



ASSOCIATION OF REINTEGRATION
OF CRIMEA

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To UN Expert Mechanism on the Rights of Indigenous Peoples

**Russian Aggression and Ukraine's Legislative Implementation
of UN Declaration on Rights of Indigenous Peoples**

Our Association of Reintegration of Crimea (ARC)¹, is non-governmental expert and human rights organisation², our expert researches are related with human rights and humanitarian issues, including Indigenous Peoples' rights, fundamental rights, informational rights, right to development, also as with issues of the transitional justice for Crimean peninsula, with relevant humanitarian, informational, economic, social and financial impacts.

Our experts researched the issues of terroristic aspects of the Russian aggression against Indigenous Peoples of Ukraine, including activities of Russia-financed and Russian-controlled activities of terroristic groups on the Russia-occupied territories³⁴ and Ukraine's activities to defend rights of indigenous peoples of Ukraine.

Examples of our recent activities on defending the Indigenous Peoples' rights and relevant communication with UN structures allow our Association to form the position about possible ways of further implementation the UN Declaration on Rights of Indigenous Peoples (DRIP)

In 1944, Crimean Tatars fell 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 by Soviet authorities to resettle back to the Crimea as their historic native land from the Soviet-controlled Central Asian regions. Till 2014, Ukraine allocated budget costs to support the municipal infrastructure in Crimean Tatar settlements, including primary schools and cultural institutions⁵.

The illegal occupation and attempted annexation of the Crimea, motherland for the Indigenous Crimean Tatar People by Russia since 2014 have been condemned in a set of international acts, including UN GA resolutions⁶, resolutions of the OSCE Parliamentary Assembly, of the Parliamentary Assembly of the Council of Europe, of the European Parliament's resolutions etc. Human rights violations in the Crimea and racial discrimination by Russian invaders the Indigenous Crimean Tatar People are now subject to consideration in international courts, including the International Court of Justice (case Ukraine v. Russia)⁷ and the European Court of Human Rights (case 20958/14 and others).⁸

¹ <https://arcrimea.org/>

² https://www.journal-officiel.gouv.fr/associations/detail-annonce/associations_b/20210005/1348

³ <https://www.ohchr.org/en/calls-for-input/calls-input/2021/report-human-rights-dimensions-technical-assistance-and-capacity>

⁴ https://www.ohchr.org/sites/default/files/documents/issues/terrorism/sr/cfi-gs-impact/2022-10-19/CFI-Association-of-Reintegration-of-Crimea_Submission_Terrorism_Against_Ukraine_2022.pdf

⁵ <https://zakon.rada.gov.ua/laws/show/518/99>

⁶ for example, <https://undocs.org/en/A/RES/73/263>

⁷ <https://www.icj-cij.org/public/files/case-related/166/166-20191108-JUD-01-00-EN.pdf>

⁸ <http://hudoc.echr.coe.int/eng?i=001-207622>

As it is well-known, since 24th of February 2022 Russia committed broad and open military aggression to all Ukraine's territory. Due last twenty three months of fights Russia occupied some territories of Donetsk, Kharkiv, Kherson, Luhansk, Zaporizhzhya regions and strong fights are still going near settlements with total population of millions persons near the frontline⁹¹⁰¹¹¹²¹³

On September 21, 2022, Russian President Vladimir Putin announced the so-called "partial mobilization", which is being organized in violation of international humanitarian law in the occupied Crimea. Representatives of the Indigenous Crimean Tatar People began to receive "subpoenas" from Russian invaders en masse.

In this situation the Crimean Tatar Resource Center sent on 25th of October, 2022 an appeal to UN General Secretary, stressing that in the period from the beginning of Russian invaders' "partial mobilization" from September 21 till October 13, about 100 "mobilized" representatives of the Indigenous Crimean Tatar People who died in the war were already brought to the occupied Crimea. The vast majority of them did not "sign contracts" with the Russian army and ended up in the war zone against their will.

Indigenous Crimean Tatars' Appeal points that any military activity on the lands of indigenous peoples carried out without their consent, including the recruitment and mobilization of representatives of indigenous peoples into the armed forces, is a direct and flagrant violation of the UN Declaration on the Rights of Indigenous Peoples.

Appeal of Crimean Tatar Resource Center asked the UN Secretary General to increase pressure on Russia and use all available mechanisms to stop the illegal "conscriptio" and "mobilization" of representatives of the Indigenous Crimean Tatar people into the armed forces of the Russian Federation, which is almost guaranteed to result in the death sentence being imposed on representatives of the Indigenous People, as well as their forced involvement in the commission of military crimes and acts of state terrorism in Russia¹⁴.

So our Association addressed in 26th of October, 2022 to all Indigenous Peoples of the world to recognise, by decisions of their representative structures and other organisations, the Russia as state and Russian politic regime, which destroy the Indigenous Peoples of Ukraine by its terroristic attacks as terroristic organisations and sponsors of terrorism.

Also our Association asked all Indigenous Peoples of the world, their representative structures and other organisations to address the national and regional assemblies of their states and to demand in such submissions to recognise, by decisions of their representative structures and other organisations, the Russia as state and Russian politic regime, as terroristic organisations and sponsors of terrorism.

Before Russia's broad-scale aggression Ukraine adopted a Law of Indigenous Peoples of Ukraine on July 1st, 2021 № 1616-IX¹⁵ and in 2022 in conditions of broad Russian aggression Cabinet of Ministers of Ukraine approved Procedure for Conducting Consultations of Executive Authorities with Representative Bodies of Indigenous Peoples of Ukraine (Resolution dated August 19, 2022 № 1018)¹⁶ and Procedure for Establishing the Legal Status of Representative Body of Indigenous People of Ukraine and Depriving It of Such Status (Resolution dated August 19, 2022 № 936)¹⁷. A day before Russian invasion, on February 23,

⁹ <https://www.ohchr.org/sites/default/files/2022-04/association-reintegration-crimea-ukraine-minnesota-protocol.pdf>

¹⁰ <https://www.ohchr.org/sites/default/files/2022-04/AssociationReintegrationCrimeaSubmission.pdf>

¹¹ <https://www.ohchr.org/sites/default/files/2022-04/association-reintegration-crimea.pdf>

¹² <https://www.ohchr.org/sites/default/files/2022-04/association-reintegration-crimea.pdf>

¹³ https://www.ohchr.org/sites/default/files/2022-05/arc_replies-dp.pdf

¹⁴ <https://ctrcenter.org/uk/news/8087-zvernennya-krc-u-zv-yazku-z-nezakonnouy-masovoyu-mobilizaciyeyu-korinnogo-krimskotatarskogo-narodu-do-zbrojnih-struktur-rosiyi>

¹⁵ <https://zakon.rada.gov.ua/laws/show/1616-20#Text>

¹⁶ <https://zakon.rada.gov.ua/laws/show/1018-2022-%D0%BF#Text>

¹⁷ <https://zakon.rada.gov.ua/laws/show/936-2022-%D0%BF#Text>

2022, Ukrainian Government also approved Strategy for the Development of the Crimean Tatar Language for 2022-2032 by Prescript No. 224¹⁸.

Now the next sublegal acts are drafted developing the Law of Indigenous Peoples of Ukraine with participation of Mejlis of Crimean Tatar People and independent experts, including our Association's representatives.

In July, 2023, Mejlis of Crimean Tatar People asked officially Cabinet of Ministers of Ukraine to establish officially the legal status of Mejlis as the representative body of Indigenous People of Ukraine, implementing procedure under Resolution 2022, № 936, and gave demanded documents to Ukrainian Government, but till this date Ukrainian Government did not finalize this procedure, just making technical amendments of Resolution, 2022 № 936¹⁹ in August, 2023.

Also, since 2018 Ukrainian authorities adopted some strategic and program documents regarding processes of reintegration the Crimea after its de-occupation that included some aspects of indigenous rights' realization.

The Plan of emergency measures to counter Russian aggression from the temporarily occupied territory of Ukraine in Crimea, the protection of the interests of the state, citizens of Ukraine and Ukrainian legal entities in Crimea for 2018–2019²⁰, the Plan of measures aimed at implementing some of the principles of state internal policy regarding the temporarily occupied territory of the AR Crimea and Sevastopol, 2018²¹, Strategy of information reintegration of the AR Crimea and Sevastopol. 2018, Strategy for Crimean Tatar language development for 2022–2032²², Strategy of deoccupation and reintegration of the temporarily occupied territory of Crimea and Sevastopol, 2021 also as plans for its implementation were adopted²³, and those legal binding acts foreseen the issues of realizing indigenous rights, guaranteed by Declaration.

On March 3-6, 2023 the I Session of Strategic Forum “Future of Crimea” initiated by the Crimean Tatar Resource Center was held²⁴, in which more than twenty key experts of various structures on the subject of the peninsula, including ARC's representatives, took part²⁵. Strategic Forum elaborated proposals for Ukrainian government to make relevant preparations for indigenous issues.

Relevant recommendations were sent by the organizing committee of the Forum to the authorized state bodies of Ukraine, and meeting was held with the Deputy Prime Minister of Ukraine Iryna Vereshchuk, on May 3, but the above-pointed strategic and program documents regarding processes of reintegration the Crimea after its de-occupation may be soon amended and they need to be modernized regarding full implementation of Declaration's demands²⁶.

Also those issues were discussed at II Session of Strategic Forum “Future of Crimea” initiated by the Crimean Tatar Resource Center in October, 2023²⁷ and relevant recommendations were granted to Ukrainian government and third countries' representatives²⁸.

¹⁸ <https://zakon.rada.gov.ua/laws/show/224-2022-%D1%80#Text>

¹⁹ <https://zakon.rada.gov.ua/laws/show/874-2023-n>

²⁰ <https://arcrimea.org/en/analytics/2023/04/28/legal-programming-of-crimeas-deoccupation-and-reintegration-measurement-of-effectiveness/>

²¹ <https://arcrimea.org/en/analytics/2023/04/25/actual-dimension-of-program-acts-implementation-on-crimea-reintegration/>

²² <https://arcrimea.org/en/analytics/2023/05/28/financial-aspects-of-reintegration-crimean-strategies-budget-programs-and-international-projects/>

²³ <https://journals.fpk.kyiv.ua/index.php/kyivlawjournal/article/view/17/15>

²⁴ <https://arcrimea.org/en/activity/2023/03/06/results-of-strategic-forum-future-of-crimea/>

²⁵ <https://arcrimea.org/en/activity/2023/05/04/ministry-of-reintegration-held-meeting-with-experts-from-future-of-crimea-forum/>

²⁶ <https://arcrimea.org/en/activity/2023/09/28/world-for-ukraine-summit-discussions-and-occupied-crimea/>

²⁷ <https://arcrimea.org/en/activity/2023/11/23/recommendations-were-presented-to-governmental-plan-for-reintegration-of-crimea/>

²⁸ <https://arcrimea.org/en/activity/2023/12/15/presentation-of-results-of-strategic-forum-future-of-crimea/>

Our Association believes that urgent, immediate steps of the UN Expert Mechanism and Special Rapporteurs in condition of ongoing interstate conflict and hostilities must be done including all observation procedures and immediate visit to Ukraine.

We hope that previous special statements of the UN experts and rapporteurs regarding situation in Ukraine and violation of Crimean Tatars' indigenous rights must be supported by next UN OHCHR's steps reacting the Russia's ongoing terrorist policy and aggression in Ukraine, in framework of UN mandate.

28th of January, 2024

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