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**Submission to Study on "Treaties, agreements and other constructive arrangements, between indigenous peoples and States, including peace accords and reconciliation initiatives, and their constitutional recognition"**

After the loss of statehood, as a result of the annexation of Crimea by Russia in 1783, the indigenous Crimean Tatar people began to fight for the restoration of their rights and for recognition by the state.

In December 1917, after the elections, the First Qurultay of the Crimean Tatars was convened, which proclaimed the Crimean People's Republic, adopted its Constitution and state symbols, and declared itself the parliament of the Crimean People's Republic. The Crimean People's Republic was liquidated by the Red Army in February 1918, and the leaders were killed.

On October 18, 1921, on the basis of the decree of the All-Russian Central Executive Committee and the Council of People's Commissars on the autonomy of the Crimean Soviet Socialist Republic, the Crimean ASSR was created, where the factor of the political activity of the Crimean Tatars was taken into account. The decree stated that the Crimean Tatars are the indigenous people who have been oppressed for many decades, therefore, taking into account all their interests, autonomy was created.

After the forced total deportation of the Crimean Tatar people from Crimea on May 18, 1944, this autonomous republic was liquidated on June 30, 1945 and transformed into the Crimean region, which on April 26, 1954 was transferred to the Ukrainian SSR.

The modern stage of this struggle began after the forcible deportation of the Crimean Tatar people by the Soviet authorities in 1944. Active actions of the national movement led to the adoption of the Declaration “On the recognition of repressive acts against nations forcibly resettled as unlawful and criminal ...” by the Supreme Soviet of the USSR on November 14, 1989. This document provided full political rehabilitation of the Crimean Tatar people and the abolition of regulations of repressive and discriminatory nature, recognized the legitimate right of the Crimean Tatar people to return to Crimea, to reestablish the autonomy of Crimea. In order to implement the approved proposals, a commission of the Supreme Soviet of the USSR was formed, but its work was interrupted by the collapse of the USSR.

February 12, 1991 the session of the Supreme Soviet of the Ukrainian SSR adopted the Law "On the restoration of the Crimean Autonomous Soviet Socialist Republic." However, after the collapse of the USSR in 1991 and until the present, the right to self-determination has not been realized.

The period of 1989 - 2014 is the time when the Crimean Tatar people returned massively to their homeland. However, the Ukrainian authorities did not give permission to own land plots, representatives of the Crimean Tatar people were not employed, they were not sold houses. Over time, these problems were resolved, but it took years.

On June 28, 1996 the Verkhovna Rada of Ukraine adopted the Constitution of Ukraine[[1]](#footnote-1) where the indigenous peoples are mentioned for the first time in Articles 11 and 92.

On December 23, 1998 the Verkhovna Rada of Ukraine approved the Constitution of the Autonomous Republic of Crimea[[2]](#footnote-2). This document recognized and enshrined the linguistic and cultural rights of the Crimean Tatar people. Unfortunately, other rights provided by the UN DRIP were not exercised. In the meantime, a cultural revival of the people is taking place, folk ensembles were created, and the Crimean Tatar theater was rebirthed. Crimean Tatars systematically sought the right to study their native language in schools. During this period, 15 schools and 384 classes were opened with the Crimean Tatar language of instruction, thus, only 3% of the Crimean Tatar children had access to education in their native language.

In 1990-1991, the Crimean Tatar people managed to reestablish a high representative body of the national self-government Qurultay of the Crimean Tatar people, which formed a representative-executive body - the Mejlis of the Crimean Tatar people. The Qurultay-Mejlis system is the democratic representative bodies that regulate all spheres of life of the Crimean Tatar people.

November 25, 1995 the Mejlis of the Crimean Tatar People was accredited to the UN Intersessional Working Group to develop the UN Declaration on the Rights of Indigenous Peoples (UNDRIP). In accordance with UN ECOSOC Decision 1995/317, the Mejlis of the Crimean Tatar People was recognized as an indigenous people’s organization and, as such, was admitted to the work of the UN; this decision, in accordance with a special procedure, was made with the prior written consent of the host country of the organization of indigenous peoples (that is, Ukraine agreed to admit the Mejlis of the Crimean Tatar people to the UN as an organization of the indigenous people). However, the Qurultay and the Mejlis of the Crimean Tatar people were recognized by the Ukrainian authorities and international organizations de facto, not de jure.

The Mejlis of the Crimean Tatar People received the official status in the Ukrainian legal system as the Council of Representatives of the Crimean Tatar People in accordance with the Decree of the President of Ukraine of May 18, 1999 № 518/99[[3]](#footnote-3). This was the first step in legitimizing the representative and executive body of the indigenous Crimean Tatar people into the Ukrainian legal system.

On May 16, 2002 the Cabinet of Ministers of Ukraine approved the Program of resettlement and arrangement of deported Crimean Tatars and persons of other nationalities who have returned to the Autonomous Republic of Crimea for permanent residence, for the period up to 2005[[4]](#footnote-4).This Program is aimed at solving socio-economic and cultural-educational problems related to return to Ukraine of deported Crimean Tatars and persons of other nationalities, determining the priorities of the executive authorities for their resettlement, arrangement, adaptation and integration into Ukrainian society. On May 11, 2006 the Cabinet of Ministers of Ukraine approved the new Program of resettlement and arrangement of deported Crimean Tatars and persons of other nationalities who have returned to live in Ukraine, their adaptation and integration into Ukrainian society for the period up to 2015[[5]](#footnote-5).

During the period from 1995 – 2014 there have been several attempts to adopt the Law “On the Status of the Crimean Tatar People” and “On the Restoration of the Rights of Persons Deported on Ethnic Grounds”, but this did not happen due to political situation in the country.

In February 2014, the Russian Federation occupied Crimea, the homeland of the indigenous Crimean Tatar people, and part of the territory of a sovereign state, Ukraine, in violation of Article 3 of the UN Declaration on the Rights of Indigenous Peoples, as well as its obligations under the Budapest Memorandum. The Crimean Tatar people opposed the occupation, on March 15, 2014 Mejlis of the Crimean Tatar people appealed to the Verkhovna Rada and the Ukrainian people, about the support of the territorial integrity of Ukraine.

From this time Ukrainian State become more actively on the way of realization of the rights of indigenous Crimean Tatar people. On March 20, 2014 the Verkhovna Rada of Ukraine adopted the Resolution "On the Statement of the Verkhovna Rada of Ukraine Regarding the Guarantee of the Rights of the Crimean Tatar People as Part of the Ukrainian State"[[6]](#footnote-6), which recognized the Crimean Tatar people as the indigenous people of Ukraine. April 17, 2014 – the Verkhovna Rada of Ukraine adopted the Law of Ukraine "On the Restoration of the Rights of Persons Deported on Ethnic Grounds"[[7]](#footnote-7). This Law determines the status of persons deported on national grounds (Crimean Tatars), establishes state guarantees for the restoration of their rights, principles of state policy and powers of public authorities, local governments to restore the rights of these persons.

In August 2014, the Decree of the President of Ukraine № 656/2014[[8]](#footnote-8) introduced the position of the Commissioner of the President of Ukraine for the Crimean Tatar people.

August 25, 2015 - The National Human Rights Strategy[[9]](#footnote-9) was approved by the Decree of the President of Ukraine, in which one of the strategic goals is defined as “Ensuring the rights of indigenous peoples and national minorities”. November 23, 2015 - The Cabinet of Ministers of Ukraine approved the Action Plan for the Implementation of the National Strategy in the Field of Human Rights for the period up to 2020, which sets the task for the Ministry of Culture of Ukraine to develop a draft law "On the legislative regulation of the status of the indigenous peoples of Ukraine" by the IV quarter of 2016, but these tasks were not realized in time. May 11, 2017 - the Constitutional Commission created a working group to work out amendments to “Section X Autonomous Republic of Crimea” of the Constitution of Ukraine, however, there was no result of the activities of this Commission.

In November 2015, the Verkhovna Rada of Ukraine recognized the deportation of the Crimean Tatar people in 1944 as an act of genocide.[[10]](#footnote-10)

On March 24, 2021 the President of Ukraine issued Decree №117/2021 by which approved the Strategy for deoccupation and reintegration of the temporarily occupied territory of the Autonomous Republic of Crimea and the city of Sevastopol[[11]](#footnote-11), one of the expected results of which is the restoration and protection of the rights of the representatives of the Crimean Tatar people and other indigenous peoples, national minorities. On September 29, 2021 Cabinet of Ministers of Ukraine approved the Action Plan[[12]](#footnote-12) for the Implementation of this Strategy. According to this Plan Ukrainian State will focus on five ways: preservation of the culture heritage of the indigenous Crimean Tatar People, preservation and development of the Crimean Tatar language, restoration of historical toponyms of the Crimean Peninsula, raise awareness of Ukrainians about the indigenous peoples of Ukraine and involving the Mejlis of the Crimean Tatar people to the international events related with the occupied Crimea.

On July 1, 2021 the Verkhovna Rada of Ukraine adopted the Law of Ukraine "On the Indigenous Peoples of Ukraine"[[13]](#footnote-13). International experts of indigenous peoples’ rights in general gave a positive assessment for this legislation act. Oliver Loode said: “… the law definitely recognizes and promotes the rights of Indigenous peoples of Crimea – inalienable part of Ukraine – it is less clear whether and how other ethnic groups that would meet the general criteria for Indigenous Peoples as laid out in Article 1 could apply for recognition as Indigenous peoples of Ukraine. I have also reservations about whether the Verkhovna Rada has properly understood the meaning of the term „self-determination“ in the context of its Indigenous peoples, and in particular, with regard to their representative institutions.”[[14]](#footnote-14)

Dr. Basavi Kiro summarized: “After this law land resource and territory will secure for Ukraine Indigenous people.”[[15]](#footnote-15)

“In its totality, this is generally good, it is better than what Indigenous peoples in Russia obtain, but still not the full range of rights that are enshrined in International customary law - based on the United Nations Declaration on the Rights of Indigenous Peoples.”[[16]](#footnote-16) – said Damon Gerard Corrie.

Dr. Lee Swepston noticed: “… the law itself is very positive, but that a great deal will depend on the regulations to be adopted. It is vital that there be sufficient indigenous participation in the drafting of these regulations, as the authority under the law lies entirely with the government. It will of course be some time before the practical effect of the law can be measured.”[[17]](#footnote-17)

Now in Ukraine the process of implementation of the Law of Ukraine "On the Indigenous Peoples of Ukraine" continues. Mejlis of the Crimean Tatar People, Crimean Tatar Resource Center together with the State Service of Ukraine for Ethnopolitics and Freedom of Conscience work on drafting of subordinate legislations according to this Law. At the moment, the drafts of two subordinate legislations have been developed, but not approved by the Cabinet of Ministers of Ukraine: “On the procedure for securing and depriving the legal status of a representative body of the indigenous peoples of Ukraine” and “The procedure of holding consultations between the executive authorities and representative bodies of the indigenous peoples of Ukraine”. In addition, it is necessary to develop at least 17 subordinate legislations and amend at least 10 legislative acts of Ukraine.

But the main goal for the Crimean Tatar people is consolidation of the autonomy of Crimea according to the national-territorial principle. To achieve this goal, we still have a long process of negotiations with the State.

Since 2014 Russian Federation exercises effective control over Crimea. De-facto authorities against the international law spread the Russian legislation on Crimea and adopt the unlawful acts on local level. On April 11, 2014 the so-called “Constitution of the Republic of Crimea” was adopted. This document has only one notification about the Crimean Tatar language in article 10 which establishes three state languages. However, in fact, the Crimean Tatar people has a limited access to the use and learning of their native language in Crimea.

On April 21, 2014 the President of the Russian Federation issued the Decree № 268 “On measures for the rehabilitation of the Armenian, Bulgarian, Greek, Italian, Crimean Tatar and German peoples and state support for their revival and development”. This Decree proclaims “restoration of historical justice, political, social and spiritual revival of the Armenian, Bulgarian, Greek, Italian, Crimean Tatar and German peoples” but the so-called Law of the Republic of Crimea[[18]](#footnote-18) “On some guarantees of the rights of peoples deported extrajudicially on a national basis in 1941–1944 from the Crimean Autonomous Soviet Socialist Republic” says just about the social protection for the above -mentioned categories of peoples.

On April 19, 2016 in the occupied Crimea there was created the pro-government public organization “Public organization regional national-cultural autonomy of the Crimean Tatars of the Republic of Crimea” which was liquidated on February 04, 2020. The creation of this organization was presented like the realization of the rights of the Crimean Tatar people.

It is important to note that the Russian Federation generally denies the existence of the indigenous peoples of Crimea. In addition, in 2021, the Decree № 201 [[19]](#footnote-19)of the President of the Russian Federation “On Amendments to the List of Border Territories Where Foreign Citizens, Stateless Persons and Foreign Legal Entities Cannot Own Land Plots …”, came into force which prohibits non-residents of Russia, including representatives of the indigenous peoples, own land plots in their homeland.

To sum it up we can make the following conclusions: the way of official recognition of the indigenous Crimean Tatar people by the Ukrainian state was very long and difficult. Only after the beginning of the occupation of Crimea Ukraine became active in restoration and realization of the rights of the Crimean Tatar, Karaites and Krymchaks peoples and this process is still continuing.

At the moment the Crimean Tatars find themselves in a situation when the biggest part of the people lives under occupation. They can’t benefit out of the adopted legislation which was provided to them since Ukraine does not exercise the effective control over the Crimean peninsula. At the same time the normative acts adopted by the Russian Federation and the so-called occupational authorities of Crimea pretend of realizing the rights of the Crimean Tatar people. Also, the de facto authorities, do not consult with the authorized representative body of the indigenous Crimean Tatar people when making such decisions. Moreover, they banned the activities of the Mejlis of the Crimean Tatar people in 2016, calling it an extremist organization and also do not complying the order [[20]](#footnote-20)of 19 April 2017 issued by UN ICJ to cancel this decision.

1. [Constitution of Ukraine](https://zakon.rada.gov.ua/laws/show/en/254%D0%BA/96-%D0%B2%D1%80#Text) [↑](#footnote-ref-1)
2. [Law of Ukraine “On Approval of the Constitution of the Autonomous Republic of Crimea”](https://zakon.rada.gov.ua/laws/show/en/350-14#o409) [↑](#footnote-ref-2)
3. [Decree of the President of Ukraine "On the Council of Representatives of the Crimean Tatar People"](https://zakon.rada.gov.ua/laws/show/518/99#Text) [↑](#footnote-ref-3)
4. [Program of resettlement and arrangement of deported Crimean Tatars and persons of other nationalities who have returned to the Autonomous Republic of Crimea for permanent residence, for the period up to 2005](https://zakon.rada.gov.ua/laws/show/618-2002-%D0%BF#Text) [↑](#footnote-ref-4)
5. [Program of resettlement and arrangement of deported Crimean Tatars and persons of other nationalities who have returned to live in Ukraine, their adaptation and integration into Ukrainian society for the period up to 2015](https://zakon.rada.gov.ua/laws/show/637-2006-%D0%BF#Text) [↑](#footnote-ref-5)
6. [Resolution of the Verkhovna Rada of Ukraine "On the Statement of the Verkhovna Rada of Ukraine Regarding the Guarantee of the Rights of the Crimean Tatar People as Part of the Ukrainian State"](https://zakon.rada.gov.ua/laws/show/1140-18#Text) [↑](#footnote-ref-6)
7. [Law of Ukraine "On the Restoration of the Rights of Persons Deported on Ethnic Grounds"](https://zakon.rada.gov.ua/laws/show/1223-18/ed20181104#Text) [↑](#footnote-ref-7)
8. [Decree of the President of Ukraine "On the Commissioner of the President of Ukraine for the Crimean Tatar people"](https://zakon.rada.gov.ua/laws/show/656/2014#Text) [↑](#footnote-ref-8)
9. [National Human Rights Strategy of Ukraine](https://www.coe.int/t/commissioner/source/NAP/Ukraine-National-Action-Plan-on-Human-Rights.pdf) [↑](#footnote-ref-9)
10. [Resolution of the Verkhovna Rada of Ukraine “On the recognition of the genocide of the Crimean Tatar people”](https://zakon.rada.gov.ua/laws/show/792-19#Text) [↑](#footnote-ref-10)
11. [Strategy of the deoccupation and reintegration temporarily occupied territory of the Autonomous Republic of Crimea and the city of Sevastopol](https://www.president.gov.ua/documents/1172021-37533) [↑](#footnote-ref-11)
12. [Order of the Cabinet Ministers of Ukraine “On Approval of the Action Plan for the Implementation of the Strategy of Deoccupation and Reintegration of the Temporarily Occupied Territory of the Autonomous Republic of Crimea and the City of Sevastopol](https://www.kmu.gov.ua/npas/pro-zatverdzhennya-planu-zahodiv-z-1171r) [↑](#footnote-ref-12)
13. [Law of Ukraine "On the Indigenous Peoples of Ukraine"](https://zakon.rada.gov.ua/laws/show/1616-20#Text) [↑](#footnote-ref-13)
14. [Comment by Oliver Loode, Managing Director of the Uralic Center, Member of the United Nations Permanent Forum on Indigenous Issues (UNPFII), 2014-2016](https://ctrcenter.org/en/news/7085-eto-naibolee-znachimyj-zakonodatelnyj-i-politicheskij-shag-ukrainy-oliver-loode?fbclid=IwAR1KKJ350Hq5Ov-eIhuSWJmgiYLte-b1_xvV03Wh8qN0vd0mjxYfoz5Ss-w)  [↑](#footnote-ref-14)
15. [Comment by the founder of the International Indigenous Women's Forum, CEO, TORANG TRUST EX member, member of the Jharkhand State Women's Commission, Coordinator of the Indigenous Women's Indian Network (I WIN)](https://ctrcenter.org/en/news/7076-sejchas-vazhny-razvitie-institutov-korennyh-narodov-i-implementaciya-zakona-dr-basavi-kiro?fbclid=IwAR3JlHB_vcfpiZUeuziCA_iPqNq6d5gliJG3-PeU7V3l-8F6maCYJtXH8x4) [↑](#footnote-ref-15)
16. [Comment of Damon Gerard Corrie, Secretary General of the Pan-Global multi-ethnic Indigenous Democracy Defence Organizaton/IDDO, heir to the hereditary chieftain of the eagle clan of the Lokono-Arawak tribal nation of North Eastern Amazonia, South America , to the Law of Ukraine On the Indigenous Peoples of Ukraine.](https://ctrcenter.org/en/news/7073-zakon-o-korennyh-narodah-ukrainy-ne-polnostyu-sootvetstvuet-mezhdunarodnym-standartam-dejmon-dzherard-korri?fbclid=IwAR3pC7ropusp5QtlVKo9pULfj6FCYk9cci5uD4ffGfGQOth5BarYbCzLxC8) [↑](#footnote-ref-16)
17. [Comment by Dr. Lee Swepston](https://ctrcenter.org/en/news/7088-mnogoe-budet-zaviset-ot-podzakonnyh-aktov-li-svepston?fbclid=IwAR0Qe8JjgtJknQbw8sey_p-6-NQdXEF-ZtxBhZTJT0FppnBSpyUgTbW1-F4) [↑](#footnote-ref-17)
18. [So-called Law of Republic of Crimea “On some guarantees of the rights of peoples deported extrajudicially on a national basis in 1941–1944 from the Autonomous Crimean Soviet Socialist Republic”](http://webcache.googleusercontent.com/search?q=cache:PqxN7f6xqsYJ:crimea.gov.ru/textdoc/ru/6/act/2203.pdf+&cd=1&hl=ru&ct=clnk&gl=ua) [↑](#footnote-ref-18)
19. [Decree № 201 of the President of the Russian Federation “On Amendments to the List of Border Territories Where Foreign Citizens, Stateless Persons and Foreign Legal Entities Cannot Own Land Plots …”](http://www.kremlin.ru/acts/bank/45294)  [↑](#footnote-ref-19)
20. [Order of 19 April 2017 issued by UN ICJ](https://www.icj-cij.org/public/files/case-related/166/166-20170419-ORD-01-00-EN.pdf) [↑](#footnote-ref-20)