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MINORITY RIGHTS IN CENTRAL ASIA: INSIGHTS FROM KAZAKHSTAN, KYRGYZSTAN, AND UZBEKISTAN

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Abstract: This paper explores the state of minority rights in the three Central Asian countries of Kazakhstan, Kyrgyzstan, and Uzbekistan. These countries share a lot of similarities in terms of their post-Soviet authoritarian legacy and weakness of democratic institutions. The repressive political landscapes of the Central Asian states have taken their tolls on minority groups, leaving them discriminated against, mistreated, and severely disadvantaged. Minority rights violations range from ethnic and religious discrimination to state-sponsored homophobia. Even though the leadership changes have positively affected the state of human rights in the three countries, there is still a slow pace of reforms. Overall, domestic changes in Uzbekistan, Kazakhstan, and Kyrgyzstan have not yielded considerable results so far in terms of alleviating the plight of minority groups across these countries.

Keywords: Kazakhstan; Kyrgyzstan; Uzbekistan; Human Rights; Minorities, Discrimination

INTRODUCTION

The problem of minorities has been a significant issue in international society for centuries. It has generated ongoing friction between states, led to separatism and intervention while causing devastating wars. Central Asia that appears to constitute a maze in ethnic terms has been inherently prone to ethnic conflicts. While the origins of ethnic tensions in Central Asia date back to Czarist and Soviet times, the deeply-rooted hostilities have plunged into a volatile new phase since the independence of the Central Asian states in 1991. The situation surrounding minorities is compounded by prevailing authoritarian practices across the region with all adverse effects on ethnic, religious, sexual minority groups and beyond. The authoritarian malpractices range from centralization and personalization of power to extensive crackdown on civil liberties and political freedoms, with the minority groups desperately longing for acceptance, fair treatment, and protection. The leadership changes in Uzbekistan, Kazakhstan, and Kyrgyzstan, with the leaders that position themselves as reformers engender a series of

unanswered questions about their possible implications for human rights across these countries. This paper specifically addresses the following research question: What are the major problems faced by the minority groups in Kazakhstan, Kyrgyzstan, and Uzbekistan?

RELIGIOUS RIGHTS IN CENTRAL ASIA: THE GAP BETWEEN PRINCIPLE AND PRACTICE

Central Asian countries share much in common in terms of their post-Soviet authoritarian legacy and weakness of democratic institutions. Their post-soviet transition has been marred by a series of authoritarian malpractices, ranging from centralization and personalization of power to extensive crackdown on civil liberties and political freedoms. While the three Central Asian states have signed up to major international conventions on human rights, their implementation remains a significant problem. Notably, the three countries are members of the Organization for Cooperation and Security in Europe (OSCE) with ensuing commitments to respect human rights in compliance with CSCE Helsinki Final Act 1975, The Copenhagen Document 1990, and other related OSCE documents. Moreover, Kyrgyzstan has ratified the 1995 Convention on Human Rights and Fundamental Freedoms of the Commonwealth of Independent States (CIS) (Lehner 2019).

Table 1: Human Rights Framework (Source: Terzyan 2021)

Human rights treaties	Kazakhstan	Kyrgyzstan	Uzbekistan
Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment	Accession	Accession	Accession
Optional Protocol of the Convention against Torture	Ratification	Ratification	-
International Covenant on Civil and Political Rights	Ratification	Accession	Accession
Convention for the Protection of All Persons from	Accession	-	-

Enforced Disappearance			
Convention on the Elimination of All Forms of Discrimination Against Women	Accession	Accession	Accession
International Convention on the Elimination of All Forms of Racial Discrimination	Accession	Accession	Accession
International Covenant on Economic, Social and Cultural Rights	Ratification	Accession	Accession
Convention on the Rights of the Children	Ratification	Accession	Accession
Convention on the Rights of Persons with Disabilities	Ratification	Signed	Signed

A question arises as to what the current state of these commitments' fulfillment is. In terms of religious freedoms, studies show that they remain considerably restricted in Muslim-dominated Central Asian countries. One of the most vivid forms of religious discrimination in the three countries is the enforcement and application of mandatory state registration requirements for religious associations. Unregistered religious activities and private religious practice and instruction are prohibited and lead to administrative or criminal penalties (Olcott 2016).

In 2011, Kazakhstan passed a new law governing religious activities and associations with new registration requirements. Since the implementation of the law in 2012, every place of worship in Kazakhstan has had to register with the government and every piece of religious literature sold must be pre-approved. The human rights monitoring service Forum 18 reports that in 2017 Kazakhstan prosecuted and convicted 23 members of Sunni Muslim, Jehovah's Witness, Baptist, and other minority faith communities for ostensibly 'unlawful' religious activities. The crime committed in most cases was the possession of religious literature (Forum 2018). Barker (2018) notes that while governments often try to justify these oppressive laws by citing extremism; their actual goal is to control religious groups (Barker 2018). Similarly, Fradkin (2020) argues

that to justify the increasing restrictions on religious freedom, Kazakhstan's domestic discourse has shifted to prioritize 'security' as a rationale for controlling the Islamic space. Meanwhile, religious 'dissidents' are denigrated as 'extremists'. According to this narrative, extremism is caused almost exclusively by 'foreign' influences (Fradkin 2020).

During his official visit to Kazakhstan in 2014, the UN Special Rapporteur Heiner Bielefeldt noted that members of 'nontraditional' groups are treated unequally, get subjected to 'societal skepticism, suspicion and discrimination' and the 'state goes quite far in monitoring religious organizations, in particular non-traditional communities' (Marinin 2015, 12-13). He called for the abolition of compulsory registration pointing out a bunch of other significant shortcomings of the existing legislation, such as 'problematic language' vis-à-vis 'non-traditional' religious movements, vague formulation of 'religious hatred/religious extremism' as well as the overall worsening landscape of religious freedoms (Marinin 2015).

Instead of addressing the call of the Special Rapporteur as well as the recommendations made during its last Universal Periodic Review (UPR) to "undertake a thorough review of the 2011 Law on Religious Associations", throughout 2018 the country considered amendments to the law that would have imposed further restrictions and sanctions on religious teaching, proselytizing, and publications. Not surprisingly, religious groups expressed their concerns over increasingly restrictive measures. In January 2019, the government withdrew the proposed amendments from consideration but did not explain its decision (HRW 2019).

According to the Office of International Religious Freedom, "the Kazakh authorities are imposing restrictions and additional scrutiny on what the government considers 'nontraditional' religious groups, including Muslims who practice a version of Islam other than the officially recognized Hanafi school of Sunni Islam" (US Department of State 2019a). While Kyrgyzstan guarantees freedom of conscience and religion on paper, it is not uncommon for religious groups to get subjected to mistreatment and harassment by the government. The state exercises control over the Hanafi school of Sunni Islam - the largest Kyrgyz Islamic denomination and the only one that is officially recognized as 'traditional' - through a Muslim Board that appoints all clergy and religious educators (USCIRF 2017).

According to local human rights defenders, in response to the recent spread of Salafism and other fundamentalist strands of Islam, the Kyrgyz authorities have become increasingly repressive. The government's rhetoric against fundamentalist Islamic ideology has at times been strident (HRW 2018). Southern Kyrgyzstan, which is home to a large Uzbek community (up to 40 percent of the population), has seen several examples of official religious repression of local Muslim leaders. In 2010, southern Kyrgyzstan witnessed widespread ethnic violence; almost all the 450 victims were ethnic Uzbeks (USCIRF2017).

As for Uzbekistan, in 2019, the US State Department put the country into the category of those, which violate religious freedoms (Central Asian Bureau for Analytical Reporting, 2020). According to Uzbekistani civil society organizations, by August 2015, over 12,000 individuals had been imprisoned on charges of religious extremism. Throughout 2016, human rights organizations, such as Forum 1885 and Amnesty International documented other cases of arrest and imprisonment of religious dissidents on extremism charges (Equal rights Trust 2017).

Ethnic Uzbeks who converted to Christianity reportedly suffered continued discrimination, including family pressure to repudiate their new faith. Members of religious groups perceived as proselytizing, including evangelical Christians, Pentecostals, Baptists, and Jehovah's Witnesses, said they continued to face greater societal scrutiny and discrimination (US Department of State 2019b). The new government's initial stride towards delisting thousands of individuals from its blacklist of potential 'religious extremists', and its decision to invite the United Nations Special Rapporteur on freedom of religion or belief, Ahmed Shaheed, to visit the country in late 2017, seemed to move the needle. Similarly, the government's adoption of 'road map' in response to Shaheed's recommendations the following year provided grounds for optimism (Maenza and Turkely 2020).

Overall, religious freedoms remain severely restricted across Kazakhstan, Kyrgyzstan, and Uzbekistan, with the governments controlling religious narratives not least through suppressing pluralism.

THE PLIGHT OF MINORITIES: THE PATTERNS OF DISCRIMINATION IN CENTRAL ASIA

The three Central Asian countries are home to various ethnic groups. Since the collapse of the USSR, all three countries adopted legislation, policies, and ideologies that confirmed their status as emerging nation-states. Meanwhile, they have inherited the Soviet attitudes towards minorities, thus leaving them disadvantaged and discriminated against (Equal Rights Trust 2017, 71-72). The current patterns of discrimination, whether religious, ethnic, or linguistic are vivid manifestations of the Soviet legacy. Even though the three countries have acceded to or ratified the basic human rights instruments and thereby assumed non-discrimination obligations along ethnic lines, there are considerable gaps between principles and practices.

The most serious pattern of ethnic discrimination in the region is that of inter-ethnic violence and associated hate speech (Equal rights Trust 2017, 85). The most extreme manifestations of such violence occurred in Kyrgyzstan, but lesser forms of abuse have also occurred in Kazakhstan and other parts of the region. Kyrgyzstan's southern region considerably differs in terms of its political culture from the north, with considerable intolerance for minorities. The interethnic violence in Southern Kyrgyzstan,

which occurred chiefly in Osh and Jalalabad, in June 2010 cost around 500 lives and wounded thousands. According to the United Nations and other international organizations, 400,000 refugees were displaced because of the pogroms and over 111,000 people fled across the border to Uzbekistan (International Crisis Group 2012). Although Uzbeks were the primary targets of these clashes, they made up the majority of those, who were detained and prosecuted in the aftermath of the riots (CERD 2018).

Notably, the Kyrgyz government keeps denying justice to the victims of ethnic violence. The Human Rights Watch notes that the government “took no steps to review the torture-tainted convictions delivered in its aftermath” (HRW 2017).

To account for the main causes of inter-ethnic tensions, Rezvani (2013) focuses on the legacy of the Soviet ethno-political system along with Uzbek trans-border dominance and spatial factors, including specifically the mosaic type ethno-geographic configuration (Rezvani 2013, 73-77). The authoritarian regimes have had a strong tendency of resorting to repressive measures when addressing inter-ethnic strives, including ethnic cleansing and forced migration. However, these factors would not necessarily cause a conflict if the ethnicities were depoliticized. Therefore, it is essential to embrace a civic model of nationhood wherein all citizens, irrespective of their ethnicity, religion, or language, have equal rights (Rezvani 2013).

Even a decade after the bloody events of 2010, ethnic Uzbeks remain quite vulnerable in Southern Kazakhstan. According to Human Rights Measurement Initiative (HRMI), Kyrgyzstan scores 3.9 out of 10 in terms of civil and political rights, with the ethnic groups identified as being particularly at risk of violations. HRMI also reports that the Uzbek population is vulnerable to torture and ill-treatment in Kyrgyzstan (HRMI 2019). While Kyrgyzstan has seen the most severe forms of interethnic tensions, the neighboring countries are not devoid of such problems. Kazakhstan is the only country that has never had a majority of the titular national group during Soviet times. Not surprisingly, the authorities have consistently strived to reinforce the Kazakh identity through increasing the Kazakh population and elevating the Kazakh language as a part of the policy of “Kazakhization” (Matuszkiewicz 2013).

In 2009, President Nazarbayev adopted the so-called Doctrine of National Unity aimed at strengthening inter-ethnic harmony. Three key principles were singled out in the doctrine: 1. one country, one destiny, 2. various origins, equal opportunities, and 3. development of a national spirit (Melich and Adibayeva 2013, 270). Overall, while the government’s discourse tends to focus on the concept of an inclusive civic state, it is not uncommon for ethnic minorities to face discrimination. Ethnic tensions escalated in February 2020, when hundreds of pogromists attacked the Dungan villages. At least 10 people were killed, and dozens wounded because of a brawl between Dungans (members of a local Muslim ethnic minority of Chinese origin) and Kazakh police (Aljazeera 2020). Notably, little has been done to conduct a thorough investigation.

On the contrary, in April 2020 the representatives of the Dungan minority got subjected to arbitrary detentions and ensuing torture (Aljazeera 2020). Dave (2004) notes that the absence or weakness of ethnic leaders capable of creating a support base within their ethnic communities is a major problem faced by the ethnic groups in Kazakhstan. Essentially, leaders of ethnic communities are not the actual representatives and 'voices' of their communities. Rather, they are mostly appointed or backed by pro-regime forces, with the view to showcasing the 'multiethnic' composition of the government (Dave 2004, 20).

Unlike Kyrgyzstan and Kazakhstan, Uzbekistan has not witnessed ethnic clashes since its independence. Islam Karimov's regime was quick to take legislative and policy measures aimed at nipping in the bud ethnic tensions. Along with legislative measures the government created a special group of state-sponsored NGOs to ensure the representation of the country's ethnic minorities (Equal rights Trust 2017).

In 1992, Uzbekistan founded the institution of the Republican Inter-ethnic Cultural Centre. Currently, there are over 140 national and cultural centers - headed by pro-regime figures. Even though large ethnic minorities are represented by these centers, it is not uncommon for them to face discrimination based on their perceived loyalty to the ruling regime. Namely, while some Tajik Cultural Centers that are loyal to the government had no problems with registration, the applications of others got denied (Equal Rights Trust 2016). In terms of language-related issues, it is noteworthy that particularly in Kazakhstan, where the ethnic Kazakh population constitutes less than two-thirds of the (63%) population, the policy 'Kazakhization' has strived to promote Kazakh identity not least through using the Kazakh language. The use of other languages is a significant concern in terms of ethnic minorities' access to education. In 2014, the Committee on the Elimination of Racial Discrimination (CERD) expressed concerns over the accessibility of minority language schools (CERD 2014). In 2010, civil society organizations reported that an increasing number of minority language schools were being shut down, with no new ones opened since Kazakhstan's independence in 1991. Meanwhile, Kazakh language schools would consistently grow in numbers (Equal Rights Trust 2016, 138-139).

The language discrimination in Kyrgyzstan became particularly acute in the aftermath of the 2010 ethnic clashes. Many Uzbek-language media owners were forced to flee Kyrgyzstan for security reasons. Before the 2010 conflict, there were three Uzbek-language television stations and two Uzbek-language newspapers. Meanwhile, after the ethnic clashes, one of the television stations never re-opened, while the other along with the newspapers were taken over by ethnic Kyrgyz and started using the Kyrgyz language (Equal Rights Trust 2016, 156-157). The HRC notes that many schools in Osh and Jalal-Abad that formerly provided education in Uzbek currently teach only in Kyrgyz. Moreover, some of them no longer receive government funding that is aimed at providing classes in Uzbek (OSCE 2013).

In Uzbekistan, where the Tajiks make up the largest ethnic minority, the Tajik language is restricted in terms of its availability in media and education. Moreover, while Karakalpak and Uzbek are both official languages in the Karakalpak autonomous republic of Uzbekistan, the government has been recently replacing the Karakalpak names of administrative divisions with Uzbek language ones (Equal Rights Trust 2017, 89).

As for sexual minority rights, they are among the most discriminated and disadvantaged groups in traditional Central Asian societies. In Uzbekistan, homosexuality is officially illegal and punishable by up to three years in jail. Following the country's Universal Periodic Review in 2018, the government rejected recommendations related to decriminalization of LGBTI status and called LGBTI issues "irrelevant to Uzbek society" (US Department of State 2019b). The LGBT community seems to enjoy more freedoms in Kazakhstan, even though violence and discrimination against sexual minority groups keep prevailing.

Meanwhile, in Kyrgyzstan violence, discrimination, and hate crimes based on sexual orientation and gender identity permeate every section of the society (Submission to the UN Universal Periodic Review 2016).

The leadership changes in Central Asia seemed to open a window of opportunity in terms of improving the state of human rights across the region. Nazarbayev's successor Kassym-Jomart Tokayev has positioned him as a 'reformer' and offered a dialogue with civil society (Inauguration speech 2019). He has pledged to liberalize the restrictive legislation governing the freedom of assembly (Radio Azattyk 2019).

Nevertheless, as Hugh Williamson, Europe, and Central Asia director at Human Rights Watch, notes "despite a rhetoric of change, Kazakhstan's political transition looks like a human rights stagnation (...)" (HRW 2020). Thousands of protesters have been arrested since Tokayev's election and prominent government critics remain unjustly in prison (HRW 2020).

Former president Nazarbayev still maintains 'broad, lifetime authority' over a range of government functions. As the US State Department reports, "unlawful or arbitrary killing by or on behalf of the government (...) substantial interference with the rights of peaceful assembly and freedom of association; restrictions on political participation" (US Department of State 2019a), remain significant human rights issues in Kazakhstan. Since rising to power Uzbekistan's President Mirziyoyev has carried out a series of reforms aimed at improving the state of human rights, not least through the release of several human rights defenders and journalists. As an integral part of his reform agenda, Mirziyoyev shut down the notorious Jaslyk prison (Economist 2019). Still, thousands of people, mainly peaceful religious believers, remain in prison on false charges, and there is no genuine political pluralism.

As for Kyrgyzstan, even though it has gained the reputation of the 'island of democracy' the frequent revolutions and ensuing turbulence suggest that it can be fairly

treated as an 'island of instability'. The continued suppression of ethnic minorities remains a major concern that needs to be addressed by the new authorities.

CONCLUSION

Even though Kazakhstan, Kyrgyzstan, and Uzbekistan have assumed a series of international obligations and duties to respect, protect, and fulfill human rights, there are still huge gaps between principles and practices in the three Central Asian countries.

Minority groups, whether ethnic or sexual, remain discriminated against, mistreated, and disadvantaged. The problems of ethnic discrimination are particularly acute in Kyrgyzstan, fraught with massive violations of the Uzbek minority rights. The widespread discrimination against ethnic minorities is not uncommon in neighboring Kazakhstan and Uzbekistan. The so-called policy of 'Kazakhization' seems bound to further disadvantage the ethnic and religious minorities across Kazakhstan. The situation is not much different in Uzbekistan, plagued by erosion of civil liberties, suppression of dissent, and pluralism. Notably, while violating the rights of religious minorities, the Uzbek authorities have invoked as justification the need to counter 'religious extremism'. Meanwhile, the restrictive legislation and repressive measures are bound to further fuel religious hatred and radicalize peaceful religious adherents.

Severe violations of LGBT rights are prevalent in all three countries. Even though the LGBT climate in Kazakhstan is better than in the rest of Central Asia, discrimination and violence against sexual minorities remain rampant. Even though the leadership changes have positively affected the state of human rights in the three countries, there is still a slow pace of reforms.

Overall, domestic changes in Uzbekistan, Kazakhstan, and Kyrgyzstan have not yielded considerable results so far in terms of alleviating the plight of minority groups across these countries. 

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