

CONCLUSIONS OF THE 7TH INFORMAL ASEM SEMINAR ON HUMAN RIGHTS “HUMAN RIGHTS AND ETHNIC, LINGUISTIC AND RELIGIOUS MINORITIES” IN BUDAPEST, HUNGARY | 23RD-24TH FEBRUARY 2006

ASEM member states should pay more attention to the importance of the “rights of minorities”. This was one of the outcomes of a two-day, intensive seminar on “Human Rights and Ethnic, Linguistic and Religious Minorities”. The **7th Informal ASEM Seminar on Human Rights took place in Budapest on 23-24 February** at the premises of the Central European University and brought together delegations of 35 out of the 38 ASEM Member States and the European Commission with representatives from the governments and various sectors of civil society. The seminar resulted in intensive discussions of high quality on many aspects of this important topic.

- Most intensive, informal discussions took place in the two working groups, which paid attention to civil and political rights and economic, social and cultural rights of minorities.
- A thorough discussion took place about the aim of the developing international regime on minority rights. There was a strong sense that a main goal for protecting minority rights is conflict prevention (both internationally and domestically). However, the minority rights regime is also part and parcel of human rights and aims at promoting social justice, social cohesion and national unity. It was strongly emphasized that a proper implementation of minority rights is a vital and common interest of the state itself, of the majority population and of the minorities themselves.
- The effectiveness of the protection of rights of minorities depends upon appropriate legislation, national institutions dedicated to them and implementing mechanisms. Different measures such as decentralisation and empowerment on certain matters have already been put in place both in Asia and in Europe. It was emphasized by a majority of participants that a regional mechanism to deal not only with minority rights, but with human rights in general, was lacking in Asia. This particular issue needs further examination.
- A widely-discussed issue concerned the ‘new minorities’ which usually are identified in terms of migrants (in particular, migrant workers). These migrants, who are not properly minorities according to international law, over time may inevitably become minorities at the second or third generation and governments will have to provide proper protection of their rights in order to maintain social stability within society.
- Although the role of states is essential for minority rights’ protection, the seminar also noticed that civil society as well as corporations and international financial institutions (World Bank notably through financing infrastructures) also play an essential role.

- Since human rights and minority rights are about relationships between states and individuals, it is essential to find the right balance between minority rights and state interests. For a large majority of the participants, it is, however, important to bear in mind that state interests and state sovereignty should not be promoted at the expense of minority rights.

The Seminar concluded with four main recommendations to ASEM and its member states:

1. Member states should make more use of ASEM to discuss this sensitive issue of minority rights more intensively, as its informal character allows for more open and intensive debates. Moreover, the Seminar clearly showed that both Europe and Asia can learn from each other's experiences in this area. Therefore, it was recommended to consider organising more workshops focused on such issues as the land rights, the right to education and political participation, among others.
2. Asian ASEM members could consider the drafting and adoption of some kind of regional instrument (political declaration or charter) relating to the protection of human rights, in general, and minority rights, in particular. Although the discussion about this topic was far from conclusive, the general opinion was that ASEM could provide an effective framework for paying more attention to the issue of a regional instrument. It became clear that most participants favoured a careful and step-by-step approach in this area.
3. A more intensive use of the ASEM framework could be utilised for consultations about minority rights issues, for instance intergovernmental consultations prior to, or at the sidelines of, specialised meetings of the United Nations Organisation and relevant ASEM ministerial meetings about such issues.
4. ASEM is encouraged to consider becoming more active in the area of training and awareness-raising on minority rights issues, as it was obvious from the discussion that lack of knowledge and public awareness is an issue that deserves more attention from ASEM and its member states. In this context ASEM was also mentioned as the framework for establishing a specialized database on good practices relating to minority rights protection in general and specific government programs and affirmative action in particular.