



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

Distr.  
GENERAL

CERD/C/KGZ/CO/4  
16 August 2007

Original: ENGLISH

**COMMITTEE ON THE ELIMINATION  
OF RACIAL DISCRIMINATION**

Seventy-first session  
Geneva, 30 July - 18 August 2007

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

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

**KYRGYZSTAN**

1. The Committee considered the second to fourth periodic reports of Kyrgyzstan, due on 4 October 2000, 2002 and 2004, respectively, and submitted in a single document on 18 May 2006 (CERD/C/KGZ/4), at its 1823rd and 1824th meetings (CERD/C/SR.1823 and 1824), held on 2 and 3 August 2007. At its 1843rd meeting (CERD/C/SR.1843), held on 16 August 2007, it adopted the following concluding observations.

**A. Introduction**

2. The Committee welcomes the periodic reports submitted by Kyrgyzstan, and the opportunity thus offered to resume an open and constructive dialogue with the State party. The Committee expresses appreciation for the answers provided orally by the delegation to the list of issues and to the wide range of questions raised by members.

**B. Positive aspects**

3. The Committee notes with satisfaction that the Convention is incorporated into the domestic law of the State party and can be directly applied, as appropriate, in national courts.

4. The Committee also notes with satisfaction that the new Constitution adopted in December 2006 prohibits any type of discrimination on the grounds of ethnic origin, sex, race, nationality, language, religious belief or other conditions or circumstances of a personal or social nature.

5. The Committee welcomes the ratification by the State party of the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women, in 2002; the Optional Protocols to the Convention on the Rights of the Child on the involvement of children in armed conflicts and on the sale of children, child prostitution and child pornography, in 2003; and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, in 2004.

### **C. Concerns and recommendations**

6. Notwithstanding the assurances provided by the State party concerning the direct applicability of article 1 of the Convention pursuant to the provision of article 12, paragraph 3, of the Constitution, the Committee notes the absence of a definition of racial discrimination in the law of the State party (art. 1).

**The Committee recommends the State party 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.**

7. The Committee regrets that the report submitted by the State party does not contain sufficient information on the practical implementation of the Convention (arts. 2, 4, 5, 6 and 7).

**The Committee requests the State party to prepare its next periodic report in accordance with the guidelines for the CERD-specific document adopted by the Committee at its seventy-first session (CERD/C/2007/1) and to include in it information on the progress made, and obstacles encountered, in giving effect to the provisions of the Convention.**

8. While taking note of the explanations provided by the State party that in practice non-citizens enjoy most of the rights and freedoms set out in the Constitution on an equal basis with citizens, the Committee is concerned that only citizens are entitled to exercise the rights provided for in Chapter II, Section II, of the Constitution (art. 5).

**The Committee draws the attention of the State party to its general recommendation No. 30 (2004) on non-citizens, and recommends that the State party take the necessary measures in order to guarantee equality between citizens and non-citizens in the enjoyment of the rights set forth in the Convention to the extent recognized under international law.**

9. While noting the explanation provided by the State party, the Committee notes with concern that according to information presented to it, competent authorities of the State party allegedly deny refugee status or asylum to individuals belonging to certain ethnic or national minorities, including ethnic Uighurs, Uzbeks and Chechens, and fail to adequately protect the rights of such individuals in accordance with the Convention relating to the Status of Refugees and the national legislation of Kyrgyzstan. The Committee also expresses its deep concern with regard to allegations of forcible return of ethnic Uighurs and Uzbeks to their countries of origin pursuant to multilateral agreements and bilateral agreements concluded with neighbouring countries (art. 5 (b)).

**The Committee urges the State party to provide data on the number and outcome of requests for asylum or refugee status presented since the entry into force of the Refugee Act in 2002, disaggregated by country of origin and, where relevant, grounds for rejection. Bearing in mind its general recommendation No. 30 (2004) on non-citizens, the Committee urges the State party to ensure that its asylum procedures do not have the effect of discriminating against persons on the basis of race, colour, descent, or national or ethnic origin. The Committee further recommends that the State party ensure that measures to combat terrorism do not discriminate, in purpose or effect, on the grounds of race, colour, descent, or national or ethnic origin, and that the State party respect the principle of non-refoulement.**

10. The Committee regrets that the State party has not provided sufficient information on the measures taken following the clashes that took place in February 2006 between Kyrgyz and Dungan communities living in Iskra (arts. 5 (b) and 7).

**The Committee recommends to the State party, on the basis of the findings of the Commission established to investigate the clashes between Kyrgyz and Dungan communities living in Iskra, that those responsible be brought to justice, that compensation be provided to the families which were forced to leave and that measures be adopted to promote dialogue and understanding between the Dunga and Kyrgyz communities.**

11. The Committee notes with concern that despite the efforts made by the State party, persons belonging to ethnic and national minorities, in particular persons of Russian and Uzbek origin, continue to be underrepresented in Parliament, Government and civil service. The Committee also notes that according to information received, officials belonging to ethnic and national minorities encounter obstacles preventing or limiting their access to high-ranking positions, including their lack of proficiency in Kyrgyz language (art. 5 (c)).

**The Committee recommends that the State party take effective measures to ensure better representation of ethnic and national minorities in Parliament as well as in Government and in the public administration, by eliminating obstacles preventing their appointment or restricting their promotion. In particular, the Committee encourages the State party to ensure the availability of high quality and free of charge Kyrgyz language courses for applicants to civil service positions belonging to minorities.**

12. The Committee regrets that neither the report submitted by the State party nor the replies provided by it to the list of issues included sufficient information on measures adopted to ensure the practical enjoyment by persons belonging to ethnic and national minorities of their economic, social and cultural rights (art. 5 (e)).

**The Committee reiterates its request that the State party provide detailed information on measures adopted to ensure the practical enjoyment by persons belonging to ethnic and national minorities of the rights listed in article 5 (e) of the Convention, in particular the right to work, including the right to equal opportunities of promotion and career development, the right to housing and the right to education.**

13. The Committee notes with concern that criminal law provisions punishing acts of racial discrimination, such as articles 134, 299 and 373 of the Criminal Code, are seldom invoked in national courts. The Committee also notes that although the Convention forms part of the domestic law and is directly applicable in the courts of the State party, there are no court decisions which contain references to, or confirm the direct applicability of its provisions (art. 6).

**The Committee requests that the State party include in its next periodic report detailed information on complaints lodged (including those submitted to the Office of the Ombudsman and to the National Human Rights Commission) and prosecutions launched, as well as on penalties imposed, in cases of offences which relate to racial discrimination. The Committee reminds the State party that the absence of complaints may be an indication of a lack of awareness on the availability of legal remedies, or of insufficient will on the part of the authorities to prosecute. In this regard, the Committee recommends that the State party provide specific training for those working within the criminal justice system, including police officers, lawyers, prosecutors and judges, and to undertake information campaigns to raise awareness among the public about the mechanisms and procedures provided for in national legislation in the field of racism and discrimination.**

14. The Committee notes with concern that according to reports received, curricula and textbooks for primary and secondary schools do not adequately reflect the multi-ethnic nature of the State party, and do not provide sufficient information on the history and culture of the different national and ethnic groups living in its territory (art. 7).

**The Committee recommends that the State party 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, and encourage and support the publication and distribution of books and other printed materials, as well as the broadcasting of television and radio programmes about their history and culture. The Committee also recommends that the State party ensure the participation of national and ethnic minorities in the elaboration of such materials and programmes.**

15. The Committee is concerned that although the texts of international human rights treaties are translated into the language of the State party as well as into other languages spoken in the State party, information about the Convention and its provisions has not been brought to the attention of government officials and the public in general (art. 7).

**The Committee recommends that the State party organize public awareness and education programmes on the Convention and its provisions, and step up its efforts to make government officials and the public in general aware of the mechanisms and procedures provided for by the Convention in the field of racial discrimination and intolerance.**

16. The Committee 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 regard, the Committee refers to resolution 59/176 of 20 December 2004, in which the General 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.

17. The Committee notes that the State party has not made the optional declaration provided for in article 14 of the Convention and invites the State party to consider doing so.

18. 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 its 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 taken to implement the Durban Declaration and Programme of Action at the national level.

19. The Committee recommends that the State party's reports be made readily available to the public at the time of their submission, and that the observations of the Committee with respect to these reports be similarly publicized in the State party's official languages as well as in the main minority languages spoken in Kyrgyzstan.

20. The Committee invites the State party to revise its core document in accordance with the harmonized guidelines on reporting under the international human rights treaties, including guidelines on a common core document, approved by the fifth inter-Committee meeting of the human rights treaty bodies held in June 2006 (HRI/MC/2006/3 and Corr.1).

21. The Committee recommends that, in connection with the preparation of the next periodic report, the State party consult widely with civil society organizations working in the area of combating racial discrimination.

22. The State party should, within one year, provide information on the way it has followed up on the Committee's recommendations contained in paragraphs 9 and 10 above, pursuant to paragraph 1 of rule 65 of the rules of procedure.

23. The Committee recommends that the State party submit its fifth, sixth and seventh periodic reports in a single document, due on 4 October 2010, taking into account the guidelines for the CERD-specific document adopted by the Committee at its seventy-first session (CERD/C/2007/1).

- - - - -