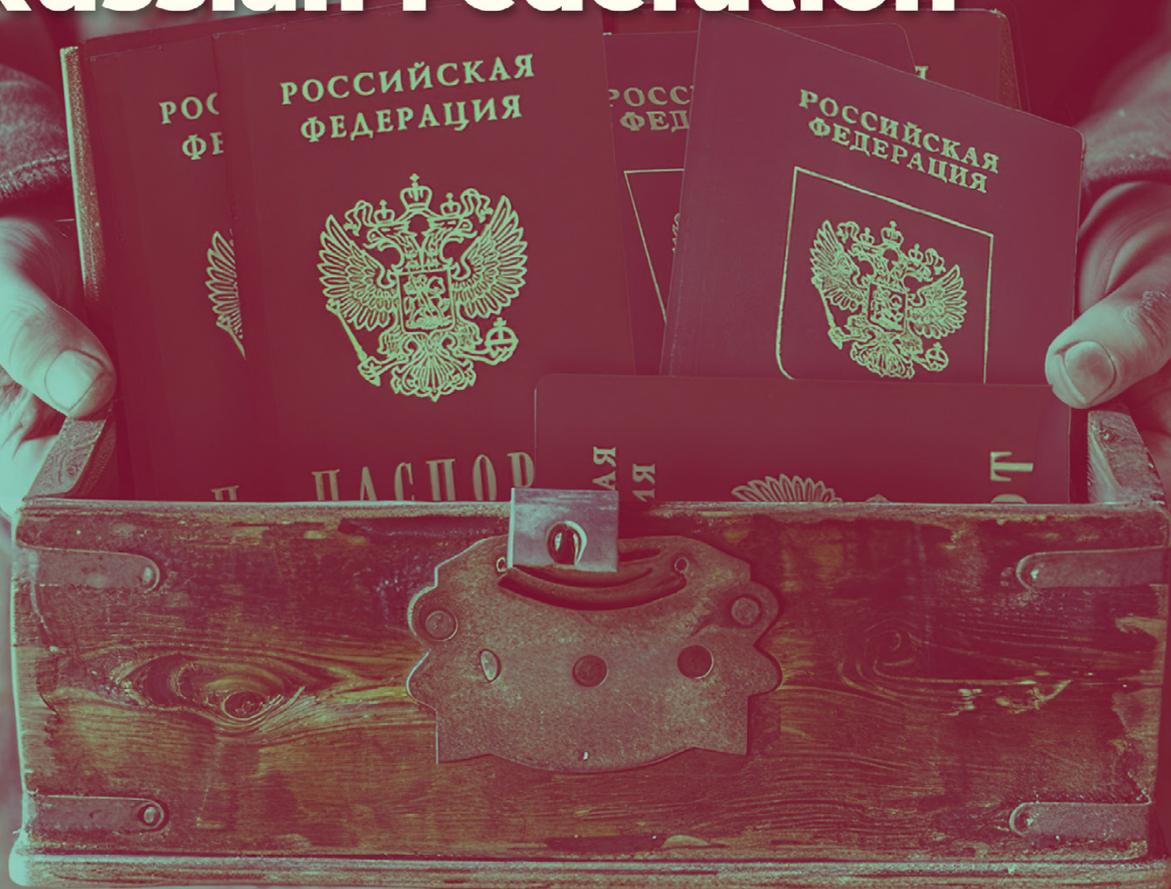


5:00 AM

COALITION

ANALYTICAL REPORT

# Imposing citizenship of the Russian Federation on the citizens of Ukraine in the occupied territory of Ukraine and in the Russian Federation



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This publication is completely or partly financed by Human Rights Fund Programme of the Embassy of the Kingdom of the Netherlands in Ukraine. Its content is the exclusive responsibility of the authors and does not necessarily reflect the position of the Embassy.

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# Introduction

After the beginning of the invasion of the territory of Ukraine in 2014, the Russian Federation began to use the tools of imposing Russian citizenship on the population of the occupied territories. The first victims of this policy were the residents of occupied Crimea. The Russian Federation began to automatically consider everyone who lived on the territory of the peninsula at the time of its occupation as citizens of Russia, if within a month they did not apply for the renunciation of Russian citizenship. The next step was the imposition of Russian citizenship in certain areas of Donetsk and Luhansk regions, which, unlike Crimea, took place in the form of simplifying the acquisition of citizenship with simultaneous restriction of the rights of persons who did not receive Russian citizenship. With the beginning of the full-scale invasion of the occupied territories of Donetsk, Luhansk, Kherson and Zaporizhzhia regions, Russia continued to implement this scenario - obtaining Russian citizenship is possible in a simplified manner, and involves submitting an application to renounce Ukrainian citizenship. But at the same time, more actively than before, the occupying authorities of the Russian Federation apply the practice of creating such conditions under which it is impossible for Ukrainians to live in the occupied territory if they do not have a passport of a citizen of the Russian Federation.

An example of such conditions is restrictions on obtaining proper legal protection, realisation of property rights, obtaining services in the social, medical, educational, labour spheres. Citizens of Ukraine find themselves in a situation where they can be expelled from their place of residence because they refused to acquire Russian citizenship. In addition, in the occupied territories, the Russian Federation began to conduct conscription campaigns and mobilisation, which is carried out in a forcible way. Citizens of Ukraine who were forced to obtain Russian citizenship faced the threat of being drafted into the armed forces of the Russian Federation and participating in the armed conflict against Ukraine on the side of the Russian Federation.

Thus, the policy of imposing Russian citizenship on the occupied territories is aimed at creating conditions under which persons who have not received Russian citizenship are limited in their rights and access to basic services.

At the same time, there are regular discussions in Ukrainian society about what actions should be taken against Ukrainian citizens who received the passport of the aggressor country in the temporarily occupied territory. These discussions often boil down to what negative consequences should occur for a person who received Russian documents. However, the central focus of the discussions should be the policies aimed at the forced passportisation of Ukrainian citizens living in the temporarily occupied territories of Ukraine, their authors and executors.

## **The aim of the research:**

to trace the key stages and practices of implementing the policy of imposing Russian citizenship on Ukrainian citizens - residents of the temporarily occupied territories of Ukraine, as well as citizens of Ukraine who, as a result of armed aggression, were forced to move to the Russian Federation, and to provide legal qualification of such actions both within the framework of international law and within the framework of Ukrainian legislation.

## **The object of the research**

is the legislation of the Russian Federation (Federal laws of the Russian Federation, Decrees of the President of the Russian Federation) regarding the imposition of Russian citizenship, which was illegally spread on the territory of Ukraine after the beginning of its occupation from 2014 to December 1, 2023, as well as open sources, in particular, media and social networks, documented testimonies of persons who experienced or witnessed the imposition of Russian citizenship.

## **The objectives of the research are to conduct:**

- analysis of the policy of the Russian Federation in the field of imposing Russian citizenship on Ukrainian citizens living in the temporarily occupied territories of Ukraine;
- analysis of the policy of the Russian Federation in the field of imposing Russian citizenship on the citizens of Ukraine on the territory of the Russian Federation;
- assessment of the dynamics of imposing Russian citizenship on the occupied territories;
- legal qualification of imposing citizenship of the Russian Federation on citizens of Ukraine in the occupied territories through the prism of international law, national legislation of Ukraine, position of the government of Ukraine.

## **Methodological limitations of the research:**

1. Establishing reliable statistics on passportisation in the TOT remains a complex process. Currently, it is impossible to establish how many people live in the TOT, how many of them are Ukrainian citizens, and therefore the number of those who received a Russian passport will be unreliable. It is also worth noting that the topic of passportisation in the TOT is politicised, and therefore any statistics provided by the occupation authorities can be used to create the impression of large-scale voluntary acquisition of Russian citizenship by citizens of Ukraine.
2. The research was conducted in the absence of access to the temporarily occupied territory of Ukraine, as well as the territory of the Russian Federation, and is based mainly on information obtained from open sources, as well as from interviews with Ukrainian citizens who left the TOT. The research provides limited information from the sources of the occupation authorities and the authorities of the Russian Federation, which is impossible to verify. Also, the researchers were not able to verify some data provided by the Main Directorate of Intelligence of the Ministry of Defence of Ukraine or other sources related to the state authorities of Ukraine.

# List of abbreviations

- MFC** — Multi-functional centre
- “DPR”** — the so-called “Donetsk People’s Republic”
- “L/DPR”** — the so-called “Luhansk and Donetsk People’s Republics”
- “LPR”** — the so-called “Luhansk People’s Republic”
- UHC** — Universal health care
- PRP** — Permanent Residence Permit
- RF** — Russian Federation
- “SMO”** — the so-called “Special Military Operation”
- TOT** — temporarily occupied territory
- OHCHR** — The Office of the United Nations High Commissioner for Human Rights
- FMS** — Federal Migration Service

# Summary

- 1.** Imposing citizenship of the Russian Federation in order to eradicate the Ukrainian identity in both residents of the occupied territories and deported persons violates the fundamental principles of international public law: territorial integrity and non-interference in internal affairs. The relevant policy of the Russian Federation has been repeatedly condemned by the international community. Such imposition of citizenship of the Russian Federation also violates universally recognized human rights - not only in the context of the right to citizenship, but also in relation to the prohibition of inhuman treatment, arbitrary interference in family and private life, property rights, the right to preserve identity, the right to education, freedom of movement.
- 2.** The extension of Russian legislation to the occupied territories of Ukraine and the imposition of Russian citizenship on Ukrainians in the conditions of occupation also violates the fundamental principle of international humanitarian law - status quo ante bellum and a number of norms of international humanitarian law regarding the prohibition of forcing residents of the occupied territory to swear allegiance to the hostile Power and to change personal status of children. Imposing the Russian Federation citizenship on minors also has signs of the crime of genocide in terms of the forcible transfer of children from one protected group to another.
- 3.** Despite the sometimes contradictory political positions of certain officials, according to the current Ukrainian legislation, the imposition of Russian citizenship on residents of the occupied territories of Ukraine is a violation, the consequences of which are negligible. Residents of the occupied territories are recognized as having not acquired citizenship of the Russian Federation and remain citizens of Ukraine.
- 4.** The Russian Federation is a unique example of the use of imposing one's own citizenship to implement an expansive policy. Immediately after the collapse of the Soviet Union, Russia began covert passportisation of residents of the newly created countries, granting privileges for obtaining Russian citizenship. Such passportisation always preceded the launching of aggressive wars by the Russian Federation: in Transnistria, Georgia, Ukraine.
- 5.** In 2001, in its own legislation, contrary to the fundamental principles of international law, the Russian Federation enshrined the possibility of annexing a foreign state or part of it. Since 2002, a provision on the automatic imposition of citizenship upon residents of the occupied territories has appeared in Russian law. It was this procedure that was applied after the occupation of the Autonomous Republic of Crimea and the city of Sevastopol in 2014. As for the regions of Donetsk and Luhansk regions occupied in 2014, the procedure provided for the illusion of choice - citizenship was imposed through the procedure of simplifying its acquisition and simultaneously creating an atmosphere of coercion in the territory, in which the rights of the population were significantly limited if they do not have Russian citizenship. The same system was applied in the occupied regions of Kherson and Zaporizhzhia regions in 2022, when after the "referendums" they were "adopted" by the Federal Laws into the Russian Federation - the only requirement for obtaining citizenship of the Russian Federation is to take the oath.

- 6.** Practices aimed at forcing the population of the occupied territories to acquire Russian citizenship are provided for by Russian legislation. In particular, Ukrainian citizens who have not received a passport of the Russian Federation and live in the TOT of Ukraine are recognized as foreigners. At the same time, they are required to apply for the PRP of the Russian Federation, but for citizens of other states, it is enough to simply confirm the PRP of Ukraine and obtain an analogue of the Russian Federation. The restrictions stipulated by the law apply to all areas of life - for example, receiving social assistance, medical assistance by the UHC becomes possible only on the condition of obtaining citizenship of the Russian Federation or the PRP, there is a requirement to obtain a passport of a citizen of the Russian Federation for the first time at the age of 14, and it is one of the mandatory prerequisites for obtaining a document confirming the receipt of secondary education.
- 7.** Ukrainians who, despite the artificial obstacles created by the Russian Federation, renounce the citizenship of the aggressor state, already face all these restrictions in practice. The policy towards Ukrainian citizens in the occupied territories, aimed at imposing Russian citizenship on them, can be traced since the beginning of the occupation of Ukrainian territories - since 2014 in Crimea and certain areas of Donetsk and Luhansk regions.
- 8.** The policy of imposing citizenship of the Russian Federation has also spread to the territories occupied by the Russian Federation after February 24, 2022 and continues to be implemented in the territories occupied since 2014. Residents of the TOT become victims of numerous violations of human rights in the social, medical, educational, and labour spheres, undergo arbitrary interference with property rights and freedom of movement and are subject to the procedure of “deportation” and “expulsion”.
- 9.** A separate goal of the policy of forced passportisation is Ukrainian children: both those who the Russian Federation deported and those who are in the occupied territories. Imposed Russian citizenship is used to eradicate the Ukrainian national identity of minors, in particular through “re-education” and forced transfer to Russian families.
- 10.** The imposition of Russian citizenship has a negative impact on Ukrainian citizens who are on the territory of the Russian Federation. In a significant number of cases of displacement of Ukrainians, there were signs of deportation. Imposed Russian citizenship makes it difficult for Ukrainians to return home and leads to the violation of their rights, especially for vulnerable categories of the population. A key role in this issue during 2022–2023 was played by Decree of the President of the Russian Federation No. 330 (later replaced by Decree No. 11), which actually deprives incapacitated and minor citizens of Ukraine of the right to choose citizenship, and allows third parties and organisations to make decisions on changing citizenship that can be appointed by the Russian authorities or occupation administrations.
- 11.** Both obtaining and not obtaining Russian citizenship by Ukrainians in deportation or in the occupied territories causes restrictions and violations of their rights, some of which have signs of war crimes, crimes against humanity and genocide. One of the mentioned war crimes is the forced draft for military service, which Russia started in Crimea in 2015. As of 2023, the occupation authorities have conducted 17 illegal draft campaigns in the occupied peninsula alone. The relevant processes, initially hidden, during 2020–2022 in the so-called “L/DPR,” and later openly were also organised in the territories of Ukraine occupied after February 24, 2022.

# 1 Coercion to obtain citizenship of the Russian Federation: definition of basic concepts, legal qualification

For the purposes of this analysis, the concepts used hereinafter are defined as follows:

- imposing citizenship of the Russian Federation means a set of policies, legislative changes and measures of the Russian Federation aimed at creating conditions under which obtaining citizenship of the Russian Federation becomes mandatory and forced for citizens of Ukraine to remain on the TOT and have access to the exercise of basic rights. The imposition of citizenship of the Russian Federation will be considered these actions on the territory of the Russian Federation as well, if they are applied to minors and incapacitated citizens of Ukraine, as well as persons who were deported to the territory of the Russian Federation, including those who were in places of detention (penitentiary institutions, boarding facilities, geriatric boarding houses, etc.).
- coercion to obtain citizenship of the Russian Federation, which is carried out by the authorities of the Russian Federation, including in the temporarily occupied territories of Ukraine, is implemented through physical coercion, and also includes psychological coercion, persecution on the basis of citizenship, as well as the creation of an atmosphere of coercion and fear, which includes restrictions on rights and access to basic services for persons who have not acquired and/or refused to acquire citizenship of the Russian Federation.

## Imposing citizenship of the Russian Federation on residents of the occupied territories of Ukraine as a violation of public international law

The imposition of Russian citizenship on residents of the occupied territories of Ukraine is a violation of the fundamental principles of international law, in particular, territorial integrity and non-interference in internal affairs<sup>1</sup>. The norm, according to which

<sup>1</sup> UN General Assembly, Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations, A/RES/2625(XXV), 24 October 1970; Conference on Security and Co-operation in Europe Final Act, 1 August 1975

states recognize each other's citizenship laws only to the extent that they correspond to international conventions, customs and generally recognized principles of law, was enshrined in the Hague Convention of 1930 on certain questions regarding the conflict of citizenship laws<sup>2</sup>, and has a customary nature.

In the period between the two world wars in the 20th century, illegal granting of citizenship prevailed over deprivation of citizenship on the agenda of the international community. Such attention was related to the potential violation of the sovereignty of one state in connection with the passportisation of citizens living on its territory by another state. Already in 1923, the Advisory Opinion of the Permanent Court of International Justice (the predecessor of the International Court of Justice) regarding the legality of French laws on automatic citizenship of residents of the French protectorates of Tunisia and Morocco, in particular, those born from citizens of other states, the restriction of national discretion in matters of citizenship was confirmed<sup>3</sup>.

During the Second World War, the Third Reich actively used the imposition of German citizenship on the inhabitants of the occupied territories. The main goal was to consolidate expansionist assets, forced conscription into the armed forces and forced labour. A citizen's failure to fulfil their obligations entailed liability in the form of imprisonment or the death penalty. In the decisions of the Permanent Military Tribunal at Strasbourg<sup>4</sup> and the United States Military Tribunal at Nuremberg<sup>5</sup>, regarding the "germanization" of the civilian population in the occupied territories, the imposition of citizenship was recognized as an objective element of a crime against humanity.

After the end of the Second World War and the establishment of the modern international legal order, the field of citizenship gradually established itself as one that concerns not only human rights, but also relations between states. The principle according to which the acquisition of citizenship must contain an element of voluntary consent is universally recognized. Moreover, in the case of imposing citizenship, the state with which the person's legal relationship complies with international norms has the right to intervene on behalf of the victim of such an act in order to protect them from the violation<sup>6</sup>. Taking into account not only the imposition of Russian citizenship as such, but also the final goal with which the aggressor state implements the relevant policy, namely the illegal annexation of the occupied territories of Ukraine, it should be recognized that Russia violates imperative norms of international law.

Such actions of the Russian Federation have already been condemned by the UN General Assembly<sup>7</sup>, the Office of the United Nations High Commissioner for Human

2 League of Nations, Convention on Certain Questions Relating to the Conflict of Nationality Law, League of Nations, Treaty Series, vol. 179, p. 89, No. 4137, 13 April 1930: <https://www.refworld.org/legal/agreements/lon/1930/en/17955>

3 Permanent Court of International Justice, Advisory Opinion N° 4, 7 February 1923: <http://surl.li/rhewk>

4 Trial of Robert Wagner, Gauleiter and Head of the Civil Government to Alsace during the Occupation, and Six Others, Permanent Military Tribunal at Strasbourg (23 April-3 May 1946) and Court of Appeal, 24 July 1946

5 Weizsaecker and Other (Ministries Trial), United States Military Tribunal at Nuremberg, 14 April 1949, p. 357-358

6 Weaponized Citizenship: Should international law restrict oppressive nationality attribution? / Noora Lori, Global Citizenship Observatory, 30 June 2023: <http://surl.li/rhewp>

7 UN General Assembly, Situation of human rights in the Autonomous Republic of Crimea and the city of Sevastopol, Ukraine, G.A. Res. 72/190, 19 December 2017, p. 2

Rights<sup>8</sup>, the United Nations Human Rights Committee<sup>9</sup> and other international and regional authorities. Imposed Russian citizenship is not recognized by Ukraine<sup>10</sup> and the vast majority of countries in the world.

## Legal qualifications within the framework of violations of international human rights law and international humanitarian law

International legal acts establish the right to citizenship as one of the fundamental ones. They can be classified into those that include:

1. general provisions on the right to citizenship and the prohibition of forced change or deprivation of citizenship, namely:
  - *The Universal Declaration of Human Rights*, Article 15 of which provides that everyone has the right to citizenship. No one may be unjustifiably deprived of citizenship or of the right to change his citizenship;<sup>11</sup>
  - *The International Covenant on Civil and Political Rights*, a paragraph 3 of Article 24 of which guarantees that every child has the right to acquire citizenship.<sup>12</sup> In this context, citizenship is interpreted as a subjective fundamental right of an individual, and in this sense one should talk about the individual's right to acquire, stay in the state of citizenship and leave it;<sup>13</sup>
  - *The International Convention on the Elimination of All Forms of Racial Discrimination*, clause "c" of Article 5 of which guarantees the right of every individual to citizenship;<sup>14</sup>
  - *The Convention on the Rights of the Child*, which in Article 7 provides for the right to acquire citizenship, and in Article 8 - the obligation of States Parties to respect the right of the child to preserve individuality, including citizenship, without allowing illegal interference;<sup>15</sup>

8 OHCHR, Situation of human rights in the temporarily occupied Autonomous Republic of Crimea and the city of Sevastopol, UN Doc. A/HRC/36/CRP.3, 25 September 2017, para. 220

9 Human Rights Committee, Concluding Observations on the Seventh Periodic Report of the Russian Federation, U.N. Doc. CCPR/C/RUS/CO/7, 28 April 2015, para. 23: "The Committee, having due regard for General Assembly resolution 68/262 on the territorial integrity of Ukraine, is concerned about reported violations of the Covenant in the Autonomous Republic of Crimea and the city of Sevastopol, which are under the effective control of the State party."

10 The Law of Ukraine "On the Legal Status of Foreigners and Stateless Persons" ed. from June 28, 2023: <https://zakon.rada.gov.ua/laws/show/3773-17#Text>

11 The Universal Declaration of Human Rights dated December 10, 1948. [https://zakon.rada.gov.ua/laws/show/995\\_015#Text](https://zakon.rada.gov.ua/laws/show/995_015#Text)

12 The International Covenant on Civil and Political Rights of December 16, 1966: [https://zakon.rada.gov.ua/laws/show/995\\_043#Text](https://zakon.rada.gov.ua/laws/show/995_043#Text)

13 Sadovska O.M. European standards of the right to citizenship. The legal dimension of constitutional and criminal jurisdiction in Ukraine and the world. First legal readings: materials of All-Ukr. remote conf., . The 20th anniversary of the creation of the econ.- legal faculty (Apr 27, 2018, Odesa): [book of abstracts]/ Odesa I.I. Mechnikov, Faculty of Economics and Law; compiled by: A. V. Levenets, O. V. Narozhna; edited by: L. O. Korchevna, I. A. Dryshliuk. Odesa: Phoenix, 2018 .p.59.: abstracts <chrome-extension://efaidnbmninnbpcjpcglclefindmkaj/http://dspace.onu.edu.ua:8080/bitstream/123456789/16049/1/59-64.pdf>

14 The International Convention on the Elimination of All Forms of Racial Discrimination dated March 7, 1966: [https://zakon.rada.gov.ua/laws/show/995\\_105#Text](https://zakon.rada.gov.ua/laws/show/995_105#Text)

15 The Convention on the Rights of the Child dated December 21, 1995: <http://surl.li/wufe>

- *European Convention on Nationality*, article 3 of which provides that each state defines in its legislation who are its citizens. This legislation is recognized by other states only on the condition that it complies with applicable international conventions, international customary law and principles of law that are generally recognized in relation to citizenship.<sup>16</sup> In Art. 4 of this act stipulates that every person has the right to citizenship; no one can be deprived of citizenship without reason.<sup>17</sup>

## 2. special provisions on the prohibition of coercion in the acquisition of citizenship of another state during an armed conflict:

- Convention (IV) respecting the Laws and Customs of War on Land and its annex: Regulations concerning the Laws and Customs of War on Land, Article 45<sup>18</sup> which stipulates that it is forbidden to force the inhabitants of the occupied territory to swear allegiance to the enemy state. Such a ban covers both the military oath and the transfer to another citizenship;
- Article 50 of the Geneva Convention relative to the Protection of Civilian Persons in Time of War prohibits the occupying power from changing the citizenship status of children.<sup>19</sup>

The extension of the Russian legal regime to the occupied territories of Ukraine and the imposition of Russian citizenship on Ukrainians also contradicts the fundamental principle of international humanitarian law - status quo ante bellum. Such actions indicate the intention of the Russian Federation not only to occupy, but also to annex and integrate the occupied territories into its composition as soon as possible.

In addition, the right to change citizenship is based on a person's free choice regarding such a change. Obtaining the citizenship of another state as a result of a person's consent, which was obtained under the influence of pressure, threats or the use of force, is illegal.<sup>20</sup> First of all, free choice is characterised, by the absence of coercion, which, in turn, can be expressed in the form of physical influence, as well as the threat of the use of force, fear of violence, pressure, arrest, psychological pressure, abuse of power in relation to this person or persons, or in relation to third person.<sup>21</sup> In some circumstances, coercion may be present by definition, such as in a situation of armed conflict,<sup>22</sup> particularly occupation.

In this context, the Geneva Convention relative to the Protection of Civilian Persons in Time of War emphasises in Article 31 that no coercion, physical or moral, may be applied to persons under protection, in particular for the purpose of obtaining information

16 European Convention on Citizenship dated November 6, 1997: [https://zakon.rada.gov.ua/laws/show/994\\_004#Text](https://zakon.rada.gov.ua/laws/show/994_004#Text) Note: this Convention is signed, but not ratified by the Russian Federation.

17 *ibid*

18 Convention (IV) respecting the Laws and Customs of War on Land and its annex: Regulations concerning the Laws and Customs of War on Land dated October 18, 1907: [https://zakon.rada.gov.ua/laws/show/995\\_222#Text](https://zakon.rada.gov.ua/laws/show/995_222#Text)

19 Geneva Convention relative to the Protection of Civilian Persons in Time of War dated August 12, 1949: [https://zakon.rada.gov.ua/laws/show/995\\_154#Text](https://zakon.rada.gov.ua/laws/show/995_154#Text)

20 Passportisation: Risks for International Law and Stability – Part I / Anne Peters, European Journal of International Law (EJIL), May 8, 2019, <https://www.ejiltalk.org/passportisation-risks-for-international-law-and-stability-part-one/>

21 Prosecutor v. Milorad Krnojelac (Trial Judgement), IT-97-25-T, International Criminal Tribunal for the former Yugoslavia (ICTY), 15 March 2002, para. 475

22 The Prosecutor v. Jean-Paul Akayesu (Appeal Judgment), ICTR-96-4-A, International Criminal Tribunal for Rwanda (ICTR), 1 June 2001, para. 688

from them or from third parties.<sup>23</sup> That is, the specified norm prohibits the use of coercion in any form in relation to protected persons in the occupied territory.<sup>24</sup>

International legal provisions on the prohibition of imposing citizenship are also reflected in court decisions of international institutions. Thus, the International Court of Justice in its decision in the *Nottebohm* case of April 6, 1955<sup>25</sup> established that the state has the sovereign right to determine who its citizens are, provided that such a process must be properly regulated and comply with the norms of international law.

It is worth highlighting the imposition of citizenship on minor citizens of Ukraine. As stated above, both international human rights law and international humanitarian law provide for the obligation to respect the child's identity, which includes citizenship, and the direct prohibition of changing the personal status of children, in particular, under conditions of occupation. Such a change of citizenship of children has the characteristics of the crime of genocide, namely the forcible transfer of children from one human group to another.<sup>26</sup>

Accordingly, the acquisition of citizenship of another state not as a result of a person's free choice, but under coercion, which can be expressed in both physical and psychological influence, and by creating an atmosphere of coercion, cannot be considered legitimate, is considered the imposition of citizenship and violates the norms of international law. Imposing citizenship on children has the characteristics of a crime of genocide.

## Ukrainian legislation and the position of the Government of Ukraine

Article 25 of the Constitution of Ukraine provides that a citizen of Ukraine cannot be deprived of citizenship and the right to change citizenship.<sup>27</sup> The specified constitutional provision acts as a guarantee that makes it impossible to recognize a forced change of citizenship, since the right to change citizenship can be exercised voluntarily, and not under coercion. This right cannot be waived in any case and with respect to any country.<sup>28</sup>

According to Part 6 of Article 5 of the Law of Ukraine "On Ensuring the Rights and Freedoms of Citizens and the Legal Regime in the Temporarily Occupied Territory of Ukraine", forced automatic acquisition of citizenship of the Russian Federation by citizens of Ukraine living in the temporarily occupied territory is not recognized by Ukraine and is not grounds for loss of citizenship of Ukraine. At the same time, it is worth noting that the law does not define what "forced automatic acquisition of citizenship" is, which may entail difficulties in the application of this article.

In addition, part 2 and part 3 of article 6 of the same law provide that any bodies, their officials and officers in the temporarily occupied territory and their activities

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23 *supra* 19

24 Radchenko O.I. International Legal Aspect of Ensuring the Right to Citizenship in Conditions of War and Occupation of Territories. *Southern Ukrainian Legal Journal*. 2022. No. 4. Part 3. P. 262.

25 International Court of Justice. *Nottebohm (Liechtenstein v. Guatemala)*. 6 April 1955: <https://www.icj-cij.org/case/18>

26 Convention on the Prevention and Punishment of the Crime of Genocide of December 9, 1948, Article II (e); Rome Statute of the International Criminal Court dated July 17, 1998, Article 6 (e)

27 The Constitution of Ukraine of June 28, 1996 (with changes): <http://surl.li/hinkt>

28 Obtaining a passport of the Russian Federation in the TOT: not a criminal, but a victim of a crime! / Official telegram channel of The Ukrainian Parliament Commissioner for Human Rights, May 17, 2023: [https://t.me/s/dmytro\\_lubinetzs?after=2461](https://t.me/s/dmytro_lubinetzs?after=2461)

are considered illegal if these bodies or persons are created, elected or appointed in a manner not provided for by law. Any act (decision, document) issued by these bodies and/or persons is invalid and does not create legal consequences, except for documents confirming the fact of birth, death, registration (dissolution) of a person's marriage in the temporarily occupied territory.<sup>29</sup> Accordingly, obtaining a passport issued by Russia, its bodies, officials and officers created on the temporarily occupied territory of Ukraine does not give rise to any legal consequences.

In addition, the order of the Cabinet of Ministers of Ukraine "On Ukraine's non-recognition of passport documents issued by authorised bodies of a foreign state" stipulates that Ukraine does not recognize passport documents issued by authorised bodies (subdivisions) of a foreign state, namely the Russian Federation.<sup>30</sup> The order contains a specific list of authorities on the territory of the Russian Federation and does not recognize passport documents issued by them. This order was Ukraine's response to the processes of forced passportisation of residents of the occupied regions of Donetsk and Luhansk regions.

Accordingly, the national legislation of Ukraine defines the imposition of citizenship of the Russian Federation on residents of the occupied territories of Ukraine as a violation, and its consequences are null and void. Acquiring the imposed legislation of the Russian Federation is not recognized by Ukraine, and therefore is not a reason to lose Ukrainian citizenship. At the same time, attempts to settle the issue of obtaining a Russian passport by Ukrainian citizens were made not only in the context of a violation by the Russian Federation, but also in the context of the responsibility of Ukrainian citizens for obtaining Russian citizenship.

In particular, one of the draft laws<sup>31</sup> proposed including the imposition of Russian citizenship in the category of crimes against peace, human security and international order - in the part of imposing Russian citizenship on citizens of Ukraine, as well as in the category of crimes against national security - in the part of obtaining the citizenship of the aggressor state.

The proposed method of solving the issue, however, contains a number of significant shortcomings and contradictions, in particular, it contradicts the state policy of Ukraine regarding the non-recognition of citizenship (acquired in the temporarily occupied territories) and decisions (acts, documents) of the occupying power and, if adopted, will have a negative impact on the investigation of existing criminal proceedings and prosecution of persons who committed this crime<sup>32</sup>.

29 On ensuring the rights and freedoms of citizens and the legal regime in the temporarily occupied territory of Ukraine: Law of Ukraine, ed. from January 30, 2024: <https://zakon.rada.gov.ua/laws/show/1207-18#Text>

30 On Ukraine's non-recognition of passport documents issued by authorised bodies of a foreign state: Order of the Cabinet of Ministers of Ukraine dated May 8, 2019 No. 362: <https://zakon.rada.gov.ua/laws/show/362-2019-%D1%80#Text>

31 Draft Law on Amendments to the Criminal and Criminal Procedural Codes of Ukraine to Combat Russian Passporting. Registered with the Verkhovna Rada on September 19, 2022: <https://itd.rada.gov.ua/billInfo/Bills/pubFile/1478608>

32 Conclusion on the draft Law of Ukraine "On Amendments to the Criminal and Criminal Procedural Codes of Ukraine on Combating Russian Passporting" of the Main Scientific and Expert Department of the Apparatus of the Verkhovna Rada of Ukraine (first reading): <https://itd.rada.gov.ua/billInfo/Bills/pubFile/1562741>; Riabchyńska O. P. Criminal-Legal Assessment of Forced Passportization and Acquisition of Russian Citizenship in Temporarily Occupied Territories of Ukraine. National Security of Ukraine in the Context of Informatization and Globalization of Social Processes: Modern Threats and Criminal-Legal Regulation: Materials of the VII International Scientific-Practical Conference (Kharkiv, May 11, 2023) / Ed. by L. M. Demydova (Editor-in-Chief), N. V. Shulzhenko, D. O. Kukovynets, O. S. Popovych; Yaroslav Mudryi National Law University; Academician Stashis Scientific Research Institute for the Study of Crime Problems; National Academy of Legal Sciences of Ukraine; Civil organisation "All-Ukrainian Association of Criminal Law". Kharkiv: Pravo, 2023. 322 p. P.109-115. DOI: <https://doi.org/10.31359/>; Analysis of the Draft Law of Ukraine "On Amendments to the Criminal and Criminal Procedural Codes of Ukraine on Combating Russian Passporting": <https://www.vplyv.org.ua/archives/6900>

Taking into account these comments, the draft law is under consideration and needs significant revision, and the issue of imposing Russian citizenship on residents of the occupied territories of Ukraine is being considered only because of violations by the Russian Federation. In particular, since 2014, Ukrainian law enforcement officials have been qualifying and investigating the imposition of Russian citizenship on the occupied territories within the framework of Article 438 of the Criminal Code of Ukraine (“Violation of the Laws and Customs of War”).

Despite the existence of a clear position in the legislation of Ukraine regarding the non-recognition of Russian citizenship imposed on Ukrainian citizens during the occupation, the public positions of representatives of state authorities and officials of Ukraine do not always reflect a unified policy on this issue. In particular, the official statement of the Ministry of Reintegration of the Temporarily Occupied Territories of Ukraine states that “obtaining a Russian passport is the first step towards collaborationism and aiding the enemy, which may entail criminal liability.”<sup>33</sup> This is worrisome, because state policy in this area should be consistent, predictable, understandable to citizens of Ukraine, including those living in the occupied territories of Ukraine.

International partners have also repeatedly expressed their condemnation of the mass issuance of passports in the TOT.

So, on April 22, 2019, a number of countries - in particular, France, Germany, Great Britain, Sweden and Poland - issued a joint statement condemning Vladimir Putin’s decree on issuing passports and calling this decision an undermining of Ukraine’s sovereignty, and the US representative to the UN, Jonathan Cohen characterised the decree on issuing Russian passports to residents of the so-called “L/DPR” as a “provocation” by the Kremlin. Representatives of France, Germany, Belgium and other countries expressed themselves in a similar vein.<sup>34</sup>

The statement of the European Union regarding Russia’s ongoing aggression against Ukraine and the illegal occupation of Crimea dated July 29, 2021 states that the EU condemns the mass issuance of Russian passports to citizens of Ukraine in a simplified and selective manner.<sup>35</sup>

On May 25, 2022, the US State Department strongly condemned the imposition of Russian citizenship on residents of the Zaporizhzhia and Kherson regions of Ukraine, which are partially under Russian occupation.<sup>36</sup> On May 26, 2022, Matti Maasikas, the head of the Delegation of the European Union to Ukraine in Kyiv, said that no one will ever recognize the forced issuance of Russian passports to residents of the captured territories of the Kherson and Zaporizhzhia regions of Ukraine.<sup>37</sup>

33 Stop and don't touch: five reasons not to get a Russian passport in the TOT / Official website of the Ministry of the Reintegration of the Temporarily Occupied Territories of Ukraine, August 16, 2022: <http://surl.li/qykpc>

34 UN Security Council: Western countries called the issuance of Russian passports for the “DPR” and “LPR” a provocation. / BBC News Ukraine, April 26, 2019: <https://www.bbc.com/ukrainian/news-48062761>

35 The EU condemned the issuance of Russian passports in eastern Ukraine / UKRINFORM, July 29, 2021: <http://surl.li/qykov>

36 The State Department condemned the forced passporting of Ukrainians: the Russian Federation imposes its will on the people of Ukraine / UNIAN, Orlova V., May 26, 2022: <https://www.unian.ua/society/derzhdep-pasportizaciya-ce-zamaskovaniy-krok-rf-nav-yazati-svoyu-volyu-narodu-ukrajini-novini-ukrajini-11842101.html>

37 The USA and the EU reacted to Putin's decision regarding the passporting of residents of the Kherson and Zaporizhzhia regions. / MIND. News. May 26, 2022: <https://mind.ua/news/20242041-u-ssha-ta-es-vidreaguvali-narishennya-putina-shchodo-pasportizaciyi-zhiveliv-hersonskoyi-ta-zaporizkoyi-obl>

On November 24, 2022, the European Parliament supported the decision of the European Council regarding the non-recognition of passports and any other documents for travelling issued by the Russian Federation in the occupied territories of Ukraine.<sup>38</sup>

The position of international partners on this issue is more consistent - the imposition of Russian citizenship on the occupied territories is a violation and does not entail legal consequences.

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<sup>38</sup> MEPs vote not to accept passports issued by Russia in occupied areas / European Parliament, 24.11.2022: <https://www.europarl.europa.eu/news/en/press-room/20221118IPR55715/meps-vote-not-to-accept-passports-issued-by-russia-in-occupied-areas>

## 2

# Imposition of citizenship of the Russian Federation as the policy of the aggressor state.

## Historical background

The legislative regulation of the acquisition and deprivation (loss) of citizenship of the Russian Federation during 1992–2023 contains numerous signs of the state’s expansionary policy. They are reflected both in the first editions of the law on citizenship of the Russian Federation<sup>39</sup>, as well as in numerous revisions of recent years<sup>40</sup>. The Russian authorities were reluctant to get rid of Soviet documents: to determine Russian citizenship, in the Soviet passport they used special tabs, which, unlike Ukrainian permanent stamps, were essentially a separate document<sup>41</sup>. This created opportunities for covert passportisation of citizens of countries that gained independence after the collapse of the USSR<sup>42</sup>, and in 2007, the authorities of the Russian Federation, by a court decision, extended the validity of Soviet passports forever<sup>43</sup>.

In general, residents of the former Soviet republics unilaterally, without signing any international treaties, had privileges when getting Russian citizenship. So, back in 1992, the Russian government adopted the long-term republican program “Migration”<sup>44</sup>, the Federal Law prescribes the category “native speaker of the Russian language”<sup>45</sup>, in 2006, the “resettlement of compatriots” program was launched<sup>46</sup>, and since 2020, citizens of Ukraine, Belarus, Kazakhstan and Moldova, despite the objections of the Ukrainian authorities and the international community, have again entered the “privileged” cat-

39 Law of the Russian Federation dated November 28, 1991 No. 1948-I “On Citizenship of the Russian Federation”, Article 12, paragraph 2: [https://data.globalcit.eu/NationalDB/docs/RUS\\_Russian\\_Citizenship\\_Law\\_1991\\_\(original\\_Russian\).pdf](https://data.globalcit.eu/NationalDB/docs/RUS_Russian_Citizenship_Law_1991_(original_Russian).pdf)

40 Federal Law of May 31, 2002 No. 62-FZ “On Citizenship of the Russian Federation”, Article 14, paragraph 1: <http://kremlin.ru/acts/bank/18131>

41 Decree of the Government of the Russian Federation dated December 9, 1992 No. 950 “On temporary documents certifying citizenship of the Russian Federation”: <https://legalacts.ru/doc/postanovlenie-pravitelstva-rf-ot-09121992-n-950/>

42 A Ukrainian officer told how in the 90s the military in Crimea were given Russian citizenship / Krym.Realii, August 26, 2016: <https://ru.krymr.com/a/news/27944004.html>

43 “Decision of the Supreme Court of the Russian Federation No. ГКПИ06-334 dated April 25, 2006 ”On dismissing without satisfaction the application to invalidate paragraph 2 of paragraph 1 of the Regulations on the passport of a citizen of the Russian Federation, approved by Decree of the Government of the Russian Federation No. 828 dated July 8, 1997.” [https://www.consultant.ru/document/cons\\_doc\\_LAW\\_61402/](https://www.consultant.ru/document/cons_doc_LAW_61402/)

44 Decree of the Government of the Russian Federation dated May 18, 1992 No. 327 “On the republican long-term program “Migration”: <http://government.ru/docs/all/2717/>

45 *supra* 39, article 331, paragraph 1

46 Decree of the President of the Russian Federation dated June 22, 2006 No. 637 “On measures to facilitate the voluntary resettlement of compatriots living abroad to the Russian Federation”: <http://kremlin.ru/acts/bank/23937>

egory for simplified obtaining of residence permits in the Russian Federation<sup>47</sup>. All of the above-mentioned documents separate residents of the former USSR into a separate group with different levels of migration benefits – simplified rules for living in the territory of the Russian Federation, as well as obtaining Russian citizenship.

In 2008, after military aggression against Georgia, the State Duma of the Russian Federation made changes to the country's Constitution allowing dual citizenship<sup>48</sup>. After that, the topic of introducing dual citizenship based on the model of the Russian Federation begins to be actively lobbied in pro-Russian political circles of Ukraine, in particular by Viktor Medvedchuk<sup>49</sup>.

Informational or legal lobbying on the topic of Russian citizenship and passports always preceded the beginning of military aggression by the Russian Federation. At least before the two armed conflicts that took place in the so-called post-Soviet space until 2014, and in which the Russian Federation directly or indirectly participated, the population of the regions where the conflicts took place were encouraged to obtain Russian passports massively. Particularly, in the war in Transnistria (1990-1992) and the Russo-Georgian war (2008), a targeted policy of passportisation in the region of Transnistria (the so-called Transnistrian Moldavian Republic on the territory of Moldova) and in the regions of Abkhazia and South Ossetia (on the territory of Georgia ) was carried out.

Some residents of Transnistria, Abkhazia and South Ossetia received Russian passports immediately after the USSR passports, at a time when Georgia and Moldova did not yet have their own citizenship legislation.

According to the findings of the Independent International Fact-Finding Mission on the Conflict in Georgia<sup>50</sup>, mass “voluntary” passportisation of residents of Abkhazia and South Ossetia under the simplified procedure for obtaining a passport, which was adopted by the Russian Federation in 2002, took place without the consent of the Georgian government and contrary to its laws (Georgia did not recognize the institution of dual citizenship). The mission qualified this policy of the Russian Federation as a challenge to Georgia's sovereignty and interference in its internal affairs. Provided that Ukraine also does not recognize the institution of dual citizenship and does not have relevant international agreements with the Russian Federation, this conclusion is also valid for the situation with “voluntary” passportisation of citizens of Ukraine in certain regions until 2014, which is discussed above.

## Preparation of the legal field for future wars

At the beginning of Vladimir Putin's presidency, in 2001, mechanisms for including foreign territories and entire states to the Russian Federation appeared in the Constitution of the Russian Federation. In particular, the Federal Constitutional Law<sup>51</sup> actually

47 Federal Law of April 24, 2020 No. 134-FZ “On Amendments to the Federal Law “On Citizenship of the Russian Federation”, Article 1, paragraph b: <http://www.kremlin.ru/acts/bank/45489>

48 “The Constitution of the Russian Federation” dated 12 June 1993 with changes since 1 June 2020, Article 62: <http://www.constitution.ru>

49 Viktor Medvedchuk welcomes the introduction of dual citizenship in Poland / Bagnet, August 17, 2012: <https://www.bagnet.org/news/politics/191058/viktor-medvedchuk-privetstvuet-vvedenie-dvoynogo-grazhdanstva-v-polshe>; Dual citizenship does not meet the national interests. Medvedchuk works for Russia, - Fesenko / Censor.net, January 08, 13: <http://surl.li/rhfsu>

50 Independent International Fact-Finding Mission on the Conflict in Georgia: Report, Volume I, The Conflict in Georgia in August 2008: [https://www.mpil.de/files/pdf4/IIFFMCG\\_Volume\\_I2.pdf](https://www.mpil.de/files/pdf4/IIFFMCG_Volume_I2.pdf)

51 Federal Constitutional Law of December 17, 2001 No. 6-FKZ (ed. on October 31, 2005) “On the procedure for admission to the Russian Federation and the formation of a new subject of the Russian Federation within it,” Article 4, paragraph 1: <https://docs.cntd.ru/document/901806912>

makes it possible for a foreign state or part of it to become part of the Russian Federation. According to the procedure, this happens by agreement with the state itself, which is why Crimea and the so-called "L/DPR" needed "referendums on independence."

Also, the legal mechanisms of the Russian Federation regulate the "change of the State border of the Russian Federation" and provide for the right to choose citizenship (the so-called choice of citizenship, optation) for people living in the territories "whose state affiliation has changed." This norm remains unchanged in two editions of the Federal Law "On Citizenship of the Russian Federation" - from 2002<sup>52</sup> and from 2023<sup>53</sup>.

Residents of the temporarily occupied Crimean peninsula who have received Russian passports are considered by Russian legislation precisely as those who received citizenship by optation. The concept of optation in Russian legislation exists only formally - in the law on citizenship. There are no functional mechanisms for choosing citizenship and they often change depending on the situation: for example, in 2014, residents of the Republic of Crimea and the city of Sevastopol were automatically recognized as citizens of the Russian Federation, while the option of obtaining a residence permit under practically impossible conditions was added later.

## Imposition of citizenship of the Russian Federation according to the Constitution of the Russian Federation

At the end of September 2022, after a long period of uncertainty in organisational matters and dates among representatives of the occupation administrations<sup>54</sup> so-called "referendums" were held in all occupied regions, after which the State Duma of the Russian Federation on October 4, 2022 supported four federal constitutional laws under the numbers 5-FKZ<sup>55</sup>, 6-FKZ<sup>56</sup>, 7-FKZ<sup>57</sup> та 8-FKZ<sup>58</sup>, that "include" the occupied territories in the composition of the Russian Federation, making appropriate changes to Article 65 of the Constitution of the Russian Federation.

All documents are of the same type and have only minor regional differences. Among other things, these laws declare the recognition of residents of the occupied territories as citizens of the Russian Federation with the only requirement - taking an oath, as well as establish conscription for military service from 2023 and introduce a legal norm that allows people with a Ukrainian passport not to declare they have it provided they sign a statement of "refusal to be a citizen of Ukraine", which is null and void.

52 *supra* 40, Article 17, Article 21

53 Federal Law dated April 28, 2023 No. 138-FZ (ed. on July 24, 2023) "On Citizenship of the Russian Federation", Article 12, paragraph 4; Article 20: <https://docs.cntd.ru/document/1301436470#BOS00N>

54 In Kherson they supported a single referendum in the regions under Russian control / RBC, August 17, 2022: <https://www.rbc.ru/politics/17/08/2022/62fcbaaa9a794733d22ddd0e>

55 Federal Constitutional Law dated October 4, 2022 No. 5-FKZ "On the admission of the Donetsk People's Republic to the Russian Federation and the formation of a new subject within the Russian Federation - the Donetsk People's Republic": <https://docs.cntd.ru/document/351923141>

56 Federal Constitutional Law dated October 4, 2022 No. 6-FKZ "On the admission of the Luhansk People's Republic to the Russian Federation and the formation of a new subject within the Russian Federation - the Luhansk People's Republic": <https://docs.cntd.ru/document/351923142>

57 Federal Constitutional Law dated October 4, 2022 No. 7-FKZ "On the admission of the Zaporizhzhia region to the Russian Federation and the formation of a new subject within the Russian Federation - the Zaporizhzhia region": <https://docs.cntd.ru/document/351923140>

58 Federal Constitutional Law dated October 4, 2022 No. 8-FKZ "On the admission of the Kherson region to the Russian Federation and the formation of a new subject within the Russian Federation - the Kherson region": <https://docs.cntd.ru/document/351923135>

The detailed procedure for the registration of the documents named in the federal constitutional laws is described in a separate Decree of the President of the Russian Federation<sup>59</sup>. Here, in particular, the forms of the mentioned documents and the procedures for their registration are determined, which allow a wide range of manipulations with the citizenship of vulnerable groups. For example, the citizenship of children deprived of parental care and incapacitated persons may be determined by a guardian, who in practice may be appointed by the occupation administration without any legally justified grounds<sup>60</sup>.

## Recognition of citizens of Ukraine as foreigners

On April 27, 2023, the Decree of the President of the Russian Federation was issued<sup>61</sup>, which recognizes Ukrainian citizens who live in the temporarily occupied territories of Ukraine, have declared their desire to retain Ukrainian citizenship and have not taken the oath of citizenship of the Russian Federation, as foreigners. This document actually creates two “legal” modes of stay of citizens of Ukraine in the TOT according to Russian legislation - acquisition of Russian citizenship or obtaining a permanent residence permit<sup>62</sup> under a simplified procedure. However, in practice, this document is almost impossible to obtain. So, in the territory of the occupied part of the Kherson region, there are 19 passporting centres and only one that can issue the PRP<sup>63</sup>. Formally, the decree significantly simplifies the procedure for obtaining a residence permit, depriving residents of the occupied territories of the need to undergo a medical examination, confirm income, obtain a quota work permit, and notarize translations of documents<sup>64</sup>, but most of these relaxations were valid until December 31, 2022<sup>65</sup>. In addition, the Decree does not eliminate the need to annually renew the PRP, which includes all requirements, including the presence of legal income in the amount determined by the Russian government for oneself and dependent family members (as of 2023, for the occupied territories, this is about 12,000 rubles (about USD 130) per person)<sup>66</sup>.

Clause 12 of the Decree prohibits the application of deportations and administrative expulsion of citizens in the TOT who have received the PRP, however, the next clause - 13 - contains a provision that allows the deportation of Ukrainian citizens who, among other things, participate in unauthorised rallies and gatherings or carry out extremist activities. Considering the breadth of the definition of this concept (for example,

59 Decree of the President of the Russian Federation dated December 26, 2022 No. 951 “On some issues of obtaining citizenship of the Russian Federation”: <https://docs.cntd.ru/document/1300402272>

60 In the Kherson region, collaborator Suk “took custody” of a child deported from Ukraine, who has a family / Hromadske, October 18, 2023: <https://hromadske.ua/posts/na-hersonshini-kolaborant-suk-vzyav-pid-opiku-deportovanu-z-ukrayini-ditinu-yaka-maye-rodinu>; “Help me”. The story of the deportation of a teenager who was successfully returned to Ukraine / Ukrainska Pravda, December 30, 2022: <https://life.pravda.com.ua/society/2022/12/30/252072/>

61 Decree of the President of the Russian Federation dated April 27, 2023 No. 307 “On the peculiarities of the legal status of certain categories of foreign citizens and stateless persons in the Russian Federation”: <http://publication.pravo.gov.ru/Document/View/0001202304270013?index=1>

62 The Ukrainian Permanent Residence Permit is not a complete equivalent of the Russian “Residence Permit”, but in the text it is used as the closest concept to it

63 How to get a residence permit in the Kherson region: step-by-step instructions / Komsomolskaya Pravda in Kherson, September 13, 2023: <https://www.herson.kp.ru/daily/27554/4823121/>

64 Clause 8 of the Decree indicates that the reasons for refusal to grant the PRP, specified in Article 9 of Federal Law No. 115-FZ dated July 20, 2002, do not apply: <https://normativ.kontur.ru/document?moduleId=1&documentId=452234#h326>

65 *ibid*, paragraph 15

66 The procedure for calculating the subsistence level in the DPR, LPR, Kherson and Zaporizhzhia regions has been established / Ministry of Labor of Russia, December 16, 2022: <https://mintrud.gov.ru/social/social/1283>

the insignia of Ukrainian military units and many books in Ukrainian are considered extremist in the Russian Federation<sup>67</sup>, including history textbooks<sup>68</sup>), this norm allows wide discretion in its application and actually establishes ideological control over citizens of Ukraine in the TOT.

Among other things, the Decree divides citizens of Ukraine (including those who previously received so-called “passports of the DPR” and “passports of the LPR”) and citizens of other states in the TOT, creating different legal conditions for the two groups. In particular, for the first group there is a requirement to apply for the PRP of the Russian Federation, but for citizens of other states it is enough to simply confirm the PRP of Ukraine and obtain an analogue of the Russian Federation.

## Consequences for the TOT residents

The consequences of the adoption of this Decree are significant, because it quickly introduces a new legal regime of the Russian Federation in the occupied territories of Ukraine. It is worth noting that a significant part of oppression and restrictions were applied in the TOT even before the adoption of the Decree, but with its adoption they became legal norms. The most important of them:

- **Social benefits:** talk of limiting social benefits began in the summer of 2022<sup>69</sup>. From January 1, 2023, the suspension of pension payments was announced,<sup>70</sup> and from March 1, 2023, in accordance with the Federal Law<sup>71</sup> pensions are paid according to Russian legislation. The requirement of Russian citizenship to obtain solid fuel is reported<sup>72</sup>. With the adoption of the Decree, receiving social aid becomes possible only on the condition of obtaining citizenship of the Russian Federation or the PRP.
- **Medical care.** With the adoption of the above-mentioned Decree, the provision of medical care takes place only on the condition that a universal health care policy (UHC) is issued, for which it is necessary to go through a multi-level<sup>73</sup> bureaucratic procedure, at every stage of which there is a requirement of Russian citizenship or registration of the PRP: from the requirement to obtain a social security number of the Russian Federation (“Individual insurance account number” (SNILS)) to the procedure of submitting documents for an insurance policy. The facts of the

67 List of extremist materials / Ministry of Justice of the Russian Federation: <http://pravo.minjust.ru/extremist-materials> For example, entries No. 1151, 2082, 2091, 2128

68 Occupation troops seize and destroy Ukrainian literature and history textbooks / Official Telegram channel of the Main Directorate of Intelligence of the Ministry of Defence of Ukraine, March 24, 2022: <https://t.me/DIUkraine/194>; Zabuzhko, Kuleba, Irvanets, Chekh: in the “LPR” compiled a list of more than 300 banned books / Chytomo, January 23, 2023: <https://chytomo.com/zabuzhko-kuleba-irvanets-chekh-u-lnr-sklaly-perelik-ponad-300-zaboronenykh-knyzhok/>

69 Operational information as of May 8, 2022: the work of the pension fund under the leadership of the occupation authorities and the increase in cardiovascular diseases among Borova residents / Official Telegram channel of the Borova settlement council, May 8, 2022: [https://t.me/borova\\_gromada/1121](https://t.me/borova_gromada/1121)

70 Experiment on the extermination of elderly people in Mariupol is “gaining new colours”/Telegram channel “Andriushchenko Time,” January 26, 2023: <https://t.me/andriyshTime/6189>

71 Federal Law No. 17-FZ dated February 17, 2023 “On the features of pension and additional social security for citizens living in the territories of the Donetsk People’s Republic, Luhansk People’s Republic, Zaporizhzhia region and Kherson region”, Article 1, paragraph 2: [https://www.consultant.ru/document/cons\\_doc\\_LAW\\_439911/9c-0899798978ca618c3da0f85a8f72165a81d0f6/](https://www.consultant.ru/document/cons_doc_LAW_439911/9c-0899798978ca618c3da0f85a8f72165a81d0f6/)

72 Announcement / Telegram channel “Zaporozhye News Feed | Z”, September 19, 2023: <https://t.me/zpnews-ru/81073>

73 The UHC Policy for Foreign Citizens / Migrantvisa.ru, December 31, 2022: <https://migrantvisa.ru/russia/migraciya/polis-oms/>

threats are also known<sup>74</sup> and cases of refusal to provide even critically necessary medical care<sup>75</sup>.

- **Property rights.** Even before the adoption of the Decree, the occupation authorities directly and indirectly (through the “legal acts” of the occupation administrations) threatened people who left the occupied territories with the deprivation of the right to own movable and immovable property in case of non-fulfillment of a number of conditions that required permanent residence in the occupied territories. The categories of so-called “ownerless property” became the biggest tool of pressure<sup>76</sup> and ownership rights to vehicles, which have been a known tool for violating the property rights of residents of the occupied territories since 2015<sup>77</sup>, but increased in scale in the Zaporizhzhia region in mid-2022.
- **Parental rights.** Given the widespread policy of deportation of Ukrainian children to the territory of the Russian Federation and relocation under the pretext of rehabilitation or rest<sup>78</sup>, parental rights of TOT residents are subject to numerous violations and become a factor of pressure: from deprivation of general benefits and child benefits<sup>79</sup> to threats of deprivation of parental rights<sup>80</sup> and deportation of children to the territory of the Russian Federation. According to Russian legislation, the first time a citizen of the Russian Federation receives a passport is at the age of 14<sup>81</sup> and may be a requirement for continuing education in schools and is one of the mandatory conditions for obtaining a document confirming the receipt of secondary education. With the adoption of the Decree, these norms become mandatory for the TOT. The basis for obtaining the first passport is one of the parents having the citizenship of the Russian Federation, so children directly or indirectly become a factor of pressure on parents. And teen-

74 The head of the settlement occupied by Russia will not give insulin to residents who refused passports of the Russian Federation / Telegram-channel “Sirena”, September 11, 2023: [https://t.me/news\\_sirena/17861](https://t.me/news_sirena/17861)

75 From September 2023, in Mariupol, the giving of insulin to diabetes patients without a Russian passport will be stopped / Andriushchenko Time Telegram channel, June 09, 2023: <https://t.me/andriyshTime/13218>; In the Zaporizhzhia region, residents of all categories have the right to get free psychiatric care / Telegram channel “Ministry of Health of the Zaporizhzhia Region”, May 05, 2023: <https://t.me/depzdrazvo/820>; According to the testimony of A.Ya. “the neighbour of the witness was not feeling well, so the ambulance did not want to take to the hospital without a Russian passport”/Appearing A.S. Berdiansk, Berdiansk City Council, Berdiansk District, Zaporizhzhia Region. The witness was interviewed on September 21, 2023. Archive of the Vasyl Stefanyk Precarpathian National University Law Institute.

76 (1) “The procedure for recognizing real estate located on the territory of the Donetsk People’s Republic as ownerless, with the exception of residential buildings, residential premises, garden houses and outbuildings intended to satisfy citizens’ household and other needs,” dated June 22, 2023: <https://gisnpa-dnr.ru/wp-content/uploads/2023/06/Prilozhenie-1-Poryadok-priznaniya-raspolozhennogo-na-territorii-DNR-nedvizhimogo-imushchestva-beshozhajnym.pdf>; (2) On approval of the Procedure for identifying, recording and accepting ownership of ownerless property No. 1049 Decree/Order amending the Decree of the Head of the Council of Ministers of the Military-Civil Administration of the Zaporizhzhia Region dated August 03, 2022 No. 189-u “On approval of the Procedure for identifying, recording and taking ownership of ownerless property of the Zaporizhzhia region” (as amended by the Decree dated October 27, 2022) (Web archive, copy saved) <http://surl.li/rhgbi>

77 The People’s Council changed the procedure for administering ownerless property / Luhansk Information Center, March 20, 2015: <https://lug-info.com/news/narodnyi-sovet-izmenil-poryadok-administrirovaniya-beskhoznogo-imuschestva-2139>

78 Deportation of Ukrainian citizens from the territory of active military operations or from the temporarily occupied territory of Ukraine to the territory of the Russian Federation and the Republic of Belarus. Analytical Report / 5 a.m. Coalition, January 2023: [https://zmina.ua/wp-content/uploads/sites/2/2023/01/deportation\\_ukr.pdf](https://zmina.ua/wp-content/uploads/sites/2/2023/01/deportation_ukr.pdf)

79 Berdiansk Department of Social Protection invites large families to establish the status and issue certificates of a large family / Telegram channel “Berdiansk.ru”, August 10, 2023: <https://t.me/berdyanskru/5431>

80 The Russians threaten to deprive the parents of teenagers who have not received a passport of the Russian Federation / Center of National Resistance, May 04, 2023: <https://sprotyv.mod.gov.ua/rosiyany-pogrozhuuyut-pozbavyaty-batkivskiyh-prav-batkiv-pidlitkiv-yaki-ne-otrymaly-pasport-rf/>

81 Decree of the Government of the Russian Federation dated July 08, 1997 No. 828 (as amended on July 15, 2021) “On approval of the Regulations on the passport of a citizen of the Russian Federation, a sample form and description of a passport of a citizen of the Russian Federation” :[https://www.consultant.ru/document/cons\\_doc\\_LAW\\_15101/ecb5cb8dc8b96e4d513f07fcc2a3bbdbf541affb/](https://www.consultant.ru/document/cons_doc_LAW_15101/ecb5cb8dc8b96e4d513f07fcc2a3bbdbf541affb/)

agers themselves are actively targeted with propaganda through the militarised children's and youth movement "Movement of the First"<sup>82</sup>, which, among other things, holds rallies like "We are citizens of Russia!"<sup>83</sup>.

## Migration innovations aimed at Ukrainian children

Another legislative innovation is the Decree of the President of the Russian Federation dated September 29, 2023<sup>84</sup>, which separates citizens of Ukraine (de facto people who have a Ukrainian passport) into a separate category for which separate rules have been created, which are not equivalent to similar rules for citizens of foreign countries or for citizens of the Russian Federation. For comparison: a minor citizen of the Russian Federation can leave the Russian Federation unaccompanied by his legal representatives, having in his hands a passport and a notarized consent of one of the representatives to leave<sup>85</sup>. And for minor citizens of Ukraine, a more complex procedure is provided, which excludes the possibility of the child leaving independently, because it requires the child to be accompanied by an adult with legal capacity, who has a power of attorney signed by the child's legal representative<sup>86</sup>. It is obvious that if a child aged 14 or older or his legal representative receives a passport of the Russian Federation, the procedure immediately becomes much less complicated.

The Order of the Government of the Russian Federation is a kind of supplement to the above-mentioned Decree<sup>87</sup>, which entered into force on October 16, 2023. In addition to the practice that makes it impossible for Ukrainians to enter the Russian Federation from the territory of third countries, except for entry through two checkpoints<sup>88</sup> throughout the country, this document also informs that all restrictions concerning the departure of minor citizens of Ukraine from the Russian Federation do not apply to their entry into its territory. A minor citizen of Ukraine under the age of 14 can enter the territory of the Russian Federation from the territory of third countries through any checkpoint, and even do it independently without the accompaniment of adults.

The essence of this corpus of documents is particularly vividly highlighted in the context of attempts to return Ukrainian children<sup>89</sup>, who were deported to the territory of the Russian Federation. The logic of restrictions and permits definitely indicates a desire to detain Ukrainian children on the territory of the Russian Federation and encourage

82 "Movement of the First" - the new pioneers? All-Russian movement of children and youth, which is personally managed by V. Putin / Livyi Bereh, November 20, 2023: [https://lb.ua/blog/koalitsiia\\_ua5am/585136\\_ruh\\_per-shih\\_nova\\_pioneriya.html](https://lb.ua/blog/koalitsiia_ua5am/585136_ruh_per-shih_nova_pioneriya.html)

83 The First Movement launched the program "We are citizens of Russia!" / Telegram channel "First Movement", April 12, 2023: <https://t.me/mypervie/3159>

84 Decree of the President of the Russian Federation dated September 29, 2023 No. 734 "On the procedure for entry into the Russian Federation and exit from the Russian Federation for citizens of Ukraine": <http://publication.pravo.gov.ru/document/0001202309290004?index=1>

85 Federal Law of June 13, 2023 No. 212-FZ "On Amendments to the Federal Law "On the Procedure for Exiting and Entering the Russian Federation", Article 20: <https://docs.cntd.ru/document/607124382#6520IM>

86 *supra* 84, paragraph 2

87 Order of the Government of the Russian Federation dated October 6, 2023 No. 2723-r: <http://publication.pravo.gov.ru/document/0001202310060030?index=1>

88 refers to the "Ludonka" road checkpoint on the border with Latvia and the "Sheremetievo" airport. Due to the closure of the checkpoint "Ludonka" on the Latvian side, the only checkpoint available for entry at the moment is the airport "Sheremetievo"

89 Mechanisms (ways) of returning Ukrainians who were deported to the territory of the Russian Federation / Alona Lunova, Onysia Syniuk, Kateryna Rashevska, The Policy Paper, October 2023: <https://zmina.ua/publication/meh-anizmy-shlyahy-povernennya-ukrayincziv-yaki-buly-deportovani-na-terytoriyu-rosijskoyi-federacziyi/>

their representatives to obtain a Russian passport, the presence of which will simplify the search and return of the child.

## The new law on citizenship

On October 26, 2023, the new Law “On Citizenship” entered into force in the Russian Federation<sup>90</sup>. Among a number of changes, mostly related to the migration policy of the Russian Federation, “Chapter III Termination of citizenship of the Russian Federation” deserves special attention. This section contains a list of violations, which was not available in the previous version, for which the possibility of deprivation of citizenship of the Russian Federation is provided.

A significant part of these violations are tools of political pressure<sup>91</sup>: the organisation of illegal rallies, the justification of Nazism (the article of the Criminal Code of the Russian Federation, which the law refers to, for the most part prohibits the “distribution of false information about the USSR during the Second World War”), violation of the rules established regarding so-called foreign agents, a call to impose international restrictions on the Russian Federation, participation in the activities of prohibited international organisations, discrediting the armed forces of the Russian Federation, an attack on a representative of the authorities.

A separate article<sup>92</sup> of the law defines the possibility of deprivation of citizenship of the Russian Federation for those who received a passport of the Russian Federation on the basis of federal constitutional laws, in the event that they carry out actions that threaten national security. That is, this article is a direct tool of ideological control not only for those upon whom the Russian citizenship was imposed after February 24, 2022, but also for those who fell under a similar procedure before the full-scale invasion, and once again singles out TOT residents into a separate group.

The possibility of termination of citizenship based on the conviction of a person under this article is valid indefinitely. FSB is authorised to determine the existence of grounds for deprivation of citizenship under the mentioned articles.

Together with the legislative regulation of the above-mentioned declarations of refusal to hold Ukrainian citizenship and the general migration legislation of the Russian Federation, the new law allows to arbitrary manipulate the legal status of people upon whom the citizenship of the Russian Federation was imposed, up to indefinite detention in the relevant detention centres for migrants (More details in section “Imposition of Russian citizenship on citizens of Ukraine on the territory of the Russian Federation”).

In general, the practice of rapid integration of the occupied territories into the Russian legal field and non-compliance with the principles of occupation enshrined in the Geneva Conventions and the Regulations on the Laws and Customs of War on Land, as well as the adoption of legal acts that create a separate regulation specifically for citizens of Ukraine, leads to numerous violations of rights of TOT residents and citizens of Ukraine on the territory of the Russian Federation.

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90 *supra* 53

91 *ibid*, Article 24, Clause 1

92 *ibid*, Article 26

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## Imposition of Russian citizenship on the temporarily occupied territories of Ukraine (from 2014 to February 24, 2022)

### Autonomous Republic of Crimea and the city of Sevastopol

After the beginning of the occupation, the Russian authorities began to implement a policy of mass passportisation on the territory of the occupied Crimean peninsula. On March 21, 2014, the State Duma of the Russian Federation adopted the Federal Law on the Admission of the Republic of Crimea to the Russian Federation<sup>93</sup>. Article 4 of this law stipulates that citizens of Ukraine and stateless persons automatically received Russian citizenship at the time of the adoption of the Republic of Crimea into the Russian Federation<sup>94</sup>. That is, citizens of Ukraine who had registered their place of residence on the territory of the Crimean Peninsula as of March 18, 2014, were automatically recognized as Russian citizens.

If a person did not want to acquire Russian citizenship, then it was their duty to declare this within a month<sup>95</sup>. The occupation authorities created various obstacles on the way to submitting an application to renounce Russian citizenship. The deadline for submitting an application was shortened to 18 days, and it was possible only in person at specially designated offices of the migration service, of which there were initially two, and later nine, for more than 2.3 million people of Crimea<sup>96</sup>; the application for refusal on behalf of the child had to be submitted by both parents<sup>97</sup>. As a result, only 3,247 peo-

93 Federal Law "On the admission of the Republic of Crimea into the Russian Federation and the formation within the Russian Federation of new subjects of the Republic of Crimea and the federal city of Sevastopol" No. 6-FKZ, Article 2: <https://rg.ru/documents/2014/03/22/krym-dok.html>

94 *ibid*

95 *ibid*

96 Report on the results of the study of the policy of the Russian Federation regarding the forced change of the demographic composition of the population of the occupied Crimean peninsula / Regional Center for Human Rights, 2021, p. 29: <https://krymbezpravil.org.ua/issues/otchet-o-rezultatakh-yssledovanyya-polytyky-rf-po-prynudy-telnomu-yzmenenyu-demohrafycheskoho-sostava-naselenyya-okkupyrovannoho-kr-mskoho-poluostrova/>

97 Thematic report "Situation with human rights in the temporarily occupied Autonomous Republic of Crimea and the city of Sevastopol (Ukraine)" / Office of the United Nations High Commissioner for Human Rights, September 12, 2017, p.9: [https://www.ohchr.org/sites/default/files/Documents/Countries/UA/Crimea2014\\_2017\\_Ukrainian.pdf](https://www.ohchr.org/sites/default/files/Documents/Countries/UA/Crimea2014_2017_Ukrainian.pdf)

ple were able to take advantage of the opportunity to renounce citizenship<sup>98</sup>. As of May 2015, according to the estimate of the Commissioner for Human Rights of the Russian Federation, only about 100,000 residents of Crimea (about 4% of the population) did not have Russian citizenship<sup>99</sup>.

Both the acquisition and non-acquisition of Russian citizenship on the territory of Crimea led to restrictions on the rights of Ukrainian citizens, foreigners and stateless persons who had legal grounds for living on the territory of Crimea before the occupation. A number of restrictions on the exercise of their rights and freedoms were forcibly imposed on persons who renounced Russian citizenship or did not receive it due to the lack of registration of their place of residence on the territory of Crimea as of March 18, 2014. Restrictions related to freedom of movement, the right to work, the ability to own property, receive social security, and such persons faced the risk of expulsion or deportation. Persons who were automatically granted Russian citizenship faced the risks of forced conscription into the ranks of the Armed Forces of the Russian Federation, mobilisation and, later, forced participation in the war against Ukraine on the side of the Russian Federation.

## Forms of coercion to acquire citizenship of the Russian Federation and the consequences of non-acquisition

Absence of Russian citizenship resulted in restrictions on freedom of movement by the occupation authorities. When entering the territory of the occupied Crimea, representatives of the border department of the FSB of the Russian Federation demanded the residents of Crimea show a Russian passport. In the event that a person did not have a Russian passport and passed through the checkpoint with a Ukrainian passport, the FSB of the Russian Federation issued an order on bringing the person to administrative responsibility pursuant to Part 1 of Art. 18.1 of the Code of Administrative Offences of the Russian Federation (“Violation of the rules for crossing the State Border of the Russian Federation”) and imposed a penalty in the form of a fine of 2,000 rubles<sup>100</sup>. At the same time, the FSB of the Russian Federation justified such actions by the fact that the Ukrainian passport “is invalid for crossing the border”<sup>101</sup>.

Persons who did not receive Russian citizenship began to be considered foreigners in relations with the occupation authorities. As a result, they could not stay on the territory of Crimea for more than 90 days during a 180-day period<sup>102</sup>. For violation by a foreigner or a stateless person of the regime of stay (residence) in the Russian Federation, which was manifested in the absence of documents confirming the right to stay (residence) in the Russian Federation, or in case of loss of such documents, failure to submit a statement about their loss to the relevant authority or evading departure from the Russian Federation after the expiration of a certain period of stay provides for administrative liability and punishment in the form of a fine of 2 to 5 thousand rubles with

98 *ibid*

99 *ibid*, p.8

100 The FSB fined a Crimean woman for having a Ukrainian passport / ZMINA, July 22, 2020: <https://zmina.info/news/fsb-oshtrafuvalo-krymchanku-za-ukrayinskyj-pasport/>

101 *ibid*

102 Federal Law dated July 25, 2002 No. 115-FZ “On the legal status of foreign citizens in the Russian Federation”, Article 5: <https://base.garant.ru/184755/5633a92d35b966c2ba2f1e859e7bdd69/>

administrative expulsion from the Russian Federation<sup>103</sup>. That is, if a person at the time of the occupation of Crimea did not have a registered place of residence in Crimea and did not automatically receive Russian citizenship or renounced it, then such a person can be expelled from the territory of Crimea.

The occupying judicial authorities applied administrative expulsion from the territory of the peninsula even in cases when a citizen of Ukraine owned real estate located in the territory of the city of Sevastopol, arguing that such property is not a sufficient reason for not applying the punishment in the form of administrative expulsion<sup>104</sup>.

Citizens of Ukraine who renounced Russian citizenship or did not receive it due to the fact that they did not have a registered place of residence in Crimea as of March 18, 2014, could receive a residence permit. The permit is valid for five years, after which it must be renewed. A simplified procedure for obtaining it was provided for citizens of Ukraine<sup>105</sup>. However, obtaining such a permit still puts citizens of Ukraine who live in Crimea and do not have Russian citizenship in a comparatively worse position than residents of Crimea who have obtained Russian citizenship, since Ukrainian citizens without Russian citizenship cannot own agricultural land, exercise electoral rights, register a religious community, work in public service positions, re-register vehicles<sup>106</sup>.

According to information from open sources, in 2022 the Russian Federation allocated only about 5,000 quotas for foreigners and stateless persons living in Crimea. This quota includes citizens of Ukraine<sup>107</sup>.

There is a mandatory conscription for military service in the Russian Federation. Federal law stipulates that military duty for citizens of the Russian Federation includes: “military registration; mandatory training for military service; conscription; military service under conscription; being in stock; draft for military training and passing military training during the period of being in the reserve”<sup>108</sup>. All “male citizens between the ages of 18 and 27 who are on military registration or not, but are required to be on military registration and are not in the reserve” are subject to military service.<sup>109</sup> The draft takes place on the basis of the decrees of the President of the Russian Federation<sup>110</sup>.

Since 2015, the Russian Federation has been conscripting people into the Armed Forces of the Russian Federation on the territory of Crimea. On March 30, 2015, the President of the Russian Federation signed the Federal Law, according to which persons who, as of March 30, 2015: 1) permanently lived on the territory of Crimea or studied at educational institutions; 2) from March 30, 2015 to October 1, 2016, accepted, transferred or renewed to educational institutions in Crimea; and 3) had an educational degree rec-

103 Code of the Russian Federation on Administrative Offences dated December 30, 2001 No. 195-FZ (as amended on December 25, 2023), Article 18.8. (1.1): [https://www.consultant.ru/document/cons\\_doc\\_LAW\\_34661/535a-f3a253c472402638b7696485e896a7866e5a/](https://www.consultant.ru/document/cons_doc_LAW_34661/535a-f3a253c472402638b7696485e896a7866e5a/)

104 Resolution No. 5-207/2016 dated November 22, 2016 in case No. 5-207/2016 / Judicial and regulatory acts of the Russian Federation: <https://sudact.ru/regular/doc/s56ZvgkNvSgw/>

105 Obtaining a residence permit for citizens who wish to retain Ukrainian citizenship and permanently reside in the territory of Crimea / Ukrainian Helsinki Human Rights Union February 06, 2016: <https://www.helsinki.org.ua/advices/poluchenye-vyda-na-zhytelstvo-dlya-hrazhdan-pozhelavshyh-sohranyt-ukraynskoe-hrazhdanstvo-y-prozhyvayuschyh-postoyanno-na-territoryy-kryima/>

106 *supra* 97, p.9

107 Registration and receipt of a residence permit in Crimea / VisaSam.ru, January 12, 2024: <https://visasam.ru/russia/migraciya/vnzh-v-krymu.html>

108 Federal Law dated March 28, 1998 No. 53-FZ “On Military Duty and Military Service”, Article 1: <https://legacts.ru/doc/FZ-o-voinskoj-objazannosti-i-voennoj-sluzhbe/razdel-i/statja-1/>

109 *ibid*, Article 22, Part 1

110 *ibid*, Article 22, Part 3

ognized in the Russian Federation, became those subject to conscription into the Armed Forces of the Russian Federation<sup>111</sup>. A person who did not complete military service under conscription, except in cases where the person is exempted from conscription for military service or has the right to a deferment, was considered a “citizen who did not complete military service under conscription, in the absence of legal grounds for this.”<sup>112</sup>.

Until 2016, citizens of the Russian Federation, who lived in Crimea and were drafted into the Armed Forces of the Russian Federation, performed military service on the territory of the occupied peninsula<sup>113</sup>. After the expiration of this term, residents of Crimea began to be sent for military service to the entire territory of the Russian Federation.

Evasion of military service under conscription in the Russian Federation is a crime. One of the following punishments is provided for such actions: 1) a fine of up to 200,000 rubles or in the amount of the convicted person’s salary or other income for a period of up to 18 months; 2) forced labour for up to 2 years; 3) arrest for up to 6 months; 4) deprivation of liberty for up to 2 years<sup>114</sup>.

During the period of 2015-2021, the authorities of the Russian Federation conducted at least 13 conscription campaigns on the territory of the occupied Crimea, forcing 34 thousand people to serve in the Armed Forces of the Russian Federation<sup>115</sup>.

On the territory of the occupied Crimea in the period from 2015 to 2021, 267 cases regarding persons who “evade military service” were submitted to the courts, of which the courts issued guilty verdicts in 248 cases<sup>116</sup>.

Citizens of Ukraine who, as of March 18, 2014, lived in the territory of occupied Crimea and refused or did not receive Russian citizenship, faced discrimination when exercising their right to work.

In January 2015, a citizen of Ukraine, who during the occupation permanently lived in the territory of the city of Sevastopol, was dismissed from his job due to the lack of a Russian passport with reference to the clarification of the Ministry of Labor and Social Protection of the Russian Federation No. 16-4/008-1757 dated August 14, 2015 according to which from January 1, 2015 on the territory of Crimea, employment contracts with citizens of Ukraine are subject to termination if they have not received a patent<sup>117</sup>.

111 Federal Law dated March 30, 2015 No. 58-FZ “On the peculiarities of the legal regulation of relations related to the performance of military duty with certain categories of citizens of the Russian Federation in connection with the admission of the Republic of Crimea to the Russian Federation and the formation of new entities within the Russian Federation - the Republic of Crimea and the federal city of Sevastopol, and amendments to the Federal Law “On Military Duty and Military Service”, Article 1:<https://base.garant.ru/70919766/1cafb24d049dcd1e7707a22d98e9858f/>

112 *ibid*, Article 5

113 Agreement between the Russian Federation and the Republic of Crimea on the admission of the Republic of Crimea to the Russian Federation and the formation of new entities within the Russian Federation dated March 18, 2014, Article 7: <http://publication.pravo.gov.ru/Document/View/0001201403180024?index=5>

114 Criminal Code of the Russian Federation, Article 328, part 1 “Evasion of military and alternative civil service”: [https://www.consultant.ru/document/cons\\_doc\\_LAW\\_10699/4dda14adcf5cf9cff02b704102e58b6877c80362/](https://www.consultant.ru/document/cons_doc_LAW_10699/4dda14adcf5cf9cff02b704102e58b6877c80362/)

115 Illegal conscription campaigns in Crimea: the Prosecutor’s Office of the Autonomous Republic continues systematic work to bring the perpetrators to justice / Official website of the Prosecutor’s Office of the Autonomous Republic of Crimea and the City of Sevastopol, October 4, 2021:[https://ark.gp.gov.ua/ua/news.html?\\_m=publications&c=view&t=rec&id=305155](https://ark.gp.gov.ua/ua/news.html?_m=publications&c=view&t=rec&id=305155)

116 *supra* 96, p.42

117 The situation with human rights in the occupied territory of the Republic of Crimea and the city of Sevastopol / Ukrainian Helsinki Human Rights Union, March 25, 2016: <https://www.helsinki.org.ua/sytuatsiya-z-pravamy-lyudyny-na-okupovanij-terytoriji-ar-krym-ta-m-sevastopol-s-zajets-d-svyrydova-r-martynovskij-v-nabuhotnvyj/>

In 2016, the occupation police conducted raids on public catering establishments and private entrepreneurs, initiating administrative cases against the owners, if they illegally hired citizens of Ukraine<sup>118</sup>.

The federal law on the adoption of the Republic of Crimea into the Russian Federation provided that “citizens of Ukraine and stateless persons who permanently reside in the territory of the Republic of Crimea or in the territory of the federal city of Sevastopol on the day of admission to the Russian Federation can claim guarantees in the field of social protection and health care the Russian Federation of the Republic of Crimea and the formation within the Russian Federation of new entities recognized as citizens of the Russian Federation in accordance with this Federal Constitutional Law or acquired citizenship of the Russian Federation in accordance with the legislation of the Russian Federation on citizenship”<sup>119</sup>. Pensions, free health care services, and other social support<sup>120</sup> became possible only for Crimean residents with imposed Russian citizenship by the Russian authorities and those who received a residence permit.

If a citizen of Ukraine renounced his Russian citizenship and did not receive a residence permit, then, as a foreigner, he can no longer apply for free health insurance and access to state hospitals<sup>121</sup>. OHCHR recorded a case in 2015 when a Ukrainian citizen who had registered her place of residence in Kharkiv, although she had lived in Crimea for 10 years, died as a result of being denied medical care in a state hospital because she did not have medical insurance<sup>122</sup>.

The lack of Russian citizenship also imposed restrictions on property rights for Ukrainian citizens.

The Land Code of the Russian Federation stipulates that foreigners, stateless persons and foreign legal entities cannot own land plots located in border zones<sup>123</sup>.

On March 20, 2020, the Decree of the President of the Russian Federation changed and supplemented the list of such territories, including a part of the Crimean Peninsula in the list<sup>124</sup>. As a result, citizens of Ukraine who owned land in the Crimea, and whom the Russian authorities considered foreigners, faced the threat of losing property if they were not alienated<sup>125</sup> or received Russian citizenship within a year. Expropriation of property occurs mainly in the following ways: nationalisation, confiscation of property according to court decisions, forced purchase of property according to acts of the occupying power, and forceful seizure of property by “Crimean self-defence”. In addition to the appropriation and destruction of immovable property, the policy of the Russian Federation also includes the prohibition to own land plots on the territory of the Autonomous Republic of Crimea and the city of Sevastopol to persons who do not have the citizenship of the

118 *supra* 97, p.10

119 *supra* 93, Article 11

120 *ibid*

121 *supra* 97

122 *ibid*

123 Land Code of the Russian Federation dated October 25, 2001 No. 136-FZ (as amended on December 25, 2023), Article 15. “Land ownership of citizens and legal entities”: [https://www.consultant.ru/document/cons\\_doc\\_LAW\\_33773/2176b8e421ca829ecd63f12647fc1aa64844543d/](https://www.consultant.ru/document/cons_doc_LAW_33773/2176b8e421ca829ecd63f12647fc1aa64844543d/)

124 Decree of the President of the Russian Federation dated March 20, 2020 No. 201 “On amending the list of border territories in which foreign citizens, stateless persons and foreign legal entities cannot own land plots”, approved by the Decree of the President of the Russian Federation dated January 9, 2011 No. 26”: <http://publication.pravo.gov.ru/Document/View/0001202003200021?index=1>

125 Civil Code of the Russian Federation (Part One) dated November 30, 1994 No. 51-FZ (as amended on July 24, 2023), Article 238. “Termination of a person’s right of ownership of property that cannot belong to him”: [https://www.consultant.ru/document/cons\\_doc\\_LAW\\_5142/4f37c70c81d4b942cef2a8d7be6d97a1cf2586f4/](https://www.consultant.ru/document/cons_doc_LAW_5142/4f37c70c81d4b942cef2a8d7be6d97a1cf2586f4/)

Russian Federation. According to the research of the Regional Center for Human Rights, from February 2014 to June 2021, 3,984 victims of illegal seizure and destruction of property were identified.<sup>126</sup>

## Separate areas of Donetsk and Luhansk regions occupied by the Russian Federation

Passportisation in the territories of the so-called “L/DPR” occupied by the Russian Federation since 2014 took place according to a different scenario than in Crimea: after the occupation of certain areas of the Donetsk and Luhansk regions, the Russian Federation did not include these territories in its composition. Accordingly, residents of these regions did not automatically acquire Russian citizenship. Instead, the Russian authorities gradually simplified the procedure for obtaining Russian citizenship for Ukrainians who lived in the territories of eastern Ukraine, including the TOT.

Until the beginning of 2017, the Russian Federation did not recognize identity documents issued in the so-called “L/DPR”<sup>127</sup>. Russia claimed that there is no official recognition of the passports of the so-called “L/DPR”, “we are talking about separate decisions that could be taken by municipal, local authorities, as well as various companies, based solely on humanitarian considerations, guided by the need for truly humanitarian assistance to these people.”<sup>128</sup> In practice, the situation was different: with the “L/DPR passport” it was possible to cross the border with the Russian Federation, buy a train ticket or domestic flight, book a hotel<sup>129</sup>.

On February 18, 2017, as a result of the adoption of the Decree of the President of the Russian Federation, the official policy changed – “passports” issued by the so-called “L/DPR” were recognized<sup>130</sup> and entry into the territory of the Russian Federation was allowed with the so-called “L/DPR passports”<sup>131</sup>.

On April 24, 2019, the President of the Russian Federation signed the Decree<sup>132</sup>, which provided for a simplified procedure for obtaining Russian citizenship for persons who permanently resided in the territory of the so-called “L/DPR”. In order to obtain a Russian passport, individuals had to submit an application, provide a “L/DNR passport”, a document on changing the name, a document on the presence of foreign citizenship, a document on the conclusion (dissolution) of marriage, a child’s birth certificate and take an oath. The passport was issued within a three-month period from the moment of submission of the application and relevant documents. That is, at this stage, to obtain Russian citizenship the person had to receive the “L/DPR passport” prior to that.

126 Thematic review “Crimea beyond rules. Occupied property” / UHHRU, RCHR, CHROT, 2021: <https://krymbezpravil.org.ua/issues/v-pusk-6-okkupyrovannaia-sobstvennost/>

127 Russia has recognized documents issued to the DPR and LPR / BBC News Ukraine, February 18, 2017: <https://www.bbc.com/russian/news-39016068>

128 Kremlin: Russia did not recognize the passports of the DPR and LPR / BBC News Ukraine, 02/03/2017: <https://www.bbc.com/russian/news-38858359>

129 *supra* 127

130 Decree “On the recognition in the Russian Federation of documents and registration plates of vehicles issued to citizens of Ukraine and stateless persons permanently residing in the territories of certain regions of Donetsk and Luhansk regions of Ukraine” dated February 18, 2017: <http://kremlin.ru/events/president/news/53895>

131 *ibid*

132 Decree “On determining, for humanitarian purposes, categories of persons who have the right to apply for admission to citizenship of the Russian Federation in a simplified manner”, dated April 24, 2019: <http://kremlin.ru/acts/news/60358>

Later, the Russian Federation simplified the procedure for obtaining citizenship. On March 11, 2020, by the Federal Law, citizens of Ukraine and Belarus fluent in Russian language were recognized as having the right to obtain citizenship of the Russian Federation without passing an interview on knowledge of the Russian language<sup>133</sup>.

## Forms of coercion to acquisition of Russian citizenship and the consequences of non acquisition it

At the beginning of 2021, the imposition of a Russian passport became even more aggressive. The occupation administration threatened that if a Russian passport is not obtained by the end of 2023, it will be impossible to receive wages, social benefits, pension payments, work in the bodies and administrations of the Russian Federation in the occupied territories, in social funds, educational institutions, or to engage in entrepreneurial activities<sup>134</sup>. Access to medical care is possible only for persons who have documents issued by the occupation authorities of the so-called “L/DPR” or the Russian Federation<sup>135</sup>. In June 2021, the authorities of the so-called “DPR” restricted the departure of children over 14 years old who do not have a passport of a citizen of Ukraine, the Russian Federation, foreign passports of these countries or the “DPR passport”<sup>136</sup>.

Acquisition of citizenship of the Russian Federation had another consequence – conscription for military service. In particular, since November 2020, in the occupied territories of Donetsk and Luhansk regions, people who have received Russian citizenship began to be conscripted up for military service in the Armed Forces of the Russian Federation<sup>137</sup> and recruited for the so-called “peacekeeping” units in Nagorno-Karabakh<sup>138</sup>.

Before the start of the full-scale invasion, on February 19, 2022, a general mobilisation was announced in the so-called “L/DPR”. Men aged 18 to 55 have been restricted from travelling outside the so-called “L/DPR”<sup>139</sup>. The next day, the mandatory conscription of all men aged 18 to 27 who had not served in the army into the “people’s militia” was announced<sup>140</sup>.

On the territory of the Republic of Crimea and the city of Sevastopol, as a result of their “accession” to the Russian Federation, immediately after the occupation, the legislation of the Russian Federation was extended to these territories and the residents

133 “On amendments to Article 331 of the Federal Law “On Citizenship of the Russian Federation””, dated March 18, 2020 <http://kremlin.ru/acts/news/63025>

134 PASSPORTIZATION OF THE RF IN ORDLO IS INCREASING! / Facebook page of Vera Iastrebova, the director of the Eastern Human Rights Group: <https://www.facebook.com/vera.iastrebova/posts/5270432939698708>

135 Threat to life, forced passporting, movement restrictions. On violations of human rights in ORDLO and occupied Crimea / Nadiia Konstantinova, Radio Liberty, April 26, 2021: <https://www.radiosvoboda.org/a/porushennia-prav-ludyny-na-donbasi-u-krymu/31222185.html>

136 People are dropped off buses at checkpoints: the occupiers violate children's right to education / Suspilne Novyny, June 09, 2021: <https://suspilne.media/137958-visadzuut-z-avtobusiv-na-blok-postah-okupanti-porusuut-pravo-ditej-na-osvitu/>

137 Citizens who have received Russian passports are already being drafted into the Russian army in ORDLO / UKRINFORM, November 27, 2020: <https://www.ukrinform.ua/rubric-ato/3144540-v-ordlo-do-rosijskoi-armii-vze-prizivaut-gromadan-aki-otrimali-pasporti-rf.html>

138 “Peacekeepers” are being recruited in Nagorno-Karabakh in the occupied territories — intelligence / Suspilne Novyny, November 13, 2020: <https://suspilne.media/79546-na-okupovanih-teritoriah-verbuit-mirotvorciv-u-nagornij-karabah-rozvidka/>

139 Mobilisation and conscription: how Donetsk survives the war / Rehina Himalova, Ihor Burdyha, DW, April 26, 2022: <https://www.dw.com/uk/mobilizatsiia-ta-pryzov-yak-donetsk-perezhyvaie-viinu/a-61585024>

140 *ibid*

of these territories were forced to automatically acquire Russian citizenship. Citizens of Ukraine did not undergo any additional procedures in order to acquire Russian citizenship, on the contrary - preserving their own citizenship and obtaining the right to stay in this territory based on the status of a foreigner required additional procedures, which were deliberately complicated by representatives of the occupation authorities. In addition, in the Autonomous Republic of Crimea and the city of Sevastopol, with the spread of the legislation of the Russian Federation, conditions were immediately created under which persons who refused to acquire citizenship of the Russian Federation were restricted in the exercise of their rights to work, social security, property rights, freedom of movement, etc. This pressure was aimed at suppressing resistance and making the residents of occupied Crimea accept the forced automatic change of their Ukrainian citizenship to Russian citizenship.

Given the Russian recognition of the so-called “L/DPR” as independent, a different approach was used in these territories. Russian citizenship was not automatically extended to the residents of the occupied regions of Donetsk and Luhansk regions, the so-called “L/DPR passports” were partially recognized, but over time the pressure to acquire Russian citizenship increased. In order to impose Russian citizenship, the residents of these occupied territories were restricted in their right to work and social security, access to medical care. At the same time, the Russian Federation also gradually simplified the procedure for obtaining Russian citizenship for residents of these territories.

## 4 Dynamics of imposing Russian citizenship after the start of the full-scale invasion (on a regional basis)

Taking into account the specifics of the imposition of Russian citizenship in Crimea - the forced automatic acquisition of Russian citizenship by residents of these territories as a result of inclusion of the territory in the Russian Federation - means of pressure for the purpose of passportisation were used in this part of the TOT from the beginning of the occupation and after the full-scale invasion, including to the residents of other occupied territories, who ended up on the territory of the Autonomous Republic of Crimea and the city of Sevastopol.

The illegal spread of Russian legislation to the occupied territories led to the spread of conscription legislation to them, which in turn, together with the automatic granting of Russian citizenship to residents of occupied Crimea, led to the deployment of a conscription campaign. As of 2023, the occupation authorities conducted 17 illegal conscription campaigns on the territory of the peninsula. In April 2022, the 15th conscription for the Russian army was started, according to the plan, 500 conscripts were supposed to appear in Sevastopol alone<sup>141</sup>.

After the start of a full-scale invasion, on September 21, 2022, forced mobilisation, which has signs of a war crime, was started on the territory of Crimea. Residents of Crimea, who forcibly automatically acquired Russian citizenship, faced the risk of being forcibly involved in the war against Ukraine. According to Ukrainian human rights organisations, since the beginning of mobilisation, the occupation authorities have issued from 40 to about 60 thousand summonses for residents of Crimea<sup>142</sup>. As of October 2023, the occupation department of training and conscription of citizens for military service of the Crimean military commissariat was engaged in the development of a mobilisation plan for the fulfilment of tasks in the near future. From October to the end of 2023, the occupation authorities of Crimea planned to mobilise about 2,500 residents of Crimea of conscription age to the Armed Forces of the Russian Federation<sup>143</sup>.

The situation was different in the occupied territory of Donetsk and Luhansk regions, as well as in the territories of Kherson and Zaporizhzhia regions, occupied after

141 Russian aggression against Ukraine began in 2014 with the occupation of the Autonomous Republic of Crimea and the city of Sevastopol, followed by an invasion of Donetsk and Luhansk regions / Crimea Platform: <https://crimea-platform.org/full-scale-invasion/>

142 Since September, the occupiers in Crimea have forcibly mobilised 3,000 people / Suspilne Novyny, November 8, 2023: <https://suspilne.media/612829-z-veresna-okupanti-u-krimu-primusovo-mobilizovali-3-tisaci-ludej/>

143 The occupiers want to mobilise 2,500 residents of Crimea by the end of the year — National Resistance Center of Ukraine / Suspilne Novyny, October 13, 2023: <https://suspilne.media/593119-okupanti-hocut-mobilizuvati-2500-ziteliv-krimu-do-kinca-roku-cns/>

February 24, 2022. After the inclusion of these territories into the Russian Federation, the aggressor country illegally extended its legislation to them, but established another way of imposing its own citizenship. Residents of these territories were recognized as citizens of the Russian Federation, however, the condition for obtaining such citizenship was established - taking the oath of a citizen of the Russian Federation. While providing for such a procedure as a formality, probably in order to create the illusion of the voluntariness of such acquisition of citizenship, the Russian Federation sharply increased the means of pressure and coercion in the TOT in order to impose its own citizenship.

## 4.1. Donetsk and Luhansk regions

On February 24, 2022, after the large-scale invasion of the Russian Federation in Ukraine, a new phase of occupation of parts of Donetsk and Luhansk regions began. A pseudo-referendum was held on September 30, 2022<sup>144</sup> and on October 5, 2022, the so-called “LPR”<sup>145</sup> and “DPR”<sup>146</sup> joined Russia and the Russian legislation was spread on these territories.

In July 2022, the procedure for obtaining a Russian passport on the territory of the so-called “L/DPR” became even faster and easier. It was no longer necessary to issue the so-called “L/DPR passport” for obtaining a Russian passport, the procedure for issuing a Russian passport was accelerated to five working days after receiving an application for obtaining Russian citizenship<sup>147</sup>. FMS branches were opened on the territory of the so-called “L/DPR”.<sup>148</sup>

After the “accession” of the so-called “L/DPR” to the Russian Federation in October 2022, Russia used a similar scenario as in Crimea, but with certain changes. Citizens of Ukraine and stateless persons who permanently lived in the territory of the so-called “L/DPR” on the day of their “admission” to the Russian Federation, as well as citizens of Ukraine and stateless persons who lived in the territory of the so-called “L/DPR”, but left for the Russian Federation, were recognized as citizens of the Russian Federation, but with one condition - submission of an appropriate application and taking the “oath of a citizen of the Russian Federation”. At the same time, minor children of such persons received citizenship automatically<sup>149</sup>. Persons who received Russian citizenship, but kept Ukrainian, began to be considered “citizens of the Russian Federation who do not have Ukrainian citizenship, from the day they submitted a statement about their unwillingness to hold Ukrainian citizenship.”<sup>150</sup>. The conditions and procedure for submitting this statement were determined later - in order for a person to cease to be considered as having Ukrainian citizenship in relations with the Russian Federation, they must submit a statement of unwillingness to be a citizen of Ukraine to the federal executive body in

144 The day of reunification of new regions with Russia will be celebrated on September 30 / TASS, September 28, 2023:

<https://tass.ru/obschestvo/18866405> <http://publication.pravo.gov.ru/document/0001202309280011> <https://www.confidencegroup.ru/info/news/mvd-razyasnilo-pravovoy-status-zhiteley-prisoedinennykh-k-rf-regionov/>

145 *supra* 56, Article 5

146 *supra* 55

147 ACCELERATION OF FORCED PASSPORTIZATION PROCESSES OF THE RF IN ORDLO. / Facebook page of Pavel Lysianskyi, founder of the Eastern Human Rights Group: <https://www.facebook.com/pavllis/posts/pfbid02CwhAEat2yE-Jrp4qGLsO6vjH7aVDrptgYus1SqocU84Vf478dbZQCpyPS34sEF9r5I>

148 *ibid*

149 *supra* 55, 56, Article 5

150 *ibid*

the field of internal affairs or its territorial body<sup>151</sup>. From the moment of submitting such an application, a person is no longer considered a citizen of Ukraine in relations with the Russian Federation<sup>152</sup>.

After the so-called accession to the Russian Federation, Russia established 34 FMS there and simplified the procedure for issuing passports<sup>153</sup>.

## Forms of coercion to acquisition of Russian citizenship and the consequences of non acquisition

Local residents are placed in conditions in which, without a Russian passport, their rights are significantly limited. For example, the occupation administration of Horlivka (Donetsk region) informed employees who receive wages from budget funds that they need to obtain a Russian passport, otherwise they will be fired<sup>154</sup>. In the occupied settlement of Snizhne (Donetsk region), ten doctors were fired for working without Russian passports, and doctors from Samara (RF) were invited to work in their place.<sup>155</sup> The heads of local organisations and enterprises received instructions to provide information on the passportisation activities of the local population<sup>156</sup>. Those who refuse to obtain a Russian passport are threatened with dismissal from work<sup>157</sup>.

The condition of obtaining a Russian passport for further work in the occupied territory also applies to entrepreneurs. The occupation authorities force them to re-register their business<sup>158</sup>. According to the information of the General Staff of Ukraine, in order to increase the moral pressure on the residents of the temporarily occupied Horlivka and force them to obtain Russian citizenship, representatives of the occupying authorities sent orders to local enterprises of all forms of ownership to submit to the “Ministry of State Security of the DPR” lists of employees who did not receive a Russian passport. The deadline for implementing the order is January 1, 2024<sup>159</sup>.

There is the same situation with receiving pensions in the occupied territory – without a Russian passport, pension payments are terminated<sup>160</sup>. As of August 2023, according to the head of the Luhansk Regional Military Administration, only 25 percent of

151 Federal Law of March 18, 2023 No. 62-FZ “On the peculiarities of the legal status of citizens of the Russian Federation who have Ukrainian citizenship”, Article 1: [https://www.consultant.ru/document/cons\\_doc\\_LAW\\_442337/3d-0cac60971a511280cbb229d9b6329c07731f7/](https://www.consultant.ru/document/cons_doc_LAW_442337/3d-0cac60971a511280cbb229d9b6329c07731f7/)

152 *ibid*

153 After the adoption of the DPR into Russia, the process of passportization accelerated three times / VE-DOMOSTI, February 7, 2023: <https://www.vedomosti.ru/society/articles/2023/02/07/961928-posle-prinyatiya-dnr-v-sostav-rf-protsess-pasportizatsii>

154 The troops of the Russian Federation continue the forced passporting of Ukrainian citizens in Donetsk region/ Priamyi, February 21, 2023: <http://surl.li/rhkl>

155 Issuance of Russian passports in the occupied territories of Donetsk and Luhansk regions: what is known/ Suspilne Novyny, April 14, 2023: <https://suspilne.media/445314-vidaca-rosijskih-pasportiv-na-okupovanih-teritoriah-doneccini-ta-lugansini-so-vidomo/>

156 The occupiers continue the forced passporting of the local population in Stanytsia Luhanska / Interfax UKRAINE, May 5, 2023: <https://interfax.com.ua/news/general/908165.html>

157 “They don't save lives without a Russian passport.” Residents of the occupied Luhansk Region are being forced to get a Russian passport/ Suspilne Novyny, May 25, 2023: <http://surl.li/qytza>

158 Forced passporting started in Mariupol, – Andriushchenko/ LB.ua January 10, 2023: [https://lb.ua/society/2023/01/10/542047\\_mariupoli\\_startuvala\\_primusova.html](https://lb.ua/society/2023/01/10/542047_mariupoli_startuvala_primusova.html)

159 The enemy continues forced passporting in the occupied territories of Ukraine - General Staff / Ukrainska Pravda July 29, 2023: <https://www.pravda.com.ua/news/2023/07/29/7413337/>

160 The experiment on the extermination of elderly people in Mariupol is “gaining new colours” / Telegram channel Andriushchenko Time, July 26, 2023: <https://t.me/andriyshTime/6189>

residents of the so-called “LPR” have accepted applications for revision of pensions under Russian law, as it is necessary to have a passport of the Russian Federation with a mark of the registration of the place of residence<sup>161</sup>.

Without a Russian document, social benefits are also suspended<sup>162</sup>. The occupation administrations also resort to tax restrictions for the population in the absence of Russian citizenship<sup>163</sup> and do not provide an opportunity to receive compensation for the destroyed accommodation<sup>164</sup>.

Obtaining bank cards is also impossible without a Russian document<sup>165</sup>.

Having a passport of the Russian Federation or the so-called “L/DPR” is necessary in order to leave the occupied territory<sup>166</sup>.

As in other territories of the occupied regions, according to available information in Donetsk region, medical services are denied to those who do not have a Russian insurance policy, for which a Russian passport is required<sup>167</sup>. However, there is information that even with such a passport access to medical services in the occupied part of the region remains difficult<sup>168</sup>. People with diabetes are refused insulin without a passport of the Russian Federation<sup>169</sup>. It is also becoming increasingly difficult for residents of the Luhansk region to receive medical care without a Russian passport<sup>170</sup> - including access to life-saving medicines (insulin) and emergency care.<sup>171</sup>

The occupation authorities force not only adult residents of the occupied territories to take a Russian passport. It is known that children are also the target of Russian policy during the occupation. One of the forms of pressure is the inability to continue studying in educational institutions. Threatening not to issue a certificate, schools in occupied Mariupol force 9th and 11th graders to get a Russian passport<sup>172</sup>. The situation is similar in the Luhansk region - it is reported that not only the child, but also their parents must have a passport of the Russian Federation in order to graduate and receive a doc-

161 The enemy presses on Bilohorivka from the air, in the so-called “LPR” noted the low pace of passporting of pensioners/Official Telegram channel of Artem Lysohor, head of the Luhansk Regional Military Administration, May 29, 2023: <https://t.me/luhanskaVTSA/10873>

162 Russians blackmail pensioners with social security payments / National Resistance Center of Ukraine, November 18, 2023 <https://sprotyv.mod.gov.ua/rosiyan-y-shantazhuyut-pensioneriv-sotsvyplatamy/>

163 From January 1, 2023, special tax regimes will begin to operate in new constituent entities of the Russian Federation / Federal Tax Service of the Russian Federation, December 01, 2022: [https://www.nalog.gov.ru/rn77/new\\_region/12912681/](https://www.nalog.gov.ru/rn77/new_region/12912681/)

164 The Gauleiter of the Donetsk region changed the rules for providing compensation for destroyed housing. Now it's official / Telegram channel Andriushchenko Time, August 11, 2023: <https://t.me/andriyshTime/12505>

165 In exchange for bank cards. The Russian Federation continues to forcibly distribute passports in the Luhansk region / RBC - Ukraine, January 5, 2023 <https://www.rbc.ua/rus/news/okupovaniy-luganskiy-oblasti-prodovzhuetsya-1672936773.html>

166 Withdrawal of the hryvnia from circulation, the first summonses and passporting: what the residents of the occupied territories of Luhansk Region say / Suspilne Novyny, December 18, 2022: <https://suspilne.media/341080-vi-vedenna-iz-obigu-grivni-persi-povistki-ta-pasportizacia-so-rozpovidaut-ziteli-okupovanih-teritorij-lugansini/>

167 Mariupol Now./ Telegram channel Andriushchenko Time, January 30, 2023: <https://t.me/andriyshTime/6272>

168 Forced passporting, lack of medicine and education turned into propaganda: a lawyer told about life in the occupied part of Donbas / FREEDOM, 2 October 2023: <http://sur.li/qytvh>

169 Russian passport or death: in occupied Mariupol, they began to give insulin only with Russian citizenship / Official Telegram channel of the Mariupol City Council, September 06, 2023: [https://t.me/mariupolrada/16194?fbclid=I-wAR14vantXKJp-K63rIbsV8pMP0hz\\_3iuxjCECG64WZ-TQi-ISUH4DZB6wKs](https://t.me/mariupolrada/16194?fbclid=I-wAR14vantXKJp-K63rIbsV8pMP0hz_3iuxjCECG64WZ-TQi-ISUH4DZB6wKs)

170 Outright blackmail: the occupiers insidiously threaten to take away housing from people in the Luhansk region / Channel 24, November 17, 2023: [https://24tv.ua/situatsiya-luganshchini-shho-vidomo-pro-rosiyski-pasporti-luganshchini\\_n2433486](https://24tv.ua/situatsiya-luganshchini-shho-vidomo-pro-rosiyski-pasporti-luganshchini_n2433486)

171 respondent from Novoaidar district, Luhansk region, East S05

172 Forced passporting because of children. New crime of Russians / Telegram channel Andriushchenko Time, February 13, 2023: <https://t.me/andriyshTime/6678>

ument on such graduation.<sup>173</sup> According to the Luhansk Regional Military Administration, in order to speed up the passportisation process, teenagers from 14 to 18 years of age are promised a free holiday if they agree to change their citizenship<sup>174</sup>.

In addition, there is pressure on parents. They are threatened<sup>175</sup> with the termination of social benefits for child maintenance if they do not acquire Russian citizenship<sup>175</sup>.

According to the “order” of the head of the so-called “DPR” a working group was created, which should open a place of detention for persons who did not receive a Russian passport for their further “expulsion” from the occupied territory<sup>176</sup>, which can become a means of “expulsion” of citizens of Ukraine who have not received a passport of the Russian Federation.

Citizens of Ukraine in Luhansk region are threatened with the same consequences - deportation and confiscation of property<sup>177</sup>, in particular, it is reported that local residents were given time until September 1, 2023, to re-register their property according to Russian law.<sup>178</sup>

Obtaining a passport of the Russian Federation is also one of the grounds for mobilisation into the Armed Forces of the Russian Federation<sup>179</sup>. In the Donetsk and Luhansk regions, cases were recorded when, after receiving a Russian passport, men of conscription age were issued summonses with the requirement to appear at the Military Commissariat established in the occupied territories<sup>180</sup>.

## 4.2. Kherson region

On February 24, 2022, Russian troops invaded the territory of the Kherson region from the territory of the occupied Crimea<sup>181</sup>. On September 30, 2022, Russia, which at that time occupied almost the entire territory of the region, annexed the region through the so-called “referendum”.

173 *supra* 171

174 In Luhansk region, Russians demand passporting of all teenagers aged 14 to 18 / UKRINFORM, August 18, 2023 <https://www.ukrinform.ua/rubric-regions/3749850-na-lugansini-rosiani-vimagaut-pasportizuvati-vsih-pidlitkiv-vikom-vid-14-do-18-rokiv.html>. In the so-called “LPR” they ordered to forcibly passportize all teenagers by October 1 / Official Facebook page of the Luhansk Regional State Administration, August 18, 2023: <https://www.facebook.com/odalug/posts/pfbid0f6JkuVQnagdb6MxVH7aZ3s4biYowMPbe13awJU42VGMrdUkGFuZ6j17asaLfoQoI>

175 *supra* 174

176 The Head of the Donetsk People’s Republic - Order No. 186, July 20, 2023: [https://glavadnr.ru/doc/rasp/rasporiazhglavaN186\\_20062023.pdf](https://glavadnr.ru/doc/rasp/rasporiazhglavaN186_20062023.pdf)

177 The occupiers continue the forced passporting of Ukrainians in the occupied territories: the General Staff reported the details / True UA, July 09, 2023: <https://trueua.info/news/okupanti-prodovzhuyut-primusovu-pasportizaciyu-ukrainciv-na-zahoplenih-teritoriyah-gensh-tab>; The fourth interim report on the detected violations of international humanitarian law and international human rights law in Ukraine / ODIHR (OSCE), December 12, 2023, item 95: <http://surl.li/rhkmx>

178 The fourth interim report on the detected violations of international humanitarian law and international human rights law in Ukraine / ODIHR (OSCE), December 12, 2023, item 93: <http://surl.li/rhkmx>

179 From passportization to mobilisation: how the Russian “ksiva” can become a ticket to hell / Donetsk regional state administration, August 07, 2022: <http://surl.li/qytyl>

180 The first confirmed facts of giving summonses to Mariupol residents / Telegram channel Andriushchenko Time, October 7, 2022: <https://t.me/andriyshTime/3445>; “They don’t save life without a Russian passport.” Residents of the occupied Luhansk region are forced to get a Russian passport/ Suspilne Novyny, May 25, 2023 <https://suspilne.media/486418-ne-ratuut-zitta-bez-pasporta-rf-ziteliv-okupovanoi-lugansini-primusuut-oformiti-rosijskij-pasport/>

181 The Russian army occupied part of the Kherson region - KHODA / DW, February 24, 2022: <https://www.dw.com/uk/rosiiska-armiia-okupuvala-chastynu-khersonskoi-oblasti-ukrainy-khoda/a-60903338>

During the counteroffensive operation, which lasted from August 29 to November 11, 2022, the Armed Forces of Ukraine liberated the right-bank part of the region, including the city of Kherson, from Russian occupation<sup>182</sup>. As of December 2023, Russia controls the left-bank part and claims the entire territory of the region. At the moment, Kakhovka, Henichesk, Skadovsk and partially Kherson districts remain under Russian occupation<sup>183</sup>.

On May 25, 2022, the President of the Russian Federation, Vladimir Putin, signed a Decree amending his previous Decree on defining the categories of persons who have the right to apply for citizenship of the Russian Federation in a simplified manner, adding Kherson and Zaporizhzhia regions of Ukraine<sup>184</sup>.

The process of gradually imposing Russian citizenship on the population of the Kherson region begins from the moment of simplifying the acquisition of Russian citizenship by the above-mentioned Decree. As mentioned above, there is no adequate and reliable information regarding the assessment of the pace and scope of forced passportisation. According to information released by the Ministry of Internal Affairs of the Russian Federation, during the year of occupation, 2.2 million residents of Luhansk, Donetsk, Zaporizhzhia and Kherson regions received Russian passports.

In the news and on the websites of the occupied administrations, messages continue to be published that residents of the Kherson region, who did not have time to issue a Russian passport by October 25, 2023, must receive the PRP<sup>185</sup>. And already in November 2023, information spread that all citizens who have not received a passport of the Russian Federation need to contact the passport office for mandatory fingerprint registration by December 1, 2023. Those citizens who, as of December 2, 2023, do not have confirmation of fingerprint registration will be held administratively liable<sup>186</sup>. Mandatory fingerprinting of citizens is carried out on the basis of the federal law of the Russian Federation.<sup>187</sup>

## Forms of coercion to acquisition of Russian citizenship and the consequences of non acquisition

In order to receive medical care in the occupied territory of the Kherson region, a person must have the UHC, for which a passport of a citizen of the Russian Federation is required.<sup>188</sup> Until recently, the majority of local doctors sabotaged the requirement to provide medical care exclusively based on the presence of Russian passports, and con-

182 The Armed Forces of Ukraine entered Kherson. It remained under occupation since March / Hromadske, November 11, 2022: <https://hromadske.ua/posts/sili-oboroni-ukrayini-zajshli-u-herson>

183 DeepState Map: <https://deepstatemap.live/#7/47.798/35.178>

184 Decree of the President of the Russian Federation No. 304 dated May 25, 2022: <http://publication.pravo.gov.ru/Document/View/0001202205250004>

185 Residents of the Kherson region who did not have time to issue Russian passports before October 25, 2023, need to obtain a residence permit in the Russian Federation / ZOV KHERSON, October 27, 2023: <https://kherson-news.ru/society/2023/10/27/219955.html>

186 All citizens who have not received a Russian passport for any reason must appear at the passport office to undergo MANDATORY registration before December 01, 2023 / ZOV KHERSON, November 13, 2023: <https://kherson-news.ru/society/2023/11/13/228490.html>

187 Federal Law dated July 25, 1998 No. 128-FZ: <http://www.kremlin.ru/acts/bank/12708>

188 In the occupied territories of the Kherson region, the population is not provided with medical services without a Russian passport / UKRINFORM, October 26, 2023: <https://www.ukrinform.ua/rubric-regions/3778646-na-okupovanih-teritoriah-hersonsini-naselennu-ne-nadaut-med-poslugi-bez-pasporta-rf.html>

tinued to provide medical services, but some medical institutions already have managers and medical staff who came from the Russian Federation, and they are the ones who refuse to treat patients without a Russian document. In order to speed up the issuance of passports, in some medical institutions the Russians have even opened special departments where you can submit an application. Having an application allows you to receive medical care<sup>189</sup>. In some localities, representatives of the occupation administration strictly forbade the provision of free medical care to Ukrainians who did not receive Russian documents<sup>190</sup>. Oleksandr Dudka, the head of the occupation administration of the settlement of Lazurne, previously announced that medical drugs purchased from the budget of the Russian Federation will not be issued to citizens of Ukraine, in particular, to insulin-dependent people.<sup>191</sup>.

Ukrainians are also informed about the confiscation of property if it is not registered in accordance with the laws of the Russian Federation.<sup>192</sup> At the same time, passports of Ukraine or the so-called “LPR” are also listed in the “official” list of documents on the website of the “MFC of the LPR”<sup>193</sup>. In order to check for a Russian passport, the Russian occupying forces together with the “police” increased checks at checkpoints<sup>194</sup>. Driving a car with Ukrainian licence plates is also complicated. Such cars are stopped and owners are forced to go to the “Interdistrict Registration and Examination Department” to change the number plate to a Russian one. However, the visit to this department is not about registering a car, but about obtaining a Russian passport<sup>195</sup>. The data of the General Staff of the Armed Forces of Ukraine also shows the compulsion to re-register business, movable and immovable property under Russian law in certain cities of the occupied part of the Kherson region<sup>196</sup>.

In multi-apartment buildings, residents are required to renegotiate contracts for electricity supply and other utility services. Without a passport, the contract is invalid, and the apartment is disconnected from the network<sup>197</sup>.

189 In the temporarily occupied territory of the Kherson region, the occupation authorities force local residents to take Russian passports / Suspilne Novyny, March 21, 2023: <https://suspilne.media/421041-na-livoberezhnij-hersonsini-okupacijna-vlada-primusue-miscevih-ziteliv-brati-rosijski-pasporti/>

190 The Russians do not treat Ukrainians in the TOT who refused their Russian passport / National Resistance Center of Ukraine, June 29, 2023: <https://sprotvy.mod.gov.ua/rosiyany-ne-likuyut-ukrayintsiv-na-tot-yaki-vidmovlysyia-vid-rosijskogo-pasporta/>

191 In the Kherson region, a Gauleiter cynically threatens those who refused their Russian passport / UNIAN, August 11, 2023: <https://www.unian.ua/society/lazurne-gaulayter-pogrozhuye-ukrajincyam-yaki-vidmovilisya-vid-pasporta-rf-12357855.html>

192 Residents of the temporarily occupied Kherson region are forced by the occupation authorities to take Russian passports / Suspilne Novyny, February 02, 2023: [https://suspilne.media/373394-ziteliv-timcasovo-okupovanoi-hersonsini-okupacijna-vlada-primusue-brati-pasporti-rf?utm\\_source=copylink&utm\\_medium=ps](https://suspilne.media/373394-ziteliv-timcasovo-okupovanoi-hersonsini-okupacijna-vlada-primusue-brati-pasporti-rf?utm_source=copylink&utm_medium=ps); “Forcing loyalty. Whose property are the occupiers taking?” / Radio Liberty, February 14, 2023: <https://www.radiosvoboda.org/a/novyny-pryzovova-okupanty-vidbyrayut-mayno-biznes/32269866.html>; The fourth interim report on the detected violations of international humanitarian law and international human rights law in Ukraine / ODIHR (OSCE), December 12, 2023, item 93: <https://www.osce.org/files/f/documents/a/4/561457.pdf>

193 Offices of the MFC LNR provide services for accepting applications for State Cadastral Registration <https://xn--k1abermrn.xn--p1ai/news/65016a33b0b2570420da7d4b>

194 In the Kherson region, the occupiers are conducting raids on civilian homes: the General Staff named the goal Suspilne Novyny, August 29, 2023: <https://www.unian.ua/society/pasportizaciya-na-hersonshchini-okupanti-provodyat-reydi-po-budinkah-civilnih-12375840.html>

195 In the TOT of the Kherson region, the enemy continues forced passporting / UKRINFORM, October 10, 2023: <https://www.ukrinform.ua/rubric-regions/3771970-na-tot-hersonsini-vorog-prodovzue-primusovu-pasportizaciju.html>

196 *supra* 194

197 The situation in the temporarily occupied territories in the first half of 2023 / National Resistance Center of Ukraine: [https://drive.google.com/file/d/17sTKK3gNkC0INVZimQW\\_LHynT2NLB0fE/view](https://drive.google.com/file/d/17sTKK3gNkC0INVZimQW_LHynT2NLB0fE/view)

When stopping at checkpoints, the Russians, in addition to intimidation with illegal appropriation of property, threaten the local population with deprivation of liberty and violent actions in the absence of Russian passports during the next document check<sup>198</sup>. Detentions of local residents for “anti-Russian activities” were recorded several times. And the lack of a passport of the Russian Federation in such situations can often serve as a reason for arrest<sup>199</sup>.

As in other occupied territories, everyone whose salary comes from the budget must open an account in a Russian bank with a Russian passport, otherwise payments will be stopped<sup>200</sup>. A Russian passport is also required to receive Russian pensions and social benefits. This is the only way for socially vulnerable population groups to receive financial assistance, as they cannot receive social benefits from Ukraine<sup>201</sup>.

In violation of international law, children born in the occupied part of the region after February 24, 2022 automatically receive Russian citizenship<sup>202</sup>. Without a Russian passport, parents do not have the right to enrol their child in preschool educational institutions. Admission to “universities” created in the TOT is also impossible without a passport<sup>203</sup>.

At the moment, covert mobilisation is ongoing in the region, when summonses are handed out at the time of obtaining a passport of the Russian Federation<sup>204</sup>.

### 4.3. Zaporizhzhia region

By March 6, 2022, Russian troops took control of key cities in the southern part of the region. According to the President of Ukraine, as of June 2022, 60% of the region was under occupation<sup>205</sup>. On October 4, 2022, the State Duma of the Russian Federation announced the inclusion of the occupied territory of the region in the composition of the Russian Federation.

Determining the number of people who came under occupation in the Zaporizhzhia region and, accordingly, could become victims of the imposition of Russian citizenship, is a problematic issue. According to the statement of the mayor of the city of Melitopol, Ivan Fedorov<sup>206</sup>, as of October 1, 2022, about 500,000 people remained under

198 In the temporarily occupied territory of the Kherson region, the occupation authorities force local residents to take Russian passports / Suspilne Novyny, March 21, 2023: <https://suspilne.media/421041-na-livoberezhnij-hersonsini-okupacijna-vlada-primusue-miscevih-ziteliv-brati-rosijski-pasporti/>

199 The occupiers in the Kherson region torture those who refuse a Russian passport / National Resistance Center of Ukraine, March 25, 2023: <https://sprotyv.mod.gov.ua/okupanty-na-hersonshhyni-katuyut-tyh-hto-vidmovlyayetsya-vid-rosijskogo-pasporta/>

200 *supra* 198

201 *ibid*

202 All those born in the Kherson region after February 24 will automatically receive Russian citizenship / TASS, June 16, 2022: <https://tass.ru/mezhdunarodnaya-panorama/14924159>

203 The occupiers banned admission to pseudo-universities without a Russian passport / National Resistance Center of Ukraine, July 01, 2023: <https://sprotyv.mod.gov.ua/okupanty-zaboronyly-vstup-do-psevdouniversytetiv-bez-pasporta-rf/>

204 The enemy has set up a system of mobilisation in the Southern TOT / National Resistance Center of Ukraine, November 6, 2023: <https://sprotyv.mod.gov.ua/vorog-nalagodyv-systemu-mobilizatsiyi-na-tot-pivdnnya/>

205 The head of state held a meeting on the current situation in the Zaporizhzhia region/ Official website of the President of Ukraine, June 05, 2022: <http://surl.li/rhknx>

206 United News, October 01, 2022/ Telegram channel of Melitopol Mayor Ivan Fedorov, October 01, 2022: [https://t.me/ivan\\_fedorov\\_melitopol/636](https://t.me/ivan_fedorov_melitopol/636)

occupation in Zaporizhzhia region, or a third of the region's official population. The first Russian passports were issued in the Zaporizhzhia region<sup>207</sup> simultaneously with the occupied Kherson region - June 11, 2022, on the so-called "Russia Day".

The practice of forced passportisation in the occupied territories can be conditionally divided into two periods: before and after April 2023. But for Zaporizhzhia region, whose occupation leader is distinguished by particularly cruel methods and cynical rhetoric, the difference between these periods is not so significant, because from the first days of the existence of the so-called "Civil-military administrations" of Zaporizhzhia region, sporadic repressions occurred at various levels of the occupation administration, which had intended to reinforce the claim of Russian propaganda that Russia is here forever.

## Forms of coercion to acquisition of Russian citizenship and the consequences of non acquisition

In October 2023, the head of the occupation administration, Balytskyi, announced plans to further intensify repression against Ukrainian citizens from the beginning of 2024<sup>208</sup>.

After the adoption of the Decree of the President of the Russian Federation<sup>209</sup> former pressure factors turn into mandatory rules, in particular, reports of physical violence appear<sup>210</sup> and deprivation of livelihood<sup>211</sup>.

Pressure on the acquisition of citizenship by minors is exerted mainly through parents - representatives of the Russian Federation carry out searches and threats to take away children<sup>212</sup>. In addition, a means of pressure common to the occupied territories in the form of closing access to education<sup>213</sup> is applied.

In the Zaporizhzhia region, pressure on employees of the budget sphere to receive a passport is applied,<sup>214</sup> and difficulties with employment without a passport of the Russian Federation are recorded<sup>215</sup>. Added to this are the general problems of the occupied

207 The first Russian passports were given in the Zaporizhzhia region / Rossiyskaya Gazeta, 06/11/2022: <https://rg.ru/2022/06/11/v-zaporozhskoj-oblasti-vydali-pervye-pasporta-rf.html>

208 On the air "Russia 24" they talked about the most urgent issues in the life of the Zaporizhzhia region / Telegram channel of the so-called governor of the Zaporizhzhia region Yevhen Balytskyi, October 10, 2023: <https://t.me/BalitskyEV/1857>

209 *supra* 61

210 "Passport terror" of the Russian Federation. What about those who are in occupation/Deutsche Welle, May 04, 2023: <https://www.dw.com/uk/zitta-v-rosijskij-okupacii-brati-ci-ni-pasport-rf/a-65504433>

211 'Pretending to live a civilian life': How pro-Ukrainian residents of occupied Melitopol feel daily fear / CNN, June 11, 2023: <https://edition.cnn.com/2023/06/11/europe/ukraine-life-under-russian-occupation-melitopol-intl-cmd/index.html>

212 Russia Threatens Ukrainians Who Refuse Russian Citizenship/ Human Rights Watch, May 16, 2023: <https://www.hrw.org/news/2023/05/16/russia-threatens-ukrainians-who-refuse-russian-citizenship>

213 In Berdiansk, children without Russian documents will not be allowed to study/ Telegram channel "Berdiansk Today/Berdiansk Now", June 23, 2023: <https://t.me/brdVP/11109>

214 Racists force Melitopol citizens to get Russian passports / Telegram channel of Melitopol Mayor Ivan Fedorov, October 12, 2022: [https://t.me/ivan\\_fedorov\\_melitopol/689](https://t.me/ivan_fedorov_melitopol/689); Operational information as of 06.00 on June 15, 2023 regarding the Russian invasion / Official Facebook page of the General Staff of the Armed Forces of Ukraine, July 15, 2023: <http://surl.li/rhkod>

215 "It was difficult to go to the territory controlled by Ukraine. Later, it became impossible to leave, you could work only with Russian passports, you had to take Russian car numbers" / resident I.Yu. of the village of Velyka Bilozerka of the Vasylivka district of the Zaporizhzhia region. The witness was interviewed on March 17, 2023. Archive of the Vasyl Stefanyk Precarpathian National University Law Institute.

territories: social benefits and access to medicine<sup>216</sup> are possible only with passports of the Russian Federation.

Zaporizhzhia region stands out among other occupied territories with special instruments of pressure. Thus, since the beginning of the formation of the occupation authorities, the so-called Civil–military administrations of the Zaporizhzhia Region, there has been a trend towards demonstrative punishment of disloyal residents of the occupied part of the region and the formation of instruments for seizing the property of residents who left the occupied territories.

The topic of “ownerless property” has been raised in the occupied territory of the Zaporizhzhia region since the beginning of the establishment of the occupation administration there. On August 3, 2022, the Decree of the Head of the Council of Ministers of the Civil–military administrations of the Zaporizhzhia Region was issued<sup>217</sup>, which describes the procedure for identifying and accounting for property left by owners. The first edition gives owners only three days<sup>218</sup> for the personal submission of documents to remove the property from the register as “ownerless”, prescribes a procedure that enables neighbours to report abandoned property and creates a commission that will have the right to dispose of this property and transfer this right to third-party legal entities.

By the end of 2022, a number of minor amendments were made to the document<sup>219</sup> (in particular, a representative of the law enforcement agencies is included in the list of persons carrying out housing descriptions), and from December 28, 2022, after the issuance of the Resolution of the Russian Government<sup>220</sup> the process of introducing this aspect into all-Russian norms begins. At the same time, the head of Rosreestr declares<sup>221</sup>, that the real estate accounting system in the Zaporizhzhia region will be created from scratch, which once again jeopardises the property rights of citizens without a Russian passport.

The technology of property pressure described above was used even before the full-scale invasion in the territory of the so-called “L/DPR” (for example, the Decree of the Head of the Donetsk People’s Republic<sup>222</sup> and a similar norm in the “Law of the Luhansk People’s Republic”<sup>223</sup>), and after February 24, 2022, it was spread on the territory of the occupied part of the Zaporizhzhia region.

216 Protect yourself and your loved ones! / Telegram channel of the Employment Center of the Zaporizhzhia region (Melitopol), June 15, 2023: <https://t.me/czmel/848>; “The village of Kalynivka, Vesele district, Zaporizhzhia region, is small, with a population of 300 people. But as a resident of the village Yu. mentioned, “they are not allowed to go to the pharmacy in the village if they do not have a Russian passport”/ a resident Yu.M. of the village Kalynivka of the Kalynivska village council of the Vesele district of the Zaporizhzhia region. The witness was interviewed on August 10, 2023. Archive of the Vasyl Stefanyk Precarpathian National University Law Institute.

217 *supra* 76 (2)

218 Identified objects of ownerless property / Official website of the Government of Zaporizhzhia Region, August 19, 2022: [https://zo.gov.ru/news/show/vyyavlennyye\\_obekty\\_besxozyajnogo\\_imushhestva](https://zo.gov.ru/news/show/vyyavlennyye_obekty_besxozyajnogo_imushhestva)

219 *supra* 76 (2)

220 Decree of the Government of the Russian Federation dated December 28, 2023 No. 2474 “On approval of the Rules for the management of bodies of the Donetsk People’s Republic, Luhansk People’s Republic, Zaporizhzhia region and Kherson region with signs of ownerlessness and not classified as federal property, property of a constituent entity of the Russian Federation or municipal property located in the territories specified subjects of the Russian Federation”: <http://actual.pravo.gov.ru/text.html#pnun=0001202212290156>

221 <https://dnr-pravda.ru/rosreestr-nachnet-uchyot-nedvizhimost-na-novyh-territoriyah-s-2023-goda/>

222 “Decree of the Head of the Donetsk People’s Republic of April 28, 2021 No. 116 “On the identification, recording and acceptance into municipal ownership of ownerless real estate and escheat property”: [https://denis-pushilin.ru/doc/ukazy/Ukaz\\_N116\\_28042021.pdf](https://denis-pushilin.ru/doc/ukazy/Ukaz_N116_28042021.pdf)

223 The People’s Council introduced changes to the law on the taxation system in the LPR/Luhansk Information Center, May 30, 2015: <https://lug-info.com/news/narodnyi-sovet-izmenil-poryadok-administrirovaniya-beskhoznogo-imuschestva-2139>

In addition, as early as August 2022, the requirement to obtain Russian citizenship for renting land shares<sup>224</sup> appeared, and in October, a requirement for Russian citizenship was introduced when registering a business in the occupied region<sup>225</sup>.

During the second half of 2022, the occupation administration of the Zaporizhia region launched a campaign of intimidation of the population with pro-Ukrainian views. On July 15, 2022, the head of the occupation administration, Balytskyi, announced the signing of the Decree, which extends responsibility for so-called “extremist actions” (including on the Internet) to the relatives of the perpetrator, if they did not report them.<sup>226</sup> Russian news sources publish a number of videos of the so-called “expulsion”<sup>227</sup>, where the Russian security forces on camera, after reading the formal text, demonstratively return the passport of a citizen of Ukraine to people and send them on an empty road seemingly towards the territories under Ukrainian control. The publication time of these videos is from August 2022 to January 2023.

In February 2023, the mayor of the city of Melitopol, Ivan Fedorov,<sup>228</sup> reports that 10 of the expelled reached Zaporizhzhia, but claims that most of the expelled are held captive and forced to work for the occupation forces.

The head of the occupation administration, Balytskyi, comments on Russian television<sup>229</sup> calling this procedure humane, because, according to him, the expelled engaged in extremism. But in May 2023, the practice seems to be cancelled<sup>230</sup> with reference to the ban of the Security Council of the Russian Federation.

Due to the lack of clear criteria for the application of this type of punishment and its selective nature, it is likely that representatives of the occupation administration can use this tool, among other things, to intimidate the population that refuses to obtain a Russian passport.

224 Forced passporting continues in the occupied territories/ The Main Directorate of Intelligence of the Ministry of Defence of Ukraine, August 05, 2022:

<https://gur.gov.ua/content/tryvaie-prymusova-pasportyzatsiia-na-okupovanykh-terytoriiakh.html>

225 Five steps for registering and re-registering a business in the Zaporizhzhia region / Za!TV. News of the Zaporizhzhia region, vk.com, October 12, 2022: [https://vk.com/wall-214856098\\_1239](https://vk.com/wall-214856098_1239)

226 In Zaporizhzhia they signed a decree on to Ukraine for helping radicals / RIA Novosti, July 15, 2022: <https://ria.ru/20220715/ukraina-1802855870.html>

227 Expulsion from Zaporizhzhia region. Never happened and here we go again.../ dzen.ru, August 18, 2022: <https://dzen.ru/video/watch/62fe4182ce1d937feac5c5cd>; Expulsion of 5 residents of the Zaporizhzhia region to the territory of Ukraine for discrediting the authorities and “SMO” / DONETSK & DPR NEWS | REPORTS FROM THE FRONT | Emergency, vk.com, January 16, 2023: [https://vk.com/wall-112496564\\_815229](https://vk.com/wall-112496564_815229); Another expulsion of Ukrainian intelligence agents from the Russian Federation (Zaporizhzhia region) / South Bashkortostan, vk.com, January 2023: [https://vk.com/video-149003520\\_456242522](https://vk.com/video-149003520_456242522)

228 10 deported residents were able to escape from the captivity of the occupiers to Zaporizhzhia / Melitopol Mayor Ivan Fedorov’s Telegram channel, February 01, 2023: [https://t.me/ivan\\_fedorov\\_melitopol/1279](https://t.me/ivan_fedorov_melitopol/1279)

229 Acting Governor of the Zaporizhzhia region Yevhen Balytskyi told what crimes threaten deportation to the territory controlled by the Kyiv regime / Zaporizhzhia news feed, vk.com: [https://vk.com/video-213127547\\_456251488](https://vk.com/video-213127547_456251488)

230 In the Zaporizhzhia region, expulsion for “anti-Russian actions” was cancelled / RBC, May 08, 2023: <https://www.rbc.ru/politics/08/05/2023/645923f39a7947f1f76d3bce>

5

## Imposition of Russian citizenship on citizens of Ukraine on the territory of the Russian Federation

In addition to the violations in the temporarily occupied territories of Ukraine indicated in the previous sections, the Russian Federation applies a number of coercive practices against Ukrainian citizens on its own territory. These practices and the normative acts that enable them create conditions in which the preservation of Ukrainian identity and connection with the state of Ukraine is impossible. The restrictions, in particular, concern the issues of freedom of movement, forced mobilisation in the Russian Armed Forces and placement of persons who were in places of deprivation of liberty on the territory of Ukraine, minors and incapacitated citizens of Ukraine in places of deprivation of liberty on the territory of the Russian Federation, and in the case of children - in Russian families.

According to the official government statistics of the Russian Federation for 2022, about 4.8 million Ukrainian citizens arrived on the territory of the Russian Federation, including more than 700 thousand children<sup>231</sup>. According to the data of the United Nations High Commissioner for Refugees, this figure is lower: as of June 30, 2023, 2.8 million Ukrainians crossed the border into the Russian Federation<sup>232</sup>.

It is worth noting that, according to the official statements of Russian officials, a significant part of these people<sup>233</sup> were in the territory of the country in transit and soon left it in the direction of third countries. Thus, the Ministry of Internal Affairs of the Russian Federation claims that, as of March 2022, 11,932 people have received the status of temporary shelter in the Russian Federation, on December 31, 2022 there were 65,374 such people, and in March 2023 there were 51,579<sup>234</sup>.

On citizens of Ukraine who for one reason or another were in the territory of the Russian Federation (800 thousand, according to the data of the All-Russian Census of 2021<sup>235</sup>) after the full-scale invasion, they began to exert additional pressure with the

231 Report on the activities of the Russian Commissioner for Children's Rights for Children's Rights in 2022: <https://web.archive.org/web/20230804070232/https://deti.gov.ru/deti/gray/upload/documents/July2023/7JkHUTqLisZL45JD-p4Xl.pdf>

232 Ukraine Refugee Situation / Operational Data Portal: <https://data.unhcr.org/en/situations/ukraine>

233 Over 5 million refugees have arrived in Russia from the territory of Ukraine and Donbass since February / TASS, December 19, 2022: <https://tass.ru/obschestvo/16627517>

234 Ministry of Internal Affairs statistics: the number of official "refugees" has fallen by a third in a year, interest in Russian citizenship continues to decline/Civic Assistance Committee, July 28, 2023: <https://refugee.ru/dokladyi/stats-1q-2023/>

235 Ukrainians in Russia / Wikipedia: <http://surl.li/rhkpt>

aim of including them in Russian society and creating conditions that encourage them to get Russian citizenship.

Citizens of Ukraine are considered by the power structures of the Russian Federation to be a group whose representatives are prone to espionage, terrorist acts, and sabotage.<sup>236</sup> Therefore, Ukrainians living and working in the Russian Federation risk:

- to be detained by representatives of the law enforcement agencies without a legal basis (on February 28, 2022, in the city of Moscow, police officers removed ten men with Ukrainian passports from the bus on which they were supposed to go to Ukraine; the reason for the detention and delivery to court was the drawing up of reports on swearing in a public place<sup>237</sup>);
- to go through long interrogations (according to the testimony of one of the victims<sup>238</sup>, such an interrogation can last up to 7 hours);
- to be forced to provide access to private data. During interrogations, representatives of law enforcement agencies take photos of identity documents, record personal data of the person themselves and their relatives, record the interrogation process on video, check the IMEI of the mobile phone and study its contents (chats in messengers, photos, e-mail), take fingerprints, ask about political beliefs, thoughts on the “SMO”, relatives or acquaintances who served/are serving in the Armed Forces, etc.<sup>239</sup>
- to not be able to leave the Russian Federation of their own free will (a former policeman who was deported from the Donetsk Region Police Department to the Russian Federation in 2022, when he tried to return to Ukraine through Estonia, was not allowed to cross the border, urged to stay in the Russian Federation and get citizenship<sup>240</sup>).
- difficulties with leaving the Russian Federation also arise for persons who, for one reason or another, have lost identity documents and documents confirming their Ukrainian citizenship.<sup>241</sup>

## The situation of Ukrainian citizens deported to the territory of the Russian Federation

One of the groups of Ukrainian citizens who are experiencing persecution on the territory of the Russian Federation are those deported from the temporarily occupied territories. Thus, in a significant number of cases of displacement of Ukrainian citizens

236 FSB: Ukrainian special services are trying to use Ukrainians who are living in the Russian Federation for sabotage / RG.ru, February 28, 2022: <https://rg.ru/2022/02/28/reg-cfo/fsb-ukrainskie-specsluzhby-pytaiutsia-ispolzo-vat-dlia-diversij-ukraincev-prozhivaiushchih-v-rf.html>

237 Technologies of political profiling / Report of the “Network Freedoms” project: <https://drive.google.com/file/d/1sg8wDktOErOxBR29JaXJAsXxSMBUvLFR/view>

238 “As if to the prison.” Illegal deportation and violence against civilians in Ukraine during Russian “filtration” / Amnesty International report, November 2022: <https://eurasia.amnesty.org/wp-content/uploads/2022/11/eur-5061362022-ukr-esrecs.pdf>

239 “They took fingerprints and got into the phone.” What happens to Ukrainian citizens when leaving Russia / Novaya Gazeta, March 09, 2022: <https://novayagazeta.ru/articles/2022/03/09/otkatali-paltsy-zalezli-v-telefon>

240 *supra* 238

241 *supra* 78

at the beginning of the full-scale invasion, there were signs of deportation, because the representatives of the Russian Federation both directly carried out the forced transfer of persons, and deliberately created conditions under which persons were deprived of a free and conscious choice regarding their future place of residence.<sup>242</sup>

Even at the beginning of the full-scale invasion, on March 12, 2022, the Government of the Russian Federation adopted Resolution No. 349, which provided for the distribution of Ukrainian citizens who “were forced to leave their living quarters and arrived on the territory of subjects of the Russian Federation in an emergency mass order”, but in fact - were deported from the territory of Ukraine all over Russia. According to the document, 95,909 people were to be resettled in 85 subjects of the Russian Federation. At the same time, thousands of Ukrainians planned to be deported to Sakhalin region, Primorsky Krai and the Republic of Buryatia more than 9,000 kilometres from their usual place of residence<sup>243</sup>.

In a particularly vulnerable position regarding the imposition of Russian citizenship on the territory of the Russian Federation were those Ukrainians who, at the time of the start of a full-scale invasion or in connection with it, were in places of round-the-clock detention, in particular orphans and children deprived of parental care, as well as persons with disabilities and prisoners.

Measures, which in their essence are aimed at imposing citizenship of the Russian Federation on minor Ukrainian citizens who were deported to the territory of the Russian Federation, are contained in a number of legal acts mentioned in the previous sections of this report. A key role in this issue is played by Decree of the President of the Russian Federation No. 330, which effectively deprives minors and incapacitated citizens of Ukraine of the right to choose citizenship, and allows third parties and organisations to dispose of their legal status. As mentioned earlier, they may be appointed by the Russian authorities or occupation administrations, and legal guardians may be subject to pressure from law enforcement agencies. In particular, they report on the use of long-term filtering procedures for relatives<sup>244</sup>, that they are trying to return the child, when the FSB employees say that they will give the child to the legal representative only after he receives a Russian passport<sup>245</sup>.

The exact number of deported Ukrainian children who already had Russian citizenship imposed upon them is unknown. However, at least 380 minors, who were handed over to Russians, received Russian citizenship. This was mentioned by Mariia Lvova-Bielova, Commissioner for Children’s Rights under the President of the Russian Federation<sup>246</sup>.

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242 *ibid*

243 Decree of the Government of the Russian Federation of March 12, 2022 N 349 “On the distribution among the constituent entities of the Russian Federation of citizens of the Russian Federation, Ukraine and stateless persons permanently residing in the territories of Ukraine, the Donetsk People’s Republic, the Luhansk People’s Republic, the Zaporizhzhia region and the Kherson region, who were forced to leave residential premises and those who arrived on the territory of the constituent entities of the Russian Federation on an emergency basis”: <https://base.garant.ru/403692318/>

244 Held for 14 hours: a woman who came to pick up 2 deported children died during interrogation by the FSB in the Russian Federation / Focus, April 10, 2023: <https://focus.ua/uk/voennye-novosti/559821-trimali-po-14-godin-na-dopiti-fsb-u-rf-pomerla-zhinka-yaka-prijihala-zabrati-2-deportovanih-ditey>

245 76 days in occupied Crimea: how we were returning a kidnapped child / Hromadske, October 18, 2023: [https://youtu.be/AosLGg7YHf4?si=EUqyRi\\_Lk1GRzy4T](https://youtu.be/AosLGg7YHf4?si=EUqyRi_Lk1GRzy4T)

246 Factcheck: we call Lvova-Bielova and ask about Ukrainian children in Russia and the ICC warrant / Kateryna Lykhohliad, Mariana Sych, Radio Liberty, November 8, 2023: <https://www.radiosvoboda.org/a/deportatsiya-ukrayinskykh-ditey-lvova-byelova-rozмова-faktchek/32676520.html>

At the same time, Lvova-Bielova in the report on her activities<sup>247</sup> declares that children supposedly retain Ukrainian citizenship and can enjoy the benefits of both legal statuses. However, this contradicts Article 10 of the Federal Law “On Citizenship of the Russian Federation”, which provides that a citizen of the Russian Federation who has dual citizenship or multiple citizenship is considered only as a citizen of the Russian Federation regardless of his place of residence, except for cases provided for by federal law or international treaty of the Russian Federation”.

Elderly people and persons with disabilities staying in closed institutions are also in a vulnerable situation. According to the journalistic investigation of The Telegraph, Russian representatives deported a group of five people with disabilities aged 20 to 35 from Kakhovka to Voronezh. According to the testimony of the coordinator of the department of evacuation of deportees Nelli Isaieva, they took away their Ukrainian passports and forced them to get Russian ones<sup>248</sup>. In hospitals located in the occupied territories of Ukraine or in the Russian Federation, documents were also taken from Ukrainian children, instead they were given Russian ones<sup>249</sup>. Adults and minors who suffered from similar actions of the Russian authorities claim that they were lied to, as if Ukrainian documents were “lost” or “need to be translated into Russian.” In addition, they indicate a complete ban on leaving the territory of a closed institution<sup>250</sup>.

Another vulnerable group that came under the control of the Russian authorities with the beginning of the full-scale invasion are Ukrainian prisoners. Thus, prisoners of Ukrainian penitentiary institutions from the Kherson, Zaporizhzhia, and Mykolaiv regions, who ended up in the TOT, were later deported to colonies and prisons scattered throughout the territory of the Russian Federation<sup>251</sup>. Due to the duration of the war, for many of them the terms of imprisonment prescribed by the verdicts of Ukrainian courts expired and they were unable to be released on the territory of the Russian Federation and return to the territory of Ukraine. Since the beginning of the full-scale invasion, the Russian authorities have refused to return them to the territory of Ukraine, citing the security situation in Ukraine. For example, such a refusal was given to former prisoners who are in the Tolyatti Center for the Temporary Detention of Foreign Citizens. At the same time, one of the mentioned prisoners is a resident of the city of Mariupol, and the other is a resident of the city of Yevpatoria<sup>252</sup>, on the territory of which there are no hostilities.

In some cases, this leads to the indefinite and groundless detention of Ukrainian citizens in the Center for Temporary Detention of Foreign Citizens on the territory of the Russian Federation. There are known cases of detention in these immigration prisons (which are equipped for detention for no more than 3 days) from six months to 9 months.

247 Activities of the Russian Federation Presidential Commissioner for Children’s Rights Mariia Lvova-Bielova to protect children during a special military operation, April 04, 2023: <https://web.archive.org/web/20230410183035/https://deti.gov.ru/detigray/upload/documents/April2023/QYQjD1VHtINu74bQuDAF.pdf>

248 Abducted, robbed, maimed. The Telegraph newspaper tells about elderly Ukrainians who were forcibly transported to Russia / Nataliia Churikova, Voice of America, July 21, 2023: <https://www.holosameryky.com/a/hazeta-telegraph-pro-znushchannia-nad-litnimy-ludmy-deportovanymy-do-rosiji/7189606.html>

249 See e.g. “Help me”. The story of the deportation of a teenager who was successfully returned to Ukraine / Mariia Lebedieva, Ukrainska Pravda, December 30, 2022: <https://life.pravda.com.ua/society/2022/12/30/252072/>

250 Children are not the only ones being abducted by Russia / Verity Bowman, The Telegraph, July 20, 2023: <https://www.telegraph.co.uk/world-news/2023/07/20/russia-war-crimes-abducting-ukraine-children-elderly/>

251 “You are already Russians.” What happens to Ukrainian prisoners taken to the south of Russia / Kavkaz.Realii, September 12, 2023: <https://www.kavkazr.com/a/vy-uzhe-rossiyane-cto-proishodit-s-vyvezennymi-na-yug-rf-ukrain-skimi-zaklyuchennymi-32582813.html>; “They beat me for two hours in front of everyone for refusing to cooperate with the new administration” / UnMode, July 04, 2023: <https://unmode.org/novosti/«dva-chasa-izbivali-u-vsex-na-vidu-za-otkaz-sotrudnicat-s-novoj-administraciej».html>; Deported with coercion and abandoned/NGO “Protection of Prisoners of Ukraine,” July 25, 2023: <https://ngoauu.org/departovani-iz-zastosuvannyam-primusu-ta-pokinuti-na-prizvolnyshhe/>

252 “It’s worse if they take you to the bombs.” Hunger strike of former prisoners / Radio Liberty, June 11, 2022: <https://www.svoboda.org/a/huzhe-esli-otvezut-pod-bomby-golodovka-byvshih-zaklyuchennyh/31892410.html>

At the same time, the authorities of the Russian Federation are creating conditions under which the alleged lack of citizenship of the Russian Federation for imprisoned and deported Ukrainians is the only reason for the delay in their release from places of imprisonment after serving the term of punishment determined by the verdict. For example, in the penal colony in the city of Ust-Labinsk, Krasnodar Krai, the colony administration offered a prisoner from Ukraine to obtain a passport of the Russian Federation precisely in order to avoid a long stay in the Center for the Temporary Detention of Foreign Citizens after release from the colony<sup>253</sup>.

Thus, the legal and factual atmosphere on the territory of the Russian Federation creates risks for citizens of Ukraine who are in this territory and do not acquire Russian citizenship. Separate measures of the Russian Federation are aimed at vulnerable categories of the population, which limit their choices regarding obtaining or refusing to acquire Russian citizenship - in particular, disabled and minors.

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253 Stolen prisoners. The incredible adventures of a Ukrainian thief, whom the war found in Kherson colony No. 90 - and he had to serve out his sentence in Russia / Novaya Gazeta Europe, August 06, 2023: <https://novayagazeta.eu/articles/2023/06/06/kradenye-zeki>

## 6 Acquisition of citizenship of the Russian Federation: key risks

It is also appropriate to consider the risks and consequences of acquisition of Russian citizenship by citizens of Ukraine.

Obtaining a passport of the Russian Federation automatically leads to placing men on military registration. In addition to the actual danger of being mobilised into the Russian Armed Forces and being forced to participate in hostilities against Ukraine, this makes it difficult for men to leave the Russian Federation. According to Article 21 of the Federal Law “On Mobilization Training and Mobilization in the Russian Federation”, citizens who are on military registration are prohibited from leaving their place of residence without the permission of the federal authorities from the moment mobilisation is announced. Such restrictions apply to all persons on the military register, regardless of whether they are subject to mobilisation or not<sup>254</sup>. And Article 23 of the Federal Law “On Citizenship of the Russian Federation”<sup>255</sup> does not allow renunciation of Russian citizenship if the citizen has an unfulfilled obligation to the Russian Federation, including service in the Armed Forces. Therefore, men with imposed Russian citizenship lose the opportunity to leave the territory of the Russian Federation, at least for the duration of the war, and are also at risk of forced mobilisation.

Risks due to the acquisition of citizenship of the Russian Federation also exist from the Ukrainian side. As mentioned earlier, despite the fact that, according to the official position of the Government of Ukraine, forcibly automatically acquired Russian citizenship is null and void, the law does not contain a definition of “forced automatic acquisition of citizenship.” Accordingly, the question arises as to how the procedure for obtaining Russian citizenship, provided for by Russian legislation, will be considered after the inclusion of the occupied Ukrainian territory into the Russian Federation in the fall of 2022. The prescribed formal procedure for taking the oath of a citizen of the Russian Federation was introduced in order to demonstrate the voluntariness of obtaining the citizenship of the Russian Federation. Considering, however, the forms of pressure and coercion of TOT residents who have not acquired Russian citizenship, considered above, the choice to acquire Russian citizenship in such conditions cannot be called voluntary.

Human rights organisations also receive information about the widespread practice when representatives of the Ukrainian State (probably the Security Service of Ukraine) force Ukrainian citizens who have received a passport of the Russian Federation to surrender it after entering the territory of Ukraine without issuing any withdrawal confirmation documents. Such actions cause concern, because the passport of the Russian Federation can be a source of identification of a person due to the loss of other docu-

254 Federal Law “On mobilisation preparation and mobilisation in the Russian Federation” dated February 26, 1997 No. 31-FZ: [https://www.consultant.ru/document/cons\\_doc\\_LAW\\_13454/](https://www.consultant.ru/document/cons_doc_LAW_13454/)

255 *supra* 53

ments, or in the case when a person first received a passport document already during the occupation of the territory of Ukraine and does not have Ukrainian documents. In addition, the passport of the Russian Federation can be evidence of the Russian Federation's violation of the norms of international law and the violation of Ukrainian legislation by the representatives of the occupation administrations.

Residents of the TOT are in difficult conditions when, in order to survive, they are forced either to leave the TOT, which is also an extremely difficult, and sometimes impossible process, or to acquire Russian citizenship. At the same time, obtaining Russian citizenship has its own risks and negative consequences.

## Conclusions

Imposing the citizenship of another state is a violation of the fundamental principles of international law - respect for territorial integrity and non-interference in internal affairs, as well as a number of other norms of international human rights law. Such actions in the conditions of occupation also violate the norms of international humanitarian law and, in the case of imposing citizenship on minors, have signs of the crime of genocide. Ukrainian legislation, in turn, does not recognize the forced automatic acquisition of Russian citizenship by citizens of Ukraine living in the occupied territories.

The legislative basis for imposing citizenship of the Russian Federation on citizens of Ukraine and other countries was prepared for years. The systemic policy of the Russian Federation regarding the imposition of Russian citizenship on Ukrainian citizens in the occupied territories and on the territory of the Russian Federation, which began in 2014, namely in the so-called "L/DPR" and in Crimea, and continues to this day, extending to the occupied territories after February 24, 2022.

In order to gain full control over the occupied territories and the population living there, establish their order and implement the policy of the Russian Federation, the occupation authorities resort to methods of direct and indirect coercion of citizens to obtain a Russian passport.

While in the temporarily occupied territory of the Republic of Crimea and the city of Sevastopol, the Russian Federation applied automatic forced granting of Russian citizenship, in the territory of certain districts of the Donetsk and Luhansk regions occupied by the Russian Federation until 2022, a simplified procedure for obtaining Russian citizenship was provided for. At the same time, restrictions were applied in these territories for those residents who did not acquire Russian citizenship regarding the right to work, social and medical security. After the inclusion of these territories, as well as the territories occupied after February 24, 2022, into the Russian Federation, a new policy of imposing Russian citizenship was implemented. In particular, residents of these territories acquire citizenship of the Russian Federation at the time of inclusion of these territories into the Russian Federation, however, on the condition of taking the oath of a citizen of the Russian Federation. In this way, the Russian authorities are trying to demonstrate that obtaining a Russian passport, which certifies the acquisition of Russian citizenship

by citizens of Ukraine, is a voluntary act. At the same time, obtaining a Russian passport in such a way cannot be considered voluntary.

The Russian Federation creates conditions in the TOT under which non-acquisition of Russian citizenship leads to a number of restrictions. In particular, restrictions on the right to work, property rights, access to education, social and medical assistance are observed in all occupied territories and demonstrate a deliberate policy of pressure from the Russian Federation aimed at forcing people to acquire Russian citizenship. The existence of such a state policy of the Russian Federation is also evidenced by the changes to the legislation that concern Ukrainians living in the Russian Federation.

The policy of imposing citizenship of the Russian Federation also applies to citizens of Ukraine in the territory of the Russian Federation. This affects the most vulnerable categories of civilians who were in 24-hour detention centres in the occupied territories of Ukraine and were deported to the territory of the Russian Federation - orphans and children deprived of parental care, persons with disabilities and prisoners.

Taking into account the above, the policy of the Russian Federation regarding the imposition of Russian citizenship is systemic, includes a number of means of forcing Ukrainian citizens to acquire Russian citizenship and violates a number of norms of international law.

# Recommendations

## To the state authorities

- 1.** Properly investigate the facts of imposing Russian citizenship on Ukrainian citizens in the occupied territories and on the territory of the Russian Federation, taking into account the practices and means of coercion to acquire Russian citizenship applied to such persons, as well as paying special attention to cases of imposing Russian citizenship on minors.
- 2.** The communication of state bodies and their officials must comply with the policy of non-recognition of the automatic forced citizenship of the Russian Federation acquired by citizens of Ukraine in the TOT of Ukraine established in the legislation of Ukraine.
- 3.** Taking into account the illegal inclusion of part of the territory of Ukraine into the Russian Federation and the spread of Russian legislation on the territory of Donetsk, Zaporizhzhia, Luhansk and Kherson regions, as well as increasing the number of different practices of imposing Russian citizenship (in particular, simulating the voluntary acquisition of Russian citizenship by residents of the occupied territories), also upon the citizens of Ukraine who were deported to the territory of the Russian Federation, to prepare appropriate amendments to the Law of Ukraine “On Citizenship” in terms of non-recognition of such imposed citizenship

of the Russian Federation and exclusion of the fact of its acquisition from the list of grounds for loss of Ukrainian citizenship.

- 4.** Conduct systematic work on informing the public about the situation of Ukrainian citizens in the occupied territories, pressure and coercion measures applied to them with the aim of imposing Russian citizenship.
- 5.** Stop the practice of arbitrarily withdrawing passports of citizens of the Russian Federation issued to Ukrainian citizens in the temporarily occupied territory of Ukraine.

## To International partners

- 1.** Condemn the systematic policy of the Russian Federation regarding the imposition of Russian citizenship on citizens of Ukraine in the occupied territories and on the territory of the Russian Federation, and human rights violations that the Russian Federation applies in order to force them to acquire such citizenship and not to recognize documents obtained as a result of such imposition.
- 2.** Condemn the systematic policy of the Russian Federation regarding the imposition of Russian citizenship on minor citizens of Ukraine, which has signs of the crime of genocide in terms of the forcible transfer of children from one national group to another. Contribute to the consideration of this policy within the framework of the investigation of the International Criminal Court regarding the forced transfer and deportation of Ukrainian children to the Russian Federation.
- 3.** Continue monitoring the imposition of Russian citizenship on citizens of Ukraine within the framework of human rights protection mechanisms, in particular, the Office of the United Nations High Commissioner for Human Rights, etc.
- 4.** Increase pressure on the Russian Federation to end its practice of imposing Russian citizenship on citizens of Ukraine living in the temporarily occupied territories of Donetsk, Zaporizhzhia, Luhansk, and Kherson regions.

## «Україна. П'ята ранку»

Коаліція правозахисних організацій, які збирають докази та документують військові злочини і злочини проти людяності, вчинені в ході російської збройної агресії в Україні

