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**To UN Committee on the Elimination of Racial
Discrimination**

Additional Information regarding Combined Periodic Reports of Ukraine
*Sending additional information regarding combined State Reports of Ukraine on In-
ternational Convention on the Elimination of All Forms of Racial Discrimination (ICERD)
that will be researched by CERD on tis 115 Session*

Prepared by:

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

***Liudmyla Korotkykh, lawyer of the Crimean
Tatar Resource Center***

***Borys Babin, expert of the Crimean Tatar
Resource Center***

***Zarema Bariieva, manager of the Crimean Tatar
Resource Center***

Crimean Tatars are the indigenous people of the Crimean peninsula, formed in the XV century with the establishment of their own state - the Crimean Khanate, which was liquidated by the Russian Empire in 1783.

The policy of repression, assimilation and expulsion of the indigenous people of Crimea from their land, conducted by the Russian Empire, led to the fact that the Crimean Tatar people became a numerical minority in their homeland.

The apogee of this policy was the total deportation of the Crimean Tatar people in 1944. About 200 thousand Crimean Tatars were forcibly deported to Central Asia, the Urals and Siberia. Lack of housing, food, adequate medical care led to the mass death of representatives of the people in a foreign land. Only in the first six months of deportation thirty thousand Crimean Tatars died - every fifth representative of the people. The information about the dead was hidden, so the Crimean Tatars were forced to conduct a census of the representatives of the people on their own. According to the Crimean Tatar national movement, about 46% of the total number of deportees died as a result of forced deportation.

After the deportation of the indigenous people in Crimea, everything related to the Crimean Tatar people was destroyed: mass settlement of residents from Russia and Ukraine, renaming of authentic Crimean Tatar place names, falsification of historiography, destruction of literature in the Crimean Tatar language, and the list of peoples of the USSR did not include the Crimean Tatar people at all.

Crimean Tatars were forbidden to live in their homeland, and those who tried to return to Crimea were subjected to secondary deportation and arrests. Thanks to the non-violent struggle for their rights, the Crimean Tatars began to return en masse to their historical homeland after 45 years.

However, when returning to their historical homeland, the authorities did not allow the indigenous people to enter the territories of their traditional residence.

Situation in the occupied Crimea

In 2014, the Russian Federation occupied Crimea - the homeland of the indigenous Crimean Tatar people and part of the territory of the sovereign state - Ukraine, violating the UN Charter, Article 3 of the UN Declaration on the Rights of Indigenous Peoples¹. On March 16, 2014, the so-called referendum on the status of Crimea was held, which was completely ignored by the indigenous people.

The first reaction to these actions was the UNGA resolution 68/262² “Territorial Integrity of Ukraine” of March 27, 2014. With this resolution the UNGA declared the illegal nature of the Crimean referendum and called on the states, international organizations and specialized agencies not to recognize the change of the status of the Autonomous Republic of Crimea and the city of Sevastopol on the basis of the illegitimately held referendum and to refrain from any actions that could be interpreted as such recognition.

The Crimean Tatar people opposed the occupation. In order to suppress non-violent resistance, the occupation administration began persecuting and shaping the image of an “internal enemy”, using hate speech, violating fundamental human rights and the collective rights of the indigenous people. To this day, the occupation administration actively uses all instruments of pressure: illegal detentions, arrests, searches, opening of fabricated administrative and criminal cases, threats, beatings, torture, forced abductions, murders, denial of re-registration and illegal alienation of private property. All these crimes are systemic in nature.

Since 2014, the Ukrainian law enforcement system has actually ceased to fulfill its functions. The consequence of this was the emergence of the bandit formation “Self-Defense of Crimea”, controlled by the FSB of the Russian Federation, which brutally suppressed any manifestation of disagreement with their position. During the occupation period of Crimea 60 people were killed, 28 of them representatives of the indigenous people.

Since 2014, 18 representatives of the indigenous people have been subjected to enforced disappearance in the occupied Crimea, whose fate is not known to this day, including a member of the Coordinating Council of the World Congress of Crimean Tatars Ervin Ibragimov, whose whereabouts have been unknown for about 9 years.

Violent abductions of people are systematically recorded, who are subjected to torture in order to intimidate and induce them to cooperate with the occupation security forces.

Since the beginning of the occupation of Crimea, searches have become a regular practice. As a rule, law enforcers break into houses early in the morning, behave rudely and brutally. Mostly mass searches are carried out on suspicion of involvement in the banned in the Russian Federation

¹ <https://undocs.org/A/RES/61/295>

² <https://undocs.org/en/A/RES/68/262>

organizations “Hizb ut-Tahrir”, “Jehovah's Witnesses” and “Battalion named after Noman Chelebidzhikhan”, espionage in favor of Ukraine, extremism, spreading hatred or hostility. Since 2020, there have been searches for failure to report (“failure to report a crime”).

During the searches, the law enforcers violate the rights of the victims: they damage property, conduct searches in the absence of the owners, and plant banned literature. Thus, the occupants are trying to discredit the indigenous people in front of the international community, presenting them as “terrorists” and “extremists”.

In the occupied Crimea, there is a trend of mass detentions after searches, usually on suspicion of involvement in the banned in the Russian Federation organizations “Hizb ut-Tahrir”, “Jehovah's Witnesses” and “Battalion named after Noman Chelebidzhikhan”. “As of 2022, detainees were also detained for discrediting the Armed Forces of the Russian Federation, including the following offenses: failure to report a crime, public calls for terrorist/extremist activities, participation in the activities of a terrorist organization, espionage in favor of Ukraine, illegal acquisition, storage, transportation of explosives and ammunition. Activists who come to support political prisoners at so-called court hearings are systematically detained.

A common tool of intimidation of activists is interrogations/conversations. Interrogations/conversations are held after the illegal detentions, including relatives of political prisoners, activists of the Crimean Tatar national movement on their way to the courts.

New fabricated criminal cases against representatives of the indigenous people are systematically initiated in the occupied Crimea. During the occupation period of the peninsula, 400 people became politically persecuted, 242 of whom are representatives of the Crimean Tatar people³. At the moment, 150 representatives of the indigenous Crimean Tatar people are in places of detention. In February 2023, political prisoner Dzhemil Gafarov died in prison, and in February 2024, political prisoner Rustem Virati died in prison too.

On June 1, 2022, the Russian Supreme Court issued a ruling recognizing the Noman Chelebidzhikhan Battalion as a terrorist organization, an additional tool for the misuse of Russian law in the persecution of indigenous people. Fifty-five people were arrested on suspicion of participation in the Battalion named after Noman Chelebidzhikhan.

And in 2024, the Russian authorities declared the Crimean Tatar Resource Center an undesirable organization.

The occupiers banned the only independent Crimean Tatar TV channel “ATR”, radio stations “Meydan” and “Leader”, which were searched, the founder of the QHA news agency Ismet Yuksel was banned from entering Crimea. Therefore, these media outlets were forced to leave Crimea. The websites of the Mejlis of the Crimean Tatar People and the Crimean Tatar Resource Center are blocked in the occupied Crimea.

Before the occupation of Crimea, Crimean Tatars systematically held mass public actions dedicated to the Day of the Victims of the Genocide of the Crimean Tatar People, Crimean Tatar Flag Day, Indigenous Peoples' Day and Human Rights Day. Since 2014, the occupation administration has been illegally applying Russian legislation, and with the adoption of the Federal Law No. 258-FZ of 21.07.2014, criminal liability for repeated violations of the rules of organizing and holding public events was introduced. Therefore, under various pretexts they prohibit holding public events, and on

³ <https://ctrcenter.org/en/projects/zhertvy-okkupacii>

the threshold of the above-mentioned dates Crimean Tatar activists are massively handed warnings on the inadmissibility of holding unauthorized events.

The Kurultai of the Crimean Tatar people is the highest representative body of the indigenous people, elected in direct democratic elections. The Kurultai elects the Mejlis of the Crimean Tatar people, a representative-executive body. By the UN ECOSOC decision⁴ E/DEC/1995/317 of 25.11.1995 the Mejlis of the Crimean Tatar people was recognized as an organization of the indigenous people and admitted to the work of the UN. By the Decree of the President of Ukraine No. 518/9⁵ dated 18.05.1999 the Mejlis was given the status of the Council of Representatives of the Crimean Tatar People under the President of Ukraine. The Kurultai and Mejlis are democratic bodies regulating all spheres of life of the Crimean Tatar people. The Mejlis of the Crimean Tatar people is the representative body of the indigenous people in accordance with articles 18-20 of the UN Declaration on the Rights of Indigenous Peoples⁶.

With the beginning of the occupation of Crimea by Russia, the persecution of the representative body of the indigenous people for its consistent position and non-violent defense of the collective rights of the Crimean Tatar people began. By illegal decisions of the “Supreme Court of the Republic of Crimea” of 26.04.2016 and the Supreme Court of the Russian Federation of 29.09.2016, the Mejlis of the Crimean Tatar people was declared an extremist organization and banned. On April 19, 2017, the International Court of Justice of the United Nations issued an interim order⁷ in the case “Ukraine v. Russia” in the part of the complaint on violation of the International Convention on the Elimination of All Forms of Racial Discrimination, which obliged Russia to resume the activities of the Mejlis of the Crimean Tatar people. However, the Russian Federation has not yet fulfilled this decision. The building of the Mejlis of the Crimean Tatar people was illegally “nationalized” by the occupants. Members of the Mejlis of the Crimean Tatar people are restricted in the realization of representative functions in the occupied Crimea, due to the threat of criminal liability. Criminal proceedings have been opened against a number of members of Mejlis of the Crimean Tatar people.

Since 2014, the occupation administration has been destroying monuments of cultural heritage of the Crimean Tatar people. For example, under the guise of “restoration” they destroyed the only example of Crimean Tatar palace architecture in the world - the Khan's palace.

Authentic materials were destroyed and replaced with modern ones, and recently the wall was destroyed. Excavations are carried out without coordination with the competent authorities of Ukraine and the Mejlis of the Crimean Tatar people, and artifacts are exported to Russia.

Despite the fact that the Crimean Tatar language is one of the state languages, the spheres of its use are narrowed, there are no Crimean Tatar versions of the official pages of the websites of the occupation administration, legal proceedings are conducted only in Russian, testimony in the native language is refused in courts, cases of threats to dismiss employees for communicating in their native language have been recorded.

Before the occupation, there were 15 schools and 384 classes with the Crimean Tatar language of education in Crimea. According to the data of the occupation administration, there are 7 schools with the Crimean Tatar language of instruction, 3 - with Russian and Crimean Tatar languages of instruction. Education in the Crimean Tatar language is allowed only upon application of parents. Administrations of educational institutions create obstacles in submitting applications or do not accept

⁴ <https://ecosoc.un.org/sites/default/files/documents/2023/decision-1995-317.pdf>

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

⁶ https://www.un.org/ru/documents/decl_conv/declarations/indigenous_rights.shtml

⁷ <https://www.icj-cij.org/files/case-related/166/166-20170419-ORD-01-00-EN.pdf>

them from parents, reduce the number of hours for studying the Crimean Tatar language. There were attempts to close Crimean Tatar language schools in the village of Annivka and in the town of Sary Krym. An important indicator is the ratio of the number of children studying in Russian, Crimean Tatar and Ukrainian languages. In the 2020-2021 school year, 73900 children were studying in 554 educational institutions in Crimea, 72600 of them studied in Russian (98.3%) and 1200 (1.6%) in Crimean Tatar language.

The schools' administration reprimands children for communicating in their native language, raids are conducted to search banned literature. FSB officers conduct preventive conversations with Crimean Tatar children. They conduct questionnaires with pupils to find out the mood in the families and their propensity to denounce.

The historiography of Crimea and the Crimean Tatar people is rewritten and falsified. The history textbook for the 10th grade contained biased statements on the history of the Crimean Tatar people with manifestations of xenophobia. Under public pressure, the occupation authorities withdrew the textbook from schools, but in 2020 this textbook was again used in the educational process.

The occupation administration illegally applies Russian legislation and adopts local unlawful laws. On January 15, 2015, the Law of the “Republic of Crimea” “On granting land plots owned by the state or municipality and some issues of land relations” was adopted. The issues with land registration for representatives of indigenous people in Simferopol and Simferopol district, Yevpatoria, Sudak, on the South Coast of Crimea remain unresolved. At the same time, land auctions are held in Crimea. Taking into account the ongoing policy of population replacement on the peninsula, the occupation administration facilitates Russian citizens in acquiring land plots in Crimea, providing them with favorable employment conditions. In addition, with the beginning of full-scale aggression against Ukraine, the occupation administration distributes land plots to the Russian military - participants of the war against Ukraine.

In addition to depriving the Crimean Tatar people of their right to land, the inalienable right of the indigenous people to resources and minerals in Crimea is ignored. On November 17, 2019, the Mejlis of the Crimean Tatar people adopted a Statement “On the observance of the inalienable rights of the indigenous Crimean Tatar people under the temporary occupation of Crimea by the Russian Federation”⁸. However, the practice of using the resources, subsoil and minerals of the Crimean peninsula without a free, prior and informed consent of the representative body of the indigenous Crimean Tatar people continues up to the present day. As a result of the policy of substitution, about 50 thousand out of 300 thousand Crimean Tatars were forced to leave their native land, and according to the monitoring data of the Crimean Tatar Resource Center, more than 600 thousand Russians were brought to the territory of Crimea.

Challenges for Realization of Law “On Indigenous Peoples of Ukraine”

Current situation with realization of Ukraine’s Law “On Indigenous Peoples of Ukraine”, that was mentioned in Ukraine’s combined reports, in framework of ICERD national implementation, faces serious problems and challenges, that make direct influence on indigenous Crimean Tatar people’s collective rights in condition of Russian aggression and ongoing occupation of the Crimean peninsula.

⁸ <https://www.facebook.com/dogrujol/posts/2499882433440229>

A year before Russia's broad-scale aggression, and seven years after official recognition by Ukrainian Parliament the Crimean Tatar people as the indigenous one and the Mejlis of Crimean Tatar People (MCTP), as its representing body⁹, Ukraine adopted that Law "On Indigenous Peoples of Ukraine" on July 1, 2021 № 1616-IX¹⁰.

One year later, in cooperation with our Center and in conditions of broad scale Russian aggression, Cabinet of Ministers of Ukraine (CMU) approved the Procedure for Conducting Consultations of Executive Authorities with Representative Bodies of Indigenous Peoples of Ukraine, by the Resolution on August 19, 2022 № 1018¹¹ and the Procedure for Consolidation the Legal Status of Representative Body of Indigenous People of Ukraine and Depriving It of Such Status, by Resolution dated August 19, 2022 № 936 (Procedure № 936)¹². And a day before Russian invasion, on February 23, 2022, CMU also approved Strategy for the Development of the Crimean Tatar Language for 2022-2032 by Prescript № 224¹³.

Article 2 of Law № 1616-IX established in its part 2 that Indigenous Peoples of Ukraine, exercising right to self-determination, have the right to self-government in the questions relating to their internal affairs including concerning ways of creation of their representative bodies which are formed and are effective within the Constitution and the laws of Ukraine.

Article 3 of Law № 1616-IX established in its part 3 that the measures of enhanced support for the Indigenous Peoples of Ukraine, shall be introduced by the CMU upon request and after consultations with representative bodies.

Article 4 of Law № 1616-IX established in its parts 2 and 3 that the list of places and objects of religious and cultural significance of the Indigenous Peoples of Ukraine, the procedure for using these objects, their financing and receiving income from such activities shall be determined by the CMU after consultations with representative bodies. In order to restore the historical toponymy of the Indigenous Peoples of Ukraine, the CMU, after consultations with representative bodies, shall submit draft resolutions on renaming settlements.

Article 5 of Law № 1616-IX established in its part 2 that the central executive authorities, in cooperation with representative bodies, shall determine the procedure for including information on the languages, history and culture of the Indigenous Peoples of Ukraine in the educational process in accordance with the laws of Ukraine in the field of education.

Article 6 of Law № 1616-IX established in its part 1 that the Indigenous Peoples of Ukraine, through their representative bodies, have the right to create their own media in accordance with the laws of Ukraine.

⁹ <https://zakon.rada.gov.ua/laws/show/1140-18>

¹⁰ <https://zakon.rada.gov.ua/laws/show/1616-20#Text>

¹¹ <https://zakon.rada.gov.ua/laws/show/1018-2022-%D0%BF#Text>

¹² <https://zakon.rada.gov.ua/laws/show/936-2022-%D0%BF#Text>

¹³ <https://zakon.rada.gov.ua/laws/show/224-2022-%D1%80#Text>

Article 7 of Law № 1616-IX established in its part 1 that the Indigenous Peoples of Ukraine, through their representative bodies, have the right to determine priorities and develop strategies in order to exercise their right to development.

Article 10 of Law № 1616-IX established in its part 3 that representative bodies may delegate their representatives to participate in the work of an international organization, its body and an international conference, provided that the rules of operation of such an international organization, its body and an international conference provide for the possibility of independent participation of representatives of the Indigenous Peoples of Ukraine.

Article 8 of Law № 1616-IX established in its part 1 that representative bodies acquire and lose the rights and obligations stipulated by laws of Ukraine after the CMU adopts a decision to consolidate their legal status or deprive them of it. A draft of such a decision is submitted for consideration by the CMU by the central executive body that ensures the formation and implementation of state policy in the field of interethnic relations, religion and protection of the rights of national minorities of Ukraine. Now the State Service of Ukraine on Ethnic Policy and Freedom of Conscience (DESS) is such body.

Article 9 of Law № 1616-IX established in its parts 1 and 2 that Indigenous Peoples of Ukraine represented by their representative bodies have the right to access financial, technical, charitable and humanitarian assistance from foreign states, international organizations, legal entities and individuals in accordance with the laws of Ukraine. Financial support for the activities of representative bodies is provided at the expense of the State Budget of Ukraine under a separate budget program. The financial needs of representative bodies are determined annually based on their motivated requests.

So exactly the Representative Body of Indigenous People of Ukraine (RBIPU) is the key subject, competent to present and realize the collective rights of relevant Indigenous People of Ukraine, and absence of state's consolidation of the legal status for RBIPU make almost all norms of Law № 1616-IX declarative for the relevant Indigenous People of Ukraine.

Procedure № 936 determined on that issue in article 3, 4 and 5 that the decision on the consolidation of the legal status of a RBIPU and the deprivation of such status is made by the CMU in the form of a prescript. The DESS prepares and submits to the CMU a draft prescript of the CMU on the consolidation of the legal status of RBIPU. To prepare a draft prescript of the CMU on the consolidation of the legal status of a RBIPU, the head or other member of the RBIPU authorized to represent its interests shall personally submit to the DESS set of documents, established by Procedure № 936.

Procedure № 936 determined in articles 7 and 8 demands to RBIPU's Constituent document and added in its article 9 that the DESS processes the documents submitted by the RBIPU for their compliance with the requirements of the legislation and within 60 working days from the date of receipt of the full package of documents DESS must prepare and submit for consideration by the CMU a draft prescript on the consolidation of the legal status of a RBIPU or DESS must provide the RBIPU with a reasoned refusal indicating the shortcomings identified in the submitted documents.

During the processing of documents, the DESS may seek advisory assistance from scientists, other experts, with requests to law enforcement or other state bodies, as well as from members of the RBIPU in order to obtain the necessary information. The DESS may decide to consider documents submitted

for the preparation of a draft prescript of the CMU on consolidating the legal status of the RBIPU, with the participation of members of the RBIPU. In the event that the RBIPU submits an incomplete package of documents, the DESS shall notify the relevant RBIPU thereof within five working days from the date of their receipt, Procedure № 936 added.

In June, 2023, Mejlis of Crimean Tatar People (MCTP) asked officially DESS to initiate decision of CMU to establish officially the legal status of MCTP as the RBIPU, implementing procedure under Resolution № 936, such submission to DESS was done by MCTP's authorized representative, Head of Department of External Relations and Human Rights Activities of MCTP¹⁴, Mr. Eskender Bariiev. Mr. Bariiev and barristers, gave demanded documents to DESS on June 5, 2023 and after that date DESS did not return this documents to MCTP, and DESS did not initiate any consultations regarding those issues.

Later, in October 2023, the DESS transferred these documents to the CMU by letter № 5947/12-03/23 and, in addition, DESS initiated technical changes to improve the Procedure № 936 by the resolution of August 19, 2023 № 874¹⁵. But since this day CMU did not adopt own prescript on consolidating the legal status of the RBIPU for MCTP.

So, the MCTP, as indigenous representative body, illegally banned by Russia in 2016, is still not legalized in Ukrainian jurisdiction as legal entity, despite the relevant progressive Law № 1616-IX signed by President Volodymyr Zelenskyy in 2021 and relevant documents, sent by MCTP to Ukrainian Government in June, 2023¹⁶.

Such illegal non-activity of the Government made a serious challenge for MCTP's next claims against Russia for defense Crimean Tatars as victims and for issues of international solidarity with indigenous people of Ukraine also¹⁷. Also the absence of prescript on consolidating the legal status of the RBIPU for MCTP influenced negatively on Judgment of International Court of Justice on Application of the International Convention for the Suppression of the Financing of Terrorism and of the ICERD (Ukraine v. Russian Federation), adopted on January 31, 2024. In that Judgment ICJ declared that allegedly MCTP in not the indigenous representative body, but the political entity and so ICJ rejected the Ukraine's claims on violation the ICERD by Russia regarding Crimean Tatars in that case¹⁸.

Now such illegal non-activity of the Ukrainian Government is the subject of administrative case 320/43772/24 in Kyiv Circuit Administrative Court¹⁹²⁰, initiated by MCTP' member and official representative in issues, regulated by Resolution № 936, Mr. Eskender Bariiev, presented in that case by Dr. Borys Babin as the barrister.

¹⁴ <https://qtm.org/struktura/>

¹⁵ <https://zakon.rada.gov.ua/laws/show/874-2023-п>

¹⁶ <https://www.ohchr.org/sites/default/files/documents/issues/indigenouspeoples/emrip/cfis/study-ip-data/subm-study-indigenous-data-indi-peop-association-reintegration-crimea.doc>

¹⁷ <https://arcrimea.org/en/activity/2024/10/04/russian-aggression-and-absence-of-access-to-justice-in-occupied-crimea/>

¹⁸ <https://www.icj-cij.org/sites/default/files/case-related/166/166-20240131-jud-01-00-en.pdf>

¹⁹ <https://www.ukrinform.ua/rubric-politics/3917444-cubarov-prokomentuvav-pozov-do-sudu-z-vimogou-viznati-medzlis-predstavnickim-organom-krimskih-tatar.html>

²⁰ <https://reyestr.court.gov.ua/Review/122222030>

The basis of the specified case was that on June 5, 2023, guided by the Procedure № 936 and the Law № 1616-IX, Mr. Bariiev on behalf of the MCTP submitted documents to the DESS on obtaining for MCTP the legal status of the RBIPU.

But, as of the summer of 2024, the CMU had not been approved decision on these documents, which became the basis for the administrative lawsuit described, which was subsequently supported, through written appeals to the CMU, by many civil associations of ethnic communities of Ukraine, those appeals' copies are attached in annex.

By the ruling of the Kyiv Circuit Administrative Court of February 7, 2025, in case 320/43772/24, proceeding P/320/43772/24 was opened on the claim of Mr. Bariiev, the Head of the Department of the MCTP to the CMU, with the DESS as a third party on the side of the Government, regarding the CMU's failure to adopt a decision to consolidate the legal status of the RBIPU for the MCTP, and regarding the failure to respond to the Mr. Bariiev on that issue, regarding compensation for moral damage.

It is noteworthy and follows from the rulings in this case 320/43772/24 dated September 23, 2024²¹, dated October 1, 2024²² and dated March 17, 2025²³, that the court twice satisfied the objections of Mr. Bariiev to the judges on the grounds of their Crimean real estate and their relatives in the Crimean “government structures”, identified by the applicant in the case, and further Mr. Bariiev disagreed with the procedure for forming the court, due to non-compliance with the requirements of the administrative process regarding the collegial, rather than single-person consideration of claims against the CMU, as the court actually did in the described case, in particular by the rulings of September 25, 2024²⁴ and February 7, 2025²⁵.

However, as follows from the materials of the case 320/43772/24, after Mr. Bariiev filed this lawsuit, in November 2024, the CMU returned the documents on the consolidation the MCTP's legal status, to the DESS by letter № 26556/0/2-24 on the basis of the discretionary position of the Prime Minister, expressed at the CMU's meeting on October 29, 2024, with reference to the general norms of the CMU's Regulations and without indicating any shortcomings in the MCTP's and the DESS's documents.

At the same time, the lack of such governmental instructions even forced the DESS to further write to the Secretariat of the CMU with a request №7150/04-03/24 to provide an extract from the Minutes of the relevant Government meeting, which, however, did not contribute to establishing the position of the CMU on what exactly the DESS should have further corrected in this case.

²¹ <https://reyestr.court.gov.ua/Review/121797767>

²² <https://reyestr.court.gov.ua/Review/122101239>

²³ <https://reyestr.court.gov.ua/Review/125239411>

²⁴ <https://reyestr.court.gov.ua/Review/121870680>

²⁵ <https://reyestr.court.gov.ua/Review/125202173>

But at the same time in the end of December, 2024, President of Ukraine Volodymyr Zelenskyy stated on meeting with Ukrainian ethnic groups' representatives, that issue of legalization of Mejlis of Crimean Tatar people will be solved soon²⁶.

So the case of the legalization of the Mejlis of Crimean Tatar People highlighted such obvious organizational and managerial shortcomings of the procedures provided for by the Procedure № 936 and other acts of legislation, as the lack of a set deadline for the CMU to consider documents submitted by the DESS in accordance with the Procedure № 936 and the lack of regulation by the legislation of the situation in which the CMU does not approve a discretionary decision to implement the Procedure № 936 and the Law № 1616-IX.

Described situation creates additional challenges for Ukraine's ICERD implementation.

We also remind to the Committee, that Ukraine still did not establish or indicate a body within Ukraine's national legal order which shall be competent to receive and consider petitions from individuals and groups of individuals within its jurisdiction who claim to be victims of a violation of any of the rights set forth in ICERD and who have exhausted other available local remedies, as it was determined by part 2 of article 14 of ICERD.

It directly follows from the letter of DESS № 1451/12-99/24 dated March 14, 2024²⁷; that letter confirms this fact with reference to the Procedure for participation of central executive bodies in the activities of international organizations of which Ukraine is a member, adopted by the CMU's resolution dated September 13, 2002 № 1371²⁸. Absence of such national body complicate the realization of ICERD demands in Ukraine.

In those framework the realization of Ukraine's Law "On Principles of Preventing and Countering Discrimination in Ukraine", 2012 № 5207-VI²⁹, also as Ukraine's Law "On Preventing and Combating Anti-Semitism in Ukraine", 2021 № 1770-IX³⁰, mentioned in Ukraine's Reports, as tool of ICERD implementation, has some problems and challenges, as it was proved in case of our Center's expert Dr. Borys Babin. This case was under attention in the Report A/79/195, 2024 of the UN Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance³¹ and in the Report of the International Independent Expert Mechanism to Advance Racial Justice and Equality in Law Enforcement A/HRC/57/71, 2024³² already.

In that case national courts in cases 420/6255/20³³, 991/6913/21³⁴ and 420/2297/22³⁵³⁶ refused to implement the demands of points «b», «c» and «d» of part 1 of article 2, by point «c» of article 4, by point «a» of article 5, of articles 6 and 7 of ICERD, also as demands of articles 1 and 2 of General

²⁶ <https://www.ukrinform.ua/rubric-society/3942615-pitanna-zakriplenna-predstavnickogo-statusu-medzlisu-v-ukraini-bude-virisene-najblizcim-casom-cubarov.html>

²⁷ <https://www.ohchr.org/sites/default/files/documents/issues/racism/cfis/res78234/subm-preparation-un-sg-cso-association-reintegration-crimea-input-1.pdf>

²⁸ <https://zakon.rada.gov.ua/laws/show/1371-2002-n>

²⁹ <https://zakon.rada.gov.ua/laws/show/5207-17>

³⁰ <https://zakon.rada.gov.ua/laws/show/1770-20>

³¹ <https://documents.un.org/doc/undoc/gen/n24/244/03/pdf/n2424403.pdf>

³² <https://documents.un.org/doc/undoc/gen/g24/143/13/pdf/g2414313.pdf>

³³ <https://reyestr.court.gov.ua/Review/94326952>

³⁴ <https://reyestr.court.gov.ua/Review/100905010>

³⁵ <https://zakon.rada.gov.ua/laws/show/2747-15>

³⁶ <https://reyestr.court.gov.ua/Review/116451828>

recommendation XXVI, 2000 of Committee on the Elimination of Racial Discrimination, of article 3 of General recommendation XXXI, 2005 of that Committee, of articles 22 28, 37, 38 and 46 of General recommendation No. 35 (2013) CERD/C/GC/35 “Combating racist hate speech” of that Committee and articles 27 and 49 of General recommendation No. 36 (2020) on preventing and combating racial profiling by law enforcement officials CERD/C/GC/36 of that Committee, and demands of Ukraine’s Law “On Principles of Preventing and Countering Discrimination in Ukraine”, 2012, also as Ukraine’s Law “On Preventing and Combating Anti-Semitism in Ukraine”, 2021.

National courts in cases 991/6913/21 and 420/2297/22 refused to secure rights of Dr. Babin, when prosecutors in his proceeding 5201700000000361 violated the ICERD demands and Ukraine’s legislation against racial discrimination and anti-Semitism, and High Anti-Corruption Court of Ukraine refused to give to Dr. Babin the copy of the technical record of the court hearing in case 991/6913/21, and the copy of the journal of that court hearing, where the prosecutor in proceeding 5201700000000361 made support of the anti-Semitic statements of former Deputy Prosecutor General who talked to the subordinates on “the influence of the Jews in the world and that he does not want enemies among them, while using numerous anti-Semitic statements and obscene expressions” just about the key persons of proceeding 5201700000000361³⁷.

Ukraine’s Supreme Court declared in case 420/2297/22 on March, 11, 2024 that allegedly “the motives of Borys Babin, that all his knowledge, skills, skills and experience in combating racial discrimination cannot protect him from the brutal lawlessness and arbitrariness of the High Anti-Corruption Court, and his awareness of this forms a clear understanding in him that he, as a scientist and human rights defender, has proven himself unable to eradicate anti-Semitic manifestations and manifestations of racial discrimination of the relevant officials either through education or through legal procedures, are subjective and evaluative, which does not indicate the exclusivity of this case and the need for the Supreme Court to form a conclusion”³⁸.

This example, being researched by UN Special Procedures now, shows the absence of readiness of Ukraine’s national courts to implement the ICERD demands, to take into account CERD recommendations and even to realize the Ukraine’s Law “On Principles of Preventing and Countering Discrimination in Ukraine”, 2012, also as Ukraine’s Law “On Preventing and Combating Anti-Semitism in Ukraine”, 2021.

So, the Committee must take into account the described situations in relation to the combined twenty-fourth to twenty-sixth periodic reports of Ukraine.

Annexes:

Copies of civil associations’ written appeals to the CMU in Mejlis case

Copies of DESS and CMU letters in Mejlis case

³⁷ <https://kdkp.gov.ua/decision/2018/07/26/366>

³⁸ <https://reestr.court.gov.ua/Review/117565641>