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LEGAL MECHANISMS FOR PARTICIPATION OF LEGAL MINORITIES IN TAJIKISTAN AND THEIR IMPLEMENTATION:

*COMPARISON OF THE FRAMEWORK
CONVENTION AND TAJIKISTAN'S LEGISLATION*

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The author of this publication is Aziz Berdikulov, a Researcher at the European Centre for Minority Issues (Germany). This briefing analyses the legal framework and provisions aimed at protecting the rights of national minorities in Tajikistan. It analyses the legal framework and provisions aimed at protecting the rights of national minorities in Tajikistan and compares Tajik and European minority legislation. legislation concerning national minorities. The particular focus is on which legal and regulatory practices from the European experience can be used in Tajikistan. European experiences can be used as examples in the Tajik context with a view to improving national legislation on the protection of national minorities and their rights. Recommendations have been formulated for several ministries and the government of Tajikistan, for international donors, and for representatives of national minorities.

Summary

There is no centralised legislation on national minorities in the Republic of Tajikistan. Moreover, existing regulations focus mainly on the use of minority languages and access to education. This impacts current realities: for instance, national minorities are unable to receive a quality education in their mother tongue, suffer from a lack of educational materials, and the scope of their mother tongues is decreasing year by year. In addition, access to civil service for national minorities is also limited due to widespread nepotism and cronyism, as well as requirements to know the Tajik language.

Failure to respect the rights of national minorities, such as freedom of self-determination and the right to autonomy, leads to frequent clashes, for example in the Gorno-Badakhshan Autonomous Region (GBAO). National minorities are often involved in cross-border conflicts, such as on the Tajik-Kyrgyz border, due to limited natural resources and incomplete border demarcation.

The continuing disregard of ethnic minorities and the violation of their rights can lead to several types of threats. For instance, the lack of access to education may push minorities below the poverty line and make it difficult for them to find employment. Exclusion of minorities from public administration would result in their exclusion from public policy and would negatively affect the representativeness and diversity of Tajikistan. Without a well-established dialogue between the centre and national minorities, who have the right to autonomy as in GBAO, there is a risk of new incidents of political mobilisation of the local population.

RECOMMENDATIONS | FOR THE REPUBLIC OF TAJIKISTAN

» Conduct a review of national legislation to ensure that it is in compliance with the country's international obligations to protect the rights of national minorities.

» Organize consultations with representatives of national minorities to ensure that their needs are reflected in national legislation and public policy.

» Develop provisions for a high-level consultative body for the participation of national minorities and other applicants.

» Ensure the participation of national minorities in decision-making processes and their representation in public bodies and parliament, including through a quota system.

» Establish an open and cooperative dialogue with GBAO representatives. Aga Khan Foundation's involvement as a mediator could be considered.

» Study the provisions of the Framework Convention and the positive experience of Council of Europe countries in implementing it in national legislation.

FOR THE MINISTRY OF EDUCATION

» Develop measures to train teachers for minority schools, notably in Uzbek and Kyrgyz languages. The establishment of faculties with the involvement of specialists and support from Uzbekistan and Kyrgyzstan could be considered an option.

» Provide minority schools and classes with teaching materials.

» Develop measures to promote multilingual communication and education for schoolchildren. The teaching of the Tajik language should not take place at the expense of the native language of ethnic minorities.

» Incorporate the study of the culture, religion and languages of minorities living in the country into the education curriculum.

FOR THE MINISTRY OF LABOUR AND EMPLOYMENT AND FOR THE CIVIL SERVICE AGENCY

» Develop and implement, together with other governmental bodies, a quota system for recruiting and employing representatives of national minorities.

» Develop a system for the use of minority languages (in particular Uzbek and Kyrgyz) for recruitment and communication with citizens.

FOR THE MINISTRY OF CULTURE

» Include the celebration of the days of culture, language and religion of Tajikistan's national minorities in its list of events.

» To conduct intercultural dialogue and exchange activities among national minorities and Tajik populations throughout the country.

FOR INTERNATIONAL ORGANISATIONS

» Provide expert support to the Government of Tajikistan to conduct a review of national legislation to identify shortcomings regarding the protection of national minorities and their increased participation in public life.

» Support the government in examining the provisions and experience of the Council of Europe's Framework Convention, including by involving international experts. Special care needs to be taken to avoid attempting to copy the provisions of the Framework Convention, but rather to identify shortcomings in Tajik law and to refer to the experience of how similar problems have been addressed in Council of Europe countries.

FOR NATIONAL MINORITIES

» Familiarise themselves with Tajik law so that they are aware of what rights and freedoms are guaranteed to national minorities under the law.

» To make government and officials aware of the difficulties faced by national minorities in their daily lives.

» Encourage an open and productive dialogue on how to work together and address problems.

IT IS ESSENTIAL TO DEVELOP AND IMPLEMENT AN EFFECTIVE NATIONAL FRAMEWORK THAT NOT ONLY ALLOCATES RIGHTS TO MINORITIES BUT ALSO HAS A TRANSPARENT AND PRACTICAL MECHANISM FOR MONITORING THEIR IMPLEMENTATION. THE COUNCIL OF EUROPE'S FRAMEWORK CONVENTION FOR THE PROTECTION OF NATIONAL MINORITIES IS A PRIME EXAMPLE. DESPITE ITS SHORTCOMINGS, THE CONVENTION IS RECOGNISED AS AN EFFECTIVE MECHANISM FOR THE PROTECTION OF HUMAN RIGHTS AND ONE OF ITS STRENGTHS IS THE MONITORING MECHANISM WHICH THE TAJIK GOVERNMENT CAN USE FOR LOCAL LEGISLATION.

INTRODUCTION

Discussions about the importance of protecting the rights of national minorities and their involvement and representation go on both among academics and practitioners. In addition to the importance of protecting the rights of national minorities as human rights, states have an obligation to protect the specific rights of national minorities, such as the use of their language or the practice of religion. In this regard, the participation of national minorities in the political, public or any other life of the country is a particularly important aspect. By participating in public processes, national minorities not only strengthen the pluralism of opinions and the representativeness of society as a whole but also gain access to resources to speak out about their needs.

We can agree with experts who argue that consultative mechanisms are one of the most common ways of ensuring the participation of national minorities in public life.¹ They may be governmental or independent bodies in which national minorities and/or their public organisations are members. Such consultative bodies may include officials as well as independent experts, journalists and academics. Consultative mechanisms become particularly important in political environments where there are no provisions to ensure the participation of national minorities in parliament or other elected bodies. Consultative or advisory platforms for national minorities can then serve as channels for dialogue between state authorities and minority communities.

Another way of ensuring the participation of national minorities in political life is through a quota system. For instance, provisions may be adopted at the legislative level which set a minimum proportion of

¹ Weller, M. (2010). Minority Consultative Mechanisms: Towards Best Practices. In Bloed, A., et al. (Eds.) European Yearbook of Minority Issues (Volume 7, 2007/8, pages 425-447). Leiden: Martinus Nijhoff Publishers.

national minorities to be represented in state (or non-state) bodies. For example, in the lower house of the Kazakh parliament, [nine seats are reserved](#) for representatives of national minorities who are elected by the Assembly of the People of Kazakhstan.

Increased participation of national minorities can also be strengthened through specialised measures in the electoral system. For instance, some countries have a lower threshold for the votes that national minority parties must obtain, or have none at all. Party leaders can be required to include national minorities on voting lists.

As a final means of national minority participation, consider autonomy in the territories where the majority of national minorities live. There are two types of autonomy. Territorial autonomy implies that the national minorities are allowed to govern their territory, develop policies on taxation, health, and social affairs and only in some cases follow the decision of the centre (e.g. in matters of international relations or military defence). Non-territorial autonomy (or cultural autonomy) grants certain powers to national minorities, which most often concern the use of language, the promotion of culture, and the preservation of traditional crafts within national minority areas.

LEGAL MECHANISMS FOR THE PROTECTION OF THE RIGHTS OF NATIONAL MINORITIES. THE EUROPEAN EXPERIENCE

Before discussing the European experience in protecting national minorities, it is worth mentioning that there are several international agreements and UN documents on the matter. For example, the 1966 [International Covenant on Civil and Political Rights](#) calls on countries to ensure the right of national minorities to exercise their language, culture, and religion. The 1969 [International Convention on the Elimination of All Forms of Racial Discrimination](#) contains provisions that condemn racial segregation, prohibit racial propaganda and call for rights without racial discrimination. The 1992 [Declaration on the Rights of Persons](#)

[Belonging to National or Ethnic and Linguistic Minorities](#) prescribes that national minorities shall have the right to enjoy their culture, practice their religion and speak their language freely without discrimination, and to participate in cultural, social, economic and public life.

These instruments play an important role in protecting the rights of national minorities due to their high status, but because of the unsystematic process of monitoring their implementation, their practical value may not be extensive. We will therefore look at the Council of Europe's Framework Convention for the Protection of National Minorities as a more practical example, whose monitoring and reporting mechanisms can be used by Tajikistan to improve national legislation concerning national minorities.

The Council of Europe's Framework Convention for the Protection of National Minorities (the Convention) was adopted on 1 February 1995. The Convention has been [signed and ratified](#) by 39 member states of the Council of Europe. France, Monaco, Turkey and Andorra have not signed the Convention, while Belgium, Greece, Iceland and Luxembourg have signed but not ratified it. Among others, the Convention was signed and ratified by the Russian Federation in 1998 (however, the fate of the Convention in Russian law is [unclear](#) yet, since Russia's membership in the Council of Europe was suspended in February 2022 due to the invasion of Ukraine).

The Convention is one of the major legal instruments on European territory for ensuring the rights of national minorities. With the adoption of the Convention, [standards](#) for the protection of national minorities in Europe were established.

MECHANISMS FOR MONITORING THE CONVENTION

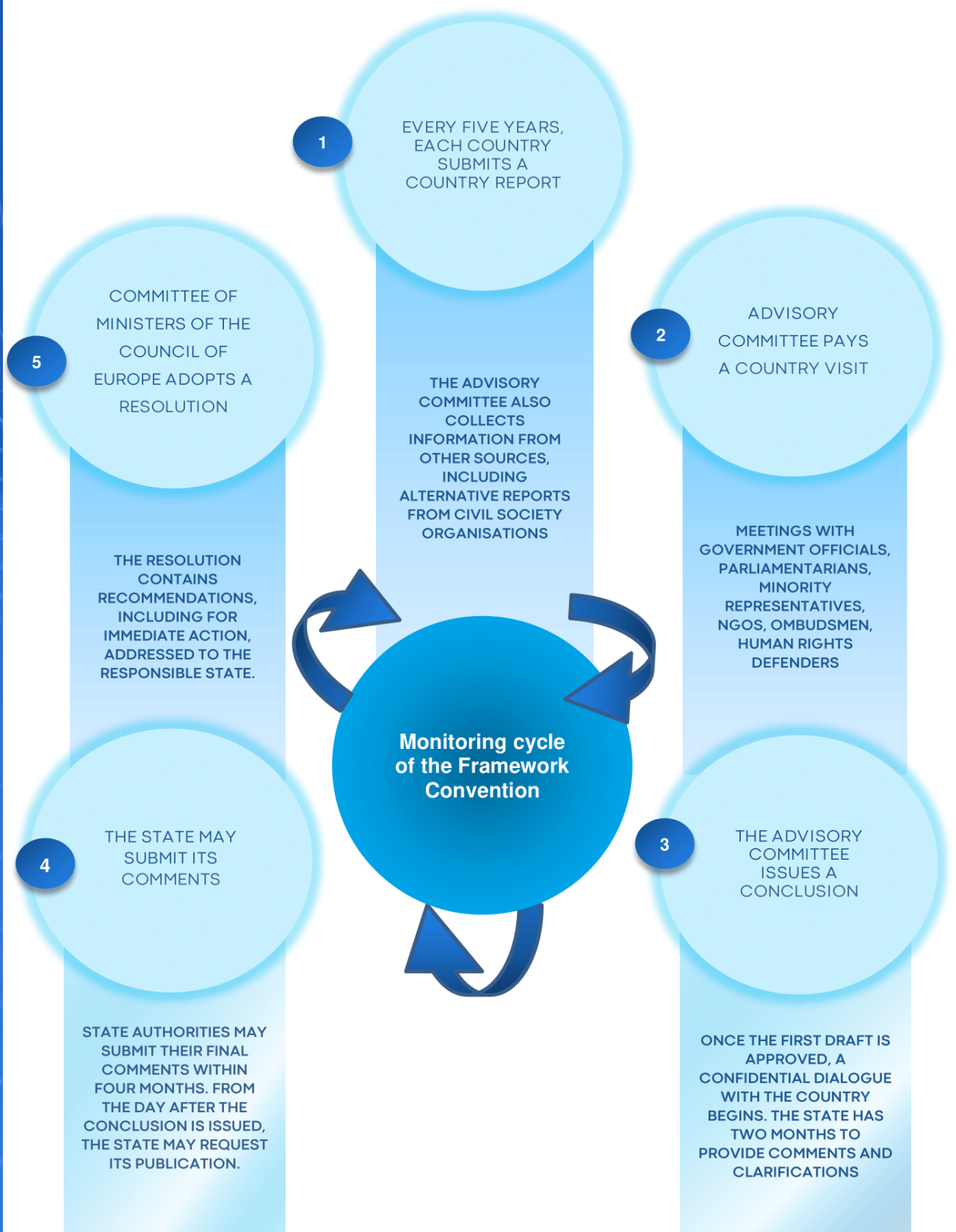
The implementation of the Convention, including monitoring and providing recommendations, is the responsibility of the Advisory Committee, which consists of various experts and reviews reports from Parties to the Convention. Experts [consider](#) that the process of monitoring the

implementation of the Convention is one of the main strengths of the Convention. Monitoring is a dialogue between a State Party and the Council of Europe, represented through the Advisory Committee as an expert body, and the Committee of Ministers of the Council of Europe, acting as a political body. The Advisory Committee makes recommendations on the basis of the state report of the state party, as well as during visits to the country, where it meets with various experts, national minorities and officials. The recommendations are subsequently adopted by the Committee of Ministers. The monitoring cycle lasts for five years and the last (fifth) monitoring cycle started in 2019 (see the *“Monitoring cycle of the Framework Convention”* Graph on p. 9).

CRITICISM OF THE CONVENTION

The Convention and its implementation mechanisms have been criticised on numerous occasions. For instance, some experts note that the Convention does not contain a definition of national minorities and leaves it up to each member state to interpret the meaning of “national minorities”, thereby deciding to which groups the provisions of the Convention will apply. In Denmark, for example, the Convention only applies to the German national minority living exclusively in the south of the country. Germans in other parts of Denmark and other national groups such as Roma, Faroese, Greenlanders or Arabs had no national minority status and could not claim any special status or rights.

Furthermore, the fact that the Convention has not been signed or ratified by all Council of Europe member states has also been repeatedly criticised and possibly indicates that there is no uniform approach to defining national minorities and protecting their rights in the European area. The comments and observations on the implementation of the Convention are stressed to be rather unclear. The Convention’s monitoring system has repeatedly been criticised for failing to enforce the principles on which the Convention is based.



Monitoring cycle of the Framework Convention. Source: [European Council](#).

There have been [arguments](#) that some countries are not willing to accept the concept of a multicultural society and be obliged to protect the rights of minorities.

Nevertheless, the Convention is a flexible instrument that allows the member states to incorporate its provisions into national legislation and strengthen the legal mechanisms to ensure and protect the rights of national minorities. The protection and situation of national minorities vary from country to country, and the Convention's monitoring mechanism allows for a tailored approach and targeted recommendations aimed at improving the compliance of national legislation with the Convention.

Ultimately, the Convention can be seen as a sort of agreement between European countries at the regional level to commit themselves to protect the rights of national minorities.

MAIN PROVISIONS OF THE CONVENTION

The provisions of the Convention on the various rights of national minorities and their protection are the main reason for considering it a working mechanism. The Convention consists of five parts, but the most important provisions relating to the rights of national minorities are articulated in the second part.

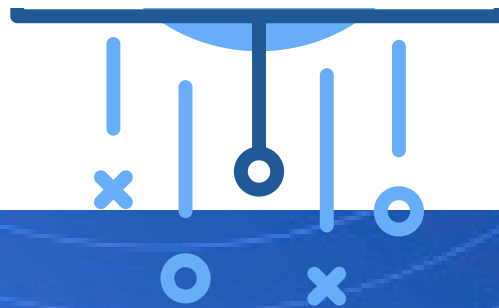
The most important [articles](#) of the Convention are outlined below:

ARTICLE 3 prescribes that “every person belonging to a national minority shall have the right freely to choose to be treated or not to be treated as such” and that a person's choice must not have any negative consequences for him or her. In other words, everyone should have the freedom of self-determination, i.e., everyone should be able to freely identify with a particular national group and their choice should in no way pose any threat to them. Furthermore, national minorities are guaranteed the exercise of their rights individually or with other groups.

ARTICLE 4 calls for the equality of national minorities before the law and prohibits any discrimination based on national origin. The Parties commit to taking measures to ensure the equal participation of national minorities in economic, social, political and cultural life.

ARTICLE 5 aims to encourage member states to create conditions in which national minorities will develop their culture, religion and language and prohibit assimilationist policies.

In addition, the Framework Convention prescribes the rights of minorities to profess religion and establish religious institutions, to have minority language media and access to education and educational materials.



IN SUMMARY, THE CONVENTION, FOR ALL ITS LIMITATIONS AND CRITICISMS, IS A LANDMARK LEGAL MECHANISM FOR THE PROTECTION OF THE RIGHTS OF NATIONAL MINORITIES. THE CONVENTION OBLIGES THE COUNTRIES THAT HAVE RATIFIED IT TO ENSURE THE FULL PARTICIPATION OF NATIONAL MINORITIES IN PUBLIC LIFE AND THE PROTECTION OF THEIR RIGHTS WITHOUT DISCRIMINATION.

NATURALLY, THE CONVENTION AND ITS OBLIGATIONS HAVE NO FORCE IN TAJIKISTAN, AS THE COUNTRY IS NOT A MEMBER OF THE COUNCIL OF EUROPE. HOWEVER, THE CONVENTION SHOULD BE SEEN AS AN EXAMPLE OF THE DEVELOPMENT OF SIMILAR LEGISLATION TO PROMOTE AND PROTECT THE RIGHTS OF MINORITIES RESIDING IN TAJIKISTAN AND ITS MONITORING PROCESS, WHICH HAS BEEN PROVEN OVER TIME, HAS WELL-ESTABLISHED PRACTICAL PROCEDURES.

Part II. Mechanisms for the protection of the rights of national minorities in Tajikistan

TAJIKISTAN'S INTERNATIONAL OBLIGATIONS TO PROTECT NATIONAL MINORITIES

As already mentioned, the Framework Convention for the Protection of National Minorities does not impose any obligations on Tajikistan, as do other European mechanisms. However, the Republic has signed and ratified several international agreements with provisions for the protection of national minorities.

The International Convention on the Elimination of All Forms of Racial Discrimination was signed by Tajikistan in 1995. The Convention is the only instrument relating to the rights of national minorities on the implementation of which the Tajik government regularly reports. Tajikistan prepares its reports, in which it provides a detailed description of the implementation of the Convention in national law and the practical measures it has taken. The Committee on the Elimination of Racial Discrimination, in turn, makes concluding observations on how Tajikistan fulfils its international obligations under the Convention. The last country report from Tajikistan was sent in 2020. It is also noteworthy that non-governmental organizations can also submit comments and recommendations as part of the monitoring of the implementation of the Convention. In 2017, for instance, the Anti-Discrimination Centre Memorial prepared a report on Tajikistan's compliance with its obligations for 2012-2015. Some parts of this report and Tajikistan's national reports will be analysed below.

The International Covenant on Civil and Political Rights was ratified by Tajikistan in 1999. The main provisions of the Covenant relate to the rights of each people to self-determination, to freely determine their political status and economic, social, and cultural development, and call for respect for human rights regardless of race, colour, sex, language

or national origin. The Convention on Ensuring the Rights of Persons Belonging to National Minorities (CIS Convention) is one of the few specialised instruments devoted exclusively to the protection of the rights of national minorities that Tajikistan [ratified](#) in 2001. A brief overview of the main provisions of the CIS Convention is provided below.

» Article 1 defines “persons belonging to national minorities”. These are citizens who live permanently in the territory of a country party to the CIS Convention and who differ in terms of ethnicity, language, culture, religion or tradition from the majority population.

» It is stressed that every person must freely choose to belong to a national minority and governments must ensure that this choice will not have negative consequences for that person (Article 2).

» The CIS Convention guarantees civil, political, social, economic and cultural rights to national minorities and promises to take action in the event of discrimination on grounds of nationality (Article 3). In addition, minorities are guaranteed the right to express, preserve and develop their ethnic, linguistic, cultural and religious identity (Article 4).

» The Contracting Parties undertake to ensure national minorities have the right to participate in public and state life, particularly in decision-making in matters concerning national minorities at the regional level (Article 5).

» The contracting parties undertake to guarantee the right of minorities to use their own language for the recording of names and surnames, on official documents and to receive information in their own language, including from the media. Governments undertake to create conditions for national minorities to use their mother tongue for contact with official bodies “where possible and necessary” (Article 7).

» Freedom of religion and belief, as well as the right to perform religious rituals, is guaranteed both individually and for members of a group (Article 8).

» The Parties pledge to create conditions for national minorities to learn their own language, while also recognising the importance

of knowing and learning the state language. They particularly stress that they will support the provision of teaching material and teachers in minority languages. Cultural and historical monuments and crafts of national minorities will be protected by the State (Article 10).

The CIS Convention is in many ways similar to the provisions of the Council of Europe Framework Convention. However, the most fundamental and important difference is that the CIS Convention lacks an elaborate monitoring and evaluation mechanism. It is noted that the CIS Human Rights Commission is responsible for supervising the implementation of the CIS Convention. However, the mechanism for implementation and monitoring of the CIS Convention is not prescribed in the document, and there are no reports from the CIS member states.

According to the Constitution of the Republic of Tajikistan, international acts recognised by Tajikistan are part of the national legal system and have supremacy over national legislation (Article 10), but it is nearly impossible to find a reflection of the provisions of the CIS Convention in Tajik legislation.

TAJIKISTAN'S NATIONAL LEGISLATION ON THE PROTECTION OF NATIONAL MINORITIES

There are no specialised laws or mechanisms in Tajik law designed exclusively to protect the rights of national minorities. There is also no definition of “national/ethnic minority”, but the rule of international law suggests that the definition of national minority under the CIS Convention is also applicable in the Tajik legal framework. It would be incorrect to argue that there are no provisions in the laws and other acts of Tajikistan obliging to protect national minorities and their rights. Separate provisions relating to the rights of national minorities are scattered throughout a wide variety of laws and legal instruments. The Constitution of Tajikistan guarantees equality before the law and the courts, as well as equal rights and freedoms to all,

regardless of sex, race, language, religion or nationality (Article 17), and establishes the Tajik language as the state language. Russian is given the status of a language of international communication (Article 2). However, it is still unclear what this status means in practice and whether the Russian language has an additional status.

The Law on State Language prescribes that everyone has the right to use his or her mother tongue, and guarantees conditions for the free use, protection, and development of the Yaghnob and Pamir languages (Article 4). Both languages are native to numerically small minorities, the Yaghnobi and Pamiri, most of whom live in the mountainous, inaccessible areas of Tajikistan. In Soviet times, some schools taught the Yaghnobi language. However, the language is now on the verge of extinction due to the decreasing number of its speakers as well as the dominance of the Tajik language. The Pamiri languages remain for the most part oral languages and face additional difficulties due to the lack of a common written language and alphabet. The law also states that every citizen of the country is obliged to know the state language (Article 3).

The National Development Strategy for Education for the period up to 2030 [contains](#) a number of provisions aimed at improving the conditions for the education of national minorities. For instance, it includes measures to ensure that children of national minorities have access to regular educational institutions in order to facilitate their integration into mainstream society in Tajikistan, to ensure the quality of educational infrastructure in accordance with the needs of national minorities, and to improve the quality of teaching of the official state language, English, Russian and minority languages. The document also obliges to promote access of national minorities to higher education, including through quotas.

The Law on Education [guarantees](#) the right of citizens to education regardless of nationality, race, sex, language and religion (Article 6). While Tajik is the state language and the main language of instruction in educational

institutions in the country, citizens have the right to receive education in the mother tongue of national minorities in places where they are compactly settled and “within the limits of available educational opportunities”. The study of the Russian language is also mandatory (Article 7).

Living Standards Improvement Strategy of Tajikistan for 2013-2015 [focused](#), among other things, on ensuring equality in access to quality education through support to members of national minorities and the development of textbooks in national minority languages.

Among the main areas of application of the National Development Strategy 2030 are [activities](#) to improve mechanisms for increasing access to education for national minorities, as well as for girls and women. Priorities of the Strategy include the modernisation of state support for culture and arts, preservation of cultural and linguistic diversity, and development of programmes for the preservation of national minority cultures.

The Law on Culture [guarantees](#) the right of any national and ethnic group to maintain, develop and protect its cultural identity and to organise cultural institutions. The national authorities undertake to provide support to national cultural centres, associations and training organisations (Article 6).

A cursory analysis makes it clear that most provisions relating to national minorities in Tajikistan focus on the right to education and the use of their native language. Measures aimed at enhancing the political participation and socio-economic position of minorities are virtually absent from the Tajik legal framework.

Why is there a clear bias in legislation towards the educational and linguistic rights of national minorities? There may be several reasons for that. First, state authorities may deliberately reduce national minorities and their rights only to cultural and linguistic issues. Such an approach is convenient to create a perception that national

minorities are characterised solely by their culture or language and that they simply have no need for political participation or public decision-making. Such an approach is often referred to as essentialism, which means that a particular group has a set of fixed and unique characteristics (such as language, religion, traditions and culture) that define it. The Tajik authorities very rarely allow anyone to be involved in governance processes, especially from non-state and community circles, so it can be assumed that such reluctance is behind the decision, even on a formal level, to restrict the rights of national minorities to education, language and culture.

Secondly, Tajikistan's international obligations may have driven government officials to overemphasise education and language when it comes to national minorities. In such cases, it is much easier for officials to organise and report on the opening of new classes or schools in minority languages, the creation of newspapers or radio programmes in minority languages, and the support of concerts or cultural days involving minorities, than to think about and execute activities aimed at increasing the participation of national minorities in the political and public life of the republic. To demonstrate this, it is sufficient to look at Tajikistan's country [reports](#) on the International Convention on the Elimination of All Forms of Racial Discrimination, where Tajikistan often reports on the number of media outlets, schools or textbooks as well as cultural centres and ensembles in which national groups are involved.

However, the most significant outcome of the preliminary analysis of Tajik legislation is that the provisions of the CIS Convention are absent in local legal acts. As already written above, by its international status, the CIS Convention prevails over local legislation. However, not a single law in Tajikistan mentions or refers to the Convention itself or to any of its specific provisions. As a result, national minorities in Tajikistan are deprived of many rights and opportunities, as they are not specified in local legislation. In addition to the lack of a definition of a national

minority itself, there is no guarantee in Tajik law of the right to free self-determination. There is also no mechanism for a particular group to be formally recognised or given the status of a national minority. **Why are the rights to free self-determination and to official recognition particularly important for national minorities?**

Imagine the following situation: there is an ethnic or national group in a country whose members believe that they have a cultural, linguistic or religious identity different from the majority of the country's population. The group does not have official national minority status, so they want to obtain such a status. This would enable the group to qualify for state funding, access to mother-tongue education, support for cultural language preservation and more. In order to receive the status of an officially recognised national minority, the group must meet the criteria and go through all the established procedures set out by the state. For example, the group has to demonstrate that its members are culturally and linguistically distinct, speak a different language, represent a numerical minority compared to the rest of the population, are able to organise themselves (have cultural or social associations) and have lived in the country for generations. Ideally, the group meets all the requirements that have been put forward, successfully passes all bureaucratic procedures, and the state recognises its status as a national minority, which can be legally confirmed. The language of the group becomes officially a minority language, can be used on a par with the state language in certain regions of the country, and the group itself will be entitled to quotas for education, employment, and so on.

In the Tajik context, such a procedure is completely absent. It is not clear how and who determines who is a national minority and who is not. In practice, it turns out that the representatives of national groups themselves cannot declare themselves national minorities and the lack of guarantees for free self-determination only aggravates their situation.

TAJIKISTAN'S POPULATION CENSUS is the only official source that provides a list of ethnic groups living in the country. Thus, according to [the last census in 2010](#), more than 100 nationalities and people lived in Tajikistan. Tajiks account for 84.3 percent of the total population, Uzbeks for 12.2 percent, Kyrgyz for 0.8 percent, Russians for 0.5 percent, Turkmen for 0.2 percent, Tatars for 0.1 percent and other nationalities for 1.9 percent (See the Graph “*Tajikistan’s population census in 2010*” below). The Pamiris are completely absent from the census which is a matter of continuing debate among some Pamiris. According to the official version, Pamiris are Tajiks and not an independent ethnic group, which some members of the community [do not agree with](#). This is understandable because the group speaks Pamiri languages, practises Ismailism (a Shiite branch of Islam, while Tajiks are Sunni followers), and practises traditions and rituals different from Tajiks or other nationalities in the country.

More than 100 nationalities and people lived in Tajikistan in 2010

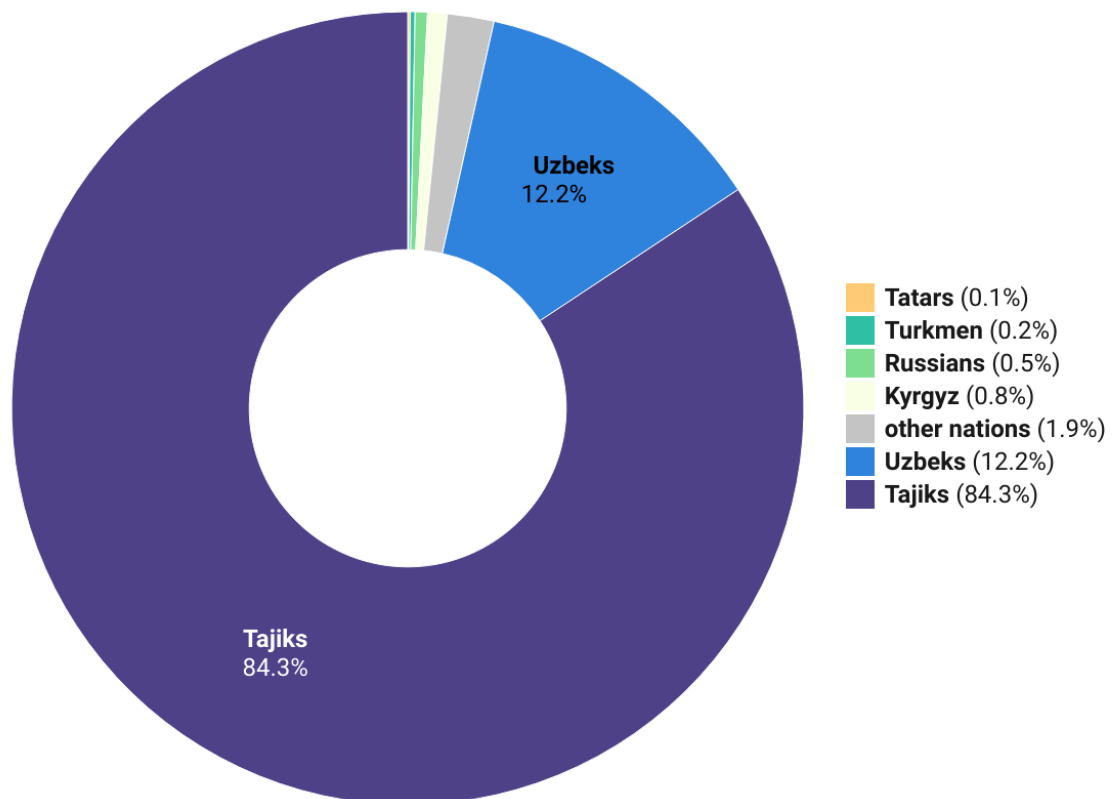


Chart: CABAR.asia • Source: Agency on Statistics under the President of the Republic of Tajikistan • Created with Datawrapper

Part III. The status of national minorities in Tajikistan. The rights and their enforcement

After outlining the legal framework for the protection of minority rights in Tajikistan, we will now look at the reality and how effective the legal guarantees have been in helping national minorities.

As it becomes clear from our analysis, Tajik law has the most provisions regarding the rights of minorities to language use, access to education and cultural preservation. Therefore, we will begin with an analysis of these provisions.

SCHOOL EDUCATION

According to [official information](#), there are schools in Tajikistan that provide education in Tajik, Russian, English, Uzbek, Turkmen and Kyrgyz. As of 2020, there were 3,884 general education schools, of which 3,116 were Tajik-language schools and 581 were taught in mixed languages (see the Graph on p. 23)

State language textbooks have been developed for pupils in grades 2-11 in Uzbek, Russian, Kyrgyz and Turkmen schools. Especially for Uzbek schools, according to official data, the translation and publication of almost a hundred school textbooks is under preparation. The government also supplies Kyrgyz schools with textbooks.

Take a look at the situation of the Uzbek minority, the largest ethnic minority in Tajikistan, with regard to access to education. The number of Uzbek schools and pupils has declined rapidly in recent years. Figures on the exact number of Uzbek schools and pupils vary. According to some reports, there were about 900 Uzbek schools with almost half a million students in 2015.

As of 2020, there were 3,384 general education institutions in Tajikistan

The language of training	Number of schools
Tajik	3,116
Tajik-Uzbek	378
Tajik-Russian	151
Tajik-Kyrgyz	27
Tajik-Russian-Uzbek	11
Tajik-Russian-English	7
Tajik-Turkmen	5
Tajik-Uzbek-Kyrgyz	1
Tajik-English	1
Uzbek	75
Russian	32
Kyrgyz	26
English	3
Russian-English	1

Table: CABAR.asia • Source: Committee on the Elimination of Racial Discrimination • Created with Datawrapper

Share of general education institutions in 2020 taught in different languages

The Tajik Ministry of Education reports that in the 2015-2016 school year, the number of Uzbek students was 205,003. In comparison, in the 2011-2012 school year there were 299,494 students, and in 2020-2021 there were 106,083 students. There is no data on the exact number, but there is [information](#) on the number of Uzbek-speaking classes: while in 2011-2012 there were 14,039 such classes, in 2015-2016 there were 9,952, and for the 2020-2021 school year there are 5,178 classes remained.

In Tajikistan, the number of Uzbek pupils and classroom classes is decreasing

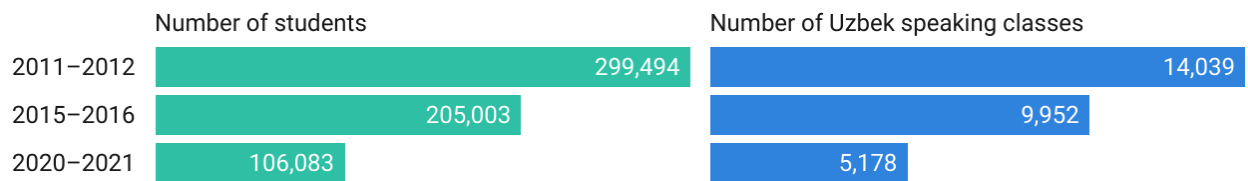


Chart: CABAR.asia • Source: Ministry of Education and Science of Tajikistan • Created with Datawrapper

Statistics of Uzbek classes and students over a 10-year period

ONE OF THE REASONS FOR THE DECREASE IN THE NUMBER OF UZBEK CLASSES is the desire of Uzbek parents to send their children to Tajik-language schools. In the Qubodiyon district, for example, the parents of around 10,000 Uzbek students have [asked](#) the regional authorities to provide their children with instruction in the Tajik language. Representatives of the Uzbek community [stated](#) that there are several reasons why Uzbek families choose to send their children to Tajik or other non-Uzbek schools. Firstly, Uzbek classes are not adequately provided with textbooks. Secondly, the National Testing Centre, the body that administers university entrance exams, conducts tests only in Tajik and Russian. Thirdly, there are no longer any Uzbek-language groups in universities. Uzbek language courses have recently opened at some Tajik universities, but they are only available to foreign students and on a contract basis, and local Uzbek students cannot enrol there. Finally, it is difficult for Uzbek school graduates to find employment. Given that universities did not offer Uzbek language courses, the decision of parents to send their children to Tajik schools becomes even more reasonable.

However, there are also positive trends. For example, improved relations between Tajikistan and Uzbekistan are having a positive impact on the Uzbek community in Tajikistan. In September 2020, a [school](#) was opened in the Spitamen district of Sughd province, funded by the Uzbek government, with a capacity of one thousand students and 28 classrooms.

Similarly, Tajik authorities have built a school in Samarkand Region in 2021 and plan to open a kindergarten in Fergana Region. While such gestures should not be underestimated, the construction of one school by a neighbouring state is clearly not enough to respond to the needs of the Uzbek minority in the country.

THE KYRGYZ COMMUNITY FACES SIMILAR DIFFICULTIES. In 2012, there were 37 Kyrgyz language schools and 27 mixed language schools. By comparison, there were 26 Kyrgyz language schools in Tajikistan in 2020, according to official figures, 11 fewer than in 2012. Kyrgyz students and schools suffer from a lack of modern teaching materials. For example, in 2015, Kyrgyz authorities were supposed to provide Kyrgyz schools with 14,000 textbooks. But due to internal bureaucratic procedures, the textbooks had not reached Tajikistan at the time of the news. Due to border conflicts between Kyrgyzstan and Tajikistan, relations between the countries have deteriorated sharply. It can be assumed that such negative dynamics will definitely affect national minorities on both sides of the border - the Tajiks in Kyrgyzstan and the Kyrgyz in Tajikistan - and that difficulties such as lack of teaching materials and qualified teachers or a declining number of schools will not be resolved any time soon.

Russian-language schools are popular among the urban population in Tajikistan, not only among ethnic Russians but also Tajiks, Uzbeks, Kyrgyz and other minorities who prefer Russian-language education. Students in Russian-language schools are believed to receive the best education from teachers who still rely on Soviet textbooks and methodologies, which is considered a sign of quality. In the 2016-2017 school year, there were 29 Russian-language schools with 17,332 students, 126 Tajik-Russian schools and 16 Tajik-Russian-Uzbek schools in Tajikistan. In the 2018-2019 school year, the number of Russian schools decreased from 29 to 26, while the number of students increased to 17,773. The number of mixed Tajik-Russian schools increased, from 126 to 141 in 2018-2019.

In 2020, the number of Russian schools increased again to 32 schools. While some experts [shared](#) that indeed education in Russian may give students more opportunities to continue their education in Russia, on the other hand, most graduates of Russian-language schools cannot speak Tajik fluently.

THE YAGHNOB PEOPLE, A SMALL MINORITY LIVING IN NORTH-WESTERN TAJIKISTAN, FACE ANOTHER PROBLEM.

Yaghnob children are taught in the Tajik language, but schools in their home region offer only a four-year education. Few can afford to send their children to continue their education in big cities. Local activists [try to preserve the Yaghnobi language](#) by introducing it as a school subject, but to no avail. In 2005-2006, the Yaghnobi language was taught in some schools in the Yaghnob valley. Since then, classes in Yaghnobi have been closed. Books in Yaghnobi are published by the Tajik Academy of Sciences, but some experts believe that in order for the language to survive, it needs to be returned to schools. The lack of school classes in the Yaghnobi language can be seen as a direct violation of the State Language Law, in which the state pledges to protect and develop the Yaghnobi language.

A common problem among national minorities is insufficient knowledge of Tajik or Russian, especially among pupils in the regions. As a consequence, such students experience enormous difficulties in enrolling in higher education institutions in the country, where not only examinations are conducted in Tajik or Russian, but also instruction is only available in these languages. Limited access to quality education among national minorities has a tangible impact on their socio-economic situation, as the lack of a good educational framework that would take into account the linguistic needs of national minorities and at the same time provide knowledge of the state language, significantly reduces their chances of finding employment and a source of income in the future.

THE USE OF NATIONAL MINORITY LANGUAGES

According to official [reports](#), national minorities have no problems with the use of their language in everyday life. For example, at the end of 2019, there were 367 newspapers registered in the country. See the Graph below for languages of newspapers. In addition, a total of more than 70 magazines are published in Uzbek, Russian, Kyrgyz and mixed languages. Television and radio remain some of the most popular media in Tajikistan, but no information could be found on the proportion of minority languages on radio and television in the country.

At the end of 2019, there were 367 newspapers registered in Tajikistan

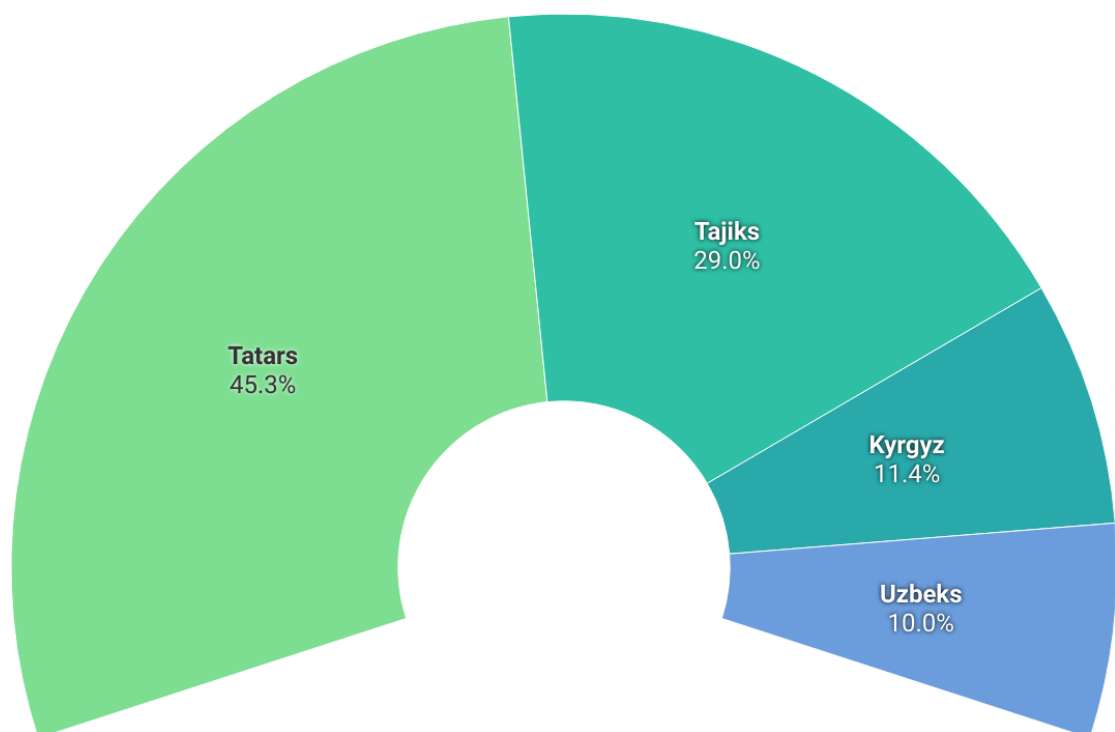
Language of publications	Number of newspapers
Tajik and Russian	83
Russian	27
Tajik and Uzbek	14
Tajik, Russian and Uzbek	14
Uzbek	6

The languages of newspapers in 2019.

National minorities face difficulties in applying to courts in their mother tongue. Reports from 2013 indicate that courts have [refused](#) to accept applications written in both Russian and minority languages. There is no data on the number of cases heard in minority languages. As a result, minorities with poor Tajik language proficiency have limited opportunities to access justice and protect their rights in court. There is a good practice: some courts have either in-house interpreters or outsourced interpreters to meet the needs of minority language speakers. However, it is not clear if this practice is extended to all courts in the country and what financial burden this imposes on national minorities.

It should be noted that the role and scope of the Russian language in Tajikistan is lower than, for instance, in Kazakhstan or Kyrgyzstan. Of Tajikistan's total population as of 2010, about 7.5% used Tajik as a second language, 30% used Russian, and over 5% used other languages. More than 61% of the total population did not use a second language. Russian was used as a second language by 29% of Tajiks, 10% of Uzbeks, 11.4% of Kyrgyz and 45.3% of Tatars.

Russian as a second language is the most popular among the Tatars



Proportion of the use of Russian as a second language.

In [comparison](#), 52.2% of Uzbeks, 30.6% of Russians, 31% of Kyrgyz and 22.8% of Tatars used Tajik as a second language. Nevertheless, the importance of Russian in the country remains high, considering the number of Tajik labour migrants travelling to Russia for seasonal work, the Russian-Tajik agreement allowing for dual citizenship, and the popularity of Russian-language media (both local and Russian), especially in urban Tajikistan.

Tajik as a second language is most popular amongst Uzbeks

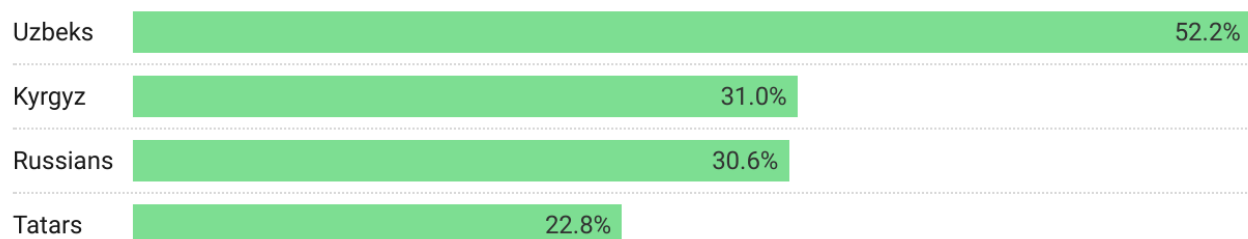


Chart: CABAR.asia • Source: 2010 Population and Housing Census of the Republic of Tajikistan • Created with Datawrapper

Proportion of the use of Tajik as a second language.

Kyrgyz living in the areas of Jerge-Tal and Murghob [complained](#) about the change of names of places from historical Kyrgyz to Tajik. For example, Kashat village changed its name to Saripul, and Jaiylgan village was renamed Chorsu. Local residents tried to return the nameplates with the previous names but were confronted by the police. To draw attention to this violation of their language rights, the Kyrgyz community tried to appeal to President Emomali Rahmon but received no response.

[The Pamiri language group](#) belongs to the East Iranian language family and includes several dialects such as Wakhan, Yazgulyam and the Shugnan-Rushan group (Shugnan, Rushan, Bartang, Sarikul dialects). Despite the provision in the law About State Language on state support for the Pamir languages, the scope of their use is very limited. Pamir languages are not used in office work, official communications with local authorities, in schools and in the local media, often [causing](#) unrest in GBAO. Instead, Tajik is used. Various attempts to create a Pamiri alphabet have still not succeeded, and the language is for the most part only used orally.

The Uzbek minority also experiences some problems when it comes to language. For example, when Uzbekistan decided to switch from the Cyrillic alphabet to the Latin alphabet, this created some difficulties in communicating and exchanging educational materials between Uzbek communities in Uzbekistan and Tajikistan.

More than half of Tajikistan's population does not speak a second language

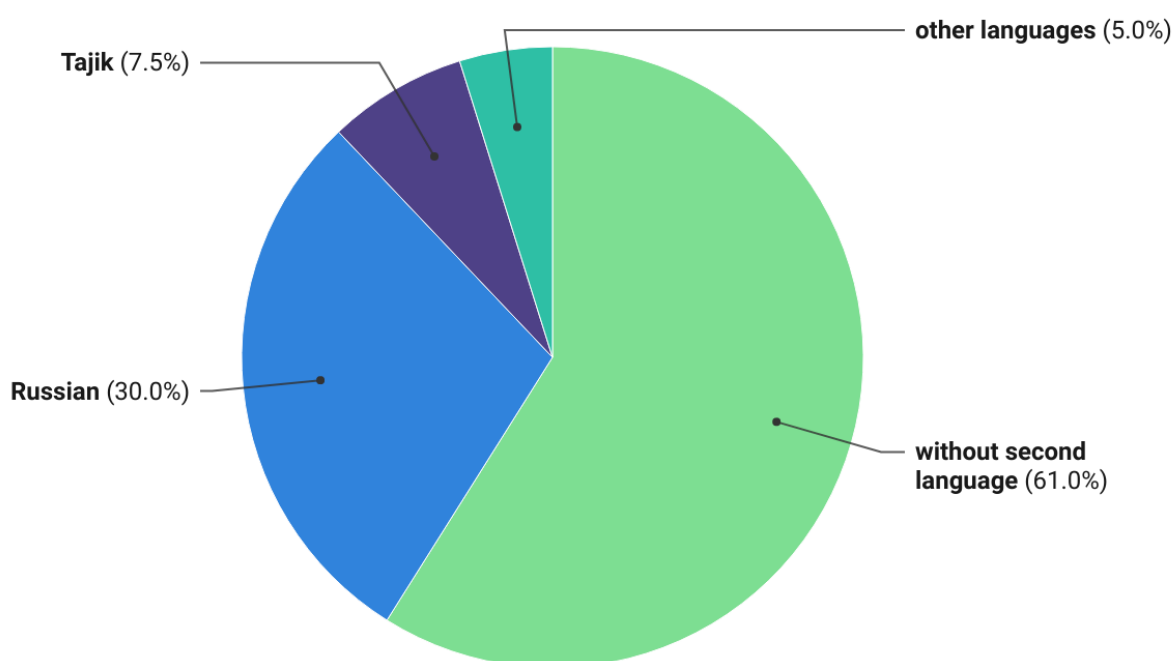


Chart: CABAR.asia • Source: 2010 Population and Housing Census of the Republic of Tajikistan • Created with Datawrapper

The ratio of second language usage in 2010.

Uzbeks are unable to use their language in their communications with official bodies, and the declining number of Uzbek schools and classes exacerbates the position of the Uzbek language in the country.

The Russian minority is, at first sight, in the most advantageous position. Most Russians live in the cities of Tajikistan, where Russian is spoken by a large proportion of the population and Russian-speaking schools are in high demand. As emphasised above, Russian has the status of a language of interethnic communication in the Tajik Constitution. In addition, Russian is often used by other national minorities in communication with each other or with the Tajik majority.

However, as part of nation-building and in order to strengthen the Tajik language as the state language, there are cases where state authorities refuse to engage in communication in Russian. With the announcement of the partial mobilisation in Russia, a huge number of Russian

citizens have arrived in Tajikistan, multiplying the number of Russian speakers in the country. This naturally creates a demand for services and official communications in Russian, which in the long term may further strengthen the position of the Russian language in the country.

OF COURSE, THE VAST MAJORITY OF NATIONAL COMMUNITIES IN TAJIKISTAN CAN SPEAK BOTH TAJIK AND RUSSIAN, WHICH UNDOUBTEDLY HELPS THEM TO INTEGRATE, USE PUBLIC SERVICES AND RECEIVE AN EDUCATION. HOWEVER, THERE IS A DANGER THAT IN SUCH CASES THE USE OF MINORITY LANGUAGES MAY BE MINIMISED OR HALTED COMPLETELY, NEGATIVELY AFFECTING THE LINGUISTIC AND CULTURAL DIVERSITY OF TAJIKISTAN. THE ABSENCE OF A CLEAR STATE POLICY TO SUPPORT AND PROMOTE MINORITY LANGUAGES ONLY REINFORCES THIS POSSIBILITY.

THE PARTICIPATION OF MINORITIES IN PUBLIC AND GOVERNMENTAL ACTIVITIES

The participation of national minorities in public, political and other state processes is important for several reasons. Firstly, the representation of national minorities in decision-making processes has a positive impact on the pluralism of opinion and diversity of political ideas that characterise democratic regimes. Secondly, national minorities who participate in public policy debates act as “ambassadors” of their communities and can make efforts to ensure that their interests are taken into account during public decision-making. For instance, minorities can lobby for the opening of schools in minority languages, the use of non-titular languages in public life, and the introduction of quotas for minorities in the civil service or parliament.

There are several ways of involving national minorities in state processes. For instance, a government can set up a specialised body to address minority issues and coordinate state structures as well

as ensure dialogue between the government and minorities. Such specialised bodies usually ensure that issues of relevance to minorities are on the government agenda. Examples of such bodies include the State Agency on Local Self-Government and Inter-Ethnic Relations under the Government of the Kyrgyz Republic or, in Uzbekistan, the Committee on Interethnic Relations and Friendship Cooperation with Foreign Countries under the Cabinet of Ministers.

A second example of the involvement of national minorities in public processes is through advisory bodies. These are representative authorities that aim to organise, mobilise and coordinate national minority issues and to contribute to the development of related legislation and programmes. Consultative bodies may consist exclusively of representatives of national minorities or have among their members national minorities, officials, journalists and various experts. In Central Asia, examples of advisory bodies involving national minorities are the Assemblies of the People in Kazakhstan and Kyrgyzstan.

The existence of a quota system for hiring national minorities in the civil service is another example of how minority involvement can be increased. Such quotas can be particularly important in bodies that develop a public policy concerning national minorities.

A final illustration of the participation of national minorities in the state can be seen in mechanisms of autonomy. As discussed above, autonomy can be territorial or non-territorial. For instance, the Republic of Karakalpakstan as part of Uzbekistan, albeit with reservations, is formally an autonomous administrative unit, with a legally established right to separate from Uzbekistan. A number of regions in Italy or Germany, for example, have autonomous powers, allowing local governments to determine their own policies regarding national minorities. In Tajikistan, GBAO has autonomy, and this example will be discussed in more detail further below.

What is the status of representation and participation of national minorities in public life in Tajikistan, and do specialized bodies on minority issues operate in the country?

There is no body set up solely to address minority issues in Tajikistan. There may be departments in ministries and agencies tasked with the protection of minority rights and the development of national policy on this issue, but no such information could be found in open sources. Neither is there a specialised advisory platform whose members are the national minorities in the country.

There is a Public Council (hereafter, the Council), which was established in 1996 as a consequence of the Agreement on National Consent [signed](#) by President Rahmon, heads of political parties, heads of social movements, and representatives of the Uzbek, Tatar and Bashkir, Korean, Georgian, Turkmen, Jewish, Armenian, German and Uyghur communities residing in Tajikistan. The Council has representative, expert, advisory and coordinating powers, although there are no provisions for the participation of national minorities exclusively. Membership of the Council is open to civil society organisations and in theory, national minorities can be represented through the Council. Among other things, there is no information on the current members of the Council, so it is not possible to assess the participation of national minorities in the Council.

Official sources state that as of 2020 there were 21,123 civil servants working in the country. Of these, 92.7% were Tajiks (in 2015 Tajiks accounted for 90.9% of civil servants), while Russians, Uzbeks, Kyrgyz and other minorities accounted for 7.2% overall (9% in 2015). Senior civil service positions were held by 93.5% Tajiks (92.7% in 2015) and 4.5% minorities combined ([7.2% as of 2015](#)). Among [judges](#) at the end of 2013 97.6% were Tajiks and 2.1% were Uzbeks. Updated information on the composition of judges for 2022 could not be found, but the situation is unlikely to have changed much.

Ethnic minorities are poorly represented in the public sector in Tajikistan

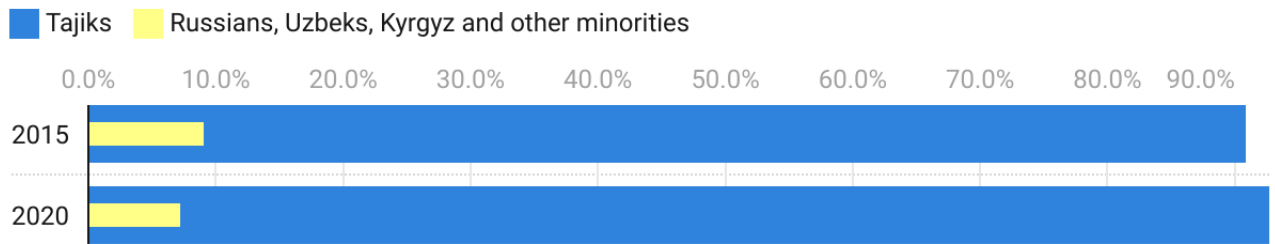


Chart: CABAR.asia • Source: UN Committee on the Elimination of Racial Discrimination • Created with Datawrapper

Ethnic Minorities in the Public Sector in 2015 and 2020.

When looking at the national composition of civil servants, a dual trend can be observed: first, the share of national minorities in civil service decreases every year, while there is an increase in the Tajik composition of civil servants. Secondly, the overall share of national minorities among civil servants is low, which is particularly noticeable if we compare, for instance, the share of the Uzbek minority in the country's total population (12% at the time of the 2010 census).

The reasons for the low representation of national minorities in government include nepotism and cronyism, which are so widespread in Tajikistan and allow officials to promote and recruit their relatives or acquaintances for jobs. Also, the requirement to know the state language presents an additional barrier for national minorities seeking employment in the civil service. The absence of a quota system for national and ethnic minorities can also be seen as one of the reasons for the low representation of national minorities in public office.

The Autonomous Gorno-Badakhshan Oblast (GBAO or Pamir), as its name implies, has a certain level of autonomy. To ensure that the interests of the Pamiri community are represented, one of the deputy speakers of the Majlisi Milli (upper house of parliament) and one of the judges of the Constitutional Court are from the Pamir ([Law on GBAO](#), 2007, Article 3). The activities of the regional authorities are mainly limited to the administration of education, cultural policy and health care (Articles

16-18). The President of Tajikistan appoints and dismisses the Chairman of the GBAO and the courts of the region ([Constitution](#), 1994, Article 69, paragraphs 5 and 12).

Recent events in Khorugh have shown that tensions are growing between Dushanbe and the population of the Pamir and that the Pamiris are not satisfied with the current level of autonomy and the ability to influence decisions about the fate of their region. The latest unrest began in November 2021 with the murder of a Pamiri villager in controversial circumstances, which led to days of demonstrations by local residents in the GBAO administrative centre in the city of Khorugh. Since then, local activists and human rights defenders have either been arrested or convicted, internet communication has been unavailable for months, and border checkpoints in GBAO have been installed. In May 2022 further demonstrations took place. The government described the unrest as acts of terrorism and deployed military units into the region, resulting in the [killing of one local leader](#) by the military. Persecution of the Pamiris continues as some minority activists are currently awaiting sentencing.

Similar conflicts occurred in the Pamir in 2010 and 2014, with the government introducing military forces into the Pamir, which only served to consolidate mistrust between the centre and GBAO. Pamiris have repeatedly expressed their concerns about the lack of representation and the inability to manage issues affecting their region and identity. For instance, the former head of GBAO, Yodgor Faizov, enjoyed public support among local residents and, uncharacteristically for a typical official, was open and willing to cooperate with social movements, which can be explained by Faizov's experience in several international organisations. After unrest broke out in the region in 2022, Faizov was dismissed and Alisher Mirzonabot, originally from Tajikistan's State Security Committee, was appointed as the new head. Local residents did not like the appointment of Mirzonabotov, but they had no opportunity to influence this decision, as the head

of GBAO is not elected but appointed by the president of Tajikistan.

The list of potential reasons that could make the Pamirs such a troubled region is extensive. GBAO is the poorest region of Tajikistan and the unemployment rate, according to some [reports](#), can be as high as 80%. Many Pamiris leave for other regions to seek employment and about 70 per cent of households in the region have [at least one](#) migrant worker. Because of the continuous border with Afghanistan, Pamir territory is often used for drug trafficking, which not only generates illicit income but also increases tensions between local warlords and the central government.

The region is known for its deposits of gems and minerals, but the mining industry is virtually undeveloped due to a lack of infrastructure. International organisations, including the Aga Khan Foundation, have been gradually [reducing](#) their support of the region, exacerbating its dire socio-economic situation.

The frequency at which conflict situations occur every three to four years in GBAO may indicate that those responsible have failed to analyse and address the causes that triggered the conflicts in the first place, and that the situation in the region is not improving. When the rights of national minorities are systematically violated and they are not allowed to participate in self-governance, voting and budgeting, there are threats that the conflict could escalate into open confrontation, leading to the destabilisation of an entire region bordering Afghanistan and China.

There are a number of examples of how the local population of Badakhshan, without the support of Dushanbe, successfully managed to resolve the issues that emerged. For instance, during the pandemic caused by COVID-19, social movements composed of local authorities, volunteers, doctors and Pamiri entrepreneurs [formed](#) in Badakhshan. These movements engaged in supplying food to the region, providing medical supplies and equipment and were highly coordinated and transparent.

Reports on the spending of funds raised through crowdfunding platforms were published and meetings were held. This mobilisation has benefited - activists have not only helped to reduce the suffering of coronavirus patients and ease the work of doctors, but also to increase the level of trust between officials and civil society organisations. Volunteering has played a special role, and the tradition of volunteering is particularly strong and popular in the region of the Pamirs and dates back to the first projects of the Aga Khan Foundation.

In Pamir, it is necessary to reduce tensions and to send a message to local people that their rights and needs are not ignored by the government. For instance, informal Pamiri leaders could be brought in to facilitate a constructive dialogue with Pamiris and make use of their genuine popularity in the region. There is untapped potential for Pamir to become an attractive tourist destination, not only internationally but also domestically. It is possible to attract international investors to develop infrastructure in the Pamir, connect the region to the rest of Tajikistan and open it to the world. However, to do this, it is first necessary to demilitarise GBAO and conduct transparent investigations into problematic situations.

Finally, autonomy in the region needs to be strengthened and the freedoms and opportunities for Pamiris to freely decide their own affairs in the region and participate in public life need to be provided. Recent demonstrations in Karakalpakstan have shown that autonomy, even if formal, plays a great symbolic role for national minorities, and its existence helps to reduce tensions.

PART IV. CONCLUSIONS

Tajikistan lacks specific legislation relating to national minorities and their rights. Concepts such as freedom of self-determination or official recognition of national minority status are not prescribed in Tajik law and provisions relating to national minorities are usually formalistic, focusing mainly on language use and access to education. There are no public policies aimed at ensuring and enhancing the participation and representation of national minorities in public and state life and in decision-making processes.

This has an impact on reality – national minorities suffer from limited access to education in their own languages and a lack of textbooks and teachers. The free use of minority languages is shrinking year by year and Tajik is increasingly supplanting other languages. There are not any platforms for the participation of national minorities in public life in any form. There are no quotas for the recruitment of members of national communities to government jobs, which is reflected in the low proportion of minority civil servants.

Finally, autonomy and self-governance rights in the Pamir are for the most part a formality and in reality, severely restricted. All important decisions regarding the fate of the region are taken in Dushanbe and this often leads to clashes between the local population and the centre.

As a consequence of the systematic violation of minority rights and their deliberate passive position, several threats can arise.

First, due to difficulties in accessing education, national communities are more likely to fall below the poverty line due to difficulties in finding employment for a lack of necessary skills. Unemployment among national minorities may rise upwards, with a negative impact on the economic situation in the country as well as on the dynamics of the relationship between minorities and the titular nation.

Secondly, the exclusion of national minorities from the management of state processes and decision-making procedures threatens that the interests of national minorities will not be reflected in state policy. This could lead to a reduction in representativeness and diversity, not only in governance but also in the country itself. Public policy in Tajikistan at the moment is not inclusive in relation to minorities but instead puts the Tajik majority at the centre. If this trend continues, ethnic diversity in the country is likely to come to nought.

Thirdly, autonomy arrangements for GBAO should not be seen as a threat, but as a tool to defuse tensions in the region. As practice shows, external interference from the centre in the region always leads to escalation and conflict, whereas the region often demonstrates that its residents are able to manage their native territory independently on the basis of trust and social solidarity. Dushanbe and Khorugh should reconsider the paradigm of their relations in favour of an open and productive partnership, otherwise escalating tensions between the centre and Pamir could lead to an open and more destructive conflict.

What is the value of the Framework Convention, which has no legal force in the Tajik context? The value of the Framework Convention is that together with its monitoring mechanisms it can serve as an example of how legislative measures can be organised to protect minority rights. For all its shortcomings, the Framework Convention has succeeded in building a procedure not only for the legal protection of minority rights but also for regular assessment of how this protection occurs in almost forty countries with different legislation, ethnic composition and minority issues. Tajikistan should not replicate the Framework Convention and all its attendant mechanisms. Instead, a thorough analysis of national legislation can be undertaken, identifying weaknesses and deciding what solutions the Framework Convention can offer. There is no doubt that Council of Europe experts and officials will fully support Tajikistan's efforts to improve national mechanisms to protect national minorities and their rights.

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