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**Promoción y protección de todos los derechos humanos,
civiles, políticos, económicos, sociales y culturales,
incluido el derecho al desarrollo**

Visita a Kirguistán

Informe del Relator Especial sobre cuestiones de las minorías, Fernand de Varennnes* **

Resumen

En el presente documento, el Relator Especial sobre cuestiones de las minorías, Fernand de Varennnes, informa sobre la visita oficial que realizó a Kirguistán, por invitación del Gobierno, del 6 al 17 de diciembre de 2019.

* Se acordó publicar este informe después de la fecha de publicación prevista debido a circunstancias ajenas a la voluntad de quien lo presenta.

** El resumen del presente informe se distribuye en todos los idiomas oficiales. El informe propiamente dicho, que figura en el anexo, se distribuye únicamente en el idioma en que se presentó y en ruso.



Annex

Report of the Special Rapporteur on minority issues, Fernand de Varennes, on his visit to Kyrgyzstan

I. Introduction

1. The Special Rapporteur on minority issues, Fernand de Varennes, conducted an official visit to Kyrgyzstan from 6 to 17 December 2019 at the invitation of the Government. He visited the capital, Bishkek, and had meetings in Batken, Jalalabad and Osh Regions. He consulted widely with government representatives and stakeholders, both national and local, including senior government officials of the Ministry of Foreign Affairs, the Ministry of Education and Science, the Ministry of the Interior, the National Statistical Committee, the State Registration Service, the State Agency for Local Self-Government and Interethnic Relations, the State Commission on Religious Affairs, the State Personnel Agency, the Office of the Ombudsperson, the Ministry of Labour and Social Development, the Supreme Court, the Ministry of Justice, the General Prosecutor's Office, the Ministry of Health and the National Human Rights Coordination Council. He was also able to meet with municipal and regional officials of the Batken, Jalalabad and Osh Regions.

2. In addition, the Special Rapporteur consulted with a wide spectrum of civil society organizations working on issues affecting national or ethnic minorities, religious or belief minorities and linguistic minorities. He also met with minority communities themselves and their representatives, such as the Uzbek and Roma communities, with representatives of Protestant, Catholic and other religious or belief minorities, and with members of the sign language linguistic minority, among others.

3. In his 2019 annual report to the General Assembly,¹ the Special Rapporteur presented a study on the concept of minority in the United Nations system. As a result of this study, he put forth, as part of his mandate to promote the full and effective realization of the human rights of minorities for the purpose of the activities falling within his mandate, the following concept of a minority:

An ethnic, religious or linguistic minority is any group of persons which constitutes less than half of the population in the entire territory of a State whose members share common characteristics of culture, religion or language, or a combination of any of these. A person can freely belong to an ethnic, religious or linguistic minority without any requirement of citizenship, residence, official recognition or any other status.

4. Additionally, in his 2020 annual report to the General Assembly,² the Special Rapporteur presented a study on the scope and significance of the four categories of minorities in United Nations instruments, which fall within his mandate to promote the full and effective realization of the human rights of minorities – namely national or ethnic, religious and linguistic.

5. The term “national or ethnic minority” is a broad, inclusive category bringing together individuals on the basis of origin or culture, and therefore includes nomadic and caste-based groups. The term “national minority” would seem to refer to an ethnic minority with a traditional or long-standing presence on the territory of a State. The term “religious minority” refers to a wide range of religious, non-religious, non-theistic and other beliefs, such as non-recognized and non-traditional religions or beliefs, including animism, atheism, agnosticism, humanism, “new religions” and so on, and, more accurately, can be understood as referring to religious or belief minorities. A “linguistic minority” exists objectively, regardless of constitutional or legal status or recognition. Languages include non-verbal languages such as sign languages, languages which may have little or no literary tradition or even alphabet or script, and orally unintelligible variants even if they share an identical script. Users of sign

¹ A/74/160.

² A/75/211.

languages in Kyrgyzstan should therefore be understood as belonging to linguistic minorities. Most migrants, refugees and non-Kyrgyz citizens are also members of ethnic or religious or belief minorities.

6. The Special Rapporteur thanks the Government of Kyrgyzstan for the constructive spirit and cooperation shown during the visit and for its readiness to engage in an open dialogue to better understand and assess the human rights situation of minorities in the country. He also expresses his gratitude to the numerous national and international non-governmental organizations that provided information and met with him.

II. Objectives of the visit

7. The objectives of the visit were to identify, in a spirit of cooperation and constructive dialogue, good practices in, and possible obstacles to, the promotion and protection of the human rights of persons belonging to national or ethnic minorities, religious or belief minorities and linguistic minorities in Kyrgyzstan in conformity with his mandate. More specifically, the Special Rapporteur aimed to propose possible ways of addressing existing lacunae or gaps, to identify possible improvements to existing legislation, policies and practices, and in particular to identify pathways for the effective implementation of the international obligations of Kyrgyzstan in relation to the human rights of minorities.

8. The overall aim was to examine existing legislation, policies and practices for the protection and promotion of the rights of persons belonging to national or ethnic minorities, religious or belief minorities or linguistic minorities. The Special Rapporteur wished to explore aspects pertaining to minorities in areas of particular significance, such as in education, the use of minority languages, housing, employment, the administration of justice, access to health care and other public services, the participation of minorities in the political process, and efforts to combat hate speech and incitement to interethnic and religious hatred. He also wanted to get a better sense of the normative framework governing human rights in general, and particularly the human rights of minorities, including latest amendments to relevant legislation and other mechanisms that have been established in that regard. These aspects of the visit are important in order to better understand the barriers to inclusion experienced by some minority communities, and why other minorities may be distrustful of State public entities and mechanisms, or have grievances in relation to what they perceive as the negation of their human rights or deeply felt rejection as members of society because of long-standing prejudices or bias.

III. General context

9. Kyrgyzstan is a beautiful mountainous country located in Central Asia. A secular, parliamentary democracy of over 6 million people, it has undergone profound demographic changes in its ethnic composition since independence in 1991, with the proportion of ethnic Kyrgyz increasing from around 50 per cent in 1979 to 73.3 per cent in 2018, and the proportion of ethnic groups such as Russians, Ukrainians, Germans and Tatars dropping from 35 per cent to less than 5 per cent. The main ethnic minority groups in 2018 are Uzbeks, at 14.6 per cent, and Russians, at 5.6 per cent. Other smaller groups include Dungans, Uighurs, Mugats (also known as Lyuli) and other smaller minorities. Most Uzbeks live in the country's south. In 2019, estimates in Kyrgyzstan indicated that about 85.7 per cent of the population was Muslim, mainly Sunni with small numbers of Shia and Ahmadiyya. Eastern Orthodox Christians account for about 6.1 per cent of the population, and other Christians, such as Catholics and Protestants, are around 1 per cent. There are other smaller religious or other belief minorities, including atheists and non-theists, Jews, Baha'is and Buddhists.

IV. Legal and institutional framework

A. International framework

10. Kyrgyzstan is a party to most core human rights treaties and regularly submits national periodic reports to the monitoring bodies. However, it has not signed or ratified the International Convention for the Protection of All Persons from Enforced Disappearance, nor has it ratified the complaints procedures under the International Covenant on Economic, Social and Cultural Rights and the Convention on the Rights of the Child. The most recent ratification was of the Convention on the Rights of Persons with Disabilities, on 16 May 2019.

11. The Government of Kyrgyzstan should be commended for its generally positive record with regard to its engagement with international human rights institutions and mechanisms, including, specifically, special procedure mandate holders. Recent requests from the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, the Working Group on Enforced or Involuntary Disappearances and the Special Rapporteur on minority issues have all been accepted, and the visits completed.

B. Constitutional, legislative and institutional framework

12. The Constitution of Kyrgyzstan has a number of human rights provisions, including article 16 of the Constitution which guarantees the right to equality and non-discrimination on many grounds, including sex, race, language, ethnicity, disability, age, belief, political and other convictions, education, property and other status.

V. Positive steps and developments

13. Kyrgyzstan has made significant strides in the field of human rights since it transitioned to democracy after 1991. It has in more recent years made legislative, institutional and policy progress in areas such as human rights protection and gender equality, including its adoption of the 2012–2020 national strategy for achieving gender equality and of the 2018–2020 national plan of action for achieving gender equality. It has also more recently put into place a 2019–2022 national human rights action plan, and a 2019–2022 national action plan on the implementation of the recommendations of the Committee on the Elimination of Racial Discrimination.

14. There have also been initiatives such as a programme on multilingual education for 2017–2030, which, though praiseworthy in its intention to reflect the country's rich cultural and linguistic diversity, needs to be reconsidered and readjusted, as will be discussed later in the present report.

15. It is important to point out the significant efforts and progress that have been made in the country in relation to statelessness – one of the most serious global human rights challenges, which principally affects minorities. Worldwide, statelessness is mainly a minority issue, since more than 75 per cent of the world's estimated 10 million stateless people are members of minority groups.

16. In 2019, Kyrgyzstan became the first country to largely end statelessness for all practical purposes – with one exception. The concrete measures undertaken by the Government to eradicate statelessness include the State Registration Agency's community outreach initiatives to try to ensure that everyone in Kyrgyzstan has access to civil registration and official documents, as well as a policy of granting automatic citizenship to children born in the country who would otherwise be stateless. In partnership with civil society, the State Registration Agency has implemented a countrywide campaign that led to the identification of 79,000 people who were provided with identification cards, and, more specifically, a campaign focusing on members of the Mugat minority who traditionally might not have any identity papers or even birth registration. Civil society organizations were part of these

efforts, most notably Ferghana Valley Lawyers Without Borders and its director, Azizbek Ashurov, who won the Nansen Refugee Award in October 2019 for their contribution.

17. Kyrgyzstan is therefore a notable example of good practices to eliminate statelessness, which are particularly important in light of the serious consequences of statelessness for millions of members of minorities in other regions.

18. Kyrgyzstan must be commended for these and other progressive measures, but there are areas of concern which need to be recognized and addressed to ensure the full realization of the human rights of minorities in a number of areas, particularly in relation to specific minorities, such as the Uzbeks, Mugats and others.

VI. Areas of concern and for further improvement in the recognition, protection and implementation of the human rights of minorities

19. The Special Rapporteur is of the view that the Government of Kyrgyzstan has taken significant steps towards a fairly comprehensive strategy and set of initiatives to tackle discrimination, hate speech and hate crimes against minorities and other vulnerable groups.

20. The Special Rapporteur urges additional improvements and changes in areas where there are gaps, or where the implementation is much weaker or even inconsistent with the country's international human rights obligations, particularly in relation to the rights of minorities.

A. Comprehensive human rights legislation

21. While Kyrgyzstan has developed a human rights action plan based on recommendations from international human rights mechanisms which includes a specific section on minority issues, the plan deals mainly with awareness-raising activities such as on combating racial discrimination and intolerance as provided for in the International Convention on the Elimination of All Forms of Racial Discrimination. It does not directly address issues such as education in minority languages or the underrepresentation of minorities in many or most areas of public life.

22. There are therefore a number of continuing gaps or omissions which raise concerns that have been expressed previously by other United Nations human rights mechanisms, including the absence of comprehensive human rights legislation – and especially of an anti-discrimination law – to ensure the implementation of constitutionally entrenched human rights and of the international obligations of Kyrgyzstan.³ While anti-discrimination provisions are included in the Criminal Code and the Labour Code, there are no such provisions in other key areas, such as education and health care, among others. These lacunae can be of particular significance for minorities.

B. Office of the Ombudsperson and the Paris Principles

23. The Office of the Ombudsperson (Akyikatchy) receives complaints about human rights violations, including from members of minorities, such as alleged police mistreatment, discrimination in the provision of public services, and hate speech and hate crime, and also with regard to registration of religious organizations. Despite the important work of the Ombudsperson, his office faces challenges in the areas of human and financial resources. His institutional position also appears to be vulnerable, due to specific provisions contained in the Law on the Ombudsperson of the Kyrgyz Republic, such as article 7 of the law which provides for “premature dismissal” of the Ombudsperson in the case of disapproval by the Parliament (Jogorku Kenesh) of his Office's report on the human rights situation in the country.

³ See A/HRC/44/4, in particular the recommendations contained in subparas. 140.208–140.215.

24. The Special Rapporteur also shares the concerns expressed by other United Nations mechanisms that the mandate and operations of the Office of the Ombudsperson are not in compliance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles). The Special Rapporteur has concerns as to the low number of complaints of discrimination on the grounds of religion, language or ethnicity submitted to the Office. It was intimated during his visit that this may in part be due to the perceived lack of sufficient institutional resources and to limited powers to carry out the mandate of the Ombudsperson.

25. In the opinion of the Special Rapporteur, and as expressed to him during his visit, legislation is needed to bring the Office of the Ombudsperson into compliance with the Paris Principles. The Government of Kyrgyzstan should also take effective measures to raise awareness about the work of the Office and about the complaint mechanism available to minorities for complaints of ethnic, religious or linguistic discrimination. Finally, the Office should also be assured the necessary resources to discharge its role.

C. Statelessness

26. Kyrgyzstan, it is worth repeating, is a trendsetter in tackling statelessness and almost completely ending it in the country. However, there are concerning legislative developments that need to be addressed, such as the 2016 amendments to the 2007 Law on Citizenship enabling the revocation of Kyrgyz citizenship from citizens for serving in the military services of a foreign power or who have been convicted of terrorism. These amendments are of concern since “terrorism” charges can be interpreted to unduly impact individuals from certain ethnic minorities who may be deemed by State authorities to be more susceptible to “terrorist activities”. Such an interpretation raises concerns of prohibited discrimination and potentially may additionally lead to individuals becoming stateless, contrary to international human rights law.

27. The Special Rapporteur was informed during his visit that there may be a tendency among members of security forces and judicial authorities to consider Uzbeks or Uighurs as more prone to a variety of activities, not all of them violent, that are categorized as “terrorism”.

28. He is concerned that the Government of Kyrgyzstan has been caught up in “legislative fever” around counter-terrorism, and that the more recent amendments have had the effect of instrumentalizing the citizenship policy in practice so as to strip certain individuals of their citizenship on the pretext of national security. This appears to target and impact disproportionately and unreasonably specific minorities, potentially stripping mainly Uzbeks and Uighurs of their citizenship and rendering them stateless.

29. In addition to the targeting of particular members of these minorities under counter-terrorism measures, which constitutes a discriminatory application of the law, the practice of withdrawing citizenship from persons suspected of being involved in a wide or ambiguous category of terrorism has been criticized as being contrary to Security Council resolutions which require States to investigate and prosecute terrorism-related charges against individuals through their national criminal justice frameworks – and not to deprive individuals of their citizenship.⁴

D. Education and minorities

30. In Kyrgyzstan, school education includes primary education (grades 1 to 4), basic secondary education (grades 5 to 9) and upper secondary education (grades 10 and 11). Primary and basic secondary education are compulsory. There is also one year of elective preschool education.

⁴ Security Council resolution 2178 (2014).

31. While Kyrgyzstan prescribes mandatory learning of the State language, Kyrgyz, school manuals and textbooks are supposed to be available in four languages: Kyrgyz, Russian, Uzbek and Tajik.

32. According to information from the Ministry of Education and Science, there are a total of 1,222,661 students in 2,262 educational institutions for primary, basic secondary and upper secondary education. Of these institutions, 462 are located in urban areas and 1,796 are in rural areas; 2,148 of them are public, while 114 are private.

33. Four languages (Kyrgyz, Russian, Uzbek, Tajik) can be officially used as a medium of instruction in 1,689 public schools, three of which are minority languages – Russian is the language of instruction in 226 schools, Uzbek in 33 and Tajik in 3. Longitudinal data covering the school years from 2013/14 to 2017/18 show a dramatic decrease in the number of schools where Uzbek is a medium of instruction (from 65 to 33), whereas the number of schools where Russian is a language of instruction has increased, and Tajik-language schools remain the same throughout the reporting period. It is noteworthy that despite the Uzbek-speaking community being the second-largest in the country, with more members than the Russian-speaking community, the Uzbek language is significantly, and increasingly, underrepresented in education. A number of private schools also teach mainly in English.

34. With regard to secondary vocational education, of the total of 91,877 students in 145 institutions for the 2017/18 school year, 79,155 students were ethnic Kyrgyz. There were 1,390 preschool institutions, with a total of 187,078 children, of whom 99,678 were being taught in Kyrgyz, 86,511 in Russian, 878 in Uzbek and 11 in other languages.

35. One of the key priority policy areas of the Government's Educational Development Strategy 2012–2020 is the development of multicultural and multilingual education in which students are taught in more than two languages. According to the government data, multilingual education is provided in more than 80 schools all over Kyrgyzstan, as well as in 60 kindergartens and 5 higher education institutions. There are also pilot programmes for multilingual education, which are supported by international organizations such as the Organization for Security and Cooperation in Europe. It appears that English, Russian and Kyrgyz are used in many of these pilot programmes, but seldom if ever other minority languages.

36. Although the Constitution, in its article 10, recognizes that ethnic minorities form part of the population of Kyrgyzstan, and that they have the right to preserve their native language as well as to create conditions for its learning and development, in practice minorities appear to face significant challenges in accessing quality education in their mother tongue. The State language, Kyrgyz, and the official Russian language have progressively replaced minority languages in public education (there is no vocational or university education in a minority language, other than a few courses limited to the study of non-Russian minority languages). Before the violence in 2010, there were two Kyrgyz universities that offered courses in Uzbek, namely the Kyrgyz-Uzbek University in Osh and the People's Friendship University in Jalalabad. The first was renamed Osh State Social University and offers courses in Kyrgyz and Russian only, whereas the second has shut down. On a number of occasions, the Special Rapporteur was informed this was perceived as a process of "Kyrgyzization" of the educational system, to the detriment of minority languages and cultures.

37. The number of public schools that teach in a minority language other than Russian has significantly decreased in recent years, either due to the absence of funding and of qualified teaching staff for minority languages, or to the fact that some of these schools changed their language of instruction to Kyrgyz, the State language, or in a few cases to the official Russian language. In addition, some parents from the minority communities appear to opt to send their children to Kyrgyz- and Russian-language schools to secure their continued education, since universities only teach in Kyrgyz or Russian, and to increase their chances for employment after graduation since Kyrgyz public authorities provide few or no public services in minority languages, and hence do not provide employment opportunities for individuals fluent in minority languages, such as Uzbek.

38. There is no education in a number of minority languages, mainly due to the lack of government support and the absence of trained teaching staff and of educational materials and textbooks.

39. For example, Kurdish-minority children do not receive any school teaching in their own language. Uighurs have been given permission by the Ministry of Education and Science to implement programmes for the teaching of their language in three schools in Chui and Osh Provinces; this has not yet been implemented.

40. With regard to the Dungan minority, there are 10 schools in Chui Province and 1 in Osh Province which teach their language, for only one hour a week: there is therefore no teaching in the Dungan language itself, as opposed to the language merely being taught as a subject in public schools. Furthermore, according to information shared with the Special Rapporteur, every year, representatives of the Dungan minority are obliged to write letters to the Ministry of Education and Science and Members of Parliament in order to ensure that even this one hour a week of teaching in their language is respected and maintained.

41. In terms of Dungan-language textbooks, it was brought to the Special Rapporteur's attention that for the past five years there had been only one series of 7,000 textbooks in that language.

42. Since 2015, the option of using the Uzbek language in the national high school graduation examinations, which offer access to university education, has been revoked. Since then, exams can only be taken in Kyrgyz or Russian. The abolition of university admission tests in the Uzbek language has already been described by the Committee on the Elimination of Racial Discrimination as potentially discriminatory for children whose education was partially delivered in the Uzbek language. In the view of the Special Rapporteur,⁵ the abolition of the admission tests in Uzbek is potentially unreasonable and unjustified, and therefore discriminatory, given the previous use of such tests and the significant proportion of students for whom Uzbek is the first language.

43. The Special Rapporteur's 2017 practical guide on language rights considers, among other things, the impact of international human rights, such as non-discrimination. This means, in the area of public education and with regard to the use of a minority language, that "where there is a sufficiently high numerical demand, public education services must be provided in a minority language to the appropriate degree, broadly following a proportional approach. This includes all levels of public education from kindergarten to university. If demand, the concentration of speakers or other factors make this not feasible, State authorities should as far as practicable at least ensure availability of minority language teaching. In addition, all children must have an opportunity to learn the official language(s)."

44. The language of education is, however, not the only issue of concern for minorities from a human rights perspective that was expressed to the Special Rapporteur during his visit. A different barrier occurs in relation to members of one Mugat community in Osh municipality, who informed the Special Rapporteur that only one school was accessible for some 800 students. Initially built in the 1970s for some 180 students, the limited space in the school means there have to be four shifts of about 200 students each in the one building, so students receive three or four formal teaching lessons of 45 minutes' duration a day. Others apparently have to travel, by their own means, a significant distance in order to be able to receive any education at all. Despite numerous requests in 2017 and 2018 to the Ministry of Education, local officials and the State authorities for Osh Region, no clear responses were received, with the result that it would appear that Mugat children are dealt with in a discriminatory manner in terms of access to education, compared to other children. The results, unfortunately, are often low levels of educational achievement, poverty, inability to qualify for employment in most areas, and situations where these Mugat children become vulnerable and excluded.

45. Kyrgyzstan should ensure that its policy on language use in education does not discriminate, directly or indirectly. This means that it should increase the number of schools that use Uzbek as the language of instruction, ensure appropriate and proportional budgetary resources for the provision of quality mother-tongue education, while providing effective

⁵ Special Rapporteur on minority issues, *Language Rights of Linguistic Minorities: A Practical Guide for Implementation* (2017).

teaching of Kyrgyz as a second language, and re-establish university admission tests in the Uzbek language.

46. While some observers have been supportive of the 2017–2030 programme on multilingual education, the Special Rapporteur has concerns that it may be implemented to dilute education in minority languages, and is not expected to be applied to most majority-language public schools. When he had an opportunity to speak to individuals involved in a trilingual public school in a region with a large Uzbek minority community, the Special Rapporteur was informed that in practice the main languages of instruction were now in fact Kyrgyz and Russian, and that over the years the use of the Uzbek language had essentially been set aside, despite the assurances made to the Special Rapporteur in the capital that this school was one of the country’s “multilingual success stories”. The Special Rapporteur was unable to obtain any information on multilingual education to suggest that minority languages other than Russian would in practice be used as mediums of instruction.

47. The Special Rapporteur would like to emphasize that other United Nations monitoring mechanisms have also previously noted the decrease in the use of minority languages in education, including as a medium of instruction.

E. Disaggregated data and the “invisibility” of minorities

48. Kyrgyzstan does not systematically collect disaggregated data on its population, languages, cultures or religions. This is not helpful for public authorities when it comes to having precise information on the population of a country to design better-targeted and effective evidence-based policies and programmes. As the Special Rapporteur has maintained on previous country visits, such data allow governments to plan programmes so as to reach those most in need and to ensure the effectiveness and implementation of such programmes, and this is particularly true as regards measuring the impact of policies and programmes for those who are most vulnerable and marginalized, including minorities.

49. The Special Rapporteur was advised by government officials that disaggregated data on the employment of minorities in some sections of the civil service was available, but that for reasons of “confidentiality” or “security” this information would not be shared. Some officials assured the Special Rapporteur that minorities were well represented, but stated that this information was secret and could not be released to him. Although it is possible that some progress has been made, the absence of disaggregated data, and in some cases the refusal to provide to the Special Rapporteur with updated data where it may exist, would suggest there has been no marked improvement in the situation. Some civil society representatives expressed the opinion, based on their observations despite the absence of official disaggregated data, that the proportion of minorities in sections of the civil service, particularly in the State’s security apparatus, had in fact been in decline. The Special Rapporteur has no reason to disbelieve the views expressed by civil society observers, in light of the refusal of some officials to share available data.

F. Participation of minorities in public life and presence in the civil service

50. The participation of minorities in public life in Kyrgyzstan is extremely limited compared to the proportion of these minorities in the total population. In the Parliament (Jogorku Kenesh), 90 per cent of members are ethnic Kyrgyz and 5 per cent ethnic Russian. Dungans have two Members of Parliament, whereas Kazakhs, Tatars and Uighurs have one member each. Although Uzbeks represent more than 14 per cent of the population, only three Members of Parliament are members of the Uzbek minority.

51. On the positive side, since the October 2015 elections, the electoral law has prescribed a 15 per cent quota for minority representation on political party lists. However, it has been suggested to the Special Rapporteur that the legal reforms aimed at enhancing parliamentary representation have so far been timid and largely ineffective. While the above-mentioned quota at least symbolically ensures a degree of visibility for a handful of the 100 or so minority groups in the country, the Special Rapporteur was informed that in practice this does not go very far in terms of ensuring a proportional presence reflective of the country’s

diversity, or of being an effective form of political participation of most minorities. After they have registered with the Central Election Commission, these minority candidates can be reshuffled in the party lists, with candidates coming from minorities being disadvantaged, or, even if they are elected, they may be replaced by an ethnic Kyrgyz at a later stage if they step down.

52. Minority representation on local councils is more significant, particularly in areas with a higher concentration of minorities, but is still subject to serious underrepresentation. Statistical data from 2016 show that in all government bodies, 93 per cent were ethnic Kyrgyz, whereas only 6.2 per cent were from minorities. In that year, at the Ministry of Internal Affairs, 95.3 per cent were ethnic Kyrgyz and only 4.7 per cent were from minorities. In local self-government, minority representation was higher, at 10.6 per cent.

53. According to the State Personnel Agency of the Kyrgyz Republic, as at January 2019, minorities represented only 5 per cent of the total number of State civil servants, and 10.7 per cent of employees at the municipal level. Among them, ethnic Russians represented almost half of minority State civil servants (2.1 per cent of the total), and about a quarter of minority municipal employees (2.5 per cent of the total), whereas ethnic Uzbeks accounted for just over a fifth of minority State civil servants (1.2 per cent of the total), and more than half of minority employees at the municipal administration level (5.6 per cent of the total).

54. This disproportionate underrepresentation of minorities, or, more accurately, near exclusion of minorities, particularly from the Uzbek community, has been linked in part to a language barrier, as one of the main reasons explaining the low level of representation in public life. In 2015, amendments to the law on the civil service introduced requirements for Kyrgyz language competence for all civil servants, and tens of thousands of civil servants had to pass Kyrgyz language proficiency exams. In addition, under the 2004 law on the State language of Kyrgyzstan, the State language, Kyrgyz, and, “if necessary”, the official Russian language, are the languages of the official documents issued by State and local government agencies. The absence of any status or prescribed use for the Uzbek language, given that it is the biggest language group after Kyrgyz, the State language, and in view of its geographical concentration in the south of the country, would therefore seem problematic.

55. The representation of minorities in the area of law enforcement is also very weak. In 2018, only 5.5 per cent of the total police force of 15,684 officers were from minorities. Ethnic Russians constituted the largest community with 2 per cent of officers, ethnic Uzbeks accounted for 1.6 per cent, and 0.7 per cent were ethnic Kazakhs. All other minorities only accounted for 1.2 per cent of the police force. Furthermore, there are no official figures about the representation of minorities in prosecutors’ offices and the court system. Finally, minorities apparently only account for 3 per cent of the total number of military officers in the country. It has been claimed that one of the reasons for this low representation of minorities is fear of harassment and intimidation by ethnic Kyrgyz soldiers and commanders.

56. The Special Rapporteur, as mentioned previously, was particularly concerned by the failure to provide requested disaggregated data in relation to employment patterns in the civil service, particularly in security and policing departments. Not all government departments were willing to collaborate with the Special Rapporteur’s visit, despite assurances made to him by government officials. On more than one occasion, particularly in response to questions about the proportion of minorities present in police or security forces, the judiciary and the civil service, in regions where minorities are concentrated in the south of the country and where the Uzbek minority is concentrated, officials refused to share this information, stating that it was confidential or was unavailable.

57. In relation to the quota for minority representation in Parliament, it was suggested to the Special Rapporteur that this is largely ineffective and symbolic. The Special Rapporteur was concerned by the example brought to his attention which suggested that after being elected as part of the minority quota, individuals would soon resign or be appointed to another position, and the vacated “minority quota” position would subsequently be filled by a member of the Kyrgyz majority until the next election.

58. While most State officials were able to provide some data at the request of the Special Rapporteur, much of it was not disaggregated. Available data showed consistently very low participation levels or presence of minorities in civil service employment. Anecdotal

observations and exchanges in situ from some of the non-governmental parties that the Special Rapporteur met suggest that minorities are vastly underrepresented at almost all levels of employment.

59. The absence of recognition of the use of minority languages as languages for public services to be used by local officials in areas where minorities are a significant proportion of the population could be considered to be discriminatory, since it not only affects the quality of and access to public services, such as health care and other services, but also limits employment opportunities for those who are more fluent in minority languages. According to the practical guide on language rights, it could be a breach of the prohibition of discrimination not to offer public services in a minority language, and the associated employment opportunities for those fluent in these languages, in such contexts where in addition to Russian and Kyrgyz, the use of another minority language for public services such as Uzbek or the language of geographically concentrated minorities is reasonable and justified.

G. Deaf community and the use of sign languages

60. Individuals who are deaf or hard of hearing, as well as members of their families and others who use sign languages to communicate, are using a fully fledged language. Since they form less than half of the population of the country, they are members of a linguistic minority falling within the mandate of the Special Rapporteur, as specified in his reports to the General Assembly in 2019 on the concept of a minority and in 2020 on the significance and scope of the four categories of minorities in the United Nations system: national or ethnic, religious and linguistic.

61. In Kyrgyzstan, there are two State schools for deaf persons and one for hard-of-hearing persons, with a total of 759 students for the 2017/18 school year. Unfortunately, sign language is not consistently used as a medium of instruction or even generally taught in these schools. Instead, students tend to be trained in lip-reading and articulation.

62. It appears that most public services where sign language may be used are provided through the Kyrgyz Society of the Blind and Deaf, a public association that supplies the Government with sign language interpreters, including for court proceedings. While the Special Rapporteur received positive comments about its work, there remains a shortage of trained teaching staff for sign language, and the Kyrgyz Society of the Blind and Deaf has on its roster only four sign language interpreters, all based in Bishkek.

63. Also on the positive side, sign language is recognized and protected by law in Kyrgyzstan. Article 3 of the 2008 law on rights of and guarantees for persons with disabilities obliges the Government to provide sign language interpretation in areas of education and health care, in court proceedings, in the provision of State and municipal services and in other areas, with the purpose of protecting and promoting the rights of persons with disabilities. The law also obliges the Government to provide training to sign language interpreters, teachers and speech therapists and to ensure the inclusion of sign language in the media.

64. However, there is no Government programme in place for the provision of sign language interpretation in hospitals and other medical centres, and deaf persons are obliged to be accompanied either by their own interpreter or by a relative who can facilitate communication with the medical personnel. It is the understanding of the Special Rapporteur that this is the case in most public services, with the exception of education and court proceedings. There is, therefore, a need for stronger government support, including adequate public funding and State involvement in the provision of sign language interpretation, and the development and implementation of training programmes for sign language interpreters.

65. What little sign language information is provided in the media has been sporadic when supported by international donors, and government financial support is still pending for the development of a mobile phone application and the operation of a call centre for remote assistance for users of sign languages. Finally, the Government of Kyrgyzstan needs to provide additional support to deaf people in the area of employment, through job creation and the award of tenders.

VII. Religious or belief minorities⁶

66. Generally speaking, religious or belief minorities broadly enjoy the human rights guarantees of freedom of religion and non-discrimination on the grounds of religion in the country, though there are areas of concern.

67. The Law on Freedom of Religion and Religious Organizations, of 2009, includes provisions which may limit the activity of religious minorities in the country. According to this law, religious organizations are required to have at least 200 founding members in order to register with State authorities. A registration application needs to be submitted to the State Commission on Religious Affairs, which decides on whether the group can operate as a religious organization. For an application to the State Commission on Religious Affairs, a long list of documents is apparently required, including assessments from the relevant local self-government authorities, the local prosecutor's office and the local national security office. If the religious organization also wishes to acquire a legal identity, then its members also need to submit an application to the Ministry of Justice.

68. Obstructions to the registration of religious organizations representing smaller or non-traditional religious minorities in Kyrgyzstan, such as the Baha'í, Protestants, Ahmadiyya Muslims, Jehovah's Witnesses, Tengrists and Zoroastrians, have been reported. In some cases, local self-government authorities use provisions of the Law on Countering Extremist Activity, of 2005, in their assessments of some of these minority religious organizations, which are submitted for review and a final decision to the State Commission on Religious Affairs.

69. Jehovah's Witnesses have, for example, been registered in Kyrgyzstan since 1998. However, since the adoption in 2009 of the Law on Freedom of Religion and Religious Organizations, they have not succeeded in registering any new branches in cities and villages. The Special Rapporteur was informed during his visit that there were still pending registrations in Naryn, Osh, Jalalabad and Batken Regions.

70. Additionally, in 2019 the Human Rights Committee issued a decision (CCPR/C/125/D/2312/2013) in which it found that the failure to grant registration in Batken was discriminatory and violated the right to freedom of religion and freedom of association. It also stated that the requirement for 200 founding members was a violation of the International Covenant on Civil and Political Rights and of the Constitution, and that it imposed an unnecessary and arbitrary bureaucratic and financial burden on the applicants, whereas it was allegedly designed to prevent small religious organizations from obtaining registration. The Special Rapporteur received information during his visit that the Office of the Ombudsperson was currently reviewing the case of the registration of the Jehovah's Witnesses organization in Batken Region.

71. In addition, the Law on Freedom of Religion and Religious Organizations, of 2009, is vague as regards its definition of "proselytism", describing it as "insistent actions directed at turning believers of one faith to another", and stipulates that any distribution of literature or printed, audio or video materials of a religious character in public places or in private apartments, children's institutions, schools or higher educational establishments is banned.

72. Recently, the State Commission on Religious Affairs proposed amendments to the Law on Freedom of Religion and Religious Associations further restricting house-to-house dissemination of religious materials and requiring that all 200 founding members be residents of the region (oblast) where a religious organization was based. Once again, some of these requirements seem onerous in relation to the activities of smaller religious denominations.

⁶ In conformity with the results of the Special Rapporteur's 2020 annual report to the General Assembly on the scope and significance of the four categories of minorities under the United Nations human rights system (national or ethnic, religious and linguistic), the more inclusive expression "religious or belief minorities" will be the preferred expression used throughout the present report and other reports.

73. Information about intimidation and attacks against members of religious minorities, particularly against Protestant Baptists and Jehovah's Witnesses, have been shared with the Special Rapporteur.

74. During his visit, the Special Rapporteur was made aware of difficulties that minorities faced with regard to the burial of their relatives in their respective regions. The concerns focused on the scarcity of cemeteries, the absence of a clear framework for demarcation within cemeteries (for the burial of individuals from religious minorities), and the negative popular sentiments against certain religious minorities, especially against persons who had converted. Cases were reported where persons from the same ethnicity but who had converted to a different religion were not allowed by local communities to be buried in the same cemetery, and the person's family members or members of their religious group were obliged to travel hundreds of kilometres to find a burial place for the deceased person. In other cases, bodies of deceased relatives were exhumed, under pressure from local communities, and sent to another cemetery.

VIII. Interethnic relations, targeting of minorities, and conflict prevention

75. Interethnic relations in Kyrgyzstan, particularly the relations between the ethnic Kyrgyz majority and the ethnic Uzbek minority following the violent events of 2010 in Osh and the Fergana Valley, remain fragile.

76. There are several ongoing factors that could bring the level of interethnic tension to breaking point, such as the absence of minority languages in education and public services, the underrepresentation of minorities in the civil service and in political, judicial and other State institutions, cases of claimed unfair treatment by law enforcement authorities, and issues relating to resource management, including of water and land.

77. The conflict of 2010 officially claimed the lives of more than 400 people,⁷ around three quarters of whom were ethnic Uzbeks, and led to the destruction of thousands of houses, properties and businesses. There remain continuing concerns over the Government's response to this conflict, particularly with regard to the investigations and the administration of justice for the serious violations committed at that time. Reports presented to the Special Rapporteur indicate that a significant number of criminal cases for murder as well as for destruction of property and robbery or theft remain suspended, and that the Government has not implemented programmes for the rehabilitation of victims and their families, including children who were exposed to violence and destruction.

78. Following the events of 2010, the Government adopted, in 2013, the Concept on Strengthening National Unity and Interethnic Relations, which underlines the commitment to ensure everyone's equal rights and opportunities, regardless of ethnicity.

79. The body responsible for implementing the Concept and developing strategies for conflict prevention is the State Agency for Local Self-Government and Interethnic Relations (GAMSUMO). With the support of the United Nations and others, the State agency has created 23 community-based reception centres, each with a dedicated interethnic advisory council, which monitor developments at the local level, implement the agency's programmatic activities, receive complaints and cases brought by local communities, and report regularly to the central monitoring body to formulate recommendations for the Government. At the national level, the agency has established a central interethnic public

⁷ A national commission of local experts reported that 426 people died in the violence in January 2011, among them 276 ethnic Uzbeks and 105 ethnic Kyrgyz. This was strongly contested by members of civil society that the Special Rapporteur met, with more than one suggesting that thousands were killed, and that the proportion of Uzbeks was much higher than the official figures indicated. The independent Kyrgyzstan Inquiry Commission, led by Kimmo Kiljunen, Special Representative for Central Asia of the OSCE Parliamentary Assembly, released findings in 3 May 2011 showing that the military was complicit in some attacks against ethnic minority Uzbeks, who made up 74 per cent of its death toll of 470; 25 per cent were ethnic majority Kyrgyz; and 1 per cent were from other minorities. The Commission's findings on the death toll were obtained from official sources.

council with 33 members from different regions, which, however, due to financial constraints, has not been able to meet for two years.

80. In 2019, the agency's local reception centres received 200 complaints and took action in 56 cases to ensure that they did not escalate into local interethnic tension and conflict. It is reported that in 2019, a total of 1,011 events and activities to promote interethnic harmony were organized and supervised by the agency, including training programmes and local interethnic diplomacy initiatives. For these activities, the agency also collaborates with the advisory council representing minorities in Kyrgyzstan, the People's Assembly.

81. Nevertheless, the Special Rapporteur received criticisms about the efficiency of the agency and of its local reception centres, as local populations are not well informed about the activities of the organization and the possibility of submitting a complaint. In addition, concerns have been raised with regard to the financial sustainability of the agency, which appears to operate mainly thanks to international donors' contributions.

82. Other concerns are the fact that 20 out of the 23 public reception centres operate in local government buildings, which makes them less accessible to the public, and that the agency's close coordination with the Ministry of Internal Affairs, Muslim religious authorities and the State Committee on National Security signals an association with the ethnic Kyrgyz majority. This creates a feeling of distrust among segments of minority communities, who prefer to refer their cases to human rights civil society organizations and to seek legal assistance where some feel they will receive fairer, more objective treatment. The theme running through many of the concerns expressed was that the agency was not considered able to operate freely as a fair and neutral agency due to limitations by or close association with State authorities in its mandate, operations and resources.

83. In the area of conflict prevention and resolution, and following recent cases of interethnic tension in March and April 2019 over issues of property and business ownership, particularly between members of the ethnic Kyrgyz majority and of the ethnic Uzbek minority, the Office of the Ombudsperson designed and implemented a community-based outreach initiative, involving minority representatives from different regions of the country, who operate as the Ombudsperson's advisors and are responsible for disseminating information about the Ombudsperson's activities and recommendations. They contribute to strengthening the local presence of the Office of the Ombudsperson, along with its existing regional offices in the seven regions (oblasts) of the country, monitor interethnic relations, and provide information for any intervention to mitigate local interethnic tensions.

84. However, when the Special Rapporteur visited locations in the south of the country, he was informed that the voices of minorities were muffled because of an environment of threats of "unfinished business" and vulnerability after the violence in 2010 in Osh and surrounding areas. Despite numerous positive and worthwhile initiatives, including with the agency, the Policy Framework on Strengthening National Unity and Interethnic Relations, and the Ombudsperson, a number of United Nations mechanisms have recently expressed concerns similar to those of the Special Rapporteur.

85. After 2010, the Committee on the Elimination of Racial Discrimination, for example, referred to what seemed like a growing stereotyping and stigmatization of ethnic minorities, including Uzbeks, Turks, Uighurs and Mugats, and to the use of hate speech against them in the media and by public and political figures. The Committee was also concerned at the ethnic profiling of these communities by law enforcement officers, in particular of Uzbeks.

86. Ethnic profiling, scapegoating and hate speech targeting minorities can even be found in official educational materials. In this regard, the Special Rapporteur was dismayed to see during his visit a history book used for ninth grade students in public schools that teach in Russian. The translation of the relevant section paints the main instigators of the violence in 2010 in Osh as being exclusively Uzbek, despite nearly three quarters of the victims killed during the events being minority Uzbeks themselves. The public school textbook further claims that Uzbeks had been preparing for violence for some time, raising funds "from Uzbek parts of the population of southern regions for the purchase of the weapons", and that "several Kamaz trucks found in Uzbek neighbourhoods ... had been modified for firing weapons",

even though no information existed to demonstrate “intentional preparation from Kyrgyz groups”.⁸

87. The existence and continued use of teaching materials in public schools which portray one minority as responsible for much of the violence, contrary to the findings of the independent Kyrgyzstan Inquiry Commission and most outside observers, and paint a picture of certain minorities as disloyal, potentially dangerous or threatening, and as targets in criminal prosecutions under overbroad security provisions and practices, is not conducive to peaceful coexistence or the equal participation of minorities in public life.

88. Dissident voices, and comments or criticism against abuses by law enforcement authorities, expressed by members of minorities, have been or may be prosecuted under article 313 of the amended Criminal Code, as of 2019 (formerly art. 299). One prominent case that has gained much attention is that of journalist and human and minority rights activist Ulugbek Babakulov, who criticized nationalist attacks against Uzbeks during the events of 2010. He was charged with incitement to hatred under the former article 299 of the Criminal Code and sentenced to four years’ imprisonment and fled the country.

89. In this regard, the Special Rapporteur reminds the Government of Kyrgyzstan that it failed in its obligation to fulfil the Human Rights Committee’s Views⁹ and release the imprisoned human rights defender Azimjan Askarov, a member of the Uzbek minority who also investigated and wrote about police brutality during the events of 2010 and received a life sentence for “inciting ethnic violence”. In May 2018, the Committee on the Elimination of Racial Discrimination reiterated the Views expressed by the Human Rights Committee when it expressed concern about “the State party’s continuing failure to restore the rights of Azimjan Askarov”.¹⁰ Despite these and other calls from the United Nations, from special procedures and from a multitude of international observers, including most recently in an appeal of Mr. Askarov’s case in which grave concerns were expressed for his health during the pandemic, Mr. Askarov died in prison in May 2020.

90. These examples are tied to a broader area of concern. On more than one occasion, the Special Rapporteur received allegations that cases under what is now article 313 of the Criminal Code (on incitement of national, racial or religious enmity) are not prosecuted when the victims are members of minorities and the perpetrators are members of the Kyrgyz majority. The cases of Mr. Askarov and Mr. Babakulov both occurred in the context of the events in Osh in 2010 where violence was targeted mainly at members of the Uzbek minority. Both were members of minorities, journalists and human rights defenders who raised serious concerns about the threats and violations against the human rights of minorities and of others who were particularly vulnerable and threatened.

91. The Special Rapporteur was also informed of proposed new legislation in early 2020 which would introduce new reporting requirements on non-governmental organizations and could give the Government wide discretion for determining reporting conditions and could target non-governmental organizations disproportionately for defending the human rights of minorities.

92. Information provided to the Special Rapporteur raised other concerns about how certain religious and ethnic minorities were being impacted by the criminalizing of certain activities. Offences under article 313 of the Criminal Code were used by State authorities in 57 criminal cases involving individuals in 2018 and in 80 cases against organizations or groups of people. The provision appears to be used to target and “criminalize” legitimate reporting and human rights activities, and in particular targets minorities, dissidents, and criticism of government policies or practices. Previously, Supreme Court data from 2016 showed that approximately 60 per cent of extremism-related convictions concerned members of minorities, with ethnic Uzbeks accounting for 54 per cent of these. Other relevant data, for the period from 2014 to 2018, confirmed the above-mentioned figures, showing that 51 per

⁸ Photocopy of the textbook and translation on file with the Special Rapporteur.

⁹ CCPR/C/116/D/2231/2012.

¹⁰ CERD/C/KGZ/CO/8-10, para. 8.

cent of extremism-related cases concerned ethnic Uzbeks and 43 per cent concerned ethnic Kyrgyz.

93. These and other factors appear to mean that minority journalists and others who may write on minority and other related matters are very attentive with regard to their use of social media and are passive rather than active in order to avoid any risk of being arrested and intimidated.

94. Overall, the Special Rapporteur has received credible claims of an increased incidence of harassment, and of hostile and threatening environments for civil society organizations, human rights defenders and journalists, including those monitoring and reporting on the situation of minorities.

95. Following the Special Rapporteur's own observations during his visit, he agrees with his colleagues on the Committee on the Elimination of Racial Discrimination that Kyrgyzstan must "take effective measures to ensure that civil society organizations, human rights defenders and journalists, including those working on the rights of ethnic minorities, are able to carry out their work effectively and without fear of reprisals".¹¹

96. A number of concerns were expressed in relation to a new concept of citizenship put forward by the Government of Kyrgyzstan which may be perceived as being centred around Kyrgyz ethnicity rather than a national citizenship of all members of the country's population. Significantly, the new approach contained in the Concept for the Construction of a Civil Nation – Kyrgyz Zharan ("Kyrgyz Citizen") in the Kyrgyz Republic (2013) states – among other things – that "a civil nation is achieved by creating equal conditions and opportunities for participation of Kyrgyz Zharana in socioeconomic and sociopolitical life, preserving diversity and increasing tolerance in society".

97. However, the Concept subsequently seems to discard any significant reflection of the country's multiethnic composition by emphasizing almost exclusively the Kyrgyz language and culture, and not including any role for the languages or cultures of minorities who have a long-standing and significant presence in the country. For example, while the document's strategic objectives are described as involving opportunities to stimulate and motivate citizens to learn the State language and to improve the quality of its teaching, it does not mention teaching in minority languages as such, referring only to "multilingual education" and the objective of developing "opportunities" for knowledge of official, native and foreign languages.

98. The Policy Framework on Strengthening National Unity and Interethnic Relations focused on creating a national identity that did not explicitly include all ethnicities and may tend to reignite past tensions by symbolically and concretely "leaving out" minorities from that view of the nation, despite their demographic weight. The Special Rapporteur regrets that this policy document seems to signal an evolution that had already been identified by other United Nations monitoring mechanisms, who have previously noted the near absence of minority languages in the media, other than Russian – suggesting a dismissal or disregard of the contributions and relevance of non-Kyrgyz minorities as constituents of the people of Kyrgyzstan. This could also suggest that education in and teaching of minority languages may be demoted, significantly reduced or perhaps even eliminated, which would be inconsistent with the country's human rights obligations. Other United Nations monitoring mechanisms have identified a number of issues that are of increased concern to the Special Rapporteur if Kyrgyz Zharana is to be interpreted as non-inclusive and be focused almost exclusively on the majority Kyrgyz language and culture. These concerns include the reported reduction in the use of minority languages in education, regardless of the so-called "multilingual" education that is promoted, which does not appear to include to any significant extent the use of Kyrgyz, English or Russian as languages of instruction. Unfortunately, the Special Rapporteur's observations suggest decreased space for minorities and their languages and cultures, particularly in education for the Uzbek minority, rather than any tangible acknowledgment or inclusion.

¹¹ Ibid., para. 9.

IX. Conclusions and recommendations

99. The Special Rapporteur wishes to reiterate that the Government of Kyrgyzstan has taken commendable measures towards addressing a range of human rights concerns, including ratification of United Nations treaties and collaboration with international human rights procedures, and has taken steps to tackle discrimination, hate speech and hate crimes against minorities and other vulnerable groups. Kyrgyzstan should also be congratulated for its efforts in many areas, including in eliminating statelessness in the country, and for its collaboration and willingness to engage with members of the international community.

100. As is always the case, however, there are improvements and changes needed where there are challenges to be met, such as in the case of gaps or weak implementation, particularly in relation to the rights, protection and participation of minorities.

101. The Special Rapporteur calls upon the Government of Kyrgyzstan to adopt a comprehensive anti-discrimination framework that would address all grounds of discrimination, as well as more comprehensive legislation to protect the human rights of minorities.

102. The Special Rapporteur recommends that article 7 of the Law on the Ombudsperson of the Kyrgyz Republic be modified to remove the political vulnerability of his or her institutional position, including the possibility of “premature dismissal” by Parliament. More broadly, he also recommends that the mandate and operations of the Office of the Ombudsperson be reviewed and amended so as to comply with the Paris Principles, and that its institutional resources be guaranteed according to a multi-year funding formula so as to be assured the necessary resources to discharge its role. The Government of Kyrgyzstan should also take effective measures to raise awareness about the work of the Office and about the mechanism available to minorities for complaints of ethnic, religious or linguistic discrimination.

103. The Special Rapporteur invites the Government to review current legislation which allows citizenship to be withdrawn from persons suspected of being involved in a wide or ambiguous category of terrorism. “Citizenship stripping” can lead to statelessness, affecting particularly certain minorities, and possibly constitute breaches of the international obligations of Kyrgyzstan.

104. The Special Rapporteur urges the Government of Kyrgyzstan to reverse the decrease in the use of minority languages in education, including as medium of instruction, and to ensure equal access to quality education for all children in the country, including members of minorities. In this regard, Mugat children must be guaranteed equal access to public schooling. The number of public schools and educational programmes that use Uzbek as the language of instruction must be increased, in order to properly reflect large or concentrated minority populations. The Government must ensure appropriate and proportional budgetary resources for the provision of quality mother tongue education, while providing effective teaching of Kyrgyz as a second language, and re-establish university admission tests in the Uzbek language. A plan to redefine, celebrate and include the languages of minorities in public education as languages of education where they are concentrated should be adopted so that these languages are not subjected to continual reductions or pressure to assimilate, as one step in promoting an even more inclusive, tolerant society through education.

105. The Special Rapporteur strongly recommends that the Government collect, compile, analyse, publish and disseminate reliable statistical data, in full respect of the relevant data protection standards, disaggregated along ethnic, linguistic and religious lines, on the basis of voluntary self-identification, in order to have reliable tools for the development of more effective policies and measures for the protection and promotion of the human rights of minorities, and that these data in the future be made freely available to United Nations missions.

106. The Special Rapporteur suggests that the existing efforts of the Government of Kyrgyzstan to ensure the effective participation and representation of minorities in public life must be strengthened, including in relation to the operation of quotas in the country's Parliament. To address the apparently increasingly low levels of employment of minorities in the civil service of the country, including in the police and the judiciary, affirmative action programmes should be in place to increase the hiring of minorities to more closely reflect their proportion in the population. In regions where minorities are concentrated, public services, such as social services, health care and education, should be guaranteed in the prevalent minority language, with knowledge of the local languages being an employment requirement for an appropriate proportion of civil service personnel.

107. The Special Rapporteur urges the Government to review the law on rights of and guarantees for persons with disabilities, or adopt new legislation, to recognize sign language as a fully fledged language and guarantee access to public services and the use of sign languages in areas such as education and health care. He recommends stronger government planning and support, including adequate public funding and State involvement in the provision of sign language services, as well as the development and implementation of training programmes for sign language interpreters. A first national plan for the use of and teaching in sign language in education is also strongly urged for 2022.

108. The Special Rapporteur is of the view that despite the overall commendable efforts made by Kyrgyzstan to protect the rights of religious minorities, registration and other administrative or financial requirements for smaller religious groups is too burdensome and must be reviewed. Continued difficulties with burials must also be addressed.

109. The Special Rapporteur strongly recommends that the Government adopt a national plan for citizenship and inclusion to recognize and celebrate one of its great strengths – its diversity – in order to tackle growing stereotyping, ethnic profiling, and stigmatization of minorities, as well as the rise of hate speech against them. This should include a review of negative stereotyping of minorities in educational and other official materials.

110. The Special Rapporteur agrees with his colleagues on the Committee on the Elimination of Racial Discrimination and reiterates that Kyrgyzstan must take effective measures to ensure that civil society organizations, human rights defenders and journalists, including those working on the rights of minorities, are able to carry out their work effectively and without fear of reprisals.

111. The Special Rapporteur congratulates the Government once again for its willingness to engage in dialogue, cooperation and action to address issues and improve practices and policies involving the human rights of minorities. He hopes that his report will support the Government in that process and expresses his willingness and availability to assist in this important endeavour.
