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**CONCLUSIONS AND RECOMMENDATIONS OF THE SUB-REGIONAL
SEMINAR ON MINORITY RIGHTS: CULTURAL DIVERSITY AND
DEVELOPMENT IN CENTRAL ASIA***

(Bishkek, 27-30 October 2004)

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* The annex is circulated in the language of submission only.

Introduction

1. The proposal to hold subregional seminars has been made by the Working Group on Minorities and endorsed in resolutions of the Sub-Commission on the Promotion and Protection of Human Rights. The purpose of these activities is to raise awareness of the United Nations work on minority issues and questions, enhance cooperation with civil society, contribute to the empowerment of minorities in better defending their rights, and promote awareness of minority rights and the need for their implementation.

2. In the light of the recommendations made by the Working Group and the Sub-Commission, the Office of the United Nations High Commissioner for Human Rights (OHCHR) organized the first Sub-Regional Seminar on Minority Rights: Cultural Diversity and Development for South-East Asia held in Chiang Mai, Thailand, in December 2002 (see E/CN.4/Sub.2/AC.5/2003/2). The second Sub-Regional Seminar on Minority Rights: Cultural Diversity and Development in Central Asia took place in Bishkek, Kyrgyzstan, from 27 to 30 October 2004.

3. The Seminar was organized by OHCHR in cooperation with the Working Group on Minorities and the non-governmental organization Institute for Regional Studies (IFRS) based in Bishkek. Minority representatives from different countries participated in this meeting and the situation in various countries was considered, such as the Islamic Republic of Iran, Azerbaijan, Kazakhstan, Kyrgyzstan, Tajikistan and Uzbekistan. Minority representatives from Afghanistan and Turkmenistan were not able to participate in the Seminar. A study on ethnic and religious minorities in the Islamic Republic of Iran, submitted to the Working Group on Minorities at its ninth session (E/CN.4/Sub.2/AC.5/2003/WP.8) was discussed at the Seminar. The Permanent Missions to the United Nations Office at Geneva of countries in the Asian region were informed about the Seminar and invitations made for the representation by Governments. The list of participants is annexed to the present document.

4. The Seminar was preceded by a one-day training session on 27 October 2004. The main themes discussed during the Seminar related to the current situation of ethnic minorities in Central Asia, national legislation and practice, peaceful and constructive group accommodation, and achieving the Millennium Development Goals. At the end of the two-day discussion, participants drafted their conclusions and recommendations. The conclusions and recommendations as adopted form the main part of the present report. Details of the discussions in the meetings are contained in a separate document (E/CN.4/Sub.2/AC.5/2005/WP.2), which will be made available in English and Russian only.

CONCLUSIONS AND RECOMMENDATIONS

I. LEGISLATION AND ITS IMPLEMENTATION AND NATIONAL INSTITUTIONS DEALING WITH MINORITIES

Conclusions

5. **Since gaining independence in 1991, the former Soviet republics of Central Asia have embarked on a path of building national Governments and have adopted legislation, policies and ideologies that consolidate their status as emerging nation States. At the same**

time, they have inherited the Soviet approach towards ethnic minorities, namely promotion of assimilation, official denial of the existence of any problems relating to ethnic minorities, and avoidance of the term “ethnic minorities” in legislation. Legislation on the status and rights of ethnic minorities has not been adopted; national institutions to protect the rights of ethnic minorities have not been established or are not well developed; no measures have been taken to ensure that ethnic minorities are appropriately represented in government bodies; and the problems of deported peoples and moral reparations have not been properly resolved. Moreover, Governments have not taken the necessary steps to stem the emigration of ethnic minorities from the Central Asian States.

6. On the other hand, since becoming members of the international community, the Central Asian States have acceded to and ratified the basic international human rights instruments, including those relating to the protection of the rights of ethnic minorities, refugees and displaced persons. They have also incorporated into their national constitutions the principles of the protection of human rights irrespective of national or ethnic origin, including the prohibition of any discrimination on those grounds. An effective mechanism is nevertheless required to give effect to these constitutional principles, both through the adoption of appropriate legislation and regulations and through the creation of conditions for their implementation and monitoring. Such a mechanism may be created by decisions taken at government level with the active participation of representatives of civil society and by taking advantage of opportunities for international cooperation.

7. Preserving ethnic and cultural diversity in Central Asia is an essential condition for stability, inter-ethnic harmony and the democratic development of society.

Recommendations to the Central Asian States

8. National legislation concerning persons belonging to minorities should be brought into line with international standards.

9. Legislation and regulations regarding national minorities should be adopted with a view to consolidating their status and ensuring effective protection of their rights.

10. Measures should be taken to ensure appropriate representation and equal participation of ethnic minorities in government bodies at all levels.

11. There should be greater transparency in the preparation of national reports on the implementation of international agreements relating to ethnic minorities, and representatives of associations of ethnic minorities and other voluntary organizations should be involved in the preparation of such reports.

12. The Central Asian States should define the status of foreign citizens and stateless persons covered by international agreements to which the State in whose territory such persons (including Chechens, Afghans and Uigurs) are obliged to reside, is a party; States that have not acceded to or ratified international human rights instruments should speed up the process of accession and ratification.

13. The Central Asian States should invite the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance and representatives of other international organizations to assess the situation of the rights of ethnic minorities.

14. With a view to developing a mechanism to protect the rights of ethnic minorities, the Central Asian States should establish or improve State institutions to protect and monitor the observance of the rights of ethnic minorities, with the participation of representatives of associations of ethnic minorities.

15. Training courses on international standards and national legislation relating to ethnic minorities should be introduced for civil servants.

Recommendations to the United Nations

16. The Sub-Regional Seminar welcomes the visit to Kyrgyzstan of the Special Representative of the Secretary-General on the situation of human rights defenders from 30 July to 4 August 2001 and recommends that she visit other countries in the region.

17. The United Nations should support plans to monitor the observance of the rights of ethnic minorities in the region and, to that end, provide for the establishment of a United Nations voluntary fund for minorities.

18. It should provide assistance to governmental and non-governmental organizations (NGOs) in the region in publishing compilations of international norms, particularly those relating to the rights of ethnic minorities, in the languages of the peoples of Central Asia.

19. With a view to developing a mechanism to protect the rights of ethnic minorities, it should provide assistance in establishing or improving State institutions for protecting and monitoring the observance of the rights of ethnic minorities.

Recommendations to civil society

20. Civil society should make more effective use of existing international mechanisms to protect the rights of persons belonging to ethnic minorities, including the Commission on Human Rights and United Nations treaty bodies. It should participate actively in the preparation of alternative reports for the Committee on the Elimination of Racial Discrimination and the Human Rights Committee.

II. DEVELOPMENT OF THE LANGUAGES, CULTURE AND EDUCATION OF MINORITIES

Conclusions

21. Current legislation in the Central Asian countries provides opportunities for minorities to preserve their culture, languages and religious beliefs. However, the means of taking advantage of such opportunities, and the necessary resources, are often lacking. Most of the problems are caused by lack of access to basic education in the minority

languages, underdevelopment of the mass media, the absence of mechanisms for preserving national identity and the absence or underdevelopment of governmental and non-governmental structures that deal with the problems of minorities.

22. In the field of basic education, States in the region are pursuing a policy of reducing the number of classes and schools that provide instruction in minority languages. Governments often claim that it does not make economic sense to maintain such educational establishments. Members of minorities have very limited access to higher education in their native languages: as a rule, instruction in higher educational establishments is provided only in the national language of the country concerned or in Russian.

23. In practice, Russian remains the lingua franca among the various different ethnic groups. In general, the linguistic area of most minorities in the region is restricted owing to the underuse of minority languages in the mass media.

24. The preservation of the culture and the protection of the rights of minorities depend to a large extent on the status of NGOs. However, NGOs do not have stable sources of funding for their activities in all countries in the region. Of particular concern is the situation in Uzbekistan, where Uzbek legislation contains a number of insurmountable restrictions on NGO activities, putting their continued existence in jeopardy.

25. The countries of the region, united by a common State religion, maintain a tolerant attitude towards the representatives of faiths other than Islam. However, there is a marked tendency by some Governments to restrict the rights of law-abiding believers on the pretext of combating religious extremism and international terrorism.

26. When analysing the situation of minorities, Governments, international and local human rights organizations do not pay enough attention to the fact that specific territorial characteristics, the state of the environment, the labour market situation and a poor social infrastructure often worsen the socio-economic situation of minorities.

27. The lack of specialized research, delays of many years in conducting population censuses in some countries of the region and the absence or shortage of statistical data disaggregated by ethnic groups mean that Governments are unable to identify and quantify social, economic, cultural, linguistic and other problems that may exist among the minorities in their countries.

Recommendations to the Central Asian States

28. Conditions should be created to enable members of minorities to study the State language, Russian (as the language of inter-ethnic communication) and their native languages (in places with a high concentration of members of ethnic groups).

29. The Central Asian States should promote the use of various programmes and methods to ensure that these conditions are met; for example, use of the multilingual education model would ensure the active participation of members of ethnic minorities in society and at the same time enable them to preserve their ethnic identity.

30. **Working groups should be established in ethnic and cultural centres (people's assemblies) whose tasks would include studying ways and means of introducing the multilingual education model, for example the availability of human resources, teaching materials and financial resources, and the development of strategies to introduce this model.**
31. **A round table should be held with the participation of all parties interested in the introduction of the multilingual education model (Soros Foundation, CIMERA, NGOs, Commissariat on the Rights of Minorities) and assign them responsibilities.**
32. **The "State history" course should include sections on the history of the cultures and religions of the ethnic groups living in the territory of the country concerned.**
33. **Special recommendation: the Republic of Tajikistan should maintain schools that provide instruction in the languages of ethnic minorities with a view to preserving and promoting Russian and other languages in the country.**

Recommendation to international organizations

34. **International organizations should support the holding of a round table with the participation of representatives of all the relevant organizations at the national level (government bodies and NGOs, with the participation of the United Nations and other international organizations) for assigning responsibilities for the introduction of the multilingual education model in the countries of Central Asia.**

Recommendations to ethnic and cultural centres, people's assemblies and civil society

35. **Where it is not possible to introduce the multilingual education model, optional courses and Sunday schools should provide opportunities for the study of native languages in places with a high concentration of ethnic minorities.**
36. **Various cultural events, for example festivals that promote cultural exchanges among the peoples living in a country, should be held on a regular basis.**

III. PEACEFUL AND CONSTRUCTIVE PREVENTION AND SETTLEMENT OF CONFLICTS BETWEEN ETHNIC MINORITIES

Conclusions

37. **One of the main sources of conflicts in Azerbaijan and the Central Asian countries is border problems that are not properly settled by Governments and pose a threat of inter-ethnic conflicts. The participation of international organizations as facilitators in the settlement of such situations is essential. Civil society should also be included in the settlement of border conflicts through participation in intergovernmental commissions and monitoring.**

38. The problem of resources is another possible source of conflict in all countries, both between and within States.

39. Tension is also created by the absence of legislation on the status of stateless persons and persons persecuted on political or religious grounds.

40. Accusing ethnic groups, such as the Uigurs and Chechens, of involvement in international terrorism creates social tension and leads to their persecution by the law enforcement agencies of the Central Asian countries.

Recommendations to Governments and international organizations

41. With regard to border problems, Governments and international organizations should:

- Simplify the procedure for crossing the borders between Azerbaijan and the Russian Federation;
- Facilitate access for people, not only those living in the border area, to visit neighbouring countries;
- Speed up the demarcation of borders and provide adequate compensation to the inhabitants of border areas following their resettlement;
- Speed up the process of demining borders;
- Take steps to combat corruption;
- Establish consular offices in the Fergana valley so that visas can be issued on the spot;
- Include representatives of NGOs, ethnic minorities and the mass media in intergovernmental commissions on border questions;
- Ensure that representatives of the mass media and NGOs have access to information, and that representatives of NGOs have opportunities to participate in monitoring;
- Authorize local government bodies and local authorities and people's diplomacy institutions to settle border problems;
- Increase the possibility of exchanges and contacts among the various sectors of the population (businessmen, farmers, teachers, etc.), not only those living in border areas.

42. **With regard to resources, Governments and international organizations should:**
- **Solve problems relating to shared water resources, land leasing and gas distribution with a view to preventing conflicts between Governments and between ethnic groups within each country;**
 - **Ensure the environmental safety of all the countries in the region (Maili-Suu; Armenia's nuclear power station);**
 - **Give NGOs an opportunity to monitor various aspects of current problems in the area of resources.**
43. **With regard to the legal status of stateless persons, Governments and international organizations should:**
- **Guarantee the principle of non-extradition of persons being persecuted on political or religious grounds;**
 - **Define an intermediate status for persons seeking citizenship or asylum, in particular for their children.**
44. **It is recommended that international organizations coordinate the work of the international organizations in the Fergana valley on the prevention of inter-ethnic conflicts and make greater use of the Working Group on Minorities in solving problems relating to minorities and stateless persons.**

Annex

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