



ASSOCIATION OF REINTEGRATION
OF CRIMEA

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To the UN Special Rapporteur on the Rights of Indigenous Peoples
Urbanization and Indigenous Peoples: Situation in the Crimea
Submissions for Report

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The Association of Reintegration of Crimea¹, as a registered non-governmental organisation, herewith submits the following responses (submission) to the questionnaire of the UN Special Rapporteur on the Rights of Indigenous Peoples, for the Special Rapporteur's forthcoming report to the Situation of Indigenous Peoples living in Urban Areas, to be presented at the 76th session of the UN General Assembly

Our responses (submission) are devoted to the situation of indigenous peoples, including Crimean Tatars, Crimean Karaites and Krymchaks in the Autonomous Republic of Crimea and city of Sevastopol (hereinafter – Crimea). The response deals with the issues identified by the Association in its work, namely the issue of intentional and organised Russian policy against Indigenous Rights in the Crimea, including the right to identity and right to development.

The illegal occupation and attempted annexation of Crimea by Russian Federation (hereinafter – RF) since 2014 have been condemned in a series of international acts, including UN GA resolutions 2014 68/262, 2016 71/205, 2017 72/190, 2018 73/263 2019 74/168, 2020 75/192, 2018 73/194, 2019 74/17, 2020 75/29², resolutions of the OSCE Parliamentary Assembly, of the Parliamentary Assembly of the Council of Europe 1988 (2014), 2028 (2015), 2067 (2015), 2112 (2016), 2132 (2016), 2145 (2017), 2198 (2018), 2231 (2018) etc., of the European Parliament's resolutions 2014/2841 (RSP), 2014/2965 (RSP), 2016/2556 (RSP), 2016/2692 (RSP), 2017/2596 (RSP), 2017/2869 (RSP), 2018/2754 (RSP), 2018/2870 (RSP), 2019/2734 (RSP), 2019/2202 (INI) etc. Those acts paid special attention to the brutal violation by the RF the fundamental rights of indigenous peoples in Crimea.

The attempted annexation the Crimea by Russia was never recognized by the international community. Human rights violations in the Crimea, including racial and

¹ <https://arc.construction/>

² for example, <https://undocs.org/en/A/RES/73/263>

other discrimination of the Crimean Tatars now are the subject to consideration in international courts, including the International Court of Justice (case 166)³ and the European Court of Human Rights (case 20958/14 and others).⁴

The ongoing russification of the ethnic groups in Crimea in all areas of life is the key challenge for the Crimean Tatars today. The number of schools with education in Crimean Tatar language has been reduced by Russian de facto authorities and the indigenous language is studied just as one subject of the curriculum in regular schools. Knowledge and usage of the native language has thus become simply an additional, but not the key element of the Crimean Tatar identity.

Ukraine provided for the special status of the Crimean Tatar language in its current laws on education and media broadcasting, but the state now operates only two primary schools with Crimean Tatar classes on the Ukrainian mainland. The only media, broadcasting partially on Crimean Tatar language from Ukrainian mainland via satellites, are the “ATR” TV channel and “Meydan” radio; they are private institutions, and the financial support of the “ATR” broadcasting company from the Ukrainian state budget in 2016-2018 has recently caused some questions raised by Ukrainian audit bodies. The ongoing clericalization of the Crimean Tatars in Crimea is another sharp challenge, as the Russian regime stimulates it and pushes the policy of separation of the indigenous people from the Muslim commonwealth of the RF.

Crimean Tatars now constitute only 20 % of the Crimean population, so possible tensions having an ethnic background, are very limited. The key source of discrimination of the Crimean Tatars is concentrated in Russian punitive and propaganda policy, which revitalized the Soviet myth about the “enemy people” and determined any indigenous activists as “extremists”, if they manifested any disloyalty towards the Russian policies. In the same way, the Russian de facto authorities are interested in the demonstration of “inter-ethnic peace” on the peninsula and in formation of the loyal Crimean Tatar elites, by integrating them into the Russian institutions in Crimea. Those endeavors are now successfully realized by the occupation authorities⁵.

We are presenting the following answers on questions on issue of the urbanisation and Indigenous Peoples.

1. What are the key factors driving the urbanisation of indigenous peoples? How has this impacted the social, economic and cultural cohesion of indigenous communities throughout the world?

Before the World War II, all state authorities that controlled Crimea recognized the three ethnic groups mentioned above as peoples (nations), traditional for Crimean peninsula. At the same time, Russian authorities during the nineteenth century run the policy of discrimination of the Crimean Tatars and promoted their emigration from Crimea to the third countries. Krymchaks were discriminated by the Russian authorities’ practices in the framework of the anti-Semitic law and up to 1917 as People with Judaism as their traditional religion. In 1941, Krymchaks felt victims of genocide

³ <https://www.icj-cij.org/public/files/case-related/166/166-20191108-JUD-01-00-EN.pdf>

⁴ <http://hudoc.echr.coe.int/eng?i=001-207622>

⁵ <https://www.incomindios.ch/en/?view=article&id=1394:interview-with-dr-borys-babin-the-situation-of-the-crimean-tatars&catid=131>

(Holocaust) in Crimea during the Nazi occupation. In 1944 Crimean Tatars felt victims of genocide (forced deportation) under the control of the Soviet authorities. In the Soviet period since 1967, the USSR state authorities refused to recognize of Crimean Tatars as separate ethnic group, they were determined as “Tatars,” as the part of undetermined Tatar population of the USSR. Up until 1987-1989, the Crimean Tatars were not allowed to resettle back to the Crimea from the Soviet Central Asian regions.

Crimean Karaites and Krymchaks are non-numerous ethnic groups that became completely urbanized before 2014. Between 1990–2014, when approximately 300 thousands of Crimean Tatars returned to the Crimea, Ukraine was trying to preserve the interethnic peace in Crimea, however this policy resulted in practical impossibility for the indigenous land claims, restitution claims, and defamation claims.

The central and local authorities and municipal entities, law enforcement structures, courts, and the Ukrainian Ombudsperson had the common position that all the property taken away from the Crimean Tatar owners since 1944 will not be returned to former owners or their successors and will not be compensated. Most of the land lots and buildings once owned by the Crimean Tatars have been transferred from state property to the private property of non-indigenous users that controlled it in the late Soviet time, during the common privatization proceeding in Ukraine before 2000⁶.

However, the Crimean Tatars managed to obtain from the authorities, or squatted (with subsequent legalization) the land lots in the rural districts of Crimea. Their level of urbanization was not very high. After 2014, the key factor in modern Crimea for the ongoing urbanization the Crimean Tatars is the current degradation the Crimean economics, especially agricultural sector and small businesses under control of the Russian de facto authorities. For example, employment for Crimean Tatars is available only in the largest cities of Crimea like Simferopol.

2. Please provide examples of indigenous peoples continuously occupying traditional territories that have developed into metropolitan areas over time and the impact of the urbanization on their collective rights.

Before deportation of 1944, Crimean Tatars mostly resided in the Southern Coast of Crimea and in the Crimean Mountains. After returning in 1990-s, the majority of the Crimean Tatar land lots were concentrated in the rural areas of Central Crimea, resulting in establishment of satellite Crimean Tatar settlements near Simferopol and other cities. Also the Crimean Tatars resettled to the small Crimean towns, traditional for Crimean Tatars like Saryi Krym, Sudak, Bilohirsk (Karasubazar) and Bakhchysarai. However, now the economic crisis in the Crimea forces Crimean Tatars to resettle to Simferopol.

Importantly, it is exactly Simferopol, that became a destination for most Russian citizens illegally resettled by the de facto Russian authorities to Crimea, including military officers, officials, servicemen, and their families⁷. The quantity of city's population increased from 300 thousand in 2014 to 500 thousand in 2020 and it continues to grow. Yet, the infrastructure of Simferopol, including its water and

⁶ <https://www.intechopen.com/books/indigenous-aboriginal-fugitive-and-ethnic-groups-around-the-globe/legal-statute-and-perspectives-for-indigenous-peoples-in-ukraine>

⁷ <https://arc.construction/5816>

sanitation systems⁸⁹, road network, schools, kindergartens, hospitals¹⁰ etc. does not satisfy the needs of its half-million residents¹¹. In 2020-2021, the deficiencies in the city and regional management of the Russian de facto authorities caused the systematic water crisis¹² in Simferopol¹³ and other localities¹⁴ of Crimean Tatars' urbanized settlements. Furthermore, chaotic construction of residential and non-residential buildings¹⁵ by the Russian commercial structures associated with the de facto authorities, accompanied by failure to comply with any imaginable architectural and safety standards¹⁶, ruins the unique landscapes¹⁷¹⁸ and creates risks for the residents of Crimean cities¹⁹.

3. What are the effects of racism and racial discrimination on urban indigenous peoples? Consider access to essential services, employment, healthcare, education, child welfare, domestic violence services, law enforcement and incarceration.

Crimean Tatar are discriminated in towns and cities of Crimea as they have no freedom to use safely own language in public places and during own labour activities. Also there no schools and classes with Crimean Tatar language of education and teaching this language to pupils; there are no kindergartens with the Crimean Tatar cultural and language environment. Cultural urbanized space of Crimean Tatars is being destroyed²⁰. Further risks have been brought about by COVID-19²¹.

4. In what ways have indigenous peoples' collective culture and identity changed by adapting to living in urban areas? How can indigenous peoples maintain their traditional knowledge, language and connection to their traditions and ancestral lands when living in urban environments?

Urbanization of the Crimean Tatars causes their russification and erosion of their collective identity. Furthermore, the exercise of the Crimean Tatars' religious rights in Crimea's cities like Simferopol and Sevastopol is complicated due to low quantity and size of the relevant religious objects like mosques.

5. Some indigenous peoples are at even greater risk of human rights violations due to intersecting forms of discrimination including but not limited to women and girls, persons with disabilities, LGBTI persons, and children. Please explain the specific situations and views of these groups and the requirements needed to ensure that their rights are recognised and protected.

Since 2014, Russia enforces its own legislation and administrative policy on gender issues that is far from the international standards and is counted on the

⁸ <https://arc.construction/7625>

⁹ <https://arc.construction/5483>

¹⁰ <https://arc.construction/6449>

¹¹ <https://arc.construction/6010>

¹² <https://arc.construction/7194>

¹³ <https://arc.construction/9566>

¹⁴ <https://arc.construction/9110>

¹⁵ <https://arc.construction/9848>

¹⁶ <https://arc.construction/7514>

¹⁷ <https://arc.construction/7198>

¹⁸ <https://arc.construction/5647>

¹⁹ <https://arc.construction/6474>

²⁰ <https://arc.construction/6807>

²¹ <https://arc.construction/5003>

oppression on the freedom of sexual orientation and gender identity. These norms are enforced by the RF in Crimea in violation of the requirements of the IV Geneva Convention that prohibits the occupying power to enforce its own criminal legislation for the residents of the occupied territory. In contrast, Ukraine strives to develop legislation against gender-based discrimination, and does not run a policy of gender-based oppression on its territory.

We do not have in our possession the information on whether the Russian de facto authorities in Crimea collect information on any forms of identity-based violence or discrimination, including that based on gender. However, the concept of gender is frequently negatively portrayed by the Russian Orthodox Church in the Crimea, eradicating violence and discrimination based on sex, gender, sexual orientation and gender identity. In 2020, the Russian de facto authorities in Crimea thanked the Metropolitan bishop Lazar, Head of the Orthodox Church in the Crimea for his activities in issues of “strengthening the traditional family” on the Peninsula²²

The Russian de facto authorities in Crimea, including the so-called “Head of the Republic of Crimea” and “Head of the State Council of the Republic of Crimea” actively use hate speech against persons²³ and communities²⁴ based on anti-LGBT narratives. Open discussion of these problems is factually prohibited in the public space of Crimea²⁵. As a result, any public activities of the feminist, LGBT, or other gender movements become impossible²⁶. The Russian de facto authorities did not adopt any policies, programs and/or practices in the Crimea to support or protect the diverse sexual orientations and gender identities and/or aiming to address violence and discrimination based on sexual orientation and gender identity. Those problems are excluded from the public discussion in the Crimea.

6. Please provide examples of resilience, best practices and strategies employed by indigenous movements or organisations to improve the living conditions of urban indigenous peoples.

We are unable to identify any good practices of the Russian de facto authorities in Crimea on those issues.

7. What are States currently doing to address the needs of urban indigenous peoples in both law and practice? Examples may include protocols to guarantee political representation, participation of urban indigenous peoples in decision making, social programs, urban planning, land use regulations, or support for indigenous-owned businesses and service providers. Please explain how the impact of these measures has improved the situation.

The Russian de facto authorities in the Crimea take no measures to guarantee political representation or participation of the urban indigenous peoples in decision-making, social programs, urban planning and land use regulations. Neither they provide support for indigenous-owned businesses and service providers.

²² https://glava.rk.gov.ru/ru/structure/2020_04_22_08_40_pozdravlenie_glavy_respubliki_krym_s_dnem_rozhdeniia_mitropolita_simferopolskogo_i_krymskogo_lazaria

²³ <https://www.interfax.ru/russia/394482>

²⁴ <http://www.c-inform.info/news/id/37983>

²⁵ <https://ru.krymr.com/a/29035373.html>

²⁶ <https://ru.krymr.com/a/28823713.html>

8. *What measures or policies can be adopted to remove existing obstacles facing urban indigenous peoples? For example, what is being done (by States or indigenous organisations) to ensure that urban indigenous peoples have access to: adequate healthcare; employment opportunities; culturally appropriate education and language instruction; housing, drinking water, sanitation and other critical infrastructure? Please specify if such measures exist but are not being adequately implemented.*

The Russian de facto authorities in Crimea take no measures to resolve the problems of the urban indigenous peoples.

The Association of Reintegration of Crimea believes that a special research on the indigenous peoples' rights in situations of armed conflicts and related "grey zones" like Crimea, done by the UN Special Rapporteur, may be a starting point for improvement of the situation. The Special Rapporteur's visit to Ukraine, including Crimea would contribute to collection of information, and would enable the Rapporteur to make a first-hand impression of the situation with indigenous peoples' rights in the region.

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