



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

Distr.: General
20 December 2006
English
Original: French

COMMITTEE ON THE ELIMINATION OF RACIAL DISCRIMINATION

Sixty-eighth session

SUMMARY RECORD OF THE 1744th MEETING

Held at the Palais Wilson, Geneva,
on Wednesday, 1 March 2006, at 10 a.m.

Chairperson: Mr. de GOUTTES

CONTENTS

CONSIDERATION OF REPORTS, COMMENTS AND INFORMATION
SUBMITTED BY STATES PARTIES UNDER ARTICLE 9 OF THE
CONVENTION (*continued*)

Third to fifth periodic reports of Uzbekistan (*continued*)

This record is subject to correction.

Corrections should be submitted in one of the working languages. They should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent *within one week of the date of this document* to the Official Records Editing Section, room E.4108, Palais des Nations, Geneva.

Any corrections to the records of the public meetings of the Committee at this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.

The meeting was called to order at 10.25 a.m.

CONSIDERATION OF REPORTS, COMMENTS AND INFORMATION
SUBMITTED BY STATES PARTIES UNDER ARTICLE 9 OF THE
CONVENTION (agenda item 6) (*continued*)

Third to fifth periodic reports of Uzbekistan (CERD/C/463/Add.2); questions of the Country Rapporteur (document without reference distributed in the meeting in English only)

1. *At the invitation of the Chairperson, the members of the delegation of Uzbekistan took places at the Committee table.*

2. Mr. ZAKIROV (Uzbekistan) pointed out that the ethnic makeup of the population of Uzbekistan was as follows: Uzbeks (roughly 80 per cent, or more than 20 million people); Tajiks (4.5 per cent, or 1,150,000 people); Kazakhs (3.8 per cent, or 1,000,000 people); Russians (3.8 per cent, or 1,000,000 people); Tatars (2.5 per cent, or 650,000 people); Kyrgyz (1.45 per cent, or 370,000 people), Koreans (0.9 per cent, or 230,000 people) and those of other ethnicity (1 per cent, or 700,000 people).

3. With regard to the procedure for granting citizenship, he pointed out that the 1992 Law on Citizenship specified that Uzbekistan citizenship would be granted to persons who were permanently living in the Republic when the law went into force. A permanent residence permit stamp was placed on the passport at the time of registration. Immigrants from other States could petition for and receive Uzbekistan citizenship if they met the following four conditions: they renounced their foreign citizenship; they were permanent residents in Uzbekistan for the last five years; they recognized the Constitution and complied with it; and they had a lawful means of supporting themselves. Those conditions were not necessary for persons who could prove that one of their parents was born in Uzbekistan and who were not registered citizens of other States. The second and third conditions could be waived by decision of the President of the Republic for persons who were providing distinguished service to the country or had produced high-level advances in science, technology, or culture, as well as for persons whose profession or qualifications were of interest to the country. Stateless persons who had been living in the country on a permanent basis for five years could petition for Republic of Uzbekistan citizenship to the President through the internal affairs authorities for their place of permanent residence or, if they lived abroad, through the consular or diplomatic missions of Uzbekistan. The granting of citizenship could be denied in certain cases, such as if the applicant's political activities contravened the Constitution or if the applicant had been sentenced under Uzbekistan law to serve a prison term. When an individual was granted citizenship, the internal affairs authorities or the consular or diplomatic service issued the individual a passport. For persons under the age of 16, a notation indicating Uzbekistan citizenship was stamped on the individual's ID. An applicant who felt that his petition was denied without grounds could appeal the decision in the manner prescribed by law in a court or an administrative authority. A new petition for citizenship could be filed upon or, in special cases, before the expiry of one year.

4. As of 1 January 2006, some 20,000 foreign citizens and 91,000 stateless persons lived in Uzbekistan, for the most part in the vicinity of Tashkent. Later, the Committee would be provided, in writing, information in greater detail on those

individuals, on migrants entering Uzbekistan (about 7,000 a year), and on citizens of the former Soviet Union who had returned to their homeland beginning in the late 1980s.

5. Addressing the mandatory registration of residents (the system of residence permits), he added that the obligation to be registered for one's place of residence had no adverse effect whatsoever on freedom of movement within the country. That system simply served the purpose of confirming lawful residency and indicating the person's address. "Residence permits" were also granted to foreigners and stateless persons, who were obliged to register for their place of residence. Citizens of countries of the Commonwealth of Independent States (CIS) who were visiting the country received a temporary residence permit. For foreigners, the term of the residence permit was the same as the duration of their visa. A special commission had been created to review matters associated with residence permits for Uzbekistan citizens, citizens of CIS countries, foreigners, and stateless persons. The procedure for the issuance of temporary residence permits was used throughout all Uzbekistan for Uzbekistan citizens who were sent temporarily to another part of the country, for citizens of CIS countries, for permanent residents holding a passport from the former Soviet Union that did not indicate any nationality, for immigrants from foreign States, and for stateless persons.

6. On the matter of the transfer of detained foreign citizens to countries where they could face the danger of being subjected to cruelty or a death sentence, he said that his country, which enforced the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, adhered to the practice of non-refoulement and non-extradition of such foreign citizens to the authorities of other countries in such cases. Uzbekistan also enforced the Minsk convention on mutual legal assistance in criminal matters and agreements on mutual legal assistance with CIS countries, China, Pakistan, Turkey, and other countries that enable the return of individuals found guilty of criminal offences.

7. He felt that the figure of 45,000 refugees given by one of the Committee members, even if it were well-grounded, was by no means necessarily associated with the situation in Uzbekistan. A considerable number of refugees had in fact come into the country as a result of the armed conflict in Afghanistan and the civil war in Turkmenistan. Uzbekistan authorities had given an assessment of the situation on that question to the Office of the United Nations High Commissioner for Refugees (UNHCR), which was working to resolve the issue of the repatriation of Turkmen refugees and the provision of humanitarian aid to Afghan refugees with the support of the authorities. Between 1997 and 1999, some 21,000 Tajik refugees located in neighboring countries were also repatriated to Tajikistan through Uzbekistan's territory. According to the data of the UNHCR, as of January 2006, approximately 2,000 Afghan refugees were living in Uzbekistan, primarily in Tashkent, and approximately 450 were living in regions near the Afghan border. Most of them had been on Uzbekistan territory for more than 10 years. Many had jobs and a family and had decided to keep their refugee status. Since 1998, a total of 311 had returned to Afghanistan.

8. Mr. ABOUL-NASR said that he was interested in learning whether the repatriation of the refugees was voluntary and why individuals with refugee status who had lived in Uzbekistan for a long time were not petitioning for naturalization.

9. Mr. VALENCIA RODRÍGUEZ (Rapporteur on Uzbekistan), with regard to the acquisition of citizenship, asked whether a child one of whose parents was an Uzbek could obtain Uzbekistan citizenship.

10. Mr. SICILIANOS noted that, according to the data provided by the Uzbekistan delegation, the Tajik minority numbered 1,150,000; according to other sources, the figure was in fact much higher, which was due to the pressure that the Uzbekistan Government was exerting on members of that community so as to achieve their assimilation, that is to say, so that their numbers would remain unchanged. The delegation's comments on that score would be welcomed.

11. Mr. PILLAI indicated that he had information according to which the Ukrainian minority numbered roughly 153,000 during the last census taken under the socialist regime. According to recent estimates, that figure was approaching 300,000, meaning that the size of the Ukrainian minority had increased almost twofold in less than 20 years. The delegation was invited to comment on that increase and to indicate whether that was due to an influx of migrant workers who were Ukrainian immigrants.

12. Mr. ZAKIROV (Uzbekistan), addressing the question of the repatriation of refugees, noted that the figures cited earlier has come from the Office of the United Nations High Commissioner for Refugees (UNHCR). The repatriation processed referred to had, in all cases, been performed with the consent of the persons involved, and the Uzbekistan Government had not exerted any pressure to coerce refugees to return to their homeland. As for the reasons that persons with refugee status in Uzbekistan were not petitioning for naturalization, he indicated that, to date, not a single naturalization petition had been submitted to Uzbekistan authorities by those refugees, which was probably due to the fact that those refugees were well integrated into Uzbekistan society, that they were employed in the commercial sector, and that things, as a rule, were going very well for them. At the same time, their status did not impose any restrictions on their freedom of movement.

13. Mr. SAIDOV (Uzbekistan), referring to the acquisition of Uzbekistan citizenship, clarified that the law did not allow dual citizenship and that Uzbekistan citizenship was granted on the grounds of *jus soli* or *jus sanguinis*. He asserted that the Uzbekistan Government was not pursuing any policy of assimilation of members of the Tajik minority geared to keeping their numbers below a certain threshold. At the same time, given that the last population census was in 1989 and that there had been substantial population shifts since that time, he recognized the need to conduct a new census as soon as possible.

14. Mr. ZAKIROV (Uzbekistan), in touching on the question of freedom of expression and the situation with the media in Uzbekistan, indicated that 887 periodical publications were published in the country in various languages, including Uzbek, Kazakhstani, Karakalpak, Russian, Turkmen, and Ukrainian. There were 32 television channels, 14 radio stations, and six cable television channels that broadcast in Russian, Kazakhstani, Tajik, Tatar, Uighur, and Kyrgyz. As to the assertions that the right to freedom of expression of the media was restricted, one could note the survey taken on that score of the official print agency and non-governmental associations of journalists such as the Public Fund for the Support and Development of Independent Print Media and Information Agencies and the Union of Journalists of the Republic of Uzbekistan. The individuals

surveyed responded unanimously that they were not encountering any pressure that would be geared to restricting their right to freedom of expression. Furthermore, there were four newspapers published in Tajik in the areas with the largest concentration of the Tajik population, and although one newspaper had actually shut down in late 2004, that was due to financial problems, and not to a Government order. And finally, with regard to assertions that the broadcast license of one radio station whose programming was in Tajik had been revoked in 2003, he said that the delegation had been unable to find any information substantiating those assertions.

15. Ms. GERASIMOVA (Uzbekistan), in answering questions of Committee members pertaining to discrimination against women, said that a quota system had been created in order to boost the level of representation of women in parliament. During the elections for the two houses, 21 women were elected, as a result of which the share accounted for by women seated in parliament rose to 18 per cent from only 6 per cent in 1999. Of 120 deputies, 91 per cent were Uzbeks, and 9 per cent belonged to one of the national minorities living in the country.

16. In her words, equality between men and women was guaranteed by article 46 of the Constitution, which stated that men and women had equal rights. Sexual discrimination was prohibited in Uzbekistan. Moreover, the rights of women were protected by the Labour Code, the Family Code, and other laws. Women were represented in all areas of the life of the State, in politics, in the various ministries, and in the public sector. For example, the posts of deputy chair and speaker pro tempore of the Senate, as well as ombudsman, were currently filled by women. At the same time, there was the Women's Committee of Uzbekistan, which played a key role providing unique support not only for Uzbek women, but also for women who belonged to ethnic minorities.

17. She said that the procedures for the registration of organizations were regulated by the 1999 Public Associations Act. Any registration denial had to be based on the conditions stipulated in the above law. She added that Uzbekistan had registered 5,000 non-governmental organizations and non-profit organizations, including six human rights organizations, the Uzbekistan chapter of the non-governmental Human Rights Oversight Organization, various environmental, charitable, scientific and cultural organizations (specifically, the Russian Cultural Centre, of which she was the chair), and about 100 women's associations.

18. All Uzbekistan citizens were welcome to participate in public life, and the Government was making a concerted effort to promote the activities of NGOs, understanding their fundamental role in promoting peace and harmony among peoples. Thus, more than 100 national cultural centres, the most important of which was the Russian Cultural Centre, were performing multiple functions: developing the culture and language of various national minorities living in the country; collaborating in the organization of festivals and cultural events; and indirectly overseeing observance of the fundamental rights of ethnic minorities. Not a single one of those centers, whose activities are coordinated by the International Cultural Centre, had ever reported any cases of racial discrimination.

19. Specifically, in education the centres were offering courses to those who wished to study the languages of the minorities, and they were facilitating the development of schoolbooks in those languages. Education in general was one of the priorities of the State authorities, and a considerable number of laws had been passed in that area. For example, the Uzbekistan Government adopted a plan of

action for 2004-2006 that was geared to modernizing the schools located in the remotest regions and equipping them the requisite teaching facilities. Teacher skills were also enhanced in rural areas.

20. Mr. OBIDOV (Uzbekistan) said that article 80 of the Constitution guaranteed equal rights for all citizens and clearly prohibited racial discrimination. The Criminal Code also contained numerous provisions that, to varying degrees, pertained directly to racial discrimination. Under the Criminal Code's article 141, in particular, acts of direct or indirect discrimination based on ethnicity, religion, language, or sex were punishable by a fine or by imprisonment for up to three years. Article 153 of the Criminal Code defined the crime of genocide and related acts. If the death penalty was no longer used, very severe forms of punishment were in place for the commission of such crimes. Article 156 of the Criminal Code noted that the incitement of racial or religious enmity was punishable by imprisonment that could be for up to five years if violence was used. It should be pointed out that no complaints whatsoever of racial discrimination had been filed with State authorities. In 2005, justice authorities recorded two violations of article 141 and two violations of article 156. Several persons were sentenced for incitement of racial enmity.

21. Allegations that law-enforcement authorities sometimes committed acts of discrimination against national minorities were untrue. On the contrary, those authorities were seeking to defend and protect the fundamental rights of all Uzbekistan citizens. The country duly observed the right of freedom of religion, and religious organizations, as legal entities, enjoyed all the rights enshrined in the Constitution and other laws. Overall, Uzbekistan had some 2,220 religious organizations representing 16 different faiths, as opposed to just 211 in 1990. In 2005 alone, 33 mosques were officially registered. Tashkent had an Islamic university, and in 1991, two religious holidays were declared official holidays: Eid al-Adha and Eid al-Fitr. That indicated that the allegations that certain religions could not worship freely were unfounded.

22. As to the question of population shifts within the country, he said that in 2000, because of the activities of a number of terrorist organizations, such as the Islamic Movement of Uzbekistan, the situation in terms of security grew appreciably worse. Given that, in some areas, people were living in conditions of security and hygiene that were cause for special concern, the Uzbekistan Government decided to re-locate 1,333 persons to safer regions, where they could lead a decent life. A number of international non-governmental organizations that visited the country were pleased with that decision.

23. Uzbekistan was taking an active part in the international struggle against terrorism and had ratified most of the international treaties pertaining to terrorism. It was tireless in its efforts to combat that evil and was one of the first countries in 1989 to support the initiative to create a single body for coordinating and monitoring the activities of UN member States in the struggle against terrorism. That initiative resulted in the United Nations Security Council's creation in 2001 of the Counter-Terrorism Committee, with which Uzbekistan worked closely. And finally, he stressed that in 1999 Uzbekistan passed a law on combating terrorism that was intended, among other things, to protect the fundamental rights of all citizens.

24. Mr. SAIDOV (Uzbekistan) clarified that, rather than using the concept of "national minorities", Uzbekistan law used the concepts of "peoples",

“nationalities”, and “ethnic groups”, but that did not mean that there was no protection for the rights of minorities.

25. With regard to the legal regulation of the use of the languages of the various ethnic groups living in the country, he said that the 1989 State Language Act, as amended in 1995, stated that only the Uzbek language would be used by State agencies and that it was not a mandatory form of communication among citizens in their day-to-day interpersonal relations. Furthermore, the Criminal Procedure Code, the Code of Civil Procedure, and the Administrative Procedure Code charge the State with funding interpreting services provided by the courts to representatives of minority groups.

26. He stressed that the activities of non-governmental organizations (NGOs) were governed by the 1999 law on non-governmental non-commercial organizations (paragraph 33). He allowed that the number of NGOs in Uzbekistan had grown in recent years: to more than 5,000 from 2,000 in 2001, partly because of the passage of legislation that clarified their role, as well as because of the immense participation of citizens in the handling of governmental affairs.

27. Judges of higher courts were appointed by the President of the Republic at the recommendation of a Commission consisting of representatives of parliament and the Government, as well as of universities, scholarly groups, and a number of other magistrates. In 2000, a very important reform of the judicial bodies was launched, which reform enabled the specialization of judges in areas of both criminal proceedings and civil and administrative proceedings. Appellate courts and courts of cassation were created within the framework of that reform, and the period under custody in pre-trial detention was shortened. Also created was a department of corrections, in order to free judges of the performance of that function. At the same time, on the basis of an August 2005 presidential decree, judges were given a power that previously resided with procurators — the power to issue arrest orders.

28. With regard to the events that took place in Andijan on 12 and 13 May 2005, he asserted that there was no nationwide insurrection or uprising, but rather that armed groups committed acts of terrorism that left 187 dead, among them people’s deputies and military personnel, and that an independent investigative parliamentary committee had been set up to make a full determination of the circumstances attending those events. He expressed regret at the position taken on that matter by a number of Western governments and at the allegation that those incidents were ostensibly the cause of the flight of millions of persons seeking asylum in Kyrgyzstan. The Andijan events were a purely intra-State matter and did not represent any threat whatsoever to regional or international security.

29. He also rejected the allegation of Amnesty International that most of the Uzbekistan population lived in poverty. He acknowledged that 27 per cent of the population lived in poverty, but at the same time he announced the development of a poverty eradication programme geared to reduce the poverty figure to 14 per cent by 2015.

30. Mr. VALENCIA RODRÍGUEZ thanked the Uzbekistan delegation for its extremely clear and precise answers. The Committee members had been apprised of a number of important things, particularly of the creation of the post of ombudsman, of the functions of the National Human Rights Centre in hearing complaints, and of the national strategy for the protection of human rights. The procedure for the

acquisition of citizenship and for naturalization had been largely described, as had the situation with stateless persons and immigrants. The Uzbekistan delegation had also explained that Uzbekistan did not deport foreigners to any other State if there was good reason to believe that they might be in danger there of being subjected to cruel treatment or torture.

31. It appeared that freedom of expression was guaranteed in Uzbekistan and that a considerable number of national media outlets were preparing programmes in other national languages. The delegation had also provided information on the measures taken to ensure equality of men and women and on the important work being done by the Government in collaboration with NGOs to strengthen national harmony, upgrade educational programmes, and diversify programmes for job training. Also described in satisfactory fashion were various articles of the Criminal Code that pertained to racial discrimination, as well as to the punitive measures called for and actually employed for offence and other acts.

32. At the same time, the Uzbekistan delegation had candidly stated that, because of the activities of armed Islamic groups in late 2000, security in the country had grown worse. The delegation had also confirmed that the authorities had moved a portion of the population to provide every guarantee of its security and that the National Committee on Counter-Terrorism had been created.

33. The CHAIRPERSON declared that, with that, the Committee had completed its consideration of the third to fifth periodic reports of Uzbekistan.

34. *The Uzbekistan delegation withdrew.*

The meeting rose at 1 p.m.