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Mr Anatolii MOHYLIOV
Prime Minister of the Autonomous Republic of Crimea

Strasbourg, 31 January 2012

Dear Prime Minister,

Further to my visit to the Autonomous Republic of Crimea from 24 to 26 November, I would like to take this opportunity to follow up on the constructive dialogue that I had with the Crimean authorities concerning the situation of various ethnic groups living in the Republic, including as regards the further integration of the formerly deported groups in the Crimean society, preservation and promotion of the language diversity and education in minority languages in schools and higher educational establishments.

First of all, I would like to acknowledge efforts undertaken at regional and national level aimed at ensuring the possibility of return of Crimean Tatars and other groups which were deported from the region in 1944, as well as their further resettlement and integration in the local society, including by granting Ukrainian citizenship to the vast majority of those who returned. Promoting tolerance and peaceful coexistence has become an important element of the policies pursued in this respect.

Further efforts are nevertheless needed to ensure full integration of these groups, in particular in relation to their access to employment, housing and social protection. While some progress has been achieved in solving such a complex issue as access to land and property for Crimean Tatars, a lot more remains to be done. In this respect I would like to draw your attention to the Resolution CM/ResCMN(2011)8 on the implementation of the Framework Convention for the Protection of National Minorities by Ukraine, which calls on the Ukrainian Government to take further steps to address this issue by adopting legal norms relating to property restitution and providing for adequate compensation.¹ A similar recommendation appears also in the Concluding observations of the UN Committee on the Elimination of Racial Discrimination.²

I was encouraged by the news which I received during my visit to the region, suggesting that a negotiated solution was agreed upon concerning the allocation of the land plots to the Crimean Tatar community in the vicinity of the region's capital city, Simferopol. I hope that this could pave the way for similar agreements in other places. A comprehensive approach towards addressing all of the above-mentioned issues will almost certainly require allocation of significant resources, which the government may not be in a position to provide for in the near future. Therefore, it may be necessary to find ways of attracting additional funding to finance the programmes aimed at further integration of Crimean Tatars and other deported groups, including for projects whereby the economic and social problems they face can be addressed. An international forum could be considered as a possible option.

The current Constitution of the Autonomous Republic of Crimea provides for the development and functioning of the state language, as well as Russian, Crimean Tatar and other minority languages. It also specifies that Russian as the language spoken by the majority of population shall be used in all spheres of public life. Taking into account the historical legacy and geographical situation of the region, I believe that multilingualism is a unique feature and asset of this territory and should be nurtured and preserved, including through media, and in schools and public institutions. Some reports suggest that the Russian language continues to predominate in the public realm. For my part, I

¹ Resolution CM/ResCMN(2011)8 on the implementation of the Framework Convention for the Protection of National Minorities by Ukraine, adopted on 30 March 2011.

² Adopted by the Committee on the Elimination of Racial Discrimination at its seventy-ninth session on 8 August – 2 September 2011, on the basis of the nineteenth to twenty-first periodic reports of Ukraine.

consider it important to strive to achieve an appropriate balance between the protection of the language rights of the most numerous Russian-speaking community, the promotion and development of the state language, as well as the Crimean Tatar and other languages spoken by the various ethnic communities living in the area. Failure to achieve this balance can become a source of tension and disagreements between different communities.

Special measures should be taken in order to protect the minority languages which are in danger of extinction. In this context I took note that in its Recommendation CM/RecChL(2010)6, the Committee of Ministers called upon the Ukrainian authorities, inter alia, to develop an educational policy for regional and minority languages, and to protect and promote the Karaim and Krimchak languages.³

One of the obvious ways to promote the use of various languages spoken by the local communities is through the recruitment procedure for various positions in the public sector. Preference should be given to recruiting civil servants with knowledge of the relevant minority languages, as this will enable the local authorities to better serve the whole population.

Some of the local interlocutors I met spoke favourably about the idea of ensuring a special status for the Russian language throughout the whole territory of Ukraine. I understand that draft legislation on language policy is currently pending in the national Parliament. In 2011, the Venice Commission delivered two Opinions on this matter: the first one in March 2011 on the draft law on languages in Ukraine, and another one in December 2011 on the draft law on principles of the state language policy. Once again, I would like to emphasise the principle that the relevant legislation should strive to ensure a fair balance between the protection of the rights of minorities and the preservation of the State language as a tool for integration within society.⁴

I would also like to draw your attention to the issue of school and higher education in the languages of the majority population and minority groups. While the number of classes and schools with disciplines taught in the Ukrainian and Crimean Tatar languages has increased, the above-mentioned fair balance has not yet been reached. I received some reports suggesting that those parents who wish their children to receive primary education in a particular language are sometimes unable to fulfil this goal, since there are either no places available or the nearest school of this type is situated far away from the place where they live. Therefore, efforts should continue to ensure that all those who wish to receive education in Ukrainian, Crimean Tatar or other minority languages are provided with adequate opportunities to do so. I would like to encourage you to further pursue a frank dialogue with the representatives of various linguistic communities, with a view to finding the best possible solutions to provide education for their children in the language of their choice.

I was also made aware of the fact that Ukraine does not currently have comprehensive anti-discrimination legislation. The legislative provisions related to hate crime are also rarely enforced. There is a worrying increase of incidents of harassment on racial grounds and intolerance. I believe you may raise this issue in your discussion with the central authorities, with a view to adopting comprehensive legislation which would assist in protecting minority rights in Crimea, and throughout the whole territory of the country.

Lastly, further to our discussions I would like to encourage you to consider setting up an institution of regional Ombudsman in the Autonomous Republic of Crimea. Undoubtedly, this will further contribute to strengthening the protection of human rights of the various groups of people residing in the peninsula.

Yours sincerely,

Thomas Hammarberg

³ Recommendation CM/RecChL(2010)6 of the Committee of Ministers on the application of the European Charter for Regional or Minority Languages by Ukraine adopted by the Committee of Ministers on 7 July 2010, §§ 1 and 6.

⁴ See also Opinion on the draft law on principles of the state language policy of Ukraine, [CDL-AD\(2011\)047](#), § 66.