



Unrepresented Nations and Peoples Organization (UNPO) Individual  
Stakeholder Submission to the Office of the High Commissioner for  
Human Rights regarding the Universal Periodic Review of Ukraine  
during the 14<sup>th</sup> Session, October – November 2012

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### Introduction to the Crimean Tatars

1. The Crimean Tatars are indigenous to the area within Ukraine currently known as the Autonomous Region of Crimea, where they now comprise 13% of the population. Under the Soviet rule, the Crimean Tatars were unjustly scapegoated and eventually labelled as traitors. The entire Crimean Tatar population (estimated at around 200,000) was forcibly deported to the Urals, Siberia, and Uzbekistan, more than half of them perishing in the process. Soviet authorities systematically destroyed most instances of Crimean Tatar existence and identity. Crimean Tatars largely consider themselves to be victims of genocide under the Soviet regime. This history of demographic manipulation through mass deportation is the origin of many of the challenges currently faced by the Crimean Tatars.

2. The Crimean Tatars have been trying to return to their homeland starting in 1967 and have faced systematic discrimination and violations of their human rights since. At the root of the problems is the confiscation of Crimean Tatar land and property which followed their deportation. Crimea is a highly valued commercially and politically strategic area for both Ukraine and Russia and this causes Crimean Tatar interests and enforcement of their human rights to be left unaddressed or wilfully neglected.

### Main Issues of Concern

#### A. Cultural Rights

3. The Crimean Tatar culture has been severely affected by their deportation during World War II and has hardly recovered since. The restoration of their religious life has been particularly difficult considering the Crimean Tatars are Sunni Muslims, while the majority population in Crimea is Orthodox Christian. Pervasive Islamophobia and xenophobia have proven major impediments to the respect of the Crimean Tatars' freedom of religion. They often face great difficulties in securing authorizations to build mosques. For instance it took no less than seven years for the Crimean Tatars to obtain a land plot for the construction of the great mosque in Simferopol due to anti-Muslim feelings in the local administration<sup>1</sup>, while more than five plots for Orthodox churches were allocated in the same time frame<sup>2</sup>.

4. Crimean Tatar historical heritage is endangered because of the lack of action by the State. With several monuments and historical sites destroyed during the deportation era, many of the remaining sites are currently at risk of becoming derelict because of major defects in their organization and management. Several are still unregistered and abandoned, benefit private individuals, or are vandalized<sup>3</sup>. A 2011 visit by UNESCO expert professor Mr. Bernd von Droste

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<sup>1</sup> Religious Information Service of Ukraine, *Simferopol Authorities Allocate Land for Central Mosque*, February 2011, retrieved from [http://risu.org.ua/en/index/all\\_news/other\\_confessions/islam/40741/](http://risu.org.ua/en/index/all_news/other_confessions/islam/40741/).

<sup>2</sup> Head of Mejlis of the Crimean Tatar People Mustafa Dzhemilev, Speech delivered to the European Parliament in Brussels, *Stability in Crimea: Problems and Prospects*, March 2010.

<sup>3</sup> At least six major instances of vandalism have occurred since 2007, including desecrations of Crimean Tatar cemeteries and deportation memorials. The latest act concerns the desecration of a cemetery in the Sarailly-Qiyat settlement. See Mejlis of the Crimean Tatars People, *Impunity Encourages vandalism*, March 2012, retrieved from <http://qtmm.org/en/news/1157-impunity-encourages-vandalism>.

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confirmed those problems<sup>4</sup> and the urgent need for the preservation of this heritage. The importance of the Crimean Tatar heritage is further eclipsed by the fact that nearly all geographical and cultural sites were given a Russian name after the deportation between 1945 and 1948. The State has ignored all requests to restore the original names. This obliterates the contribution of the Crimean Tatar culture to the Ukrainian society and weakens their collective memory.

5. The preservation of the Crimean Tatar language remains a serious issue in Ukraine. During the deportation era, Crimean Tatars were prevented from speaking their language in the public sphere and few efforts have been made after their return to revive it. Though it is now one of the official languages in Crimea, the implementation of this policy is still inconsistent. Consequently official documents are not translated into Crimean Tatar, which precludes them from participating in national mechanisms or understanding their rights. The ratification of the European Charter for Regional or Minority Languages has not led to any concrete policies, and the Crimean Tatar language is now listed as a “severely endangered” language by the UNESCO.

6. The dire lack of cultural and educational material in Crimean Tatar contributes to that predicament. While some government efforts were made to support local media in Crimean Tatar, such as two state-funded newspapers in the Crimean language (*Qirim* and *Yany Diunia*), and the allocation of 7% of State television broadcast time to programmes in Crimean Tatars, general conditions have worsened for the past two years due to irregular funding by the State. Several Crimean Tatar news outlets had to stop their online publications<sup>5</sup>, which played a crucial role for those who are still in exile, and the newspaper *Qirim* was not published for months because the State temporarily interrupted its funding<sup>6</sup>. The dramatic lack of quality educational material in Crimean Tatar is also a cause of concern. School textbooks are either unavailable in Crimean Tatar and/or promote a biased and derogatory image of the Crimean Tatars. This issue has already been brought up several times but has not been addressed yet<sup>7</sup>.

7. Education in Crimean Tatar language remains scant. There are only 15 schools in which Crimean Tatar is the main language of instruction, while there are more than 40,000 children of school age<sup>8</sup>. These schools only offer 4-year programmes, after which students continue their education only in Russian.<sup>9</sup> Consequently, fewer than 10% of those pupils receive an education in their own language<sup>10</sup>. The lack of funds allocated by the State for the Crimean Tatars is largely responsible for this situation<sup>11</sup>. In Simferopol there are only two universities in which professors can train to teach Crimean Tatar literature. The situation is alarming in this respect, as relentless efforts are needed to overcome the educational and cultural gap caused by the deportation era.

<sup>4</sup> Mejlis of the Crimean Tatars People, *Results of the 2nd Mission of International Expert Commission on Inclusion of Crimean Monuments to UNESCO World Heritage List*, October 2011.

<sup>5</sup> The Moscow Times, *Internet Editions of Crimean Tatar Newspapers Disappearing*, February 2010, retrieved from <http://www.themoscowtimes.com/columns//article/internet-editions-of-crimean-tatar-newspapers-disappearing/398743.html>.

<sup>6</sup> Crimean News Agency, *Issue of newspapers ‘Qırım’ and ‘Krymska Svitlytsia’ to be resumed, presidential aide says*, August 2011.

<sup>7</sup> Unrepresented Nations and Peoples Organization, *Alternative Report submitted to the UN CERD Committee at the 79th session during the consideration of the 19th to the 21st periodic reports of Ukraine*, July 2011.

<sup>8</sup> Commissioner for Human Rights, *Report by the Commissioner for Human Rights Mr Thomas Hammarberg*, September 2007.

<sup>9</sup> Unrepresented Nations and Peoples Organization, *Crimean Tatars: A Missing Piece in Ukrainian Society Restoration of Crimean Tatars Rights*.

<sup>10</sup> Head of Mejlis of the Crimean Tatar People Mustafa Dzhemilev, *Speech delivered to the European Parliament in Brussels, Stability in Crimea: Problems and Prospects*, March 2010.

<sup>11</sup> For instance in 2009 only 53 million hryvnias (5 million euros) were allocated for the integration of the Crimean Tatars, while the construction of a school for 500 pupils costs about 40 million hryvnias (4 million euros). See United States State Department, Bureau of Democracy, Human Rights and Labor, *2010 country report on human rights practices – Ukraine*, 2010, retrieved from <http://www.state.gov/documents/organization/160481.pdf>.



## B. Economic and Social Rights

8. The deportation of the Crimean Tatars from their homeland is at the core of their current economic and social position. It is estimated that the cost of private property seized from them represents at least 4,6 billion euros<sup>12</sup>. After they returned, Crimean Tatars were excluded from the privatization process. Article 25 of the Land Code of 2001 states that lands of collective and State farms can be owned only by former workers of those enterprises, which effectively precluding the Crimean Tatars from participating in the redistribution process since they were in exile at that time. This issue is of particular concern since 86% of Crimean Tatars live in rural areas and have therefore no access to agricultural land. As there is no special law on the restitution of property confiscated before the deportation, Crimean Tatars have not been able to bring their claims to court. Return to Crimea is still slow and expensive for the Crimean Tatars in exile, and reportedly 100,000 to 150,000 Crimean Tatars still live abroad, mostly in Uzbekistan.

9. In May 2006, Decision No. 637 was adopted by the Cabinet of Ministers to address the challenge of the returned Crimean Tatars, following the veto of the bill on the Restoration of the Rights of Persons Deported on Ethnic Basis by former president Leonid Kuchma<sup>13</sup>. Unfortunately that decision is ineffective today due to irregular funding, continuing increases in land prices, and the rejection of the return of lands by some local councils<sup>14</sup>. Even following several special land commissions, major irregularities in land allotment in Crimea, including corruption issues involving officials and private companies continue<sup>15</sup>. The lack of political will to implement legislation intending to protect vulnerable populations consequently means many Crimean Tatars do not find housing in settlements<sup>16</sup> and have to resort to illegal settlement on idle land in slum-like conditions.

10. Housing conditions for Crimean Tatars accordingly are causes for great concern, due to the lack of even basic infrastructure. Even among the 300 Crimean Tatar settlements allocated by the State, only 75% are connected to running water, while 15% have access to gas and 12% have paved roads<sup>17</sup>. There are practically no sewage systems and transportation and telecommunications networks. Most of the settlements are also lacking in educational or healthcare facilities. The living conditions are worse for settlements in rural areas, where 45% of them have no access to running water<sup>18</sup>. Directly due to unsanitary conditions and the lack of access to healthcare, Crimean Tatars are at high risk of chronic diseases and experience high mortality rates. The level of peripheral nervous system disease is three times higher than the national average<sup>19</sup>.

11. Unemployment disproportionately affects the Crimean Tatars population, with their unemployment rate at 12%, which is about 2,5 times the rate of the general population in Crimea<sup>20</sup>. Pervasive discrimination has affected the

<sup>12</sup> Head of Mejlis of the Crimean Tatar People Mustafa Dzhemilev, Speech delivered to the European Parliament in Brussels, *Stability in Crimea: Problems and Prospects*, March 2010.

<sup>13</sup> This law remains unsigned despite having been brought up in the Parliament several times since 2006, as was noted by the OSCE's High Commissioner on National Minorities during his visit to the Crimean Tatar Mejlis in March 2011.

<sup>14</sup> Radio Free Europe, *Thousands Of Crimean Tatars Rally To Demand Land Restitution*, July 2009.

<sup>15</sup> Head of Mejlis of the Crimean Tatar People Mustafa Dzhemilev, Speech delivered to the European Parliament in Brussels, *Stability in Crimea: Problems and Prospects*, March 2010.

<sup>16</sup> Of the over 6000 Crimean Tatar families on the waiting list, only 387 were allocated housing between 2007-2010. See Committee on the Elimination of Racial Discrimination, Report submitted by State parties under article 9 of the Convention: Ukraine (CERD/C/UKR/19-21) para. 100, 2010.

<sup>17</sup> Presentation by the Chairman of the Permanent Commission of the Verkhovna Rada of the AR of Crimea for Inter-Ethnic Relations R.Ilyasov at the Congress of the Crimean Tatar people, May 2009.

<sup>18</sup> Razumkov Center, National Security & Defence, *Crimean Society: Dividing Lines and Prospects of Consolidation*, 2009.

<sup>19</sup> Rustem M. Ablyatfov, Working Group on Democratic Governance of Multiethnic Communities, *The Adaptation and Integration of Formerly Deported Crimean Tatars in Ukraine: Evaluation of the Governmental Programme Impact in 2002*, May 2004.

<sup>20</sup> Razumkov Center, National Security & Defence, *Crimean Society: Dividing Lines and Prospects of Consolidation*, 2009.



Crimean Tatars since they returned<sup>21</sup> and deprives them of equal opportunities for employment, especially in local administration positions where they represent only 5% of the workforce<sup>22</sup>. Consequently, 60% of Crimean Tatar families are unable to afford basic necessities, including food. Most of these families have to rely on pensions and petty trade for subsistence<sup>23</sup>. The financial crisis has taken a dramatic toll on the community, where the number of families who cannot afford basic nourishment increased 3,3 times against 1,6 for the general population<sup>24</sup>. Indeed, job cuts apply first to the people who were hired the most recently, who for historical reasons are the Crimean Tatars.

### 3. Civil Rights

12. Relations between the Crimean Tatars and Ukrainian institutions are strained, especially with the police forces and the judiciary. Violence and police abuse is widespread against the Crimean Tatars despite Presidential Decree No. 435/2008 “On additional measures to ensure the observance of the rights of citizens residing in the territory of the Autonomous Republic of Crimea, on the ground.” Crimes committed by the police or individuals are not properly investigated despite clear rises in racially-motivated attacks<sup>25</sup>. On several occasions the police and/or the judiciary have failed to react to heinous acts against the Crimean Tatars<sup>26</sup>. This comes as no surprise considering the low representation of the Crimean Tatars in those institutions: they constitute just 4% of the police forces and are almost completely absent from the judiciary<sup>27</sup>. Despite this situation, the State refuses to implement any linguistic and/or ethnic recruitment policies.

13. The political representation of the Crimean Tatars is unsatisfactory and has worsened for the past two years. Crimean Tatars are largely underrepresented in decision-making bodies. The Crimean Tatars represent about 13% of the Crimean population, but hold only five seats in the 100-member Verkhovna Rada of Crimea, about 1000 local positions throughout Crimea and only one seat in the national Parliament<sup>28</sup>. Crimean Tatar leaders have repeatedly called for changes in the electoral law since it does not provide for the creation of regional political parties that would increase their representation<sup>29</sup>. The Crimean Tatars are also underrepresented in the executive bodies of the autonomous government, where they make up around 4-5% of the representatives<sup>30</sup>. Finally, the State does not recognize the traditional institutions of the Crimean Tatars, the Qurultay and the Mejlis.

14. This lack of recognition extends to the very status of the Crimean Tatars. So far the State has refused to recognize the Crimean Tatars as one of the indigenous people of Ukraine, even though the Ukrainian Constitution of 1996

<sup>21</sup> Consequently the proportion of entrepreneurs is 50% higher among Crimean Tatars, since self-employment was often the unique solution. See Razumkov Center, *Crimean Society: Dividing Lines and Prospects of Consolidation*, 2009.

<sup>22</sup> Appeal of Crimean Tatar People, “Protect us from discrimination – help us to restore our rights!” Crimea, Ukraine, 2006-2011.

<sup>23</sup> Razumkov Center, National Security & Defence, *Crimean Society: Dividing Lines and Prospects of Consolidation*, 2009, retrieved from [http://www.razumkov.org.ua/eng/files/category\\_journal/NSD109\\_eng.pdf](http://www.razumkov.org.ua/eng/files/category_journal/NSD109_eng.pdf).

<sup>24</sup> *Ibid.*

<sup>25</sup> Human Rights Watch, *Country Summary: Ukraine*, January 2012.

<sup>26</sup> For example former Minister of the Interior Anatoly Mogilev defended the 1944 deportation of the Crimean Tatars without drawing national criticism. The police has also been reluctant to investigate the cases of militias raiding Crimean Tatars illegal settlements, despite the violence of those attacks.

<sup>27</sup> This issue was highlighted by OSCE High Commissioner on National Minorities Knut Vollebaek in 2009 during a visit to Ukraine. See OSCE, *OSCE High Commissioner brings police and minorities together in Crimea*, February 2009.

<sup>28</sup> Crimean News Agency, *More than 1,000 Crimean Tatars become deputies at all levels, Majlis vice-chairman*, November 2010.

<sup>29</sup> Under the current proportional electoral system Crimean Tatars must join all-Ukrainian political parties, even if they do not represent their ideas, if they want to have a chance to be involved in decision-making bodies. See United States State Department, Bureau of Democracy, Human Rights and Labor, *2010 country report on human rights practices – Ukraine*, 2010, retrieved from <http://www.state.gov/documents/organization/160481.pdf>.

<sup>30</sup> Mejlis of the Crimean Tatar People, «Many Crimean Tatars increase awareness of the fact that the state considers them as people of the second class», - *Jemilev Mustafa*, October 2011.



contains provisions on this issue in articles 11 and 92. Instead the Crimean Tatars are recognized as a “national minority”. This contradicts their right to self-identification as an indigenous people of Crimea and enables the State to overlook its obligations towards them in international treaties, notably regarding land and language rights.

### **Recommendations**

The Unrepresented Nations and Peoples Organization strongly urges Ukrainian authorities to consider the following recommendations:

*Respect for cultural rights, including construction of schools, development of quality scientific and educational material in the Crimean Tatar language, development of digital and print media in the Crimean Tatar language, registration and renovation of Crimean Tatar heritage,*

*Respect for religious rights, including allocation of land for the constructions of places of worship and measures for adequate protection of sacred sites,*

*Ratify the draft law “Restoration of the Rights of Persons Formerly Deported by Ethnic Origin”,*

*Improve the living conditions in the Crimean Tatar settlements, including construction of adequate infrastructures, facilities, and development of communications and transportation networks,*

*Take measures to increase the level of employment of the Crimean Tatars in the private and public sectors, including special measures as described in article 2 of the International Convention on the Elimination of All Forms of Racial Discrimination,*

*Take further measures to ensure that law enforcement officials, prosecutors and judges involved in enforcing the law relating to hate crimes and other violent acts of racial discrimination and xenophobia fully understand the nature of such crimes and that they are investigated properly,*

*Increase the political representation of the Crimean Tatars, including a reform of the electoral law and special measures as described in article 2 of the International Convention on the Elimination of All Forms of Racial Discrimination,*

*Formally endorse and ratify the United Nations Declaration on the Rights of Indigenous Peoples,*

*Formally recognize the Crimean Tatars as an indigenous people, and respect the distinct rights afforded to them by the U.N. Declaration on the Rights of Indigenous Peoples.*