



**International Convention
On the Elimination
Of all Forms of
Racial Discrimination**

Distr.
GENERAL

CERD/C/UZB/CO/5
4 April 2006

Original: ENGLISH

COMMITTEE ON THE ELIMINATION
OF RACIAL DISCRIMINATION
Sixty-eighth session
20 February- 10 March 2006

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE
9 OF THE CONVENTION

**Concluding observations of the Committee on the
Elimination of Racial Discrimination**

UZBEKISTAN

1. The Committee considered the third to fifth periodic reports of Uzbekistan, due respectively from 1996 to 2004, submitted as one document (CERD/C/463/Add.2), at its 1743rd and 1744th meetings (CERD/C/SR.1743 and 1744), held on 28 February and 1 March 2006. At its 1754th meeting (CERD/C/SR.1754), held on 8 March 2006, it adopted the following concluding observations.

A. Introduction

2. The Committee welcomes the comprehensive report submitted in due time by the State Party, which was drafted in accordance with the guidelines for the preparation of reports, and with contributions from some NGOs. The continuation of an open and constructive dialogue with the State Party is equally welcomed. More information should be provided, however, on the practical implementation of the Convention.

B. Positive aspects

3. The Committee welcomes the wide range of information provided by the delegation on many aspects, and especially takes note that following a reform of the institution, the Parliament's Ombudsman (with a mandate to receive individual complaints), reports to both Chambers of Parliament and has gained in independence.

4. The Committee notes with appreciation that the law guarantees the freedom of citizens to choose their language of instruction, and that there are a number of primary and secondary public schools where education takes place in minority languages.

5. The Committee takes note with satisfaction of the statement made by the delegation that the issue of accession to the 1951 Convention relating to the Status of Refugees and its Optional Protocol (1967) is currently under examination, and encourages the State party to accede to these instruments without delay.

6. The Committee notes with interest the State party's practice of establishing National Plans of Action in response to Treaty Bodies' recommendations, and the information provided by the delegation that a similar Plan would be adopted in respect to the present concluding observations.

7. The Committee welcomes the adoption of new legislation on NGOs which has resulted in the registration of many new NGOs, including those which represent various ethnic groups.

8. The Committee welcomes the information that human rights are included as a subject of instruction in educational curricula.

C. Concerns and recommendations

9. The Committee reiterates its concern about the absence of a definition of racial discrimination in domestic law, even if the provisions of the Convention may be directly invoked before national courts.

The Committee is of the view that the elaboration of specific legislation on racial discrimination, including all elements provided in article 1 of the Convention, is an indispensable tool for effectively combating racial discrimination.

10. The Committee is concerned that the last census of the population in the State party dates back to 1989, which may affect the accuracy of the data used in the report.

The State party is recommended to provide detailed and updated disaggregated data on the ethnic composition of its population in its next report.

11. The Committee is concerned about the lack of comprehensive information on the acquisition, in practice, of permanent residence permits or citizenship in the State party.

The State party is invited to provide in its next periodic report information on the number of persons that were granted Uzbek citizenship, and residence permits, disaggregated by ethnic origin.

12. The Committee requests that the State party clarify the situation concerning the independence of judges, particularly as regards litigation involving non-Uzbek ethnic groups, in view of the information provided by the delegation that judges to higher courts are appointed by the Higher Chamber of Parliament, and that ordinary judges are designated by the President, on the recommendation of the High Qualification Commission.

The Committee recommends that the State party examine whether current practice on judicial appointments fully ensures the independence and impartiality of the judiciary.

13. The Committee has noted the information provided by the State party that according to the law, interpretation is systematically provided in court to members of minorities (free of charge in criminal and civil cases). It regrets, however, that no information on the application of this provision in practice was made available (article 5, paragraph a).

The Committee invites the State party to provide information, including statistical data, on the number of trials where interpretation was provided free of charge, disaggregated by language.

14. The Committee is concerned about the absence of specific legislation on refugees, in particular the lack of legal safeguards against forced removal of individuals to a country where their life/health may be at risk (article 5, paragraph b).

The Committee invites the State party to elaborate a legislative framework for the protection of refugees in accordance with international standards, to pursue its cooperation with UNHCR and to protect persons who have sought refuge in Uzbekistan. The Committee also recommends the State party, in accordance with article 5 (b), to ensure that no person will be forcibly returned to a country where there are substantial grounds for believing that his/her life or physical integrity may be put at risk. In this regard, the State party is invited to establish a mechanism to permit appeals against decisions to remove aliens, with a suspensive effect on removals, pending examination of appeals.

15. The Committee regrets that insufficient information was provided on the effective level of participation of members of national and ethnic minorities in State institutions, and in particular on the number of women of non-Uzbek ethnic origin occupying positions of responsibility within the State party's administrative, political or private sector (article 5, paragraph c; General recommendation No. 25).

The State party should provide further information on these issues, including disaggregated statistical data by sex, ethnic origin, occupational sector, and functions assumed.

16. The Committee notes with concern that the State party continues to require an "exit visa" for individuals travelling abroad, which may result in limitations of their freedom of

movement. It is also concerned about the continuing existence of a compulsory residence registration system (propiska) in the State party. While acknowledging that it is maintained for purposes of address registration, retention of this system may affect de facto the enjoyment of a number of rights and freedoms. Allegations of corruption in this regard are also of concern (article 5, paragraph d (i) and (ii)).

The State party is invited to abolish the requirement for an “exit visa” and to ensure that the existing compulsory residence registration system does not limit the rights and freedoms of the State party’s citizens. The State party is invited to present, in its next periodic report, statistical data on the number of propiska applications (disaggregated by region/ethnic origin of applicants) and their outcome.

17. Notwithstanding the delegation’s statement according to which no specific problems are encountered by the Roma population, the Committee regrets the absence of information in the State party’s report in this regard (article 5; General recommendation No.27).

The Committee recommends that the State party include detailed information in its next report on the situation of Roma. It recalls its general recommendation 27 and recommends that the State party adopt a strategy with a view to protecting them against discrimination by State bodies, as well as by any person or organization.

18. The Committee notes with concern that, according to information received, some minority languages have limited access to public media, in particular television broadcasts (article 5, paragraph d (viii)).

The Committee recommends that the State party ensure that sufficient time is devoted to programmes in minority languages in the public media. The State party should take steps to facilitate the publication of newspapers in minority languages. Particular efforts should be made in this regard in relation to the use of Tajik, the language spoken by the largest minority.

19. While appreciating the State party’s efforts to provide children belonging to ethnic minorities with education in their native language, the Committee notes the reports according to which in practice there is a lack of educational materials/textbooks in some languages (article 5, paragraph e (v)).

The Committee encourages the State party to undertake consultations with concerned minority groups, and make every effort to address their concerns in this regard. The State party should submit information on the measures taken, and provide disaggregated data on the number of schools teaching in minority languages, their geographical distribution, quality of education provided, and difficulties encountered, if any. It should ensure that all public schools have equal access to public funds for education, including educational materials and infrastructure.

20. The Committee notes that there have been no court cases concerning racial discrimination (article 6; General recommendation No.31).

The Committee invites the State party to verify whether the absence of complaints about racial discrimination is not the result of victims' lack of awareness of their rights, or their lack of confidence in the police and the judicial authorities, or to the authorities' lack of attention or sensitivity to cases of racial discrimination. The next periodic report should contain an analysis of the situation in this respect.

21. The Committee has noted with interest the information provided by the State party on the work of the National Centre for Human Rights. No information was provided, however, to confirm that the Centre complies with the Principles relating to the Status of National Institutions for the Promotion and Protection of Human Rights (the Paris Principles), (article 6).

The Committee encourages the State party to establish a national institution, in accordance with the Principles relating to the Status of National Institutions for the Promotion and Protection of Human Rights (the Paris Principles) (General Assembly resolution 48/134).

22. The Committee notes that the State party has not made the optional declaration provided for in article 14 of the Convention and reiterates its invitation to the State party to consider the possibility of so doing.

23. The Committee strongly recommends that the State party ratify the amendments to article 8, paragraph 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. In this connection, the Committee refers to General Assembly resolution 57/194, in which the Assembly strongly urged States parties to accelerate their domestic ratification procedures with regard to the amendment and to notify the Secretary-General expeditiously in writing of their agreement to the amendment. A similar appeal was reiterated by the Assembly in resolution 58/160.

24. The Committee recommends that the State party take into account the relevant parts of the Durban Declaration and Programme of Action when implementing the Convention in the domestic legal order, in particular in respect of articles 2 to 7 of the Convention, and that it include in its next periodic report specific information on action plans or other measures they have taken to implement the Durban Declaration and Programme of Action at the national level.

25. The Committee encourages the State party to continue consulting with all relevant representatives of the civil society in the elaboration of its next periodic report.

26. The Committee recommends that the State party's reports be made readily available to the public from the time they are submitted and that the observations of the Committee on these reports be similarly publicized, in Uzbek and in the main minority languages.

27. Pursuant to article 9, paragraph 1, of the Convention, and article 65 of the Committee's rules of procedure, as amended, the Committee requests the State party to inform it of its

implementation of the recommendations contained in paragraphs 6, 12, 13, and 15 above, within one year of the adoption of the present conclusions.

28. The Committee recommends to the State party that it submit its sixth and seventh periodic reports in a single document on 28 November 2008.
