



**Alternative Report submitted to the  
UN Committee on the Elimination of Racial Discrimination  
at the 79<sup>th</sup> Session during the consideration of the 19<sup>th</sup> to 21<sup>st</sup> Periodic  
Reports of Ukraine**

**Unrepresented Nations and Peoples Organization  
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## Section A: Introduction to the Report

This alternative report submitted by the Unrepresented Nations and Peoples Organization (UNPO) on the occasion of the 79<sup>th</sup> Session of the United Nations Committee on the Elimination of Racial Discrimination (henceforth, “the Committee”) during which the nineteenth through the twenty-first Periodic Reports of Ukraine, due in 2010 will be considered.

The framework of this report will comment upon the articles of the International Covenant on the Elimination of all Forms of Discrimination sequentially. The final section of the report raises questions that should be posed and recommendations regarding concerns which are intended to inform the discussions taking place within the International Convention on the Elimination of all Forms of Racial Discrimination (henceforth, “ICERD” or “the Convention”) and between the Committee and the Ukrainian delegation at the 79<sup>th</sup> Session.

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

The Concluding Observations of the Committee following the seventeenth and eighteenth Periodic Reports of Ukraine note the importance of specific attention towards the Crimean Tatars and have recognized Ukraine’s positive steps in this matter. However, there are several issues and questionable responses that suggest that work must be continued on addressing all human rights violations pertaining to racial discrimination against the Crimean Tatars in Ukraine.

*The Hague, July 2011*

## Section B: Introduction to the Crimean Tatars

The Crimean Tatars are indigenous to the area within Ukraine currently known as the Autonomous Region of Crimea. The Crimean Tatars trace their origins in Crimea to the 9<sup>th</sup> century when Turkish peoples and Mongol Tatars entered the region and established their nation beginning in 1441. It was during this time that the Crimean Tatar identity and culture was established and flourished within a Crimean Khanate that formed part of the Ottoman Empire. Following Crimea's annexation to Russia in 1783 and failed attempts at regaining their independence, mass emigration took place as Crimean Tatars fled the peninsula due to violence and starvation caused by Soviet collectivization campaigns, ultimately made the once majority Crimean Tatars a minority in their own homeland.

Established in 1921, the Crimean Autonomous Soviet Socialist Republic, Crimean Tatars were continuously subjected to forced assimilation, marginalization and exile by the Soviet regime. In the 1940s, the Crimean Tatars were unjustly scapegoated and eventually labelled as traitors by the Soviet regime.<sup>1</sup> The entire Crimean Tatar population (estimated at around 200,000) was forcibly deported to the Urals, Siberia and Uzbekistan. Around 46% of the population died in the process of deportation and simultaneously, Soviet authorities systematically destroyed most instances of Crimean Tatar existence and identity. This included demolishing buildings and monuments, books, and names of places which were Russified. The United Nations Treaty on the Prevention and Punishment of Genocide defines genocide in Article II as "acts committed with intent to destroy in whole or in part, a national, ethnical, racial or religious group." These acts include "deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or part." Therefore, 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.

The Crimean Tatars, in the thousands, have been trying to return to their homeland starting in 1967, and even though officially granted right of return in 1989 after decades of nonviolent campaigning, 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. This affects the approximately 250,000 Tatars living in Crimea, which comprises 12% of the regional population.

Crimean Tatars face racism and xenophobia in Ukraine. The Committee has identified the Crimean Tatars as a population in need of protection and has recognized the need for targeted assistance from the state.

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<sup>1</sup> Alongside the meticulously organized sanctioning and implementation of the deportation, local communist rulers in Crimea grossly exaggerated unjustified accusations against the Crimean Tatars for treason with Germans. Allegations were offered based on biased and inflated figures. One such example is the figure of Crimean Tatar deserters, inflated to 20,000 whereas 479 were recognized. See: Campana, A. (2008). *Surgun: The Crimean Tatars, deportation and exile. Online encyclopedia of mass violence*. Retrieved from [http://www.massviolence.org/Article?id\\_article=163](http://www.massviolence.org/Article?id_article=163)

## Section C: Compliance with ICERD

### Article 1.4 (a) – Targeted Assistance to Crimean Tatars

Article 1.4 states that “special measures taken for the sole purpose of securing adequate advancement of certain racial or ethnic groups or individuals requiring such protection as may be necessary in order to ensure such groups or individuals equal enjoyment or exercise of human rights and fundamental freedoms shall not be deemed racial discrimination, provided, however, that such measures do not, as a consequence, lead to the maintenance of separate rights for different racial groups and that they shall not be continued after the objectives for which they were taken have been achieved.”

#### (a) Recognition as Indigenous Peoples

The Ukrainian government considers the Crimean Tatars as an ethnic minority rather than an indigenous people. Having historically lived on the Crimea peninsula centuries before their deportation, Crimean Tatars consider themselves as an indigenous people, who are distinguished by their distinct social, economic, cultural and political institutions. The Crimean Tatars have previously been recognized as indigenous by the Soviet Union in the 1920s during the era of ‘korenzatsiia’ (nativization).<sup>2</sup>

“The self-designation of our people, ‘Crimean Tatar’, leads many people to error and they depict us only as the direct descendants of the Tatar-Mongols who invaded Crimea in the beginning of the 13<sup>th</sup> century. In point of fact, they are a people that formed on the territory of the Crimea peninsula. Over the course of many centuries, many tribes and peoples settled on the territory of the Crimea. Regimes, dictators, religions and cultures changed but in those times, as is well known, mass deportations, genocide of peoples and ethnic cleansing of territory was not practiced – this became sufficiently frequent only in our enlightened century. Therefore, with a firm basis, it may be confirmed that in the formation of the Turkish base of our Crimean Tatar nation there are definite waves of all races and ethnic groups who settled in Crimea from ancient times.”<sup>3</sup>

As an indigenous people, article 4 of the Declaration of the Rights of Indigenous People protects the right of the Crimean Tatar people to “exercise their right to self-determination, have the right to autonomy or self-government in matters related to their internal and local affairs, as well as ways for financing their autonomous functions.” However, the Ukrainian government does not recognize the Crimean Tatar Qurultay, or Parliament, which is run by an executive board known as the Milli Mejlis, created in 1991 to act as a representative body for the Crimean Tatars and address their concerns in Crimea. This is despite the Crimean Tatars’ overwhelming support of Ukrainian national democratic forces after 1989 and again during the Orange Revolution of 2004-2005.

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<sup>2</sup> Pohl, J.O. (2000 April). *The Deportation and Fate of the Crimean Tatars*. Speech presented at 5<sup>th</sup> Annual World Convention of the Association for the Study of Nationalities: Identity and the State: Nationalism and Sovereignty in a Changing World, Columbia University, New York.

<sup>3</sup> Mustafa, J. (1997 July 24). *Vostanovlenie prav krymskikh*. *Kirim*, p. 3.

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*Recommendation: Formally endorse and ratify the United Nations Declaration on the Rights of Indigenous Peoples.*

*Recommendation: Formally recognize the Crimean Tatars as an indigenous people, and respect the distinct rights to self-governance afforded to them by the UN Declaration on the Rights of Indigenous Peoples.*

### (b) Restoration of Rights of Persons Deported on Ethnic Basis

In 2004, the Crimean Tatars, through peaceful advocacy campaigns to international fora, brought their concerns to the Ukrainian parliament and as a result, the bill on the Restoration of the Rights of Persons Deported on Ethnic Basis was drafted, recognizing issues regarding legal status, housing, employment, culture, education, religion and guaranteed parliamentary representation. Former President Leonid Kuchma vetoed the bill, and though it has been brought up in the Parliament a number of times since, the law remains unsigned.<sup>4</sup> Alternatively, Decision No. 637 adopted by the Cabinet of Ministers on 11 May 2006 to address the challenges of the returned Crimean Tatars in the 'Programme of Resettlement of the Deported Crimean Tatars and Persons of Other Nationalities Who Returned to Ukraine for Residence and their Adaptation and Integration into Ukrainian Society until 2010'.<sup>5</sup>

Unfortunately, this programme has been demonstrated to be lacking in its effectiveness. Its funding has been an issue due to absolute growth of budget expenditure when considering inflation and the continuing increase in land prices. The state budget funds are also noted to be allocated irregularly, with most of the allocation in the last quarter.<sup>6</sup>

The Ukrainian government has responded that these concerns are addressed via policies which are "implemented consistent with the Programme for the settlement and installation of deported Crimean Tatars and persons of other nationalities who have returned to Ukraine as permanent residents."<sup>7</sup> Other committees have also expressed their concern over policies regarding Crimean Tatars, including the OSCE High Commissioner on National Minorities and the European Union's Committee of the Regions.<sup>8</sup> Ultimately, these recommendations and proposed legislation have not been acted upon by the Ukrainian government. Evidence of this includes the fact that only a small percentage of Crimean Tatar families have been allocated housing of any form or quality.<sup>9</sup> Those who remain without housing have taken shelter in informal settlements of huts built in the countryside surrounding Simferopol, which are devoid of basic infrastructure and social services required for decent living conditions.

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<sup>4</sup> This issue was addressed during a visit from the OSCE's High Commissioner on National Minorities to the Crimean Tatar Mejlis in March 2011.

<sup>5</sup> Committee on the Elimination of Racial Discrimination, (2010). *Reports submitted by state parties under article 9 of the Convention: Ukraine* (CERD/C/UKR/19-21) para. 519.

<sup>6</sup> The State Statistics Committee reported in 2008 that the inflation rate of Crimea dropped nearly 9% while land and housing prices were growing 45% annually. See: Razumkov Centre, National Security & Defence. (2009). *Crimean Society: Dividing Lines and Prospects of Consolidation*. Kyiv, Ukraine.

<sup>7</sup> Committee on the Elimination of Racial Discrimination, (2010). *Reports submitted by state parties under article 9 of the Convention: Ukraine* (CERD/C/UKR/19-21) para. 99.

<sup>8</sup> During an OSCE conference in 2007 on "Combating Discrimination and Promoting Mutual Respect and Understanding," Crimean Tatar representatives were invited to state their concerns and appeals.

<sup>9</sup> Of the over 6,000 Crimean Tatar families on the waiting list for housing, only 387 families have been allocated housing over the past three years. See: Committee on the Elimination of Racial Discrimination, (2010). *Reports submitted by state parties under article 9 of the Convention: Ukraine* (CERD/C/UKR/19-21) para. 100.

*Question: What steps has the government of Ukraine taken on acceding to the international instruments of statelessness as recommended in CERD/C/304/Add.48?*

*Recommendation: Readdress legislation, such as the vetoed bill on the Restoration of the Rights of Persons Deported on Ethnic Basis and Decision No. 637, to conform with standards as specified in Article 1.4 of the Convention regarding adequate advancement of the Crimean Tatars as an ethnic group requiring protection to ensure equal rights and equal exercise of human rights and fundamental freedoms.*

### **Article 2.1 (a) – Public Authorities Must Conform to Obligations of ICERD**

Article 2.1 (a) requires that “[e]ach State Party undertakes to engage in no act or practice of racial discrimination against persons, groups of persons or institutions and to ensure that all public authorities and public institutions, national and local, shall act in conformity with this obligation.”

In March 2010, Minister of the Interior Anatoly Mogilev, also formerly the head of the Crimean Electoral Commission as well as police chief, expressed his support for the rationale and the policy that had culminated in the 1944 deportation of the Crimean Tatars.<sup>10</sup> The Crimean Tatars, through the representation of the Milli Mejlis, are currently considering filing a complaint with the European Court for Human Rights. This complaint also cites incidents of excessive police force and wilful ignorance of violence against Crimean Tatars during Mogilev’s tenure as police chief.<sup>11</sup> In June 2010, the Ukrainian Parliament refused to dismiss Mogilev, despite his clear incitement to hatred and their obligation to condemn such acts under the Convention. After Mogilev had not received any condemnation or censure due to his remarks, Chairman Jemilev stated,

“It wasn’t just me who opposed [Mogilev’s] appointment. There was also the statement of two parliamentary groups of twelve European states in the Parliamentary Assembly of the Council of Europe in which they expressed their puzzlement concerning the fact that the person with such [xenophobic] views heads such an important Ministry in the country that [is] seemingly longing to enter the European Union. However, it seems like the President and coalition majority in the Parliament considered that Mr. Mogilev has so many positive qualities that his Nazi views, his attempts to differentiate peoples living in Ukraine to good and bad, inciting ethnic discord, were just childish antics. Mogilev himself didn’t consider it necessary to apologize before the Crimean Tatar people for his actions and statements.”<sup>12</sup>

Concurrently, Oleg Rodivilov, a member of the Verkhovna Rada of Crimea (Ukrainian Parliament in the Autonomous Republic of Crimea), called for the disbandment of Crimean Tatar Mejlis, likening it to organized crime and referring to its existence as unconstitutional. Furthermore, he suggested, without foundation, that continuing to permit the Mejlis and the Qurultay will result in terrorist attacks against

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<sup>10</sup> Kuzio, T. (2010). Ukraine’s new old siloviki. *Eurasia Daily Monitor*, 7(63).

<sup>11</sup> Radio Free Europe. (2010, March 16). *Crimean Tatars seek criminal case against Ukrainian interior minister*. Retrieved from

[http://www.rferl.org/content/Crimean\\_Tatars\\_Seek\\_Criminal\\_Case\\_Against\\_Ukrainian\\_Interior\\_Minister/1985581.html](http://www.rferl.org/content/Crimean_Tatars_Seek_Criminal_Case_Against_Ukrainian_Interior_Minister/1985581.html)

<sup>12</sup> Akadyrov, Z. (2011, May 13). *“If someone wants to negotiate with Crimean Tatars one should talk with Mejlis,” - M. Jemilev*. Retrieved from <http://qtm.org/en/news/231-if-someone-wants-to-negotiate-with-crimean-tatars-one-should-talk-with-mejlis-m-jemilev>

Ukraine.<sup>13</sup> Rodivilov has previously expressed similar discriminatory views in 2005 and has attempted to take legal action against a Crimean Tatar newspaper, *Golos Kryma* (Voice of Crimea) for defamation when the news agency published quotations of his statement. The European Court of Human Rights ruled his case inadmissible in May 2011.<sup>14</sup>

The lack of national condemnation brings to question the effectiveness of the large-scale plan that the Ukrainian government details in its report to address xenophobia and racial and ethnic discrimination. The specified targets of this plan to combat discrimination in Ukrainian society are chiefly schools, non-governmental organizations, and sports clubs. It also seeks to identify, combat, and resolve racially-motivated crimes.<sup>15</sup> There is however insufficient information on the nature, scope, or capacity of internal investigations to address existing xenophobia and discrimination within state institutions.

*Recommendation: Revise “Ministry of Internal Affairs Plan of Action to Combat Racism and Xenophobia to 2012” to address xenophobia and racial and ethnic discrimination originating from within State institutions in consultation with organisations representing the views and concerns of the Crimean Tatars.*

*Recommendation: Address conformity to Article 4 (b) which requires that the Ukrainian government “[s]hall declare illegal and prohibit organizations, and also organized and all other propaganda activities, which promote and incite racial discrimination, and shall recognize participation in such organizations or activities as an offence punishable by law.”*

### **Article 2.1 (c) – States Must Address Policies Perpetuating Racial Discrimination**

Article 2.1 (c) states that “[e]ach State Party shall take effective measures to review governmental, national and local policies, and to amend, rescind or nullify any laws and regulations which have the effect of creating or perpetuating racial discrimination wherever it exists.”

Article 161 of the Criminal Code extends protection against discrimination only to citizens. This specification is particularly problematic for the Crimean Tatar people due to their mass deportation in the 1940s, during which they were stripped of their rights as Ukrainian citizens, effectively complicating their claims to Ukrainian passports. While the Ukrainian government has made positive steps in facilitating the acquirement of Ukrainian citizenship for Crimean Tatars, the continued existence of this law creates a dangerous precedent whereby what are in effect ‘non-citizens’ of Ukraine have no recourse to effective justice in after being made victims of racial discrimination, This was noted by the Committee in its concluding observations to the 2006 CERD review of Ukraine.<sup>16</sup>

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<sup>13</sup> Radio Free Europe. (2010, April 6). *Pro-Russia Groups Want Crimean Tatar Bodies Disbanded*. Retrieved from [http://www.rferl.org/content/ProRussia\\_Groups\\_Want\\_Crimean\\_Tatar\\_Bodies\\_Disbanded/2004234.html](http://www.rferl.org/content/ProRussia_Groups_Want_Crimean_Tatar_Bodies_Disbanded/2004234.html)

<sup>14</sup> European Court of Human Rights, (2011). *Fifth section decision as to the admissibility of application no. 49876/07 by Oleg Leonidovich Rodivilov against Ukraine*.

<sup>15</sup> Committee on the Elimination of Racial Discrimination, (2010). *Reports submitted by state parties under article 9 of the Convention: Ukraine* (CERD/C/UKR/19-21) Annex 2, “Ministry of Internal Affairs Plan of Action to Combat Racism and Xenophobia up to 2012.”

<sup>16</sup> Committee on the Elimination of Racial Discrimination, (2007). *Consideration of reports submitted by state parties under article 9 of the Convention* (CERD/C/UKR/CO/18) para. 9.

*Question: The Ukrainian Government should specify any amendments which have been made to extend protection under Criminal Code Article 161 to non-citizens as well as disclose any collaboration and consultation with non-governmental organizations.*

### **Article 5 (c) – Adequate Political Representation**

Article 5 (c) guarantees “[p]olitical rights, in particular in elections – to vote and to stand for election – on the basis of universal and equal suffrage, to take part in the Government as well as in the conduct of public affairs at any level and to have equal access to public service.”

Crimean Tatars remain underrepresented at both local and regional levels. There are no special measures in place to ensure Crimean Tatar representation, beyond “regular reminders” by the Council of Ministers of the Autonomous Republic of Crimea for “more active efforts to encourage specialists who are former deportees to apply for vacant posts.”<sup>17</sup> There has only been one Crimean Tatar elected to national parliament as of 2010<sup>18</sup>. It should be noted that while there is an increasing number of Crimean Tatars working as public servants (10.8% of the District State Administration in 15 districts of Crimea is composed of Crimean Tatar), due to the predominantly administrative nature of these positions, few are in a position to participate in the decision-making process or raise-awareness and help to address the problems facing their community.<sup>19</sup> This has created a ‘glass ceiling’ above which Crimean Tatars cannot progress. Increased participation in national civil society and both greater encouragement and available opportunities to gain experience in a competitive meritocracy, would better address the national relationship with Crimean Tatars towards an inclusive Ukraine.

According to the State report by the government of Ukraine, Ukrainian domestic law does not provide for any linguistic or ethnic quotas for elected officials and public servants, but the report maintains that under the Ethnic Minorities of Ukraine Act, all Ukrainian citizens belonging to an ethnic minority have an equal right to be elected. However, this legislation fails to address historical discrimination and marginalization which has resulted in poverty and inadequate education for the Crimean Tatars that prevents them in most cases from standing for election to such positions.<sup>20</sup>

*Question: Regarding Paragraph 504 of CERD/C/UKR/19-21, please provide specific details about the programmes providing Crimean Tatars with “assistance in education, further training and career development in executive and local government bodies,” as well as how many Crimean Tatars have been reached as a consequence of such assistance and how the successes of such programmes are measured.*

### **Article 5 (d)(v) – Right to Property**

Article 5 (d)(v) is regarding “the right to own property alone as well as in association with others.”

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<sup>17</sup> Committee on the Elimination of Racial Discrimination, (2010). *Reports submitted by state parties under article 9 of the Convention: Ukraine* (CERD/C/UKR/19-21) para. 505.

<sup>18</sup> United States State Department, Bureau of Democracy, Human Rights and Labor. (2010). *2010 country reports on human rights practices – Ukraine*. Washington, DC

<sup>19</sup> Research and Support of Indigenous Peoples of Crimea Foundation, (2006). *Information in relations to the implementation of the ICERD by Ukraine with regard to the situation of Crimean Tatars (Crimea, Ukraine)*. p. 1.

<sup>20</sup> Committee on the Elimination of Racial Discrimination, (2010). *Reports submitted by state parties under article 9 of the Convention: Ukraine* (CERD/C/UKR/19-21) para. 122-128.

The Ukrainian Constitution guarantees the right to housing to all citizens and to citizens in need of social protection with housing assistance under Article 47. The Crimean Tatars' request for the restitution or compensation of land within the territory where they or their families lived prior to deportation usually ends with land plots being assigned to them in areas considered undesirable due to lack of infrastructure and basic services.<sup>21</sup>

The Committee has made clear its concerns regarding the exclusion of Crimean Tatars from adequate participation in the agrarian land privatization process.<sup>22</sup> Article 25 of the Ukrainian Land Code requires that applicants for agrarian land plots to be former Soviet collective farm workers.<sup>23</sup> This requirement cannot be met by Crimean Tatars due to their forced deportation. The state response to this issue does not include any mention of assistance for the Crimean Tatars into this agrarian land programme or its actions regarding amending the Ukrainian Land Code.<sup>24</sup> Regarding agrarian land allocated for repatriated persons, including Crimean Tatars, Ukraine has also identified "inappropriate measures in preventing unauthorized seizure of land" which compounds this problem.<sup>25</sup>

*Question: Please describe measures taken by the State party to specifically target Crimean Tatars for agrarian reform programmes.*

*Question: Specify the "inappropriate measures" in regards to preventing unauthorized seizures of land and describe what actions are being taken to address this problem.*

*Question: Please describe measures taken by the state party to address the issue of land rights for Crimean Tatars in Crimea by means of land allocation or by appropriate compensation for the loss of the lands as recommended by the Committee, as well as mechanisms available to Crimean Tatars to appeal government decisions along with assistance in using said mechanisms.*

### **Article 5 (d)(viii) – Educational Texts Promulgating Discriminatory Content**

Article 5 (d)(viii) protects "[t]he right to freedom of thought, conscience and religion."

The Committee has expressed concern about textbooks for schoolchildren which contain historically inaccurate information about minorities, and has proposed recommendations to address this problem.<sup>26</sup> The State's response to this concern describes the amendment of standards for curricula which include the use of the Crimean Tatar language as the language of instruction and the provision of additional training for educators and students in the Crimean Tatar language. However, the response

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<sup>21</sup> Committee on the Elimination of Racial Discrimination, (2007). *Consideration of reports submitted by state parties under article 9 of the Convention* (CERD/C/UKR/CO/18) para. 15.

<sup>22</sup> *ibid*

<sup>23</sup> Mustafa, J. (2010, April). *Stability in Crimea: Problems and Prospects*. Speech, Brussels.

<sup>24</sup> Committee on the Elimination of Racial Discrimination, (2010). *Reports submitted by state parties under article 9 of the Convention: Ukraine* (CERD/C/UKR/19-21) para. 514-528.

<sup>25</sup> Committee on the Elimination of Racial Discrimination, (2010). *Reports submitted by state parties under article 9 of the Convention: Ukraine* (CERD/C/UKR/19-21) para. 104.

<sup>26</sup> Committee on the Elimination of Racial Discrimination, (2007). *Consideration of reports submitted by state parties under article 9 of the Convention* (CERD/C/UKR/CO/18) para. 16.

also claims that textbooks do not contain racial, ethnic or cultural stereotypes.<sup>27</sup> This claim is directly contradicted by The Association of the Crimean Tatar Teachers “Maarifchi”, which conducted a study in 2005 to highlight textbook content that had an evident goal of creating a negative image of the Crimean Tatars, their history and relations with the Ukrainian people. In reviewing the 8<sup>th</sup> grade text “The History of Ukraine: 16<sup>th</sup>-18<sup>th</sup> Centuries” by A.K. Shvidko (published in Ukrainian and Russian), several clear instances of negativity towards the Crimean Tatars were identified. The material in Chapter 8 “Turkey and the Crimean Khanate in the second half of the 16<sup>th</sup> century to the first half of the 17<sup>th</sup> century” describes the historic and economic aspects of the Crimean Khanate. Maarifchi found that within the 25 lines devoted to this topic, 17% of the content specific to the Crimean Khanate is neutral while 50% focuses on the negative role of the Khanate towards the Ukrainian population.

“The first sentence says, ‘Crimean Khanate of the 16<sup>th</sup> century occupied less than half of the peninsula.’ One more phrase: ‘Productive forces of Crimea couldn’t feed the population of the peninsula. The lack of goods was compensated by the spoils of war [from] campaigns to neighbour countries.’”<sup>28</sup>

The report draws the following conclusion,

“This item contains the [main] ideas of the whole 25 lines dedicated to the description of [the] Crimean Khanate as a community of gangsters whose main source of living is taking captives and spoils. The author also notes that this kind of business was typical for the majority of the population and of Crimea. And, finally, the idea that the majority of the population fought constantly and [...] in Ukraine. The idea imposed here of constant war between the Crimean Khanate and Ukraine, expect for being a historic falsification, naturally inclines students on a definite attitude towards Crimean Tatars.”<sup>29</sup>

In the 2007 Country Reports on Human Rights Practices regarding Ukraine, the same textbooks as noted by the Maarifchi study were continued to be permitted to be used in schools.<sup>30</sup> This creates concerns that these and similar texts may still be in circulation at schools.

*Question: Please provide specific information on the scope of textbook reviews, including their frequency and what steps are being taken to include third party organizations in the drafting, reviewing and feedback on the final texts and the assessments of the working group.*

### **Article 5 (e)(i) – Addressing Unemployment Disproportionally Affecting Crimean Tatars**

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<sup>27</sup> “346: The working group uses the United Nations Educational, Scientific and Cultural Organization’s textbook assessment scale to analyze the textbooks on Ukraine’s history currently used in general schools. This has already been done for the books used in grades 6 to 9. One of the important aspects is that the book[s] should not contain any racial, ethnic or cultural stereotypes. The experts concluded that the textbooks analyzed contained practically no such stereotypes.” See: Committee on the Elimination of Racial Discrimination, (2010). *Reports submitted by state parties under article 9 of the Convention: Ukraine* (CERD/C/UKR/19-21).

<sup>28</sup> Kadzhametova, S. Association of the Crimean Tatar Teachers ‘Maarifchi’, (2005). *The analysis of the textbooks on the history of Ukraine on the matter of creation of the negative image of Crimean Tatars.*

<sup>29</sup> *ibid*

<sup>30</sup> United States State Department, Bureau of Democracy, Human Rights and Labor. (2007). *2007 country reports on human rights practices – Ukraine.* Washington, DC

Article 5 (e)(i) guarantees “[t]he rights to work, to free choice of employment, to just and favourable conditions of work, to protection against unemployment, to equal pay for equal work, to just and favourable remuneration.”

Crimean Tatars assert that racial discrimination by local officials deprive them of equal opportunities for employment, especially in local administration within Crimea.<sup>31</sup> Due to high unemployment rates, 60% of Crimean Tatar families are unable to afford basic necessities, including food. Most of these families are reliant on pensions and petty trade as sources of subsistence.<sup>32</sup>

*Question: Please describe the enforcement mechanisms of Article 3 of the Employment Act of Ukraine which guarantees equal opportunities for all citizens and protection against unsubstantiated refusal of recruitment.*

### **Article 5 (e)(v) – Education in Own Language**

Article 5 (e)(v) protects “[t]he right to education and training.”

Ukraine’s attention to specialized training for teachers using a minority language as the language of instruction is commendable. However, in order to support these initiatives and guarantee their success, the lack of sufficient educational texts and materials in the Crimean Tatar language must be addressed. Ukraine’s report does not specify which ethnic minority languages are being used for textbook development.<sup>33</sup> According to the OSCE, in 2007 there were only 13 Tatar-language schools in Crimea, serving 14% of Tatar students. These schools only offered 4 year programmes, after which students continued their education solely in Russian.<sup>34</sup> The Crimean Tatar language is particularly vulnerable and in need of protection especially given its experience of forced assimilation under the Soviet regime that brought the language close to extinction and continues to have a negative impact on the preservation of the Crimean Tatar culture and identity.<sup>35</sup>

*Question: Please specify what educational materials, beyond bilingual dictionaries, are being developed for students learning in the Crimean Tatar language.*

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<sup>31</sup> United States State Department, Bureau of Democracy, Human Rights and Labor. (2010). *2010 country reports on human rights practices – Ukraine*. Washington, DC

<sup>32</sup> Razumkov Centre, National Security & Defence. (2009). *Crimean Society: Dividing Lines and Prospects of Consolidation*. Kyiv, Ukraine.

<sup>33</sup> “326: During the period 2005-2009, the State budget funded the publication of materials for grades 5 to 9 in general schools that teach in ethnic minority languages. These included textbooks in minority languages, an integrated minority language and foreign literature course, Ukrainian language and literature textbooks, and translations of textbooks on other subjects into the minority languages.” See: Committee on the Elimination of Racial Discrimination, (2010). *Reports submitted by state parties under article 9 of the Convention: Ukraine (CERD/C/UKR/19-21)*

<sup>34</sup> Unrepresented Nations and Peoples Organization. (2011) *Crimean Tatars: A Missing Piece in Ukrainian Society? Restoration of Crimean Tatars Rights*.

<sup>35</sup> Starting as a Turkic language, the Crimean Tatar language was eventually written in an Arabic script after the Crimean Tatars adopted Islam. In 1928 under Soviet rule, use of a Latin script was imposed and this changed again in 1938 when a Cyrillic script was imposed.

## Section D: Summary of Questions and Recommendations

### Article 1.4 (a) – Targeted Assistance to Crimean Tatars

#### (a) Recognition as Indigenous Peoples

*Recommendation: Formally endorse and ratify the United Nations Declaration on the Rights of Indigenous Peoples.*

*Recommendation: Formally recognize the Crimean Tatars as an indigenous people, and respect the distinct rights to self-governance afforded to them by the UN Declaration on the Rights of Indigenous Peoples.*

#### (b) Restoration of Rights of Persons Deported on Ethnic Basis

*Question: What steps has the government of Ukraine taken on acceding to the international instruments of statelessness as recommended in CERD/C/304/Add.48?*

*Recommendation: Readdress legislation, such as the vetoed bill on the Restoration of the Rights of Persons Deported on Ethnic Basis and Decision No. 637, to conform with standards as specified in Article 1.4 of the Convention regarding adequate advancement of the Crimean Tatars as an ethnic group requiring protection to ensure equal rights and equal exercise of human rights and fundamental freedoms.*

### Article 2.1 (a) – Public Authorities Must Conform to Obligations of ICERD

*Recommendation: Revise “Ministry of Internal Affairs Plan of Action to Combat Racism and Xenophobia to 2012” to address xenophobia and racial and ethnic discrimination originating from within State institutions in consultation with organisations representing the views and concerns of the Crimean Tatars.*

*Recommendation: Address conformity to Article 4 (b) which requires that the Ukrainian government “[s]hall declare illegal and prohibit organizations, and also organized and all other propaganda activities, which promote and incite racial discrimination, and shall recognize participation in such organizations or activities as an offence punishable by law.”*

### Article 2.1 (c) - States Must Effectively Address Policies That Perpetuate Racial Discrimination

*Question: The Ukrainian Government should specify any amendments which have been made to extend protection under Criminal Code Article 161 to non-citizens as well as disclose any collaboration and consultation with non-governmental organizations.*

### Article 5 (c) – Adequate Political Representation

*Question: Regarding Paragraph 504 of CERD/C/UKR/19-21, please provide specific details about the programmes providing Crimean Tatars with “assistance in education, further training and career development in executive and local government bodies,” as well as how many Crimean Tatars have been reached as a consequence of such assistance and how the successes of such programmes are measured.*

### **Article 5 (d)(v) – Right to Property**

*Question: Please describe measures taken by the State party to specifically target Crimean Tatars for agrarian reform programmes.*

*Question: Specify the “inappropriate measures” in regards to preventing unauthorized seizures of land what actions are being taken to address this problem.*

*Question: Please describe measures taken by the state party to address the issue of land rights for Crimean Tatars in Crimea by means of land allocation or by appropriate compensation for the loss of the lands as recommended by the Committee, as well as mechanisms available to Crimean Tatars to appeal government decisions along with assistance in using said mechanisms.*

### **Article 5 (d)(viii) – Educational Texts Promulgating Discriminatory Content**

*Question: Please provide specific information on the scope of textbook reviews, including their frequency and what steps are being taken to include third party organizations in the drafting, reviewing and feedback on the final texts and the assessments of the working group.*

### **Article 5 (e)(i) – Addressing Unemployment Disproportionally Affecting Crimean Tatars**

*Question: Please describe the enforcement mechanisms of Article 3 of the Employment Act of Ukraine which guarantees equal opportunities for all citizens and protection against unsubstantiated refusal of recruitment.*

### **Article 5 (e)(v) – Education in Own Language**

*Question: Please specify what educational materials, beyond bilingual dictionaries, are being developed for students learning in the Crimean Tatar language.*