

**Alternative Report submitted to the
UN Committee on the Economic, Social and Cultural Rights
for the consideration of the sixth report of Ukraine
during the 52nd session**



Unrepresented Nations and Peoples Organization

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Contents of this Report

Contents

Section A: Introduction to the Report	3
Section B: Introduction to the Crimean Tatars.....	4
Section C: Compliance with ICESCR	6
Article 1 – Right to Self-determination.....	6
Article 2 – Non-Discrimination	9
Article 6 – Right to work.....	10
Article 11 – Right to adequate standard of living.....	11
Article 12 Right to health.....	15
Article 13: Right to education.....	15
Article 15 - Cultural rights.....	18
Section D: Recommendations	21

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Section A: Introduction to the Report

This alternative report was submitted by the Unrepresented Nations and Peoples Organization (UNPO) on the occasion of the 52nd Session of the United Nations Committee on Economic, Social and Cultural Rights (henceforth, “the Committee”).

The framework of this report will comment upon relevant articles of the International Covenant on Economic, Social and Cultural Rights (henceforth, “ICESCR” or “the Covenant”) sequentially. The final section of the report raises questions that should be addressed and recommendations regarding concerns which are intended to inform the discussions taking place within the International Covenant on Economic, Social and Cultural Rights and between the Committee and the Ukrainian delegation at the 52nd Session.

This alternative report will focus on the situation of the Crimean Tatars in Ukraine and the Ukrainian government’s compliance with and implementation of the provisions in the International Covenant as it affects this particular group.

The major issue addressed in this report is the discrimination by the Ukrainian authorities against the Crimean Tatars, mostly discrimination based on language and religion resulting in deprivation of the right to education and religious freedom. Crimean Tatars are victims of the deliberate attempt by the Ukrainian authorities to destabilize the religious peace in Crimea. The Ukrainian government authorizes privatization and destruction of Crimean religious objects and buildings. Furthermore, the Ukrainian government misinforms on the state of integration of formerly deported persons into the Ukrainian society as well as fails to acknowledge the discrimination of Crimean Tatars.

The Crimean Tatars are represented at the UNPO by their elected representative body, The Crimean Tatar “Milli Mejlis”. They have been in UNPO since 1991 and are one of the founding members. UNPO believes that the Ukrainian government should proceed immediately towards the full restoration of the rights of Crimean Tatars in accordance with universally recognized principles of international law and in dialogue with the Mejlis of Crimean Tatar People. UNPO promotes the engagement of the international and particularly European community to support the process of restoring the rights of the Crimean Tatars.

The Hague, March 2014

Section B: Introduction to the Crimean Tatars

The Crimean Tatars are the indigenous people of Crimea. The Crimean Tatar ethnicity was formed as the result of synthesis and assimilation between Turkic and non-Turkic tribes that inhabited Crimea many centuries ago. In 1441, the Crimean Tatars were first declared an independent nation that was established while bringing together variety of ethnic groups. Haci Giray Khan, a direct descendant of Ghengis Khan, established the Crimean Khanate, which from that day onwards was part of the Ottoman Empire, adopting Islamic confession and Turkic language.¹

A turning point in the history of Crimean Tatars was in 1944, when Stalin ordered to deport the entire Crimean Tatar population from Crimea to the Ural and Siberia regions in Russia and Uzbekistan in Central Asia, former USSR. During the process of deportation 45% of the total population died because of hunger, thirst and diseases. In 1956 many of the survivors were released from the “Special Settlement Camp” and in 1967 an official decree exonerated the Crimean Tatars from any wrongdoing during the World War II. However the Crimean Tatars were still not welcomed in their historical homeland. It was not until 1988 that the ban on return was removed and that the Crimean Tatars were able to return to Ukraine.²

Most Crimean Tatars live on their ancestors land in Ukraine. According to the last population census in 2001 there were 248,200 Crimean Tatars in Ukraine³ (0, 51% of total Ukrainian population)⁴, 243,400 of which populate Crimea⁵. Since then, it is estimated that the population has increased. It is estimated that about 40,000 Crimean Tatars live outside Ukraine.⁶ The vast majority of Crimean Tatars are Sunni Muslims.⁷

Currently, the Ukrainian government is implementing a program facilitating the return of deported Crimean Tatars. However, the program does not fully integrate the returnees and leaves several problems untouched. The main issues that the Crimean Tatars face upon their return are the difficulties in obtaining citizenship, access to employment and housing, social protection and cultural life.

Tensions over access to employment, resources and social services in Crimea have been aggravated by negative stereotypes and prejudices about the Crimean Tatars held by the majority population that have been nurtured over several generations. Formerly deported peoples’ disillusionment with the authorities’ lack of progress in restoring and enforcing their rights has led to rising impatience.⁸

¹ Crimean Tatars, UNPO Member Profile; available at <http://www.unpo.org/members/7871>

² Crimean Tatars, UNPO Member Profile; available at <http://www.unpo.org/members/7871>

³ About number and composition of the population in Ukraine, Ukrainian National Census of 2001, available at <http://2001.ukrcensus.gov.ua/rus/results/general/nationality/>

⁴ About number and composition population of Ukraine by data, Ukrainian National Census of 2001, available at <http://2001.ukrcensus.gov.ua/eng/results/general/estimate/>

⁵ About number and composition population of Autonomous Republic of Crimea by data, Ukrainian National Census of 2001, available at <http://2001.ukrcensus.gov.ua/eng/results/general/nationality/Crimea/>

⁶ It is hard to find out the precise number of Crimean Tatars abroad, since some countries, for example Uzbekistan, have not compiled a national census since 1989.

⁷ Ukraine 2012 International Religious Freedom Report, Bureau of Democracy, Human Rights and Labor, U.S. Department of State, available at <http://www.state.gov/documents/organization/208590.pdf>

⁸ The integration of formerly deported people in Crimea, Ukraine: Needs assessment 2013, p.2; OSCE High Commissioner on National Minorities (HCNM); available at <http://www.osce.org/hcnm/104309?download=true>

Intolerance towards Crimean Tatars coming from other ethnic groups in Ukraine is also on the rise. Increasing incidences of hate speech, vandalism of religious sites, violent clashes and widespread unauthorized occupation of land illustrate the depth of social divisions and perceived injustices in Crimea⁹.

Another problem that affects Crimean Tatars in particular is limited access to education in Crimean language. There are only 76 schools in the Crimean Autonomous region, where 5012 pupils have the opportunity to be instructed in the Crimean Tatar language¹⁰. Therefore, there are about 40 000 children that are not able to attend schools in Crimean language.

All in all, the Crimean Tatars suffer on the daily basis discrimination from Ukrainian government, local authorities and fellow citizens based on religion, language and ethnic origin. The Crimean Tatars constitute a disadvantaged group within Ukrainian Society. The Crimean Tatars wish above all to be recognized and treated equal, with same benefits, entitlements and rights as their fellow citizens.

⁹ Wilson, Andrew; “Needs Assessment for the Crimean Tatars and Other Formerly Deported Peoples”, Social Science Research Network, 2013; available at http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2309854

¹⁰ Education in native languages, “Образование на родных языках”, Ministry of Education, Science, Youth and Sports of the Autonomous Republic of Crimea, available at http://mon-ark.gov.ua/index.php?option=com_content&view=article&id=68&Itemid=152

Section C: Compliance with ICESCR

Article 1: Right to Self-determination

Article 1.1 states that “All peoples have the right of self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.”

The Ukrainian report to the ICESCR Committee carefully avoids the issue of the Crimean Tatars. Although it does mention several legal frameworks, according to which minorities are free to exercise self-determination, in practice the Ukrainian State does not recognize Crimean Tatars as the indigenous people of Ukraine. Meanwhile, Crimean Tatars claim that they are the indigenous people and have no other historical motherland outside of Ukraine¹¹.

Since the Ukrainian Constitution and the Ukrainian CESCR report only address ethnic Ukrainian citizens (excluding those entangled in a complex citizenship procedure and returnees encountering issues with their documents), it contains practically no information on Crimean Tatars regarding self-determination clauses.

The Declaration of National Sovereignty of the Crimean Tatar People (further: the Declaration) stated that "Crimea is the national territorial autonomy of the Crimean Tatar people, on which they alone possess the right to self-determination," and that "the rebirth of the Crimean Tatar people is possible only in their own sovereign national State".¹² Crimean Tatar leaders have been persistently emphasizing that their self-determination can be fully realized within the Ukrainian State if political rights and national revival of the Tatars can be assured by legal mechanisms, and that by asserting their right to self-determination they do not seek full succession and establishment of independent statehood in Crimea.¹³ Furthermore, the Declaration claims that “relationship between Crimean Tatars and other national and ethnic groups living in the Crimea, should be based on mutual respect, recognition of human and civil rights and interests, should strictly enforce the political, economic, cultural, religious and other legitimate rights of all people regardless of their ethnic accessories”.¹⁴

While Crimean Tatars seek to be recognized as indigenous people of Crimea and peacefully integrate within the Crimean community acknowledging cultural diversity of Crimea, the government refuses to accept it. Crimean Tatars believe that self-determination will only advance the region and help to reduce current problems, among which statelessness, living conditions and poverty raise the highest concerns.

Due to the problems that formerly deported people of Crimean Tatar ethnicity face when returning to Ukraine, they are often subjected to lower living conditions. The historically marginalized communities today are disadvantaged as a result of their low level of education and involvement in the management of public affairs.

¹¹ Crimean Tatars have the right to self-determination – Chubarov, “Крымские татары имеют право на самоопределение, – Чубаров”, Arguments of the Week, available at <http://an.crimea.ua/page/news/57552/>

¹² The Declaration of National Sovereignty of the Crimean Tatar people, "Декларация о национальном суверенитете крымскотатарского народа"; Jun 21, 1991; par 1.

¹³ Shevel, Oxana, Crimean Tatars and the Ukrainian state: the challenge of politics, the use of law, and the meaning of rhetoric; International Committee of Crimea; available at http://www.iccrimea.org/scholarly/oshevel.html#_ftn77.

¹⁴ The Declaration of National Sovereignty of the Crimean Tatar people, "Декларация о национальном суверенитете крымскотатарского народа"; Jun 21, 1991; par 2.

The Crimean Tatars are barely represented in the Verkhovna Rada (Ukrainian Parliament) regional or national governing structures; they are largely side-lined from or face challenges to participate in local decision-making procedures.

Full participation of people belonging to minority groups in public affairs is an essential factor for the development of stable and just society.¹⁵ Their absence from decision-making processes results in policies disproportionately detrimental to their community, especially in housing policies and education policies. To combat this, the Crimean Tatars need their own organizations, representing local communities to external institutions like State structures and intergovernmental organizations. The lack of Crimean Tatars representatives in governing bodies hampers the establishment of projects and policies that address problems specific from Crimean Tatars.

To date, there are two institutions, the Qurultay and the Mejlis, which remain major organizations representing interests of major share of Crimean Tatars. Hence, these two organisations should be provided with a solid basis to be part of decision-making processes that affects the Crimean Tatars process. The lack of legal status for the Mejlis complicates its relations with national and regional authorities. The Ukrainian government refuses to recognize the Mejlis as a Crimean Tatar governing body, while the Mejlis refuses the status of an NGO.¹⁶

On the national level the Ukrainian voting system display obstacles for the people belonging to minorities for a sufficient participation in the elected bodies. For example, political parties have to be represented in 2/3 of the regions across the country, making the participation of minority groups in the elections difficult.¹⁷ 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.

Because of these electoral rules, not a single Crimean Tatar was elected in the 2010 elections in the single-mandate districts for the Supreme Council of the Autonomous Republic of Crimea (ARC)¹⁸. Representation of the Crimean Tatars in elected bodies is also significantly lower than the proportional share of the ARC population.¹⁹ This raises demands from Crimean Tatars to restore the quota system that would provide Crimean Tatars with a fixed minimum number of representatives.

Contrary to the demands of international community, Ukrainian authorities do not collect statistical data that account for ethnicity. Such data would be a helpful tool to develop equality policies towards vulnerable minority groups.²⁰ Hence, there is only limited information available regarding

¹⁵ The Lund Recommendations on the Effective Participation of National Minorities in Public Life; OSCE HCNM; Sep 1, 1999; available at <http://www.osce.org/hcnm/32240>

¹⁶ Crimean Mejlis claims official status, “Крымский Меджлис претендует на официальный статус”, Independent Newspaper, Sept 3, 2013; available at http://www.ng.ru/cis/2013-09-03/1_crym.html

¹⁷ The integration of formerly deported people in Crimea, Ukraine: Needs assessment 2013, p.17; OSCE High Commissioner on National Minorities (HCNM); available at <http://www.osce.org/hcnm/104309?download=true>

¹⁸ The integration of formerly deported people in Crimea, Ukraine: Needs assessment 2013, p.17; OSCE High Commissioner on National Minorities (HCNM); available at <http://www.osce.org/hcnm/104309?download=true>

¹⁹ The integration of formerly deported people in Crimea, Ukraine: Needs assessment 2013, p.18; OSCE High Commissioner on National Minorities (HCNM); available at <http://www.osce.org/hcnm/104309?download=true>

²⁰ Council of Europe: Secretariat of the Framework Convention for the Protection of National Minorities, Advisory Committee on the Framework Convention for the Protection of National Minorities - Third Opinion on

the percentage of Crimean Tatars in the executive bodies, and this results in different numbers provided by the government and the Crimean Tatar community. Currently, there are 10% of the government officials and civil servants who are Crimean Tatars, which is less than the percentage of their population in Crimea.²¹

Due to the lack of the precise qualitative and quantitative data, it is difficult to analyse the reasons for the comparatively low number of representatives of Crimean Tatars in public administration institutions. The authorities claim that they lack qualified personnel of Crimean Tatar origin, while they do not undertake any measures to change the situation. What is more, the general recruitment practice in Crimea is under constant criticism due to its failure to assess professional and personal skills, while party affiliation and support from senior officials prevail.²²

Article 1.2 states that “All peoples may, for their own ends, freely dispose of their natural wealth and resources without prejudice to any obligations arising out of international economic co-operation, based upon the principle of mutual benefit, and international law. In no case may a people be deprived of its own means of subsistence”.

Crimea is a unique region of Ukraine in geographical, climatic, geological and historical respects. The main resources are coal, iron, manganese, oil, gypsum and alabaster. In the Declaration of National Sovereignty, Article 4 it is outlined that “Land and natural resources of the Crimea, including its recreational and recreational potential, are the basis of national wealth and the source of the Crimean Tatar people welfare of all people in the Crimea. They cannot be used against the will and consent of the Crimean Tatar people, any actions that worsen the ecological status and distort the historical landscape of Crimea, including the adjacent waters of the Black and Azov moraines should be discontinued. Harm caused to the environment and resources of the Crimea must be compensated by the responsible.”²³

Meanwhile, Ukraine has signed an agreement for construction of a seaport in Crimea and further negotiations on construction of an airport and oil refineries. The Crimean Tatars have called upon the Chinese government to take into account their interests while constructing the seaport, deploring the lack of consultation while signing the investment agreements²⁴. In the letter of the head of Mejlis to the Ambassador of the People’s Republic of China in Ukraine, he affirms: “realizing the importance of foreign investment for the development and future of the Crimea, I consider it necessary to draw attention to the fact that the Mejlis of the Crimean Tatar people is particularly concerned about the fact that their discussion by representatives of the Chinese business community and the Crimean authorities carried out all of the linkages and the position and state Crimean Tatar people”.²⁵

Ukraine, Adopted on 22 March 2012, 28 March 2013, ACFC/OP/III(2012)002, available at:

<http://www.refworld.org/docid/51deaa134.html>

²¹ Mirimanova, Natalia; Political Participation and Representation of Crimean Tatars and Other Formerly Deported People (FDPs): Needs Assessment, Jan 13, 2013; p. 13

²² Mirimanova, Natalia; Political Participation and Representation of Crimean Tatars and Other Formerly Deported People (FDPs): Needs Assessment, Jan 13, 2013; p. 23.

²³ The Declaration of National Sovereignty of the Crimean Tatar People, "Декларация о национальном суверенитете крымскотатарского народа"; Jun 21, 1991; par 4.

²⁴ Mejlis demanded that Chinese investors to consider the interests of the Crimean Tatars, “Меджлис потребовал от китайских инвесторов учитывать интересы крымских татар”, Informational agency Crimea; Feb 14, 2014; available at <http://www.e-crimea.info/news/medzhlis-potreboval-ot-kitayskih-investorov-uchityvat-interesy-krymskih-tatar>

²⁵ Head of Majlis Refat Chubarov addressed a letter to the Chinese Ambassador to Ukraine Zhang Pan Xiyun official letter Majlis demanded from Chinese investors to consider the interests of the Crimean Tatars, Feb 14, 2014; available [here](#).

Moreover, a number of planned Chinese investments in the Crimea suggest widespread use of limited natural resources of the Crimea, in particular land, which today is the cause of serious social conflict in Crimea.

Another issue of resources is the land conflict in Crimea. The formerly deported Crimean Tatars that are returning to their historic land face a hostile situation concerning the land property and housing situations in Crimea. The situation is worsened by the disputes between the authorities and the returnees over the land plots where the returnees should establish their settlements. The returnees are willing to settle in the region that is located in the Crimean Peninsula next to the seaside. As already described above, the region where the initial settlements of Crimean Tatars were located before the deportation are especially attractive for the extraction of oil²⁶ and construction of a seaport²⁷. Meanwhile, the Crimean Authorities regularly decline the applications of Crimean Tatars for the allocations of land plots under the response that there is no land available for individual housing. As a result, returnees are forced to settle somewhere else. Therefore the Crimean Tatars are not only deprived of the land that they were deported from, but also disadvantaged in their socio-economic development. Furthermore, the Ukrainian Land Code delegates the allocation of land to the local administrative units, which are highly politicized and notably corrupt, and prioritize land allocation to the political elites in a non-transparent manner.²⁸

Article 2: Non-Discrimination

Article 2.2 requires the States Parties to the Covenant to undertake steps to “guarantee that the rights enunciated in the present Covenant will be exercised without discrimination of any kind as to race, color, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.”

In its report to the ICESCR Committee, Ukraine emphasizes the steps taken to promote cultural exchange, development of social, cultural and political rights and increase employment. However, the governmental programmes do not target Crimean Tatars as a disadvantaged group. Due to the complex situation of formerly deported Crimean Tatars returning to the region, government should closely monitor the programmes aimed at stabilizing the quality of life in Crimea. The exclusion of the Crimean Tatars from certain development programs creates further complications, as it increases the tensions between the Crimean Tatars and the other ethnic groups that benefit from such programs.

Notably, the Ukrainian government does not recognize the Crimean Tatars as a group that is marginalized and discriminated against, which has led them to be ignored in government programs to provide social welfare and development services such as primary healthcare, housing and clean water. In addition to their limited participation in decision-making,²⁹ discrimination is the main reason for the higher proportion of Crimean Tatars being unemployed or be self-employed.³⁰ Other

²⁶ Kalashnikov, Maxim; Crimea: A new Kuwait or a New Kosovo?, Apr 9, 2008, Globoscope; available at <http://www.globoscope.ru/eng/content/articles/248/>

²⁷ China entrepreneur behind plans to build deepwater Crimean port; Dec 5, 2013; Financial Times; available at <http://www.ft.com/cms/s/0/04619a7a-5da2-11e3-95bd-00144feabdc0.html#axzz2tgFfKQxS>

²⁸ Mikelic, Veljko, Housing, Land and Property in Crimea; Dec 2007; United Nations Human Settlements Programme, UN-HABITAT; p. 37.

²⁹ The integration of formerly deported people in Crimea, Ukraine: Needs assessment 2013, p.17; OSCE High Commissioner on National Minorities (HCNM); available at <http://www.osce.org/hcnm/104309?download=true>

³⁰ Council of Europe: Secretariat of the Framework Convention for the Protection of National Minorities, Advisory Committee on the Framework Convention for the Protection of National Minorities - Third Opinion on

ethnic groups in Ukraine have traditionally looked down on the Crimean Tatars, thereby perpetuating their social exclusion.

Article 6: Right to work

Article 6.1 states that “[t]he States Parties to the present Covenant recognize the right to work, which includes the right of everyone to the opportunity to gain his living by work which he freely chooses or accepts, and will take appropriate steps to safeguard this right.”

Article 6.2 states that “[t]he steps to be taken by a State Party to the present Covenant to achieve the full realization of this right shall include technical and vocational guidance and training programs, policies and techniques to achieve steady economic, social and cultural development and full and productive employment under conditions safeguarding fundamental political and economic freedoms to the individual.”

The Ministry of Labour and Social Policy outlines in its report to the ICESCR Committee the steps taken to encourage employment of an increased number of people and measures taken to increase productivity of the workforce. The programs and policies target citizens of Ukraine, in this context referring to people of Ukrainian ethnic origin. Nevertheless, no mention is made of combating the employment discrimination facing the Crimean Tatars.³¹

Furthermore, the report submitted by Ukraine for the ICESCR review ignores requests of the Commission to provide updated information on some specific issues.³² Although it shows how the government of Ukraine combats unemployment among women, it does not provide any information about the reduction of unemployment among the Crimean Tatars. Moreover it provides no data on programmes and employment facilities for the Crimean Tatars. The country report confirms the number of technical and vocational guidance programmes exercised to improve economic, social and cultural development, but it does not specify the target groups.³³

In the first stages of the return process of formerly deported persons, unemployment was one of the core issues for the Crimean Tatars, who have faced level of unemployment rising up to 50%.³⁴ At the beginning, they were trapped in a vicious circle that connected legal residence and employment. The residence registration is a prerequisite to get a job, while official statement of employment is a precondition to receive a residence permit. Moreover, most of the returnees have moved from towns to rural areas, which results in them accepting low paid jobs regardless of their qualifications, which often proves to be higher.³⁵ Furthermore, the discrimination at the stage of acquiring the job among Crimean Tatars is more likely in comparison to other ethnic groups, in some sectors more often than in the others.³⁶

Ukraine, Adopted on 22 March 2012, 28 March 2013, ACFC/OP/III(2012)002, available at:

<http://www.refworld.org/docid/51deaa134.html>

³¹ Implementation of the International Covenant on Economic, Social and Cultural Rights , E/c.12/UKR/6; Dec 27, 2014; pp. 13-18; par 79-128.

³² List of issues in relation to the sixth periodic report of Ukraine, E/c.12/UKR/Q/6; Dec 19, 2013; p.2

³³ Implementation of the International Covenant on Economic, Social and Cultural Rights , E/c.12/UKR/6; Dec 27, 2014; pp. 13-18.

³⁴ The integration of formerly deported people in Crimea, Ukraine: Needs assessment 2013, p. 21; OSCE High Commissioner on National Minorities (HCNM); available at <http://www.osce.org/hcnm/104309?download=true>

³⁵ Political Process in the Crimea: the Phases of Development and Basic Trends, National Security and Defence, Razumkov Centre; 4 (2011); available at http://www.uceps.org/additional/analytical_report_NSD16_eng.pdf

³⁶ Council of Europe: Secretariat of the Framework Convention for the Protection of National Minorities, Advisory Committee on the Framework Convention for the Protection of National Minorities - Third Opinion on

Although the official unemployment rate in Crimea is low, a significant number of unemployment cases remain unregistered. The UNDP report on living standards in Crimea informs that 31.6% of Crimean Tatars are unemployed, which is 10% more than the Russian and Ukrainian population³⁷. Such a low number of employment among Crimean Tatars can be explained by a set of factors. First, there is discrimination against the Crimean Tatars at the stage of recruitment and at the workplace.³⁸ Although discriminatory practices against Crimean Tatars are widespread, it requires further research and investigation of particular practices within the labour market. Second, the fact that the Crimean Tatars often settle in rural areas instead of bigger cities for economic reasons limits their chances for employment. Third, a high number of unpaid works prevails among the Crimean Tatars, such as housekeeping and childcare, which also explains lack of resources for families. This is especially difficult for women to combine childcare, housekeeping and a paid job, while governmental childcare support and pre-schooling facilities are not easily available.

Furthermore, the Crimean Tatars are generally unrepresented in most areas of the economy, except agriculture and transport. Due to the prevalent difficulties faced by the Crimean Tatars in employment facilities, they have increased practices of informal employment, working double shifts, or starting their own businesses.³⁹ According to statistical data, the amount of self-employed respondents of Crimean Tatar ethnicity reaches double the amount of respondents from other ethnical groups: 11% of Crimean Tatars against 5.5% of Russians and 5.3% of Ukrainians.⁴⁰

In order to foster employment the Crimean Authorities have developed the “Programme on Social Protection and Employment in the Autonomous Republic of Crimea 2011-2013”.⁴¹ However, the programme does not address the integration of particular ethnic groups, including the Crimean Tatars. Moreover, there is no information available on the results of the programme, mostly due to its recent implementation.

Article 11: Right to adequate standard of living

Article 11.1 states that “The States Parties to the present Covenant recognize the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions. The States Parties will take appropriate steps to ensure the realization of this right, recognizing to this effect the essential importance of international co-operation based on free consent.”

Article 11.2 states that “The States Parties to the present Covenant, recognizing the fundamental right of everyone to be free from hunger, shall take, individually and through international co-operation, the measures, including specific programs, which are needed:

Ukraine, Adopted on 22 March 2012, 28 March 2013, ACFC/OP/III(2012)002, available at:

<http://www.refworld.org/docid/51deaa134.html>

³⁷ Living standards in 14 districts of the Autonomous Republic of Crimea; “Уровень жизни в 14 районах Автономной Республики Крым”; UNDP Crimea; 2009; p. 68; available at

http://www.undp.crimea.ua/img/content/file/living_standards_districts.pdf

³⁸ Mirimanova, Natalia; Socio-Economic Dimensions of the Integration of the Formerly Deported Peoples in Crimea Aug 13, 2013; pp. 7-9; available at http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2309419

³⁹ Mirimanova, Natalia; Socio-Economic Dimensions of the Integration of the Formerly Deported Peoples in Crimea Aug 13, 2013; pp. 10-11; available at http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2309419

⁴⁰ Political Process in the Crimea: the Phases of Development and Basic Trends, National Security and Defence, Razumkov Centre; 4 (2011); available at http://www.uceps.org/additional/analytical_report_NSD16_eng.pdf

⁴¹ Programme on Social Protection and Employment in the Autonomous Republic of Crimea 2011-2013; Ministry of Social Policy of ARC; available at <http://msp.ark.gov.ua/programma/>

(a) To improve methods of production, conservation and distribution of food by making full use of technical and scientific knowledge, by disseminating knowledge of the principles of nutrition and by developing or reforming agrarian systems in such a way as to achieve the most efficient development and utilization of natural resources;

(b) Taking into account the problems of both food-importing and food-exporting countries, to ensure an equitable distribution of world food supplies in relation to need.”

Property and housing are currently among the most sensitive issues in Crimea and cause several internal conflicts between the Crimean Tatars and the Crimean authorities as well as with other ethnic populations in Crimea. Property issues prevail, as many returnees from deportation have settled in illegal and usually unsanctioned settlements for over 20 years. Such conditions have caused problems to the condition of their health, education and socio-economic integration.

Right to Housing

In the late 1980s, the Soviet Union established a large-scale resettlement programme⁴² for the Crimean Tatars. Although after the collapse of USSR Ukraine has taken over the responsibility for the programme,⁴³ due to low amount of funds the programme has not been implemented to the fullest. In the Ukrainian report submitted to the Committee, Ukraine points out its determination to advance the situation of the Crimean Tatars according to their socio-economic and housing needs and commits itself to their promotion⁴⁴. Nevertheless, the result is rather unsatisfying. Frustrated with the progress of the programme, around 200,000 Crimean Tatars have returned to Ukraine on their own regardless of rather negative social, economic and political conditions in Ukraine. Due to their political status of returnees and economic problems, they have established unsanctioned settlements in rural areas.

The government of Ukraine has established two bodies that are responsible for the returnees and their integration : the State Committee for Nationalities and Religion (Derzhkomnats) at the national level and the Republican Committee for Inter-ethnic Relations and Deported Citizens (Reskomnats) at the Crimean level. These two bodies carry primary responsibility for implementation of State programme for the integration of formerly deported people. Among their responsibility are the allocation of land plots, the construction of house = and the provision of social and economic need-based benefits.

⁴² In 1997, the development of "State program of adaptation and integration into Ukrainian society deported Crimean Tatars and citizens of other nationalities, the revival and development of culture and education," has expired and therefore the "Program of priority measures for resettlement and rehabilitation of the deported Crimean Tatars and other nationalities who have returned and are living in the Autonomous republic of Crimea" was adopted.

Polian, Pavel, "Geographical Features of Settling of Deported Peoples and the Process of Rehabilitation in the USSR"; "Not on their own ... The history and geography of forced migrations in the USSR"; p. 173; available at <http://demoscope.ru/weekly/knigi/polian/polian.html>

⁴³ Implementation of the International Covenant on Economic, Social and Cultural Rights , E/c.12/UKR/6; Dec 27, 2014; p.50, par. 394," following the break-up of the Soviet Union, Ukraine took upon itself essentially all obligations pertaining to the return and settlement of deported Crimean Tatars and persons of other ethnic groups and their adaptation and integration into Ukrainian society. All obligations are gradually being met. "

⁴⁴ Implementation of the International Covenant on Economic, Social and Cultural Rights , E/c.12/UKR/6; Dec 27, 2014; p.50, par. 395: "Ukraine recognizes and is gradually carrying into effect legislation adopted by the authorities in the former USSR with regard to restoring the rights of deported persons, including, among others, the Declaration adopted by the Verkhovna Rada on 14 November 1989 acknowledging the repressive measures taken against peoples arbitrarily displaced to be unlawful and criminal and the assertion of their rights, as well as the Resolution, passed by the Supreme Soviet of the USSR on 7 March 1991, repealing the State legislative acts specified in the aforementioned Declaration."

The OSCE reports that the 2004 Cabinet of Ministers’ Resolution “On measures for providing social needs of FDPs who returned to Ukraine for permanent residence”, for example, states that settlements should be supplied with water and FDPs should receive a “lump-sum equivalent to not more than 30 minimum monthly salaries (about USD 2,900 in 2009) to construct housing”.⁴⁵

At the launch of the programme, the programme had an annual budget of approximately 10 million USD at its disposal. Nonetheless, the average annual budget has dropped significantly since then. In 2013, the State has allocated around 1 million of USD.⁴⁶ Although the launch of the programme shows an initiative by the Ukrainian government to handle the difficult issues concerning the social need of the Crimean Tatars, the programme has been disturbed by cuts in funds, slow implementation and repeated changes in bureaucratic procedures. It has further resulted in frequent international criticism on the insufficient allocation of funds and failure to deliver the allocated budget to the target group.⁴⁷

The table below, published in the OSCE report, shows that the State has failed to implement the programme to the fullest and that the funds were not allocated sufficiently.⁴⁸

TIME PERIOD	PLANNED FUNDING (million UAH)	ALLOCATED FUNDING	
		(million UAH)	Percentage of the planned
1991 – 1995	552.2	552.2	100 %
1996 – 2000	195.2	88.1	45.1 %
2001	44.7	44.7	100 %
2002 – 2005	267.3	217.6	81.4 %
2006 – 2010	640.8	356.6	55.6 %
2011	27	25.1	93 %
2012	45.3	11.2	24.7 %
TOTAL	1844.8	1295.5	70 %
Average per year	83.9	58.9	70 %

Table 1: Planned and allocated funding for accommodation of the needs of the returnees

Poverty

The Ukraine CESCR report in paragraph 404 presents a significant observation: “only 75 per cent of the areas in which deportees are concentrated have a water supply, 96 per cent have electricity,

⁴⁵ The integration of formerly deported people in Crimea, Ukraine: Needs assessment 2013, pp. 9-10; OSCE High Commissioner on National Minorities (HCNM); available at <http://www.osce.org/hcnm/104309?download=true>

⁴⁶ The integration of formerly deported people in Crimea, Ukraine: Needs assessment 2013, p.10; OSCE High Commissioner on National Minorities (HCNM); available at <http://www.osce.org/hcnm/104309?download=true>

⁴⁷ Council of Europe: Secretariat of the Framework Convention for the Protection of National Minorities, Advisory Committee on the Framework Convention for the Protection of National Minorities - Third Opinion on Ukraine, Adopted on 22 March 2012, 28 March 2013, ACFC/OP/III(2012)002, par 149; available at: <http://www.refworld.org/docid/51deaa134.html>

⁴⁸ The integration of formerly deported people in Crimea, Ukraine: Needs assessment 2013, p.10; OSCE High Commissioner on National Minorities (HCNM); available at <http://www.osce.org/hcnm/104309?download=true>

32 per cent have natural gas and only 9 per cent have hard-surface roads. Educational, cultural and health facilities are sparse. Solving the serious problems faced by deportees is, therefore, impossible without government involvement”.⁴⁹ In order to improve these housing and living conditions, beneficiaries should be consulted and involved in policymaking. The implementation should be made more transparent and the decision makers should ensure that housing policies Take the people’s will into account and respect human rights.

In light of the disadvantaged position of the returnees regarding the locations of their settlements and the housing conditions they are forced to live in, they are not able to address other issues that are essential for their social and economic integration. Disadvantages, such as insufficient housing, unemployment, limited access to healthcare and poverty are the consequences of the insufficient implementation of the Programme for the Integration of Formerly Deported People. As a result, the returnees are not fully integrated in the society and the above-mentioned problems limit their participation in the day-to-day life. The international community is concerned that the situation of Crimean Tatars returned to Crimea has not improved in recent years.⁵⁰

The level of poverty in Crimea is alarming. The UNDP reports that 43.1% of households have an income below the official poverty line. In the city, 30% of the households live below the poverty line. The situation further worsens in rural areas where 53.8% live below the poverty line. Meanwhile, the Crimean Tatars are one of the most vulnerable groups since 43% of their households fall below this line.⁵¹ Higher level of poverty among the Crimean Tatars can be explained by the size of the households, which is commonly larger in comparison to Russian and Ukrainian households, as well as less family members being employed.⁵²

Furthermore, 54% of Crimean Tatar households cannot afford to save money, which can as a result limit their access to education or goods.⁵³ Many of them are forced to delay payments for the housing services, borrow money in order to be able to afford necessary goods and cannot afford to buy food, clothing or medication. Crimean Tatars settled in the rural areas are able to grow food for themselves in order to be able to sustain the families.⁵⁴

⁴⁹ Implementation of the International Covenant on Economic, Social and Cultural Rights, E/c.12/UKR/6; Dec 27, 2014; p.51, par. 404.

⁵⁰ Council of Europe: Secretariat of the Framework Convention for the Protection of National Minorities, Advisory Committee on the Framework Convention for the Protection of National Minorities - Third Opinion on Ukraine, Adopted on 22 March 2012, 28 March 2013, ACFC/OP/III(2012)002,; available at: <http://www.refworld.org/docid/51deaa134.html>

⁵¹ Living Standards in the Autonomous Republic of Crimea; “Стандарты жизни в Автономной Республике Крым”; UNDP Crimea; Sep 2012; pp. 6-7 and pp. 49-50; available at http://www.undp.crimea.ua/img/content/Crimea_UNDP_GfK_fin_new%282%29.pdf

⁵² Living Standards in the Autonomous Republic of Crimea; “Стандарты жизни в Автономной Республике Крым”; UNDP Crimea; Sep 2012; pp.6-7 and p. 49; available at http://www.undp.crimea.ua/img/content/Crimea_UNDP_GfK_fin_new%282%29.pdf

⁵³ Living Standards in the Autonomous Republic of Crimea; “Стандарты жизни в Автономной Республике Крым”; UNDP Crimea; Sep 2012; p. 59; available at http://www.undp.crimea.ua/img/content/Crimea_UNDP_GfK_fin_new%282%29.pdf

⁵⁴ Living Standards in the Autonomous Republic of Crimea; “Стандарты жизни в Автономной Республике Крым”; UNDP Crimea; Sep 2012; p. 7 and p.52; available at http://www.undp.crimea.ua/img/content/Crimea_UNDP_GfK_fin_new%282%29.pdf

Article 12: Right to health

Article 12.1 states that “The States Parties to the present Covenant recognize the right of everyone to the enjoyment of the highest attainable standard of physical and mental health.”

Article 12.2 states that “The steps to be taken by the States Parties to the present Covenant to achieve the full realization of this right shall include those necessary for:

- (a) The provision for the reduction of the stillbirth-rate and of infant mortality and for the healthy development of the child;
- (b) The improvement of all aspects of environmental and industrial hygiene;
- (c) The prevention, treatment and control of epidemic, endemic, occupational and other diseases;
- (d) The creation of conditions which would assure to all medical service and medical attention in the event of sickness.”

The Crimean Ministry of Social Policy is responsible for providing social services in Crimea. Although, the Crimean authorities do not qualify the Crimean Tatars as a vulnerable group of people that require additional support, they are nevertheless eligible for financial assistance in cases of emergency.⁵⁵

Due to the fact that many Crimean Tatars live below the poverty line as well as reside in houses that do not meet the established legal or technical requirements it prevents them from receiving an official registration of their residence. As a result they are unable to prove their eligibility for social assistance.⁵⁶

The accessibility to healthcare is in general rather problematic in Crimea. According to the UNDP report, 33% of population of Crimea has no access to healthcare facilities in case of illnesses that requires surgical involvement or long-term care. Meanwhile, short-term medical assistance that does not require surgical involvement is more accessible, as only 9% of the total Crimean population having limited or no access to it.⁵⁷

Public healthcare is generally underfunded and as a result not able to meet the demand for it. Private healthcare facilities remain out of reach for many Crimean Tatars since the costs are too high.

Article 13: Right to education

Article 13.1 The States Parties to the present Covenant recognize the right of everyone to education. They agree that education shall be directed to the full development of the human personality and the sense of its dignity, and shall strengthen the respect for human rights and fundamental freedoms. They further agree that education shall enable all persons to participate effectively in a free society, promote understanding, tolerance and friendship among all nations and all racial, ethnic or religious groups, and further the activities of the United Nations for the maintenance of peace.

⁵⁵ Programme on Social Protection and Employment in the Autonomous Republic of Crimea 2011-2013; Ministry of Social Policy of ARC; available at <http://msp.ark.gov.ua/programma/>

⁵⁶ The integration of formerly deported people in Crimea, Ukraine: Needs assessment 2013, p.20; OSCE High Commissioner on National Minorities (HCNM); available at <http://www.osce.org/hcnm/104309?download=true>

⁵⁷ Living Standards in the Autonomous Republic of Crimea; “Стандарты жизни в Автономной Республике Крым”; UNDP Crimea; Sep 2012; p. 63; available at http://www.undp.crimea.ua/img/content/Crimea_UNDP_GfK_fin_new%282%29.pdf

Article 13.2 states that “The States Parties to the present Covenant recognize that, with a view to achieving the full realization of this right:

- (a) Primary education shall be compulsory and available free to all;
- (b) Secondary education in its different forms, including technical and vocational secondary education, shall be made generally available and accessible to all by every appropriate means, and in particular by the progressive introduction of free education;
- (c) Higher education shall be made equally accessible to all, on the basis of capacity, by every appropriate means, and in particular by the progressive introduction of free education;
- (d) Fundamental education shall be encouraged or intensified as far as possible for those persons who have not received or completed the whole period of their primary education;
- (e) The development of a system of schools at all levels shall be actively pursued, an adequate fellowship system shall be established, and the material conditions of teaching staff shall be continuously improved.”

The Ukrainian CESCR submission in paragraphs 473 – 481 addresses the qualifications of teachers teaching in, among other languages, the Crimean Tatar language.⁵⁸ Such initiative is rather commendable. Nevertheless, the Ukrainian submission does not address the possibility for pupils to be taught in their mother tongue, for students to study their chosen subject in their native languages and for schools to be able to accommodate everyone willing to be taught in the Crimean Tatar language.

Education is an essential tool for the government to promote the integration of people belonging to ethnic groups into society, while preserving their language and culture. Successful integration of formerly deported Crimean Tatars and the revival of their language and culture directly depends on the quality of education provided.

The Crimean authorities accept the importance of the education in promoting tolerance and intercultural awareness. Therefore it is notable that the Crimean authorities have launched a programme “Concept of Priority Areas of Educational Works in Schools (2011-2015)” which aims at teaching tolerance as a major democratic principle. Furthermore, intercultural courses aiming at raising intercultural awareness, tolerance to different religions and ethnic customs have been integrated into the curriculum of schools in Crimea. Nevertheless, this initiative is rather new and unstable due to constant cuts in government funding.

In Ukraine parents are allowed to choose the language of instruction and school for their kids. Nevertheless, the Crimean Tatars face a problem of identification of the native language. In the families of the returnees Russian is a predominant language, while their community language, in this particular case, is the Crimean Tatar language. Such diversification between ethnic language and language of instruction is visible in the choice the parents make for their children concerning school education. The majority of them prefer their children to study in Russian language, but those who choose education in Crimean Tatar often cannot find a school that provides it. Currently there are only 15 schools (180 groups, 2919 pupils) that use Crimean Tatar language as a language of instruction. There is 1 school (26 groups, 486 pupils) that educates in Crimean Tatar language and Ukrainian. There are 25 bilingual schools (76 groups, 735 pupils) that use Russian and Crimean Tatar language as languages of instruction. Furthermore, there are 36 trilingual schools (121 groups, 1358 pupils) that also use Ukrainian as the language of instruction in addition to Russian and Crimean

⁵⁸ Implementation of the International Covenant on Economic, Social and Cultural Rights , E/c.12/UKR/6; Dec 27, 2014; pp. 59-60,

Tatar.⁵⁹ Therefore, only in 76 schools children of the Crimean Tatar ethnicity have an opportunity to study in their native language in contrast to 548 schools functioning in the region, as well as only 5012 pupils in contrast to the overall 174550 pupils residing in the region have access to education in Crimean Tatar language. This means that only 3.15% of the total number of children attending schools in Crimea are studying in Crimean Tatar language.⁶⁰

Such low amount of schools using Crimean Tatar as a language of instruction can be explained in funding allocated to the Crimean Tatar schools. The quality of education is reported to be a decisive factor for parents when choosing language of instruction for their kids. Schools that are teaching in Crimean Tatar language are underfunded and therefore the quality of education is lower. Furthermore, the Crimean Engineering and Pedagogical University that is responsible for preparing teachers in Crimean Tatar language focuses only on teachers of Crimean Tatar language and literature⁶¹, while it does not prepare them to teach other secondary school subjects in Crimean Tatar language. Parents are less likely to choose low quality education for their children, while government uses statistics of low number of applications as a reason to cut funding for education in ethnic minority languages. Cutting funds also means a lower quality of school facilities, such as books and technical equipment. Teachers report to be under less favourable conditions in comparison to other schools in the region and have to rely on private investments more often. Hence it is essential that everyone has access to equal quality education regardless of the chosen language of instruction.

In 2011 59% of parents specified that they had to provide additional financial support in order to ensure quality education for their children⁶². The financial situation is worsened due to the fact that most Crimean Tatars live in rural areas, where social infrastructures are less developed; therefore schools are disadvantaged in their development in comparison to schools located in cities.

Taking into account the predominance of the Russian language in Crimea, it is reasonable that parents prefer Russian education to the education in the Crimean Tatar language, especially in later stages of secondary education. As a result, parents face a difficult choice between education instructed in Russian or Ukrainian that seems to be more favourable in socio-economic terms contrary to the minority languages. Furthermore, in 2013 92% of Crimean high-school graduates have taken their high-school diploma exams in Russian, and none in Crimean Tatar language.⁶³

⁵⁹ Education in native languages, “Образование на родных языках”, Ministry of Education, Science, Youth and Sports of the Autonomous Republic of Crimea, available at http://mon-ark.gov.ua/index.php?option=com_content&view=article&id=68&Itemid=152

⁶⁰ Network of secondary schools of the Autonomous Republic of Crimea in 2011/2012 academic year, “Сеть общеобразовательных учебных заведений Автономной Республики Крым в 2011/2012 учебном году”, Ministry of Education, Science, Youth and Sports of the Autonomous Republic of Crimea, available at http://mon-ark.gov.ua/index.php?option=com_content&view=article&id=64&Itemid=148

⁶¹ Education in native languages, “Образование на родных языках”, Ministry of Education, Science, Youth and Sports of the Autonomous Republic of Crimea, available at http://mon-ark.gov.ua/index.php?option=com_content&view=article&id=68&Itemid=152

⁶² The results of the national monitoring on interaction of the education authorities of cities and districts of the Autonomous Republic of Crimea with the executive authorities and local governments and other interested organizations and institutions on the implementation of the constitutional right to equal access to quality education; “Об итогах республиканского мониторинга взаимодействия органов управления образованием городов и районов Автономной Республики Крым с органами исполнительной власти и местного самоуправления, другими заинтересованными организациями и учреждениями по реализации конституционного права граждан на равный доступ к качественному образованию”; Crimean Republican Institution "Center for Problems at the Ministry of Education and Science, Youth and Sport of the Autonomous Republic of Crimea" p.6 ; available at uploads/editor/3346/112636/sitepage_139/spravka.doc

⁶³ Not a single Crimean high-school graduate wanted to write exams in Tatar “Ни один крымский абитуриент не захотел тестироваться на татарском”; Comments Crimea; May 30, 2013; available at <http://crimea.comments.ua/news/2013/05/30/180035.html>

The demand and the supply for education in minority languages are inextricably linked. There are limited opportunities to acquire higher education in the Crimean Tatar language or find a job that requires the knowledge of the Crimean Tatar language. Consequently, it complicates the revival of the Crimean Tatar language.

Article 15: Cultural rights

Article 15.1. *The States Parties to the present Covenant recognize the right of everyone:*

(a) *To take part in cultural life;*

(b) *To enjoy the benefits of scientific progress and its applications;*

(c) *To benefit from the protection of the moral and material interests resulting from any scientific, literary or artistic production of which he is the author.*

Article 15.2. *The steps to be taken by the States Parties to the present Covenant to achieve the full realization of this right shall include those necessary for the conservation, the development and the diffusion of science and culture.*

Any integration policy has to be based on the respect of human rights, including those of the minorities. Acceptance of diversity has to secure preservation of cultural identity, in particular providing the minorities with appropriate possibilities for development of their culture and language as well as opportunities to follow their confession.⁶⁴

It is noted that there is a significant gap between the planned funding and the actually allocated amount of money. Cultural organisations of minority groups point out that they receive either a very small amount or nothing from the governmental budget. Moreover, their opinion and points of view are not taken into account during the decision-making process.

Language Policies

Article 10 of the Ukrainian Constitution outlines that use and protection of minority languages is guaranteed.⁶⁵ According to the Ukraine's international obligations, in particular treaties that it has signed and ratified, such as the Framework Convention for the Protection of National Minorities (FCNM) and the European Charter on Regional and Minority Languages (ECRML) in 2005, Ukraine has committed to protect and promote language and cultural heritage of the national minorities that reside on its territory. The international community has multiple times called the Ukrainian authorities to do more, especially for the minorities in Crimea.⁶⁶

The Russian language has for decades dominated the concerns over language policies; hence, less attention is paid to community languages of other minority groups in the country. Although the government shows its intentions to implement its international obligations at the legal level, the practice shows that returnees face a lack of opportunities to preserve and develop their community

⁶⁴ Ljubljana Guidelines on Integration of Diverse Societies; OSCE; Nov 7, 2012; available at: <http://www.osce.org/hcnm/96883>

⁶⁵ The Constitution of Ukraine, Article 10; available at <http://www.president.gov.ua/en/content/constitution.html>

⁶⁶ Council of Europe: Secretariat of the Framework Convention for the Protection of National Minorities, Advisory Committee on the Framework Convention for the Protection of National Minorities - Third Opinion on Ukraine, Adopted on 22 March 2012, 28 March 2013, ACFC/OP/III(2012)002,; available at: <http://www.refworld.org/docid/51deaa134.html>

language, culture and religious practice. These obstacles have become the source of tensions within the community and among the communities in the region.

Article 11 of the Ukrainian Constitution states that Ukraine shall promote the “development of the ethnic, cultural, linguistic and religious identity of all indigenous peoples and national minorities”⁶⁷. Furthermore, Article 10.1 of the Autonomous Region of Crimea Constitution outlines that “alongside the official language [Ukrainian], the application and development, use and protection of Russian, Crimean Tatar and other ethnic groups’ languages shall be secured”⁶⁸. Lastly, the Law of Ukraine on Language Policy secures the language status of regional status if it is spoken by at least 10% of the population in the certain region.⁶⁹ All in all, although the Ukrainian legal framework provides a strong basis to use minority languages in public administration, media and education, its implementation remains problematic.

The Crimean Tatars express strong desire to promote use of their mother tongue that is used solely in Crimea.⁷⁰ The UNESCO Endangered Language Programme classifies Crimean Tatar language as “severely endangered”.⁷¹ Meanwhile the ECRML committee members have urged the Ukrainian government to adopt strong protective measures.⁷²

This vulnerable position of the Crimean Tatar language is explained by the fact that the preservation of the language from generation to generation has been weakened because of the deportation during Soviet times as well as due to its unpopularity in educational institutions in Crimea. The Russian language remains the predominant language used for communication in Crimea. Meanwhile the government decreases the funds that aim to provide opportunities to use minority languages in public.⁷³

Religious policies

While majority of Ukrainians identify themselves as Christian Orthodox (68%)⁷⁴, there are around 500 000 Muslims in Ukraine, 300 000 of whom reside in Crimea⁷⁵. While in deportation the Crimean Tatars were not allowed to exercise Islam, therefore there is a trend of strengthening the practice of religion among the returnees as part of revival of their ethnic identity. Since during the Soviet rule

⁶⁷ The Constitution of Ukraine, Article 11; available at

<http://www.president.gov.ua/en/content/constitution.html>

⁶⁸ Constitution of the Autonomous Republic of Crimea; Article 10.1; available at

<http://www.rada.crimea.ua/en/bases-of-activity/konstituciya-ARK>

⁶⁹ Law of Ukraine On the Principles of State Language Policy «Закон України об основах державної мовної політики»; available at <http://www.rada.crimea.ua/bases-of-activity/zakon-o-yazikah>

⁷⁰ Izmirli, P. Idil, On Revitalization of the Language and Culture of the Crimean Tatars and Other Formerly Deported People in Crimea, Ukraine: Assessment of Needs and Recommendations; Dec 31, 2012; p. 3; available at http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2308866

⁷¹ UNESCO Atlas of Endangered Languages; available at <http://www.unesco.org/culture/languages-atlas/index.php?hl=en&page=atlasmap>

⁷² Report of the Committee of Experts on the European Charter for Regional and Minority languages and Recommendation of the Committee of Ministers of the Council of Europe on the application of the Charter by Ukraine, ECRML (2010) 6; July 7, 2010; Strasbourg; available at http://www.coe.int/t/dg4/education/minlang/report/EvaluationReports/UkraineECRML1_en.pdf

⁷³ Izmirli, P. Idil, On Revitalization of the Language and Culture of the Crimean Tatars and Other Formerly Deported People in Crimea, Ukraine: Assessment of Needs and Recommendations; Dec 31, 2012; p. 5; available at http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2308866

⁷⁴ Ukraine 2012 International Religious Freedom Report, Bureau of Democracy, Human Rights and Labor, U.S. Department of State, p.1; available at <http://www.state.gov/documents/organization/208590.pdf>

⁷⁵ Ukraine 2012 International Religious Freedom Report, Bureau of Democracy, Human Rights and Labor, U.S. Department of State, p.2; available at <http://www.state.gov/documents/organization/208590.pdf>

most of the mosques were either destroyed or used for other purposes the Crimean Tatars have to rebuild and restore their religious sites from practically ruins.⁷⁶

Most of the mosques located in Crimea before the WWII have been destroyed. Those that have remained, for example the Kebir Cami Mosque in Simferopol, which was also used as a factory during the Soviet rule, was returned to the Crimean Tatars. Currently, existing mosques cannot accommodate all the attendants of the weekly prayers. The construction of new mosques is complicated. Although the Simferopol City Council has allocated land plots for the construction of new mosques, the constructions have not begun yet due to non-transparent politics within local authorities.⁷⁷ There are several land plots and mosques that remain under the property of the Crimean authorities and city councils in Crimea, while they should belong to the Muslim communities of the Crimean Tatars. The Ministry of Culture of Ukraine has meanwhile described Crimea as a region with a complex religious situation due to a large number of issues concerning property law and registration of religious communities⁷⁸.

Besides the tensions based on religious grounds that Muslim community in Crimea face there are major inter-religious tensions between the followers of the Orthodox Church and Islam. These are demonstrated through, among others, hate speech, violent clashes and vandalism of historic and religious sites. The FCNM committee has pointed out that “the number of inter-ethnic and inter-religious incidents, including vandalism against religious and cultural sites, appears to be increasing throughout Ukraine, but particularly in western regions and Crimea”⁷⁹. Numerous incidents involving desecrations of cemeteries and religious sites, hateful graffiti, have occurred and their authors are usually not brought to justice⁸⁰. What is more, the authorities of the Lenino district in Crimea have authorised the construction of a diving centre on the place of a Muslim cemetery, explaining that “the evidence linking the burial site to Muslims was unconvincing”.⁸¹

⁷⁶ Izmirli, P. Idil, *Fragmented Islam and Inter-Ethnic Conflict in Crimea*; Jan 13, 2013; available at http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2309381

⁷⁷ Ukraine 2012 International Religious Freedom Report, Bureau of Democracy, Human Rights and Labor, U.S. Department of State, p.6; available at <http://www.state.gov/documents/organization/208590.pdf>

⁷⁸ Religious network, its personnel and material support: key trends, change in dynamics and the prospects for development, “Релігійна мережа, її кадрове та матеріальне забезпечення: основні тенденції, динаміка змін, перспективи розвитку”; Ukrainian Ministry of Culture; April 11, 2013; available at <http://mincult.kmu.gov.ua/mincult/uk/publish/article/327651;jsessionid=C576ABCB3D48CB82182949A7237D6CDE>

⁷⁹ Council of Europe: Secretariat of the Framework Convention for the Protection of National Minorities, Advisory Committee on the Framework Convention for the Protection of National Minorities - Third Opinion on Ukraine, Adopted on 22 March 2012, 28 March 2013, ACFC/OP/III(2012)002, par. 70; available at: <http://www.refworld.org/docid/51deaa134.html>

⁸⁰ Ukraine 2012 International Religious Freedom Report, Bureau of Democracy, Human Rights and Labor, U.S. Department of State, p.6 and p.9; available at <http://www.state.gov/documents/organization/208590.pdf>

⁸¹ Ukraine 2012 International Religious Freedom Report, Bureau of Democracy, Human Rights and Labor, U.S. Department of State, p.10; available at <http://www.state.gov/documents/organization/208590.pdf>

Section D: Recommendations

1. Create an effective legal framework to restore the rights of returnees deported on ethnic grounds by adopting the applicable legislation and Concept on State Migration Policy.⁸²
2. Strengthen the cooperation between Ukraine and countries where formerly deported Crimean Tatars reside in order to minimise the risk of statelessness among the returnees, as well as reduce resources required to renounce the citizenship.
3. Reconsider the policy on the non – recognition of the Mejlis, which represents a substantial part of the Crimean Tatar community and thus should be provided with the opportunity of effective participation in the decision-making process.
4. Develop effective instruments that promote political representation of the returnees, the Crimean Tatars in particular. Invite, if needed, international experts to analyse current voting system in Crimea.
5. Develop a systematic approach to combat discrimination, in particular adopt legislation and establishing an institutional body that would implement an effective legal framework and analyse current situation, with a special focus on Crimea, as well as ensure an implementation of anti-discriminatory measures on national and regional levels. This institution should guarantee access to effective remedies in cases of discrimination to ensure full and effective equality.
6. Improve the current position of the candidates from vulnerable and marginalised ethnic groups to take a position in public service.
7. Conduct an inventory of all Crimean land resources, with the assistance of international experts, if needed. Priority should be given to the regions that are under disputes as well as those highly demanded for the allocation of land.
8. Supervise the allocation of land plots and report possible violations to the appropriate authorities. Formerly deported persons and other groups related to the unauthorized settlements must be ready to cooperate with such institutions.
9. Resolve all issues related to the illegal settlements by providing deportees and other citizens land for construction of residential buildings, based on the Land Registry.
10. Integrate all the land plots, formerly hosting illegal settlements, into area development programmes in order to prevent their economic and social exclusion.
11. Provide existing settlements with gas, electricity, water and connect to drainage.

⁸² Presidential decree N622/2011 on State Migration Policy; “Указ Президента Украины № 622/2011 Про Концепцію Государственной Миграционной Политики”.

12. Create a transparent and effective land management system by introducing structural reforms in land management policy and amending the existing legislation.
13. Include returnees as a separate target group in the implementation of the Programme for Social Protection and Employment of the Autonomous Republic of Crimea in order to tackle specific socio-economic integration problems of Crimean Tatars.
14. Collect and analyse data regarding ethnic groups in different aspects of socio-economic integration in Crimea in order to develop and adopt effective and targeted measures to improve inclusivity of Crimean Tatars.
15. Develop effective mechanism to simplify the access of returnees residing in rural areas and illegal settlements to social and healthcare services as well as review current procedures on the registration of residence.
16. The Ministry of Education of Ukraine should take the responsibility and leading role in ensuring that the right to education in minority languages is accessible on the fair grounds for all. It should revise the current system and define criteria for the setup of pupils groups in the classrooms.
17. Allocate additional funds to education in minority languages.
18. Continue efforts to promote intercultural and interreligious understanding and tolerance through education as well as emphasizing and improving existing initiatives, such as the revision of school history curriculum.
19. Support and preserve the development of minority cultures, as well as ensure an equal access for all minority communities to financial and administrative resources for the implementation of cultural activities.
20. Develop effective policies and take concrete measures to protect and promote minority languages in accordance with the international obligations of Ukraine, including financial support for the media in minority languages and cultural institutions.
21. Recognise the multi-ethnic nature of the Crimea and promote the inter-cultural and inter-religious tolerance, among which the restoration of historic place names, return of religious property and the construction of new cultural and religious structures.
22. Investigate and prosecute incidents of inter-ethnic and religious hatred and vandalism of religious sites as well as improve the capacity of police officers to react and combat appropriately such cases.
23. Promote the legalisation of land plots currently used for religious worship, such as the Kebir Cami Mosque, which is currently running without a land property certificate.