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The integration of formerly deported people in Crimea, Ukraine

Needs assessment

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CONTENTS

1.	Introduction	2
2.	Legal aspects of return	4
3.	Land, housing and property	9
4.	Political participation	15
5.	Socio-economic aspects of return and integration	19
6.	Language, culture and religion	22
7.	Education	27
8.	Conclusions	30

1. INTRODUCTION

Strategically located in the Black Sea, the Ukrainian peninsula of Crimea has a long and complex history of strife. Although various groups claim it as their homeland based on historical periods during which they dominated the peninsula, Crimea has always had a multi-ethnic society. Crimea's rich ethnic, linguistic, religious and cultural diversity, its history of competing claims for dominance and other contextual factors put it at enhanced risk of inter-ethnic tensions.

Each of the three largest ethnic groups on the peninsula perceives itself to be a de facto minority, although none wishes to be regarded as a national minority. Ethnic Russians, who constitute the majority of the population of Crimea (58 per cent, according to the 2001 census), are a minority within Ukraine as a whole. They feel threatened by recurrent efforts by the central authorities to strengthen the Ukrainian language and culture throughout the country. Ethnic Ukrainians (24 per cent), while forming the majority in the country as a whole, are a numerical minority in Crimea. The Crimean Tatars (12 per cent)¹, consider themselves to be an indigenous people. Due to many complex factors, including the diversity, history and context mentioned above, Crimean society is deeply divided and inter-ethnic relations are characterized by suspicion at best and hostility at worst. Different views on the future status and governance of the peninsula compete.

Assigned with the mandate to prevent inter-ethnic conflict, the OSCE High Commissioner on National Minorities (HCNM) has been engaged in Crimea since 1994. The first HCNM, Max van der Stoep, contributed to the compromise between the Government of Ukraine and local pro-Russian forces that led to the establishment of the Autonomous Republic of Crimea (ARC) within the Ukrainian constitutional framework, and as such helped to avoid conflict in the 1990s.²

Meanwhile, since the late 1980s, approximately 266,000 Crimean Tatars and thousands of other people deported en masse from Crimea on ethnic grounds by the Soviet regime in the 1940s (Armenians, Bulgarians, Germans and Greeks) have returned to an economically depressed region unprepared to handle such a large and rapid migratory influx.³ Tensions over access to employment, resources and social services in Crimea have been aggravated by negative stereotypes and prejudices about the Crimean Tatars held among the majority population that have been nurtured over several generations. Formerly deported peoples' (FDPs') disillusionment with the authorities' lack of progress in restoring and enforcing their rights has led to rising impatience. Intolerance is also on the rise. Increasing incidences of hate speech, vandalism of religious sites, violent clashes and widespread unauthorized occupation of land illustrate the depth of social divisions and perceived injustices in Crimea.⁴

While the Government of Ukraine⁵ and the Crimean authorities have made laudable attempts to facilitate repatriation and resolve some of the issues facing the FDPs, many structural problems remain. Further effort and support, including from the international community, is required to reach a sustainable solution. Therefore, in October 2011, the HCNM supported a proposal put forward by representatives of the Crimean Tatar community to convene an International Forum to assess, discuss and address the outstanding challenges to the full integration of the FDPs, which would facilitate Crimea's development and promote cohesion and stability.

1 According to the 2001 Ukrainian census, Crimean Tatars constitute approximately 12.1 per cent of the population; while no recent accurate data is available, most observers estimate that their relative share of the population has increased since. Government data provided to the HCNM in May 2013 estimates that Crimean Tatars currently constitute 13.7 per cent of the population of Crimea.

2 Walter Kemp, *Quiet Diplomacy in Action: The OSCE High Commissioner on National Minorities* (The Netherlands: Kluwer Law International, 2001), pp. 217–224.

3 State Statistics Committee of Ukraine, "All Ukrainian population census 2001"; Y. M. Biluha and O. I. Vlasenko, *Deported Crimean Tatars, Bulgarians, Armenians, Greeks, Germans: documents, facts, evidence (1917–1991)*, (Ukraine: State Committee of Ukraine on Nationalities and Migration, 2004), p. 16. М. Білуха, О. Власенко, *Депортовані кримські татари, болгар, вірмени, греки, німці: документи, факти, свідчення (1917–1991)*. (Державний комітет України у справах національностей та міграції, 2004), p. 16.

4 Andrew Wilson, "Needs Assessment for the Crimean Tatars and Other Formerly Deported Peoples", Social Science Research Network, 2013.

5 In the decree of the President of Ukraine No. 615/2010, President of Ukraine Viktor Yanukovich acknowledged the need to solve the "burning problems of resettlement" of FDPs by taking "measures, in accordance with established procedures, for facilitating the adoption of the Concept of the State ethno-national policy and programmes for the period until 2015 for resettlement of Crimean Tatars, other persons deported on the ground of ethnic origin, and their descendants who have returned or are returning to Ukraine for permanent residence, their adaptation and integration in Ukrainian society."

In turn, the international community has acknowledged the need to produce a roadmap to resolve the political, economic, social and legal problems related to the restoration of rights and improved integration of the Crimean Tatars and other FDPs.⁶ The International Forum, which would be organized under the auspices of the HCNM in close co-operation with the Government of Ukraine, the Crimean authorities, representatives of the FDPs and the international community, would offer an opportunity to discuss and agree upon such a roadmap.

Although observers generally agree that the situation in Crimea is fragile and recurrent incidents give rise to speculations about impending conflict, there is a lack of accurate and up-to-date information on the social, economic, cultural and political aspects related to the integration of the FDPs. To fill this gap, the HCNM commissioned eight independent experts to conduct in-depth and sector-specific assessments of the challenges the Crimean Tatars and other FDPs face. The relevant experts were: Dr. Andrew Wilson (co-ordinator), Dmitriy Pletchko and Noel Calhoun (Legal aspects of return), Veljko Mikelic (Land, housing and property), Dr. Natalia Mirimanova (Political participation and socio-economic aspects of return and integration), Dr. Greta Uehling (socio-economic issues), Dr. Idil P. Izmirlı (Language, culture and religion) and Marina Gurbo (Education). These papers make wide-ranging recommendations, including on how to improve the legislative framework and develop priorities for follow-up measures. Each paper is intended to be an independent and standalone report, and together they serve to provide different expert views on the complex situation in Crimea.⁷ The HCNM has used these papers to inform his own thinking on this issue and invites other stakeholders to do the same.

This paper, which is based on research conducted by the commissioned experts as well as numerous visits made by the current HCNM and his predecessors since the early 1990s, presents the current situation regarding FDPs in Crimea, as viewed by the HCNM. The purpose of this paper is to raise awareness within the Government of Ukraine, the Crimean authorities and the international community of the main obstacles hindering the full integration and participation of the FDPs. This paper does not aim to be comprehensive; it highlights issues of particular relevance or urgency that should take a central place on the agenda of the International Forum. The scope of the paper covers the integration of all FDPs deported by the Soviet regime in the 1940s, including Crimean Tatars and ethnic Armenians, Bulgarians, Germans and Greeks. It places particular emphasis on the Crimean Tatars because they form the largest group of FDPs who have returned to Crimea (see Table below). They are also in a different socio-economic and political situation because they lack a so-called “kin-State”⁸ and are at greater risk of ethnically motivated violence due to their distinct cultural, religious and historical characteristics. As a result, some of the challenges to integration identified in this paper are exclusive to the Crimean Tatars while others are common to all groups of FDPs.

ETHNIC GROUP	DEPORTED	RETURNED
Armenians	9,900	589
Bulgarians	14,000	855
Crimean Tatars	200,000	265,985
Germans	62,000	884
Greeks	15,000	2,579

Table 1: Estimated numbers of deported persons and returnees.⁹

6 High Representative of the European Union for Foreign Affairs and Security Policy, Joint Staff Working Document, “Implementation of the European Neighbourhood Policy in Ukraine: Progress in 2012 and recommendations for action”, SWD(2013) 84 final (Brussels: European Commission, 20 March 2013), (hereinafter: “ENP Progress Report 2013”).

7 The papers can be accessed at the Social Science Research Network, www.ssrn.org. The HCNM commissioned these studies to be independent research papers; the views expressed therein are exclusively those of the authors and are not necessarily those of the HCNM.

8 The term “kin-State” has been used to describe States whose majority population shares ethnic or cultural characteristics with the minority population of another State (OSCE HCNM, *The Bolzano/Bozen Recommendations on National Minorities in Inter-State Relations* (June 2008) (hereinafter: “Bolzano/Bozen Recommendations”).

9 Y.M. Biluha and O.I Vlasenko op.cit., p.16. Note: the ethnic German minority members were mainly deported earlier, in 1941.

As outlined by the HCNM in his Ljubljana Guidelines on the Integration of Diverse Societies (hereinafter: "Ljubljana Guidelines"), peace and stability in multi-ethnic societies depend not only on the protection of human rights, including minority rights, but also on a wide range of cross-cutting policies that aim to promote integration and social cohesion.¹⁰ In light of the conflict-prevention mandate of the HCNM, this paper focuses on areas that are subject to competing claims by different groupings on the peninsula and that are particularly relevant to integration. These are: the legal aspects of the return process; the situation of FDPs regarding land, housing and property; the political participation of FDPs; socio-economic aspects; the current situation regarding culture, language and religion; and the role of the education system. Each of these issue areas will be discussed in turn and will be accompanied with several HCNM recommendations to the central Government of Ukraine, the local Crimean authorities and the international community, to provide a starting point for discussions at the International Forum.

2. LEGAL ASPECTS OF RETURN

The large-scale return of Crimean Tatars and other FDPs since the late 1980s has raised significant legal challenges. Two important aspects stand out: first, the lack of a law on the restoration of rights of FDPs, and, second, the challenge of putting in place adequate regulation of repatriation, residency status and access to citizenship, and mechanisms to prevent statelessness among returning FDPs.¹¹

A law on the restoration of FDPs' rights is needed to define the status of FDPs, rehabilitate them fully and regulate the restoration of their rights, including by providing a clear definition of their entitlements. So far, efforts by successive Governments of Ukraine to introduce legislation concerning the status and rights of FDPs have all failed. In 2004, the Verkhovna Rada adopted a law on the rights of FDPs but it was subsequently vetoed by then President Kuchma based on formal legal grounds, such as the alleged incompatibility of its provisions on restitution with the then applicable Land Code. In 2008, the Government reintroduced a draft law based on the 2004 law, which, however, was not adopted by the Verkhovna Rada and was eventually withdrawn by the Government at the end of 2009.

In 2012, some progress was made towards the adoption of a law on the restoration of FDPs' rights. On 20 June 2012, the Verkhovna Rada passed the first reading of the draft law No. 5515 on "On Restoration of Rights of Persons Deported on Ethnic Grounds". A total of 356 of 500 members of parliament voted for the law, which aims to rehabilitate peoples, national minorities and persons deported on ethnic grounds during Stalin's regime. In early 2013, in preparation for the second reading, a number of proposed amendments are considered by the Verkhovna Rada Standing Committee on Human Rights, National Minorities and Interethnic Relations. Since the Verkhovna Rada has not yet formally adopted the draft law during the required further readings, this stalemate may lead to the draft FDP law being shelved once again, leaving these important issues unregulated.

The second major legal challenge connected to the large-scale return of Crimean Tatars and other FDPs concerns the regulation of the legal status of individual FDPs returning to Crimea, including the regulation of their repatriation and residency status and access to citizenship, and ways to prevent them from becoming stateless. While the central Ukrainian and regional Crimean authorities have worked hard to facilitate the large-scale repatriation and resolve such issues, their efforts have not eliminated all the legal hurdles. Moreover, more recent returnees are facing new obstacles, as the legislative framework governing their entry into Ukraine and subsequent naturalization has changed. Returning Crimean Tatars and other FDPs now face additional administrative and financial burdens that constitute significant obstacles to their resettling in Crimea. In some countries, they have to comply with cumbersome and/or costly conditions to obtain the necessary documents, including visas. The transfer of citizenship poses additional challenges. Citizens of

10 OSCE HCNM, Ljubljana Guidelines (November 2012), p.5.

11 This section is based on the detailed analysis and review of legislation affecting the return of Crimean Tatars by Noel Calhoun and Dmitry Pletchko of the United Nations High Commissioner for Refugees (UNHCR)'s office in Ukraine in "Legal Aspects of Return and Legalization in Ukraine of Formerly Deported Persons (FDPs)", 2013, as well as on the findings of the HCNM. While its analysis is relevant to all FDPs still residing outside Ukraine and wishing to return to Crimea, it focuses mainly on the challenges faced by the Crimean Tatars.

Uzbekistan, for example, find themselves caught between Ukraine's requirement that previous citizenship be relinquished before its citizenship can be obtained and Uzbekistan's cumbersome procedures for relinquishing citizenship.

The 1993 Bishkek Agreement (discussed in further detail below), which regulated multilateral relations among Armenia, Belarus, Kazakhstan, Kyrgyzstan, Moldova, Russia, Tajikistan, Turkmenistan, Ukraine and Uzbekistan regarding the return of FDPs, expired on 30 May 2013. Now that FDPs have lost the important legal guarantees expressed in the Bishkek Agreement, this, combined with the increasing administrative difficulties of acquiring the necessary documents and the rising financial costs of various procedures, may mean that many Crimean Tatars and other FDPs are unable to return to Crimea or risk statelessness in the course of their return. Lack of adequate housing is an additional major hurdle, especially considering that it is increasingly required as a precondition for return and registration of residency.

Background: the inter-State legal framework affecting returns

The legal framework governing the return of Crimean Tatars and other FDPs has changed in a number of ways since Ukraine's independence. These changes have affected returnees differently depending on when they returned and from where. Crimean Tatars began to return to Ukraine from Central Asia in significant numbers in 1989. The first major step to facilitate returns was taken on 9 October 1992 when ten countries of the Commonwealth of Independent States (CIS) signed "the Agreement on the issues related to the restoration of the rights of deported persons, national minorities and peoples".¹² The so-called Bishkek Agreement condemns "without reserve the totalitarian practice of forcible displacement of peoples, national minorities, and individual citizens of the former USSR that took place in the past as an evil deed contradicting the universal humane principles." It also confirms the "right of deported persons, national minorities, and peoples to restoration of historical justice and return to places of their residence at the moment of deportation." It obliges signatory States to co-operate in facilitating the return of FDPs and in ensuring protection of their rights.¹³

The commitments contained in the Bishkek Agreement were far reaching but its provisions were only partially implemented and even then only after considerable delay. The general and underlying commitment undertaken by the States parties to the Bishkek Agreement to "restore historical justice" and to "ensure the required conditions for an unimpeded voluntary resettlement [of FDPs] including the conditions of free departure" has not been met fully, even after more than 20 years. This applies both to FDPs who have returned since 1989 and to those FDPs still wishing to return. Both categories face fundamental difficulties in obtaining the necessary travel, residency and citizenship documents, in transferring and registering their property, in obtaining assistance for the construction or acquisition of housing and in realizing other important rights that were previously guaranteed by the Bishkek Agreement.

The Bishkek Agreement entered into force in 1993 for an initial period of ten years. On 30 May 2003, it was extended for a further ten years, with a new expiration date of 30 May 2013.¹⁴ Since its provisions were never fully implemented, it is essential that Ukraine and the other relevant parties renew their commitments. This could be done either by extending it once again and renewing the commitment to its implementation or by concluding other bilateral agreements to the same effect. The Committee on Human Rights, National Minorities and Inter-ethnic Relations of the Ukrainian Verkhovna Rada requested its extension on 15 April 2013. At the time of writing this request was still under consideration by the Ukrainian authorities. A new

12 The Bishkek Agreement was signed in 1992 by ten CIS States (Armenia, Belarus, Kazakhstan, Kyrgyzstan, Moldova, Russia, Tajikistan, Turkmenistan, Ukraine and Uzbekistan). It was subsequently ratified by most of these States, including Ukraine and Uzbekistan. For the original text see: http://zakon3.rada.gov.ua/laws/show/997_090. The English translation is available at www.unhcr.org.ua/attachments/article/226/BishkAgrE.doc.

13 The Bishkek Agreement states, *inter alia*: "The Parties shall ensure the political, economic and social rights and settlement arrangements – employment, education, national, cultural and spiritual development – for deported persons who voluntarily return to where they were living immediately prior to their deportation, on an equal basis with the rights of citizens." And: "The Parties shall decide issues regarding the citizenship of persons resettling under the terms of this Agreement in accordance with their national legislation, provisions of bilateral treaties between them, and considering the generally recognized norms of international law." And: "The Parties shall create the necessary conditions for unimpeded, voluntary resettlement of persons referred to in Article 1 of this Agreement, including the conditions of free exit from the territory of one Party to the territory of the other Party and of transit through the territories of third Parties."

14 See: http://zakon3.rada.gov.ua/laws/show/997_654. On 18 February 2004 the Protocol on the extension of the Agreement's validity was ratified by the "Law of Ukraine No. 1501-IV". See: <http://zakon3.rada.gov.ua/laws/show/1501-15>.

bilateral agreement between Ukraine and Uzbekistan is particularly important, as the largest group of deported Crimean Tatars and their descendants still reside in Uzbekistan.

Extending the Bishkek Agreement would be in line with recent policy decisions adopted by the Government of Ukraine in an effort to comply with the requirements of the Visa Liberalization Action Plan with the European Union. For example, the new “State Migration Policy Concept” issued in May 2011 contains several references to the situation of FDPs.¹⁵

The State Migration Policy Concept also sets forth plans for specific activities related to FDPs, including “assistance in the return to Ukraine and integration into the society of foreign Ukrainians, persons deported on ethnic grounds, and use of their intellectual and professional potential.” This policy, with its associated plan of action, provides a strong basis for further improving the legislative framework affecting the return of FDPs, and, if implemented, would deliver many of the recommendations included in this chapter.¹⁶

Legal and administrative framework for returns and the acquisition of Ukrainian citizenship

Ukrainian legislation sets forth different mechanisms for return depending on the deported person's country of residence. FDPs from Uzbekistan face fewer administrative and legal barriers to return, but have greater difficulty renouncing their Uzbek citizenship. FDPs from Uzbekistan do not need an immigration permit to enter Ukraine. While still in Uzbekistan, they fill in a “departure sheet” and sign out from wherever they are registered as residing. As a part of this process, they need to show that they have no on-going or pending obligations in Uzbekistan, such as civil or criminal cases against them.

Returning from other Central Asian countries is more complicated. According to the information provided by the Mejlis of the Crimean Tatar people, smaller numbers of Crimean Tatars remain in these countries: an estimated 8,000 in Kazakhstan, 5,000 in Kyrgyzstan and 1,500 in Tajikistan.¹⁷ In line with Ukraine's bilateral treaties with Kazakhstan, Kyrgyzstan and Tajikistan, FDPs must obtain an immigration permit before entering Ukraine to take up permanent residence. An immigration permit is subject to strict conditions and is costly for the applicant. The decision to issue one is made by the regional office of the State Migration Service (SMS), which assesses whether the FDP has close relatives already living in Crimea. The relatives have to have sufficient housing available, verified by proof of ownership or a rental agreement. Lack of housing is the single most important factor inhibiting returns from these countries. Additionally, Ukrainian embassies charge \$150 per individual for issuing an immigration permit and \$85 for a visa. The procedure for processing an immigration permit is lengthy, requiring six to eight months.

The situation was most complicated in Tajikistan. Until recently Ukraine had no diplomatic mission there and FDPs from Tajikistan had to start by obtaining entry visas for Uzbekistan to visit the Ukrainian embassy there.¹⁸ Such challenging requirements and high costs have deterred many FDPs. As of September 2012, the United Nations High Commissioner for Refugees (UNHCR) has seen only 20 FDPs from Tajikistan with immigration permits and visas.

The significant financial and administrative obstacles have led some FDPs to seek unofficial ways of returning to Crimea. The UNHCR is aware of numerous FDPs who have entered Ukraine without following established procedures. However, unofficial returnees face a much longer and costlier battle to obtain

15 Presidential Decree No. 622/2011 of 30 May 2011, see: www.president.gov.ua/documents/13642.html. Among others, it aims to: “[I]ntensify the State foreign policy to conclude international treaties regarding the regulation of the restoration and protection of rights of persons deported on ethnic grounds and their descendants, as well as the development and implementation of an effective mechanism for the implementation of such treaties.” (one of the Policy's strategic guidelines) and “promote the voluntary return to Ukraine of persons deported on ethnic grounds, as well as their descendants, and their integration into Ukrainian society.” (listed as a mechanism of the Policy).

16 Cabinet Ministers of Ukraine Order No. 1058 “On the Plan of Action for Implementation of the Concept of State Migration Policy”, 12 October 2011, see: <http://zakon2.rada.gov.ua/laws/show/1058-2011-%D1%80>.

17 Further research is required to assess the number of potential returnees.

18 The Ukrainian Ministry of Foreign Affairs opened a diplomatic representation in Tajikistan in December 2012. It is unknown whether consular services are provided to FDPs.

Ukrainian citizenship after they arrive. Some individuals have been threatened with deportation because of irregularities in their return.

Most returning FDPs want to obtain Ukrainian citizenship, as this is an essential condition for their long-term integration. They benefit from a simplified procedure for naturalization under Article 8 of Ukraine's Law "On the Citizenship of Ukraine" (hereinafter: "Citizenship Law").¹⁹ They must submit an application with supporting documents confirming that they (or their immediate ancestors) were born or resident in Ukraine prior to its Declaration of Independence on 24 August 1991. This procedure costs \$27–30 per person, and the process takes six to 12 weeks.

Although the simplified naturalization procedure is in principle straightforward, a number of practical difficulties may arise. First, many FDPs arrive without original birth certificates, evidence of family relationships or certificates of deportation. As the State does not provide free legal aid to help FDPs, the UNHCR continues to offer assistance by filing inquiries with the Civil Registry and other Government offices to obtain necessary documents. Second, even when documents are available, minor inaccuracies in spelling and transliteration can create major problems. Holders of such documents have to contact the authorities or the courts in the country of their previous residence/citizenship and have the errors corrected. Third, approximately eight per cent of FDPs are challenged during the naturalization process because of irregularities in the documentation they bring from their previous country of residence. Some have to renew their passports or update the personal data in the passports. Others have to obtain a "certificate of non-belonging to citizenship" because they are not eligible to renew their national passports. People who still hold USSR passports and cannot prove they were resident when the relevant successor State adopted its citizenship law face additional complications that often take time and money to resolve. Fourth, many FDPs are accompanied by spouses who are not FDPs. This can cause complications, as these people are not eligible for the simplified procedure.

Some FDPs have entered Ukraine as stateless persons. As of 1 July 2012, 498 persons residing in Crimea are officially registered as stateless. However, according to the UNHCR, this figure under-represents the true level of statelessness. Many persons are not officially registered as stateless or are at risk of becoming stateless; for example, because they still hold USSR passports. Moreover, Uzbekistan and Tajikistan cancel the citizenship of anyone who lives abroad for five years and does not register with the relevant local consulate. Other stateless persons entered Ukraine as children on the basis of their birth certificates and have not been issued identity documentation since reaching the age of majority. The UNHCR helps these persons to register as stateless. On the basis of the statelessness identification document, as well as other documents required for the simplified naturalization procedure, individuals can apply for Ukrainian citizenship. Between 2007 and 2011, some 2,000 previously stateless individuals managed to obtain Ukrainian citizenship. If FDPs do not have the documents they need to apply for naturalization, they may have to leave Ukraine and return after 90 days. This obviously delays returning and adds to the cost.

Ban on dual citizenship and the risk of statelessness

Ukrainian law does not permit dual citizenship. This means that FDPs returning to Ukraine must relinquish the citizenship of the country in which they formerly resided in order to complete the naturalization process in Ukraine. According to the Ukrainian Citizenship Law, applicants for Ukrainian naturalization must submit their foreign passports to the competent authorities of their previous State and file a declaration to the Ukrainian authorities on termination of foreign citizenship.

This requirement is particularly challenging for FDPs from Uzbekistan because it costs \$110 per person to renounce Uzbek citizenship and takes in theory one year, but in practice three to four years, to complete the process. Ukrainian law contains a safeguard to protect persons who cannot renounce their foreign citizenship "for reasons beyond their control" or if the costs are more than half the minimum monthly salary in Ukraine. However, discussions over changes to the Ukrainian Citizenship Law are ongoing and may bring further challenges for returning FDPs. In 2012, draft amendments proposed introducing sanctions

19 Law No. 2235-III (2235-14) "Citizenship Law" "as amended by Law No. 2663-IV (2663-15) of 16 June 2005).

on Ukrainian citizens who hold another citizenship without notifying the Ukrainian authorities. The draft amendments also proposed deleting the “safeguard clause” exempting persons from renouncing their foreign citizenship if the costs are excessive.

On 30 October 2012, the President vetoed the proposed amendments to the Citizenship Law and requested several clarifications. While amendments to the Citizenship Law will be considered again by Parliament in 2013, it will be important to retain the current safeguards to ensure that FDPs are not exposed to excessive costs or to an increased risk of statelessness in the process of returning to Ukraine. In particular, persons holding both Ukrainian and Uzbek citizenship may be at risk of losing their Ukrainian citizenship and the rights acquired with that citizenship. They may also be at risk of statelessness if they have in the meantime initiated the process of renouncing their Uzbek citizenship.

Recommendations

To the Government and Verkhovna Rada of Ukraine

- As an immediate priority, establish an effective legal framework for the restoration of the rights of persons deported on ethnic grounds by adopting relevant legislation and fully implementing the 2011 State Migration Policy Concept.
- Consider exempting FDPs from complicated, lengthy and costly immigration procedures, including by abolishing the requirement that FDPs from Kazakhstan, Kyrgyzstan and Tajikistan obtain an immigration permit and visa, as this significantly hinders the return process.
- Consider amending Ukraine’s procedures for the implementation of relevant bilateral treaties “on the facilitation of the acquisition and termination of citizenship” so that persons who legally enter Ukraine, including through the visa-free regime, are allowed to apply for naturalization. This could be done by amending procedures so that FDPs can prove they are staying in Ukraine legally by showing their national passports.

To the Governments of Ukraine and the Central Asian States

- Improve planning for returns and integration by ascertaining the potential number of FDPs who would like to return to Ukraine in the next ten years.
- Raise awareness among FDPs about Ukraine’s legal framework on returns and naturalization. Also provide legal aid to FDPs before returning, in order to ensure that they are able to gather the necessary documents, thereby reducing the time and costs related to naturalization.
- Intensify co-operation between Ukraine and Uzbekistan to mitigate the risk of statelessness among FDPs and reduce the time and costs related to renouncing citizenship. The Government of Ukraine could initiate negotiations on adopting a bilateral agreement on simplified procedures for acquisition and renunciation of citizenship among citizens of Ukraine permanently residing in Uzbekistan and citizens of Uzbekistan permanently residing in Ukraine. Such an agreement could be based on similar agreements that Ukraine has concluded with Kazakhstan, Kyrgyzstan and Tajikistan.
- Ukraine and Kyrgyzstan, Kazakhstan and Tajikistan should amend their respective “treaties on mutual travels of its citizens” to remove the visa requirement for “citizens who have the right to citizenship of Ukraine by virtue of their territorial origin”.

3. LAND, HOUSING AND PROPERTY

As in all countries of the former Soviet Union, land reform in Ukraine is wrought with the formidable difficulties associated with the privatization and allocation of economically valuable assets by State structures. In Crimea, land, housing and property are by far the most sensitive issues and the most likely to cause tensions, both between the FDP communities and the authorities and between or within the communities themselves. Property disputes abound, and many returnees have lived in spontaneous and irregular settlements for over 20 years under conditions that have an adverse effect on their health and their socio-economic integration. Recent research shows that the land disputes in Crimea have led to a “vicious land cycle” that has negative effects on the economy, the political and social climate, and the institutional framework.²⁰ This section will briefly trace the origins and causes of these land disputes and then set out the current situation regarding the pervasive phenomenon of land squatting (*samozakhvata*). Other socio-economic aspects of the situation of FDPs, such as healthcare and employment, will be covered in more detail in section 5.

Origins of the land conflict

The roots of the land disputes can be traced back to the deportations on ethnic grounds in the 1940s and the inability of official mechanisms to handle the large-scale returns. Returning in waves, each set of returning FDPs faced different circumstances. The first, relatively small group returned during the 1960s and 1970s as part of a USSR programme to promote local agricultural development. These approximately 5,400 returnees received secure employment and housing from the Soviet authorities and integrated with relatively little difficulty.

The second wave returned in the last years of the Soviet Union as part of an official and ambitious resettlement programme announced in late 1989 by a State Commission “On the Issues of the Crimean Tatars”. The authorities intended to construct up to 80 settlements in economically depressed areas of Crimea and to involve the returnees in the collective farms. This highly centralized and bureaucratic programme was soon overtaken by events, both by the bankruptcy and collapse of the USSR and by the large number of spontaneous returns outside the programme. Numerous Crimean Tatars, dissatisfied by the slow dynamic of the official programme, began to return on their own initiative and started constructing unauthorized settlements.

The third and largest wave began returning shortly before and immediately after Ukraine’s independence in 1991. Within a few years, over 200,000 Crimean Tatars returned to their historic homeland, regardless of the unfavourable social, economic and political conditions in Ukraine. In the absence of a legal framework and large-scale official programme, most of the burden to reintegrate the returnees initially fell to the local authorities, who proved unprepared to handle it. It took several years before the newly established Government of Ukraine was able to articulate a national-level programme. In the lacuna, significant numbers of FDPs started settling spontaneously around the Crimean peninsula and established compact settlements.

Obstacles faced by the returnees

The Government of Ukraine set up two institutions mandated to handle the return and reintegration of the FDPs: the State Committee for Nationalities and Religion (Derzhkomnats, initially the Ministry for Nationalities) at the national level and the Republican Committee for Inter-ethnic Relations and Deported Citizens (Reskomnats) at the Crimean level. These two agencies were responsible for implementing a “State Programme for the Integration of Formerly Deported People” to assign land plots, construct housing and meet other social, economic and educational needs. The 2004 Cabinet of Ministers’ Resolution “On measures for providing social needs of FDPs who returned to Ukraine for permanent residence”, for example, states that settlements should be supplied with water and FDPs should receive a lump-sum equivalent to

20 Veljko Mikelic, “Housing, Land and Property Issues of FDPs in Crimea”, Social Science Research Network, 2013, p. 16.

not more than 30 minimum monthly salaries (about USD 2,900 in 2009) to construct housing.²¹ In the past, the Government programme had an average annual budget of approximately USD 10 million but this has since been reduced significantly; the Government of Ukraine reports that since 1991, budgetary allocations for accommodation of the needs of FDPs totals approximately UAH 1.2 billion (USD 150–300 million).²² While this commitment in a time of financial hardship indicates the Ukrainian authorities' determination to address the housing and other social needs of the FDPs, the programme has been hampered by irregular funding, slow implementation and frequent changes to procedures and institutional competences. It also has come under considerable domestic and international criticism for the way the funds were allocated, with disbursements falling short of the earmarked budgets or not reaching their intended population.²³

TIME PERIOD	PLANNED FUNDING (million UAH)	ALLOCATED FUNDING	
		(million UAH)	Percentage of the planned
1991 – 1995	552.2	552.2	100 %
1996 – 2000	195.2	88.1	45.1 %
2001	44.7	44.7	100 %
2002 – 2005	267.3	217.6	81.4 %
2006 – 2010	640.8	356.6	55.6 %
2011	27	25.1	93 %
2012	45.3	11.2	24.7 %
TOTAL	1844.8	1295.5	70 %
Average per year	83.9	58.9	70 %

Table 2: Planned and allocated funding for accommodation of the needs of FDPs.²⁴

One obstacle facing the FDPs upon their return is the difficult economic situation. In the wake of the dissolution of the USSR, the banking collapse and hyper-inflation wiped out the savings of all former Soviet citizens, including the FDPs. For returnees, this is exacerbated by the disparities between the low monthly salaries in the Central Asian countries they are returning from (where on average people earn less than USD 200 per month) and the high cost of living, particularly of housing, in Crimea.²⁵ They also face substantial outlays to finance the move itself, including the costs related to visas and permits (see section 2). According to estimates from the non-governmental organization (NGO) Vatandash-Compatriot and the UNHCR, FDPs from Uzbekistan pay about USD 550 per person for travel and shipping. In principle, the bulk of these costs should be reimbursed when an FDP is naturalized. However, between 1999 and 2011, only 23,202 FDPs, or approximately 16 per cent of the FDPs who acquired Ukrainian citizenship in this

21 According to the Reskomnats, the following housing assistance was disbursed from 1989–2011: 4,892 families received housing (apartments) through the State programme, 64,453 persons received land for housing construction and 35,654 persons received household agricultural plots. Meanwhile, 7,670 families are on a waiting list for apartments. Mikelic, op.cit., p. 3.

22 Figures provided by the Government of Ukraine, May 2013. This amount does not only include State funding but also funding provided through international organizations and bilateral donors. In July 2012, the Reskomnats highlighted to the UNHCR the need for up to UAH 7 billion (USD 865 million) to provide dwelling, communication and material assistance to around 130,000 FDPs who are living in poverty in Crimea. The current annual State budget allocation is only UAH 25 million (USD 3 million). The 2013 State budget allocation for settlement of FDPs is UAH 10.9 million (USD 1 million). As of 1 December 2012, only UAH 9.5 million (USD 1 million) out of the planned UAH 24.9 million (USD 3 million) had been allocated for FDPs. Note: due to the fluctuating exchange rate, the dollar figures are an approximation. Conversions made at the exchange rate (UAH 1 = USD 0.123533) prevailing on 3 May 2013; figures are rounded to the closest million.

23 Advisory Committee on the Framework Convention for the Protection of National Minorities (FCNM), "Third Opinion on Ukraine", adopted on 22 March 2012, ACFC/OP/III(2012)002 (Strasbourg: Council of Europe, 28 March 2013), paragraph 149, based on reports of the Audit Chamber of Ukraine (published by Interfax-Ukraine, 2012).

24 Information on the state of realization of programs aimed at accommodating the needs of formerly deported peoples in Ukraine (results from 1991–2012), disseminated during the Field Session of the Committee of Verkhovna Rada of Ukraine on Human Rights, National Minorities and Interethnic Relations, which was held on 11 April 2013 in Simferopol.

25 Noel Calhoun and Dmitriy Pletchko, "Legal Aspects of Return and Legalization in Ukraine of Formerly Deported Persons (FDPs)", Social Science Research Network, 2013, p. 7.

period, were reimbursed. Furthermore, due to regional price differences, property sold in Central Asia, especially in Uzbekistan, is worth considerably less (often ten times less) than the costs of constructing a new home in Crimea. Finally, as mentioned above, the State programme meant to provide FDPs with access to affordable accommodation was insufficient to meet their social needs. As a result, around half of the returning families make a return to Crimea in stages. First the father or eldest son moves to Crimea, spending six to 12 months to secure citizenship, housing and – if possible – employment. Later, the rest of the family sells the real estate in Central Asia and joins him.

A second obstacle facing returnees is the, at times, unfavourable political circumstances. Those returning in the early 1990s arrived in the midst of a secessionist challenge mounted by pro-Russian forces in Crimea. These groups regarded the large number of newly arriving Crimean Tatars, who predominantly were strong supporters of Ukrainian statehood, as an additional burden and as new political opponents. Relations between the FDPs and the Russian-speaking community were tense and mistrustful from the very beginning, which set the stage for political dynamics still present today (as described in more detail in section 4). Especially at the local level, village and city councils – which control land allocation – were reluctant to welcome a new electoral base with different political positions within their administrative boundaries. And finally, as already mentioned in section 2, returnees arriving after 1991 also had to face administrative obstacles, such as the difficulties connected with renouncing prior citizenship and obtaining Ukrainian citizenship.

Land ownership and conflict

Within the context described above, at least three causes can be discerned for the current disputes over land ownership. First, there is disagreement between returnees and authorities over the location of return. The FDPs want to return to the regions where they resided before the deportation, mostly in the coastal areas, and apply accordingly to the local branches of the Reskomnats. The coastal areas are attractive for tourism and are therefore the most lucrative parts of Crimea. The authorities systematically refuse requests for land plots in these regions, claiming that there is no land available for individual construction within their administrative boundaries. As a result, the FDPs, and especially the Crimean Tatars, have had to seek alternative land elsewhere, mostly near major urban centres, such as Simferopol and Bakhchisaray, or in districts such as Bilogorsky, Pervomaysky, Kirovsky and Sovietsky. The FDPs therefore not only feel deprived of the land of their forebears but also economically disadvantaged. They point to the non-transparent allocation of prime land to developers with political connections, often in violation of lawful procedure, as justification for land squatting actions.²⁶

The situation was further complicated by contradictions between the Programme for Integration of FDPs and the 2001 Land Code of Ukraine, which made each Ukrainian citizen eligible for a free plot to construct housing. There was no clear mechanism in the Land Code to reconcile the land allocation procedure with the existing programme for FDPs. As a result, many FDPs applied to both programmes, causing confusion and difficulties for the local authorities and an enormous increase in the number of applications. In addition, one of the most controversial provisions in the Land Code delegated the decision on land allocation to local self-administrative units, such as village and city councils, which are dependent on economic and political elites for their political survival and as such have often been criticized for non-transparent allocation of land plots. Consequently, the FDPs, as an economically and politically relatively weak constituency, were disadvantaged in the competition to obtain prime land, which further fuelled squatting (described in more detail below).

Thirdly, the FDPs were disadvantaged quantitatively and qualitatively by the land reform process in Ukraine, which privatized agricultural land primarily in favour of former employees of State farms (*sovkhoz*) or members of collective farms (*kolkhoz*). While this is in principle a valid criterion, it did not take the specific circumstances of FDPs into account, as many had only returned to Crimea after the collapse of the *kolkhoz*

26 The National Security Department of the Ukrainian President mentioned in 2005 that approximately 5,000 hectares of land had been allocated "without a clear legal basis." UNHABITAT, "Housing, Land and Property in Crimea", 2006, p. 37.

and *sovkhoz* system. The vast majority of FDPs were therefore excluded from the privatization process.²⁷ To counter this problem, the Ukrainian authorities expanded the list of beneficiaries to include “workers in the social sphere”, who were entitled to two hectares of land (against five to seven hectares for *sovkhoz* and *kolkhoz* members). While it may well have been well-intentioned, this programme nonetheless failed to reach most of the FDPs: only 17 per cent have received agricultural land under this programme even though 75 per cent live in rural areas.²⁸ Finally, many FDPs who did eventually receive land were granted plots from State reserve funds, which are often qualitatively poor and located in isolated areas. This perceived discrimination in quantitative and qualitative access to agricultural land is a third driver of land seizures by the FDPs, many of whom have been traditionally involved in farming.

Land squatting

Within Ukraine, the unauthorized seizure of land known as “land squatting” is a phenomenon specific to Crimea and is a consequence of both the unmanaged return process and the real or perceived injustices in land allocation outlined above. The number of individuals and land involved is significant: according to official data from the Republican Land Resource Committee (Reskomzem), approximately 2,000 hectares are occupied by 56 unauthorized settlements, involving an estimated 8,000 to 15,000 people.²⁹

Even though all FDPs face difficulties regarding access to land for individual construction and agriculture, only Crimean Tatars have actively engaged in land squatting. Other FDP groups, such as Armenians, Bulgarians, Germans and Greeks, have responded differently, although they also claim to have received only piecemeal assistance from the authorities. In addition, the vast majority of these groups have resettled outside Crimea as part of assistance programmes by their “kin-States” (see Table 1). Therefore, this section focuses on the specific situation of land squatting by Crimean Tatars, as well as counter-squatting movements by Russian-speaking and Ukrainian communities.

The squatting phenomenon has changed over the past two decades, and can be divided into four phases. In the first phase, between 1989 and 1991, squatting was individual and a direct response to the inability or unwillingness of the Crimean authorities to provide returnees with land and housing. Many FDPs constructed dwellings with their own financial means and without any official permission, often forming compact settlements. These settlements were largely legalized in 1996 but many still lack basic infrastructure, such as water and electricity, because of the high costs or physical difficulties of connecting them to the grid.³⁰

In the second phase, which started in 1999, squatting took place mostly on agricultural land in the north of Crimea as a consequence of perceived problems with the land reform process. In contrast, the third phase, between 2002 and 2005, focused on land for individual housing, and was a protest against perceived injustices and non-transparent land allocation related to implementation of the 2001 Land Code.

The fourth phase occurred in 2005–2006 and was the most organized and large-scale form of squatting. It was directed by the Mejlis of the Crimean Tatar people³¹ as organized protest against what it perceived as the widespread discriminatory practices in land allocation which violated the rights of FDPs. It mostly took place on the outskirts of Simferopol and included picketing, slogans and a permanent presence on the seized lands, which became known as the fields of protest (*polya protesta*).³² In this period, the first groups of ethnic Russians and Ukrainians also started squatting land in the vicinity of Simferopol, in some cases co-operating with Crimean Tatar groups. This provoked a strong reaction from the Crimean authorities, which adopted an “Anti-Squatting Bill” that was adopted in the Ukrainian Verkhovna Rada in 2007. This

27 Advisory Committee on the FCNM, “Third Opinion on Ukraine”, adopted on 22 March 2012, ACFC/OP/III(2012)002 (Strasbourg: Council of Europe, 28 March 2013), paragraph 148.

28 Mikelic, *op.cit.*, p. 8.

29 Mikelic, *op.cit.*, p. 15.

30 As of 2012, an estimated 117,000 FDPs lived in 297 compact settlements, of which 258 have electricity, 220 have running water and only 91 have gas. An estimated 75,000 FDPs are living in temporary, uncompleted houses without any basic infrastructure. Source: Reskomnats, 1 January 2012.

31 For more information on Crimean Tatar self-governance structures, see section 4 on political participation.

32 According to data by the Reskomzem, 1,331.5 of the total 1,913.1 hectares that are currently registered as “squatted” are either in Simferopol city area or in Simferopol district. Reskomzem, Official Statistics dated 10 September 2012.

phase was marked by eviction operations and clashes between Crimean Tatars and the Ukrainian law enforcement authorities, most notably during the forced eviction of the Ay-Petri plateau in November 2007, when about 1,000 special police forces clashed with hundreds of Crimean Tatars who wanted to prevent the demolition of their homes and businesses.

The nature of the land seizures have evolved from individual, spontaneous actions to organized and collective forms of squatting. The protest fields that initially demarcated the sites with temporary homes (*vremenki*) are gradually becoming more permanent. Squatters are organized, co-ordinated by committees and expected to contribute both financially and personally to the construction, running and defence of the site. Plots are sometimes informally traded, and the squatters are no longer exclusively FDPs; some are ethnic Ukrainians or Russians who hoped to get a land plot under the 2001 Land Code close to an urban centre instead of in a remote rural area.

Actors and conflicting views on the land issue

There are numerous conflicting interpretations of the causes and possible solutions to the land disputes. The Crimean authorities claim that data from the Reskomzem shows that Crimean Tatars are actually favoured by the land allocation process, receiving more than their proportional share, and that the squatting movements are organized by businessmen with economic motives. The Crimean Tatars argue that the Reskomzem counts land that was seized in the earlier phases of squatting, and that it disregards qualitative differences. The Crimean Tatar community itself is divided over the strategy to follow, ranging from collective civil disobedience to engagement with the authorities.

This disagreement is reflected by the growing number of actors involved with the squatting issue. Until 2006, the Mejlis of the Crimean Tatar people was the primary organization directing most of the land squatting actions.³³ It has a special Land Commission and aims to prevent land disputes from escalating into violent conflicts through negotiation and engagement with the authorities. In 2007, the group “Avdet” registered itself as an NGO to defend the interests of land squatters through civil disobedience, direct actions and lobbying for legislative changes. In 2011, the group split into two factions, one aligning itself with the Mejlis and the other registering as a new NGO called “Sebat”. Sebat positions itself in opposition to the Mejlis as a human rights NGO that aims to resolve the squatters’ problems within the legal framework and through dialogue with the authorities. As a result, there is internal competition among Crimean Tatar organizations over who gets to be the principal mediator who can “deliver” on the land issue.

In addition, squatters from other ethnic groups have organized themselves in the Tavrian Union (*Tavricheskiy Soyuz*), which claims that FDPs are not the only ones who have been disadvantaged by the non-transparent land allocation process in Crimea. They see land allocation to FDPs as undermining their right to land, and opt for a strategy of “counter-squatting” to reinforce their demands for equal treatment for all. Finally, there are several organizations that vehemently oppose the squatters, such as the Russian Community of Crimea (*Russkaya Obshchina Kryma*), Our Rights (*Nashi Prava*), the Council of Atamans in Crimea (*Rada Atamanov u Krymu*), the Cossacks’ co-ordination body in Crimea and the Anti-Squatting Union (*Soyuz Anti Zakhvat*). Some of these organizations advocate for stronger solutions, such as forced evictions, or even attempt to evict squatting sites themselves, thereby sparking further inter-ethnic tensions.

Responses by the authorities

Analysts have categorized the squatting problem as a “vicious land cycle”, starting with non-transparent land allocation by the land management institutions, which leads to real or perceived land deprivation among the FDPs. In turn, the FDPs seize land to exercise pressure on the land management institutions, which may lead to further allocations that are perceived by others as unjust, repeating the cycle. This has negative consequences on economic, political, institutional and social stability, which discourages investment, undermines institutions’ legitimacy and fosters a sense of impunity in Crimean society.

33 For more details on Crimean Tatar self-governance structures, see section 4 on political participation.

The authorities oscillate between repressive and conciliatory responses but predominantly favour the latter. While some forced evictions took place, especially in 2007, the 2006 law that declared squatting a criminal offence remains largely unenforced. By addressing one symptom of the vicious land cycle without addressing the root causes, the authorities have been unable to stop the phenomenon. In 2011, the law was amended to make squatting an administrative and civil infraction rather than a criminal act. By and large, with the exception of the heavy-handed operations in 2007, the Crimean authorities have pragmatically abstained from directly confronting the squatters with physical force and have acknowledged the significant conflict potential inherent in such actions.

Instead, the authorities have taken a pragmatic approach, negotiating with land-claim representatives either individually or at a higher political level, aiming to find non-violent solutions outside the institutional framework. This process was improved and given a legal mandate with the establishment of the “Commission for Solving Issues related to Land Squatting and Land Claims of FDPs and other citizens for individual housing construction” in January 2011, under the auspices of the Council of Ministers of the ARC. This holistic and multi-sector commission is empowered to make far-reaching recommendations on amending urban plans and legalizing squatting plots. The first 91 plots were legalized in November 2012, and in March 2013 a number of squatters represented by Sebat received land for construction. While these are positive first steps, the total number of outstanding land issues remains daunting.

Recommendations

To the Government of Ukraine and the Council of Ministers of the ARC

While the scope of the task to resolve outstanding land issues is vast and the challenges related to land allocation, registration and ownership in Ukraine are not exclusive to Crimea, the Crimean land disputes should nonetheless be solved in a strategic and comprehensive manner. Such an approach could consist of three phases:

- In the short term, the Crimean authorities should conduct a complete inventory of Crimean land resources and consider inviting international technical assistance. Priority should be given to those areas affected by land disputes and those areas where a high demand for allocation is identified, such as on Crimea’s southern coast.
- In the medium term, within the next 18 months to two years, all existing land squatting issues should be resolved through the “Commission for Solving Issues related to Land Squatting and Land Claims of FDPs and other citizens for individual housing construction”, based on the land inventory. This should be done under the following conditions:
 - To avoid creating a “pull factor” for further land seizures, any legalization of squatting sites should be understood as ad hoc and valid only for the resolution of current squatting issues.
 - All land squatting actors should be represented in the Commission’s work on an equal footing to depoliticize land allocations as much as possible.
 - Once their status has been clarified, former squatting sites should be integrated into relevant territorial development plans to avoid economic and social isolation. Existing settlements, including those legalized in 1996, should be connected to the gas, electricity, water and sewage infrastructure.
 - A specific body should be tasked with monitoring land allocation and empowered to report alleged abusive practices in land management to the appropriate authorities. Key organizations of FDPs and other squatters should be represented and agree to co-operate within this institution.
- In the longer term, Ukraine should create an efficient and transparent land management system by introducing structural reforms in land management policy and by amending relevant legislation. This can be done by inviting an internationally profiled technical support mission, as has been done in other countries of the former USSR. Especially in the run-up to the expected lifting of the moratorium on the sale of agricultural land in 2016, a transparent land market should be created.

To the international community

Given the daunting tasks ahead, international actors should be more proactive in preventing and decreasing the land conflict in Ukraine. They could, for instance, set up a co-ordination body that would undertake an institutional mapping of all relevant land management institutions and legislation, and could suggest solutions for improvement, which they could support with international assistance and expertise.

4. POLITICAL PARTICIPATION

The full participation of persons belonging to national minorities in public affairs is of crucial importance for the development of a stable, cohesive and just society.³⁴ Participation in political life can take many forms, from voting to running for public office, and from representation in State structures to establishing institutions of self-governance. Real or perceived exclusion from decision-making processes fuels grievances and can lead to tensions between and within ethnic communities, as excluded groups employ other strategies to pursue their goals.

As recent research shows, the level and form of political participation in Crimea varies greatly between the different groups of FDPs.³⁵ While all five groups share a common aim to see their rights restored and their socio-economic situation improved, ethnic Armenians, Bulgarians, Germans and Greeks tend to deal with these issues on an individual basis, either by running for public office or emigrating to their respective “kin-States”. The Crimean Tatars, on the other hand, have a long track record of striving for collective rights as a group and exhibit much higher levels of political mobilization. This section will therefore focus on the different types of political participation employed by the Crimean Tatars to further their aims and the obstacles they encounter while doing so.

Institutional arrangements

In line with its 1995 Special Autonomous Status, the main legislative body of the ARC is the Crimean Parliament or “Supreme Council”, composed of 100 directly elected members. The executive power in the ARC is vested with the Council of Ministers, headed by a Chairman who is nominated by the Supreme Council and confirmed by the President of Ukraine. The President of Ukraine also appoints a Presidential Representative. The ARC is further subdivided into 25 regions, consisting of 14 districts and 11 city municipalities, each with a directly elected local council.

At the national level, the main Government agency responsible for minority issues until late 2010 was the Derzhkomnats. As mentioned in section 3 above, this institution not only administered State assistance to the FDPs, it also fulfilled other important functions related to minority participation and protection of minority rights. International monitoring bodies, such as the Advisory Committee of the Framework Convention on National Minorities (FCNM), have expressed strong concern about the institutional vacuum that resulted from the dissolution of the Derzhkomnats in late 2010. While some of its functions have been transferred to a much smaller subdivision within the Ministry of Culture, its role as co-ordinating agency for minority participation has been lost and the Council of Representatives of All-Ukrainian Associations of National Minorities that met under its auspices has ceased to meet regularly.³⁶

34 OSCE HCNM, *The Lund Recommendations on the Effective Participation of National Minorities in Public Life* (September 1999); OSCE HCNM, *Ljubljana Guidelines*.

35 Natalia Mirmanova, “Political participation and representation of Crimean Tatars and other formerly deported people: needs assessment”, Social Science Research Network, 2013.

36 Advisory Committee on the FCNM, “Third Opinion on Ukraine”, adopted on 22 March 2012, ACFC/OP/III(2012)002 (Strasbourg: Council of Europe, 28 March 2013), paragraph 144.

At the regional level, the main agency responsible for minority issues and assistance to the FDPs is the Reskomnats. It continued to function after the dissolution of the Derzhkomnats and is one of the agencies where persons belonging to national minorities are actively represented, as will be further discussed below.

Self-governance: organizations representing the Crimean Tatars

As is the case in any community, individual Crimean Tatars have different views on the best strategy and tactics to improve their situation. In May 1956, the Crimean Tatars founded the “National Movement of the Crimean Tatars” (NMCT). In 1989, it was transformed into the “Organization of the Crimean Tatar National Movement” (OCTNM), headed by Mustafa Dzhemilev. OCTNM advocated for immediate, large-scale return and national self-determination, while the minority faction of the NMCT that did not join the OCTNM preferred a more gradual approach in close co-operation with the then Soviet authorities. This division still exists within the Crimean Tatar community and has become more pronounced since, with some groups advocating for an even more radical approach while others prefer to work on establishing closer links with the authorities.

In June 1991, the second congress or “Qurultay” of the Crimean Tatar people was held, which is regarded by most Crimean Tatars as their representative body. It has 250 delegates elected by local communities for five-year terms. The Qurultay in turn elects an executive council or “Milli Mejlis” (hereinafter: “Mejlis”) of 33 members that implements decisions of the Qurultay and represents the community between sessions. In addition to the Crimea-wide Mejlis, there are also 250 local mejlises grouped into 22 regional mejlises.³⁷

The Qurultay only tolerates a certain level of pluralism: once a decision is adopted by majority vote, all delegates are expected to comply. For example, to avoid a split Crimean Tatar vote in Ukraine’s winner-take-all electoral district system, Qurultay delegates are prohibited from running against candidates proposed by the Mejlis, upon penalty of expulsion from the Qurultay. This constraint on internal political pluralism is sharply criticized as undemocratic by opponents of the Mejlis. As a result, several opposition groups such as “Milli Firqa”, the Sebat association of land squatters and other groups that have recently allied themselves in the “Crimean Tatar National Front” (CTNF) fiercely challenge the Mejlis for the right to represent the interests of the Crimean Tatar people. This internal competition within the Crimean Tatar community is a source of constant tensions and is sometimes instrumentalized by the Crimean authorities.

Some, including the authorities, claim that Crimean Tatar support for the Mejlis is waning and cite evidence such as a recent decision by the Qurultay to lower the quorum for Crimean Tatar participation to one-third. While reduced popularity is difficult to verify, research shows that Crimean Tatar turnout at Mejlis-organized events and votes for Mejlis candidates are considerable.³⁸ Regardless of the increased competition within the Crimean Tatar political landscape, the Qurultay and the Mejlis remain major organizations that can legitimately claim to represent a significant portion of the Crimean Tatars and as such should be ensured effective participation in decisions affecting the Crimean Tatar community, while not precluding the involvement of others.

The relationship between the Mejlis and the Ukrainian and Crimean authorities is complicated by the Mejlis’s lack of legal status. The Government of Ukraine refuses to recognize the Mejlis as an institution of minority self-governance, while the Mejlis in turn refuses to register as an NGO. In the past, Ukrainian leaders have adopted a pragmatic approach, including by creating a new consultative body affiliated with the President of Ukraine that coincides with the composition of the Mejlis. The establishment of the “Council of Representatives of Crimean Tatar People” by President Kuchma in 1999, which included all 33 members of the Mejlis, was widely seen as a positive example that established an institutional forum for dialogue while side-stepping the thorny question of the legal status of the Mejlis.

³⁷ The exact number of Qurultay delegates varies from session to session.

³⁸ Mirmanova, *op.cit.*, p. 4. Turnout in the early phases of the 2013 Qurultay elections ranged between 57 and 68 per cent of the Crimean Tatar electorate. www.qmmm.org, accessed on 29 April 2013. For example, celebration of Hydyrlez, a Crimean Tatar tradition, organized by the Mejlis reportedly attracted 35,000 participants (see <http://crimea.comments.ua/news/2013/05/06/150631.html>, accessed on 14 May 2013).

However, without a clear legal framework, this proved to be a fragile compromise. The Council had ceased to meet regularly already under President Yushchenko, but its composition was altered unilaterally by President Yanukovich in 2010, who reduced its membership from 33 to 19. Out of these, eight were also members of the Mejlis and 11 were selected from the Crimean Tatar opposition.³⁹ The Advisory Committee of the FCNM expressed regret at “this development, as it undermines the representative nature of this Council”.⁴⁰ The Mejlis has since boycotted the Council, but the Ukrainian and Crimean authorities have proceeded to work closely with it and have appointed several of its non-Mejlis members in positions within the Crimean authorities.⁴¹ On 24 March 2013, the NMCT and the CTNF organized a “Third Nationwide Meeting” in support of the Council; although only a few hundred people took part in the event, a resolution was adopted, recognizing the Council as “the only legitimate body representing the interests of the Crimean Tatar people with the central authorities of Ukraine.”

The already strained relations between the Mejlis and the Crimean authorities deteriorated further after the appointment of Anatoliy Mohylov as Chairman of the Council of Ministers of the ARC on 7 November 2011. In practice, constructive channels of engagement between the authorities and the Mejlis have broken down, although individual Mejlis members can still influence decisions in their capacities as members of the Ukrainian and Crimean Supreme Councils respectively. Instead, the authorities are increasingly and consistently co-operating with Crimean Tatar groups in opposition to the Mejlis.⁴² This manipulation of political competition within the Crimean Tatar community has led to further tensions, including in May 2013 prior to and during the organization of events commemorating the deportations.

Participation in elections and representation in elected bodies

At the national level, some aspects of Ukraine’s electoral system pose considerable obstacles to the effective participation of persons belonging to national minorities in elected bodies. These obstacles include the requirement for political parties to be present nationwide, the recently increased electoral threshold of five per cent and the ban on electoral blocs. Taken together, these make it difficult for national minorities to run for elections with their own political parties.⁴³ Instead, the Mejlis forms coalitions with nationwide parties in exchange for support and positions within the Verkhovna Rada of Ukraine. In the past, due to ideological closeness and solidarity with activists struggling for Ukrainian independence, the Mejlis has allied itself with the Narodny Rukh-Nasha Ukraina party, the Yulia Tymoshenko Bloc and the United Opposition, all parties in an adversarial position towards the current ruling Party of Regions. Although this tactic has enabled Crimean Tatars to be represented in the Verkhovna Rada of Ukraine, it also makes them dependent on negotiations and alliances with nationwide parties for their representation in elected State structures.

This conundrum is even more apparent at the autonomous republic level and especially at lower levels of governance (districts and local councils), where the Crimean Tatars need to co-operate with the authorities to advance the position of their community. Due to the mixed electoral system with single-mandate constituencies, the demographic distribution of Crimean Tatars across districts and the absence of cross-ethnic voting, not a single Crimean Tatar was elected in single-mandate districts in the 2010 elections for the Supreme Council of the ARC. On the other hand, the threshold for ARC elections (three per cent) is lower than the nationwide elections in Ukraine (five per cent). In total, six Crimean Tatars were elected on party lists. There have been some allegations of gerrymandering: in its report on the 2012 parliamentary

39 The Council met for the first time on 30 January 2013 and elected Lentun Bezaziev, a Party of Regions deputy in the Supreme Council of the ARC, as its head.

40 Advisory Committee on the FCNM, “Third Opinion on Ukraine”, adopted on 22 March 2012, ACFC/OP/III(2012)002 (Strasbourg: Council of Europe, 28 March 2013), paragraph 139.

41 Some of the most notable examples include the appointment of businessman Enver Abduraimov as the head of the Permanent Commission on International Relations and FDP-issues at the Supreme Council of the ARC in February 2013, replacing deputy Mejlis chairman Remzi Ilyasov.

42 For example, decisions by the Crimean authorities in March to award land plots to Sebat-supported squatters, while Avdet-supported squatters received nothing, seems to indicate that the authorities are willing to use land allocation decisions to influence the intra-Crimean Tatar political competition.

43 Law on Political Parties No. 2365-III of 5 April 2000, which requires parties to have branches in two-thirds of the regions of Ukraine. This provision has been found by the Advisory Committee of the FCNM as presenting “serious obstacles for persons belonging to national minorities to obtain representation in elected bodies” and as “not in line with the requirements to promote their full and effective participation in public affairs, as contained in article 15 of the FCNM.” (Advisory Committee on the FCNM, “Third Opinion on Ukraine”, adopted on 22 March 2012, ACFC/OP/III(2012)002 (Strasbourg: Council of Europe, 28 March 2013), paragraph 134.

elections, the OSCE Office for Democratic Institutions and Human Rights (ODIHR) also noted that electoral boundaries “should not be altered for the purpose of diluting or excluding minority representation.”⁴⁴

Overall, in the Supreme Council of the ARC, Crimean Tatar representation is gradually decreasing, from 14.5 per cent in 1994 (when a short-lived quota system gave 14 guaranteed seats to Crimean Tatars and one each to the other four groups of FDPs) to only six per cent in the 2010 elections. In addition, an increasing number of Crimean Tatar candidates are elected on lists other than those approved by the Mejlis. While the percentage of Crimean Tatars elected onto district councils varies and in some cases Crimean Tatars are even overrepresented relative to their numbers, especially in local councils, overall their representation in elected bodies is below their proportion of the total population of the ARC.⁴⁵ This generates demands by Crimean Tatars for a reintroduction of the quota system, which is firmly opposed by ethnic Russian groups as discriminatory and in violation of Article 24 of the Ukrainian Constitution. While a quota may be a counterproductive measure that solidifies ethnic differences, the current single-mandate electoral district system hinders the political participation of Crimean Tatars.

Representation in the executive branch

The Ukrainian authorities do not collect statistical data disaggregated by ethnicity, notwithstanding recommendations by international monitoring bodies to do so in order to develop targeted policies to establish full and effective equality of disadvantaged minority groups.⁴⁶ As a result, there is only limited data available on the level of representation of Crimean Tatars within governmental institutions, leading to a discrepancy in claims by Crimean Tatars and figures provided by the authorities. Recent research estimates that Crimean Tatars account for approximately ten per cent of all Government officials and public servants in Crimea, less than their percentage of the population of the ARC. Of the ARC Ministers and Deputy Ministers, seven per cent are of Crimean Tatar origin, a figure that increases to 13 per cent for the level of Head and Deputy Head of Department, and even to 20 per cent for other executive and expert staff positions. However, the vast majority of these Crimean Tatar professionals work for the Reskomnats; if staff from this particular institution is excluded, the total expert-level positions drops to 4.9 per cent. At the level of districts and city councils, there is only one Crimean Tatar head of a district administration (seven per cent), although there are ten deputy heads (22 per cent). Likewise, only one Crimean Tatar heads a city council (nine per cent), while six hold the position of Deputy Head (ten per cent).⁴⁷

The relatively low level of participation of Crimean Tatars in public administration could have many causes and is difficult to analyse in the absence of accurate and relevant quantitative and qualitative data. Authorities cite a lack of qualified personnel among the Crimean Tatar community, while targeted efforts to improve this situation have been limited. Attempts to establish a pool of professionals that could be drawn upon if vacancies open up have so far not delivered results. In turn, Crimean Tatars often complain about discrimination. As described further in the section on socio-economic participation, both awareness of discrimination and the institutional framework to combat it are weak.⁴⁸ There is a need for effective institutions with a specific mandate to monitor the situation and assist victims of alleged discrimination.⁴⁹ In this regard, it also has to be noted that the general practice of appointments and recruitment in Crimea is often criticized for being insufficiently meritocratic, with patronage and party affiliation allegedly trumping professional qualifications.⁵⁰

44 ODIHR report, www.osce.org/odihr/98578, page 3.

45 According to Mirmanova, in 2010, the percentage of Crimean Tatars in elected bodies in Crimea was as follows: six per cent in the Verkhovna Rada, ten per cent in city and rayon councils, 15.4 per cent in village and township councils, and seven per cent were elected as heads of village councils (Mirmanova, *op.cit.*, p. 13).

46 Advisory Committee on the FCNM, “Third Opinion on Ukraine”, adopted on 22 March 2012, ACFC/OP/III(2012)002 (Strasbourg: Council of Europe, 28 March 2013), paragraphs 54–56.

47 Mirmanova, *op.cit.*, p. 19–20, 22.

48 Although Ukraine adopted a new law to combat discrimination in 2012 (Law of Ukraine “On the Principles of Prevention and Combating Discrimination in Ukraine”, No. 5207-VI, adopted on 6 September 2012), further amendments to the legal framework on non-discrimination are currently under discussion with a view to signing an association agreement between Ukraine and the European Union. This concerns, in particular, Draft Law 09451 (formerly Draft Law 8711), which was introduced before the Verkhovna Rada on 12 December 2012.

49 See ENP Progress Report 2013 *op.cit.*

50 Mirmanova, *op.cit.*, p. 23.

Recommendations

To the Government of Ukraine and the Council of Ministers of the ARC

- The Government of Ukraine and the Council of Ministers of the ARC should reconsider their policy of principled non-recognition of the Mejlis as an immediate priority. While the Mejlis currently still lacks a clear legal status, it nonetheless represents a sizable part of the Crimean Tatar community and as such should be provided with the opportunity to effectively participate in the governance process, while maintaining an inclusive approach to such participation. An agreement on the legal status of the Mejlis should be reached based on a process of broad public consultations. In the meantime, the authorities should resume their past policy of pragmatic engagement.
- The central Ukrainian and regional Crimean authorities should develop effective mechanisms that promote the political representation of FDPs in general and Crimean Tatars in particular, in line with the Lund Recommendations and Article 15 of the FCNM. The authorities should invite international expertise to review and evaluate the current mixed electoral system in Crimea, in which half of the mandates are allocated through majoritarian vote in single-mandate districts.
- Ukraine should reinforce its anti-discrimination legal and institutional framework, including at the level of Crimea, ensuring that effective remedies are accessible in cases of discrimination and that policies are introduced to ensure full and effective equality.
- Ukraine should take measures to improve the opportunities for candidates from disadvantaged ethnic groups to join the civil service, including through scholarships, internships, preparatory programmes or in-service training or by expanding good initiatives, such as support for their studies at the Presidential State Service Academy. The authorities should also develop mechanisms to collect relevant quantitative, including statistical and/or survey data on the representation of persons belonging to national minorities in the civil service, in line with the principle of voluntary self-identification and personal data protection standards.

To the Crimean Tatar community

- All factions within the Crimean Tatar community should acknowledge that pluralism of views and internal political competition is inherent to a democratic society.

5. SOCIO-ECONOMIC ASPECTS OF RETURN AND INTEGRATION

Inter-ethnic tensions on the Crimean peninsula may be further aggravated by real or perceived differences in the socio-economic status of different ethnic groups.⁵¹ Due to disadvantageous residence and housing situations caused by factors including the shortcomings in the legal framework regulating their return and settlement, FDPs are often unable to address the structural obstacles they face in other areas. These problems are acknowledged in legal documents and policies, but efforts to implement corrective activities lags behind. For example, the Government of Ukraine's "Programme for Settlement, Adaptation and Integration of Formerly Deported Crimean Tatars and Other Nationalities in Ukrainian Society until 2015"⁵² mentions various obstacles to the full socio-economic integration of FDPs but the Programme has not yet achieved its stated objectives, as explained in section three.

51 This section draws mostly on two studies, namely, the United Nations Development Programme (UNDP) Human Security and Development Council under the Chairman of the Verkhovna Rada of Crimea, "Living Standards in the Autonomous Republic of Crimea", 2012 (hereinafter, "Living Standards in the Autonomous Republic of Crimea, 2012"), which is the first study to provide indicators of socio-economic integration in Crimea disaggregated by ethnicity, and field research led by Mirimanova. While the analysis is relevant to all FDPs, it focuses mainly on the challenges faced by the Crimean Tatars for reasons cited above.

52 <http://zakon2.rada.gov.ua/laws/show/637-2006-%D0%BF/paran13#n13>.

Socio-economic disadvantages, such as poverty, poor housing, unemployment or lack of access to social and healthcare services, are consequences of the incomplete settlement and rehabilitation processes of returnees and create obstacles to the successful integration of Crimean society. Such disadvantages limit the full participation of FDPs in all spheres of life. International monitoring bodies have noted with concern that the socio-economic situation of FDPs, and Crimean Tatars in particular, has not improved in recent years.⁵³

Poverty

Crimea as a whole faces high levels of poverty. According to the UNDP, the income level of 43.1 per cent of households in Crimea is below the official poverty line. This situation is worse in rural regions, where 53.8 per cent live in poverty (compared to 30 per cent in urban areas). Crimean Tatars belong to one of the most vulnerable groups: 43 per cent of Crimean Tatar households qualify as poor, compared to 33 per cent for ethnic Russians and 38 per cent for ethnic Ukrainians. The higher levels of poverty among Crimean Tatars can partially be attributed to the fact that on average their households are larger (3.2 people per household, compared to 2.28 among ethnic Russians and 2.19 among ethnic Ukrainians) and have a lower ratio of working to non-working persons.⁵⁴

A total of 54 per cent of families of all income groups in Crimea cannot afford to save. That may restrict entrepreneurial incentives or limit education opportunities, as well as prevent people from acquiring goods and services associated with higher standards of living, further worsening the situation among the poorer groups in Crimea.⁵⁵ As poverty is more common among Crimean Tatars compared to other ethnic groups, it presents an enormous obstacle to their successful socio-economic integration.

While rural residents can grow their own food, many Crimean Tatars respond to poverty by accumulating debt, delaying payments for rent or communal services or not purchasing food, clothing or medicine, which has an adverse impact on human development in Crimea.⁵⁶ Some support has been provided by international development organisations such as the Turkish Agency for International Development (TIKA). UNDP's grassroots development support has been provided to Crimean rural communities at large, with a special focus on multi-ethnic communities.

Social services and healthcare

Social services in Crimea are provided by the Crimean Ministry of Social Policy. Even though the authorities do not recognize FDPs as a specifically vulnerable category in need of additional assistance⁵⁷, FDPs are nonetheless eligible for financial support in emergency situations. However, as explained in section three above, many FDPs live in unauthorized settlements or houses that do not meet legally established technical requirements. As such, they are unable to obtain formal residency registration (*propiska*) and cannot prove their eligibility for social assistance.

Provision of healthcare is problematic in Crimea in general. According to the UNDP, 33 per cent of the population of Crimea does not have access to healthcare in case of sickness that requires surgical intervention or long-term care. Short-term, out-patient care is more accessible, with only nine per cent having limited access to such services.⁵⁸ The public healthcare system is chronically underfunded, and is unable to meet demand. Private healthcare is out of reach for many FDPs, as the fees are very high.

53 Advisory Committee on the FCNM, "Third Opinion on Ukraine", adopted on 22 March 2012, ACFC/OP/III(2012)002 (Strasbourg: Council of Europe, 28 March 2013); The Advisory Committee notes that there has been no progress since the second monitoring cycle regarding the socio-economic situation of the Crimean Tatars.

54 UNDP, "Living Standards in the Autonomous Republic of Crimea", 2012.

55 UNDP, "Living Standards in the Autonomous Republic of Crimea", 2012.

56 UNDP, "Living Standards in the Autonomous Republic of Crimea", 2012.

57 Ministry of Social Policy of the ARC, Programme on Social Protection and Employment in Autonomous Republic of Crimea 2011–2013, 2010 (available at <http://msp.ark.gov.ua/programma/>).

58 UNDP, "Living Standards in the Autonomous Republic of Crimea", 2012.

Employment and self-employment

In the early stages of the return process, unemployment was one of the most pressing issues for FDPs and in particular Crimean Tatars, whose unemployment level reached up to 50 per cent. Initially they were caught in a vicious circle, linking employment and legal status of residence. Residence registration was necessary for acquiring a job, and official employment was a precondition for residence registration. Furthermore, as many returnees resettled from towns to rural areas, they were excluded from higher-paying positions corresponding to their qualifications, and had to accept low-paid or occasional jobs.⁵⁹ Moreover, discrimination at the recruitment stage limits employment opportunities for Crimean Tatars, especially in the public sector, as mentioned in section four.⁶⁰

In Crimea, the level of registered unemployment is low – 1.7 per cent⁶¹, but a significant share of unemployment remains unregistered. A recent UNDP survey indicates that 39 per cent of the Crimean Tatar labour force is currently employed, which is similar to ethnic Ukrainians (40 per cent) and ethnic Russians (46 per cent).⁶² Despite the fact that the employment levels of Crimean Tatars are similar to those of other groups, a set of factors that hinder employment of FDPs can be identified. First, there may be discrimination at the recruitment phase and at the workplace in general, as indicated by perceptions among Crimean Tatars; other FDP groups express less concern about possible discrimination.⁶³ The prevalent perception of discrimination among Crimean Tatars highlights the necessity for further research and investigation of potential discriminatory practices within the labour market. Second, the residency of FDPs outside urban areas complicates their access to jobs in the cities, and employment opportunities in rural areas have been limited since the closure of the collective agricultural enterprises. A high share of unpaid work, such as housekeeping, among FDPs can be partly explained by the lack of facilities for families, especially for women, to combine childcare, housework and paid employment, as State childcare or pre-schooling are not easily accessible.

Crimean Tatars are also under-represented in most sectors of the economy, with the exception of agriculture and transport services. Crimean Tatars have responded to employment challenges by taking on informal employment, working extra hours, becoming self-employed or starting small businesses.⁶⁴ In a recent survey by the Razumkov Centre, approximately 11 per cent of Crimean Tatar respondents indicate that they engage in entrepreneurial activity, against 5.5 per cent for ethnic Russians and 5.3 per cent for Ukrainians.⁶⁵ While there are industries that seem promising for small-scale entrepreneurial activity, such as agriculture or tourism, FDPs perceive small and medium businesses as vulnerable and adversely influenced by interference by the authorities, reflected by administrative pressure and selective regulatory controls.⁶⁶ The Crimean authorities have developed a Programme on Social Protection and Employment in the Autonomous Republic of Crimea 2011–2013 to foster employment in Crimea and provide support to the unemployed; the programme does not include, however, specific measures to address the FDPs labor integration measures and it is too early to assess its impact.⁶⁷

59 Razumkov Centre, "Political Processes in the Crimea", National Security and Defence, No. 4, 2001 (available at www.uceps.org/additional/analytical_report_NSD16_eng.pdf).

60 Advisory Committee on the FCNM, "Third Opinion on Ukraine", adopted on 22 March 2012, ACFC/OP/III(2012)002 (Strasbourg: Council of Europe, 28 March 2013).

61 UNDP, "Living Standards in the Autonomous Republic of Crimea", 2012.

62 UNDP, "Living Standards in the Autonomous Republic of Crimea", 2012, p.27.

63 Natalia Mirmanova, Socio-economic Dimensions for the Integration of the Formerly Deported Peoples in Crimea, Social Science Research Network, 2013, p. 7-9.

64 Mirmanova, op.cit., p. 10-11.

65 "Quality of Life of Residents of Crimea and Prospects for Its Improvement in the Context of Strategy of Economic and Social Development of ARC 2011–2020" ("Якість життя кримчан та перспективи її покращання в контексті реалізації Стратегії економічного та соціального розвитку Криму на 2011–2020 рр"). (Ukraine: Razumkov Centre, 2011).

66 Mirmanova, op.cit., p. 11.

67 Ministry of Social Policy of the ARC, Programme on Social Protection and Employment in the Autonomous Republic of Crimea 2011–2013, 2010 (available at <http://msp.ark.gov.ua/programma/>).

Recommendations

To the Government of Ukraine

- Elaborate a systematic approach to combat discrimination, including by adopting comprehensive legislation and establishing an appropriate institutional set-up to ensure effective remedies, monitoring and analysis of the situation and the development of anti-discrimination policies at the national and regional levels.

To the Council of Ministers of the ARC

- Collect and analyse data disaggregated by ethnicity on all aspects of the socio-economic situation in Crimea in order to formulate and implement targeted and co-ordinated measures to promote the socio-economic inclusion and participation of FDPs.
- Include FDPs as a specific target group in a future phase of the Programme on Social Protection and Employment in the Autonomous Republic of Crimea to address the specific challenges to their socio-economic integration.
- Develop effective mechanisms to increase the access of FDPs living in compact settlements to social and healthcare services, including by reviewing current regulations on registration.

6. LANGUAGE, CULTURE AND RELIGION

Any integration policy should be grounded in firm respect for human rights and fundamental freedoms, including minority rights. Accommodating diversity requires safeguards for the maintenance of diverse identities, including by providing minorities with appropriate opportunities to develop their cultures and languages and to practise their religions.⁶⁸ As part of Ukraine's international commitments, including those enshrined in treaties it has ratified, such as the FCNM and the European Charter on Regional and Minority Languages (ECRML), the Government of Ukraine has undertaken to protect and promote the language and cultural heritage of national minorities on its territory, including those of the FDPs. International monitoring bodies have repeatedly urged the Government to do more, including for the FDPs residing in Crimea.⁶⁹

In Ukraine as a whole, the question of language policy has long been dominated by disagreements over the status of the Russian language, which to some extent has overshadowed concerns related to other, less widely spoken languages in the country. Although the legal framework of Ukraine aims to fulfil the country's international commitments, recent research shows that FDPs lack opportunities to preserve and develop their language, culture and religious practices, and that these difficulties can constitute potential triggers of tensions within and between communities.⁷⁰

68 Ljubljana Guidelines, Guideline 4.

69 Such as the 19th and 21st Periodic Reports on Ukraine prepared by the UN Committee on the Elimination of Racial Discrimination (CERD/C/UKR/19-21), the European Commission against Racism and Intolerance Report on Ukraine (fourth monitoring cycle, CRI (2012)6), the Third Opinion on Ukraine of the Advisory Committee on the FCNM, "Third Opinion on Ukraine", adopted on 22 March 2012, ACFC/OP/III(2012)002 (Strasbourg: Council of Europe, 28 March 2013).

70 Unless otherwise indicated, this section is based on Idil P. Izmirli, "On Revitalization of the Language and Culture of the Crimean Tatars and Other Formerly Deported People in Crimea", Ukraine: Assessment of Needs and Recommendations, Social Science Research Network, 2013, Idil P. Izmirli, "Fragmented Islam and Inter-Ethnic Conflict in Crimea", Social Science Research Network, 2013.; Advisory Committee on the FCNM, "Third Opinion on Ukraine", adopted on 22 March 2012, ACFC/OP/III(2012)002 (Strasbourg: Council of Europe, 28 March 2013).

Status of FDP languages

Support mechanisms for “development of the ethnic, cultural, linguistic and religious identity of all indigenous peoples and national minorities” are enshrined in the Constitution of Ukraine.⁷¹ Ukraine also ratified the European Charter for Regional or Minority Languages in 2005, committing itself to promoting the language diversity and cultural heritage of minorities in Ukraine.

According to Article 10.1. of the Constitution of the ARC adopted in 1998, “alongside the official language [Ukrainian], the application and development, use and protection of Russian, Crimean Tatar and other ethnic groups’ languages shall be secured.”⁷² In addition, the new Language Law of Ukraine gives a language the status of regional language if it is used by at least ten per cent of the population in a certain administrative unit, based on census data. While the law in principle offers a strong foundation for the use of minority languages in public administration, media and education, implementation so far appears to vary considerably.

In practice, while Armenians, Bulgarians, Germans and Greeks state little concern about the status of their respective languages in Crimea, the Crimean Tatars are in a different position and express a strong preference to maintain and strengthen their native language, which they point out is not spoken anywhere else.⁷³ UNESCO’s Endangered Languages Programme categorizes Crimean Tatar as a severely endangered language, and the Committee of Experts on ECRML has expressed its concern about the “particularly vulnerable situation” of the Crimean Tatar language and urged the Ukrainian authorities to “adopt strong protective measures.”⁷⁴

This is partially due to the fact that intergenerational language transmission was weakened among Crimean Tatars in exile as a result of the assimilationist Soviet language policies and other factors, leading to poor Crimean Tatar language acquisition among younger generations. Russian remains the primary language of interaction in Crimean business, education and public institutions, and the authorities allocate limited resources to provide opportunities to use minority languages in the public domain.⁷⁵

In terms of language proficiency, 92 per cent of Crimean Tatars regard Crimean Tatar as their “mother tongue”,⁷⁶ but the question of what a person considers his or her mother tongue tends to elicit answers that reflect ethnic loyalty or genealogical descent, rather than actual language preference or competence. Day-to-day observations and local surveys indicate much lower levels of practical knowledge and use of the Crimean Tatar language. Many Crimean Tatars know only a few expressions in their “native language”. According to a recent survey, only 4.8 per cent of Crimean Tatars consider that their co-ethnics know the language perfectly.⁷⁷ The public communications of Crimean Tatar organizations are frequently conducted in Russian.⁷⁸

On the whole, Crimea’s rich cultural and linguistic diversity is insufficiently reflected in the public domain. Over 95 per cent of Crimean towns and settlements that once had Tatar names were replaced with Russian names and their former names have not been restored. Initiatives to use the historic names in parallel to the

71 Constitution of Ukraine, article 11.

72 Law of Ukraine “On Approval of the Constitution of the Autonomous Republic of Crimea”, article 10.

73 Idil P. Izmirli, “On Revitalization of the Language and Culture of the Crimean Tatars and Other Formerly Deported People in Crimea”, Ukraine: Assessment of Needs and Recommendations, Social Science Research Network, 2013, p. 3.

74 Report of the Committee of Experts on the Application of the European Charter for Regional or Minority Languages by Ukraine (7 July 2010), in particular, paragraph 84, and the UNESCO Atlas of the World’s Languages in Danger.

75 Izmirli, op.cit., p. 5.

76 ECRML, The European Charter for Regional or Minority Languages, Application of the Charter in Ukraine, 2010, 6, paragraph 24.

77 Izmirli, op.cit., p. 6.

78 Izmirli, op.cit., p. 13.

current names are often rejected by the majority.⁷⁹ There have been limited efforts to restore some Crimean Tatar toponyms, such as to attract ethnographical tourism.⁸⁰

Access to minority-language media

The Russian language also dominates the media in Crimea. According to the Law of Ukraine “On Television and Radio Broadcasting”, broadcasting to specific regions may be in the languages of ethnic minorities residing in such regions as distinct communities. There are several initiatives to broadcast in minority languages, such as short programmes in Crimean Tatar on public television. As of 2012, Crimean Tatar-language programmes on the State-run Crimean TV channel GTRK Krim have been allocated three and a half hours of airtime per week.⁸¹ In addition, the private TV company ATR broadcasts some content in Crimean Tatar, but Russian is still the main language of communication. Other FDP communities are allocated 13-minute time slots weekly on public TV. Crimean Tatar radio broadcasts 24 hours a day, but its coverage outside of Simferopol is limited. Numerically smaller FDP communities, such as Armenians, Bulgarians and Greeks, have also expressed concern that their needs are not met by public TV and radio broadcasts.⁸² In addition, international monitoring bodies have criticized the procedures used for the allocation of frequencies and the enforcement of the nationwide quota on the use of the State language prior to the adoption of the new Language Law in 2012.⁸³

Even though several publications (weekly, monthly or quarterly) in Crimean Tatar exist, according to recent estimates non-Russian newspapers and journals account for around five per cent of the total print circulation in Crimea. All minority-language media struggle with funding, which limits their capacity to produce original content and threatens their long-term survival.⁸⁴ The State provides some funding for six minority-language newspapers in Ukraine, including the Crimean Tatar-language newspaper Krim. While funding has marginally increased in recent years, there are no clear criteria or transparent procedures to apply for this funding, and the communities regard the amounts allocated as insufficient.⁸⁵

Culture

The Ministry of Culture oversees a programme to support the cultures of national minorities in Ukraine, including through State funding for cultural activities. So far, the Ukrainian authorities have supported a range of minority-association activities, such as maintaining minority-language libraries and theatres and organizing cultural events. All FDP groups have their own organization and hold annual festivals. For example, the Crimean Republican Association of the Bulgarian Community organizes a Bulgarian festival every year and the Crimean Armenian Community puts on celebrations and publishes a yearly Almanac.⁸⁶ There are several efforts to revitalize minority languages and cultures. The Gaspirinsky Crimean Tatar library in Simferopol holds events to promote Crimean Tatar culture and language and the International Mother Tongue Day is supported by the Ministry of Culture and minority organizations.⁸⁷ Cultural institutions, such as the library and the Crimean Tatar art museum and drama theatre, operate in poorly equipped and maintained buildings and report a severe lack of funding to preserve documentation and artefacts.

79 The UN Committee on the Elimination of Racial Discrimination, 79th Session, CERD/C/SR.2099, paragraph 67, and the Committee of Experts on European Charter for Regional or Minority Languages, Application of the Charter in Ukraine, ECRML, 2010, 6, paragraph 429 and Advisory Committee on the FCNM, “Third Opinion on Ukraine”, adopted on 22 March 2012, ACFC/OP/III(2012)002 (Strasbourg: Council of Europe, 28 March 2013).

80 <http://qha.com.ua/historical-toponyms-to-attract-more-tourists-to-crimea-119976en.html>.

81 Izmirli, *op.cit.*, p. 7.

82 Izmirli, *op.cit.*, p. 16-18.

83 Advisory Committee on the FCNM, “Third Opinion on Ukraine”, adopted on 22 March 2012, ACFC/OP/III(2012)002 (Strasbourg: Council of Europe, 28 March 2013), paragraphs 87 and 88.

84 Izmirli, *op.cit.*, p. 8.

85 Advisory Committee on the FCNM, “Third Opinion on Ukraine”, adopted on 22 March 2012, ACFC/OP/III(2012)002 (Strasbourg: Council of Europe, 28 March 2013).

86 Izmirli, *op.cit.*, p. 18.

87 Izmirli, *op.cit.*, p. 11.

Some of these cultural institutions and activities are supported by the national, regional and local authorities, although it appears that budget allocations vary from year to year. Nor are there clear administrative guidelines, procedures or criteria to regulate the allocation of cultural subsidies. The ARC or local authorities have provided some organizations with baseline funding and general administrative or logistical support, such as reduced rates for the rent of premises, but decisions appear to be ad hoc and practices vary widely for different minority organizations in Crimea.⁸⁸ Moreover, there is reportedly a major gap between the intended and allocated budget, with cultural organizations of FDPs claiming that they receive very little or nothing at all from the republican budget and are not consulted during the decision-making process. There are also reports that the total amount of support for cultural activities and institutions is dwindling as a result of the impact of the economic downturn in Ukraine.⁸⁹

Religion

While Orthodox Christianity is the predominant religion in Ukraine as a whole, it is estimated that there are about 500,000 Muslims residing in the country. Out of these, Crimean Tatars are the single largest Muslim group and mostly follow the Sunni branch of Islam. The way most Crimean Tatars practise their religion was profoundly affected by their deportation and prolonged exile. As a result of the official discouragement of all religious practices in the USSR, the practice of Islam was severely restricted. After the mass return of FDPs to Crimea, identification with Islam increased among the Crimean Tatar returnees as an essential part of their ethno-national identity. Since their mosques had been destroyed or used for other purposes during the Soviet era, Crimean Tatars had to rebuild their religious establishments and practices almost from scratch.⁹⁰

The main centre of Islamic worship is the Kebir Cami Mosque in Simferopol. While it was used as a factory in Soviet times, this mosque was returned to the Crimean Tatar community and also houses an Islamic library and a madrasa. While hundreds of mosques existed before 1944, many were destroyed during the Soviet times. Today, most of the mosques in Crimea are too small to accommodate all attendants of weekly prayers. One of the main concerns regarding the existing mosques is the fact that almost none of them have official documents granting permanent use of the land they are located on, which creates anxiety and insecurity among Crimean Tatars. Efforts to build a new, larger central mosque in Simferopol have been stalled for many years: a building permit was obtained in 2004 and land was allocated by the Simferopol City Council in 2011, but construction has still not begun.⁹¹ Crimea has been described by the Ukrainian Ministry of Culture as one of the regions facing “a complex religious situation” inter alia due to a large number of lawsuits over property issues and registration of religious communities.⁹²

The Islamic community in Crimea is also deeply divided internally, which occasionally leads to tensions. In 1991, the Muftiyat or Spiritual Administration of Muslims of Crimea (DUMK)⁹³ was established in accordance with the Ukrainian Constitution, with significant support by the Mejlis. It is headed by a Crimean Tatar Mufti, currently Mufti Emirali Ablaev, who was first elected through the Qurultayin 1999. The DUMK adheres to the Turkish model of traditional Sunni Islam of the Hanafi School and as such co-operates closely with the religious authorities in Turkey. The DUMK faces opposition from other Islamic organizations in Crimea. There is another Muslim spiritual administration or Muftiyat in Evapatoria – the Spiritual Centre of Muslims

88 The Advisory Committee on the FCNM, for example, learned about significant support to a Russian culture centre in Crimea, while an initiative of several minorities to create a “House of Friendship” was turned down, Advisory Committee on the FCNM, “Third Opinion on Ukraine”, adopted on 22 March 2012, ACFC/OP/III(2012)002 (Strasbourg: Council of Europe, 28 March 2013).

89 Advisory Committee on the FCNM, “Third Opinion on Ukraine”, adopted on 22 March 2012, ACFC/OP/III(2012)002 (Strasbourg: Council of Europe, 28 March 2013), paragraphs 58–60. For example, in 2010, instead of the planned UAH 1,050,000 (USD 128,993), only UAH 760,000 (USD 93,389) was actually allocated. In 2011, only UAH 235,000 (USD 28,871) was allocated instead of the already decreased planned funding for UAH 420,000 (USD 51,597) (Note: due to the fluctuating exchange rate, the dollar figures are an approximation. Conversions made at the exchange rate (UAH 1 = USD 0.123533) prevailing on 3 May 2013; figures are rounded to the closest million). “Information on the status of inter-ethnic relations in ARC” (“Информация о состоянии межнациональных отношений в Автономной Республике Крым”, available at: <http://reskomnac.ark.gov.ua/mejnacotnosh/inform-anal-mat/95-o-sostoyanii-megnacionalnih-otnosheniy>) (ARC Republican Committee on Nationalities and Deported People, 4 April 2011) and Izmirli, op.cit., p. 16.

90 Idil P. Izmirli, “Fragmented Islam and Inter-Ethnic Conflict in Crimea”, Social Science Research Network, 2013, p. 1.

91 Izmirli, op.cit, p. 4-5.

92 Information Report of the Ukrainian Ministry of Culture, “On the State and Trends of the Religious Situation and Church-State Relations in Ukraine”, 11 April 2013 (available at <http://mincult.kmu.gov.ua> or <http://bit.ly/16RjDzm>).

93 DUMK is the acronym of the Russian name, “Духовное управление мусульман Крыма”.

of Crimea (DTsMK) – which was registered by the Republican Committee for Religious Affairs in 2010. Its authority is contested by the DUMK, which claims that the DTsMK's activities are a threat to Crimea's security and foster internal religious conflicts.⁹⁴ There are several other independent Islamic movements in Crimea that are often lumped together but in reality have different aims and characteristics. Three will be briefly mentioned here: the Hizb-Ut-Tahrir (HuT) movement of political Islam, which strives to establish a pan-Islamic caliphate and rejects the religious authority of the DUMK and the DTsMK; the conservative Salafis, who dismiss the concept of politics altogether and do not identify with the two Muftiyats or with the HuT; and the community organization Ar'Raid, which has links to the global Muslim Brotherhood and co-operates closely with the DUMK.⁹⁵ There are no objective figures available on the relative sizes of the different religious groups within the Islamic community, but the competition between the different movements and ideologies is intense and fraught with tensions.

In addition to intra-religious tensions within the Muslim community, there are also significant inter-religious tensions between Crimean Tatars and Orthodox Christian groups. In its extreme forms manifestations of intolerance include hate speech, vandalism of religious sites and even violent clashes. The Advisory Committee of the FCNM in 2012 “noted with concern that the number of inter-ethnic and inter-religious incidents, including vandalism against religious and cultural sites, appears to be increasing throughout Ukraine, but particularly in western regions and Crimea.”⁹⁶ There have been many reported incidents of desecrations of cemeteries and religious sites and hateful graffiti appears regularly. Perpetrators of such acts are rarely caught and brought to justice and the authorities often remain silent.⁹⁷ Russian Cossack groups have repeatedly placed unauthorized, large crosses close to Crimean Tatar settlements, which has led to tense standoffs or even clashes, such as in the case of Feodosia in July 2011.⁹⁸

Recommendations

To the Government of Ukraine

- Ensure support for the maintenance and development of minority cultures as well as equal access of all minority communities to financial and general administrative support for cultural activities, including premises for their organizations, libraries and museums.
- Develop more effective policies and take specific measures to protect and promote minority languages, in line with Ukraine's international commitments. This includes financial support to minority-language media and cultural institutions.

To the Crimean authorities

- Develop measures to acknowledge the multi-ethnic character of Crimea and to promote intercultural and inter-religious understanding, including by facilitating the restoration of historic toponyms, the restitution of religious property and the construction of new cultural or religious buildings.
- Swiftly condemn, investigate and prosecute instances of inter-ethnic and religious hatred, including vandalism of religious sites. Strengthen the capacity of law enforcement structures and the police officers' understanding of hate crimes and policing in multi-ethnic communities.
- As a confidence building measure, promote the legalization of land plots currently earmarked as sites of worship, including for the Kebir Cami mosque, which has been functioning in Crimea since 1991 without a certificate of land ownership.

94 Izmirli, op.cit, p. 5.

95 Izmirli, op.cit, p. 6-9.

96 Advisory Committee on the FCNM, “Third Opinion on Ukraine”, adopted on 22 March 2012, ACFC/OP/III(2012)002 (Strasbourg: Council of Europe, 28 March 2013), paragraph 70.

97 Idil P. Izmirli, op.cit., p. 10.

98 <http://www.gazeta.ru/social/2011/07/04/3684589.shtml>.

7. EDUCATION

As outlined by the HCNM in his thematic recommendations, education is one of the key tools available to Governments to both promote integration of societies and provide persons belonging to national minorities with adequate opportunities to protect and promote their culture and language.⁹⁹ In Crimea, the successful integration of FDPs and the maintenance and revitalization of their culture and language is contingent upon a solid education system that serves both of these objectives. Each will be briefly discussed in turn.¹⁰⁰

Role of the education system in fostering integration and tolerance

The Crimean authorities have fully recognized the importance the education system can play in promoting mutual understanding and intercultural awareness. The “Concept of Priority Areas of Educational Work in Schools (2011–2015)” specifies teaching of “tolerance as a major democratic principle” as one of its aims. Two State-funded programmes support cultural and educational activities that foster respect for the culture, history, language, customs and traditions of the various ethnic groups inhabiting Crimea. Notably, the Crimean Ministry of Education, Science, Youth and Sports (hereinafter: “Crimean Ministry of Education”) has approved and introduced intercultural education courses at different levels of the curriculum and has endorsed several special courses on different cultures and religions. It has also initiated a process to revise the history curriculum, aiming to improve standards and promote multiculturalism.

These are positive initiatives that could be further built upon, although sustainability remains a concern due to limited resources and ongoing financial reform within the education system. In addition, the active involvement of parents and communities in the design and planning of educational activities can deliver numerous benefits both in the curricula and in improving inter-ethnic relations. Unfortunately, there is insufficient direct impact data available to evaluate the extent to which such projects have improved inter-ethnic relations on the Crimean peninsula, which, according to the Crimean authorities, remain marred by negative stereotypes and prejudices.¹⁰¹

Obstacles to access to minority-language education in Crimea

In Crimea, as elsewhere in Ukraine, parents have the right to freely choose the school and the language of instruction of their child. However, the legal framework does limit this choice to one language only and presumes that the language of choice is also the child’s first language. This is not always the case. Many FDPs are most proficient in Russian, while their community language (Armenian, Bulgarian, Crimean Tatar, German or Greek) may be used at home or in social circles. This makes the term “mother tongue” a deceptive concept in this context.¹⁰² In addition, as will be further discussed below, learning a minority language may be regarded as a right but not as an asset by the minority and the majority alike, leading to limited supply and demand.

This disjunction between ethnic language and language of instruction is reflected in the choices made by parents from FDP communities, who overwhelmingly opt for their children to be educated in the Russian language. There are only 15 schools with instruction in Crimean Tatar (before WWII, there were 371); in these, only in elementary grades instruction is in Crimean Tatar before switching to Russian in higher grades.¹⁰³ Some schools offer Armenian, Bulgarian, Crimean Tatar, German and modern Greek language

99 OSCE HCNM, *The Hague Recommendations regarding the Education Rights of National Minorities* (October 1996) and the Ljubljana Guidelines.

100 The content of this chapter is largely based on the research conducted by Marina Gurbo, “Assessment of the Educational Needs of Crimean Tatars and Other Formerly Deported Peoples”, Social Science Research Network, 2013.

101 “Information on the status of inter-ethnic relations in the ARC” (“Информация о состоянии межнациональных отношений в Автономной Республике Крым”, available at: <http://reskomnac.ark.gov.ua/mejncotnoosh/inform-anal-mat/95-o-sostoyanii-megnacionalnih-otnosheniy>) (ARC Republican Committee on Nationalities and Deported People, 4 April 2011).

102 Idil P. Izmirli, “On Revitalization of the Language and Culture of the Crimean Tatars and Other Formerly Deported People in Crimea”, Social Science Research Network, 2013, p. 5.

103 According to data provided by the Crimean Ministry of Education and Science, of the 576 general schools in Crimea, 331 offer a full educational programme in Russian and another 222 are mixed schools, with some groups taught in Russian and other, separate groups taught in Ukrainian and/or Crimean Tatar. Approximately 89 per cent of the pupils in Crimea study in the Russian language, eight per cent study in Ukrainian and three per cent study in Crimean Tatar.

classes as optional subjects or extracurricular courses. Only 16 per cent of pupils of Crimean Tatar ethnic origin are studying in the Crimean Tatar language, while 39 per cent study it as a subject. The number of pupils studying other FDP languages is far lower, less than 0.3 per cent of the total school population in the 2012/2013 school year.¹⁰⁴ As a result, in 2013, 92 per cent of Crimean secondary school pupils chose to write their graduation exams in Russian, 7.5 per cent in Ukrainian and none in Crimean Tatar.¹⁰⁵ The Crimean Ministry of Education and representatives of the relevant communities consider these numbers to be unsatisfactory. To increase the numbers, it is necessary to identify the structural causes behind the low level of pupils accessing minority-language education.¹⁰⁶

As is common practice throughout the OSCE area, a parent's right to choose their child's language of instruction is contingent upon available resources and sufficient demand. The two are closely linked: parents are less likely to apply for underfunded and lower-quality education for their children, while the authorities can use low applications to justify budgetary cuts to minority-language education. Both of these trends are apparent in Crimea.

First, resource shortages disproportionately affect minority-language education, given the higher costs involved in teaching to relatively small numbers of pupils. As defined within Ukrainian legislation, classes in secondary schools must have between a maximum of 30 pupils and a minimum of five. Local authorities are free to change the minimum threshold to open classes in particular languages depending on available funds. This has led to considerable divergences in practices between districts; in recent years, some district authorities, such as Belogorsk, have reduced the number of classes in Crimean Tatar due to financial constraints. The lack of clear legal guarantees for minority-language education and the fact that this right is not always granted in an equitable manner has been criticized by international monitoring bodies, including the Advisory Committee of the FCNM.¹⁰⁷

The inability or unwillingness of local authorities to finance minority-language education often leads to irregular education patterns, in which parents and NGOs, such as the "Maarifci" Association of Crimean Tatar Educators, actively seek alternative sources of financing to open classes in Crimean Tatar.¹⁰⁸ In a 2011 Crimean survey, 59 per cent of parents reported that they needed to provide additional financial resources to get quality primary education for their children.¹⁰⁹ The forthcoming financial reform in education may put further financial burdens on parents, since it allows schools to manage their own budgets and charge parents fees for some services. In addition, school administrations and teachers of Crimean Tatar-language schools often cite concerns regarding unequal access to quality educational resources, such as facilities and technical resources. They feel disadvantaged compared to Russian-language schools and claim to be almost entirely dependent on external donor investment to develop school infrastructure. The financial pressure is exacerbated by the fact that most Crimean Tatars live in rural areas, where all social infrastructure is significantly less developed, as mentioned in section three above, and education facilities generally face more difficult conditions compared to urban schools.

A second factor impacting parental demand for minority-language education is the opportunity to use that language throughout one's academic and professional career. Given the preponderance of Russian in Crimea's society and economy, it is understandable that parents and pupils opt for this language instead of the lesser-used FDP languages, especially for the later stages of secondary education. For example, in 2012, only 62 pupils took Crimean Tatar language courses as a "career subject", and only six pupils took their 11th-grade external exam in Crimean Tatar. However, supply and demand are inextricably linked in

104 Marina Gurbo, "Assessment of the Educational Needs of Crimean Tatars and Other Formerly Deported Peoples", Social Science Research Network, 2013. p.5.

105 "Not one Crimean matriculant wanted to be tested in Tatar", 30 May 2013. (Available at: <http://crimea.comments.ua/news/2013/05/30/180035.html>, accessed 31 May 2013).

106 Gurbo, *op.cit.*, p.5.

107 Advisory Committee on the FCNM, "Third Opinion on Ukraine", adopted on 22 March 2012, ACFC/OP/III(2012)002 (Strasbourg: Council of Europe, 28 March 2013), paragraph 128.

108 Izmirli, *op.cit.*, p. 10.

109 Centre for Problems in Education of the Crimean Ministry of Education (7 November 2011 No. 01-14/3321). Information about the results of national monitoring of co-operation between the education authorities of cities and regions in the ARC with executive power and local self-government, other organizations and institutions in the implementation of the constitutional right to equal access to quality education. Retrieved on 23 November 2012 from <http://cpe.krimedu.com/en/site/monitoringa-vzaimodeistvi.html>.

this regard: since there are only limited opportunities to study in Crimean Tatar in higher education, to find job opportunities requiring Crimean Tatar or to access Crimean Tatar media or culture, this makes it difficult to revitalize the language.

Thirdly, the quality of education is widely regarded as the decisive factor influencing parental choice, making it essential that all groups have access to education of equal quality, regardless of their language of choice. Teaching in and of FDP languages in Crimea is hampered by a lack of qualified teachers, which in turn is a consequence of inadequate teacher training and the relatively low value that Ukraine's teacher-evaluation system attaches to the ability to teach in a minority language. The professional and career development of teachers is not linked to their competencies in any language other than Ukrainian, and the ability to teach bilingually is not recognized as a competency that opens up additional career opportunities or remuneration. Several Crimean Tatar teacher-training programmes exist at a few higher-education institutions in Crimea, but these programmes only train teachers of the language, not those who can teach other subjects in the language.¹¹⁰

Fourthly, there are problems regarding the availability of textbooks, especially in the Crimean Tatar language. In line with Ukraine's legislation, all textbooks are financed from the budget of the Ministry of Education and Science of Ukraine and are provided free of charge. In terms of quantity and range, the provision of textbooks in Crimean Tatar has steadily improved since 2006: textbooks of Crimean Tatar language and literature are published for all 11 grades and a number of textbooks for other subjects at primary and secondary school have been translated. The Crimean Ministry of Education reports that in 2011, 95 per cent of needs in Crimean Tatar schools had been met compared to 72 per cent in 2007. However, problems concerning the quality of the textbooks remain, especially regarding the poor translation and mismatch with the linguistic competence of pupils. Teachers claim that the textbooks are insufficiently related to the curriculum and are too difficult to use, requiring them to spend significantly more time to prepare their classes. The translated textbooks also do not appear to have the aim of gradually raising the linguistic competence of the pupils.

Opportunities to revise language education policy in Crimea

One of the structural causes underpinning the limited access to teaching in and of FDP languages is that Ukraine's education system presents parents in Crimea with a choice of education in Russian, Ukrainian or Crimean Tatar, which is then taught as if it is the child's first language. This model does not address the language-needs of pupils who are learning in a language that is not their first language, which is a serious issue for the 30–70 per cent of pupils in Crimean Tatar schools who hardly speak Crimean Tatar. As of grade 1, they are taught in Crimean Tatar and learn Ukrainian and a foreign language, while none of these is their first language.

Furthermore, because several languages are taught as subjects, language classes compete with one another for teaching hours within the already dense curriculum. Parents therefore face a stark choice between instruction in Russian or Ukrainian, both of which are perceived as having a higher socio-economic value, or in the language of their community. Although multilingual education (MLE) – where teachers use both languages simultaneously in the classroom – does exist in Crimea, practitioners are exceptions to the rule: the Ukrainian education policy does not aim to produce bilingualism as an educational outcome. This affects the methodologies used to teach the courses and evaluate the results: teaching strategies are less effective, the linguistic competencies of teachers are not certified or targeted by professional development programmes and the degree to which bilingual instruction contributes to enhanced language competencies is not assessed.

MLE in Crimea might be approached by gradually introducing trilingualism through using Russian, Ukrainian and Crimean Tatar languages in the education process. Such an approach would not only ensure further development of the Crimean Tatar language, but also promote integration and consolidation of the Crimean Society as a whole. This initiative (developed within the framework of the Crimea Policy dialogue, supported

¹¹⁰ The 2012 "Concept on Sustainable Professional Development of Teachers" adopted by the Ukrainian Ministry of Education allows teachers to obtain two pedagogical qualifications, which could, in theory, offer an opportunity to prepare teachers who are both subject teachers and language teachers.

by the Foreign Ministry of Finland) has been endorsed by numerous Crimean teachers, parents and pupils; Crimean regional authorities, as well as some officials from the responsible central Ministry also welcomed it.

Schools currently do not collect information about the language abilities of children nor about languages spoken at home, whereas such data would allow them to target the medium of instruction appropriately to a child's linguistic needs. As a result, opportunities are missed to use the education system to serve the dual purpose of protecting and promoting the languages of FDPs on the one hand, and to encourage acquisition of Ukrainian and Russian to increase the professional opportunities on the other.

Recommendations

To the Government of Ukraine and the Crimean authorities

- The Ukrainian Ministry of Education should exercise leadership to ensure that the right to receive instruction in and of minority languages is granted in an equitable manner. The current system in which local authorities are setting their own minimum thresholds should be revised, including with clear procedures and criteria for the opening of classes, to reduce discrepancies between regions.
- The authorities should acknowledge that instruction in and of minority languages is inherently more costly than instruction in the language of the majority. As such, additional investment may be required to meet the specific needs of FDP communities and to ensure sustainable funding to schools that offer instruction in and of the languages of FDPs.
- In schools with instruction in minority languages, the authorities should ensure that the linguistic competencies of FDP children are duly taken into account, especially for those children who receive instruction in languages other than their first language. The development of linguistic competencies should be recognized as a specific objective with its own clear targets and indicators. Teachers should be trained accordingly.
- The authorities should consider reducing the existing separation and competition in the curriculum between the learning of different languages; to do so, they could expand on existing multilingual education initiatives and consider introducing methodologies listed in the Council of Europe's Platform of resources and references for plurilingual and intercultural education, such as Content and Language Integrated Learning (CLIL).¹¹¹
- The authorities should continue their efforts to promote inter-cultural and inter-religious understanding through the education system, including by expanding on existing initiatives such as the course on the Culture of Good Neighbourhood as well as the review of the history curriculum.

8. CONCLUSIONS

Nearly a quarter of a century has passed since the members of the communities that were deported on ethnic grounds began returning to Crimea in large numbers. The passing of time has not resolved all problems in Crimea; if anything, it has made them worse. The lack of a comprehensive legal and political agreement on the restoration of rights of the FDPs has presented formidable obstacles to their full integration into public and socio-economic life. The needs assessment shows that unresolved questions of identity, land, property and inclusion in political decision-making are deeply dividing the different groups in Crimea and give rise to tensions, both between communities and within them.

To date, all sides have largely and prudently refrained from resorting to violence to achieve their aims or address their grievances, but the potential for conflict remains as protracted problems are left unresolved.

¹¹¹ In CLIL, courses are taught with the dual objective of teaching the language and the subject simultaneously. This teaching methodology is endorsed by the European Commission as a priority area in its Action Plan for Language Learning and Linguistic Diversity and is widely used throughout Europe to promote multilingualism.

Crimea faces a volatile mixture of acrimonious political competition, socio-economic exclusion, inter- and intra-religious strife and a general atmosphere of increasing intolerance. The risk of inter-ethnic violence is real and requires urgent attention, both from Ukraine and from its international partners.

This paper has reviewed six issue areas that the HCNM has identified as particularly concerning and in need of attention from the Ukrainian and Crimean authorities and the international community. Of these, the lack of a legal framework for the restoration of rights of the FDPs stands out as one of the most pressing. The adoption of appropriate legislation that defines the FDPs as a separate legal category and clearly outlines their rights to land, housing and State support is a prerequisite for the development of targeted and effective policies. The Ukrainian Verkhovna Rada should therefore pass the Law “On Restoration of Rights of Persons Deported on Ethnic Grounds”, already adopted in the first reading on 20 June 2012, as an immediate priority. Together with the Central Asian States, it should also remedy problems within the legal framework that are negatively affecting returnees, including with regard to citizenship, residency permits and the high costs of relevant paperwork. If an extension of the Bishkek Agreement is not agreed upon by all of its signatories, Ukraine and the Central Asian States could sign bilateral agreements to address these concerns.

Targeted policies are also required to end the disadvantages facing FDPs in the spheres of land, housing, education, language, culture and political participation. The institutional framework is insufficiently equipped to do so, especially after the dissolution of the State Committee for Nationalities and Religion in late 2010. The Government should therefore follow up the adoption of the law “On Restoration of Rights of Persons Deported on Ethnic Grounds” by re-establishing a dedicated agency with the mandate to implement the Law and to co-ordinate the development and funding of related policies.

In terms of acute social needs, the research revealed that lack of land and housing were the two most prevalent factors inhibiting the improvement of the socio-economic situation of the FDPs. Tens of thousands of FDPs still reside in unauthorized settlements that lack basic infrastructure. A “vicious land cycle” has emerged whereby different ethnic communities respond to perceived injustices in the allocation of land by the authorities with land squatting, leading to tensions and profound uncertainty of land ownership that undermines Crimea’s economic potential. A comprehensive approach to resolve the land issue is urgently required, especially in anticipation of the lifting of the moratorium on land sales in 2016. In addition, existing programmes meant to provide FDPs with affordable accommodation require revision and stringent monitoring to ensure they meet their intended beneficiaries.

A comprehensive approach to the integration of society in Crimea requires inclusive decision-making, which in turn requires genuine opportunities for FDP communities to participate in political affairs. While political competition between and within communities is an essential part of pluralist systems, the current divisions within the Crimean Tatar community between the Mejlis and its opponents – and the instrumentalization of these divisions by the authorities – undermine the legitimacy of the institutions resolving the problems of the FDPs. An agreement on the legal status of the Mejlis and a removal of existing obstacles to equitable political representation of Crimean Tatars would contribute considerably to the efficiency and legitimacy of governance in Crimea and should be considered as an integral part of the process of restoration of rights and integration of the FDPs.

Research shows that the FDPs are also disproportionately affected by the generally difficult socio-economic circumstances facing Crimea. While poverty affects all communities, those who reside in rural areas – often in compact settlements without basic infrastructure – are particularly deprived of adequate social care and employment opportunities. Due to a lack of specialized institutions and data disaggregated by ethnicity, it is difficult to develop targeted policies and to counter the strong feelings of discrimination that prevail among FDPs. Further research is required, including in the context of existing poverty reduction strategies. In addition, the adoption of comprehensive anti-discrimination legislation and empowerment of relevant institutions, including at the regional level, could contribute significantly to reduce the perceived socio-economic exclusion and concomitant grievances of the FDPs.

Of the different FDP communities, the Crimean Tatars are most concerned about obstacles to the preservation and development of their language, culture and religion. The Crimean Tatar language is endangered and its proponents struggle to revitalize it in a predominantly Russian linguistic environment.

While the authorities provide some support, large sections of society appear reluctant to accommodate the development of Crimean Tatar identity and culture. This is exemplified by resistance to the restoration of historic place names, vandalism of religious sites and occasional clashes between Muslim and Orthodox communities. In addition, the Crimean Tatar community itself is divided over religious issues, with two spiritual directorates or Muftiyats vying for control and various Islamic movements attempting to increase their influence. Real or perceived threats to the Crimean Tatar identity and religious intolerance both increase social tensions and require State involvement, including by safeguarding minority rights and by swiftly condemning, investigating and prosecuting acts inciting religious or inter-ethnic hatred.

The education system, which should play a crucial role in the preservation and development of the languages and cultures of FDPs, is fraught with difficulties. While the legal framework acknowledges the right to mother-tongue education, in reality available resources and existing methodologies are not conducive to equitable educational outcomes. Parental demand for education in languages of FDPs, especially in Crimean Tatar, is low because children in Crimean Tatar-language schools are seen as disadvantaged compared to their peers in Russian-language schools. Multilingual solutions that break the zero-sum game of either Russian or Crimean Tatar are being explored but require further support and expertise. Over the longer term, a fundamental reform of the education system is required, from teaching methodology to teacher training and curriculum review. This demands central leadership, as research shows that local authorities are sometimes unable or unwilling to make the required investments.

Finally, the needs assessment shows that while the Ukrainian authorities should take the lead on addressing the current protracted problems facing the FDPs, Ukraine cannot be expected to solve all the problems on its own. Expertise and resources from abroad should be deployed to support and enhance their efforts. The international community has a clear stake in helping to build a stable and prosperous Crimea, which in turn will contribute to the stability and development of Ukraine as a whole. This is why the HCNM strongly advocates for the convocation of an International Forum on the Integration of the Formerly Deported People in Crimea. Such a Forum will provide an opportunity for all stakeholders to design a joint road map, identify areas where they can provide support and expertise, and agree on joint monitoring of the implementation of the road map. This paper serves as a starting point for this discussion. While the obstacles facing the successful restoration of rights and integration of the FDPs are numerous and will require strong local, national and international support to overcome, the research shows that they are by no means insurmountable.