/resources/statements/ukraine-grave-human-rights-violations-in-territories-under-recent-russian-control>; Tom Ball, The Times, UK, March 7, 2022, Ukraine aid worker shot in her car by ‘death squad.’ Available at: <https://www.thetimes.co.uk/article/ukraine-aid-worker-shot-in-her-car-by-death-squad-ff9pv07s9>.

⁸ Reporters without Borders, Chilling account of Radio France fixer who was kidnapped and tortured by Russian soldiers in Ukraine, March 21, 2022. Available at: <https://rsf.org/en/news/chilling-account-radio-france-fixer-who-was-kidnapped-and-tortured-russian-soldiers-ukraine>; Harry Taylor, The Guardian, Sky News journalists evacuated after being shot by Russian ‘death squad,’ March 4, 2022. Available at: <https://www.theguardian.com/world/2022/mar/04/british-journalists-shot-by-russian-saboteur-death-squad>; Nebi Qena & Andrea Rosa, AP News, Ukraine says 300 died in theater attack, hunger grips cities. Available at: <https://apnews.com/article/russia-ukraine-zelenskyy-kyiv-europe-moscow-b56759e5d40db18e94bef8e42db23e47> Lorenzo Tondo, Jon Henley & Daniel Boffey, Ukraine: US condemns ‘unconscionable’ forced deportations of civilians from Mariupol, March 20, 2022. Available at: <https://www.theguardian.com/world/2022/mar/20/russia-bombed-mariupol-art-school-sheltering-400-people-says-ukraine>.

¹⁰ Reuters, Ukraine says Russian troops violently dispersed Kherson anti-occupation rally, March 21, 2022. Available at: <https://www.reuters.com/world/europe/ukraine-says-russian-troops-violently-dispersed-kherson-anti-occupation-rally-2022-03-21/>.

¹¹ The Economist, More than 15,000 Russians have been arrested in anti-war protests, March 22, 2022. Available at: <https://www.economist.com/graphic-detail/2022/03/22/more-than-15000-russians-have-been-arrested-in-anti-war-protests>

¹² Reuters, More than 4,300 detained at anti-war protests in Russia, March 7, 2022. Available at: <https://www.reuters.com/world/europe/more-than-64-people-detained-anti-war-protests-russia-protest-monitor-2022-03-06/>; US Mission to International Organizations in Geneva, Joint Statement on Human Rights and Fundamental Freedoms in Russia, Cross-regional joint statement as delivered by Ambassador Zbigniew Czech, Permanent Representative of Poland, March 21, 2022. Available at: <https://geneva.usmission.gov/2022/03/21/item-4-hrc-49/>.

¹³ OHCHR, UN Human Rights in Ukraine, UN Human Rights Monitoring Mission in Ukraine. Available at: <https://www.ohchr.org/en/countries/ukraine/our-presence>.

¹⁴ UN Human Rights Council, UN experts call for end to Russian aggression against Ukraine and urgent protection of human rights, February, 28, 2022. Available at: <https://reliefweb.int/report/ukraine/un-experts-call-end-russian-aggression-against-ukraine-and-urgent-protection-human>.

provide the necessary support to ensure that such regular human rights monitoring and reporting by UN monitors continue.

Thus far, most governments have responded to Russia's attack against Ukraine by forcefully rejecting it. In a stunning rebuke, on March 2, 2021, 141 States voted in favor of a UN General Assembly resolution condemning Russia's use of force against Ukraine as "aggression" in violation of the UN Charter, with only 4 States other than Russia voting against it; the General Assembly reiterated this message in a second resolution adopted by a similar margin on March 24.¹⁵ The UN Human Rights Council also overwhelmingly condemned Russia's aggression and human rights violations by a vote of 32-2 (Russia, Venezuela). Despite Russia's membership, the Council also created an independent international commission of inquiry to collect evidence of human rights and humanitarian law violations in Ukraine and to identify those responsible for them.¹⁶ Other multilateral institutions have also reacted; on March 3, for example, the Organization for Security and Cooperation in Europe's member States invoked its "Moscow Mechanism," through which a team of experts will be tasked with assessing violations of human rights and humanitarian law by Russia in Ukraine.¹⁷

As these and other votes show, Russia is highly isolated at the United Nations. Nevertheless, Russia's position as a permanent member of the UN Security Council, and its enduring alliance with China, allows it to veto any initiatives authorizing coercive measures under Chapter VII of the UN Charter, including sanctions. With the path to multilateral sanctions blocked, several governments have undertaken their own coordinated efforts to deny Russia access to military and economic assets. For example, the U.S. and Canada have adopted robust bans on Russian oil and gas imports, and they, along with the UK, and EU, have banned military exports, imposed a flight ban on Russian aircraft, and have adopted robust sanctions targeting individual government officials and business figures in Russia and Belarus, Russia's ally.¹⁸ However, more action to deprive Russia of access to resources will be required to change its position on the desirability of continued military action in Ukraine.

Other international institutions have also taken early steps to censure Russia for its aggressive military action and to threaten Russian officials with the prospect of future consequences for the violations they have committed. On March 16, the International Court of Justice delivered a preliminary ruling on a complaint brought to it by Ukraine, which alleged that Russia had violated the Genocide Convention by falsely claiming that its "military operation" was undertaken to prevent an impending genocide by Ukraine of Russian-speaking citizens in the Donbass region.¹⁹ The ICJ ordered Russia to immediately cease its military activities in Ukraine while it assesses the complaint, noting that it had been presented with no evidence substantiating Russia's claims.²⁰ Similarly, 41 States have appealed to the Prosecutor of the International Criminal Court to investigate allegations that Russia has committed war crimes and

¹⁵ UN General Assembly Resolution A/RES/ES-11/1. Available at: <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N22/293/36/PDF/N2229336.pdf?OpenElement>. UN General Assembly Resolution A/RES/ES-11/2.

¹⁶ United Nations, Human Rights Council to establish Commission of Inquiry on Ukraine, March 4, 2022. Available at: <https://news.un.org/en/story/2022/03/1113292>.

¹⁷ US Department of State, Moscow Mechanism Invoked by 45 OSCE States To Review Reported Abuses by Russia. Available at: <https://www.state.gov/moscow-mechanism-invoked-by-45-osce-states-to-review-reported-abuses-by-russia/>

¹⁸ Reuters, Tracking Sanctions Against Russia, March 24, 2022. Available at: <https://graphics.reuters.com/UKRAINE-CRISIS/SANCTIONS/byvrvjenzmve/>.

¹⁹ International Court of Justice, Preliminary Order, Allegations of Genocide under the Convention on the Prevention and Punishment of the Crime of Genocide, March 16, 2022. Available at: <https://www.icj-cij.org/public/files/case-related/182/182-20220316-ORD-01-00-EN.pdf>.

²⁰ *Id.*

crimes against humanity in Ukraine; the Prosecutor invited these requests and has already undertaken a first visit to Ukraine, on March 16.²¹ These efforts should be supported and encouraged.

In recent years, there have been several situations in which UN leaders have been criticized for downplaying or failing to publicly raise concerns about grave human rights violations in an attempt to maintain good relations with governments and avoid retaliation against the UN; the UN human rights office has also been less assertive in undertaking public human rights reporting on its own initiative in recent years than in the past. Nevertheless, Secretary-General António Guterres appealed to Russia to cease its “massive invasion” and “absurd war.” High Commissioner for Human Rights Michelle Bachelet has condemned Russia’s actions.²² The UN human rights office also has maintained the HRMMU since 2014, notwithstanding Russia’s strong opposition to it, and since the Russian invasion of Ukraine began, senior UN officials have regularly highlighted the data that the HRMMU has gathered on civilian casualties in Ukraine in briefings to Member States at the Human Rights Council and Security Council.²³ However, neither the High Commissioner nor any other human rights official has been asked by States to brief the Security Council or General Assembly directly on the situation in Ukraine. It is concerning that no UN human rights official has been asked to participate in the newly created Steering Committee of the Global Crisis Response Group on Food, Energy and Finance in Ukraine announced by Secretary-General Guterres on March 23.²⁴

The Russian invasion of and assault on Ukraine not only imperils the lives and human rights of all Ukrainians; but the international community’s response to it, and to Russia’s conduct, will also have incredibly serious consequences for the entire world. Governments and international public figures should respond to these challenges, and particularly their human rights dimensions, in a manner reflecting their gravity.

JBI calls for the following actions, as a matter of priority:

Recommendations to Governments:

- Continue to convey the international community’s firm rejection of Russia’s conduct of hostilities; demand its withdrawal from Ukraine’s territory.
- Strengthen existing sanctions on Russian industries and individuals responsible for the commission of serious human rights violations in both Ukraine and Russia.
- Support international efforts to gather evidence of war crimes and crimes against humanity in Ukraine by the International Criminal Court and the UNHRC Commission of Inquiry on Ukraine.
- Provide additional financial support for human rights monitoring in Ukraine by the OHCHR Human Rights Monitoring Mission in Ukraine (HRMMU), which is supported by voluntary contributions and not by the regular UN budget.

²¹ Aubrey Allegretti, The Guardian, ICC launches war crimes investigation over Russian invasion of Ukraine, March 3, 2022. Available at: <https://www.theguardian.com/world/2022/mar/03/icc-launches-war-crimes-investigation-russia-invasion-ukraine>

²² UN, Time to negotiate end to ‘unwinnable’ war in Ukraine, Guterres declares, March 22, 2022. Available at: <https://news.un.org/en/story/2022/03/1114392>. UN, Bachelet leads calls for ceasefire in Ukraine during urgent debate at UN rights council, March 3, 2022. Available at:

<https://news.un.org/en/story/2022/03/1113232#:~:text=Russia's%20military%20attack%20on%20Ukraine,leading%20calls%20for%20a%20ceasefire>.

²³ UN, Political Affairs Chief Demands Accountability, Investigation in Ukraine, Telling Security Council Civilian Casualties Cannot Be Denied, March 17, 2022. Available at: <https://www.un.org/press/en/2022/sc14834.doc.htm>.

²⁴ UN, Mobilize Solutions to Help Most Vulnerable Weather Interlinked Global Crises, Secretary-General Urges Steering Committee of Global Crisis Response Group, March 23, 2022. Available at: <https://www.un.org/press/en/2022/sgsm21201.doc.htm>.

- Support and facilitate the work of independent human rights monitors and journalists reporting on human rights concerns in Ukraine and Russia.
- Provide funds to support the UN's humanitarian appeal for Ukraine and the surrounding region; provide assistance to neighboring States that have accepted large numbers of refugees.
- Expeditiously expand the domestic infrastructure for refugee resettlement in order to accommodate the large number of refugees from Ukraine as well as other countries.
- Encourage UN officials to continue to publicize information about the commission of serious human rights violations in Ukraine gathered by UN monitors and stress that attention to human rights concerns and accountability for human rights violations should be an essential component of all UN action taken to address the conflict in Ukraine.
- Call on Russia to respect its human rights obligations under UN human rights treaties; and cease its commission of enforced disappearances, arbitrary detention, and abuses directed against local officials, journalists, civil society activists and others; and promptly provide information on the whereabouts and conditions of persons alleged to have been abducted.

Recommendations to Governments acting at the United Nations:

- At the UN Security Council
 - Request the presence of a representative of the Office of the High Commissioner for Human Rights be present in all closed discussions on Ukraine.
 - Request that the High Commissioner for Human Rights or Assistant Secretary-General for Human Rights brief the Security Council directly and present the HRMMU's findings
- At the UN General Assembly
 - Continue to express widespread repudiation of Russia's commission of serious violations of human rights and international humanitarian law in Ukraine, including by adopting a resolution suspending Russia from membership on the UN Human Rights Council.
 - Request the Secretary-General to report to the UN General Assembly on human rights violations in Ukraine and Russia.
 - Encourage other members of the East European group of states to seek membership on the Council for terms beginning 2023 and contest Russia's candidacy for re-election.
- At the UN Human Rights Council
 - Request the UN High Commissioner for Human Rights to provide briefings on the human rights situation in Ukraine following the conclusion of the Council's 49th session on April 1.
 - Continue raising concerns about the commission of human rights violations by Russia against citizens of Russia as well as citizens of Ukraine.

Recommendations to UN system actors

- UN leaders should ensure that the Office of the High Commissioner for Human Rights is included as a representative on any senior UN coordination mechanism addressing the situation in Ukraine.
- The Secretary-General should act and ensure that all UN staff act in line with his "Call to Action for Human Rights" and continue to bring information about and publicly communicate consistent messages about Russia's commission of human rights and international humanitarian law violations in Ukraine and the importance of ensuring accountability for them.
- Independent UN human rights experts should reach out to human rights defenders and elevate attention to their efforts to document ongoing human rights violations in Ukraine and Russia in press releases and reports.