

**Iryna Prybytkova**

*professor of the University of Kiev-Mohyla Academy*

## **STATELESSNESS, CITIZENSHIP AND HUMAN RIGHTS OF FORMERLY DEPORTED PEOPLES IN UKRAINE**

### **INTRODUCTION**

The dissolution of the USSR in 1991 unleashed a series of unprecedented population movements throughout the region. Millions people have migrated throughout the former Soviet Republics, fleeing violence, economic hardship and political change. The changing demographic patterns produced by these mass movements have placed considerable strains and new challenges on countries of the Commonwealth of Independent States (CIS) and their neighbours, particularly at a time when many of these countries are in the process of rebuilding their economies and national institutions. Unmanaged mass movements affected regional stability, while a lack of institutional support, in turn, added to the plight of those on the move.

In the CIS and the Baltic states which were created after the dissolution of the USSR the Laws on citizenship were adopted pursuing two main aims: to elaborate the formation principles of the initial group of citizens and determine the conditions for the loss or affiliation to a citizenship by simplifying of a procedure or by the way of naturalisation. The practice shows that the successor-states of the former Soviet Union, in spite of the model they keep to, have quite a substantial number of former Soviet citizens who have not been included into the initial groups of citizens or have not obtained citizenship by some other ways. Many of them appeared to be de-jure stateless persons.

The citizenship issue turned out to be so complicated that the Ukraine Government addressed UNHCR for assistance. In line with its mandate to reduce statelessness received from the United Nations General Assembly<sup>1</sup> UNHCR took up the challenge. Upon invitation by the Government, UNHCR commenced activities in Ukraine in 1994. In accordance with its mandate UNHCR assisted Ukraine to resolve the problem of stateless persons, in particular of some 260,000 formerly deported persons and their descendants, the bulk of whom are Crimean Tatars. Following the dissolution of the Soviet Union formerly deported persons (FDPs) returned to the Crimea. This return posed a major challenge to Ukraine. Tribute should, in this respect, be made to the OSCE High Commissioner on Nationalities, Mr. Max van der Stoep, who from the outset addressed the citizenship issue with the Ukraine Government, and who has all along served as a valuable support for UNHCR.

At the earliest stage of monitoring of this process it was necessary to categorize and target the different groups of FDPs in the most effective manner.

Accordingly the FDPs were identified as belonging to three different categories:

1. FDPs who returned to Ukraine before the Ukraine citizenship legislation entered into force on 13 November 1991 were in principle, according to Ukraine legislation, included in the initial body of *citizens of Ukraine*.

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<sup>1</sup> United Nations General Assembly Resolution 3274 (XXIX) dated 10 December 1974, reaffirmed in Resolution 50/152 dated 9 February 1996.

2. FDPs who returned to Ukraine after the Ukraine citizenship legislation entered into force in 1991 and left country of their previous residence before the respective citizenship legislation entered into force were found to be *de jure stateless*.
3. FDPs who returned/are returning to Ukraine after the respective citizenship legislation entered into force and left their previous country of residence after the respective citizenship legislation entered into force had/have *de jure acquired citizenship of their previous country of residence*.

As citizenship legislation of many CIS countries including Uzbekistan foresee that citizenship may be forfeited if citizens live abroad for a longer period without registration at the Embassy, these individuals are threatened with *de jure statelessness*.

### UNHCR CITIZENSHIP OPERATION IN UKRAINE

The initial approach was two-fold: UNHCR immediately in close cooperation with the Ukraine State Committee for Nationalities and Migration engaged in rehabilitation of communal buildings for the most vulnerable of the FDPs. UNHCR also provided capacity building in terms of technical support (i. e. computer equipment) and training to the relevant authoritative branches. The swift response and quick visible outcome of these activities served as a very helpful confidence building measure and paved the way for future activity.

The following activity of UNHCR can be summarized thus:

- revision of the Ukrainian Citizenship Law which incorporated many recommendations proposed by UNHCR;
- establishment of an extensive regional network of NGO's to provide legal counseling and support to FDP's;
- extensive capacity building, supporting the Crimean branches of the Ministry of Interior (OVIR), ensuring that necessary resources exist to process all applications, including providing equipment for the printing of passports;
- yearly roundtables on citizenship's issues since 1998 arranged in cooperation with Council of Europe, combined with extensive legal and sociological researches;
- facilitation of the bilateral agreement between Ukraine and Uzbekistan. The agreement introduced a simplified procedure for renouncing Uzbek citizenship;
- upon intervention by UNHCR the Ukrainian Government was convinced to waive all fees related to the affiliation and renunciation procedure;
- agreement with the leaders of the Crimean Tatar Medjelis to support the Citizenship Campaign.

With respect to the facilitation of the agreement between Ukraine and Uzbekistan on a simplified renunciation procedure, UNHCR continuously advocated for a procedure which would safeguard against individuals ending up stateless upon renunciation of their Uzbek citizenship. Hence,

according to the current procedure, an administrative conclusion stating the individual's eligibility for Ukrainian citizenship was drafted before the renunciation application was forwarded to the Uzbek authorities. Also, upon UNHCR's suggestion the Ukrainian authorities decided to let the date of affiliation coincide with the date of release from Uzbek citizenship.

Both the introduction of the simplified affiliation procedure and the introduction of the Uzbek renunciation procedure has been supplemented by Crimea wide public information campaigns (PI-campaigns) including TV, radio, posters, pamphlets, bill boards, etc.

The following activities conducted by UNHCR, made a significant impact on the success of the citizenship campaign so far.

### *1. Capacity Building*

- enhancement of the processing capacity of the Passport and Naturalization services in Crimea, which enabled them to process about 5000 cases per month;
- organization of seminars for relevant authorities, mass media and other involved parties;
- creation of mobile teams in order to reach FDPs in remote villages of the peninsula.

### *2. Creation And Support Of Two NGOs* which provide legal counseling on citizenship issues and assist in collecting applications.

The NGOs share a total of 27 field offices covering all of Crimea and also operate 4 mobile teams. Notably the use of mobile teams may also be viewed as a substantial psychological breakthrough on part of the Ukrainian authorities, as the notion of the authorities engaged in outreach activities and not vice versa is quite novel in the Crimean context. Thus, the NGO's have proven to be a valuable tool in terms of optimizing the outreach capacity of the developments and practical implementation.

Both NGOs have been tightly supervised by UNHCR legal staff, in order to ensure optimal activity levels and effectiveness. When implementing a large scale campaign like the one in Crimea such approach ensures connection to the local communities, maximum outreach and, if successful, a tight monitoring network.

### *3. A Comprehensive Public Information Campaign* consisted of the following elements:

- mass media approach including TV commercials, radio clips, newspapers articles, advertisements, posters and pamphlets informing FDP's about the importance of holding Ukrainian citizenship and opportunities given by the Ukrainian-Uzbek agreement;
- out-reaching activities providing FDPs in the remote areas with relevant information on an individual basis through door to door campaigns, citizenship concerts, visits to the Crimean Tatar National schools and classes and other kinds of cultural/educational events;
- the awareness raising campaign among FDPs children and their parents conducted through the Crimean Tatar national educational institutes;
- two raising awareness seminars on citizenship issues for Crimean~ Ukrainian and international mass-media representatives. Seminars were followed by a number of articles, reports and TV clips on citizenship issues;

- press-conference in Simferopol on the first anniversary of the Ukrainian-Uzbek agreement, conducted by the President Administration of Ukraine upon the initiative of the UNHCR Representative in Ukraine;
- sharing with the Ukrainian authorities and NGOs with experience on citizenship operations gained in other countries. Experience of the Crimean citizenship campaign is being shared with the Eastern and Central European countries facing problems related to statelessness/citizenship;
- keeping the donor missions updated on the development of the citizenship campaign in the Crimea.

#### THE RESULTS OF CITIZENSHIP CAMPAIGN IN THE CRIMEA

Since UNHCR involvement in the citizenship operations in the Crimea it was decided to initially focus on the *de jure stateless persons*. As a direct result of the Campaign the number of stateless persons who have affiliated to Ukrainian citizenship amounted to 25,100 by the end of May 1999. Concerning the introduction of the simplified renunciation procedure for FDPs with Uzbek citizenship, the development showed similarly significant results. *Since the middle of October 1998, when the procedure was introduced and until it came to an end on 31 December 1999, 53,647 persons have handed in their renunciation forms. This accounts for approximately 86% of the total number of FDPs with Uzbek citizenship living in Crimea.* Although the Uzbek side took the obligation to proceed an application within 6 months, the practice showed that the average time for the release procedure was about 4 months. *At the beginning of February 2000, 40,329 persons have been released from Uzbek citizenship and affiliated to the citizenship of Ukraine.* The majority of those who wished to take advantage of the simplified procedure before the dead-line on December 31, 1999, had the possibility to do so, but *8,599 persons chose not to affiliate to the Ukrainian citizenship for various reasons.*

*Simplified affiliation procedures were not still available for about 21,000 citizens of other, besides Uzbekistan, CIS states and they continued to face practical difficulties and high fees associated with renouncing their citizenship.* This group was given priority during the next (2000) year. The commitment of the Ukrainian Government was to achieve, with the assistance of UNHCR, further agreements for simplified procedures with these countries.

UNHCR has established close working relations with the Consulate departments of Embassies of the Republic of Kazakhstan, Republic of Kyrgyzstan, Turkmenistan, Georgia to Ukraine, Consulate department of Russian Federation to Crimea. UNHCR supported visits of Georgian, Tadjik and Kyrgyz Consuls to Crimea in order to organize a short-term reception of the renunciation applications from FDPs who, thanks to these visits, could avoid expenses associated with the travelling to the Embassies to Kyiv (or to Moscow to the nearest Embassy of Tadjikistan in the region).

As of 1 January 2000, all those who failed to take advantage of the Ukrainian-Uzbek Agreement and affiliate to Ukrainian citizenship in accordance with the simplified procedure should be subjected to the procedure as stipulated by the Law on Citizenship of Ukraine. In October 2000 the simplified renunciation procedure for FDPs with Uzbek Citizenship was prolonged until 31 December, 2001.

**THE LEVEL OF FDPs INFORMATION ON THE CAMPAIGN FOR AFFILIATION  
TO THE CITIZENSHIP OF UKRAINE**

The sociological survey on problems with citizenship of FDPs which was carried out in the Crimea in 1997 by professor Iryna Prybytkova revealed a very low level of information on the procedure for affiliation to or acquisition of the Ukrainian citizenship and renunciation of the previous citizenship among repatriates. It appeared to be that majority of FDPs did not know about the conditions for affiliation to the citizenship of Ukraine before they came to the Crimea. At that time only 6.7% of the respondents answered that they were aware about the procedure before they returned to their homeland. What are the results of the massive information campaign, which has been started in the Crimea in 1998 and was ongoing in 1999-2000?

The results of the latest analysis in 1999-2000 witness that the level of information among FDPs about the procedure for affiliation to or acquisition of the citizenship of Ukraine increased considerably if compare with 1997. The respondents were well informed about the procedures and the deadlines, about 2/3 of the respondents knew about it. To the less extent they were aware about the necessity of obtaining a reference on being registered as FDPs or their descendants in the Sections for Interethnic relations of Town Executive Committees and Regional Administrations of the Crimea (59.3%). Not all the respondents were aware of the fact that local Councils waived fees for notarisation of the authenticity of signatures on applications-questionnaires for FDPs and their descendants (55.6%).

The most well-informed were the repatriates from Uzbekistan. More than  $\frac{3}{4}$  of this contingent were aware of the Agreement between Ukraine and the Republic of Uzbekistan on introduction of the simplified procedure for renunciation of the citizenship of the Republic of Uzbekistan (80.6%). The number of 75.6% of the respondents from this group knew about the deadlines for this procedure, and the bigger number of the respondents (77.4%) knew about the duration of the simplified procedure for affiliation to the citizenship of Ukraine for stateless persons. 63.6% of the respondents were aware of the necessity of being registered and obtaining of a reference confirming their belonging to the category of FDPs, 58.3% of them knew that notary services are provided free of charge.

The respondents from the group of repatriates from other countries lacked information of the conditions for affiliation to or acquisition of the citizenship of Ukraine. Less than a half of these respondents showed the awareness of this very important information. Only 38.6% of the respondents knew that the simplified procedure for affiliation to the citizenship of Ukraine for stateless persons will be available until only 31 December 1999. It is necessary to notice that the repatriates who belonged to this category refrained from answering the questions about the level of their information.

**SOURCES OF INFORMATION**

The majority of the respondents (81.4%) were aware of the procedure for affiliation to or acquisition of the Ukrainian citizenship. The sources for getting this information were different.

The most effective sources are TV stations and local Passport Departments, which gathered 41.0%, and 31.5% of the respondents' votes respectively. Very important sources for receiving information are relatives, friends and neighbors (22.3%). The considerable work with regards to informing their compatriots about conditions and the procedure for affiliation to or acquisition of the

Ukrainian citizenship was done by regional and local Medjelises. Every 5<sup>th</sup> respondent indicated this (20.1%).

Newspapers and radio influenced the level of information of FDPs on citizenship matters considerably: 17.2% and 15.3% respectively of the respondents named these sources. Constant informational support in the campaign on the prevention of statelessness was provided by NGOs: the "Assistance" Foundation and the Crimean Tatar Lawyers League "Initium". The necessary information was obtained from them by 10.4% of the respondents (every 10<sup>th</sup>). Almost the same number of the respondents (9.9%) learned about the simplifying of the procedure for affiliation to the citizenship of Ukraine directly from the text of the Law on citizenship of Ukraine.

The lowest number of votes was obtained by such sources of information as posters and billboards (1.7%), leaflets, booklets and brochures (1.4%).

TV played the key role in the informational campaign on the support of renunciation of the citizenship of Uzbekistan (42.5%) although the respondents from another countries named Passport Service of the Crimea as the main source of information with regards to affiliation to the citizenship of Ukraine (43.6%).

#### **RENUNCIATION OF THE CITIZENSHIP OF THE REPUBLIC OF UZBEKISTAN**

How do the respondents acted when they obtained all necessary information on affiliation to the citizenship of Ukraine? Let us analyse the information on renunciation of the citizenship of the Republic of Uzbekistan by FDPs residing in the Crimea and holding the status of foreigners in Ukraine. Out of the number of 84.2% of the repatriates from Uzbekistan who answered the question on whether they applied to any institutions or not with regards to renunciation of the citizenship of the Republic Uzbekistan 62.3% confirmed the fact that they applied to different institutions and 21.9% said that they refrained from such a step.

What are the reasons, which prevented the respondents from renunciation of the citizenship of the republic of Uzbekistan? Of the 21.9% of respondents who did nothing in order to approach Passport Departments 15.7% were simply not aware of the necessity of renunciation of the citizenship of the Republic of Uzbekistan, and those respondents who knew about it (1.8%) did not pay attention to it. Financial obstacles prevent 2.6% of the respondents from renunciation of the citizenship of Uzbekistan. A very insignificant number of the respondents named other reasons. It is necessary underline that out of 15.7% of the respondents who did not possess any information on the procedure for renunciation of the citizenship of Uzbekistan 1.3% still considered themselves to be citizens of the USSR.

62.3% of the repatriates from Uzbekistan applied to local Passport Departments for renunciation of the citizenship of the Republic of Uzbekistan and affiliation to the citizenship of Ukraine having all necessary documents. However, the documents were accepted from 41.4% of the respondents only, the rest 16.2% of the respondents were refused on different reasons; 9.3% of them lacked necessary documents, 3.5% of the respondents had discrepancies in their papers, 2.4% of them did not hold propiskas in places of their residence in the Crimea or had not cancelled propiskas in Uzbekistan, 0.7% of the respondents were refused without any explanation, the rest 0.3% of the respondents found it difficult to answer. Thus, at the time of the sociological survey (April 1999) 41.4% of

the repatriates from Uzbekistan took part in the procedure for renunciation of the citizenship of the Republic of Uzbekistan and affiliation to the citizenship of Ukraine.

### CITIZENSHIP, PROPISKA AND HUMAN RIGHTS

It is necessary to notice that the explanation of the role of citizenship in the protection of the rights of FDPs returned to the Crimea and on a large scale the development of a legal culture amongst the whole population of the peninsula carried out by the UNHCR in the process of the information campaign had positive results. If in the survey of 1997 only 11.0% of the respondents spoke about the violation of Human Rights connected with the absence of permanent propiska, whereas in 1999 many more people spoke about this (86.0% of all those who answered). In 1997 31.0% of the respondents indicated that they were faced with the negative consequences of the absence of propiska, and in 1999 this number was 76.6%. In 1997 repatriates said that their rights were violated through the absence of the citizenship of Ukraine, firstly because of the lack of access to employment and then - in the issuance of passports for traveling abroad and only after that they named the restrictions on their participation in elections and privatisation. In 1999 the first place was occupied with the violation of the right to elect and to be elected (64.0%), the second place repatriates gave to the violation of their right to be employed (31.5%). The third place was given to the violation of the right to participate in privatisation (26.6%) and the fourth - to the right for social protection (14.5%). With regards to permanent propiska according to the opinions of the respondents its absence violates their right to elect and to be elected first of all (45.4%), followed by the right to work (26.4%) and only then - the right for citizenship. It is necessary to point out that in 1997 all the respondents considered unemployment and difficulties with finding a job to be the most urgent problems connected with the absence of the citizenship. In 1997 only every tenth of the respondents considered that the absence of permanent propiska influenced the carrying out of vitally important rights of repatriates. 5.4% of the respondents did not see the connection of the institution of propiska with the realisation of their rights for labour, housing, social protection and participation in elections and privatisation and other human rights.

Thus, we can acknowledge a rise of legal consciousness among FDPs in the Crimea and the awareness of the importance of the realisation of their political rights.

**Table 1. Does the mass-media reflect all the specifics on the situation with Human Rights and statelessness, in particular, in which FDPs and their descendants found themselves in the Crimea?**

99.6% of respondents answered the question

in the percentage to the total number of respondents

Assessment of the level of sufficiency of the information	Mass media representing					
	Crimean Government and Parliament			Crimean Tatars		
	All respondents	from Uzbekistan	from other countries	All respondents	from Uzbekistan	from other countries
Yes, it is absolutely sufficient	5.7	4.7	7.6	12.4	11.7	14.1
It is quite sufficient	18.3	18.4	18.1	23.2	24.8	19.7
It is rather sufficient	36.5	36.9	35.7	30.5	30.1	31.3
They write about everything but our problems	14.7	14.0	16.1	7.5	6.8	9.2
I find it difficult to answer	24.8	25.9	22.5	26.4	26.6	25.7

**Table 2. What do you think of the quality of information about the course of the campaign for affiliation to the Ukrainian citizenship by formerly deported persons which is provided by the mass-media (newspapers, journals, TV)?**

**99.6% of respondents answered the question**

in the percentage to the total number of respondents

Assessment of the level of sufficiency of the information	Mass media representing					
	Crimean Government and Parliament			Crimean Tatars		
	All respondents	from Uzbekistan	from other countries	All respondents	from Uzbekistan	from other countries
It is full and detailed	7.9	7.8	8.0	12.7	13.2	11.7
It contains important information, but some issues with regard to citizenship that are of interest are missing	23.5	22.1	26.5	24.2	24.4	23.7
It contains limited information on some matters with regard to the affiliation to the citizenship	21.3	22.3	19.3	19.7	20.6	17.7
It is vague and insufficient	15.8	16.1	15.3	10.5	10.2	11.2
The necessary information is not represented	6.4	6.9	5.2	2.4	1.6	4.0
I find it difficult to answer	25.1	24.8	25.2	30.5	30.0	31.7

#### **MONITORING OF LEGAL AND HUMANITARIAN PROBLEMS IN THE REINTEGRATION OF FDPs IN THE CRIMEA**

In May-June 2000 the third sociological survey within the framework of the monitoring programme on citizenship problems of FDPs in the Crimea organised and financed by UNHCR over the period from 1997 to 2000 was carried out in the Crimea under the conducting of professor Iryna Pribytkova. The number of 811 formerly deported persons from 11 regions and 11 settlements of the Crimea participated in the survey. In accordance with the programme a group of formerly deported persons who have come back to the Crimea from Russia, Tajikistan, Georgia (Abkhasia), Kazakhstan, Kyrgyzstan and other CIS countries after November 13, 1991 when the Law of Ukraine On citizenship came into force, were targeted by the survey. With a view to carrying out a comparative analysis, the survey also covered a control group of repatriates who have come back to the Crimea from Uzbekistan after 13 November 1991.

The main objectives of the sociological survey were to study the situation in the Crimea after the large-scale citizenship campaign on the affiliation of FDPs to the citizenship of Ukraine was completed, to analyse the most acute humanitarian problems in reintegration of FDPs in the Crimea, to determine the efficiency level of the PI campaign aimed at providing information on procedures for the acquisition of Ukrainian citizenship by repatriates from the Russian Federation, Tadjikistan, Kazakhstan and Georgia, and evaluate the contribution made by governmental and non-governmental organisations, departments and structures in the process of preventing statelessness among FDPs in the Crimea.

According to information from the Department for Passports, Registration and Migration of the Crimean Autonomous Republic, there were over 27,000 formerly deported persons currently residing in the Crimea who arrived from such CIS countries as Russia, Tadjikistan, Kazakhstan, Kyr-

gyzstan, Georgia, Turkmenistan, the Baltic states etc. In spite of the fact that the simplified procedure for the acquisition of Ukrainian citizenship was extended till December 31, 2004 and FDPs belonging to the categories of stateless persons or aliens can use the advantages of this procedure, there still were considerable difficulties and problems connected with renunciation of previous citizenship since not all the aforementioned countries on the simplified procedures for changing citizenship.

#### **RESULTS OF THE SURVEY IN SOCIAL AND HUMANITARIAN SPHERES**

Three fourths of the respondents from Uzbekistan were already citizens of Ukraine whereas only 56.5% persons belonging the target group of the survey managed to affiliate to the citizenship of Ukraine or acquire it. The majority of repatriates from Tadjikistan, Kyrgyzstan and Georgia being stateless persons were able to use the simplified procedure for the affiliation to Ukrainian citizenship. Formerly deported Crimean Tatars who returned to the Crimea from Uzbekistan constitute 38.2% of the interviewed group. They are followed by repatriates from Tajikistan (25.4%), the Russian Federation (20.5%), Kazakhstan (6.8%), Kyrgyzstan (5.1%), Georgia (2.5%), Azerbaijan (1.1%), Turkmenistan and other countries (0.4%).

12% of the respondents find themselves in a refugee-like situation with the majority of them (10%) being from Tadjikistan, 2% from Georgia and only 0.2% from Chechnya. They mainly arrived in the Crimea in 1992-1995.

Among the most acute and painful problems in settling down and reintegrating in the Crimea the respondents named unemployment, poverty, lack of housing and statelessness. In the year 2000 they added one more problem to the aforementioned list: participation in privatisation and allocation of land plots. Also a very important matter for repatriates is transportation and public utilities at places of their compact settlement. Political and legal problems as well as preserving their ethnic and cultural identity were of less importance for the respondents. According to the respondents, unemployment is the major problem for all Crimean residents. In comparison with 1999 in the year 2000 the employment rate among the respondents slightly increased (the percentage of the respondents employed last year was 27.4%) and reached 29.5%. The majority of the respondents who were employed did not work according to their professions. Every fourth person has been unable to find a job since the return to the Crimea, almost the same number of respondents did not work, as they are pensioners. Every fifth respondent applied to the State Employment Service on the matter of employment. Most of their applications were rejected due to absence of vacancies. The rest were offered to go through retraining but the applicants were not satisfied either with the job offered or the minimum salary. Only 0.1% of the respondents were undergoing professional retraining at the moment. As it used to be in the previous years, pensions, income from selling products grown on land plots and occasional earnings were the main sources of income for repatriates. Salaries did not serve as a main source of income. The aforementioned structure of income significantly indicated the level of FDPs poverty. The average monthly family income amounted to 131.7 Hrv in June 2000 and the average monthly income of a family member amounted to 31.3 Hrv. Almost three fourth of repatriates' families spent practically all their income for purchasing food. About half of the respondents witnessed a considerable deterioration of their life over the last five years and did not think that the situation will improve in the nearest future. Two thirds of the respondents classified themselves as

poor and less than one third thought that they have a middle income. None of the respondents considered himself to be well-to-do person. In general, the repatriates' credo can be formulated as follows: "hope for better but get ready for the worst".

Repatriates think that the lack of assistance from the state with their resettlement in the Crimea is the main reason for different problems. More than half of respondents believe that much more attention should be paid to the formerly deported persons than to the rest of the Crimean population as FDPs constitute the least socially protected and financially secure part of the population in the Crimea.

In the opinion of the respondents, potential conflicts in the Crimea may be caused not so much by interethnic relations, but rather by the unwillingness or inability of the authorities to protect the interests of FDPs. As for repatriates, they will try to do everything possible to preserve peace and order in the common homeland. In case the situation gets worse, they will prefer a lean compromise to a fat lawsuit. Peaceful intentions of repatriates secure the preservation of the interethnic concordance in the Crimea no matter how difficult the dialogue with the authorities may be.

### **RESULTS OF THE SURVEY IN THE CITIZENSHIP SPHERE**

The main results of the monitoring are as follows:

Citizenship matters still remain as important for passport departments of the Crimean Autonomous Republic, legislative and executive authorities, the mass-media, international and non-governmental organisations of the peninsula as they used to be before. The analysis of the reports submitted by non-governmental organisations, the Foundation for Naturalisation and Human Rights "Assistance" and the Crimean Tatar Lawyers League "Initium", which provide legal assistance and counselling services to repatriates in resolving citizenship problems, showed a considerable number of stateless persons in the Crimea (more than 6,000 persons).

At the same time, the results of the representative sociological survey among FDPs who returned to the Crimea from the Russian Federation, Tadjikistan, Kyrgyzstan, Kazakhstan, Georgia (Abkhazia), Turkmenistan and other than Uzbekistan CIS countries, showed that more than half of this group of persons who have come to the Crimea after 13 November 1991 and were not included into the initial corps of Ukrainian citizens, have already obtained Ukrainian citizenship: 54.1% of them hold national passports of this country. These were first of all repatriates from Tadjikistan, Kyrgyzstan and, to a lesser degree, from Georgia and Russia, where laws on citizenship were adopted accordingly on November 4, 1995, on February 18, 1994, on March 25, 1993 and on February 6, 1992. The majority of persons who came to the Crimea from the aforementioned countries between 13 November 1991 and the date of the adoption of laws on citizenship in those countries, used the simplified procedure for affiliation to Ukrainian citizenship. There were not many foreigners among repatriates: only 2.5% out of those hold national passports of a country of their previous residence and another 2.0% hold old USSR passports with a stamp confirming the citizenship of the country they come from. Almost every third respondent (31.2%) was documented with an old USSR passport without any stamp confirming his/her citizenship, and it was possible to determine the citizenship of such a person only on the grounds of the fact of cancellation of his/her propiska in the place of previous residence. Stateless persons constituted a considerable group among them.

Non-awareness of the necessity of renouncing previous citizenship still remains an obstacle for the acquisition of Ukrainian citizenship by some FDPs. Every fifth respondent (22%) who arrived in the Crimea from CIS countries other than Uzbekistan mentioned this. The second obstacle preventing repatriates coming from these countries from renunciation of their previous citizenship was the lack of financial means (12.2%). And, finally, unresolved problems with selling a house or property in the country of previous residence kept repatriates from changing their citizenship.

**Table 3. Are you aware of the procedures for affiliation or acquisition of the citizenship of Ukraine?**

(answered 98.4% of the respondents)

Answers	All respondents	Including	
		The Address Group <sup>2</sup>	The Control Group <sup>3</sup>
Yes	76.7	78.2	74.2
No	17.5	13.2	24.5
Find it difficult to answer	4.2	6.0	1.3

The majority of those who went through the simplified procedure for acquisition of Ukrainian citizenship experienced no difficulties with the renunciation of their previous citizenship or affiliation to the citizenship of Ukraine.

Every fourth family of repatriates has children who turned 16 in the Crimea. They are mostly documented with national passports of Ukraine. The percentage of children not holding Ukrainian citizenship is not high, and it may be assumed that it will be decreasing in future. At the same time the problem with citizenship of members of mixed families is not resolved at the legislative level yet, and as a result, people from such families have been unable to acquire Ukrainian citizenship holding no FDP status.

In accordance with the Law "On the Introduction of the Amendments to the Law of Ukraine on Citizenship", which came into force on 15 April 2000, stateless formerly deported persons can resolve their problems with the acquisition of Ukrainian citizenship by means of registering their passports at local departments of the Ministry of Interior, and those repatriates who still hold citizenship of the country of their previous residence need to obtain a "*vid na zhitelstvo*". Moreover, in order to go through the procedure for obtaining a "*vid na zhitelstvo*" it is necessary to submit a reference on criminal record. If a repatriate arrived in the Crimea without such a reference, it is quite a problem to obtain it from a place of his/her previous residence as a passport departments issue this document only to those persons who hold their propiskas in the regions where these passport departments are located. In case of cancelling a propiska or losing nationality of the country of the previous residence a repatriate will receive a negative response from a passport department. Since May 2000 in order to obtain a "*vid na zhitelstvo*" in Ukraine an applicant, apart from a reference on his/her criminal record should submit one more reference to a Department for Passports, Registration and Migration. This is a medical certificate on having been examined for tuberculosis. In order to obtain this reference a person should apply to local TB prophylactic centre. Thus, in spite of all innovations and positive changes, the institution of propiska did not lose its importance and contin-

<sup>2</sup> Formerly deported persons who arrived from Tadjikistan, Russia, Georgia and Turkmenia

<sup>3</sup> Formerly deported persons who arrived from Uzbekistan

ues affecting, mostly indirectly, the procedure for the affiliation to or acquisition of Ukrainian citizenship.

**Table 4. Awareness level of FDPs with regard to the procedures for affiliation to or acquisition of the citizenship of Ukraine, registration and settling down in the Crimea**

Do you know that	Answered (%)	In percentage to those who answered		In percentage to all respondents	
		Yes	No	Yes	No
from October 1998 to December 31, 1999 the Agreement between Ukraine and Uzbekistan on the simplified procedure for renouncing Uzbek citizenship by FDPs was in force?	99.9	62.5	37.5	62.4	37.5
the simplified procedure for affiliation to the citizenship of Ukraine by stateless persons will be effective till December 31, 2004?	100.0	27.4	72.6	27.4	72.6
since June 1996 exists a Decree of the Council of Ministers of Ukraine on measures for rendering assistance to FDPs who were forced to leave places of their permanent residence in the Autonomous Republic of Abkhazia (Georgia)?	2.6	61.9	38.1	1.6	1.0
since January 1999 exists a Decree of the Council of Ministers of the Crimean Autonomous Republic on measures for rendering assistance to FDPs who were forced to leave places of their permanent residence in Tadjikistan?	25.5	36.7	63.3	9.4	16.1
FDPs who left Tadjikistan have to be registered with the Directorate of Migration under the Council of Ministers of the Crimean Autonomous Republic and obtain a reference granting a right to reside in the Crimea?	25.5	35.8	64.2	9.1	16.4
such a reference serves as a ground for rendering assistance in settling down?	25.4	28.2	71.8	7.2	18.2
FDPs' children can be documented with old USSR passports upon turning 16 if their parents lack Ukrainian citizenship?	26.9	53.7	46.3	14.4	12.5

As before the propiskas (the Soviet system of registration) has contradictory nature. There is no reference to the obligatory character of propiskas for affiliation to the Ukrainian citizenship in the last version of the Law on Citizenship of Ukraine. It is necessary only to confirm the fact of permanent residence in Ukraine. Hence propiskas is only one of the means of documentary confirmation of residence in Ukraine but by no means the only. Nevertheless the problematical nature of the propiskas instruction is not exhausted up to now and is constantly reproduced in everyday life.

Beyond any doubt, a well-planned and properly organised UNHCR's Public Information Campaign in support of the Citizenship Campaign on the acquisition of Ukrainian citizenship by FDPs in the Crimea in 1998-1999 was very successful. After the completion of this Campaign, the level of FDPs' awareness on matters of the acquisition of, or affiliation to the citizenship of Ukraine, registration and settling down in the Crimea has decreased considerably. Almost three fourth of the respondents do not know that the term of the procedure for the affiliation to Ukrainian citizenship was extended till 31 December 2004 in accordance with the new version of the Law of Ukraine on citizenship of 15 April, 2000.

Speaking about violations in the sphere of human rights the respondents associate this situation with the lack of propiskas and citizenship. In their opinion, in both cases their rights to the participation in the political life of the country (to elect and to be elected) as well as their economic rights (participation in the distribution of land, the right to labour and the right to privatisation) are infringed. As it used to be before, repatriates keep adhering to the opinion that only legitimate measures and activities should be taken in order to restore the rights of formerly deported people in the Crimea.

The citizenship problem lost its acuteness for FDPs considerably. Speaking of the most important unresolved problems in settling down and re-integration in the Crimea, repatriates rank those as follows, in accordance with the level of their urgency: unemployment (79.9%), poverty (58.7%), lack of housing (38.5%) and only then they name statelessness (25.6%). Thus, statelessness occupies the fourth place in the list of the most problematic issues for FDPs, as it used to be in 1999 as well. The intensity and the character of information on citizenship matters in the printed mass-media of the Crimea autonomous Republic changed in 1999-2000. This topic became less popular in the official newspapers of the Crimea, and in newspapers aimed at the Crimean Tatar audience the number of articles on this matter slightly increased. The citizenship issue has become of secondary importance and started serving as a background for discussing other reintegration problems, though from October to December 1999 it preserved its former significance being successfully used in the presidential election campaign.

Against the background of the Crimean mass-media losing interest in the stateless problem of FDPs, the UNHCR's "Citizen" newsletter is the best example with regard to its rich contents and quality of information. This newsletter serves as a valuable tool for passport department employees, analysts, journalists and all those involved in resolving the citizenship problem of repatriates. The newsletter provides information on the latest legal documents and standard acts, statistics from various state departments and necessary methodological materials. It also informs readers about the results of activities performed by governmental and non-governmental organisations, efforts of international agencies, which render legal, technical and financial assistance in reintegration of formerly deported persons, and publishes legal counselling materials and samples of relevant filled-in documents. The "Citizen" newsletter interviews with international experts, informs the population about

Consular missions of the CIS countries to the Crimea and announces schedules for field trips to regions and villages of the peninsula for rendering legal assistance, which are performed by mobile offices of local NGO's.

At the same time it is necessary to continue the monitoring of legal and humanitarian issues of FDPs reintegration in the Crimea in 2003-2004. A primary consideration should be given to study of the farther course of FDPs affiliation to the Ukrainian citizenship. Furthermore it is urgent to investigate in 2003-2004 the other humanitarian problems bound up with return and accommodation of the formerly deported peoples and accompanied by violation of their main human rights.

The process of overcoming FDP statelessness in the Crimea is successful and it is impossible to underestimate the contribution made by international organisations, and first of all by UNHCR, to resolving this problem. However, the problematic situation in the sphere of statelessness has not been resolved yet and it still needs the consolidated efforts of all parties involved.