



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

Distr.: General
17 May 2013
English
Original: French

Committee on the Elimination of Racial Discrimination
Eighty-second session

Summary record of the 2214th meeting

Held at the Palais Wilson, Geneva, on Monday, 18 February 2013, at 10 a.m.

Chairperson: Mr. Avtonomov

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The meeting was called to order at 10.20 a.m.

Informal meeting with representatives of non-governmental organizations (NGOs)

*Information concerning the fifth to seventh periodic reports of Kyrgyzstan
(CERD/C/KGZ/5-7)*

1. **Ms. Alisheva** (Institute for Regional Studies) said that Kyrgyzstan, where ethnic minorities made up 28 per cent of the population, had been affected by serious inter-ethnic tensions since the change of political regime in 2009, as well as by the series of conflicts that had broken out over the past few years at the local level. That situation had led to violent clashes between Uzbeks and Kyrgyz in the south of the country in June 2010. The tone of the media had been one of exacerbated nationalism during the conflicts, thus compounding inter-ethnic tensions. In general, racial stereotypes continued to be fairly commonplace, both in the media and in political discourse. The State party had not implemented the recommendation made by the Committee in 2007 calling upon Kyrgyzstan to bring its internal law in line with the Convention by including a definition of racial discrimination in keeping with that contained in article 1 of the Convention. Nor had the State party implemented the recommendation that it should include in curricula and textbooks for primary and secondary schools information about the history and culture of the different national and ethnic groups living in its territory.
2. **Mr. Kabak** (Open Viewpoint Foundation) said that the ethnic Uzbeks accused of public order offences during the 2010 riots had not been afforded due process. The Committee might ask the State party why the majority of the individuals who had been prosecuted were members of the very ethnic minorities that had been the main victims of the riots. Kyrgyz legislation still did not contain a definition of racial discrimination and there was no law criminalizing incitement to racial hatred or establishing racial motivation as an aggravating factor.
3. **Ms. Khomidove** (Center for Multicultural and Multilingual Education) said that the clashes that had taken place in 2010 between Kyrgyz and Uzbeks had led to a considerable worsening of inter-ethnic relations in the State party and to the displacement of over 75,000 persons. According to a number of local NGOs, numerous acts of violence, including sexual violence, had been committed against women belonging to minorities. Those acts often went unpunished because the victims refused to lodge a complaint for fear of further stigmatization and ostracization. Women of Uzbek origin working in markets were often subjected to harassment and intimidation and in some cases were forced to seek refuge in the Russian Federation.
4. **Ms. Utesheva** (Youth Human Rights Group) said that students of Uzbek origin had even fewer opportunities than beforehand for receiving an education in their mother tongue, as such teaching now had to be paid for by the parents and the number of Uzbek-medium schools had fallen significantly (91 in 2013 as opposed to 228 in 2010).
5. **Ms. Gzitsenko** (Spravedlivost (Justice)) said that the right to information of the ethnic minorities who lived in the south of the country had ceased to be respected ever since the main television channels broadcasting programmes in Uzbek had gone off the air. The near-disappearance of Uzbeks from the media was yet another obstacle to reconciliation between the Kyrgyz and Uzbek communities. The Committee might request the State party to make every effort necessary to calm tensions between those two communities and to protect the rights of the minorities.
6. **Mr. Tillakhodzaev** (Institute of Alisher Navoy) said that the State party was implementing a deliberate policy of discrimination against the ethnic Uzbek minority in the field of education. In January 2013, the Ministry of Education and Science had announced that school examinations would no longer be held in Uzbek. In September 2012, seven

schools which had provided teaching in that language had decided that all classes would in future be taught in the national language, thus violating the provisions of article 10 of the Kyrgyz Constitution, which guaranteed the right of members of all the ethnic groups making up the people of Kyrgyzstan preservation of their mother tongue and creation of the conditions necessary for the study and development of their language. A number of NGOs had reported cases of arbitrary detention, torture and persecution of ethnic minorities. The Committee might ask the State party to explain why 74 per cent of the victims of the events of 2010 and 94 per cent of the individuals convicted of having taken part in those events were of Uzbek origin.

7. **Ms. Thomasen** (Open Society Justice Initiative) referred to the emblematic case of Azimjan Askarov, a journalist and human rights activist arrested for investigating the human rights violations committed during the 2010 riots and beaten and insulted by the police, before being convicted following an unfair trial. The Committee might ask the Kyrgyz Government to provide justice to the victims of the 2010 clashes and to combat impunity.

8. **Mr. Diaconu**, noting the unhealthy climate that prevailed in the State party with regard to minorities, asked the NGOs to indicate what, in their view, needed to be done to alter the attitudes and behaviour of the population concerning minorities and how the Committee could contribute to such a change. He wished to know whether there were associations for the defence of inter-ethnic families in the State party.

9. **Mr. Murillo Martínez** asked what role the international community had played following the 2010 riots.

10. **Ms. Crickley** asked the NGOs to state what recommendations the Committee should, in their opinion, make to the Kyrgyz Government concerning the situation of women belonging to minority groups and to provide more precise information on the integration of minorities into the Kyrgyz education system.

11. **Mr. de Gouttes** enquired as to the composition of the People's Assembly and the local assemblies, and in particular the number of Kyrgyz and Uzbeks serving on those bodies. He asked what measures had been adopted to correct the miscarriages of justice referred to by the State party in its report.

12. **Mr. Saidou** asked whether criteria existed that prevented minorities from entering the public service and whether the minorities in Kyrgyzstan were aware of the existence of the Ombudsman.

13. **Mr. Vázquez** noted that the Government had accepted the report prepared by the Independent International Commission of Inquiry following the 2010 riots, but that it had not implemented the recommendations contained in that document. Furthermore, the Chairperson of the Commission had been banned from entering Kyrgyz territory. It would be interesting to know the opinion of the NGOs in that regard.

14. **Ms. Alisheva** (Institute for Regional Studies) said that, since 2010, the department responsible for ethnic policy, a part of the Office of the President, had worked to calm ethnic tensions. The Committee might again call upon Kyrgyzstan to bring its legislation into line with the Convention, beginning with the definition of discrimination. The Committee could also recommend that the Government should grant assistance to the minorities so as to allow them to learn the national language and make provision for quotas in order to integrate them into the public service.

15. **Mr. Kabak** (Open Viewpoint Foundation) said that the Committee might recommend that funding should be provided for programmes for the teaching of the national language. He stated that the sanctions against the Chairperson of the Independent

International Commission of Inquiry had been taken by Parliament, without the involvement of the judiciary.

16. **Mr. Tillakhodzaev** (Institute of Alisher Navoy) said that the ethnic minorities enjoyed a sufficient level of representation within political parties, but not in Parliament. Inter-ethnic relations remained tense and riots, such as those which had taken place in June 2010, could break out again at any moment.

17. **Ms. Utesheva** (Youth Human Rights Group) said that researchers had published articles on the wealth brought to the country by ethnic diversity, but that that information had never been relayed by the media. The Government must recognize the problem posed by discrimination in Kyrgyzstan. The Committee should recommend that Kyrgyzstan should focus on the opportunities offered to ethnic minorities to learn the national language.

18. **Ms. Khomidove** (Center for Multicultural and Multilingual Education) said that women must take part in public life, not only in Parliament, but also in rural areas. The Government must prepare specific projects designed to calm social tensions.

19. **Mr. Kabak** (Open Viewpoint Foundation) said that the Committee could recommend that the court decisions taken following the 2010 riots should be reconsidered in the light of the guarantees concerning a fair trial. The Government should introduce quotas to ensure that the minorities were better represented in Parliament.

20. **Ms. Thomasen** (Open Society Justice Initiative) said that an independent commission of inquiry should be set up to ensure that the convictions handed down following the events of 2010 complied with the guarantees of a fair trial and human rights. An investigation should also be conducted into violations of the rights of minorities. The Committee might encourage the Government to recognize its competence to receive and consider individual communications.

21. **Mr. Tillakhodzaev** (Institute of Alisher Navoy) said that only the creation of a commission responsible for reconsidering all the court decisions would make it possible to restore trust between the two communities and to re-establish justice.

Information concerning the eighteenth to twentieth periodic reports of New Zealand (CERD/C/NZL/18-20)

22. **Ms. Whare** (Aotearoa Indigenous Rights Trust) said that the Government of New Zealand had subscribed to the United Nations Declaration on the Rights of Indigenous Peoples but had, however, stated that the Declaration must be understood and interpreted within the framework of New Zealand legislation. She noted with concern that the free trade agreement between New Zealand and 11 Pacific countries, the negotiations for which were being conducted in private, could potentially harm Maori rights. In seeking to privatize the distribution of drinking water in violation of the Treaty of Waitangi, the Government was infringing the rights of the indigenous peoples. Furthermore, the Government was failing to respect the rights of indigenous peoples to prior consultation and informed consent. For example, it had issued an exploration permit to the Brazilian company Petrobras without consulting the iwi and the other tribes affected. The case had been brought before the local courts and Petrobras had undertaken to withdraw. However, the Government continued to grant exploration permits.

23. **Mr. Vázquez** asked whether the New Zealand Government had referred to specific fields in which the United Nations Declaration on the Rights of Indigenous Peoples would not be applicable in New Zealand. He requested to be informed of the concerns of the Maori with regard to the free trade agreement. He wished to know whether Petrobras had agreed to withdraw because the project had not been feasible, or because the concerns of the Maori had been taken into account. He asked what measures were taken by the Government to combat the overrepresentation of the Maori in the criminal justice system.

24. **Mr. Amir** asked whether, having adhered to the United Nations Declaration on the Rights of Indigenous Peoples, the Government had attempted to consult the Maori in order to implement the provisions of the Declaration that it deemed to be applicable.

25. **Mr. Murillo Martínez** asked whether, following the Durban Conference, the State party had granted compensation to the Maori communities concerning land matters and what claims had been made by those communities in that regard.

26. **Mr. de Gouttes** asked on what date the High Court was to issue its decision concerning the case of the gradual privatization of drinking water and how the State party was carrying out the recommendations of the Waitangi Tribunal.

27. **Ms. Whare** (Aotearoa Indigenous Rights Trust) said that the New Zealand Government did not intend to alter the functioning of the Waitangi Tribunal, a body that it deemed to be entirely suitable for ruling on possible violations of the Treaty of Waitangi. In the Government's view, that mechanism met the requirements of the United Nations Declaration on the Rights of Indigenous Peoples. The New Zealand Government had not recognized the land rights of the Maori of its own accord following the Durban Conference but the members of that community could apply to the Waitangi Tribunal in order to assert their rights and could subsequently obtain compensation and even receive apologies. Members of the Maori community could also apply to that body if they felt that the conclusion of the free trade agreement with 11 Pacific countries had negative repercussions for the exercise of their rights, the aim being to obtain financial or material compensation. The High Court ruling concerning the case of the privatization of access to drinking water could be issued within two months, that body having met at the end of January 2013.

28. She believed that, if the iwi communities had not opposed deep-sea oil drilling so forcefully, Petrobras would doubtless have continued its exploration activities, with all the environmental risks that that involved, in what was both a zone of particularly intense seismic activity and a traditional iwi fishing ground. The Government had recently implemented a programme designed to reduce the particularly high number of Maori held in detention. It should be highlighted that the Government refused to recognize the existence of systematic discrimination against that population group, preferring to refer to it as a socioeconomically disadvantaged group.

29. Adherence to the United Nations Declaration on the Rights of Indigenous Peoples had not led to the implementation of awareness-raising campaigns targeting public opinion. In order to ensure that the New Zealand Government, which always prided itself in international circles, on an excellent human rights record, respected the principles enshrined in that instrument, the Maori would persistently bring that issue to the attention of the human rights treaty bodies. The Maori could not invoke a supreme law to assert their rights because the Treaty of Waitangi did not form an integral part of national legislation. Furthermore, the recommendations of the Waitangi Tribunal were not binding, given that that body acted solely as a commission of inquiry. Certain laws did, however, refer to that instrument by using such expressions as "taking into account the Treaty of Waitangi" or "in order to give effect to the provisions of the Treaty of Waitangi", thus conferring a certain legal value on that document.

30. **Mr. Calí Tzay** asked whether the Maori were represented within the Government, Parliament and political parties.

31. **Mr. Vázquez** enquired whether the Maori took part in local political life and in particular whether there were Maoris on the Auckland City Council.

32. **Ms. Whare** (Aotearoa Indigenous Rights Trust) said that the Maori had three seats in Parliament, where they were represented by the Maori Party, an organization that had concluded agreements with the ruling National Party. The City of Auckland had a standing

Maori committee, which had a purely advisory role, but the Maori did not have much say in other local bodies, on which no seats were reserved for them. Parliament was in no way obliged to bring bills into line with the provisions of the Treaty of Waitangi, or with those of the New Zealand human rights charter. Thus, an act could be adopted by Parliament even if the Solicitor-General had found that the corresponding bill was discriminatory in nature. The planned review of the Constitution should lead to the creation of a mechanism designed to establish a balance of powers.

33. **The Chairperson** thanked the speakers for their valuable contributions.

The meeting rose at 1 p.m.