



# International Convention on the Elimination of All Forms of Racial Discrimination

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## Committee on the Elimination of Racial Discrimination Eighty-fourth session

### Summary record of the 2278th meeting

Held at the Palais Wilson, Geneva, on Wednesday, 12 February 2014, at 10 a.m.

*Chairperson:* Mr. Calí Tzay

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*The meeting was called to order at 10.05 a.m.*

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

*Eighth and ninth periodic reports of Uzbekistan (continued) (CERD/C/UZB/8-9; CERD/C/UZB/Q/8-9)*

1. *At the invitation of the Chairperson, the delegation of Uzbekistan took places at the Committee table.*
2. **Mr. Saidov** (Uzbekistan) said that, owing to its unique historical context and geographical location, Uzbekistan was a tolerant nation which embraced all cultures, religions and languages. The Government had established a number of national cultural centres to monitor issues concerning ethnic minorities, particularly the Roma, and had carried out several national studies to assess the treatment accorded to such groups.
3. **Mr. Mukhammadiev** (Uzbekistan) said that the National Statistics Office had estimated the population of Uzbekistan at around 30 million persons, of whom 25 million were Uzbeks and 5 million were ethnic minorities. Karakalpaks, Tajiks, Russians, Kazakhs, Kyrgyzs, Turkmens, Tatars, Ukrainians, Belarusians, Azerbaijanis, Turks, Armenians, Jews, Moldovans, Georgians, Lithuanians, Koreans and Germans represented the largest ethnic minority groups. Regrettably, data concerning the number of Koreans in Uzbekistan had been omitted when the State party report had been compiled and should have been included. The Korean community had integrated well into Uzbek society and contributed greatly to the country's success. No specific data could be provided on the Meskhetian Turks as most identified themselves as Azeri.
4. As for the Roma community, the Government had taken a number of measures to protect their rights and had established cultural centres to preserve their cultural heritage. In the past, the Roma, or "Lyuli" as they were known in Uzbekistan, had tended to have a lower educational level than other ethnic minority groups, owing in part to their nomadic existence. In recent years, however, they had adopted a more settled lifestyle and an increasing number of Roma children had started to attend school, where they were taught in Uzbek, Russian or Tajik. The Roma currently were fully integrated into Uzbek society and faced little or no discrimination.
5. **Mr. Saidov** (Uzbekistan) said that under Soviet rule many Meskhetian Turks had been displaced from their homeland in Georgia to countries across Central Asia, including Uzbekistan. During the unfortunate events of 1989, a large number of Meskhetian Turks had been deported from Uzbekistan to other Central Asian States. Upon the dissolution of the Soviet Union, however, many had chosen to return. In recent times, the Government had noted a growing influx of Meskhetian Turks returning to Uzbekistan but had yet to calculate the exact number. Such information would be provided to the Committee at a later date.
6. **Mr. Djasimov** (Uzbekistan) said that before 1989 the Meskhetian Turks had lived in harmony with the rest of the Uzbek population. The tragic events in the Fergana valley had been the result of Soviet Union policy and the Uzbek President had taken a series of measures to stop the violence and protect the Meskhetians. A national cultural centre had been established to promote and preserve the Meskhetian Turk culture and there had been no further reprisals or issues affecting the community.
7. Turning to the Republic of Karakalpakstan, he said that it was an autonomous region with its own government and state apparatus. Its borders could only be redrawn with its prior consent and it had the right to request independence from Uzbekistan at any time. The official State languages in the Republic were Uzbek and Karakalpak. During the Soviet era,

it had been a poor, agricultural area. The drying out of the Aral Sea had subsequently led to a further decrease in living standards, at which point the Uzbek Government had decided to intervene and carry out long-term economic and social reforms. The Republic of Karakalpakstan had subsequently become an increasingly attractive proposition for investors and had established a strong industrial base. The overall population had grown by almost 24,000 persons in 2013 and there had been a sharp increase in industrial output.

8. **Mr. Saidov** (Uzbekistan) said that Uzbekistan and the Republic of Karakalpakstan worked in close partnership: any differences of opinion could be resolved amicably through an established dispute resolution mechanism and there was a permanent Karakalpak representative in the cabinet of the Uzbek Government to promote open and constructive dialogue.

9. Regarding the distribution of ethnic groups in Uzbekistan, he referred the Committee to the Uzbek ethnic and religious atlas, which provided a detailed breakdown of the location and characteristics of the various ethnic groups present in the country.

10. In accordance with the Committee's general recommendation No. 27, the Government had undertaken a general study on the situation of the Roma in Uzbekistan in order to better understand their needs. Although the Roma had a unique way of life, they had integrated well into Uzbek society and a number of individuals had secured state and civil society positions.

11. As to the current economic and social situation in the Republic of Karakalpakstan, the Uzbek Permanent Representative to the United Nations in New York had submitted a paper during the General Assembly on the current issues affecting the region and the steps taken to address the drying out of the Aral Sea.

12. **Mr. Toshmatov** (Uzbekistan) said that the Uzbek Government had endeavoured to address the serious economic, social and demographic problems in the Republic of Karakalpakstan through a series of targeted measures. The State party had also worked in close partnership with non-governmental organizations (NGOs) and international partners to attain the Millennium Development Goals and had made significant progress in reducing poverty in all areas of Uzbekistan, including in the Republic of Karakalpakstan. The State party had increased the amount of the national budget allocated to social assistance and as a result vulnerable groups in both Uzbekistan and the Republic of Karakalpakstan had obtained better access to State support.

13. **Mr. Saidov** (Uzbekistan) said that the Government could not solve the issue of adequate drinking water in the Republic of Karakalpakstan unilaterally; other neighbouring countries in the Central Asia region must agree to a sustainable distribution and use of shared water resources. The building of large-scale hydroelectric and aluminium plants in Tajikistan and Kyrgyzstan could result in water shortages in Uzbekistan and would require close monitoring in order to avoid any further degradation of the State party's already precarious ecological situation.

14. Turning to the incorporation of a definition of racial discrimination in national legislation, he said that the Uzbek Constitution contained a broader definition of discrimination than that contained in the Convention, which therefore rendered the need for a separate definition of racial definition obsolete. Similarly, the Criminal Code incorporated more forms of discrimination than those set forth in article 4 of the Convention and expressly criminalized any act which deliberately aimed to cause offence. The national Ombudsman agreed that Uzbek legislation adequately covered both direct and indirect discrimination and therefore fully complied with the State party's international treaty obligations.

15. **Mr. Djasimov** (Uzbekistan) confirmed that the State party had closely studied the conformity of its national legislation with articles 1 and 4 of the Convention and had found that it exceeded the provisions required. The Labour Code, Criminal Code and Constitution all contained a broader interpretation of discrimination than that required by the Convention by providing for eight different categories of discrimination, including racial discrimination, and expressly prohibiting both direct and indirect discriminatory acts. Article 25 and 156 of the Criminal Code provided for the prosecution of anyone who organized, abetted, incited or committed an offence and covered any individual or group who incited racial hatred. The national Act governing political parties also prohibited the establishment of any organization which incited racial hatred and was robust enough in conjunction with the other provisions of the Criminal Code to prevent such practices. For example, 9 criminal cases had been brought in 2012 under article 156 of the Criminal Code concerning the incitement of ethnic, racial or religious hatred and 14 offenders had been prosecuted. In 2013, 15 criminal cases had been brought under the same article and 21 offenders had been prosecuted. The Public Prosecutor's Office had also established a special unit, which proactively investigated any suspected acts of racial discrimination. Furthermore, the Criminal Code prohibited religious discrimination and around 600 persons had been found guilty of discriminatory acts against religious groups in 2013.

16. **Mr. Saidov** (Uzbekistan) said that missionary work, proselytism and the activities of unregistered religious organizations were prohibited under national law, as they might otherwise jeopardize the tolerance towards other faiths that existed in Uzbekistan.

17. **Mr. Mukhammadiev** (Uzbekistan), responding to questions about *makhallas*, said that their activities were regulated by the Act of 22 April 2013 on Citizens' Self-Governing Bodies. They operated at a community level and participation was open to all local residents aged 18 and older. *Makhallas* undertook initiatives to support vulnerable segments of the population and were responsible for social control in the implementation of laws.

18. In late 2013, *makhalla* leadership elections had been held in around 10,000 sites across the country, attracting candidates from a range of professions. The percentage of female leaders, which stood at 13.4 per cent, was growing year on year. Elections had also been contested for advisory roles, with women accounting for around 30 per cent of the 100,000 candidates. *Makhallas* were either mono-ethnic or multi-ethnic, and the leaders, who served two-and-a-half-year terms, came from a variety of ethnic backgrounds. All Uzbek residents were members of a *makhalla*, which collectively served the function of a national democratic institution.

19. **Mr. Nurmetov** (Uzbekistan) said that, in accordance with article 23 of the Constitution, foreign nationals and stateless persons enjoyed the same rights and freedoms and had the same obligations as Uzbek citizens. Pursuant to the Citizenship Act, naturalization was contingent on a rejection of any other nationality and permanent residency of at least five years in Uzbekistan prior to the date of application. Citizenship was granted to persons who could prove that they or one of their ancestors had been born in Uzbekistan. Foreign nationals and stateless persons who had lived in the country for over five years could apply for citizenship through local branches of the Ministry of Internal Affairs.

20. Turning to the issue of refugees, he said that, according to data from the United Nations Development Programme (UNDP), there were 185 refugees registered with the Office of the United Nations High Commissioner for Refugees (UNHCR) in Uzbekistan. They could not be subjected to deportation or any other violation of their rights for failing to present a visa or other document. The Government was investigating the possibility of acceding to international instruments relating to statelessness, although doing so would require significant work as the necessary legislation and mechanisms were not yet in place.

21. Following the tragic events of June 2010 in southern Kyrgyzstan, Uzbekistan had felt compelled to take in over 100,000 Kyrgyz citizens of Uzbek descent who had fled from ethnic violence. Those persons had since returned to Kyrgyzstan as part of ongoing cooperation between the Uzbek and Kyrgyz Governments. In that connection, he wished to thank the Special Rapporteur for his objective response to the situation, and called on the Kyrgyz authorities to prosecute the perpetrators of the riots and to adopt measures to ensure that such events never happened again.

22. With regard to Uzbek nationals who were abroad, the Government provided protection through its embassies and consular offices. The Ministry of Internal Affairs, Ministry of Education, citizens' self-governing bodies and local authorities all carried out preventive work to ensure that the rights of refugee women and children were not violated. In compliance with the Public Health Care Act, health care was provided by the State. Moreover, all refugees received medical check-ups and treatment.

23. The Government attached great importance to the implementation of the Committee's recommendations, as illustrated by the fact that the concluding observations for each periodic report were discussed in parliament.

24. **Mr. Saidov** (Uzbekistan) said that, in the past, there had been in excess of 80,000 Afghan refugees in Uzbekistan, and the issue of refugees was one that the Government had been tackling. It also remained keenly aware of the risk of a potential recurrence of the riots that had taken place in June 2010.

25. **Ms. Dah** thanked the delegation for the supporting documents that it had distributed to Committee members during the session. She said that, having read the new information provided, the State party should be commended for following the Committee's guidelines and making the best possible use of its concluding observations. It would, however, have been preferable for any supporting documentation to be received prior to the session, potentially at the same time as the periodic report, in order to allow the Committee time to examine it thoroughly.

26. With regard to women employed by the Ministry of Foreign Affairs, she asked what level of responsibility had been delegated to them. She also wished to know if any of them were ambassadors, and to which ethnic groups they belonged.

27. Turning to the supposed lack of racial discrimination in Uzbekistan, she said that the existence of tolerance did not necessarily mean that there was no discrimination. She called on the State party to set forth a definition of racial discrimination that was in line with article 1 of the Convention.

28. She said that the State party should be wary of the many problems linked to water conflicts, which could lead to racial discrimination in areas of the world where it had previously been absent. Lastly, she thanked the delegation for the feedback that it had given to the Committee during the current session, and wished to know whether it would consider reiterating its praise and concerns during a meeting with States parties on 18 February 2014.

29. **Ms. Hohoueto** wished to know why, since its independence in 1991, the State party had directed most of its efforts with regard to acceding to international instruments towards civil, political, economic, social and cultural rights. She asked whether the Higher Qualification Commission, which was responsible for the selection of judges in lower courts, also served as their professional association. The delegation should indicate whether vulnerable ethnic groups were granted legal aid in order to facilitate their access to legal counsel. Lastly, it would be useful to receive further information on the possibility of appealing verdicts before the Supreme Court, as the lengthy process that might ensue would render access to justice more difficult for vulnerable members of the population.

30. **Mr. Khalaf** wished to know how many political parties there were in Uzbekistan, and whether trade unions, of which there were apparently 85, were independent or attached to interministerial committees.

31. With regard to the annual subsidy of 30 billion sum allocated to non-governmental organizations (NGOs), the delegation should express the figure as a percentage of the education budget. They should also indicate whether the criteria used when allocating subsidies were objective, or whether preference was given to members of interministerial committees. He wished to know whether those members were independent and acting on behalf of NGOs, or whether they were affiliated to the Government. It would also be useful to know whether the bar association in Uzbekistan was tied to the Government and to governmental subsidies.

32. Turning to the representation of Karakalpaks, Russians and Kazakhs in the Senate of the Oliy Majlis, he wished to know whether the State party's electoral law stipulated quotas and, if not, how, with a first-past-the-post system, it had been possible to elect the number of persons from ethnic minorities stated in the information provided to the Committee. Lastly, he asked whether freedom of conscience was recognized in the State party, and whether religious conversion was permitted.

33. **Mr. Saidov** (Uzbekistan) said that the Government had been working closely with the Committee on the Elimination of Discrimination against Women (CEDAW) to tackle the issue of the double discrimination against women. There were female ambassadors in the Ministry of Foreign Affairs, which employed persons belonging to a range of ethnic groups. He agreed with Ms. Dah that water disputes were a cause for concern, and said that the effective use of water resources was a significant challenge, particularly in central Asia. With regard to providing feedback on the work of the Committee, his delegation would convey its thoughts to Uzbek diplomats in Geneva.

34. Uzbekistan had ratified over 70 international human rights conventions and treaties, to which it attached great importance. The implementation of international instruments was more complicated and required time, but the fact that the Government had yet to ratify certain instruments was an indication of how seriously it took its obligations.

35. Responding to questions about judges in lower courts, he said that the Higher Qualification Commission comprised several judges and representatives of the bar association, all of whom were required to have judicial training and experience. Members of all ethnic groups who appeared in court were entitled to speak their own language, and interpretation was provided in cases where judges did not speak the same language.

36. The Constitutional Court, which worked mainly to ensure that legislation was in compliance with the Constitution, could not receive applications directly from citizens. It could be turned to only by certain bodies, such as the Supreme Court and the Cabinet of Ministers. Responding to a question from Mr. Khalaf, he said that there were four political parties and one political movement in Uzbekistan.

37. According to a quota system, 30 per cent of candidate posts were reserved for women in order to promote the participation of women in public and political life. Trade unions formed the largest body of non-governmental organizations; they were independent but worked in a tripartite partnership with the State and employers. Uzbekistan had spent some \$13 million over five years in support of civil society organizations, with the money being allocated through competitive selection on youth, women's issues and so forth. Some 60 per cent of the national budget was devoted to social issues. Lawyers received an accreditation only once but their knowledge was tested every three years. The Uzbek Bar Association was an independent non-governmental organization.

38. **Mr. Djasimov** (Uzbekistan) said that legislation covered all activities by lawyers in Uzbekistan, including their participation in court proceedings. All defendants had the right to legal representation. A lawyer was provided by the State free of charge if a defendant was unable to pay. Legislation introduced in 2001 limited the length of criminal proceedings; initial judgements were due within two months and extensions were possible after review by a superior court. The time limit for civil court cases was restricted to one month. The Uzbek Bar Association was a non-profit organization, which was funded by its members and not by the State.

39. On his return to Uzbekistan, he would transmit the comments and recommendations put forward by the Country Rapporteur to the Chairman of the National Interagency Commission on combating human trafficking, who was also the General Prosecutor. The Government had stepped up its activities with regard to prevention; strengthening border controls was not necessarily the solution since Uzbek nationals could be trafficked to neighbouring countries without visa requirements. There was little or no evidence that foreign nationals were trafficked into Uzbekistan, although some internal exploitation of Uzbek citizens had been found. In 2013, some 630 persons had been convicted of human trafficking.

40. **Mr. Saidov** (Uzbekistan) said that government officials maintained close contact with the United Nations Special Rapporteur on trafficking in persons, especially women and children, and participated in regional conferences and meetings on human trafficking.

41. Uzbekistan had been one of the first States within the Commonwealth of Independent States (CIS) to create a human rights Ombudsman in 1996. It was guided by, and had set up a number of institutions in line with, the Principles relating to the Status of National Institutions (the Paris Principles). The Ombudsman presented an annual report to the lower and upper houses of parliament and both the Ombudsman and the National Centre for Human Rights monitored national legislation to ensure that it complied with international conventions. Literature on the human rights conventions was produced and disseminated, as well as reports on their implementation. It did not seem right that national human rights institutions were recognized only if they were members of the International Coordinating Committee of National Human Rights Institutions (ICC).

42. Over 90 per cent of Muslims in Uzbekistan were Sunni; a larger Shiite population was present in neighbouring Tajikistan.

43. **Mr. Kut** agreed with the comments of Ms. Dah. While he welcomed the information provided on the national plan of action to implement the recommendations of the Committee following consideration of the sixth and seventh periodic reports of Uzbekistan, it would have been useful for the Committee to receive it at an earlier stage. He asked whether the delegation was satisfied with Government's response to the Committee's recommendations and whether the desired results had been achieved.

44. He would like to receive further information concerning the outcome of the 10,000 complaints from citizens received by the Ombudsman and to learn what percentage of them dealt with discrimination. The recommendations of the Ombudsman deserved careful scrutiny; he would have liked to see more of them included in the State party's report.

45. The State party had noted in paragraph 83 of its report that "implementing paragraph 7 of the concluding recommendations of the Committee with regard to incorporating the term 'racial discrimination' into national legislation would be inappropriate"; he believed that "inappropriate" was too strong a term in that context and wondered how the State party's statement was compatible with that of the Ombudsman, who appeared to hold the opposite view.

46. The Ombudsman's report had mentioned "vulnerable groups" and he wondered which groups the delegation would understand to be included in that term. He had been concerned to read reports that Meskhetian (or Akhalsikh) Turks felt compelled to hide their identities and, with the history of the Fergana valley behind them, they were certainly a vulnerable group. He requested that more information on their situation and grievances be provided in the following State party report.

47. **Mr. Avtonomov** supported the comments by Mr. Kut concerning the Meskhetian Turks. The Committee might wish to consider their plight in more depth in the future. He would be willing to provide information concerning the financing of the present Committee to the delegation; its source was different from that of other human rights committees since it had been one of the first to be set up. The delegation had not commented on article 14 of the Convention, which dealt with communications and the consideration of complaints. The Committee looked into matters of indirect discrimination and it had developed certain indicators, such as the consideration of whether the proportion of the prison population of a particular group exceeded that in society as a whole.

48. **Mr. Diaconu** (Country Rapporteur) said that his report did not touch on religious freedom, freedom of movement or discrimination against women unless ethnic or racial minorities were concerned, since in those cases the concept of dual discrimination would apply. He agreed with Ms. Dah that the Committee did not deal with tolerance, but with the elimination of racial discrimination. The State party identified eight forms of discrimination in its legislation and it then examined whether the definition contained in the Convention applied to one of those eight forms, while the correct approach would be to create legislation that applied solely to racial discrimination. Furthermore, legislation in Uzbekistan sought to identify the most serious crimes, whether of war or ethnic conflict, whereas the Convention dealt with racial discrimination as it occurred in everyday life.

49. **Mr. Saidov** (Uzbekistan) asked how discrimination on grounds other than racial discrimination was to be dealt with if it was not covered by legislation. He understood the definition of racial discrimination as defined in the Convention and appreciated that it was different from tolerance. Uzbekistan had acceded to 28 different human rights conventions without reservation and it believed that they were correctly reflected in its legislation. He undertook to re-examine articles 8 and 14 of the Convention. He agreed that some minorities could be considered vulnerable; more attention would be given to the Meskhetian Turks and to the views of the Ombudsman in its next periodic report.

50. He acknowledged that a large number of complaints had been received and that improvements should be made. On a more positive note, the recent increase in cases demonstrated at least that victims were able to come forward. More information on complaints would be included in the next periodic report.

51. **Mr. Yeung Sik Yuen** noted that members of the higher and lower judiciary were elected every five years; he asked how that process could be reconciled with the principle of security of tenure. In many countries, lawyers were obliged to undergo accredited continuing professional development in order to ensure that they remained abreast of new legislation, but he understood that in Uzbekistan they had to take an exam every three years.

52. **Mr. Vázquez** said that the concern with respect to the requirement for lawyers to take an exam every three years was that it was used to disadvantage those lawyers who represented clients who were critical of the Government. The question of human rights defenders was central to the work of the Committee: the State party had maintained that there was a low level of racial discrimination in the country, but that would depend on the extent to which the people surveyed felt free to express opinions that were critical of the Government. The State party's attitude to dissent and its openness to criticism were



particularly relevant in connection with those surveys. He sought additional information on the forced sterilization of women in Uzbekistan.

53. Concerning international recognition of the Ombudsman, the Committee against Torture had expressed doubts as to whether it was sufficiently independent; there were reports that some people's complaints had been rejected. He wondered whether statistical data would have been more readily available if the State party had continued its joint project with UNICEF. He would appreciate comments on reports that Karakalpak place names were being replaced with Uzbek names.

54. **Mr. Murillo Martínez** said that he had asked whether procedures would be reversed in Uzbekistan so that the burden of proof was not placed on the victims of people trafficking. He had also asked whether any mechanisms would be introduced and legislation passed regarding confiscation of the proceeds of people trafficking.

55. **Mr. Saidov** (Uzbekistan) said that he would provide replies to the questions on the sterilization of women and on Karakalpak place names in writing. The Government intended to take further action with respect to people trafficking; it was a problem that was compounded by the porosity of its borders.

56. He agreed that a five-year term was not long for the judiciary, although neither election nor appointment would guarantee their independence. The Government had worked closely with UNICEF and their joint project had been concluded. He had no recollection that the Committee against Torture had queried the independence of the Ombudsman. Scrutiny of the media in Uzbekistan would show that there was ample criticism of Government authorities. Increased training of the legal profession was being undertaken in order to improve their professionalism.

57. **Mr. Diaconu** said that the extremely interesting dialogue had provided an opportunity for both the delegation and the Committee to learn a great deal. The different approaches of the Committee and the State party had led to different visions of how the Convention should be applied in legislation. He hoped that the State party would study the general recommendations on each of the articles adopted by the Committee and examine how they had been interpreted in legislation. All the Paris Principles must be applied, not just a few; currently the National Centre for Human Rights did not meet all the criteria that would be required by a United Nations accredited national human rights institute. He was sure that an even better dialogue would be held in the future.

58. **Mr. Saidov** (Uzbekistan) expressed sincere gratitude for all of the comments, questions and proposals received. He was satisfied that a mutual understanding had been established between the Committee and his delegation. Uzbekistan was prepared to do more in order to implement the Convention and it was a major priority for the authorities. A coordinated plan of action would be produced on all the human rights conventions, which would take account of the Committee's comments.

*The meeting rose at 1.05 p.m.*