



International Convention on the Elimination of All Forms of Racial Discrimination

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Committee on the Elimination of Racial Discrimination

Concluding observations on the combined tenth to twelfth reports of Uzbekistan*

1. The Committee considered the combined tenth to twelfth periodic reports of Uzbekistan (CERD/C/UZB/10-12), submitted in one document, at its 2786th and 2787th meetings (see CERD/C/SR.2786 and 2787), held on 3 and 4 December 2019. At its 2797th meeting, held on 11 December 2019, it adopted the present concluding observations.

A. Introduction

2. The Committee welcomes the submission of the combined tenth to twelfth periodic reports of the State party and expresses its appreciation for the constructive dialogue with the State party's delegation. It thanks the high-level delegation for the information provided during the consideration of the report and for the additional written information submitted after the dialogue.

B. Positive aspects

3. The Committee welcomes the adoption of the following legislative, institutional and policy measures taken by the State party:

- (a) Amendment to the Law on Civil Acts Registration, in July 2018;
- (b) Decree of the President of Uzbekistan on the approval of the regulations on the procedure for granting political asylum, in May 2017;
- (c) Amendment to the Citizenship Act, of 23 September 2016;
- (d) Creation of the Committee on Inter-Ethnic Relations and Friendly Ties with Foreign Countries, pursuant to a presidential decree of 19 May 2017;
- (e) Joint resolution by the Oliy Majlis (Parliament) endorsing the action plan on cooperation with the Office of the United Nations High Commissioner for Human Rights, on 16 June 2017;
- (f) Amendments to the Oliy Majlis Human Rights Commissioner (Ombudsman) Act (by Act No. ZRU-441 of 29 August 2017 and 14 March 2019).

* Adopted by the Committee at its 100th session (25 November–13 December 2019).



C. Concerns and recommendations

Statistics

4. The Committee notes that the State party plans to conduct a census in 2022. However, it is concerned about the absence of a robust statistical system that provides information on the socioeconomic situation of all ethnic groups residing in the territory of the State party. The Committee further regrets the lack of statistics on migrants, refugees and asylum seekers (art. 1).

5. **Recalling its reporting guidelines (CERD/C/2007/1) and its general recommendation No. 8 (1990) concerning the interpretation and application of article 1 (1) and (4) of the Convention, the Committee urges the State party to establish a robust system for collecting reliable statistics. The Committee also recommends that the State party establish a legal and institutional framework for conducting a regular national census, taking into account the principle of self-identification. The State party should provide the Committee, in its next periodic report, with up-to-date statistics on the composition of its population, disaggregated by ethnicity, national origin and languages spoken, including data on migrants, refugees, asylum seekers and stateless persons, as well as relevant socioeconomic indicators. The Committee further recommends that the State party ensure consultation with and the meaningful participation of all ethnic groups in the development of data collection methodologies and their implementation.**

Definition of racial discrimination and legislation

6. Despite its previous recommendation, the Committee is concerned that the State party has not yet incorporated in its legislation a definition of racial discrimination, with all the prohibited grounds, in line with article 1 of the Convention. While noting the position of the State party, the Committee reiterates its concerns about the lack of legislation of general application prohibiting racial discrimination and that such a prohibition is scattered in a variety of laws and confined to the grounds of race and ethnicity. It is concerned that the status of anti-discrimination legislation still contains gaps and does not ensure adequate protection against and remedies for acts of racial discrimination in all areas of life (CERD/C/UZB/CO/8-9, para. 5) (arts. 1 and 2).

7. **Recalling the need for legal protection against discrimination on all the grounds set out in the Convention, the Committee reiterates its views that legislation of general application prohibiting racial discrimination is an indispensable tool for effectively combating racial discrimination. The Committee reiterates its recommendation (CERD/C/UZB/CO/8-9, para. 5) that the State party adopt a legislation of general application on the elimination of racial discrimination which:**

- (a) **Incorporates a definition of racial discrimination in full conformity with article 1 of the Convention;**
- (b) **Prohibits direct and indirect discrimination in the enjoyment of all the rights set out in article 5 of the Convention;**
- (c) **Provides for penalties in the case of violation of the legislation and reparation for victims of racial discrimination, bearing in mind the Committee's general recommendation No. 26 (2000) on article 6 of the Convention;**
- (d) **Establishes remedies and redress mechanisms.**

Article 4 of the Convention

8. The Committee takes note of the legislative acts that prohibit political parties, media and voluntary associations that promote racial hatred (Political Parties Act of 26 December 1996, amended on 18 April 2018, Media Act of 26 December 1996, Non-Governmental Non-Profit Organization Act of 14 April 1999 and Voluntary Association Act). However, the Committee reiterates its concerns that the State party's legislation does not fully meet the provisions of article 4 of the Convention (CERD/C/UZB/CO/8-9, para. 6). The

Committee is further concerned that a racist motive is still regarded as an aggravating circumstance only in connection with serious crimes (art. 4).

9. **Recalling its general recommendation No. 15 (1993) on article 4 of the Convention, the Committee recommends that the State party ensure full compliance with all provisions of article 4 of the Convention, with due regard to international human rights standards, in particular to freedom of expression and to peaceful assembly of ethnic groups. The Committee also reiterates its recommendation that a racist motive be recognized in law and in practice as a general aggravating circumstance for all offences and crimes, notably in the context of the new Criminal Code (CERD/C/UZB/CO/8-9, para. 6).**

Rights of ethnic minorities

10. The Committee is concerned about the continuing absence of a normative framework on the rights of ethnic minorities. The Committee is also concerned about the understanding by the State party of the term “minorities”. The State party confines the term to its numerical dimension and considers its use as discriminatory towards ethnic groups (arts. 1, 2 and 5).

11. **Reiterating its previous recommendation, the Committee recommends that the State party take immediate steps to elaborate and adopt legislation on the rights of persons belonging to ethnic minority groups, in consultation with all ethnic groups (CERD/C/UZB/CO/8-9, para. 10).**

The situation of Luli/Roma

12. The Committee is concerned about the socioeconomic discrimination and marginalization of the Luli/Roma in the State party with regard to their access to education, health, work and housing. In particular, the Committee remains concerned that Luli/Roma are confined to a low level of education, informal employment, temporary housing and unaffordable medical services. The Committee is also concerned about the obstacles Luli/Roma face in obtaining identity documents. The Committee is further concerned about the absence of special measures and programmes for the Luli/Roma. The Committee is also concerned about the lack of information regarding investigations and reparations with regard to the forced sterilization of Roma women (arts. 2 and 5).

13. **Recalling its general recommendations No. 27 (2000) on discrimination against Roma, No. 25 (2000) on gender-related dimensions of racial discrimination and No. 32 (2009) on the meaning and scope of special measures in the Convention, the Committee urges the State party to:**

(a) **Adopt and implement without further delay a comprehensive policy to address the structural discrimination faced by Luli/Roma and ensure consultation and the meaningful participation of Luli/Roma in the design and implementation of such a policy;**

(b) **Ensure that such a policy contains a particular focus on the rights of Luli/Roma women;**

(c) **Take immediate steps to ensure that all Luli/Roma have access to personal identity documents;**

(d) **Put an end to de facto segregation in education and ensure that all Luli/Roma children, with particular attention to Luli/Roma girls, enjoy their right to inclusive and quality education by taking effective measures, including special measures, with a view to increasing preschool enrolment among Luli/Roma children, enhancing rates of school attendance and completion among Luli/Roma children and improving their educational achievements;**

(e) **Adopt immediate measures in consultation with Luli/Roma for long-term solutions for adequate housing for Luli/Roma. The Committee further recommends that the State party take the necessary measures to halt all house**

demolitions, prevent forced evictions and prioritize security of tenure for all Luli/Roma communities.

Karakalpak ethnic group

14. The Committee is concerned about the socioeconomic status of the Karakalpak ethnic group, in particular the lack of education in the Karakalpak language and obstacles to their enjoyment of cultural rights. The Committee also regrets the lack of comprehensive data regarding the impact of the Aral Sea regional development programme for the period 2017–2021 on the socioeconomic situation of the Karakalpak population (art. 5).

15. **The Committee recommends that the State party:**

(a) **Provide the Committee with data on the situation of the Karakalpak ethnic group and adopt effective measures to ensure their enjoyment of cultural rights, such as the use of their language in public life, notably in the media;**

(b) **Adopt effective measures, including special measures, in accordance with its general recommendation No. 32 (2009) on the meaning and scope of special measures in the Convention, to ensure the full enjoyment by the Karakalpak ethnic group of the rights enshrined in the Convention;**

(c) **Support members of the Karakalpak ethnic group in preserving their livelihoods and traditional lifestyle and respecting and promoting the use of the Karakalpak language as an official language;**

(d) **Ensure consultation with and participation of the Karakalpak population in the decision-making process regarding environmental programmes, including in the Aral Sea regional development programme for the period 2017–2021;**

(e) **Provide the Committee with comprehensive information on the impact of such programmes on the situation of the Karakalpak population.**

Education in ethnic languages

16. While noting that the State party provides education in seven ethnic languages, the Committee is concerned about the lack of access to education in ethnic languages by all ethnic groups at all educational levels. The Committee is also concerned about the risk of segregated and separated schools, in particular for Luli/Roma. The Committee is further concerned by the lack of education in the Korean language, resulting in the loss of the use of its language by the Korean ethnic group (art. 5).

17. **The Committee recommends that the State party take the necessary measures to ensure access to mother tongue education in schools for all children belonging to ethnic groups, in the whole territory, along with quality instruction in the official language of the State. The Committee further recommends that the State party take all necessary measures to prevent discrimination on the ground of language in obtaining higher education and employment.**

Prison population

18. While noting that the State party is carrying out a reform of the prison system, the Committee remains concerned about the lack of reliable data on the proportion of ethnic groups among the detainees and the lack of information on the conditions of their detention (art. 5).

19. **The Committee reiterates the importance of data on the ethnicity of persons held in prison or preventive detention for assessing the existence or extent of racial discrimination in the administration and functioning of the criminal justice system. The Committee therefore recommends that the State party take measures to collect such data in the context of the next national census. The Committee also reiterates its recommendation that the State party present relevant statistics in its next periodic report (CERD/C/UZB/CO/8-9, para. 15).**

Stateless persons and asylum seekers

20. While noting the adoption of the regulation on the procedure for granting political asylum (presidential Decree of 29 May 2017), the Committee remains concerned about the lack of an institutional framework for asylum seekers. The Committee takes note that the amendment to the Citizenship Act of 23 September 2016 facilitated the granting of citizenship to stateless persons. However, the Committee remains concerned that the law requires stateless persons to prove a minimum means of subsistence. It is also concerned that the “acquisition” of stateless status requires such persons to renounce any other nationality before they can acquire citizenship of the State party, thus compelling persons of other nationalities to become stateless without the assurance that they will be able to acquire the nationality of the State party (art. 5).

21. The Committee recommends that the State party establish a comprehensive legal and institutional framework for the consideration of asylum applications. It also recommends that the State party adopt urgent measures to remove obstacles to granting citizenship and prevent persons from becoming stateless, in particular in the process of acquiring citizenship of the State party. The Committee reiterates its recommendation that the State party consider acceding to the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness.

Complaints about acts of racial discrimination

22. The Committee is concerned by the information that public bodies, including domestic courts and tribunals have not received a single complaint of racial discrimination. While noting the amendment to the Law on the Legislative Chamber of the Oliy Majlis of August 2017, the Committee is concerned about the information that the Ombudsman has not received any complaints of discrimination from citizens, foreign nationals or stateless persons, or any complaints regarding the provision of redress to victims of racial discrimination (arts. 6 and 7).

23. With reference to its general recommendation No. 31 (2005) on the prevention of racial discrimination in the administration and functioning of the criminal justice system, the Committee reminds the State party that the absence of complaints about and legal action for racial discrimination may reveal a lack of suitable legislation, poor awareness of the legal remedies available, a lack of will on the part of the authorities to prosecute the perpetrators of such acts, a lack of trust in the criminal justice system or a fear of reprisals against victims. The Committee recommends that the State party take legislative and administrative measures to ensure that the public, in particular ethnic groups, asylum seekers and stateless persons, know their rights, including all legal remedies in the area of racial discrimination.

D. Other recommendations

Ratification of other treaties

24. Bearing in mind the indivisibility of all human rights, the Committee encourages the State party to consider ratifying those international human rights treaties that it has not yet ratified, in particular treaties with provisions that have direct relevance to communities that may be subjected to racial discrimination, including the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and the Domestic Workers Convention, 2011 (No. 189) of the International Labour Organization.

Amendment to article 8 of the Convention

25. The Committee recommends that the State party ratify the amendment to article 8 (6) of the Convention, adopted on 15 January 1992 at the fourteenth meeting of States parties to the Convention and endorsed by the General Assembly in its resolution 47/111.

Declaration under article 14 of the Convention

26. The Committee encourages the State party to make the optional declaration provided for in article 14 of the Convention recognizing the competence of the Committee to receive and consider individual complaints.

Follow-up to the Durban Declaration and Programme of Action

27. In the light of its general recommendation No. 33 (2009) on follow-up to the Durban Review Conference, the Committee recommends that when implementing the Convention in its domestic legal order, the State party give effect to the Durban Declaration and Programme of Action, adopted in September 2001 by the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, taking into account the outcome document of the Durban Review Conference, held in Geneva in April 2009. The Committee requests that the State party include in its next periodic report specific information on action plans and other measures taken to implement the Durban Declaration and Programme of Action at the national level.

International Decade for People of African Descent

28. In the light of General Assembly resolution 68/237, in which the Assembly proclaimed 2015–2024 the International Decade for People of African Descent, and Assembly resolution 69/16 on the programme of activities for the implementation of the Decade, the Committee recommends that the State party prepare and implement a suitable programme of measures and policies. The Committee requests that the State party include in its next report precise information on the concrete measures adopted in that framework, taking into account its general recommendation No. 34 (2011) on racial discrimination against people of African descent.

Consultations with civil society

29. The Committee recommends that the State party continue consulting and increasing its dialogue with civil society organizations working in the area of human rights protection, in particular those working to combat racial discrimination, in connection with the preparation of the next periodic report and in follow-up to the present concluding observations.

Dissemination of information

30. The Committee recommends that the State party's reports be made readily available and accessible to the public at the time of their submission and that the concluding observations of the Committee with respect to those reports be similarly made available to all State bodies entrusted with the implementation of the Convention, including municipalities and publicized on the website of the Ministry of Foreign Affairs in the official and other commonly used languages, as appropriate.

Follow-up to the present concluding observations

31. In accordance with article 9 (1) of the Convention and rule 65 of its rules of procedure, the Committee requests the State party to provide, within one year of the adoption of the present concluding observations, information on its implementation of the recommendations contained in paragraphs 13 (c) and (d) (the situation of Luli/Roma), and 19 (the prison population) above.

Paragraphs of particular importance

32. The Committee wishes to draw the attention of the State party to the particular importance of the recommendations contained in paragraphs 7 (definition of racial discrimination and legislation), 9 (article 4 of the Convention) and 11 (rights of ethnic minorities) above and requests the State party to provide detailed information in its next periodic report on the concrete measures taken to implement those recommendations.

Preparation of the next periodic report

33. The Committee recommends that the State party submit its combined thirteenth and fourteenth periodic reports, as a single document, by 28 October 2022, taking into account the reporting guidelines adopted by the Committee during its seventy-first session (CERD/C/2007/1) and addressing all the points raised in the present concluding observations. In the light of General Assembly resolution 68/268, the Committee urges the State party to observe the limit of 21,200 words for periodic reports.
