HUMAN RIGHTS IN CRIMEA

Crimea, an autonomous region within Ukraine, has had a difficult recent history with respect to human rights. The native peoples of the area, Crimean Tatars, were unjustly considered traitors by the Soviet government, and in the 1940s every single Crimean Tatar was deported to Uzbekistan. Since that time, more or less 250,000 returned to the area, but some remain in diaspora. The Crimean Tatars who have returned have faced numerous obstacles to regaining their land/property – which is now one of the most sought after (on the Black Sea coast) and or position that they lost upon deportation. There remain issues with language, legal status, religion, access to education, land appropriation, and more. So, while the position of Crimean Tatars has improved, the Ukrainian state still has to make progress before it can be said to be fully respectful of the rights of Crimean Tatars.

Any attempt to comprehend the contemporary complexities of the Crimea's inter-ethnic relations should begin with May 18, 1944. On that day, between 200,000 and 250,000 Crimean Tatars were rounded up on Stalin's orders and sent into internal exile. The Soviet leadership took such draconian action after labeling the Crimean Tatars as traitors, alleging they had collectively collaborated with the enemy during Nazi Germany's occupation of the peninsula from late 1941 until April 1944.

The deportation of an entire national group certainly was not unprecedented in the Soviet Union during World War II: Volga Germans, Chechens and Meskhetian Turks are just some of the other national minorities who suffered a fate similar to that of the Crimean Tatars. Even in the Crimea, Tatars were not alone, as deportations there began shortly after the Nazi invasion of the Soviet Union. In August 1941, roughly 61,000 peninsula residents, mostly ethnic Germans, were forcibly removed. Nevertheless, the deportation of the Crimean Tatars is noteworthy for its vast scale and ruthless efficiency.¹

Repatriation of Crimean Tatars started in the late 1980s, and reached a peak in the early 1990s. Between the years of 1989 and 1993 150,000 people returned to Crimea, leading to many problems.

Further complicating the return was the fact that the Crimea was unprepared to handle such a massive and swift migratory influx. The peninsula's infrastructure by the late 1980s was barely able to accommodate those already living there. The Tatars' return severely exacerbated existing shortages, especially the chronic lack of housing.

that continues to this day. Since all Tatar property in the Crimea had been confiscated and redistributed following their deportation in 1944, there was nothing for them to come home to. For the second time within a 50-year span, Tatars found themselves having to build whole new communities from scratch. Meanwhile, the ethnic Russian majority, apprehensive about the erosion of their status, hardly made the returning Tatats feel welcome. The effects of 50 years of anti-Tatar propaganda, heaped on top of centuries of mutual distrust, stirred the prejudices of the local Slavic population.²

The number of problems related to repatriation has trailed off dramatically for many reasons: the financial situation of Crimean Tatars in diaspora has been too difficult to allow for relocation; their continued limited status in Crimea has made repatriation less attractive; and there has been no tangible facilitation of the process from the part of any state facing Crimean Tatar issues.

The situation persists in spite of CIS countries multilateral Agreement on the Questions Relating to the restoration of the Rights of the Deported Persons, National Minorities and the Peoples signed on October 9th, 1992 in Bishkek (Kirgizstan). Furthermore, Ukraine (in 1993) and Uzbekistan (in 1992) have ratified Agreement on the questions relating to restoration of rights of deported persons, national minorities and peoples” (Bishkek Agreement), that states: "Parties shall provide deported persons voluntary returning to places of their residence on moment of deportation with conditions for settlement, education, national, cultural and spiritual development as well as political, economic and social rights equally with the citizens constantly live there". According the Constitution of Ukraine this agreement makes a part of national legislation of Ukraine.

In contrast, The Land Code of Ukraine (Part 4, Art.78) forbids the recuperation of the land owned before May 15 1992 by the owner or their heirs land.

On the other hand, the Civil Code of Ukraine defines the property formerly owned by the people forcibly displaced outside their historic homeland as confiscated or abandoned. Nevertheless, according to the actual documentation there is no abandoned or confiscated property in Crimea.

The current juridical disorder and non-fulfilment of the existing commitments significantly complicates the process of restoration of Crimean Tatars rights.

**Governance of the Crimean Tatar People**

In June 1991, the Crimean Tatar people organized a National Qurultay, or Parliament, for the first time since 1917. The Qurultay created an executive board, known as the Mejlis, with Mustafa Jemilev selected as its chairman.

Current Human Rights Issues

In 2004, the Crimean Tatars made seven demands to the government of Ukraine. These concerned the following: legal status, land, housing, employment, culture and education, religion, and guaranteed parliamentary representation. These demands were brought to the Verkhovna Rada (Parliament of Ukraine) for review. A bill was adopted to recognise the complaints and look toward finding a solution. The Law on Restoration of the Rights of Persons Deported on Ethnic Basis was passed by the Verkhovna Rada and sent to President Leonid Kuchma to be signed. He vetoed the law, and though it has been brought up a number of times since 2004, the law remains unsigned.

99. Government policy for realizing the rights of persons deported on ethnic grounds is 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, with a view to addressing their adaptation and integration in Ukrainian society up to 2010, approved by Cabinet of Ministers Decision No. 637 of 11 May 2006.

100. However, as procuratorial checks revealed, in the Autonomous Republic of Crimea alone, more than 6,000 Crimean Tatar families and 180 families of members of other deported ethnic groups are on a housing waiting list. Over the past three years, housing has been allocated to 387 families of deported persons. Nearly 16,000 individual property developers have been unable to complete building projects owing to lack of funds. It is vital to improve the social infrastructure in places of permanent residence for repatriated persons. 3

Though the Crimean situation and the necessity of special laws to restore the rights of the Crimean Tatars in Ukraine was addressed in 2009 by the representatives of various international organizations, including the High Commissioner on National Minorities, sir Knut Vollebek and the President of European Union Committee of the Regions, sir Luck van den Brand, their recommendations remained unheard by Ukrainian government and politicians. The creation of a solid legal grounding for the process of return, provision of social infrastructure and rehabilitation of the Crimean Tatar rights, necessary for the preservation and further development of the indigenous people of Crimea, is a cornerstone problem. If unresolved, it is hard to expect a favourable resolution of other issues pertinent to the development of Crimea.

Legal Status

One of the major struggles of Crimean Tatar activists is for the native people of

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3 COMMITTEE ON THE ELIMINATION OF RACIAL DISCRIMINATION (23.09.2010), Reports submitted by States parties under article 9 of the Convention: Ukraine, CERD/C/UKR/19-21
Crimea to be given status within Ukraine as indigenous people rather than a national minority. Since there is no other country to which they are native, Crimean Tatars want legal status as the original status of Crimea. This recognition would give them greater protection and promotion by the government, including for the development of the ethnic, cultural, linguistic, and religious identity of Crimean Tatars.4

They also desire that the 1944 deportation be legally considered an act of ‘genocide’ by the Ukrainian government. This would provide some vindication for the Crimean Tatar people and would add legal weight to arguments made about future mass deportations. As Marino Busdachin, General Secretary of the Unrepresented Nations and Peoples Organization said,

*If this had happened after 2002 it would be a major case for the International Criminal Court (ICC) in The Hague. But unfortunately the ICC was established only after 2002 – and can only investigate those crimes committed after 2002. But there is another important resolution in the United Nations Human Rights Council, referring to Bosnia’s enforced deportations in the early 1990s, that established the precedent that enforced deportation is a crime against humanity. This has become a precedent for any future case of the mass deportation of people* 5

Neither of these items has been adopted by the government. Before Ukraine can be said to be in full compliance with recognition of Crimean Tatars’ human rights, both need to be addressed.

**Land Rights**

The mass influx of Crimean Tatars in the early 1990s led to major concerns about land rights and refugee issues. Before the mass deportation in 1944, Crimean Tatars owned about 1 million hectares of agricultural land in Crimea. This land was given to Russian and Ukrainian settlers by the Soviet government, and remained under their control through the end of the Soviet empire. Upon return, they have not been able to reclaim lost land, and since many lack rights as citizens of Ukraine, they have had difficulty buying property. Furthermore, privatisation movements by the state of Ukraine in the 1990s completely bypassed the Crimean Tatars due to their lack of Ukrainian citizenship. A Catch-22 situation arose: returning Crimean Tatars were unable to get Ukrainian passports until they spent five years in the nation as legal citizens, but this legal status would not be granted without paperwork such as passports.

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5 BUSDACHIN Marino (17.03.2010), *Speech*, “Restoration of the Rights of the Crimean Tatar People”, Brussels
Since many returned Crimean Tatars are unable to move back to their previous homes and have not received restitution from the government for the land that was taken from them, they have set up huts in the countryside surrounding Simferopol. More than 25,000 of these shelters dot the land, creating a ring around the capital city.

An unfair and discriminative towards repatriates’ principle of land privatization was laid in the Land Code of Ukraine adopted in 2001, where article 25 says that public lands and lands of utility agricultural enterprises, i.e. lands of former collective and state farms, can be owned only by the workers of these enterprises. Because the vast majority of Crimean Tatars and other repatriates who had returned to the Crimea from the places of exile, due to well-known circumstances, could not be members of collective and state farms on the territory of Ukraine, they could not participate in privatization. Taking into account that 75% of Crimean Tatars who returned to the homeland settled in countryside, most of them turned to be landless and, thus, without the source of income. Thus, the repatriates were not only deprived the land, houses and property that were taken away illegally during the deportation, but they were also deprived of equal rights within the process of land privatization. The owners of the large territories both in the countryside and in the cities principally appeared to be the officials of local governments, high-ranking officials from Kiev and Russia, and also various companies which usually bribe officials responsible for land allotment.

Under such circumstances Crimean Tatars have to resort to squatter settlement at idle land for houses construction. This fact serves a ground for authorities to accuse of breach of law and leads to conflict with authorities. The most severe and crowded collisions took place at the end of 2007 in Simferopol on the Ai-Petri plateau. During the first incident thousands of people took part in the collisions – on one side – Crimean Tatars who squatted the land, which was lawlessly privatized by a company through bribes to local authorities, and on the other side – militia with armoured equipment and young non-Crimean Tatar people hired by this company.6

Today, tens of thousands of Crimean Tatar families, self-organized in approximately 300 settlements, are deprived of basic infrastructure and social services required for decent living conditions. The settlements do not have schools or medical facilities. Only two thirds of the settlements are provided with water, and just 10-12% are supplied with gas.

Most of the Crimean Tatars that have returned to Crimea are still unable to complete the construction of individual houses and are forced to live in

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unfinished buildings, unsuitable for habitation.

**Language Rights**

One of the major human rights issues is the status of the Crimean Tatar language within Crimea and within Ukraine as a whole. Crimean Tatar is a Turkic language with its roots in the Crimean Khanate. Beginning at the time that Crimea adopted Islam, the Crimean Tatar language was written in an Arabic script. Under Soviet rule, however, this was abolished, and in 1928 Crimean Tatars were forced to use a Latin script, and then in 1938 the script was changed again to a Cyrillic one. These changes have caused problems for the institutional memory of Crimean Tatars; there is no single language to unify the peoples’ written history.

Today, the language is divided by borders. Many Crimean Tatars in diaspora continue to use Arabic or Latin scripts, while those living in Crimea and other post-Soviet areas use the Cyrillic script. Crimean Tatar linguists are trying to preserve the language by creating one dialect and encouraging the use of only the Latin script. According to KTDK President Refat Chubarov, "there is no other alternative for the creation of a productive, communicative system for understanding between all Crimean Tatars than returning to the Latin alphabet and developing a single Crimean Tatar language."[7]

This unity approach is an attempt to add weight to one of the issues most affecting Crimean Tatars today. Ukraine does not recognize Crimean Tatar as an official language, and it does not allow town names or street signs to be written in the language. The language has also been neglected by the Ukrainian school system. According to the OSCE, in 2007 there were only 13 Tatar-language schools in Crimea serving 14% of Tatar students. Students are only given four years of Tatar-language school, after which they learn solely in Russian. Most media outlets in Crimea are in Russian, though the UNDP Crimea Integration and Development Programme has worked with the Ukrainian government to set up two Crimean Tatar-language newspapers.

Nevertheless, some progress should be noted. The Committee on the Elimination of Racial Discrimination Report form 2010 states:

328. In 2008, the State budget funded the publication of a number of bilingual school dictionaries, both into and out of Ukrainian, from Russian, Hungarian, Romanian, Polish, Moldovan and Crimean Tatar.

332. Training for teaching staff of general schools that teach in ethnic minority languages is also included in the Autonomous Republic of Crimea's special training plan for local professionals in the social and

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[7] RADIO FREE EUROPE (17.02.2010), *Linguists Urge Crimean Tatars To Switch To Latin Alphabet*, http://www.rferl.org/content/Linguists_Urge_Crimean_Tatars_To_Switch_To_Latin_Alphabet/1960330.html
cultural sphere.

333. The Crimean Engineering and Teacher Training University has broadened the structure and volume of fine arts training it offers. Its faculty of education trains specialists in primary education, preschool education and Crimean Tatar language and literature.

334. The faculty of Crimean Tatar and oriental languages and literature of the Vernadsky Taurida National University provides specialist training in Crimean Tatar language and literature.

335. Simferopol teacher training college, which is part of the Crimean Engineering and Teacher Training University, has an annual budget to train 25 specialists as primary school teachers and teachers of the Crimean Tatar language in primary schools.

336. Postgraduate courses have been introduced at the Crimean Engineering and Teacher Training University and the Crimean Humanities University in Yalta. Specializations in Crimean Tatar literature and in Turkic languages leading to the qualification of Candidate of Science are possible at the Vernadsky Taurida National University.

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349. The Government has developed a series of measures concerning the publication of textbooks and other study materials to meet the educational needs of Crimean Tatars. Crimean Tatar language and literature teaching programmes have been developed in line with State primary and general secondary education standards, and textbooks are being prepared.

350. Regular work is going on to improve the study materials available to general schools that use Crimean Tatar as the language of instruction. For instance, textbooks for grade 8 students on the Crimean Tatar language and literature have been published, and textbooks on Ukrainian and world history, algebra, geometry, biology, physics, chemistry and physical geography have been translated into Crimean Tatar.

351. A Ukrainian-Crimean Tatar and Crimean Tatar-Ukrainian dictionary is ready for printing. Textbooks for grade 9 students on the Crimean Tatar language and literature have been produced, and study programmes have been developed for students in grades 10 to 12 in specialized schools. Furthermore, the textbook of a spoken course in Crimean Tatar for grade 1 was published in 2009 in 1,000 copies.

352. A total of 496,400 Hrv was provided in financial support for Crimean Tatar-language newspapers and magazines (396,400 Hrv for the newspaper Kyrym and 50,000 Hrv for the newspaper Maarif ishleri) in 2009.\(^8\)

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\(^8\) COMMITTEE ON THE ELIMINATION OF RACIAL DISCRIMINATION, op. cit.
Employment

Employment among Crimean Tatars is half that of ethnic Ukrainians, according to the Society for Threatened Peoples. Overall unemployment among Crimean Tatars is around 60%; in some rural areas the number is as high as 80%. According to the OSCE, Tatars make up 12% of the population of Crimea but only account for 4% of the official workforce.

Religion

Crimean Tatars are Muslims in a land dominated by Russian Orthodox churches. According to the OSCE, there were 1,700 mosques in Crimea before the 1944 deportation. Now there are only 160, along with nine madrassas, to serve a population of 250,000. There are many complaints that government authorities are unwelcoming of new mosques and religious schools.

Nevertheless the situation seems to be progressing slowly. Early this year the Simferopol city council decided to allow a mosque to be built in the Ukrainian peninsula’s capital.

*The Simferopol mosque has been a point of contention since 2004, when the Simferopol city council first gave the Crimean Tatars permission to build the mosque on a plot of land leased for 25 years, only to ban construction soon after.*

*The Crimean Tatar community has been engaged in various lawsuits regarding the mosque issue, and has won all of the cases. The decision by the city council on February 16 grants the Tatar community ownership of the land in perpetuity.*

Local and National Representation

Crimean Tatars remain underrepresented at both local and national levels. There are no special measures in place to ensure Crimean Tatar representation, and since regional political parties are not allowed under Ukrainian law, Crimean Tatar candidates are forced to join national blocs. There has only been one Crimean Tatar elected to the to parliament (Verkhovna Rada). Although they make up 12% of the population of Crimea, only seven of 100 seats in the Crimean Parliament are occupied by Crimean Tatars. The body that speaks for Crimean Tatars, the Mejlis, is not legally recognised by the central government.

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Therefore, the Committee on the Elimination of Racial Discrimination recommends that the State party adopt measures, including special measures, to ensure the adequate representation of Crimean Tatars in the public service of the Autonomous Republic of Crimea, including at senior levels:

504. One way of improving the effectiveness of the Government’s efforts to resolve the social, economic and cultural difficulties of the Crimean Tatars is to increase their involvement in decision-making on matters concerning them. The direct representation of former deportees at various levels of government is one of the most effective forms of such involvement.10

Conclusion

Human rights for Crimean Tatars have improved greatly since the end of the Soviet period, but there are still many problems to address. The Ukrainian government must make a more concerted effort to reintegrate returned Crimean Tatars into its society, and make a more welcoming atmosphere for future returnees. Land issues need to be worked out, and Crimean Tatar language must be included as an official language of the region and the state. The government should clear the demons of the past by proclaiming the deportation of 1944 as an act of genocide, and by codifying a sincere commitment to working with Crimean Tatar officials and civil society to improve the position of the country’s minorities. There is hope, but the road ahead is long.

10 COMMITTEE ON THE ELIMINATION OF RACIAL DISCRIMINATION, op.cit.
LINKS FOR FURTHER INFORMATION

Crimean Tatars UNPO member profile
http://unpo.org/members/7871

Mejlis of the Crimean Tatar People official website
http://www.qtmm.org/en

Reports

Council of Europe Commissioner for Human Rights
Report by the Commissioner for Human rights, Mr Thomas Hammarberg, on his Visit to Ukraine, 10 – 17 December 2006
https://wcd.coe.int/wcd/ViewDoc.jsp?id=1190727&Site=COE#P248_56773

Dr. Ayder Mustafayev’s Speech at the Plenary Session 2 of OSCE Conference on Combating Discrimination and Promoting Mutual Respect and Understanding, 8 June 2007
http://www.osce.org/cio/25563

US State Department Bureau of Democracy, Human Rights, and Labor
2010 Human Rights Reports: Ukraine
http://www.state.gov/g/drl/rls/hrrpt/2010/eur/154456.htm

News

Crimean Tatars fear for future
http://english.aljazeera.net/focus/2010/08/201087102453222638.html
EU Signs Development Deal With Ukraine’s Crimea
http://www.rferl.org/content/eu_signs_development_deal_with_crimea/24108202.html
Yanukovych says local government reform starts in Ukraine
Kyiv urged to declare 1944 deportation of Crimean tatars an act of genocide
The Sensational Story That Wasn’t
http://www.rferl.org/content/sensational_story_wasnt_reports_of_stoning_death_in_ukraine_girl_false/24213624.html