



International Convention on the Elimination of All Forms of Racial Discrimination

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Summary record of the 2018th meeting

Held at the Palais Wilson, Geneva, on Thursday, 5 August 2010, at 3 p.m.

Chairperson: Mr. Kemal

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The meeting was called to order at 3.05 p.m.

Consideration of reports, comments and information submitted by States parties under article 9 of the Convention (continued)

Sixth and seventh periodic reports of Uzbekistan (CERD/C/UZB/6-7; CERD/C/UZB/Q/6-7)

1. *At the invitation of the Chairperson, the delegation of Uzbekistan took places at the Committee table.*
2. **Mr. Saidov** (Uzbekistan) said that the sixth and seventh periodic reports of Uzbekistan had been drafted with the participation of State bodies, NGOs, civil society organizations and the media.
3. Since its independence, Uzbekistan had given priority to the protection of human rights and inter-ethnic and inter-religious harmony. Its policy on protecting human rights and combating discrimination was based on encouraging the implementation of adopted laws to protect human rights as well as the adoption of measures to improve the legal framework, monitoring the protection of human rights and fundamental freedoms, implementing measures to encourage active participation by NGOs, other civil society organizations and the media in the public and political life of the country, and strengthening cooperation with United Nations human rights mechanisms.
4. Uzbekistan had achieved notable progress in education, gender equality, health services and other aspects of social protection for citizens through a series of measures to implement the Convention, the Durban Declaration and Programme of Action, the Committee's general recommendation No. 28 on follow-up to the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, and the outcome document of the Durban Review Conference. At the same time, Uzbekistan was taking measures to achieve the Millennium Development Goals; those measures focused first and foremost on reducing poverty, improving living standards and promoting equality among ethnic and religious groups.
5. The Government had been adopting legislative, administrative, economic and other measures to protect human rights and freedoms and to combat racial discrimination. It had defined five priorities with a view to the implementation of the Convention: improving the legislative framework, developing the necessary institutional framework, continuing judicial reforms, conducting informational and educational activities, and developing international cooperation on human rights.
6. From 2007 to 2010 Uzbekistan had undertaken efforts to support the work of both State and non-government bodies to combat racial discrimination, and both chambers of Parliament had paid great attention to monitoring the implementation of the Convention and of the Committee's concluding observations and recommendations. With a view to implementing the Committee's concluding observations and general recommendation No. 17, in 2008 the Cabinet of Ministers had adopted a decision on State measures of support for national human rights institutions. The purpose of that decision was to provide support to the Ombudsman and the National Centre for Human Rights in order to strengthen the material and human resources of those institutions, both of which fully conformed to the Paris Principles.
7. For the purposes of strengthening the legal guarantees concerning the Ombudsman's activities, in April 2009 the Uzbek Parliament had adopted a law expanding the mandate of the Ombudsman, who could now visit penitentiary establishments, meet and talk to detainees, and receive letters from detainees without any censorship.

8. Uzbekistan placed great emphasis on strengthening public control over the observance of human rights and the fight against discrimination. In accordance with the Committee's recommendations, in 2008 the Republican International Cultural Centre had monitored the activities of the national cultural centres and ensured respect for the rights of national minorities in the Republic of Karakalpakstan, in the provinces and in Tashkent.

9. Significant measures had been adopted to strengthen reforms and promote the independence of the judiciary. In the past five years, 58 laws had been adopted as part of that reform with a view to liberalizing the system of criminal punishment, ensuring the legality of the activities of law enforcement bodies, and strengthening the role of independent courts.

10. In celebration of the forty-fifth anniversary of the Convention, a special brochure had been published entitled "The International Convention on the Elimination of All Forms of Racial Discrimination and its implementation in the Republic of Uzbekistan". Measures had been adopted to improve human rights education, and the provisions of the Convention had been included in school curricula at all education levels.

11. There were, however, some difficulties in implementing the Convention, such as: economic and social problems that particularly affected vulnerable groups; internal difficulties in the transition to a democratic system; the ecological situation in the Aral sea basin, which influenced food safety and access to drinking water; problems related to political instability in Central Asia; and the threats of international terrorism and religious extremism, which generated instability and consumed the already scarce available resources.

12. Uzbekistan fully supported General Assembly resolution 62/90 on the promotion of inter-religious and intercultural dialogue, and it attached great importance to organizing events on intercultural dialogue within the framework of the International Year for the Rapprochement of Cultures.

13. **Mr. Akhmedov** (Uzbekistan) said he recognized that it was important to conduct a population census but doing so required time and financial resources. Every five years the citizens of Uzbekistan all took part in local and national elections without any discrimination. On election day, the State Statistics Committee conducted a census of citizens who had reached the age of 18. Information on minors was provided by the Ministry of National Education, the Ministry of Higher and Secondary Specialized Education and the Ministry of the Interior. According to data from the State Statistics Committee, the population of Uzbekistan had reached more than 28 million in 2010. A document in English containing detailed statistical information on the composition of the population had been distributed to Committee members.

14. **Mr. Saidov** (Uzbekistan) explained that Uzbekistan was currently reforming its national statistical system and that no population census had been conducted since 1979. However, the statistical data collected from voters during the previous legislative elections and the directives on the reform of the statistical system could be submitted to the Committee in writing.

15. **Mr. Akhmedov** (Uzbekistan) said that Uzbekistan was characterized by great inter-ethnic, inter-religious and intercultural tolerance and that there had been no inter-ethnic or inter-religious conflict in the country since independence. There were more than 120 different ethnic groups in Uzbekistan, and education was provided in eight different languages. There were over 2,000 religious organizations and about one hundred national cultural centres.

16. The Constitution guaranteed respect for the diverse languages and traditions of all ethnic groups and nationalities living in Uzbekistan and the conditions necessary for their

development; it stipulated that all citizens enjoyed the same rights and freedoms and were equal before the law, without distinction as to sex, race, nationality, language, religion, beliefs, personal or social status or social origin. Freedom of conscience and the freedom of religious organizations were enshrined in the Constitution and guaranteed by Government policy.

17. The domestic law of Uzbekistan was in full conformity with the Convention, and the administration had recorded virtually no cases of violations of the Convention.

18. Over the past 19 years, Parliament had adopted more than 500 laws governing human rights and fundamental freedoms. The provisions of the Convention were incorporated in the Criminal Code, the Code of Criminal Procedure, the Labour Code and electoral law. The Labour Code stipulated that all citizens enjoyed the same labour rights, and it prohibited any limitation or preference in the domain of work based on discriminatory criteria. The Criminal Code further stated that all persons who had committed an offence were equal before the law, without any discrimination. Furthermore, the Criminal Code penalized any violation of the principle of equality or freedom of conscience and also penalized genocide and incitement to ethnic, racial or religious hatred. The Code of Criminal Procedure stated that all citizens were equal before the law and the courts, without any discrimination. A recent study had shown that the Uzbek legal system constituted a sufficient legal basis to protect citizens against racial discrimination.

19. **Mr. Saidov** (Uzbekistan) said that, while Uzbekistan had not adopted a law dealing exclusively with racial discrimination, such was also the case for most countries of the world. That being so, the prohibition of all forms of discrimination in Uzbekistan was enshrined in many laws as stated previously, including article 141 of the Criminal Code, which very thoroughly covered all forms of discrimination.

20. **Mr. Rakhmanov** (Uzbekistan) said that of the total number of persons convicted of offences in 2006 in Uzbekistan, 0.07 per cent had been convicted under article 156 of the Criminal Code on incitement to ethnic, racial or religious hatred. Such offenders had represented only 0.03 per cent of all convicted criminals in 2007 and 0.04 per cent in 2008 and 2009.

21. The Criminal Code penalized all acts constituting incitement to hatred or intolerance towards an ethnic, racial or national group, as well as preference given based on a notion of national or ethnic superiority. The reason there had been no complaints of acts of racial discrimination was not that the victims were unaware of their rights or did not trust the police or the legal system. One out of two criminal cases, one out of four civil cases and one out of six administrative cases was appealed to higher instances, which decided on all the complainants' allegations. Also, the fact that every year both State and civil society organizations responded to hundreds of thousands of requests from citizens suggested that citizens were not ignorant of their rights. With regard to more serious offences such as trafficking in persons, the delegation would submit detailed information at a later stage.

22. **Mr. Mukhammadiev** (Uzbekistan) said that his country had more than 150 ethnic cultural centres under the umbrella of the Inter-ethnic Cultural Centre, which had been working since 1992 to coordinate their activities and provide them with practical and technical assistance, thereby helping members of various nationalities and ethnicities to meet their cultural aspirations. Uzbek society was one of the most tolerant in the world, and many persecuted individuals had found refuge in Uzbekistan. No form of discrimination existed, and minorities were represented at all levels in State bodies. For example, the 150,000 Koreans in the country were completely integrated and some of them held responsible positions.

23. A 12-year education was compulsory, comprising 9 years of general education and 3 years of specialized education. Uzbekistan allocated no less than 12 per cent of its GDP to

education. Minorities of course had access to education, including schools offering education in their own language: there were 737 schools that taught in Russian, 705 in Kazakh, 380 in Karakalpak, 267 in Tajik and 50 in Turkmen. The lack of educational materials had been rectified and 98 per cent of needs in that area were now being met. Uzbekistan had also published new textbooks.

24. **Mr. Rakhmanov** (Uzbekistan) said that the State offered interpretation and legal services free of charge if a party to a court proceeding (defendant, victim or witness) did not master the language in which the proceedings were conducted or was deaf and mute. All the documents pertaining to the proceedings must be translated. The absence of an interpreter or lawyer constituted a serious violation of the law and resulted in the revocation of all decisions and a re-examination of the case. Uzbek law stipulated that the proceedings should be conducted in Uzbek, Karakalpak or the language spoken by the majority of the population in the location where the trial took place. In accordance with the law, parties to the proceedings who did not master the language of the proceedings had the right to submit a written or oral statement, provide evidence and explanations, submit a complaint or petition or speak in their native language or in another language they did master and had the right to request interpretation services when case file materials were being examined. The number of proceedings involving interpreters and defence counsel had been rising steadily since 2007. Nowadays, interpreters were provided free of charge by the State in 99 per cent of criminal and civil cases.

25. **Mr. Akhmedov** (Uzbekistan) said that the requirement for Uzbek citizens as well as foreigners and stateless persons to register their place of residence did not in any way infringe on their freedom of movement. Individuals were free to move about the whole country, apart from a few restrictions in place to guarantee the security of the State and its citizens. All foreigners, including those from the Commonwealth of Independent States (CIS), must obtain a temporary residence permit from the Ministry of the Interior; failure to do so was punishable by a fine. In order to leave the country, Uzbeks must obtain an exit permit valid for two years from the same Ministry. That situation would soon change radically, because as of 2011 Uzbek citizens holding biometric passports would be free to travel abroad during a 10-year period.

26. **Mr. Saidov** (Uzbekistan) said that since its independence in 1991, Uzbekistan no longer issued specific passports for travel abroad. Persons wishing to leave the country must go to the Ministry of the Interior with their passport so that a sticker could be placed in the passport authorizing them to leave the country.

27. **Mr. Akhmedov** (Uzbekistan) said that the right to Uzbek nationality was accorded to all persons permanently residing in the country, regardless of their racial or ethnic origin (Nationality Act, art. 4). Foreigners and stateless persons could be naturalized as Uzbek citizens regardless of their racial or ethnic origin, subject to the following conditions: they must renounce their foreign nationality, they must have permanently resided in Uzbekistan for the past five years, and they must respect the provisions of the Uzbek Constitution.

28. It was true that Uzbekistan had not ratified the 1951 Convention relating to the Status of Refugees or its Protocol of 1967, but it nevertheless welcomed thousands of refugees with the assistance of the Office of the United Nations High Commissioner for Refugees (UNHCR). Thus, between 1993 and 1997 UNHCR had repatriated more than 17,000 Tajiks to Uzbekistan from Afghanistan or Turkmenistan.

29. The Government planned to improve its legislation on refugees. Thus, in order to remedy the lack of a specific law on extradition, Uzbekistan had ratified the Convention on Legal Assistance and Legal Relations in Civil, Family and Criminal Matters, which applied to citizens of CIS Member States, and had concluded 27 bilateral agreements with other countries. The Government had already returned foreigners who had committed offences to

their country of origin to serve their sentences. However, the Code of Criminal Procedure provided for a number of cases in which a foreigner could not be extradited: in the absence of a bilateral agreement with the country of origin, if the individual concerned had already been convicted of the crime referred to in the extradition request, or if the statute of limitations had expired. In accordance with article 3 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, Uzbekistan did not expel, return or extradite any person to another State where there were substantial grounds for believing that he would be in danger of being subjected to torture. Guarantees were always requested from the receiving country in that regard.

30. The Gypsies living in Uzbekistan were referred to as “Lyuli” by the local population. They spoke both Tajik and Uzbek. Their everyday language was Tajik, peppered with a few Roma words. The main faith of the Gypsies living in Uzbekistan was Islam. It was not possible to calculate their numbers, as many claimed to belong to other ethnic groups. According to a 1926 census there had been 3,710 Gypsies in Uzbekistan at that time, but in 1989 they had numbered about 20,000. According to demographers, their true numbers had always been at least twice as large as the official figures suggested. The Gypsy way of life in Uzbekistan was a mingled one, combining adaptation to the world around with a determination to preserve the specific Gypsy ethnic and cultural identity and pass on their traditions and way of life. Almost all the Gypsies polled (99 per cent) had responded that they experienced no infringement or coercive restriction by the Government on their right to lead a traditional way of life. The majority of Gypsies were Uzbek citizens, while those who were not enjoyed resident status.

31. **Ms. Crickley** (Country Rapporteur) said that she was aware of the particular problems faced by Uzbekistan because of its location in a region where the geopolitical situation was complex and stability and peace were sometimes fragile. She welcomed the progress made in the State party in recent years, particularly the abolition of the death penalty in 2008 and the efforts to strengthen human rights education. She recalled the Committee’s position that a lack of complaints concerning discrimination was not necessarily a positive indicator, as it could result from the public being uninformed about their rights. In that regard, she was surprised that the Committee had not received any information from NGOs on the human rights situation in Uzbekistan.

32. She asked the delegation to provide more detailed information on the current naturalization procedure and to explain the very high number of stateless persons living in the country.

33. Regarding the Roma, she asked why paragraph 297 of the State party’s report stated that, while the number of Roma had been estimated at about 20,000 in 1989, according to demographers their true numbers had always been at least twice as large as the official figures suggested, when the same paragraph also said that it was not possible to calculate their numbers. Noting that the Roma were referred to as Gypsies by the authorities and “Lyuli” by the local population, she drew the delegation’s attention to the fact that most Roma in Eastern Europe refused to be called Gypsies.

34. She asked how the national authorities could produce statistics that would help them track demographic changes and measure the progress made in eliminating racial discrimination.

35. In view of the lack of a definition of racial discrimination in Uzbek law that fully conformed to article 1, paragraph 1, of the Convention, she wondered how the authorities planned to combat such discrimination when it was neither referred to nor defined in the law. She also recalled that in its previous concluding observations on Uzbekistan (CERD/C/UZB/CO/5, para. 12), the Committee had asked the State party to clarify the situation concerning the independence of judges in view of the fact that judges to higher

courts were appointed by the Higher Chamber of Parliament and that ordinary judges were designated by the President, on the recommendation of the High Qualification Commission. She asked the delegation to indicate how the authorities ensured that the current practice of nominating judges fully guaranteed the independence and impartiality of justice. She also requested fuller information on the measures to promote harmony among the various ethnic and religious groups in the country and on the mechanisms set up to allow ethnic communities to participate in the drafting of public policies concerning them.

36. With regard to women from minority groups, she said that the statistics provided on the number of women holding responsible positions in State bodies did not show any real progress in that area, and she wished to know what measures the Uzbek authorities planned to take to guarantee the participation of women from ethnic minorities in the life of the country. She asked what measures had been taken to ensure that such women, particularly those who did not master the national language, were able to give their consent to any medical treatment or procedure performed on them, especially with regard to sterilization.

37. Citing paragraph 299 of the State party's report, which stated that almost all the Gypsies polled (99 per cent) experienced no infringement or coercive restriction by the Government on their right to lead a traditional way of life in Uzbekistan, she asked whether that statement truly reflected the situation of the Roma and whether Uzbekistan had taken measures to ensure that they were not subject to hidden discrimination.

38. **Mr. Diaconu** said that he would like to have information on the Republic of Karakalpakstan, particularly regarding the basis on which it had been established, whether it was an autonomous entity and whether its objective was to gather together the Karakalpaks, who were fewer in number than the Tajiks.

39. Noting that in Uzbekistan, if an international treaty to which the Republic of Uzbekistan was a party contained rules which differed from those set out in Uzbek family law, the rules of the international treaty should apply (CERD/C/UZB/6-7, para. 135), he pointed out that paragraph 157 of the State party's report indicated that Uzbekistan's legal system recognized the precedence of international over domestic law, but that in order to be applied, an international instrument must be incorporated into domestic law. He saw a contradiction there and encouraged the State party to amend its legislation in order to give the international instruments ratified by the country their due authority, including the International Convention on the Elimination of All Forms of Racial Discrimination.

40. Regarding implementation of article 4 of the Convention, article 156 of the Uzbek Criminal Code stipulated that acts carried out with a view to inciting enmity were punishable by deprivation of liberty (*ibid.*, para. 320). In that connection, he emphasized that article 4 contained no mention of intent.

41. Noting that there were 86,703 stateless persons in Uzbekistan (*ibid.*, para. 374), he considered that number to be way too high and wished to know whether the causes of that situation had been thoroughly analysed in order to remedy the problem.

42. **Mr. Avtonomov**, pointing out that paragraphs 296 to 302 of the State party's report contained extensive information on the Roma, who were referred to as "Gypsies" in that document and as "Lyuli" by the local population, said he wished to know how those concerned would like to be called and what name they considered to be the most respectful towards them.

43. He noted that, according to paragraph 299 of the State party's report, almost all the Gypsies polled (99 per cent) had responded that they experienced no restriction by the Government on their right to lead a traditional way of life. However, as stated in paragraph 297, many of them claimed to belong to other ethnic groups. He asked the delegation to explain why the Gypsies preferred to identify themselves with other ethnic groups and

thereby hide their true ethnic origin, and enquired whether any studies had been conducted on that issue. In other countries, Roma often acted in that way through fear of social stigmatization. Even though the situation was not always due to Government policy but rather to the difficulties the Roma faced on a daily basis, States parties were no less obligated to take the necessary measures to eliminate that de facto discrimination.

44. He asked the delegation to explain why only 13.9 per cent of Roma students had completed their secondary education (*ibid.*, para. 301) even though general secondary education was compulsory in Uzbekistan.

45. He asked why more than 16 per cent of Roma living in the country only enjoyed resident status and why they had not been naturalized. He also wondered how a child with one Uzbek parent and one stateless or foreign parent could obtain resident status in the State party.

46. According to paragraph 72 of the State party's report, the Ministry of Justice and its local subdivisions had officially registered 1,587 non-profit NGOs and had records of the existence of 3,446 such organizations, while paragraph 407 indicated that as of 1 January 2008 there had been over 5,000 non-profit NGOs active in the country. It would be useful if the delegation could explain those figures, including the difference between registering NGOs and officially recording them. He also requested statistics on the representation of members of ethnic minorities in the country's judiciary, Parliament and administration and among local authorities.

47. **Mr. Murillo Martínez** noted that, according to the statistics on per capita income contained in the report (table 14), the population's standard of living had improved considerably between 2005 and 2007. Since those data were not disaggregated, however, it was impossible to know whether the whole population had really benefited from that development or whether those figures masked disparities. For that reason, it would be helpful if in its future periodic reports the State party included statistics disaggregated by ethnic group. He would also welcome an explanation of why 16 million of the 27 million inhabitants in Uzbekistan had voted in the 2007 elections. Was such strong participation due to an obligation imposed on voters or to a particularly active interest in politics in the State party?

48. Lastly, he wondered whether the questions included in the poll conducted by the Ijtimoi Fikr Centre on the social and economic situation of the Roma (CERD/C/UZB/6-7, para. 295) had been drafted in consultation with the Roma and whether the State party had created strategies to increase school enrolment among the Roma that took into account their itinerant lifestyle.

49. **Mr. Ewomsan**, noting that the State party's report attributed the ethnic harmony in the country to the Uzbek people's generosity (para. 291), said that if those charitable feelings disappeared then inter-ethnic conflicts could break out in the country. The peaceful and harmonious coexistence of all the ethnic groups should be based above all on respect for the principle of equality and public access to complaint mechanisms in the case of violations of the Convention. Given that the State party had adopted solid legislation against racial discrimination, he wondered how the lack of complaints in that area could be explained.

50. **Mr. de Gouttes** observed that, even though the State party recognized that article 141 of the Criminal Code contained no mention of the purpose of racial discrimination, which was included in the definition contained in article 1 of the Convention, it considered that that omission did not affect how discrimination itself was treated (CERD/C/UZB/6-7, para. 319) and that there was no difference between the two formulations. If that were really the case, could the State party not then consider harmonizing the wording of article 141 of the Criminal Code with that of article 1, paragraph 1, of the Convention?

51. He requested further information on the role of the judiciary in the fight against racism and, noting that the examples of implementation of article 141 of the Criminal Code cited in the report involved cases of human trafficking (CERD/C/UZB/6-7, para. 484), he hoped that the State party's next periodic report would include examples of complaints and prosecutions specifically involving acts of racial discrimination.

52. He requested further information on the measures taken to strengthen the independence of the judiciary and asked whether the State party planned to make the declaration provided for in article 14 of the Convention.

53. **Mr. Kut**, referring to table 27 of the State party's report, which gave an overview of the ethnic composition of the population, said he was surprised to see that more than 421,000 people were included in the "Other" category, even though the table was very detailed. He wished to know what national or ethnic groups were included in that category and in particular whether it included Meshketian Turks. In that regard, while the report stated that there had been no instances of inter-ethnic conflict registered between 2006 and 2008 and that inter-ethnic differences were generally limited to domestic disputes (CERD/C/UZB/6-7, para. 294), he recalled that during the years prior to Uzbekistan's independence, serious inter-ethnic conflicts had taken place in the Ferghana Valley. Consequently, the State party should be cautious and should create prevention policies to keep that type of conflict from re-emerging.

54. The fact that the Ombudsman had not received any complaints between 2006 and 2008 did not necessarily mean that no acts of racial discrimination had been committed in the country. When individuals who believed themselves wronged did not file a complaint, it could lead to serious problems in the future, even inter-ethnic conflict. The State party should therefore devise strategies to identify unreported cases of racial discrimination as a way to detect early warning signs of inter-ethnic tensions. Lastly, he observed that the Ombudsman would lose all credibility in the eyes of the public if no complaints were ever received. The State party should therefore take measures to inform the public of the option to file complaints with the Ombudsman.

55. **Mr. Peter** welcomed the fact that even though 90 per cent of the State party's population was Muslim, and Muslim countries were generally in favour of maintaining the death penalty, that punishment had been abolished in Uzbekistan. In that connection, he noted that the decree abolishing the death penalty had been signed by the President in August 2005 but had not entered into force until 2009 upon ratification by the Parliament. He therefore wished to know what the balance of power was between the President, Parliament and the Cabinet of Ministers, and in particular how much weight was attached to the President's signature.

56. Given the absence of complaints lodged with the Ombudsman, he asked what measures had been taken to inform the public about the law of 20 April 2009 on strengthening the activities of the Ombudsman. He requested the delegation to explain why the number of women in the Senate had not increased since 2005, especially given that the President, who had the authority to nominate members of the Senate at his discretion, had only nominated two women in 2005 and four in 2010.

57. **Mr. Saidou** asked what role the National Centre for Human Rights played in the fight against racial discrimination and in particular whether it was competent to receive and consider complaints.

58. **Mr. Lindgren Alves** noted that according to the delegation's oral presentation, the *propiska* was essentially used as an identity card and did not affect individuals' freedom of movement. He asked for further information on the nature of that document. He also wished to know whether some rural populations in Uzbekistan followed a nomadic way of life similar to that of the Roma.

The meeting rose at 6 p.m.