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ПРАВОЗАХИСНА ДІЯЛЬНІСТЬ ПРЕДСТАВНИЦТВА ПРЕЗИДЕНТА УКРАЇНИ В АВТОНОМНІЙ РЕСПУБЛІЦІ КРИМ

Анотація. *Захист конституційних прав та свобод людини та громадянина під час агресії іншої країни набуває особливого значення. Тому основна мета роботи полягає в аналізі правозахисної діяльності Представництва Президента України в Автономній Республіці Крим. У статті доведено, що статус Представництва розвивався у 1992–2002 рр., із набуттям органом конституційного інституту загальнодержавного характеру та отриманням функцій спеціального конституційного контролю в АРК. Поступово правозахисний вимір діяльності Представництва посилювався, але якісне перетворення вектора роботи органу відбулося вже після внутрішнього переміщення органу на підконтрольну територію з тимчасово окупованого Криму. Встановлено, що особливу роль у цьому відіграють приписи Плану невідкладних заходів з протидії російській агресії з тимчасово окупованої території України в Криму, захисту інтересів держави, громадян України та українських юридичних осіб в Криму на 2018–2019 рр. Виявлено, що до 2017 р. Представництво не використовувало інститут конституційного звернення для реалізації власних повноважень та втратило можливість подання будь-яких актів до органів конституційної юстиції в 2017 р. Важливим є те, що відбувається розвиток між Представництвом та Конституційним Судом у справі захисту конституційних прав та свобод людини для переміщених осіб та населення тимчасово окупованого Криму.*

Ключові слова: конституційна скарга, конституційний контроль, конституційні права, Представництво Президента України в АРК.

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ПРАВОЗАЩИТНАЯ ДЕЯТЕЛЬНОСТЬ ПРЕДСТАВИТЕЛЬСТВА ПРЕЗИДЕНТА УКРАИНЫ В АВТОНОМНОЙ РЕСПУБЛИКЕ КРЫМ

Аннотация. *Защита конституционных прав и свобод человека и гражданина во время агрессии другой страны приобретает особое значение. Поэтому основная цель работы заключается в анализе правозащитной деятельности Представительства Президента Украины в Автономной Республике Крым. В статье доказано, что статус Представительства развивался в 1992–2002 гг., с приобретением органом особенностей конституционного института общегосударственного характера и получением функций специального конституционного контроля в АРК. Постепенно до 2014 г. правозащитное измерение деятельности Представительства усиливалось, но качественное преобразование вектора его работы произошло уже после внутреннего перемещения органа на подконтрольную территорию из временно оккупированного Крыма. Определено, что особую*

роль в этом играют предписания Плана неотложных мер по противодействию российской агрессии с временно оккупированной территории Украины в Крыму, защиты интересов государства, граждан Украины и украинских юридических лиц в Крыму на 2018–2019 гг. Установлено, что к 2017 г. Представительство не использовало институт конституционного обращения для реализации собственных полномочий и утратило ныне возможность подачи любых актов в органы конституционной юстиции. Важным есть тот факт развития взаимодействия Представительства и Конституционного Суда в деле защиты конституционных прав и свобод человека для перемещенных лиц и населения временно оккупированного Крыма.

Ключевые слова: конституционная жалоба, конституционный контроль, конституционные права, Представительство Президента Украины в АРК.

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HUMAN RIGHTS DEFENCE ACTIVITIES OF THE MISSION OF THE PRESIDENT OF UKRAINE IN THE AUTONOMOUS REPUBLIC OF CRIMEA

Abstract. *The protection of human rights and freedoms during the aggression of another country is of particular importance. Therefore, the main purpose of the work is to analyze the human rights activities of the Office of the President of Ukraine in the Autonomous Republic of Crimea. The article proves that the status of the Mission developed in 1992–2002, with the acquisition of the body of the features of the all-state constitutional institute and its functions as special constitutional control in the ARC. Gradually, the Human Rights dimension of the Mission's activities was intensified till 2014, but a qualitative transformation into the vector of the work of the body took place only after the internal movement of the body to the controlled territory from the temporarily occupied Crimea. The requirements of the Plan of Urgent Measures on Counteraction the Russian Aggression from the Temporarily Occupied Territory of Ukraine in the Crimea, on Protecting the Interests of the State, of the Citizens of Ukraine and of the Ukrainian Legal Entities in the Crimea for 2018–2019 play a special role in this process. Until 2017, the Mission did not use the institution of constitutional appeal for the exercise of its competence and lost the opportunity to submit any acts to the constitutional justice bodies in 2017. The development of the interaction between the Mission and the Constitutional Court of Ukraine for the protection of Constitutional Rights and Freedoms of the internally displaced persons and of the population of the temporary occupied Crimea seems to be important for further researches.*

Keywords: *constitutional complaint, constitutional control, constitutional rights, Representation of the President of Ukraine in the ARC.*

INTRODUCTION

The issues of the legal status of the President of Ukraine Mission in the Autonomous Republic of Crimea (hereinafter – the Mission) in the field of the human and civil constitutional rights and freedoms protection within the framework of the mechanism establishment opposing Russian aggression are of particular importance today

and are the purpose of this article. In the modern context of the temporary Crimea occupation, one of the key forms of activities undertaken by the Mission is the human rights component. Strangely enough, but the constitutional and legal and administrative and legal dimensions of activities, functions, status, and legal nature of the Mission as a separate constitutional body and quite specific body of state authority have not been the subject of a special scientific research [1–6].

It should be noted that firstly Mission was mentioned in Art. 18 of the Law of Ukraine No. 2167-XII dated March 5, 1992 “On the Mission of the President of Ukraine”, according to which the President of Ukraine had his Mission in the Republic of Crimea, status of which should be determined by a separate law. The author also noted that the human rights in dimensions of the President Representatives powers were not mentioned in general in the Law No. 2167-XII [7]. But a special Law No. 2875-XII dated December 17, 1992 “On the Mission of the President of Ukraine in the Republic of Crimea” in Section 4 of article 6 specified the tasks of the Mission as “the exercise of powers conferred by the Constitution of Ukraine on the civil rights and freedoms protection”. To perform the tasks of the Mission, the Permanent Representative of the President of Ukraine in the Republic of Crimea had a right to attend “legislative and executive bodies of the Republic of Crimea with the issue concerning jurisdiction of Ukraine in case of any acts adoption that contradict the Constitution and laws of Ukraine or restrict constitutional civil rights and freedoms” and inform the President of Ukraine on these issues [8].

On March 31, 1994, permanent Mission of the President of Ukraine was established and the Permanent Representative of the President was appointed by the Decree of the President of Ukraine No. 119/94 in the Crimea. The structure and maximum number of the staff in the Mission was approved by the Order of the President No. 119/94 dated May 12, 1994, which were subsequently amended, in particular, the number of deputies of the Permanent Representative was constantly changed [9; 10]. Later, current name of the Mission was introduced, its powers were extended and the Regulation on the Mission was approved by the Order of the President of Ukraine No. 100/96 dated January 31, 1996, for the period until the new Constitution of Ukraine adoption in 1996. According to Art. 4 of the Regulation, the Mission, among the other things, shall protect the civil rights and legitimate interests in the territory of the Autonomous Republic of Crimea (ARC) within the limits of its authorities. Although no human rights were mentioned among activity bases of the Mission as established in Art. 5 of the Regulation, according to cl. “g” of art. 9 of this act for the main tasks performance specified in the law No. 2875-XII, the Mission had to contribute to the constitutional civil rights and freedoms protection exercise, civil peace and international agreement achievement [11].

1. MATERIALS AND METHODS

The main tasks of this article are:

– to make retrospective analysis of the human rights function expansion of the Mission,

– to study practice of the constitutional rights protection by this body, to define the specific features of the Mission activities with the development of the system of constitutional justice of Ukraine.

To perform the above tasks and to achieve the goals of the article, a number of theoretical methods were applied. The main theoretical basis for study involved legal documents adopted in Ukraine for the period of independence, which related to establishment and organization of the Mission of the President of Ukraine activities in the Autonomous Republic of Crimea. In particular, a retrospective analysis of such documents was made, which allowed to monitor the process of Mission activities formation as a control body of the state, to give characteristics of its constitutional status, powers and structure in the order of their chronological formation.

The analysis of the regulations defining the main principles of the Mission activities at the current stage has been made. The new stage of the Mission activities started after Russian aggression and peninsula annexation, which resulted in significant changes in the Mission activities and set a number of qualitatively new tasks. The features of the Mission activities in current conditions, in particular, fulfilment of its main function – implementation of the measures on the human rights observance – were defined and characterized.

2. RESULTS AND DISCUSSION

2.1. Characteristics of the Mission powers in legislative acts

It should be considered that Section X of the Constitution of Ukraine 1996 “The Autonomous Republic of Crimea” had a separate article 139, according to which the Mission of the President of Ukraine, which status is determined by a separate law, shall operate in the ARC. Mission became a constitutional authority of Ukraine, but without any tasks and powers defined in the Basic Law that had to be derived from the constitutional powers of the President of Ukraine. However, the constitutional and administrative legal status of the Mission in the national science has not yet been the subject of special comprehensive studies.

It should be added that activities of the Mission as a state control body and authorities of the Permanent Representative were set forth in part 4 of article 5 and part 3 of article 37 of the current Constitution of the ARC adopted by the Verkhovna Rada of the ARC on October 21, 1998 and approved by the law of Ukraine No. 350-XIV on December 23, 1998 [12]. According to the Order of the President of Ukraine No. 162/97-пр dated April 11, 1997, the Mission staff was reduced from 70 to 35 persons (in the future the number of Mission staff varied between 26 and 29 persons). It should be noted on the functional structures of the Mission which included Legal, Informational and Analytical Departments, Economic Departments and HR Department [13]. By the Order of the President of Ukraine No. 68/98-рп dated March 27, 1998 the Mission structure included International Relation Department consisted of

four persons [14]. Pursuant to Decree of the President of Ukraine No. 573/2000 dd. April 7, 2000, the Secretariat of the Council of Representatives of the Crimean Tatar People (CRCTP) as a form of the Majlis of the Crimean Tatar People recognition by Ukraine was established within the organizational structure of the Mission. The Secretariat (two persons from the staff) was established pursuant to the submission of the CRCTP Chairman and existed in the Mission structure till 2014. [10].

Thereafter the current constitutional status of the Mission was outlined by a special law of Ukraine No. 1524-III dd. March 2, 2000 in its current edition. The Law of Ukraine No. 1524-III defined that the Mission was a state authority established to promote powers entrusted to the President of Ukraine in the ARC and directly subordinated to the President, establishing by this act functions of the Mission. According to cl. "b" of art. 6 of the Law No. 1524-III Mission should contribute to the human and civil constitutional rights and freedoms observance and the interethnic concord achievement in the ARC.

According to cl. "a" of art. 10 of this Law, the Permanent Representative shall perform instructions issued by the President of Ukraine aimed at ensuring powers of the President of Ukraine fulfilment as a guarantor of the human and civil rights and freedoms. According to cl. "c" of art. 10 of the said Law, the Permanent Representative is authorized, among other things, to submit to the Verkhovna Rada and the Council of Ministers of the ARC, local state administrations and local self-government bodies in the ARC if they adopt normative legal acts that violate the civil rights and freedoms, with the requirement to remove these violations, informing the President of Ukraine; such submission is subject to mandatory review in extraordinary order. In case of improper response to submission of the Permanent Representative concerning illegality of the normative legal acts adopted, the Permanent Representative shall make proposals to cancel or suspend such acts directly to the President of Ukraine [15]. So, the law No. 1524-III defined the essential human-rights competence of the Mission at the regional level.

The author adds that the Decree of the President of Ukraine No. 1433/2005 dated October 12, 2005 approved a new structure of the Mission, including Analytical Service and Legal Service in it (from 2007 – Legal Analysis Service), organizational (since 2007 – Organizational and Control) Service and Secretariat of the CRCTP [16]. In this way, the human rights functions were split between the Services of the Mission at that time. Laws and bylaws until 2014 did not ensure Mission tasks implementation in the sphere of interaction with authorities of Ukraine, foreign states and international organizations.

In February 2014 during the armed seizure of the Crimean peninsula by aggressor state, the activities of the Mission had to be ceases in Simferopol, and the management of the Mission moved from the occupied Crimea. The illegal occupation and criminal annexation of the Crimean peninsula by the aggressor state were not recognized by the world community of civilized nations and Ukrainian authorities. The

massive and cynical breach of the norms of international humanitarian law and international human rights law in the Crimea by Russia recognized at the legal documents level of the UN General Assembly, the Council of Europe bodies, OSCE and the European Union, raised fundamentally new tasks for the human rights protection in the ARC before the Ukrainian authorities [10, 17].

Also, by the Order of the President of Ukraine № 865/2014-пр dated May 16, 2014 to ensure the Mission activities resumption within the temporary occupation of the territory of Ukraine, the Mission was located in Kherson, territorially adjacent to the administrative border with the temporarily occupied territory (TOT) of Ukraine in the ARC [10; 18]. On May 24, 2014, by the Decree of the President of Ukraine No. 487/2014, the structure of the Mission was approved, which had to ensure its functioning within the temporary occupation of the Crimea. In addition to traditional Analytical and Information Service and Legal Analysis Service it included in its structure the TOT Service and Citizen Service for the citizens who moved from TOT, with no CRCTP Secretariat being mentioned [19]. Powers of the Mission were not modified by these acts in 2014; later, by the Decree of the President of Ukraine No. 194/2015 dated April 3, 2015 the Mission was finally deprived of its function on ensuring CRCTP activities, which had to be located in Kyiv.

2.2. Characteristics of a new stage in the Mission human rights functions implementation

A new stage in the human rights function implementation of the Mission started after approval of the Decree of the President of Ukraine No. 16/2016 dated January 20, 2016 approved “to ensure the civil constitutional rights and freedoms observance to Ukrainian citizens residing in TOT or migrated from there and staying on the territory of Ukraine” [20] By Decree No. 16/2016 the Mission was assigned to intensify its activities in cooperation with the central executive authorities and local self-government bodies:

- to promote civil and human rights and freedoms observance as stipulated by the Constitution and laws of Ukraine and international treaties with respect to the citizens of Ukraine residing in or migrating from TOT and legally staying in the territory of Ukraine, in particular to take measures in order to support and ensure political, social, informational, cultural and other relations with Ukrainian citizens residing in TOT;

- to monitor the observance of the rights and legitimate interests of the citizens of Ukraine who moved from TOT and legally stay on the territory of Ukraine, to make duly proposals regarding termination, removal and prevention of the rights and legitimate interests of such persons restrictions and violations;

- to study social, economic and political processes in TOT, to prepare relevant analytical materials and to submit them to the President of Ukraine for review;

- to make proposals on the laws and acts of the President of Ukraine concerning rights and legitimate interests protection of the persons who moved from TOT and legally stay on the territory of Ukraine, on the other matters of competence of the Mission;

- to take part in the strategic programs development to return TOT under the jurisdiction of Ukraine;

- to inform the public about authority exercised by the President of Ukraine to ensure observance of the constitutional rights and freedoms of Ukrainian citizens residing in TOT, who moved from TOT and legally stay on the territory of Ukraine.

Moreover, the Decree No. 16/2016 approved the new structure of the Mission and limited number of employees amounting to 28 staff units; the International Relations Service was introduced and was left in the structure of the Service for citizen who moved from TOT; TOT Service was reorganized into the Crimean Reintegration and De-occupation Service. This act recognized the expediency of the temporary Mission location in Kherson, but with its separate structural divisions location in Kyiv, to “ensure operational interaction” with the central executive authorities, auxiliary agencies and services established under the President of Ukraine. It was planned to locate staff of the Legal Analysis and International Relations Services in Kyiv headed by the Deputy Permanent Representative – Head of the International Relations Service.

It was planned by the Decree of the President of Ukraine No. 221/2017 dd. August 17, 2017 to include special duties of the First Deputy Permanent Representative on the issues of the Crimean Tatar People in the development of above regulations ceasing to tie positions of the Deputy Permanent Representative and Head of the International Relations Service. Position of the Mission Chief of Staff was introduced in the staff of the Mission according to the new laws on civil service of Ukraine [21]. Consequently, in 2014–2017, at the subordinate level, assumptions for substantial strengthening of the human rights function of the Mission were made with the possibility of their implementation both on the territory under control of Ukraine and on the international level. At the same time, based on changes made in by-laws for 2014–2017, there is some regulatory uncertainty both in the format of external Mission activities at the international level and the role of the Mission concerning the Crimean Tatar People rights protection, in particular for interaction with the CRCTP and with the Commissioner for the President of Ukraine in the affairs of the Crimean Tatar People.

On December 22, 2017, the Crimean House in Kyiv hosted a round table entitled “Mission of the President of Ukraine in the Crimea: reassessment of activities in terms of Russian aggression”, dedicated to the 25th anniversary of the Mission establishment. The event was participated by the representatives of the central executive authorities, law enforcement bodies, people’s deputies of Ukraine, leadership of the Mejlis of the Crimean Tatar People, representatives of the Project Coordinator and the OSCE Special Monitoring Mission, the UN Human Rights Monitoring Mission,

the Mission of the International Committee of the Red Cross, the EU Mission in Ukraine, Council of Europe in Ukraine, embassies, scientists and experts. The recommendations of the round table specified that for a long period after Crimea occupation by the aggressor state, activities of the Ukrainian authorities on the issues of peninsula de-occupation and reintegration were marked by low level of coherence and coordination. In particular, until recently no significant funds in terms of international technical assistance were attracted by the central executive bodies or no funds of the State Budget of Ukraine were directed for solving urgent issues of Crimea reintegration and de-occupation. After establishment of a special central executive body – the Ministry for Temporary Occupied Territories and Internally Displaced Persons – other central executive authorities continue performing their own functions concerning temporarily occupied territories and internally displaced persons within the limits of the competence specified by the laws.

Consequently, the Mission was defined as a separate state body established in accordance with the Constitution of Ukraine in order to promote for Crimea powers execution imposed on the President of Ukraine, ensuring interaction in this area between the structures of civil society and state authorities of Ukraine. It seems to be a successful territorial form of state administration on the issues of Crimea de-occupation and reintegration to choose the location of the Mission in Kherson with a separate division in Kyiv. In these circumstances, the round table participants acknowledged the following initiatives of the Mission leadership as expedient and urgent concerning:

- inadmissibility in the future to substitute activities of the state authorities of Ukraine in relation to the policy formation and implementation concerning Crimea with activities of the human rights, volunteer and other public formations;
- strengthening the quality of analytical work on economic, security, social, humanitarian and other processes taking place in the Crimea in terms of Russian occupation, by continuously receiving the relevant information from authorities by the Mission, its processing and provision to the President of Ukraine;
- formation of the Expert Council at the Mission as a platform for the scientific and expert opinion concentration on the issues of Crimea de-occupation and reintegration;
- continuing law enforcement units and other competent state bodies concentration in Kherson region competent in the field of Crimea reintegration and de-occupation, counteraction to Russian aggression with their activities coordination by the Mission within its authority;
- establishment of the high-level working group from representatives of all competent central authorities under the auspices of the Mission with periodic elaboration of the urgent issues of Crimea reintegration and de-occupation, counteraction to Russian aggression on the peninsula, and proposals provided to the President of Ukraine;

– elaboration of the Plan for urgent measures to counter the Russian aggression from the temporarily occupied territory of Ukraine in the Crimea, protection of the state, citizens of Ukraine and Ukrainian legal entities interests in the Crimea (hereinafter referred to as the Plan) and the Crimean Reintegration Strategy as a set of measures to be taken after the peninsula de-occupation.

2.3. Features of the human rights measures

Approved on June 20, 2018 The Plan provides for a series of activities that directly relate to the rights of people from the Crimea and are already elaborated by the Mission; meanwhile, the relatively large number of instructions in the draft Plan is devoted to the constitutional rights protection not of the IDP (internally displaced persons) but the citizens of Ukraine, who live in TOT of Ukraine in the Crimea, in particular those who temporarily arrived to the controlled territory to exercise and protect their own rights and needs, to receive administrative services, etc. The following measures of the draft Plan devoted to the constitutional human rights protection and implementation shall be distinguished:

– elaboration of the draft law of Ukraine on the results of the interdepartmental seminar on the opportunities for the citizens of Ukraine residing in the TOT of Ukraine in the Crimea to participate in the elections of the President of Ukraine and people's deputies of Ukraine for an additional specified period before the day of election at the designated polling stations;

– implementation of a fully-fledged IDP register that will efficiently operate; introduction of the centralized accounting system for the residents of the TOT of Ukraine in Crimea who receive administrative services on the territory under control;

– determination of the state of military accounting of IDP from the TOT of Ukraine in the Crimea, identification of the relevant weaknesses and obstacles to its implementation; determination of the algorithm for the introduction of the centralized military accounting of TOT residents arriving on the territory under control of Ukraine according to the results of the meeting;

– formation of an effective algorithm for the accounting system establishment and projects coordination on the international technical assistance to the TOT population of Ukraine in the Crimea and IDP from the Crimea; information coverage on the accounting system and projects coordination concerning international technical assistance to the citizens of the TOT of Ukraine in the Crimea and IDP from the Crimea in mass media activities;

– on the results of the interdepartmental meeting algorithm formation for a special control and reporting on the planning and international technical assistance funds spending concerning the citizens of the TOT of Ukraine in the Crimea and the IDP from the Crimea, order for this fund financing from the sources of international technical assistance and other sources, order of control over funds use by the international organizations, reporting on the public fund activities; elaboration draft law of

Ukraine development following the results of the interdepartmental meeting on change to the budget legislation with the order introduction for the relationship of the public fund material assistance provided to the population of the TOT of Ukraine in the Crimea and IDP of the Crimea with the budget system of Ukraine;

- special control algorithm formation, following the results of the interdepartmental meeting, and reporting on the State Budget of Ukraine funds planning and spending for the budget programs concerning the citizens of the TOT of Ukraine in the Crimea and IDP from the Crimea, relevant public platform creation and results of the relevant control measures display by media;

- introduction of the mechanism for the scientists accounting who are the IDPs from the Crimea and live on the territory controlled by Ukraine, elaboration of the information received; international technical assistance receipt from the international organizations and foreign states in the framework of the mechanisms developed to finance activities in the fields of economic, ecological, medical, cultural, historical, and other social sectors of knowledge by Ukrainian scholars who are the IDPs from the Crimea living on the territory controlled by Ukraine;

- meetings with the representatives of the international organizations and foreign states on the issue of the residents of the TOT of Ukraine and IDPs from the Crimea education in higher educational institutions of the civilized countries of the world; sharing of information in educational institutions of Ukraine, in the Internet, and in social advertising on the residents of the TOT of Ukraine and IDPs from the Crimea education in higher educational institutions of the civilized countries of the world.

- draft mechanism for public competitive financing of public associations from the State Budget of Ukraine which implement the projects on the issue of TOT of Ukraine in the Crimea and IDPs from the Crimea and the draft passport for the relevant budget program and draft changes and amendments to the relevant regulations; project coverage in mass media, meetings with the representatives of the international organizations and foreign states on its formation;

- elaboration of the mechanism how to determine the representativeness and interaction of public associations which represent the IDPs, in particular, from the Crimea in the form of the relevant draft memorandum, and its provision for joining to the interested associations and institutions;

- submission of the draft Law of Ukraine, following the results of expert meetings, on the issue of quota implementation for the IDPs, in particular, from the Crimea in the election lists of political parties and the issue of TOT de-occupation and reintegration in election programs of political parties to the subjects of legislative initiative;

- following the results of the meeting elaboration of the mechanism of athletes participation who are IDPs for the Crimea in the national and international sports events, relevant forms of their material and organizational support; introduction of the system of athletes accounting from the TOT of Ukraine in the Crimea and IDPs

from the Crimea with the prospect of their participation in the national and international sports events [22].

It should be added that the human rights activities of the Mission specified above, do not unfortunately correlate with the reform of the constitutional justice system that took place in 2017. According to art. 150 of the Constitution the powers of the Constitutional Court of Ukraine (hereinafter referred to as the CCU) include the issue on the constitutionality both the laws and other legal acts adopted by the Verkhovna Rada of Ukraine (hereinafter – the Verkhovna Rada of Ukraine), memorandum of the President of Ukraine and the Cabinet of Ministers of Ukraine, and legal acts of the Verkhovna Rada of the ARC, as well as official interpretation of the Constitution of Ukraine; these issues as provided for in cl. 1 and 2 of part 1 of this article may be considered by the CCU, among other things, according to the constitutional submissions of the Verkhovna Rada of the ARC. Non-reproduction of this Verkhovna Rada (and the Council of Ministers of the ARC) on the territory under control after the ARC occupation makes impossible the constitutional submission from the divisions of Crimean autonomy.

Moreover, the Mission deprived of its right to a constitutional submission from 1996 (which seems to be generally logical, when the President of Ukraine has such a right) till 2017 formally had a right to constitutional appeal, but with the transformation of this institute in the context of the constitutional justice reform, it did not receive the right to a constitutional claim. After all, although in art. 151-1 of the current version of the Basic Law, such a right to apply to the CCU concerning the constitutionality of the law of Ukraine is provided for all persons who consider that the law of Ukraine applied in the final court judgement in its case contradicts with the Constitution of Ukraine, provided that all other national remedies are exhausted, – under par. 2 of part 1 of article 56 of the new Law of Ukraine “On the CCU” No. 2136-VIII dated July 13, 2017, the subjects of the right to the constitutional claim do not belong to the legal entity of the public law [23], in particular – the Mission.

CONCLUSIONS

By summing up, it is worth to come to such conclusions. The status of the Mission was developed in 1992–2002 as a part of the Crimean autonomy evolution and the system of power distribution in the state of Ukraine, when the Mission acquired features of the all-Ukrainian constitutional institute and received the functions of special constitutional control over the ARC authorities, coherent functions before the President of Ukraine and other all-Ukrainian bodies. By strengthening respect for the constitutional rights and freedoms, the human rights dimension of the Mission activities was intensified, but a qualitative transformation of the body vector operation took place after internal body movement to the territory controlled from the temporarily occupied Crimea. A special role in this process was played by the instructions included in the Plan for Urgent Measures to Counter Russian Aggression

from the Temporarily Occupied Territory of Ukraine in the Crimea, and State, Citizens of Ukraine and Ukrainian Legal Entities Interests Protection in the Crimea for 2018–2019, approved by the Order of the Permanent Representative of the President of Ukraine in the ARC No. 17 dated June 20, 2018. By 2017 the Mission did not use the institution of constitutional appeal for its powers exercise and lost the opportunity to submit any acts to the CCU in accordance with the Law No. 2136-VIII dd. July 13, 2017. Further Mission development, destined for cooperation with the CCU in the constitutional rights and freedoms protection for the IDPs and the population of the temporary occupied Crimea, requires additional research.

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