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Contributions for the study on Indigenous Peoples' Rights in the Context of Borders, Migration and Displacement

The Crimean Tatars are the indigenous people of the Crimean peninsula, formed by the 15th century. Since 1441 until the seizure of Crimea by the Russian Empire in 1783, there was a state of the Crimean Tatars - the Crimean Khanate.

The first wave of mass emigration of the Crimean Tatars followed immediately after the illegal annexation of Crimea by the Russian Empire in 1783. The exact figures are not known, but according to a number of researchers, from 20% to 30% of the population of the peninsula emigrated from Crimea. After the occupation of Crimea, Muslims were persecuted on religious ground, there was the oppression by the Russian officials who were trying to introduce Russian language unknown to the indigenous people of Crimea in every sphere of life. As a result, the lands of the Crimean Tatars were at the disposal of Russian noblemen and officials. One of the main reasons for emigration was the decision of the tsarist government to bring the land issue in Crimea in line with Russian land legislation. In Russia, there existed two forms: state and private property of nobles. While in Crimea there were about ten forms of local land tenure and land use.

The next wave of emigration was in 1800-1812. The most massive and tragic in consequence was the emigration of the Crimean Tatars of the mid-19th century: according to official information, about 193 thousand people left Crimea in that time. In Perekop district, 278 villages were deserted, and according to the official information by 1870 244 of them remained in ruins; in four districts, the Crimean Tatars left 687 villages, 315 of them were completely deserted. On November 8, 1861, the Rules for settling private lands in Crimea by foreign immigrants were adopted and who were given the right to hire foreign workers, and provide them with passports for the entire period of employment. Foreigners who wished to settle in Crimea and take Russian citizenship were granted all the rights and privileges. The colonization of the peninsula began.

As for the emigrants - the Crimean Tatars, various hardships awaited them on their way to the far away countries. The situation of immigrants in the sea was terrible. No assistance was provided to the dying immigrants from the side of the Russian government. No one was waiting for

them in Turkey too. They starved, were sick and died out. The lands allocated to them in Anatolia either turned out to be unsuitable for developing agriculture, or were located in extremely unhealthy areas. The emigrants who escaped from there to Rumelia and Dobrudja were given swampy plains for settlement - a permanent source of the worst malaria.

In the mid-1870s, the Crimean Tatars thought again about the question - whether to stay or leave their native land. The reason was the introduction of universal military service. It meant for the Crimean Tatars of military age - the obligation to serve in all-army units where they were not able to fulfill their religious duties provided by Islam (as it was before in Muslim units). At first, about 300 people of military age left, by the end of the year the number of emigrants was about 500 people. The emigration took place mostly illegally, without passports, on ships departing at night from Evpatoria, Sudak, Sevastopol and Gurzuf. It stopped only at the beginning of the Turkish-Russian war of 1877-1878.

During the Crimean War, Cossack (Russian military) patrols, driving around the province, captured the Crimean Tatars (under the pretext that they intended to go to the enemy) as traitors. As a result, many Crimean Tatars were exiled to Oryol, Kursk, Yekaterinoslav and Kherson provinces.

Out of all subsequent emigrations, the largest was the emigration of 1889 - when about 200 thousand Crimean Tatars were forced to leave Crimea. The difficult economic situation of the Crimean Tatars, the landlessness, and the general military service intensified the emigration process in 1893, 1901-1902. According to the data, in the early 90s of the XIX century about 30 thousand Crimean Tatars left Crimea. The government controlled the process of emigration, not allowing mass resettlement, but the most attractive perspective for the authorities was further colonization of Crimea.

The representative of the Crimean Tatar intelligentsia Ismail Gasprinsky called on compatriots not to leave their native land, not to sell their homes and property for a low price, not to go abroad in search of a better life. But in subsequent years, the emigration movement does not stop completely and continues until the decline of the Russian Empire. Thus, by the most modest calculation, over the course of a century and a half, Crimea lost about a million of the Crimean Tatars. And, as noted in the report of the Crimean Central Executive Committee and the Crimean government in 1925: "If we add to this the mass extermination of the young generation in the Japanese imperialist and civil wars, as well as the significant extinction and impoverishment of the Crimean Tatars from the famine of 1921-1922, when the Crimean Tatars lost 80 thousand people, the transformation of Crimea, with the predominant Crimean Tatar population over the other nationalities, was turned into the national minority.

"On October 18, 1921, the Crimean Autonomous Soviet Socialist Republic was created, where the Crimean Tatars were represented to a large extent, where the factor of their political activity was taken into account. It was said that the Crimean Tatars were the indigenous people, oppressed for many decades, therefore, taking into account all their interests, autonomy was created. Actually, the very first repressions in the Crimean Autonomous Soviet Socialist Republic began among the leaders of the Crimean Tatars, as soon as Veli Ibraimov tried to present a plan for the re-emigration of the Crimean Tatars, when he offered to return only 20 thousand people to their historical homeland from Turkey, Bulgaria, Romania. These were the people who left their homeland for 150 years. But this was categorically opposite to the plans of Communists. In May 1928, Veli Ibraimov was shot, and in a few months, 63 representatives of the Crimean Tatar intelligentsia, who were the Crimean Tatar patriots who dreamed about the freedom of their people in their native land, were also shot.

May 18, 1944 - the day of the deportation of the Crimean Tatars, one of the most tragic episodes in the history of the Crimean Peninsula. The number of people forcibly removed amounted to more than 208,000 people. 70 railway trains of 50 car wagons each, took the Crimean Tatars to the special settlements in Central Asia, the Urals, Siberia. People who hid from the eviction were ordered to be considered "gangster elements", as a result, another 5989 people were arrested. But the trip in harsh conditions was only the first mortal obstacle out of the many that special settlers had to go through. The lack of housing, food and any tools for cultivating the land - the chances for survival in the foreign countries were minimal. In the first six months of the deportation thirty thousand Crimean Tatars died - every fifth representative of the people. This is officially confirmed data that appeared in the reports of the NKVD of the Uzbek SSR.

Information about the number of the dead was carefully hidden from the population, and therefore the Crimean Tatars were forced to secretly conduct a census of the representatives of their people. According to the Crimean Tatar National Movement, 46% of the total number of deportees died as a result of forced deportation.

At the same time, everything that was connected with the Crimean-Tatars was demolished in Crimea - residents of other republics of the USSR, mainly from Russia and Ukraine, were settled there, and the Crimean-Tatar toponyms were renamed.

In 1967, the Decree was issued "On Citizens of the Crimean of Tatar nationality (Acc. to the Author) who had previously lived in Crimea." By this decree, the discriminative charges against the CrimeanTatar people were abolished, but did not allow the Crimean Tatars to return to their homeland. Immediately after this, a decision was made, which stated that the Crimean Tatars, like other citizens of the USSR, have the right to reside throughout the Soviet Union in accordance with the current legislation on employment and passport regime. However, the existing passport regime prohibited representatives of the Crimean Tatar people from residing in Crimea. By September 1967, 2,000 Crimean Tatars attempted to return to the peninsula, but they were not given the opportunity to register.

On May 17, 1968, a demonstration was held in Moscow timed to coincide with the next anniversary of the deportation. About 800 Crimean Tatars from all regions arrived to participate in the demonstration. Most of the participants, including women and elderly war veterans, were detained and beaten by police and KGB officers, under escort loaded into the trains and sent back to their places of residence. The events of the spring of 1968 largely determined the new attitude of the Crimean Tatars to power, dispelling the last illusions about a speedy and peaceful solution of the national problem. In the years 1968-1970, there were trials over those who openly criticized the Decree of 1967. Despite the eviction and courts campaign on charges of violating the passport regime, in the years 1967-1970 3026 Crimean Tatars settled in Crimea. Many of them went through one or more repeated exiles.

In September 1977, after almost a year's break, violent evictions from Crimea and new trials of "violation of passport rules" were resumed. In June 1978, in protest against the persecution of the Crimean Tatars in Crimea, Musa Mamut self-arsoned himself, who was threatened with repeated suing under the article "for violating the passport regime". The funeral of Mamut showed that he had become a symbol of the movement for the returning to his homeland, he was perceived as a national hero. Meanwhile, on August 15, 1978, Resolution No. 700 of the Council of Ministers of the USSR was adopted "On Additional Measures to Strengthen the Passport Regime in the Crimean Region", which legalized administrative evictions from homes and the "removal" of unregistered families from the peninsula.

In the late 1970s and the first half of the 1980s, the Crimean Tatar national movement was going through a difficult period. Almost all of his most influential figures were arrested and convicted: Mustafa Dzhemilev, Reshat Dzhemilev, Rollan Kadyev, Eldar Shabanov, Yuri Osmanov and many others. Under the threat of arrest, Ayshe Seitmuratova was "forced out" into the emigration, where she put a lot of efforts into familiarizing the foreign public with the national problem of the Crimean Tatars.

Crimean Tatars were forbidden to return to their homeland before 1989. On November 14, 1989, the Supreme Soviet of the USSR adopted the Declaration "On the recognition of repressive acts against nations forcibly resettled as unlawful and criminal ...". This document was 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 as a multinational entity, to review cases initiated for participation in the Crimean Tatar national movement. In order to implement the approved proposals, a new commission of the Supreme Soviet of the USSR was formed, but its work was interrupted by the collapse of the USSR.

By May 1, 1990, 83,116 Crimean Tatars returned to Crimea. 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, representatives of the Crimean Tatar people were not employed, they were not sold houses. Over time, these problems were resolved, but it took years. In the meantime, a cultural revival of the people is taking place, national ensembles were created, and sometime later, the Crimean Tatar Theater was opened. Crimean Tatars achieved the right to learn their native language in schools. After returning back home to Crimea, the Crimean Tatars make a lot of efforts to perpetuate the memory of the victims of deportation. For years, the hidden topic has finally become public. In recent years, the most important event in preserving the memory of the deportation and its victims has become the annual many thousand mourning meetings in Simferopol. But after the illegal annexation of Crimea in 2014, the Russian authorities in fact banned to honor the memory of the innocent victims.

The Russian occupation of Crimea and the systemic repressions that followed it caused a new mass migration of the indigenous Crimean Tatar people.

In 1990-1991, the Crimean Tatar people managed to form a representative body of the national self-government Kurultay of the Crimean Tatar people, which formed a representative-executive body - the Mejlis of the Crimean Tatar people. At the beginning of the occupation, 250 local Mejlises were functioning in the Autonomous Republic of Crimea. The Kurultay-Mejlis system is the democratic bodies that regulate all spheres of life of the Crimean Tatar people. However, in 2016, the occupational court of Simferopol recognized the activity of the Mejlis of the Crimean Tatar people as extremist and banned its activities in the Russian Federation, in fact left the indigenous people without its national self-government body. The occupying power pursues members of Mejlis of all levels, and that's more than 2,000 indigenous people. The interim decision of the International Court of Justice obliges the Russian Federation to resume the activities of the Mejlis of the Crimean Tatar people, but the occupier once again ignores the decision of an authoritative international body.

Due to the fact that the Mejlis of the Crimean Tatar people cannot carry out their activities in Crimea, the Crimean Tatar people do not have the opportunity to hold regular elections of the delegates of Kurultay in 2019. The ban of the representative body of the indigenous Crimean Tatar people is a violation of articles 3, 5, 18, 19, 20, 23, 33 and 34 of the UN Declaration on the Rights of Indigenous Peoples.

The ban of the representative institution of the indigenous people allowed the occupying power gross violations of the UN provisions of the Declaration on the Rights of Indigenous Peoples. The Crimean Tatars are once again forced to leave their native land in order to save their own lives.

Illegal detentions, arrests, searches, opening of fabricated administrative and criminal cases, refusal of re-registration, illegal alienation of private property, threats, destruction of property, beatings, torture, enforced disappearances, murders have become common practice. All these crimes are systematic in relation to the representatives of the indigenous Crimean Tatar people, with the involvement of registration authorities, police, prosecutors, courts, paramilitary groups (the so-called "Crimean self-defense"). Basically, they are aimed at activists of the indigenous people of Crimea - the Crimean Tatars.

The first victim was the Crimean Tatar activist Reshat Ametov. In 2014, he went on a single picket against the occupation, he was forcibly kidnapped by people in military uniforms, as evidenced by recordings from video surveillance cameras. Later, his body was found with traces of torture, however, until January 30, 2019, the perpetrators were not found, there is no effective investigation of this case.

In May 2016, Ervin Ibragimov, a Board member of the Coordination Council of the World Congress of the Crimean Tatars, was forcibly abducted, as evidenced by recordings from video surveillance cameras. For more than two and a half years, his whereabouts remains unknown, and the so-called law enforcement agencies have not conducted any investigative measures.

In August 2018, a 20-year-old Einar Eyupov went to work, but he did not get there, his whereabouts is not known until now and the so-called law enforcement agencies did not even put him on the wanted list.

In March 2017 in Feodosia, FSB officers detained Emil Mukhteremov, who was taken to the field, intimidated, threatened, and inclined to cooperate. In September 2017, the FSB officers detained Renat Paralamov, they forced him to cooperation, the next day after his arrest, he was found at the bus station with signs of torture. Paralamov himself stated that the FSB officers tortured him with electric current, injured his jaw and threatened to rape him with a metal pipe.

According to the monitoring of the Crimean Tatar Resource Center on dated January 30, 2019 there are 73 political prisoners in the occupied Crimea, 47 of them are the representatives of the indigenous Crimean Tatar people; 17 missing 13 of them are Crimean Tatars; 22 killed 15 of them are Crimean Tatars. 17 political prisoners and the persecuted were subjected to compulsory psychiatric examination 16 of them are the representatives of the indigenous Crimean Tatar people, including Ilmi Umerov - Vice-Chairman of the Mejlis of the Crimean Tatar people - the representative body of the indigenous people.

For over 2017-2018, 414 people were detained, 323 of them Crimean Tatars, 492 people were questioned, 379 of them are the representatives of the indigenous people, 154 searches were conducted, 136 of them in relation to the Crimean Tatars, the detention periods were extended 252 times for 186 times in relation to the indigenous people. All these repressive actions are in violation of Articles 1, 7 of the UN Declaration on the Rights of Indigenous Peoples, which guarantee the

right to life, physical and mental integrity, freedom and personal security of persons belonging to indigenous peoples, as well as paragraph 2 of Article 7 of this declaration guarantees the collective right to live in peace and security.

Lawyers and human rights activists are also prosecuted in the occupied Crimea. Political prisoner Emir-Usein Kuku, whom Amnesty International recognized as a prisoner of conscience, is a human rights activist. In 2017, a lawyer Emil Kurbedinov was arrested for 10 days for re-posting in the social network, and in 2018, under the same charge, he was sentenced to administrative arrest for 5 days. Nikolai Polozov - the lawyer of the Deputy Chairman of the Mejlis of the Crimean Tatar people was abducted at the airport of Simferopol, after his participation in the PACE session, and later he was transferred into the status of a witness in the case of his client. On December 9, 2018, an unknown person tried to penetrate into the office of Crimean lawyers in Simferopol, who defend many Crimean Tatar political prisoners. As we can see from the surveillance cameras, the man broke a window in the office with an iron pipe, tried to open it and get inside, but he could not do it because of the iron frame. After the incident, he disappeared. These actions, as well as the fact that Russian legislation is applied in Crimea and cases are dealt with by biased Russian courts, violate Article 40 of the UN Declaration of the Rights of Indigenous Peoples, which guarantees the right to an effective remedy in the event of any violations of individual and collective rights of representatives of the indigenous Crimean Tatar people.

Despite the fact that the occupying power "officially" recognized the Crimean Tatar language as one of the state, its application is very limited, there are registered cases of threats of dismissal of workers for speaking with each other in their native language, which is a violation of Articles 2, 8 and 17 of the Declaration UN on the rights of indigenous peoples.

A striking example of a violation of article 17, which guarantees the right to exercise all established international and domestic labor rights, is a case that occurred in August 2018. In Crimea, the artistic director and director of the Crimean Tatar Academic Music and Drama Theater, Honored Art Worker of Ukraine Bilyal Bilyalov was fired. In his comment to "Krym.Realii" he noted that he was fired for contrived reasons. The head added that the theater team took his side; he intends to fight for reinstatement.

Before the occupation, there were 16 schools and 384 classes with the Crimean Tatar language of instruction in the Crimea. According to the data of the de facto Ministry of Education and Science of the Republic of Crimea, there are 7 schools with the Crimean Tatar language of instruction, 4 schools with Crimean Tatar and Russian languages of instruction, and 5 schools have become secondary schools, and the number of classes has decreased by almost 10 percent (348 classes). Education in the Crimean Tatar language is allowed only up to 9 grade and at the request of parents. Administrations of educational institutions under various pretexts create obstacles in the filing of such applications: they either force parents to refuse to study in the Crimean Tatar, or reduce the number of hours to study the Crimean Tatar language and literature. The school administration makes remarks to children if they communicate in their native language, raids are being held searching so-called extremist and prohibited literature. These actions are in violation of Articles 8, 13, 14, 15, 21 and 22 of the UN Declaration on the Rights of Indigenous Peoples.

FSB officers come to schools to hold so-called preventive conversations with Crimean Tatar children. And in November 2017, there was a case registered when Russian security officials conducted a search in the house of a teacher of the Crimean Tatar language and literature, which is testifies about a purposeful policy of eliminating the foundations of the Crimean Tatar identity on the peninsula. This situation is threatening from the standpoint of respect for the democratic

principles of life of the human community. The pressure on the indigenous children is increasing, for example, the FSB officer tried to intimidate a nine-year-old son of the political prisoner Emir-Huseyn Kuku and tried to persuade him to cooperate. In January 2018, students were given questionnaires in the Crimean schools, through which they tried to find out the moods in the families and their tendency to denounce.

The occupying power is actively engaged in rewriting and falsifying the historiography of Crimea and the Crimean Tatar people, which is also reflected in the history textbooks. And this is a gross violation of Article 15 of the UN Declaration on the Rights of Indigenous Peoples.

For five years, the right to freedom of speech has been grossly violated. Before the occupation, 12 national Crimean Tatar media worked in Crimea. Due to constant pressure and the refusal of re-registration, the majority of media outlets were forced to leave Crimea, among them the first Crimean Tatar TV channel ATR, which is a violation of Articles 5 and 16 of the UN Declaration on the Rights of Indigenous Peoples.

Streamers and bloggers from the Crimean Tatar youth have become reliable sources of information about the situation in Crimea. However, they are also under pressure and repression from the de facto government. They are forcibly detained, forbidden to shoot and are forced to delete video and seize the equipment. So in November 2017, the FSB officers conducted mass searches in the houses of the Crimean Tatar streamers. 7 young people were detained, fingerprints and saliva were illegally taken from them for DNA analysis, physical force was applied.

The opening of administrative and criminal cases has become another method of obstructing the activities of objective journalists and bloggers. For example, a criminal case was initiated under Part 2 of Art. 205.2 of the Criminal Code of Russia - "public calls for terrorist activities carried out using mass media or electronic or information and telecommunication networks, including the Internet." in relation to the blogger Nariman Memedeminov, in 2018. Reason: from 2013 to 2015, on his YouTube channel, Memedeminov posted several dozen videos where he commented on political events and topics, called for adherence to the norms of Islam and talked about his attitude to holidays: Defender of the Fatherland Day, International Women's Day, Children's Day and others.

The Crimean Tatar people actively opposed the occupation, ignored the so-called referendum in March 2014 and did not recognize the illegal annexation of Crimea. To overcome the non-violent resistance, the occupation authorities launched a campaign to harass the representatives of the Crimean Tatar people and form an image of an "internal enemy" using hate speech. The latest example is a case that occurred in the occupied Crimea in the city of Kerch in October 2018. On October 17, a fourth-year student of Kerch Technical School, Vladislav Roslyakov, arranged an act of terrorism, as a result of which more than a hundred students and employees of the technical school suffered. The Lenta.Ru network publication controlled by the Russian Federation, among others, hastened to spread the information that, "a man who is suspected of involvement in the explosion in the Kerch technical school, is about 23 looks like a Crimean Tatar," and adding "... a man arranged a shooting, killing off the wounded, and then was shot by the guards". Later, the Crimean "law enforcers" published a video where it was clearly visible that the person who committed the attack was a blond guy of Slavic appearance.

The Crimean Tatar national movement has always led a non-violent struggle for the rights of its people. In October 2017, about a hundred representatives of the Crimean Tatar people went out with for one-man protests throughout Crimea. They called on the Russian authorities of the peninsula to stop repressions against the Crimean Tatars. Then, more than 40 people were illegally

detained. 76 people were fined from 10 to 15 thousand rubles each. The actions of the occupying security forces are criminal, politically motivated, violating articles 5, 16, 18 of the UN Declaration on the Rights of Indigenous Peoples.

Under the guise of "restoration", the occupying power destroys the Bakhchisaray Historical and Cultural Reserve "Khan's Palace", which is a unique architectural monument of the 16th century, the world's only example of Crimean Tatar palace architecture, which is a violation of Articles 8, 11, 13, 15, 31 of the UN Declaration on rights of indigenous peoples.

With a flagrant violation of Articles 8, 25, 26, 27, 28, 29, 32 of the UN Declaration on the Rights of Indigenous Peoples, the occupying power actively uses the natural resources of Crimea. For example, since April 2015, the construction of the so-called "Crimean Bridge", the automobile part of which has already been opened in 2018. The construction of this bridge began without coordination with representatives of the indigenous Crimean Tatar people and is carried out with violations of the ecosystems of the Azov and Black Seas. Construction may entail a regional ecological catastrophe. The bridge and road approaches to it should be part of the Kerch-Novorossiysk motorway. Also with gross violations of the ecosystem of the mountains of Crimea, the Tavrida highway is being built, the construction of which destroys the karst rocks of the Crimean mountains and the landscape, which may affect the traditional management of the Crimean Tatars. Mining is also illegally carried out and the Black Sea shelf is being developed. In connection with the construction of the Kerch Bridge and the highway Tavrida, on the peninsula, they say there is a shortage of building materials that are difficult to deliver to the Crimea via the ferry. The Russian-controlled authorities of the peninsula decided to cover the shortage of rubble and other materials with the extraction of minerals in Crimea. This led to the fact that in places where mines are developed, the landscape has changed. For example, in the village of Kholodovka, Kirovsky district, the river has dried up, and also juniper 300-400-year-old forests are destroyed. In addition, houses are being destroyed by explosions from local residents.

The occupation power has military bases, imports heavy military equipment into the territory of Crimea, there are suggestions that nuclear weapons were brought into the territory of Crimea. Also, military exercises are regularly held, and an appeal is made to serve in the ranks of the RF Armed Forces from among the indigenous people. A number of conscripts are sent to serve outside Crimea. These actions violate Articles 29, 30 of the UN Declaration on the Rights of Indigenous Peoples.

The current situation led to the fact that out of 300 thousand indigenous people, tens of thousands were forced to leave their native land. At the same time, the population from Russia is actively imported to Crimea, according to the monitoring of the Crimean Tatar Resource Center, more than 180 thousand people were brought. In 2017, the occupation authorities illegally banned entry to 47 citizens of Ukraine, mainly Crimean Tatars, for a period of 30 to 50 years, which is a violation of Articles 8 and 10 of the UN Declaration on the Rights of Indigenous Peoples.

About 20 thousand Crimean Tatars left for the mainland of Ukraine. Еще в 2014 году the Verkhovna Rada of Ukraine приняла постановление "About 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". In accordance with this decree, the Mejlis of the Crimean Tatar people, which is currently based in Kiev, is recognized as official at the political level in Ukraine. However, the Law of Ukraine on indigenous peoples, which would have settled all the socio-political spheres of life of the Crimean Tatar people, has not been adopted yet. Also, no changes have been made to section 10 of the Constitution of Ukraine "Autonomous Republic of Crimea", which would secure the status of

Crimea as the national-territorial autonomy of the indigenous Crimean Tatar people and thus the right to self-determination of the indigenous people of Crimea would have been realized. Despite the fact that Ukraine joined the UN Declaration on the Rights of Indigenous Peoples in 2014, Art. 3, 26, 27 and 38 of the Declaration, which enshrines the right to self-determination of the indigenous people.

Also, the question of the return of representatives of the indigenous Crimean Tatar people to their historical homeland from the places of deportation is still open. At the moment, not everyone who wants to return can do this, because according to Ukrainian legislation there are a number of requirements for obtaining citizenship, however, according to Article 6 of the UN Declaration on the Rights of Indigenous Peoples, every person belonging to an indigenous people has the right to citizenship.

Another problem that exists in Ukraine is the low awareness of Ukrainian society about the Crimean Tatar people, its history, culture, traditions and history of Crimea as a whole. Also, the problem was the presence of negative stereotypes regarding the Crimean Tatars in Ukrainian society. As a result, it is not always possible to establish a dialogue between the Ukrainians and the Crimean Tatars, which makes it impossible to solve other problems existing in the Ukrainian state. One of the reasons for the current situation is the fact that the history of Crimea and the Crimean Tatars is practically not studied in schools at history lessons, which is a violation of Article 15 of the UN Declaration on the Rights of Indigenous Peoples.

Also, the Ukrainian state does not make necessary efforts to protect the environment and preserve the ecosystem, violating Article 29 of the UN Declaration on the Rights of Indigenous Peoples. The authorities do not monitor the situation; the international community is not informed about the environmental disaster in the Crimean peninsula.

The rights recognized in the UN Declaration on the Rights of Indigenous Peoples represent minimum standards for ensuring the survival, respect for the dignity and well-being of the indigenous peoples of the world, but 32 of the 46 articles of this declaration violate both Russian Federation and Ukraine, which is a threat to the continued existence of the indigenous Crimean Tatar people.

Referring to Articles 41 and 42 of the UN Declaration on the Rights of Indigenous Peoples, the Crimean Tatar Resource Center calls on the Expert Mechanism to visit Ukraine with the aim to study the situation in detail, and also, within its mandate, to hold an expert consultation on the implementation of the UN Declaration on the Rights of Indigenous Peoples into the national legislation of Ukraine. The visit of the Expert Mechanism to Ukraine will send the message to all Ukrainian people from the indigenous peoples, will contribute to the popularization and deeper understanding of the Declaration on the Rights of Indigenous Peoples by Ukrainian politicians, experts and society.

Taking this opportunity, we want to provide our recommendations.

On the international level:

1. The Secretariat of the Expert Mechanism must refuse to accept official documents of Russia, where Crimea is mentioned as a part of its territory.
2. It is necessary to create a systemic dialogue of EMRIP with other international organizations and bodies on the situation of human rights in Crimea in order to ensure synergy of efforts;
3. To assist in ensuring free democratic elections to the representative bodies of the Crimean Tatar people under the auspices of the UN and other international organizations;

On the level of the Ukrainian state:

1. To promote the adoption of the Law of Ukraine on Indigenous Peoples, thus fully implement the UN Declaration on the Rights of Indigenous Peoples;
2. To contribute to the development of a National Action Plan to improve the situation of the Crimean Tatar people in Ukraine;
3. To recommend the creation of the administrative territory of the Autonomous Republic of Crimea in Kherson region, with the aim of restoring all state authorities of Ukraine to the AR of Crimea and providing favorable conditions for the return of the Crimean Tatars from places of deportation to this territory.

On the level of the Russian Federation and the de facto authorities in Crimea:

1. To call to execute the interim ruling of the ICJ of April 19, 2017, i.e., reverse the ruling of the Supreme Court of the Russian Federation on the banning of Mejlis of the Crimean Tatar People and permit it to function as the legal representative body of the indigenous Crimean Tatars in the territory of Crimea.;
2. To call for the fulfillment of all its obligations as an occupying power exercising de facto control over Crimea, in accordance with applicable norms of the international law;
3. To assist in ensuring the unhindered work of the representative bodies of the Crimean Tatar people Kurultay, Mejlis and other bodies of Kurultay;
4. To call for an end to the persecution of the Crimean Tatar people and the spread of hate speech, the persecution and illegal detention of all residents of Crimea;
5. To call to exclude elements of hate speech in relation to the Crimean Tatar people from official documents and manuals;
6. To call to investigate the enforced disappearances of Ervin Ibragimov and eleven other Crimean Tatars;
7. To call to stop the replacement of the indigenous population of Crimea;
8. To call to put an end to racial discrimination of the Crimean Tatar people;
9. To call to implement the Declaration on the Rights of Indigenous Peoples.

Best regards,

**Head of the Board
of the Crimean Tatar Resource Center,**

**Member of Mejlis
of the Crimean Tatar people**



Eskender Bariiev