



International Convention on the Elimination of All Forms of Racial Discrimination

Distr.: General
2 June 2014
English
Original: French

Committee on the Elimination of Racial Discrimination Eighty-fourth session

Summary record of the 2277th meeting

Held at the Palais Wilson, Geneva, on Tuesday, 11 February 2014, at 3 p.m.

Chairperson: Mr. Calí Tzay

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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*)

Eighth and ninth periodic reports of Uzbekistan (CERD/C/UZB/8-9; CERD/C/UZB/Q/8-9; HRI/CORE/UZB/2010)

1. *At the invitation of the Chairperson, the delegation of Uzbekistan took places at the Committee table.*
2. **Mr. Saidov** (Uzbekistan) said that the report had been jointly produced by 30 public bodies and 20 non-governmental organizations (NGOs) from Uzbekistan. He invited Committee members to also refer to other documents submitted in conjunction with the report, including information on the execution of the national action plan for the implementation of the recommendations made by the Committee in its concluding observations on the sixth and seventh periodic reports of Uzbekistan (CERD/C/UZB/CO/6-7), and an assessment of the implementation of the Convention in the country published in 2014. More than 130 national and ethnic groups and 16 religious communities had coexisted peacefully in Uzbekistan for over 3,000 years. The Millennium Development Goal regarding universal access to primary education had been achieved, with the literacy rate in the country standing at 99.7 per cent. All national minorities exercised their right to education and, at the secondary and tertiary levels, teaching was provided in seven languages (Uzbek, Karakalpak, Russian, Tajik, Kazakh, Turkmen and Kyrgyz). There were over 1,300 media outlets, which disseminated information in 12 languages.
3. On 11 December 2013, after a review of the initiatives undertaken to bring domestic legislation into conformity with the Convention and give effect to the latter's provisions (see paragraphs 65 et seq., 194 et seq., 213 and 252 of the report), and with the aim of following up on the Committee's previous concluding observations and its general recommendation No. 17 on the establishment of national institutions to facilitate implementation of the Convention, the Cabinet of Ministers had adopted a decree providing for the allocation of greater financial and human resources to the National Centre for Human Rights. The human rights institutions in Uzbekistan, namely the Ombudsman and the National Centre for Human Rights, were fully in line with the Paris Principles. A human rights monitoring system had been set up within the three branches of government. Civil society organizations that conducted activities in the field of human rights received State assistance and, over the past five years, they had been allocated 30 billion sum in the form of grants. Between 2012 and 2014, Uzbekistan had been visited by the Assistant Secretary-General for Human Rights, Ivan Šimonović, a delegation from the Office of the United Nations High Commissioner for Human Rights (OHCHR), senior officials from the Organization for Security and Co-operation in Europe (OSCE), the European Union Special Representative for Central Asia and the OSCE High Commissioner on National Minorities, who visited the country every year.
4. **Mr. Mukhammadiev** (Uzbekistan) said that the Inter-Ethnic Cultural Centre of Uzbekistan, which had been founded in 1992, was responsible for coordinating the activities of around 140 cultural centres representing national or ethnic groups living in Uzbekistan. The centres endeavoured not only to promote the culture of the group that they represented but also to raise awareness among young people of the values of all other national and ethnic groups. They organized cultural events, checked the quality of teaching provided in national minority languages, and published newspapers in their respective languages.
5. **Mr. Djasimov** (Uzbekistan) said that the authorities in his country were deeply concerned about the phenomenon of trafficking, with Uzbek nationals having been sold for

the purposes of labour exploitation and forced prostitution. Uzbekistan had acceded to all the main relevant international instruments, including the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others, and had adopted an anti-trafficking act. It had concluded cooperation agreements on combating organized crime with 30 States. It had also reached mutual judicial assistance agreements with 17 States, particularly in respect of criminal matters, and had signed extradition treaties with 7 States. July 2008 had seen the creation of the National Interdepartmental Commission to Combat Trafficking, which was chaired by the General Prosecutor of the Republic and composed of various ministers, the Ombudsman and the head of the National Centre for Human Rights. Regional offices had been established throughout the country. Victims were cared for by the National Rehabilitation Centre for victims of human trafficking. The institution accommodated such people in strict confidence, assisted them in contacting family members, and offered them medical treatment, counselling and legal advisory services. To date, the Centre had taken in around 1,000 victims of trafficking. In 2013, as part of the implementation of legislation related to the fight against trafficking, 1,392 victims had been found, of whom 1,267 had been taken abroad, notably to the Russian Federation, Kazakhstan, the United Arab Emirates, Lebanon, China, India, Malaysia, Greece and Norway. Around 1,000 of them had been subjected to labour exploitation, while 370 had been forced into prostitution. Thirty of them had been minors and almost 500 had been women. The majority of the victims (91.2 per cent) had been Uzbek, while the rest had been Russian (2.5 per cent), Tajik (1.6 per cent), Tatar (1 per cent) or Kazakh (1 per cent). In the same year, the courts had convicted 650 people, of whom 4 had been foreign nationals, for offences connected to trafficking. Awareness-raising activities had been carried out with the active participation of NGOs in order to inform members of the public of the seriousness of the issue and encourage them to beware of suspicious employment opportunities abroad. Currently, 97 per cent of the population knew what trafficking was and how to avoid becoming a victim.

6. **Mr. Diaconu** (Country Rapporteur) said that the report under consideration contained very little data on minority groups living in Uzbekistan, in particular the Tajiks, Kazakhs, Russians, Karakalpaks, Turkmens, Tatars and Ukrainians, which prevented the Committee from gaining a clear understanding of their situation. He invited the delegation to give more specific information on those peoples, and to indicate how many stateless persons there were in the country and whether they could acquire Uzbek nationality. He would also welcome information on the number of Roma living in the State party, in addition to an explanation of the assertion that most Roma people were satisfied with their lot, even though 62 per cent of them were unemployed. There was no general prohibition of racial discrimination in the State party, and the definition of discrimination in the numerous laws that had been adopted to protect human rights did not correspond with that given in the Convention, as the terms “race” and “racial discrimination” were interpreted as having their traditional meaning, whereby they were defined according to biological criteria rather than ethnicity. Government bodies and the population of Uzbekistan had to have a very clear idea of what constituted racial discrimination. Moreover, the laws adopted to guarantee the implementation of article 4 of the Convention did not cover all of its provisions, because none of them declared as offences punishable by law the dissemination of ideas based on racial superiority or hatred, incitement to racial discrimination or provocation of such acts against persons of another colour or ethnic origin. The State party had to specifically criminalize racial discrimination and impose appropriate penalties. The Committee could not accept the assertion that racial discrimination did not exist in Uzbekistan because no complaints had been filed in that connection. All countries experienced the issue of discrimination in one form or another. The State party had to acknowledge that it was no exception and address the problem by improving its legislation and institutional framework and ensuring the full implementation of the laws that it had adopted to protect human rights.

7. He wished to know the composition of makhallas (local communities) and, in particular, whether they only comprised members of a single ethnic group, or all groups living in a given region. Uzbekistan had to resolve the problem of defendants being expelled to countries where their life might be in danger, bearing in mind not only its extradition legislation but also the standards of international law, given that extradition and expulsion were markedly different. The Committee could only endorse the recommendations addressed to the State party during the universal periodic review (UPR), calling on it to combat trafficking in persons more effectively, particularly with regard to women and children, many of whom apparently came from neighbouring countries. He wished to know whether national courts had had to deal with cases of racial discrimination. It was surprising to note that 28.1 per cent of persons of Slavic origin had stated that they felt ethnic tensions in daily life, as had 26.3 per cent of Tajiks, but that no members of those communities had lodged a complaint of ethnic or racial discrimination. It would be interesting to understand why no complaints of discrimination in employment had been addressed to the Ministry of Labour either, despite the fact that doing so was permitted under a 2002 law. Lastly, he asked why the Parliamentary Ombudsman was not competent to consider cases under the jurisdiction of the courts, even though, in accordance with article 197 of the Criminal Code, the majority of cases involving a violation of article 4 of the Convention were punishable by law. He also asked which violations of the Convention fell within the competence of the Parliamentary Ombudsman.

8. **Mr. Yeung Sik Yuen** asked the delegation to explain the apparent contradiction between paragraph 113 of the report under consideration, which indicated that 28.1 per cent of Slavs and 26.3 per cent of Tajiks polled believed that ethnic tensions occasionally arose in everyday life, and paragraph 112, which claimed that only 5 to 6 per cent of respondents between 1999 and 2010 said that they had encountered nationalism in daily life. What was the composition of makhallas, the local communities that appeared to play an important role in consolidating peace and inter-ethnic understanding, and who appointed their members? Given the numerous requirements under article 156 of the Criminal Code for an offence to be qualified as incitement to national, racial or religious hatred, he invited the delegation to indicate how many prosecutions had been brought under the article, and how many convictions and acquittals had been returned. Noting that judges were elected to five-year terms, he wished to know who elected them, and whether they could be removed from office.

9. **Mr. Kemal** said the assertion that the overwhelming majority of Uzbek nationals, at around 97 per cent, believed that there was no racial discrimination in the country against one or other of the ethnic groups living there was the result of either flawed statistical methods or excessive optimism. It was surprising that no complaints had been lodged for ethnically or racially motivated discrimination, and that the prosecution services had not dealt with any criminal cases related to article 141 of the Criminal Code, which criminalized all violations of citizens' rights for reasons connected with race, nationality or religion. In that regard, the Committee was of the opinion that the lack of complaints of racial or ethnic discrimination was not necessarily a positive sign, and that it could be symptomatic of mistrust of judicial authorities or unfamiliarity with laws. Lastly, he invited the delegation to explain how the pilot study into the social and economic situation of the Roma population, which was mentioned in paragraphs 312 et seq. of the report, could have concluded that 99 per cent of Roma respondents did not think that they had experienced any discrimination, despite the fact that, according to some sources, more than 60 per cent of them were unemployed.

10. **Mr. Avtonomov** enquired what had become of the 100,000 people who had been taken in by Uzbekistan following the tragic events that had occurred between 11 and 15 June 2010 in southern Kyrgyzstan, what was the total number of Tziganes, Roma and Luli in the State party, and whether the approximately 63 per cent of Tzigane pupils who had

attended primary school had come away with the same level of education as their Uzbek counterparts. He asked whether anti-Semitism was on the rise in the State party, and whether European Jews and Bukhara Jews had different needs, in which case the State party should develop its policies accordingly. Referring to paragraphs 85 and 86 of the report, which provided demographic data, he would have appreciated it if the figures had given an idea of changes in the size of the various population groups over time. Since the State party was increasingly favouring the Latin alphabet to the detriment of Cyrillic script, he wished to know how the competent authorities intended to preserve the literary heritage written in Cyrillic so that younger generations could access it.

11. **Mr. Murillo Martínez** said he wished to know the extent of human trafficking for purposes of labour exploitation in the State party, particularly in the production of cotton, and asked whether the Government of Uzbekistan planned to combat the phenomenon at a transnational level by, inter alia, establishing greater supply chain transparency and regulating the goods produced. He wished to know the countries of origin of trafficking victims who, moreover, were mostly minors.

12. **Mr. Kut**, referring to the survey conducted in 2011 to collect census data on the various population groups mentioned in paragraph 85 of the report, enquired about the origin of the “586,864 belonging to other ethnic groups”, and asked whether Meskhetian Turks had been included in that group. He also wished to know whether the lack of complaints of racial discrimination was not related to the fact that the State party had still not adopted a definition of racial discrimination in its legislation.

13. **Mr. Bossuyt** said that he did not understand why Uzbek nationals wishing to travel abroad systematically had to obtain an exit visa prior to their departure, and asked why certain categories of persons should have to receive a permanent residence permit (*propiska*) if they wished to settle in the city or province of Tashkent. Referring to paragraph 311 of the report, he said he was surprised that, in the case of acquiring Uzbek citizenship or obtaining a *propiska*, the Constitutional Court sometimes referred petitions that it had received “to the relevant authorities”, rather than rendering binding decisions, as it should have the competence to do. He would appreciate further information on the matter. Lastly, he asked what was included in the legal protection offered to citizens “both inside and outside the territory of Uzbekistan” mentioned in paragraph 292 of the report, and noted with concern that the State party had not adopted provisions regulating the right of asylum or ratified the 1951 Convention relating to the Status of Refugees.

14. **Mr. Vázquez** said it was worrying that the right to work as a lawyer was renewed every three years, especially because, according to reliable sources, lawyers defending clients who incriminated the Government were subsequently refused the right. The delegation should provide additional information on the matter and also indicate whether the State party planned to welcome the Special Rapporteur on the independence of judges and lawyers in the near future. It should also state whether it was true that members of NGOs, human rights defenders and persons who referred matters to the Parliamentary Ombudsman often suffered reprisals, and that women who bore two or more children were frequently subjected to forced sterilization, in particular the Luli. Lastly, as he took it that the *propiska* system had been implemented in Tashkent to prevent members of ethnic minorities from settling in more prosperous regions, he asked the delegation to comment on the issue.

15. **Mr. Amir** asked how the country’s rather modest water resources were distributed and, more specifically, whether they were sufficient for human consumption and agriculture, given that Uzbekistan was the most populous country in Central Asia. He wished to know whether it was true that Russian was taught for the purpose of social cohesion, and whether there were adherents of branches of Islam in Uzbekistan other than

Sunni Islam and, if so, how potential conflicts between Muslims from different sects were resolved.

16. **Mr. Saidov** (Uzbekistan) said that the Government of Uzbekistan had ensured that the recommendations made by the Committee following its consideration of the previous report, as well as the UPR recommendations, had been circulated among the various governmental bodies, judicial staff, NGOs, journalists and the general public. The Government of Uzbekistan would continue to draw on the recommendations in the context of amending its legislation and would pursue its dialogue with civil society, which played a leading role in formulating measures to implement the recommendations and in following up their implementation. The Government had also created a parliamentary commission to support civil society that had already funded over 1,000 NGOs working for young people, women and persons with disabilities.

The meeting rose at 6 p.m.