



INTERNATIONAL LEAGUE
FOR HUMAN RIGHTS

ALTERNATIVE REPORT

**On the Compliance of the Republic of Uzbekistan with
The United Nations Convention on Elimination of All Forms
Of Racial Discrimination**



68th Session of the UN Committee on the Elimination of
Racial Discrimination (UN CERD)
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**This report was prepared by the
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EXECUTIVE SUMMARY

The International League for Human Rights (the League) has prepared this critique of Uzbekistan's fifth periodic report to the United Nations Committee on the Elimination of Racial Discrimination in the form of an alternative report on this country's compliance with the Convention.

The dismal state of the civil, political, social, economic and cultural rights of Uzbekistan's ethnic minorities, which are covered by the present Convention, cannot be viewed outside the general human rights situation in that country.

President Islam Karimov has ruled Uzbekistan with an iron fist since the country's independence in 1991. During that time, he has established firm control over all aspects of government, including the legislature and the judiciary; consolidated the military and the security apparatus on the basis of personal allegiance to the president's office; and crushed political opposition, independent media, and civil society. The 13 May 2005 events in the city of Andijan indicate yet another confirmation of the government's will to employ whatever force is needed to silence the voices of dissent. The bleak reality of human rights for Uzbekistan's people in general, however, should not prevent us from examining specific issues of discrimination for Uzbekistan's ethnic minority groups.

The Government of Uzbekistan has often used the semblance of social accord and peace established by a series of repressive campaigns to advertise its accomplishments in maintaining inter-ethnic and inter-religious harmony. The reality, however, is far from the picture painted in the Government's report. Although this Central Asian nation is a multiethnic state, where according to official statistics, minorities constitute 20% of the total population (or even 45-40% of the population, according to alternative estimates), Uzbekistan has refused to address the issues facing its ethnic minorities. Having touted the injustices of the "colonialist" Soviet-era domination in official speeches, publications and even textbooks, Uzbekistan's officials are doing little to correct the injustices inflicted on Uzbekistan's own minorities during the same time, chiefly the ethnic Tajiks.

This tactic is reflected, first of all, in the continuation of the Soviet tradition of manipulating the population data. Government statistics on the population's ethnic composition are demonstrably inaccurate, confused and inconsistent with even readily available population data and historical evidence. As a result, the numbers of some ethnic groups are inflated (Ukrainians, Kyrgyz, and possibly Tatars), while being grossly underreported for other groups (Tajiks, and possibly Turkmen). The Government's failure to conduct a comprehensive population census clearly lends credence to this argument.

The lack of a formulated national policy on ethnic, racial, and religious minorities, aside from purely declarative statements on Uzbekistan's tradition of tolerance and peace, leads not only to the lack of practical steps that would reflect on the observance of minority rights to education, cultural development, and identity, but to outright acts of discrimination on both local and national levels. The government fails to create a minority-specific context in every section of its report, concentrating instead on its favorite tactic of producing long lists of legislative acts with a varying degree of relevance to the Convention. Such issues as the closure of minority-language schools or the disproportionate exposure of minorities to the consequences of the Aral Sea ecological disaster, or the mistreatment of ethnic Tajiks displaced from the border zones were not covered in the government report.

This alternative report on Uzbekistan's compliance with the CERD starts with the history of the country's minority groups and the history of their presentation in official statistics; then proceeds to examine the relevant articles of the Convention through section-by-section analysis of the government report; and, finally, makes a list of recommendations to be considered during the Committee's review, chief of which is for CERD to call upon the Government of Uzbekistan to conduct an unbiased and transparent population census in which all persons are free to indicate their ethnic affiliation, and to create an independent body outside of government interference to examine and act upon acts of discrimination against ethnic minorities in Uzbekistan.

INTRODUCTION: Uzbekistan and International Human Rights

Uzbekistan is a party to six of the seven core United Nations international human rights treaties.¹ While Uzbekistan's people were covered under the six main treaties when the country was a constituent part of the USSR before its independence, Soviet reporting on, as well as compliance with the treaties was minimal. Only since independence in 1991 and ratification of a number of the treaties by 1995 has there been an opportunity to shed light on human rights violations in Uzbekistan.

As a member state of the Organization for Security and Cooperation in Europe (OSCE), Uzbekistan undertakes additional obligations in the field of human rights, including commitments to combat intolerance and promote non-discrimination.

In its fifth periodic report to the Committee on the Elimination of All Forms of Racial Discrimination (CERD)², which is the subject of the present review, the Government of Uzbekistan declares considerable successes in the field of human rights post-independence. Its record, however, attests to the opposite. Uzbekistan's Government systematically violates the civil, political, social, economic and cultural rights of its citizens. Its treatment of political opponents, independent journalists and NGO activists, as well as actively practicing Muslims and other believers, has drawn repeated criticism from the European Union, the Organization for Cooperation and Security in Europe (OSCE), and the Council of Europe, and was subjected to highly critical reporting by respected international NGOs, such as the International League for Human Rights, Human Rights Watch, Amnesty International, International Crisis Group and Forum 18. The United Nations Human Rights Committee, in its concluding observations issued on 24 April 2005, identified wide-spread harassment of journalists, criminal persecution of peaceful religious believers, arbitrary application of terrorism-related charges, continuing use of ill-treatment and torture at temporary detention and pre-trial facilities, and absence of independent judiciary as issues of particular concern.³

The endemic use of torture at pre-trial detention facilities was also confirmed by the final report of the UN Special Rapporteur, Mr. Theo van Boven, following his mission to Uzbekistan in 2002.⁴

If Uzbekistan's record of cooperation with the international community was somewhat mixed in the previous years – after all, it issued the invitation to the UN Special Rapporteur on Torture to visit the country – the tragic 13 May 2005 events in the city of Andijan, where a largely peaceful demonstration was fired upon by the government forces resulting in the deaths of 500-1,000, marked a turning point in Uzbekistan's foreign policy. Ignoring the repeated calls from UN Secretary-General Kofi Annan, UN High Commissioner for Human Rights Louise Arbour, the European Union and the OSCE, Uzbekistan took the direction of

¹ Four of the treaties took effect on 28 September 1995, including the International Convention on the Elimination of All Forms of Racial Discrimination, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, and the Convention against Torture. The Convention on the Elimination of All Forms of Discrimination against Women became effective on 19 July 1995. The Convention on the Rights of the Child was the first UN treaty ratified by Uzbekistan on 29 June 1994.

² Although this report is labeled the 5th report, it is really the second report: Uzbekistan combined its first and second reports in its document submitted in 1999, which was reviewed by CERD in August 2000. Uzbekistan has now combined its third, fourth and fifth reports in its current submission --labeling it simply the fifth report, though it is only its third time appearing before CERD.

³ Concluding observations of the Human Rights Committee: Uzbekistan. 26/04/2005 [CCPR/CO/83/UZB](#).

⁴ [E/CN.4/2003/68/Add.2](#)

cutting off any constructive dialogue with international institutions and Western partners and crushing any dissent on the domestic front.

PART 1. GENERAL INFORMATION

Official Definitions and Statistics on Uzbekistan's Racial and Ethnic Minorities

Uzbekistan is the most populous of the five Central Asian republics with an estimated population of 25.7 million people, 64% of which live in rural areas. Its ethnic and racial composition is very diverse, reportedly consisting of more than 130 ethnic groups.⁵

The presence of a large number of distinct ethnic groups, some of whom feel free to retain and declare their ethnic identity in government censuses, should not distract, however, from issues of discrimination. Despite the existence of many self-identified and accepted minorities in Uzbekistan, the presence of the titular ethnic group, the Uzbeks, as an overwhelming majority, coupled with the actuality of neighboring states with titular majorities such as Tajikistan, Turkmenistan and Russia, whose citizens are ethnic minorities in Uzbekistan, creates a situation that has made for the region's recurrent conflicts.

According to official government estimates provided in Uzbekistan's fifth periodic report to the CERD, 79% of the population is Uzbek, with Tajiks being the largest minority group at 4.5% of the population.⁶ Other significant ethnic populations include Kazakhs (3.8%), Russians (3.8%), Tatars (2.5%), Karakalpaks (1.9%, the titular population of the Karakalpakstan Autonomous Republic in northern Uzbekistan), Kyrgyz (1.45%), Ukrainians (1.2%), and Koreans (0.9%). Other ethnicities account for 1% of the population.

As will be discussed in detail below (section on art. 1, para.1), official government statistics are unreliable and do not reflect the actual ethnic composition of the country. The main problem lies in the underreporting of minority groups indigenous to the region of Central Asia. This practice dates back to the Soviet times, when the Soviet republics of Central Asia were created under direct control from Moscow. The non-alignment of their administrative and ethnic borders created minorities in each republic. Considering the blurred circumstances surrounding the establishment of intra-republican borders in the 1920s, the Communist leadership of Uzbekistan and other Central Asian republics went to considerable lengths to overestimate the population data for titular ethnic groups in their respective republics at the expense of other ethnic groups native to the region. As a matter of fact, in neighboring Turkmenistan, ethnic Uzbeks face widespread discrimination, including the forcible "Turkmenification." The alternative report on Turkmenistan's compliance with the UN CERD (August 2005) provides extensive documentation of such abuses.⁷

Non-indigenous ethnic minorities are easily identifiable in the population: Russians, Ukrainians, Belarusians, Koreans, Germans, Poles and others. Most of them are relatively new to the region, either having moved to Uzbekistan to take advantage of the rapidly growing industrial and agricultural sectors of the economy in the 1960s-1980s, or having been moved during the numerous relocations of "unreliable" ethnic groups during the Stalin era. Such groups did not experience problems in declaring their ethnicity during the population censuses in the latter years of the Soviet Union. Government statistics on their numbers, however approximate, are based on the corrections to the results of the 1989 Soviet

⁵ Inter-Nations Cultural Center of Uzbekistan. <http://intercenter.uz>

⁶ Last official census was conducted on 12 January 1989, when Uzbekistan was still a part of the USSR.

⁷ Alternative Report on the Compliance of the Republic of Turkmenistan with the UN CERD. August 2005. <http://www.ilhr.org>

population census to account for the migratory movements in the post-independence period and can be accepted as more or less reliable.

However, data on the indigenous populations of Uzbekistan, particularly ethnic Tajiks, but also Kazakhs, Kyrgyz, and Turkmen, should be viewed with extreme caution. Uzbekistan's citizens have not had an opportunity neither to declare their ethnicity, nor to state their native language since the dissolution of the Soviet Union in 1991. These two factors – personal statement and mother tongue – are recognized in the CERD Reporting Guidelines as the most reliable indicators for collecting information on population's ethnic composition. And comprehensive population censuses are viewed as the most reliable method (para.8).

The only official document that sheds light on the logic behind the actual practices of the Uzbekistan government with regard to ethnic and racial minorities is the speech of President Islam Karimov from 16 June 2000, made during his visit to Tajikistan. The title of the speech was “Uzbeks and Tajiks are one people [the Russian word *narod* can be translated both as *nation* and *ethnicity*] speaking two different languages.”⁸ The context of the speech and the place where it was read (Dushanbe, Tajikistan) made it clear that President Karimov was not speaking of the Tajik minority in Uzbekistan, which does constitute one people (nation) with ethnic Uzbeks. President Karimov was invoking a larger context. He lists common history and similarities in traditions, way of life and culture as sufficient grounds to consider Uzbeks and Tajiks of Uzbekistan and Tajikistan as “one people,” thereby fueling an enabling climate for discrimination.

The same ideas are echoed on the web site of the Uzbekistan Inter-Nations Cultural Centre, which is mentioned in para.34 of the government report, on the page devoted to ethnic Tajiks in the country.⁹ The web site states that “the Tajik nation was formed on the same ethnic basis with the Uzbek nation, as their material culture, traditions and arts are almost indistinguishable.” And in fact, why should they be different, if these ethnic groups have lived side by side for hundreds of years? Ethnic minorities may or may not exhibit an outward similarity to a title ethnicity in appearance (phenotype), patterns of economic behavior, material culture, etc. Per CERD Reporting Guidelines, it is the statement of a particular person that defines his/her ethnicity. And in its absence, ethnicity can be inferred from mother tongue.

Uzbeks and Tajiks cannot constitute one ethnicity as they speak two different languages. Through the centuries of mutual coexistence and interaction, each community maintained its linguistic identity. First the central Soviet government, and now the government of independent Uzbekistan, have decided to ignore the linguistic factor altogether, despite its immediate relevance to the CERD. Although the numbers can be only estimated, it is clear that the majority of ethnic Tajiks, or Tajik-speakers, were arbitrarily registered as ethnic Uzbeks in the early years of the Uzbek Soviet Socialist Republic, using the same faulty logic that President Karimov articulated in 2000. Today's 1.15 million officially- registered Tajiks account for only a fraction of those who consider Tajik their native language.

Without conducting a comprehensive population census, it is difficult to determine whether the policy of underreporting affected certain other ethnic minorities indigenous to the region, such as Kazakhs, Kyrgyz, and Turkmen. President Karimov's logic is just as applicable to them as it is to ethnic Tajiks. And just as Tajiks, these minorities carry an additional risk factor for ethnic discrimination by being compactly settled rather than dispersed throughout the country as with non-indigenous minorities.

⁸ Press service of the President of Uzbekistan. http://2004.press-service.uz/rus/knigi/9tom/8tom_37.htm

⁹ The Uzbekistan Inter-Nations Cultural Centre. http://www.intercenter.uz/centers/tajik_01/

History of Uzbekistan's Ethnic Minority Groups

A brief historical summary of Uzbekistan's minorities is essential to understanding the underlying, chronic difficulties that remain in ethnic relations today, leading to state-sponsored discrimination, which begins with de-facto non-recognition, or underreporting of minorities, as well as a drive to homogenize them with the dominant ethnic group.

i) Tajiks

Tajiks are a native population of Uzbekistan. An Indo-Iranian people, linguistically and phenotypically related to modern-day Iranians, Tajiks populated Mavera an-Nahr (the region between the Amudarya and Syrdarya rivers in present-day Uzbekistan) for thousands of years. Bukhara was the capital of the Samanid Empire in the 9th-10th centuries A.D. Along with Samarkand, it remained the center of Tajik culture for centuries. Present-day Tajikistan is a home to a small portion of ethnic Tajiks in the world. The majority of an estimated 18 million Tajiks is divided between Afghanistan, Uzbekistan, Iran, and China. Yet, it is hard to estimate the number of ethnic Tajiks living in Uzbekistan. Although various sources name different figures, ranging from four to ten million people, all of them agree that the official number of 1.15 million Tajiks is a gross misrepresentation and essentially an evidently deliberate underreporting of the numbers of the group.

“The Tajik question” became central to Uzbekistan from the very first years of the UzSSR., when Tajikistan only had the status of an autonomous republic within UzSSR. By the late 1920s, it was becoming hard to ignore the obvious inequality of Tajiks in their status with other Central Asian ethnic groups, despite their rich history, linguistic distinctiveness and numerical prominence. The Tajik Soviet Socialist Republic was formed, but it excluded the most important cultural and economic centers of Tajiks, the cities of Bukhara and Samarkand, which remained an administrative part of the UzSSR. During the first Soviet population census of 1926, these areas were declared to be predominantly Uzbek, and that assertion perpetuated itself from one census to another until the dissolution of the Soviet Union.

The understanding of the present discriminatory problems in Central Asia in general and in Uzbekistan in particular lies in the understanding of their Soviet legacy. Prior to the formation of the Soviet republics in Central Asia, the process of national consolidation was at its initial stages among the ethnic groups of the region. Having found themselves in essentially multiethnic entities with arbitrarily drawn borders, the Communist elites in each individual republic had no choice but to foster national consolidation and formation of rudimentary national ideology, Soviet- and ethno-centric at the same time. Providing legitimate justifications for the arbitrarily determined borders became a priority.

In the 1920s, during the formation of the Soviet republics in Central Asia, the central government in Moscow drew borders without particular regard to any given territory's ethnic affinity. For example, Bukhara and Samarkand, two ancient centers of Tajik culture, as well as the surrounding areas with the predominantly Tajik population, arbitrarily remained a part of the Uzbek Soviet Socialist Republic (UzSSR) even after the creation of the Tajik Soviet Socialist Republic in 1929. In a scenario emblematic of Communist nationalities policy replicated in other parts of the Soviet Union -- Armenia, Azerbaijan, Georgia and Moldova, just to name a few -- political considerations in Moscow prevailed over the issues of history, language, national unity and historical fairness. The first Soviet population census unsurprisingly produced results which cannot be viewed outside of their political context: the

vast majority of ethnic Tajiks in Uzbekistan were registered as Uzbek either by threat, or by administrative fiat behind closed doors.

In addition to the native Tajik population, there are significant numbers of refugees from Tajikistan's civil war of 1992-1997 still living in Uzbekistan. As of March 2003, the Office of the High Commissioner for Refugees (UNHCR) had information available on 55,437 refugees in Uzbekistan.¹⁰ The vast majority of them, however, are ethnic Uzbeks, relying extensively on assistance from relatives and family members, as Uzbekistan is not a party to the 1951 Refugee Convention and its legal system does not contain provisions for obtaining refugee status.¹¹

ii) Eastern Slavs: Russians, Ukrainians and Belarusians

Migrations of Eastern Slavs into what is today Uzbekistan began in the 1880s, when rivalry between the Russian and the British Empires in Central Asia required the former to establish strongholds of power in the region. Orthodox Russian, Ukrainian and Belarusian peasants were seen as the most reliable colonizing element to control the native population. But it was not until the start of World War II that a massive influx of people being evacuated from the western regions of the Soviet Union took place. After the war, the trend did not stop but continued at an ever accelerating pace, reaching its pinnacle in the 1970s. The share of Eastern Slavs in the total population of Uzbekistan, however, did not increase substantially after the 1970s and remained fairly unchanged until 1989, when they numbered over 1.8 million people and constituted approximately 9.25% of the population. Largely that was due to a much higher birth rate among the ethnic groups native to the region. The Eastern Slavic population was concentrated primarily in Tashkent, the Ferghana Valley and the Navoi region.

The May-June 1989 events in the Ferghana Valley, when ethnic minorities, particularly Meskhetian Turks, but also Russians, Jews, and Tatars were attacked by mostly Uzbek crowds, leading to over a hundred deaths and huge property losses, provoked the first massive exodus of Eastern Slavs from Uzbekistan. By 1 July 1989, more than 21,000 Meskhetian Turks, Russians, Crimean Tatars, Tajiks, Jews, Kyrgyz and others left the region.¹²

Just as in other Central Asian republics, Eastern Slavs began repatriation to their historic homelands immediately following the dissolution of the Soviet Union. The absence of reliable government statistics makes it hard to name the exact number of remaining Russians, Ukrainians and Belarusians in Uzbekistan. Current government data points to the doubling of the Ukrainian population in 1989-2004, a phenomenon without a logical explanation. But indirect evidence allows us to estimate the number between 1-1.2 million people.

iii) Karakalpaks

Karakalpaks are the titular ethnic group of the eponymous autonomous republic in northern Uzbekistan, although with a population of 500,000, they constitute less than 35% of the republic's total population. Karakalpaks are historically and linguistically more related to

¹⁰Office of the High Commissioner for Refugees. *Distribution of Tajikistan Immigrants in the Regions of Uzbekistan*. <http://www.unhcr.org/cgi-bin/texis/vtx/publ/opendoc.pdf?tbl=PUBL&id=3e8967944>

¹¹UNHCR. *UNHCR Global Appeal 2006 – Central Asia Regional Overview*. <http://www.unhcr.org/cgi-bin/texis/vtx/home/opendoc.pdf?tbl=PUBL&id=4371d1920&page=home>. P. 261

¹²Lourie, Max and Piotr Studenkin. *Zapahk gari i gorja: Ferghana, trevozhnyi iun' 1989-go*. Kniga Publishing House, Moscow, 1990. pp. 23 and 84.

Kazakhs than Uzbeks. Today, the majority of Karakalpaks lives in the area of an ecological disaster. The mono-culture of cotton and the resulting diversion of water for irrigation purposes from the Amu Darya and Syr Darya rivers led to the eventual drying up of the Aral Sea. As a result, Karakalpaks were impacted with a large-scale economic, social and health crisis, the consequences of which will be discussed in more detail below.

iv) Kazakhs

Kazakhs constitute a sizeable native minority in the border regions of Uzbekistan neighboring on Kazakhstan. Evidence suggests that many of them are moving to Kazakhstan because of deteriorating economic and social conditions in Uzbekistan, particularly in Karakalpakstan. Exact numbers are unavailable because many Kazakhs prefer to avoid bureaucratic formalities, and remain unregistered in Kazakhstan for many years, relying on the support of family members and distant relatives in Kazakhstan.¹³ The official number of 1 million ethnic Kazakh does seem inflated, when only 800,000 of them lived in Uzbekistan in 1989 and considerable migration took place post-independence.

v) Tatars

Tatars, a Turkic people, are believed to descend from the armies of Mongol khans, thus explaining their wide geographic distribution throughout Eastern Europe and Asia. Tatars are characterized by a great degree of sub-ethnic diversity. There are distinct groups of Crimean, Volga-Kama, Astrakhan, and Siberian Tatars. Uzbekistani Tatars can be divided into two groups: Crimean and all others. Crimean Tatars were forcibly deported to Uzbekistan by Stalin in 1944 because of their alleged cooperation with the German occupying forces. Since 1967, they have started a slow process of repatriation, which was greatly accelerated by the re-establishment of the Crimean Autonomous Republic in present-day Ukraine. However, between 50,000 and 180,000 Crimean Tatars are still believed to live in Uzbekistan.

Other Tatars date back to the 18th century, when Tatar merchants and settlers from the Volga region, Siberia and Astrakhan were at the forefront of Russian expansion in Central Asia due to their religious and cultural affinity with native peoples. In the 19th century, many Tatars moved to present-day Uzbekistan because the religious and cultural climate for Muslims and Turkic people in general was better there than in Russia's inner provinces. Today, approximately 450,000 Tatars other than Crimean are estimated to live in Uzbekistan.

vi) Koreans

Koreans were forcibly deported from the Far East of the Soviet Union to Uzbekistan and Kazakhstan in 1937-1938. They were organized into separate collective farms, thus forming areas of compact settlement in the Tashkent, Ferghana and Syrdarya regions of Uzbekistan. After the death of Stalin, many Koreans moved to Tashkent, where they achieved considerable successes in all walks of life. The vast majority of Koreans in Uzbekistan switched to Russian as their main language of communication in the 1950s-1960s. Today, over 200,000 Koreans still live in Uzbekistan.

¹³ Alfred Coopers. Ethnic Kazakhs Consider Their Historic Homeland an Economic Paradise. 21/02/2006 <http://www.eurasianet.org>

vii) Kyrgyz

Ethnic Kyrgyz are concentrated in the Uzbekistan's portion of the Ferghana Valley. There is conflicting information about the exact number of ethnic Kyrgyz in Uzbekistan. Although, official government statistics put it at 370,000, there were slightly more than 170,000 registered Kyrgyz during the last Soviet census of 1989.

vii) Other Ethnic Groups

Among the most prominent ethnic groups mentioned under the general category "Other nationalities" in the government report one needs to mention ethnic Turkmen, whose numbers range radically in different accounts. The 1989 Soviet census registered more than 120,000 ethnic Turkmen, but independent sources name the figures of up to 800,000.¹⁴

PART 2. UZBEKISTAN AND THE UN CERD

Government submissions from Uzbekistan to the UN treaty bodies can be difficult to examine due to the extensive use of a tactic inherited from the Soviet era: obscuring and misleading presentation of statistics and state-sponsored activities like native-language publications.

Many sources within both official institutions such as OSCE and from alternative sources such as local and international NGOs have created an international awareness that the reality of civil, political, social, economic and cultural rights in Uzbekistan is grim. In the last year in particular, the Government has been largely preoccupied with silencing the domestic voices of dissent and opposition. Limited international scrutiny still remains one of the few areas outside of official Tashkent's direct control. In avoiding the potentially embarrassing exposure, the government bodies responsible for the preparation of periodic submissions to the UN treaty bodies have to rely on a number of diversionary tactics, and the periodic report to the CERD is not an exception. These include:

1. Complete or partial exclusion of factual examples pertaining to the implementation of Uzbekistan's laws and the effects of the government policies on the areas of relevance to the CERD. The report lists dozens of legislative acts, but rarely mentions their policy follow-up or any concrete examples of practices. For instance, the report does not specify the number of minority-language secondary schools (para. 109), but simply states that education "is offered in seven languages: Uzbek, Karakalpak, Russian, Kazakh, Turkmen, Tajik and Kyrgyz." The reader may be left with an impression that government policies are directed toward encouraging minority-language education, which is exactly the opposite of the real situation as discussed below.
2. Deliberate deception of the reader. Referring to the 26 December 2004 parliamentary elections for the Legislative Chamber of the *Oliy Majlis* (Parliament), the government report claims their recognition as "legitimate, free and transparent" by the OSCE Office for Democratic Institutions and Human Rights (OSCE/ODIHR) (para. 57). The final report of the OSCE/ODIHR, however, concludes that these parliamentary elections "fell significantly short of OSCE commitments and other international

¹⁴ Kamol Holmuradov. Situation in Turkmenistan. OSI Turkmenistan project. 15/05/2003.
<http://www.eurasianet.org/turkmenistan/project/index.php?page=wnb/wnb030519&lang=rus#2A>

standards for democratic elections.”¹⁵ By placing the election observers from the OSCE/ODIHR in the same category as its state-picked and biased observers from the Commonwealth of Independent States (CIS) and the Shanghai Cooperation Organization, the government is creating a false impression of its commitment to democracy.

3. Inclusion of irrelevant information. For example, reference to the improvements in the reproductive health care (para. 99-101), while welcome, bears no application to the CERD and is merely incorporated directly from the second periodic report of Uzbekistan to the Committee on the Rights of the Child.¹⁶
4. Inclusion of misleading “mass” statistics, i.e. that there are “130 minorities in Uzbekistan” while failing to provide the context that most of these minorities do not suffer discrimination; that the one dominant ethnic group has developed state-run policies to homogenize other ethnic groups; and that policies and cases of discrimination against some minorities, especially those related to neighboring countries, do persist.

Art. 1: Policy with Regard to Racial Discrimination

Art. 1, Paragraph 1 of the CERD states:

In this Convention, the term “racial discrimination” shall mean any distinction, exclusion, restriction or preference based on race, colour, descent, or national or ethnic origin which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life.

In eight paragraphs (para. 8-15), Uzbekistan provides general information on the ethnic composition of its population (para. 13) and an outline of the country’s legal framework with regard to human rights in general and the elimination of racial discrimination in particular (para. 8-12). In the final two paragraphs of the section (para. 14-15), Uzbekistan makes general references to its commitment to socio-economic equality and “harmony among nationalities¹⁷ in Uzbek society” and states with satisfaction the absence of inter-ethnic violence in the period of 2000-2004.

There are several flaws in the information provided by the Government of Uzbekistan in its report. The most serious one is the inaccurate demographic data in Table 2, “Ethnic Composition of the Population of Uzbekistan.” The Committee in its Reporting Guidelines emphasizes the importance of collecting accurate information on the ethnic characteristics of the country, when conducting population censuses. Unfortunately, Uzbekistan has not carried out a population census since January 1989, when still a part of the Soviet Union. Data gathered during that census was processed, however, not in Uzbekistan but in Moscow, in a highly centralized manner, lacking transparency and objectivity and under the incessant watch of the Communist Party.¹⁸ Independent Uzbekistan left its Soviet-era population

¹⁵ OSCE/ODIHR. Final Report of the OSCE/ODIHR Limited Election Observation Mission, 07/03/2005. P. 3

¹⁶ Second Periodic Report of Uzbekistan to the Committee on the Rights of the Child. CRC/C/104/Add.6 Para.161-162

¹⁷ The meaning of “nationalities” here is in the sense of distinct ethnic groups within the country.

¹⁸ Barbara A. Anderson, Kalev Katus, and Brian D. Silver. Developments and Prospects for Population Statistics in Countries of the Former Soviet Union. Princeton University: Office of Population Research, 1994. Pp.6-8.

definitions, classifications and computing methods largely unchanged,¹⁹ only occasionally acceding to international pressure.²⁰ As a result, the government report presents highly questionable data on the ethnic composition of its population. And the case of ethnic Tajiks, described in detail in the introductory part of this report, although particularly illustrative, is not the only inaccurate or misleading statistic.

The 1989 Soviet census recorded 153,197 ethnic Ukrainians in UzSSR and their population share at 0.77%.²¹ But the current government estimates put the number of Ukrainians at 300,000 and their population share at 1.2%. The doubling of the Ukrainian minority in 15 years has no logical explanation in the natural population growth, which would be several times higher than the already high national rate of 2.35% (1995)²²; neither can it be due to the influx of Ukrainian immigrants. On the contrary, the Slavic populations (Russians, Ukrainians and Belarusians) of Central Asia have shown a consistent pattern of repatriating to their historic homelands. Similar inconsistencies are obvious when comparing the 1989 Soviet census and government estimates for other ethnic minorities: the number of ethnic Kyrgyz more than doubled in the past 15 years, and the number of ethnic Tatars grew by almost 30% despite the return of approximately 250,000 of them to the Crimean Autonomous Republic in present-day Ukraine.

Despite seemingly impressive population growth from approximate 19.5 million in 1989 to almost 26 million in 2004 and dramatic migratory movements immediately prior to, and after the USSR dissolution and throughout the 1990s, Uzbekistan has yet to conduct a comprehensive population census. Considering the obvious inconsistencies in the government estimates and the previous history of data manipulation, which independent Uzbekistan inherited from the Soviet Union and changed little, official figures should be viewed at least with extreme caution.

The results of the sociological study, “Uzbekistan: Our Common Home,” and the status of its publisher, the Centre for the Study of Public Opinion, *Ijtimoi Fikr*, (para. 13) deserve a special mention. *Ijtimoi Fikr* is an organization that receives funding from the Government of Uzbekistan. It is closely affiliated with various government bodies and regularly conducts surveys at their request, and therefore cannot be recognized as non-governmental. The subject matter, the anecdotal nature of questions, and the lack of basic information about the survey raise questions about the unreliability of statistics originating in the government or governmental-related entities which then leads astray any reporting efforts, or the formation of policies to prevent discrimination.

The outline of Uzbekistan’s legal framework with regard to human rights (para. 8-12) shows at least recognition of the foundation of the rule of law in the nation’s Constitution, national legislation, as well as commitments under international treaties and memberships at international organizations. Among the statements of a very general nature, the government tries to impress upon the reader its careful treatment of “resolutions and recommendations of international organizations to which Uzbekistan belongs,” by not merely accepting them for consideration, but actually incorporating them into the legal foundation of its policies.

¹⁹ Ibid, p. 12.

²⁰ To capitalize on its reported success in reducing the infant mortality, Uzbekistan has recently adapted its methods for calculating the infant mortality rates to the World Health Organization (WHO) standards. Second Periodic Report of Uzbekistan to the Committee on the Rights of the Child. CRC/C/104/Add.6 P.26

²¹ Kiseleva, Galina. O sem rasskazyvaiut perepisi naseleniia. (What Do Population Censuses Tell Us?) Nauka: Moscow, 1990.

²²The UMID Foundation site. <http://www.umid.uz/Main/Uzbekistan/Population/population.html>

Despite the pro-forma acceptance of international norms, however, in reality, Uzbekistan has consistently ignored the recommendations of such international bodies as the Organization for Security and Cooperation in Europe and the Human Rights Committee. Following the 13 May 2005 events in Andijan, UN Secretary-General Kofi Annan called on Uzbekistan to create conditions for “an independent, international and transparent investigation of the tragedy.” The call was then repeated in the Washington Declaration of the OSCE Parliamentary Assembly (July 5, 2005). Both of these calls remained unanswered by Uzbekistan to date.

The Human Rights Committee issued its observations on Uzbekistan’s compliance with the International Covenant on Civil and Political Rights in April 2001 and April 2005. It is striking to see that the same concerns present in the 2001 document are to be found in the 2005 list: secrecy surrounding death-row inmates; the pervasive use of torture at pre-trial detention facilities; the legislative and procedural vacuum with regard to refugees and people seeking asylum; broad powers of the State in limiting the rights and freedoms of its citizens; the judiciary’s lack of independence; sweeping definitions of “terrorism” and “anti-State” activities open to abuse by officials; lack of religious tolerance; and the list could go on²³ -- all areas relevant to ethnic discrimination.

Rather than listing any concrete safeguards for individual rights, the Government report refers to the “the tradition of ethnic and religious tolerance which has developed in Uzbekistan over many centuries of coexistence among various national and religious communities” (para.10). Regardless of how it may be supported by historical facts and evidence, this tradition cannot be considered a part of the legal foundation for Uzbekistan’s anti-discrimination policies.

Art. 2, para. 1: Legislative, Judicial, Administrative or Other Measures to Eliminate Racial Discrimination

Art. 2, para. 1 of the CERD states:

States Parties condemn racial discrimination and undertake to pursue by all appropriate means and without delay a policy of eliminating racial discrimination in all its forms and promoting understanding among all races...

Specific steps that States Parties must take to that effect are then listed in sections (a) through (e).

In paras.16-21, the government report lists the constitutional and other legal safeguards against racial discrimination, as well as the venues for redressing and fighting any discriminative actions that do take place. Although the Constitution devotes several articles (art. 4, 15 and 18) to the issues of inter-ethnic equality and respect, these statements are merely declarative and do not carry any weight. The independence of the judiciary referred to in para.19 is questionable, given the reality of judicial practice and executive-branch control in Uzbekistan, as acknowledged by the Human Rights Committee in 2001 and 2005, the US State Department Country Reports on Human Rights, and international human rights monitors like Human Rights Watch. The heavy control by the executive of the criminal justice system has become even more evident in the aftermath of the 13 May events, when the need to silence witnesses and stage a massive cover-up required the authorities to apply additional pressure on the judges and courts, as evidenced by the Andijan-related trials of

²³ CCPR/CO/71/UZB. CCPR/CO/83/UZB.

September-December 2005, in which an estimated 150 people were convicted behind closed doors, with numerous procedural violations, according to the testimony of eye-witnesses.²⁴

Furthermore, there is only a nominal ability of citizens to bring the violations of their rights and freedoms by state bodies before the courts (para. 20) and such efforts do not usually result in any action against the perpetrator. A good example of the ineffectiveness of the judicial system can be seen in the efforts by a few of the braver NGOs to actually help citizens bring cases against the state – even in areas that are less confrontational than ethnic discrimination or civil/political rights, such as social benefits. One NGO in Uzbekistan until recently specialized in providing legal aid to socially-vulnerable groups, and took up the cases of private citizens whose monetary social benefits were illegally withheld by the government. They helped file 276 cases against various state bodies throughout 2000-2004. Of this number, only 15 were taken into consideration by lower courts, and only 3 cases resulted into a full reimbursement of the benefits unlawfully withheld. In December 2005, during the crackdown against all independent NGOs, the group was shut down by authorities.

The most misleading statement in this section of the report is in para. 21, referring to the measures reportedly taken by the government of Uzbekistan pursuant to the development of the free media and civil society. The year 2005 was the most difficult and devastating for the independent media and civil society sectors of Uzbekistan, although the harassment of those reporting on the sensitive issues of economics, politics, democracy, human rights and corruption had already intensified in 2004 prior to the parliamentary elections and continued into early 2005 even before the Andijan tragedy. *Internews*, a daily news agency, the British Broadcasting Corporation (BBC), Radio Free Europe-Radio Liberty and the Institute for War and Peace Reporting (IWPR), a weekly features reporting and training service, all had to cease their operations either after being subjected to court rulings or due to security concerns for their staff.²⁵ And throughout Uzbekistan, hundreds of NGOs (approximately one hundred in the Ferghana region alone) were forced to shut down under incessant pressure from local authorities.

Minority media and non-governmental organizations deserve special mention here as directly and more adversely affected by the sweeping persecution of all independent sectors. The work of minority organizations has been viewed by authorities with suspicion since Uzbekistan's independence. It was particularly true of the Tajik NGOs and media outlets, whose activities were perceived as a threat to the national unity of Uzbekistan. In November 2005, the Samarkand branch of the National Press Centre, one of the few organizations devoted to producing news in the Tajik language, was forced to shut down under pressure from local authorities.

The International Research and Exchange Board's (IREX) Media Sustainability Index for 2004, the last year evaluated, shows that minority media in Uzbekistan are underdeveloped.²⁶ The largest Tajik-language newspaper, *Voice of Samarkand*, had an average circulation for 2004-2005 of only 3,500 copies, followed by the circulation of 2,000 copies for *Voice of Tajik*, the second most important publication. Fear of criminal charges under Uzbekistan's restrictive laws prevents them from reporting on issues of importance to the Tajik community, thus rendering them practically irrelevant.

Paras. 22-26 of the government report are devoted to listing the extensive prohibitive provisions in Uzbekistan's Constitution and laws, which are meant to mount necessary

²⁴ International Crisis Group. [Uzbekistan: In for the Long Haul](#). Policy Briefing №45. February 16, 2006. P. 6

²⁵ *Ibid*, p. 5

²⁶ International Research and Exchange Board. [Media Sustainability Index – 2004](#). P. 72

defenses against the promotion of racial discrimination in the society and state bodies. These include prohibitions on racially or nationally motivated parties, religious extremist parties and public associations, and the use of media for promoting inter-ethnic hatred. The definitions of these crimes in Uzbekistan's laws stand in the same logical line with other such broadly defined concepts, including religious extremism, terrorist activities, anti-state activities and attempt against the President of the Republic. Lack of clarity and definition in these terms has allowed the State to infringe upon the rights and freedoms of its citizens on a massive scale. The Human Rights Committee repeatedly expressed its concern about the broad definitions of these crimes and the potential for abuse.

While proclaiming the constitutionally guaranteed right to free speech and expression, the government is using its administrative resources and influence over the judiciary to suppress political dissent and opposition. The Memorial Human Rights Center of Russia estimated the number of political and religious prisoners in Uzbekistan as of December 2003 at 5,900, and the vast majority of them were convicted on extremism charges. Due to the lack of access for international observers and NGO groups, the figures have not been updated, but persistent reports indicate the practice of imprisonment on politically-motivated charges remains unchanged.

The most recent case of Saidjahon Zainabitdinov, well-known human rights activist from Andijan, provides a clear illustration. He was convicted on 5 January 2006, on charges of slander, membership in a religious extremist organization, preparation and distribution of materials that threaten public order and undermining the constitutional order and sentenced to seven years in prison. The international community, including the League, Human Rights Watch and Amnesty International, firmly believe these charges to be completely unfounded and motivated by the role that Zainabitdinov took in publicizing the extent of the Andijan tragedy. After giving interviews to a number of foreign media outlets, he was arrested on 24 May 2005.

The State Language Act of 1995 does in fact spell out legal accountability for preventing the citizenry from exercising their right to the choice of language in everyday life, upbringing of children and education (para. 26). The report then goes on to explain in para. 31, that such actions "shall be punishable by a fine between once and twice the minimum wage." As of 1 October 2005, the minimum wage in Uzbekistan is 9,400 som (an equivalent of approximately US \$9.00). Therefore, the closing of minority-language school by regional administrations, would go virtually unpunished, i.e. with no real monetary cost. Meanwhile, by contrast, art. 156 of the Criminal Code stipulates imprisonment for up to 5 years for committing acts perceived "to harm national honor and dignity or insult the feelings of believers or non-believers." The disparity between the two types of punishments is striking, but quite understandable in the political context of Uzbekistan. Broadly defined and highly punitive provisions of the Criminal Code provide the State with the necessary instruments of political and social control over the society. But the avenue of remedies to protect the citizens from the arbitrary actions and abuses of state officials and bodies is not only limited, the punishment is not a deterrent.

The official report devotes considerable attention to its compliance with section (e) of art. 2, para. 1, on the promotion of integrationist multiracial organizations and movements (para. 32-34). The legal foundation for such policies is established by numerous listed legislative acts (para. 33), which are also characterized by excessive government control of political parties, public associations, trade unions, and NGOs. As a result, all of the measures listed in this section were initiated by the government and are under its direct control. The Uzbekistan Inter-Nations Cultural Centre, with its wide network of local national centres, is said to focus

on “events linked to national traditions,” such as celebrations of various holidays. Nothing is mentioned about the issues that directly affect the well-being and survival of national minorities: education, healthcare, economic equality, and representation in the government. The annual conference titled “Harmony between Nationalities and Religious Tolerance – A Factor of Progress” is organized entirely by the state bodies or state-affiliated organizations and apparently carries the same title from year to year, invoking the Soviet tradition of positive self-assurance.

Art. 2, para. 2: Special Measures to Ensure the Adequate Development and Protection of Certain Racial Groups

Art. 2, para. 2 of the CERD reads:

States Parties shall, when the circumstances so warrant, take, in the social, economic, cultural and other fields, special and concrete measures to ensure the adequate development and protection of certain racial groups and individuals belonging to them, for the purpose of guaranteeing them the full and equal enjoyment of human rights and fundamental freedoms.

The government of Uzbekistan ignored this section of the Convention altogether, probably under the presumption that such measures are not warranted. In the absence of reliable data on the ethnic composition and socio-economic characteristics of Uzbekistan’s population, it is impossible to provide a verifiable comparative analysis of minority groups. Available evidence, however, points to the need of such measures. This is particularly true of the Tajik minority, which was prevented from occupying high and medium level positions in regional and local administrations since the Soviet times. The practice of giving preference in positions of responsibility and power to ethnic Uzbeks continues in independent Uzbekistan. The prestigious government scholarship *Kamolot* awarded on a competitive basis to those who will continue their studies at nation’s best universities as well as abroad has a disproportionately high number of ethnic Uzbeks among its recipients. Of the 118 awardees in 2003, only 8 students represented the country’s minorities. The presidential scholarship to gifted students was awarded in the same year to 45 ethnic Uzbeks and only 5 representatives of ethnic minorities.

Art. 5: Prohibition and Elimination of Racial Discrimination in All Its Forms and Guarantees of Equal Rights

Art. 5 of the CERD states:

...States Parties undertake to prohibit and to eliminate racial discrimination in all its forms and to guarantee the right of everyone, without distinction as to race, colour, or national or ethnic origin, to equality before the law...

Specific rights are then listed: equality before the law (section (a)); security of person and protection against violence or bodily harm (section (b)); political rights (section (c)); civil rights (section (d)); and economic, social, and cultural rights (section (e)). Art. 5 is certainly the most extensive in the Convention and the most deserving of attention.

Section (a): The Right to Equal Treatment before the Law

Uzbekistan devotes six paragraphs (para. 45-50) of its report to outlining the equality of its citizens before the courts administering justice. Yet in fact, all of Uzbekistan’s citizens are equal in their defenselessness before the courts and the executive branch, which yields

enormous influence over the judiciary. In many instances, private citizen's suits remain simply unanswered and ignored for arbitrary reasons or neglect, and few are reviewed or resolved. In criminal proceedings, courts often ignore the available evidence on the extraction of confessions under ill-treatment and torture during pre-trial detentions, as voiced in the concluding observations of the Human Rights Committee on 26 April 2005. During the September-November 2005 show trial of the first fifteen defendants in what would be a series of Andijan-related cases, the accused made no attempts to defend themselves and all submitted self-incriminating statements.

In the above-mentioned trial of Saidjahon Zainabitdinov and in the closed trial of another human rights defender, Mukhtabar Tojibaeva, which is currently under way in the town of Dostobod, the government of Uzbekistan is blatantly ignoring its own constitutional and procedural norms, as well as its international obligations under the International Covenant on Civil and Political Rights (Art. 9 and 10), by blocking the access of lawyers to detainees, preventing family members from visiting and even knowing the fate of their detained relatives and by pressuring the judges presiding over the criminal cases of political prisoners. The family members of Saidjahon Zainabitdinov were unable to confirm the validity of initial reports of his trial for over two weeks, from 5 January 2006, when they first surfaced, to 20 January 2006, when the Justice Ministry finally released information on his sentence.

In this section of the report, the government again employs a well-worn tactic of producing lengthy listings of various legislative acts that theoretically guarantee equality before the law, while omitting any data on the actual implementation of the law, such as to exemplify an actual policy of good-faith prevention and punishment of discriminatory acts. An entire four paragraphs (para. 47-50) are devoted to the right of ethnic minorities to conducting court proceedings in their native language, but the government supplies no information on the number of people that were actually able to take advantage of these provisions in the Criminal, Administrative and Civil Codes. An NGO source from the Bukhara region informed the League, however, of only one known instance when the district criminal court of Bukhara conducted its proceedings in a minority language, despite the prevalence of Tajik speakers in the city and its surroundings.

The government report also fails to provide information relevant to the training of judges and law-enforcement officers in avoiding racial discrimination as prescribed by the reporting guidelines of the Committee.

Section (b): The Right to Security of Person and Protection by the State against Violence or Bodily Harm

This section of the Convention is particularly relevant to Uzbekistan in light of the last year's events in that country, although the official report devotes only two paragraphs to it, copying word for word the statements from para. 28-29, and makes no mention of any cases of ethnic- or race-related violence per Committee's reporting guidelines.

On 13 May 2005, government troops surrounded a largely peaceful demonstration of unarmed civilians in the city of Andijan, which had gathered to protest government economic policy and injustices of local authorities, and used indiscriminate fire power against it, leading to estimated 500-1,000 deaths. The July 2005 report of the Office of the High Commissioner for Human Rights concluded that credible evidence pointed to the

involvement of Uzbekistan's military forces and security apparatus in "grave human rights violations while putting down demonstrations."²⁷

International watchdogs, such as Human Rights Watch and Amnesty International, released their own reports documenting the extent of the Andijan massacre and the cover-up campaign of persecution and intimidation, aimed at silencing the witnesses, which ensued immediately after the 13 May events.²⁸ More than five hundred people who fled Andijan to neighboring Kyrgyzstan were subsequently recognized as refugees by the Office of the High Commissioner for Refugees and resettled in third countries.

The UN High Commissioner for Human Rights, Louise Arbour, as well as the European Union, the OSCE and the Council of Europe, urged the Government of Uzbekistan to allow an independent international investigation of the Andijan events. These calls were answered by an intensified crackdown on the civil society and independent journalists.

Another important aspect of Uzbekistan's violation of art. 5, section (b), of the Convention is the all-pervasive use of ill-treatment and torture by law enforcement officers to extract confessions in the pre-trial stages of detention. This practice was extensively documented in the final report of the UN Special Rapporteur, Mr. Theo van Boven, following his mission to Uzbekistan in 2002,²⁹ and reiterated during the OSCE Human Dimension Implementation Meeting in Warsaw, Poland (September 19-30, 2005).

Attacks on independent journalists and human rights defenders have grown more frequent, and remain uninvestigated and unresolved. One of them, on 9 November 2005, against a Jewish correspondent of the *Ferghana.ru* news service Alexey Volosevich, was accompanied not only by the usual work-related threats, but also by anti-Semitic insults and accusations of "betraying the Motherland."

Threats of physical retaliation and torture are made not only against detainees and opponents of the regime, but also their family members and relatives. The accused often incriminate themselves out of fear for their family members, who are threatened, fired from their jobs, or expelled from schools, or unable to collect their social benefits.

While the government's actions are aimed at the preservation of power and the status quo at any cost, are directed at preventing dissent in the population as a whole, and are not specifically targeting minority groups as such, minority groups can be most adversely affected as already traditionally "suspect" communities within the country. Ethnic minorities from neighboring states are particularly vulnerable, as it may prove more and more difficult for them as time passes to prove loyalty to a regime that is starting to merge its narrow survival objectives with the good of Uzbekistan as a nation.

Section (c): Political Rights

In the ten paragraphs devoted in the report to the subject of political rights (para. 53-62), the government provides an extensive overview of its election laws and voting procedures, but fails to create any context in which the enjoyment of the voting rights in practice, particularly by ethnic minorities, could be examined. In para. 54, for example, after stating that "everyone is guaranteed the right to vote," the report goes on to describe the January 2002

²⁷ Press release of the Office of the High Commissioner for Human Rights. 30/09/2005.

²⁸ Human Rights Watch <http://hrw.org/english/docs/2005/06/07/uzbeki11077.htm>

Amnesty International <http://www.amnesty.org>

²⁹ [E/CN.4/2003/68/Add.2](http://www.unhcr.org/refugees/4/2003/68/Add.2)

electoral reform that added an upper chamber to Uzbekistan's parliament. Declarations of "social progress and open and constructive dialogue between citizens and the State" notwithstanding, the reform's main objective was obviously not an increase in the citizens' control of the government. Since elections to the Senate are not subjected to popular voting, the President yields direct influence over the Senate through the direct appointment of 16 of its 100 members, as well as through the indirect control of the regional legislatures, where no opposition parties are represented. The official portal to Uzbekistan's government, www.gov.uz, provides detailed information only about one person in all of Uzbekistan's power structure – President Islam Karimov. Members of the Legislative Chamber and the Senate of the *Oliy Majlis* are not named, nor are the members of the Constitutional and Supreme Courts with the exception of their Chairmen and deputy Chairmen. In a manner all too familiar from the official report to the CERD, the supposed "gateway" to Uzbekistan's government lists endless legislative acts and articles of the Constitution, but does not provide even minimal information on the work of the government's various branches or any concrete information about implementation.

Despite the multi-ethnic composition of its population, Uzbekistan does not have any specialized agency in its executive or legislative branches of the government to address the issues facing ethnic, racial, and religious minorities. The standard practice among OSCE member states is to have either a government ministry, or a committee on ethnic and other minorities, and/or a parliamentary committee or commission. This reflects the absence of a concrete national strategy with regard to ethnic, racial, and religious minorities and their political, social, economic and cultural rights. Declarations of inter-ethnic harmony and peace (para. 13, 15 and 34) are meant to hide the lack of practical steps that would ensure the equal enjoyment of rights and freedoms by all of Uzbekistan's ethnic and religious groups, as defined by the present Convention.

Section (d): Other Civil Rights

Section (d) (i): Freedom of movement and residence within the border of the State

The Government's report on Uzbekistan's compliance with Section (d) (i) of the Convention (paras. 63-66) raises several important issues that affect ethnic, racial and religious minorities to the same degree as the whole population in general.

First of all, the report only mentions the right to freedom of movement and makes no mention of freedom of residence, both of which are guaranteed by the Convention. Accordingly, the report does not mention the restrictive government policies, inherited from the Soviet era, that require a number of permits in order to change one's residence and in their entirety are known by the Russian word for the residence permit system, *propiska*. This policy originated from the needs of the planned economy and Soviet government's desire to maintain complete control over population. The institution of *propiska* is so closely associated with authoritarian and totalitarian forms of government in the post-Soviet space, that its continuation or discontinuation can serve as a clear indicator of the state's resolve to break with the Soviet legacy. Unlike the system of registration, which is common in many Western democracies, and works on the principle of notification and is used entirely for information-collection purposes, the institution of *propiska* in Uzbekistan operates on the principle of state administrative discretion, and obliges citizens to apply for permission to leave their current place of residence and move to another one and imposes a set of strict requirements. It is also quite emblematic that *propiska* is regulated by a presidential decree, not a legislative act. (Presidential Decree №2240, 26/02/1999) This leads us to the second important issue.

Art. 28 of the Constitution does, in fact, guarantee the right to freedom of movement within Uzbekistan, but the provision “except as restricted by law” significantly reduces its impact. And in Uzbekistan, where executive decrees more often than not assume the power of law, the envisioned constitutional protection is rendered almost completely useless, as evidenced above.

Thirdly, the report uses this section to boast its successes in awarding legal protections and limited rights to refugees designated by the Office of the UN High Commissioner for Refugees (UNHCR) in Tashkent (para. 65-66). These measures impacted only 2,629 people, while the UNHCR estimated the number of refugees from Tajikistan alone at more than 55,000.³⁰ And while cooperation with the UNHCR is in itself a positive step, the negotiated verbal agreement does not provide a tangible legal foundation for asylum seekers and refugees and only diverts the attention from a bigger problem of Uzbekistan’s refusal to sign the 1951 Geneva Refugee Convention or to adopt any relevant legislation on the national level.

And finally, the report does not mention the approximately 1,300 ethnic Tajiks, citizens of Uzbekistan, who were forcibly displaced in 2000 from their villages in the Surkhandarya region by the military and subsequently taken to the remote desert region several hundred kilometers away from their homes. The expulsion was conducted without any warning and was accompanied by threats, destruction of property, and, reportedly, at a gunpoint. The Internal Displacement Monitoring Centre reported in June 2005 that the government had ignored the plight of these internally displaced persons (IDPs), had not provided them with compensation for lost property and personal belongings, and had ignored the allegations of abuse and harassment by authorities in the new place of residence.³¹

Section (d) (ii): The right to leave any country, including one’s own, and to return to one’s country

Uzbekistan’s citizens traveling abroad need a special permission stamp in their passports, i.e. an exit visa. Applications are reviewed against the data bases of various security and law enforcement agencies and are subjected to a number of restrictions. This practice violates Art. 5, section (d) (ii), of the present Convention, as well as the UN Covenant on Civil and Political Rights and Uzbekistan’s own Constitution. The Human Rights Committee has already expressed its concern with the exit visa regime and has called on Uzbekistan to abolish it.³²

Although the abuse of the exit visa regime is best known in the cases of human rights defenders and journalists who are prevented from attending international forums by indefinite delays in their applications, it is also relevant in the context of ethnic minorities. Government policy limits the ability of some of Uzbekistan’s ethnic minorities to maintain contact with their historic homelands. While exit visas are not required for travel to most member-states of the Commonwealth of Independent States (CIS), Uzbekistani citizens of Korean, Polish, Lithuanian, Latvian, German and other ethnicities are required to apply for permission when traveling to their countries of origin.

³⁰ Office of the High Commissioner for Refugees. Distribution of Tajikistan Immigrants in the Regions of Uzbekistan. <http://www.unhcr.org/cgi-bin/texis/vtx/publ/opendoc.pdf?tbl=PUBL&id=3e8967944>

³¹ Internal Displacement Monitoring Centre. [http://www.internal-displacement.org/8025708F004CE90B/\(httpCountries\)/D599B5995F7DD874802570A7004C3088?OpenDocument](http://www.internal-displacement.org/8025708F004CE90B/(httpCountries)/D599B5995F7DD874802570A7004C3088?OpenDocument)

³² Concluding observations of the Human Rights Committee: Uzbekistan. 26/04/2005 [CCPR/CO/83/UZB](https://www.unhcr.org/refugees/cpr/CO/83/UZB).

Section (d) (vii): The right to freedom of thought, conscience and religion

Religious activity is strictly regulated in Uzbekistan by the Freedom of Conscience and Religious Organizations Act. In requiring all religious groups to undergo the official registration process as a legal entity with the Ministry of Justice, the government severely restricts freedom of religion for all of its citizens. Harassment of unregistered Protestant groups under the articles of the Administrative Code (Art. 216 (2) and 240) is not uncommon and has been documented extensively by the religious freedom monitoring body Forum 18.³³ But in a situation peculiar to Uzbekistan, the dominant religion of the country, Sunni Islam, is subjected to the harshest treatment by the government. Practicing Sunni Muslims are viewed by the state with suspicion as potential recruits for the Islamic Movement of Uzbekistan, a militant religious extremist organization that operates from Afghanistan. Consequently, Forum 18 reports, Muslims usually face tougher sentences for violating Uzbekistan's harsh religious laws than do Christians or members of other faiths.³⁴

Section (d) (viii): The right to freedom of opinion and expression

Although the government report claims in para. 85-87 that Uzbekistan's citizens enjoy freedom of opinion and expression, the reality is quite different.

Many of Uzbekistan's laws contradict each other by allowing, on the one hand, "unrestricted expression of opinions and convictions" (art. 3 of the Mass Media Act), and simultaneously instituting harsh criminal penalties for exercising this right. For instance, arts. 158 (attempt on the President of Uzbekistan); 156 (inciting national, racial or religious hatred); 159 (undermining the constitutional order of Uzbekistan); 216.2 (violating the laws on religious organizations); and 244.1 (producing and distributing the materials, which pose a threat to public safety and civil order) of the Criminal Code use very general definitions that can and have been interpreted by courts to include legitimate criticism of the government. "Slandering or making insults in public at the President of Uzbekistan" (art. 158) is punishable by correctional forced labor or by an arrest for up to 6 months or by imprisonment for up to 5 years. In 2001, Madjid Abduraimov, correspondent for *Surkhon* newspaper, was convicted to 5 years in prison under article 156 (inciting national, racial or religious hatred) after the publication of a piece on the forced resettlement of ethnic Tajiks from the border areas of the Surkhandarya region (see section (d) (i)).

Section (e): Economic, Social and Cultural rights

Section (e) (iv): The right to public health, medical care, social security and social services

The government report devotes eleven paragraphs to this section of the Convention, of which four paragraphs are given to a topic of reproductive health care and education (para. 99-102). And although the report mentions the right to health care for aliens and stateless persons (para. 105), it delivers no substantive information on the health-related and social issues faced by Uzbekistan's ethnic minorities. Ethnic Karakalpaks, Turkmen and Kazakhs, which constitute the majority of Karakalpakstan's population, bear the heaviest burden from the

³³ Forum 18: Uzbekistan. <http://www.forum18.org/Analyses.php?region=33>

³⁴ Ibid.

ecological, health-related and economic consequences of the shrinking of the Aral Sea. This largest man-made ecological disaster, resulting from the diversion of water from the main tributaries, the Syr Darya and Amu Darya rivers, for irrigation purposes, has led to the recess of the original shoreline by 150 kilometers; the dramatic rise in infant and maternal mortality, particular forms of cancer, anemia, kidney and liver diseases, and asthma,³⁵ as well as the collapse of the local fishing economy, which once employed 60,000 people. The 2004 study by Dr. Spencer Well of the Oxford University's Centre for Human Genetics found widespread genetic damage in the population of Karakalpakstan, which was the likely cause for the highest incidence in the world of cancer of the esophagus.³⁶

Although the catastrophe has been unfolding for decades, the government of Uzbekistan is doing little beyond making declarative statements about the intent to reverse the situation, which disproportionately affects the region's ethnic minorities.

Section (e) (v): The right to education and training

This section of the Government report with its twenty one paragraphs is one of the most extensive. The parts of the report that concern the subject matter of the present Convention are of particular interest. para. 109 states that "secondary education in Uzbekistan is offered in seven languages: Uzbek, Karakalpak, Russian, Kazakh, Turkmen, Tajik and Kyrgyz." However, it does not state the exact number of such schools, thus making it impossible for the Committee members to estimate the degree of access that Uzbekistan's ethnic minorities have to secondary education in their mother tongue. Uzbekistan's periodic report to the Committee on the Rights of the Child (42nd session, 15 May – 2 June 2006), on the other hand, provides detailed statistics on minority-language schools.

According to the report, there are 762 schools with Russian as the language of instruction; 581 schools with the Kazakh language; 318 schools with the Tajik language; 56 schools with the Kyrgyz language and 64 schools with the Turkmen language. However, an independent survey of these schools in November 2005 by an unnamed NGO from the Bukhara region revealed that these figures were inflated. In fact, only approximately 70% (525) of the declared number of Russian-language schools provided instruction in that language, and Turkmen-language and Tajik-language schools showed even more discrepancy – 3% (2) and 58% (185) respectively. No data was available on Kazakh-, Kyrgyz- and Karakalpak-language schools.

In Bukhara and Samarkand, areas of a Tajik speaking majority, Tajik-language schools have significantly reduced in number 1995. Today, only six of the eighteen Tajik-language schools that were open in 1995 continue to operate in Samarkand. All six Tajik-language schools in Bukhara have been closed.

Even though the Government declares its commitment to providing minority-language schools with "teaching program, textbooks and other teaching aids purchased in [minorities'] historical homelands," no practical steps in that direction have been taken. And while the Russian Federation possesses the financial resources to assist the Russian-speaking minority in Uzbekistan, most of Uzbekistan's neighbors do not have such capabilities. Moreover, educational materials from Turkmenistan, where the personality cult of President Niyazov is all-pervasive, would carry little value for Uzbekistan's ethnic Turkmen who would only be put at a disadvantage by their introduction.

³⁵International Fund of the Aral Sea (IFAS) <http://enrin.grida.no/aral/aralsea/english/arsea/arsea.htm>

³⁶ David Shukman. Aral catastrophe recorded in DNA. BBC. 29/06/2004

The 2000 resolution of the Ministry of Education authorizing the destructions of books that contradict the national ideology hardly supports the government's claim in para. 109. In November 2005, more than 24,000 materials in Tajik and Russian from the Ibn-Sina library of Bukhara were destroyed, despite protests from the local Tajik community. Earlier reports from local NGOs spoke of the destruction of Tajik-language textbooks on technical and natural sciences in Samarkand's schools in 2001.³⁷

Lack of action by the Ministry of Education in supplying minority-language schools with teaching materials, coupled with the discriminatory practices of regional authorities, effectively make secondary education in minority languages irrelevant. Students and their parents prefer to switch to the Uzbek language that would guarantee them better post-secondary education prospects.

³⁷ Bakhtiyor Ergashev. Uzbeks evict Tajik citizens. Tajikistan Daily Digest/Eurasia.org. 02/05/2001 <http://www.eurasianet.org/resource/tajikistan/hypermail/200105/0004.html>

RECOMMENDATIONS

Following the review by the Committee, the League recommends the following areas of concern with regard to Uzbekistan's racial and ethnic minorities to be raised with the State Party:

1. Conduct a comprehensive population census as a basis for reliable information on Uzbekistan's ethnic composition. The current official statistics show numerous inconsistencies and do not reflect the real size of certain ethnic minorities, especially ethnic Tajiks. The government also needs to ensure the non-threatening environment during the census that would allow for a free declaration or re-instatement of one's ethnicity.
2. Take steps to promote minority-language secondary and higher education through allocating resources on par with Uzbek-language schools and institutions. Investigate allegations that regional authorities, particularly in Bukhara and Samarkand, are implicated in efforts to undermine Tajik-language secondary education by the destruction of teaching materials and closing down of schools.
3. Implement concrete steps to alleviate the destructive health-related, social and economic consequences of the Aral Sea shrinking on the population of Karakalpakstan, which consists predominantly of ethnic minorities.
4. Provide specific information about crimes, violations, citizen complaints, and court cases related to ethnic, racial or religious discrimination; as well as concrete steps that the government has taken to address these specific issues.
5. Create an ombudsman's office or agency independent of the executive branch of government to address specifically the issues of ethnic, racial and religious minorities.
6. Cooperate with international organizations, namely the OSCE and the UN, in conducting an independent international investigation into the 13 May 2005 events in Andijan; and punish those found responsible.
7. Stop the harassment of independent NGOs and mass media, including those working with or promoting the rights of minority groups, so that independent sources can better ensure the implementation of laws.
8. Stop the harassment and persecution of human rights defenders and journalists.
9. Repeal the restrictive provisions of the Mass Media act that infringe on the right to freedom of opinion and expression, as well as the related articles of the Criminal Code.
10. Allow international media outlets to register and operate freely in Uzbekistan.
11. Repeal the restrictive provisions of the Freedom of Conscience and Religious Organizations Act, as well as the related articles of the Criminal Code and the Administrative Code.

12. Abolish the exit visa requirement.