



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

Distr.: General  
5 August 2013  
English  
Original: Russian

---

**Committee on the Elimination of Racial Discrimination**

**Consideration of reports submitted by States parties  
under article 9 of the Convention**

**Sixth and seventh periodic reports of States parties due in 2012**

**Kazakhstan\* \*\***

[23 November 2012]

---

\* This document contains the sixth and seventh periodic reports of Kazakhstan due on 25 September 2012, submitted in one document. For the fourth and fifth periodic reports and the summary records of the meetings at which the Committee considered these reports, see documents CERD/C/KAZ/4-5 and CERD/C/SR.1991, 1992, 2007 and 2040.

\*\* In accordance with the information transmitted to the States parties regarding the processing of their reports, the present document has not been formally edited.



## Contents

	<i>Paragraphs</i>	<i>Page</i>
I. Introduction.....	1–5	3
II. General information.....	6–23	3
A. Population.....	6–17	3
B. Political structure.....	18	5
C. Legal and regulatory frameworks.....	19–23	5
III. Information on implementation of articles 1 to 7 of the Convention.....	24–222	6
IV. Information on the observations and recommendations of the Committee.....	223–412	34

Annexes\*\*\*

---

\*\*\* The annexes may be consulted in the Secretariat's archives.

## **I. Introduction**

1. This report is submitted to the Committee on the Elimination of Racial Discrimination under article 9, paragraph 1, of the International Convention on the Elimination of All Forms of Racial Discrimination (hereinafter “the Convention”) and in accordance with the general guidelines regarding the form and contents of reports to be submitted by States parties (CERD/C/2007/1). This report contains the sixth and seventh periodic reports of the Republic of Kazakhstan on the implementation of the Convention.

2. The draft report was prepared by a working group approved by Government decree that reported to the Ministry of Culture and Information of the Republic of Kazakhstan. The group comprised representatives of ministries, departments, the National Centre for Human Rights attached to the Office of the President of the Republic of Kazakhstan, non-governmental human rights organizations and ethnic cultural associations.

3. This document was submitted for public review at round tables and meetings attended by representatives of civil society institutions that had not been part of the working group. In addition, the Ministry of Culture and Information worked with the office of the Organization for Security and Cooperation in Europe (OSCE) in Astana on a public presentation of the draft combined report, which resulted in public discussion of the main provisions of the report.

4. The common core document was prepared by the Republic of Kazakhstan in accordance with the general guidelines regarding the form and contents of reports to be submitted by States parties to international human rights treaties and was submitted to the Committee on the Elimination of Racial Discrimination in May 2012. The most recent periodic report on implementation by the Republic of Kazakhstan of the International Covenant on Civil and Political Rights was submitted to the Human Rights Committee in 2009. The present combined sixth (2008-2010) and seventh (2010-2012) report contains information on the main changes and progress achieved in the elimination of all forms of racial discrimination during the reporting period from 2008 to 2012.

5. This report consists of two main parts, one containing general information and the other relating to implementation of articles 1 to 7 of the Convention, as well as providing responses to the questions and recommendations made by the Committee on the Elimination of Racial Discrimination following its consideration of the previous report (CERD/C/KAZ/CO/4-5).

## **II. General information**

### **A. Population**

6. The territory and administrative division of the Republic of Kazakhstan have not undergone radical changes since the submission of the combined fourth and fifth report on the elimination of racial discrimination in 2008.

7. During the reporting period, the total population increased from 15,005,715 persons to 16,675,400. As at the beginning of 2012, in percentage terms population growth accounted for 7.1 per cent of the total population. This was due to the higher

birth rate and a significant reduction in the number of deaths, as reflected in the increase in natural population growth from 203,869 persons to 228,331. The number of citizens leaving to take up permanent residence outside the Republic of Kazakhstan also declined during this period, while there was significant growth in the number of those arriving in the country. In 2008 net migration was 1,117 persons, and by 2012 it had increased to 5,102 (see annex 2).

8. During the reporting period, population growth was observed in 11 of the country's 16 regions, excluding the provinces of Aqmola, Qostanay, North Kazakhstan, West Kazakhstan and East Kazakhstan. The highest overall population growth occurred in the South Kazakhstan and Almaty provinces (see annexes 4, 5 and 6).

9. As at 1 January 2012, the gender composition for children and young people (up to the age of 29) revealed a higher number and proportion (contrary to the country's general population structure) of men, while women predominated among people aged from 29 to 65 years and older. There were almost twice as many women as men aged 65 and over. In overall terms, life expectancy and the number of people aged 70 years and over have increased (see annexes 3 and 6).

10. At the beginning of 2012 more than half the population of Kazakhstan (54.7 per cent) lived in urban areas, and 45.3 per cent in rural areas. However, most of the population between 5 and 19 years of age lived in rural areas (1,823,700 persons in rural areas and 1,662,300 persons in urban areas), on account of the high birth rate in those areas (see annex 3).

11. According to census data, Kazakhstan has more than 120 ethnic groups. At the beginning of 2012, there were more than 10 million Kazakhs (64.6 per cent), 3.7 million Russians (22.3 per cent), 314,000 Ukrainians (1.9 per cent), 494,000 Uzbeks (3.0 per cent), 238,000 people Uighurs (1.4 per cent), 203,000 Tatars (1.2 per cent) and 181,000 Germans (1.1 per cent) (see annexes 7 and 8).

12. In accordance with recommendation 13 of the Committee on the Elimination of Racial Discrimination, information on the social and economic situation of the various ethnic groups is provided below.

13. It is difficult to submit annual statistics on the social and economic situation of ethnic groups because the data are not representative (the quantity of data reflecting ethnic composition is too small). However, in 2011 the Centre for the Study of Inter-ethnic and Interfaith Relations of the Academy of State Management attached to the Office of the President of the Republic of Kazakhstan conducted a sample survey of the social and economic situation of ethnic groups.

14. Based on the results of the survey, 0.5 per cent of Kazakhs, 0.6 per cent of Russians and 0.1 per cent of members of other ethnic groups had a negative view of their socioeconomic situation, and chose the response "we are very poor and we lack essentials". The response "we cannot make ends meet" was selected by 10.4 per cent of Kazakhs, 10 per cent of Germans, 5 per cent of Russians, 1 per cent each of Uighurs and Koreans, 0.6 per cent of Ukrainians and 2.1 per cent of members of other ethnic groups.

15. The survey results also showed that Uzbeks (18.2 per cent) and Koreans (41.6 per cent) are mainly employed in agriculture, while most Uighurs (25.3 per cent) and Kazakhs (31.0 per cent) work in the services sector, which also influences

the social and economic situation of members of the different ethnic groups (see annex 9).

16. On the whole, the average per capita nominal monetary income of the population in December 2010 was 45,895 tenge (\$306), which was 15.7 per cent higher than in the same period in 2009. Real monetary income increased by 7.3 per cent. In terms of average per capita monetary income, in December 2010 Atyrau province, Astana city and Mangghystau province ranked the highest, with between 1.9 and 2.2 times the national average level.

17. The lowest-income regions in December 2010 included South Kazakhstan, Almaty and Zhambyl provinces, with average income at 58.4 per cent and 70.6 per cent of the national level. Meanwhile, the fastest growth in real monetary income was observed in Aqtobe and Zhambyl provinces. The ratio of highest to lowest levels of nominal monetary income by region was 3.8 in January 2011 (it was also 3.8 in January 2010) (see annexes 10 and 11).

## **B. Political structure**

18. The political structure of the Republic of Kazakhstan has not undergone any radical changes since the submission of the fourth and fifth periodic reports in 2009 (CERD/C/KAZ/CO/4-5).

## **C. Legal and regulatory frameworks**

19. The Constitution and the main laws of the Republic of Kazakhstan relating to human rights and freedoms and those of the country's citizens, irrespective of race and ethnicity, have remained unchanged since the submission of the combined fourth and fifth periodic report (CERD/C/KAZ/CO/4-5). Article 4 of the Constitution provides that the law applicable in the Republic of Kazakhstan consists of the rules of the Constitution and the corresponding laws, other legislation, Kazakhstan's international treaty and other obligations, and the decisions of the Constitutional Council and the Supreme Court.

20. The international treaties and other obligations ratified by the Republic of Kazakhstan which have priority over national legislation are an integral part of the national legislation and are applied directly, except when the application of the international treaty in question requires the enactment of a law.

21. In accordance with article 4 of the Refugees Act of the Republic of Kazakhstan of 4 December 2009, the main principles of State policy on refugees are: the guarantee of the right to asylum for asylum seekers and refugees under the procedure established by the Act; non-discrimination on grounds of social origin, race, nationality, citizenship, religion and political opinions in the course of procedures for the acquisition of refugee status; confidentiality of information on the private lives of asylum seekers and refugees; support for the reunification of the separated families of asylum seekers and refugees; protection of the rights of refugee children located in the Republic of Kazakhstan, in accordance with national legislation on the rights of the child; and non-refoulement of asylum seekers.

22. The Population Migration Act of the Republic of Kazakhstan of 22 July 2011 governs social relations in connection with migration and defines the legal, economic and social foundations of migration processes.

23. In 2011, amendments were made to the Criminal Code of the Republic of Kazakhstan to increase the criminal penalties for violations of the equal rights of citizens and for the use of torture.

### **III. Information on implementation of articles 1 to 7 of the Convention**

24. The second part of this report contains information on the practical measures taken to implement articles 1 to 7 of the Convention, which covers a broad range of citizens' civil and political rights. Information has therefore been taken from the national report on the Republic of Kazakhstan's implementation of the International Covenant on Civil and Political Rights, submitted to the Human Rights Committee in 2009.

#### **Article 1**

25. National legislation uses the term "violation of citizens' equal rights" (article 141 of the Criminal Code of the Republic of Kazakhstan), which is similar to "discrimination" and is defined as the direct or indirect restriction of human (citizens') rights or freedoms on the ground of origin, social, official or property status, sex, race, nationality, language, attitude to religion, opinions, place of residence, membership of voluntary associations or any other circumstances.

#### **Article 2**

##### **Paragraph 1**

##### *Subparagraphs (a), (b), (c) and (d)*

26. The Republic of Kazakhstan condemns all forms and types of discrimination and its Constitution recognizes the equal rights of all before the law. The supreme values of the State are the individual and the life, rights and freedoms of the individual. According to article 14, paragraphs 1 and 2, of the Constitution of the Republic of Kazakhstan, "no one shall be subject to any kind of discrimination on the basis of origin, social or employment status, property, sex, race, nationality, language, religion, beliefs, place of residence, or any other circumstances".

27. According to article 20, paragraph 3, of the Constitution, "advocacy or campaigning for a violent change of the constitutional system, violation of the integrity of the Republic, the undermining of State security, or for war, social, racial, national, religious, class or ethnic superiority, or the cult of cruelty and violence, shall not be allowed".

28. According to article 5, paragraph 3, of the Constitution, "the formation and functioning of public associations pursuing goals or actions directed towards a violent change of the constitutional system, violation of the integrity of the Republic, the undermining of State security, incitement to social, racial, national, religious, class or tribal hatred, as well as the formation of unauthorized paramilitary units, shall be prohibited".

29. Furthermore, according to article 39, paragraph 2, of the Constitution of the Republic of Kazakhstan, any acts likely to violate inter-ethnic harmony shall be recognized as unconstitutional and shall be prosecuted.

*Subparagraph (e)*

30. The Republic of Kazakhstan encourages and supports the formation of integrationist multiracial organizations and movements. An advisory body on issues of inter-ethnic harmony in the country, attached to the Office of the President of the Republic of Kazakhstan, was set up by the Presidential Decree of 1 March 1995 on the establishment of the Assembly of the People of Kazakhstan, based on the principle of partnership between the State and civil society institutions through ethnic cultural associations. The Act of the Republic of Kazakhstan on the Assembly of the People of Kazakhstan was adopted in October 2008 and regulates the normative and legal activities of the Assembly. Presidential Decree No. 149 of 7 September 2011 approved the Regulations on the Assembly of the People of Kazakhstan.

**Paragraph 2**

31. The Republic of Kazakhstan guarantees the equality of all citizens before the law and the observance of all constitutional rights and freedoms irrespective of race, nationality, religion, language, class or other affiliation. In this connection, Kazakhstan refrains from creating artificial inequality between representatives of different ethnicities and does not introduce unequal or separate rights for different ethnic groups.

**Article 3**

32. The Republic of Kazakhstan condemns racial segregation and apartheid on its territory and guarantees its citizens' rights and freedom of movement within the territory of Kazakhstan. According to article 21, paragraph 1, of the national Constitution, "any person lawfully present within the territory of the Republic of Kazakhstan has the right to freedom of movement within that territory and to free choice of place of residence". In addition, article 21, paragraph 2, provides that "any person has the right to leave the Republic of Kazakhstan and citizens have the right to return without hindrance to the Republic of Kazakhstan".

33. In order to implement citizens' constitutional rights to freedom of movement and choice of place of residence, the Republic of Kazakhstan approved the Rules on Registration of Citizens (Decree No. 1063 of the Government of the Republic of Kazakhstan of 12 July 2000). The registration rules make provision for observance of the rights of freedom of movement and choice of place of residence, and the right to go abroad and return home for citizens, foreigners and stateless persons residing permanently in the Republic of Kazakhstan.

34. The Act on the Legal Status of Aliens of the Republic of Kazakhstan of 19 June 1995 provides that foreigners and stateless persons may freely move around the territory of the Republic of Kazakhstan. According to article 16 of this Act, restrictions may be established by acts of the authorized State bodies of the Republic of Kazakhstan, when so dictated by considerations of national security or the defence of public order, health or morals, or to protect the rights or legitimate interests of citizens of the Republic of Kazakhstan.

**Article 4**

35. The criminal legislation of the Republic of Kazakhstan establishes criminal liability for crimes and offences motivated by racial or national intolerance (articles 54, 96, 103, 104, 107, 160, 164, 187, 275 and 337 of the Criminal Code of the Republic of Kazakhstan).

36. According to article 54 of the Criminal Code of the Republic of Kazakhstan, the commission of a crime motivated by national, racial or religious hatred or enmity, in revenge for lawful actions of other persons, or for the purpose of concealing another crime or facilitating the commission thereof shall be considered a circumstance aggravating criminal liability and punishment.

37. Article 141 of the Criminal Code of the Republic of Kazakhstan establishes criminal liability for the violation of citizens' equal rights. A violation of citizens' equal rights is defined as the direct or indirect restriction of the rights and freedoms of an individual (citizen) on the ground of origin, social, official or property status, sex, race, nationality, language, religious views, opinions, place of residence, membership of voluntary associations or any other circumstances.

38. Article 164, paragraph 1, of the Criminal Code of the Republic of Kazakhstan lists the acts which constitute incitement to social, national, ethnic, racial or religious enmity, for which criminal liability is established. These include deliberate acts to incite social, national, ethnic, racial or religious enmity or discord, insult citizens' national honour and dignity or religious feelings, or to promote citizens' exclusiveness or superiority or inferiority on account of their attitude to religion or their class, nationality, ethnicity or race, if these acts are carried out publicly or through the mass media, or by disseminating literature or other information materials that promote social, national, racial or religious enmity or hatred.

39. Article 160 of the Criminal Code of the Republic of Kazakhstan establishes criminal liability for genocide and defines it as deliberate acts aimed at the complete or partial destruction of a national, ethnic, racial or religious group by killing the members of this group, causing severe harm to their health, imposing measure to prevent births, forcibly transferring children, violent resettlement or establishment of other conditions of life that are calculated to bring about the physical destruction of members of the group.

40. Article 337, paragraph 2, of the Criminal Code of the Republic of Kazakhstan establishes criminal liability for the founding or leadership of a voluntary association which proclaims or practises racial, national, ethnic, social, class-based or religious intolerance or exclusivity, calling for the violent overthrow of the constitutional order, the undermining of State security or encroachments on the territorial integrity of the Republic of Kazakhstan.

41. During the period from 2009 up to and including the first half of 2012, 20 crimes of incitement of national discord were recorded in the Republic of Kazakhstan (article 164 of the Criminal Code of the Republic of Kazakhstan), 7 in 2009, 8 in 2010, 1 in 2011 and 4 in 2012. The total included 10 offences under article 164, paragraph 2 (3 in 2009, 4 in 2010 and 3 in 2012); 9 offences under article 164 (4 in 2009, 4 in 2010 and 1 in 2012); and 1 offence (2011) under article 164, paragraph 3.



42. An analysis of the 20 criminal cases indicates that 12 were brought to court for substantive examination, 2 were suspended (2009), 1 was terminated (2010), 1 was brought to court for application of compulsory medical treatment (2010) and 4 are pending. There is no evidence that would exonerate the persons accused of committing the above crimes or justify terminating the proceedings of a criminal case, including on the grounds of rehabilitation.

43. For example, on 21 March 2009 Mr. B. wrote a text message on his mobile telephone "Kazakhs, let's beat up the Russians" and sent the message to the SMS portal of one of the television channels. For one hour the message was broadcast live by the mass media. Consequently, the court of the city of Temirtau, Qaraghandy province found citizen B. guilty of committing the crime established by article 164, paragraph 1 of the Criminal Code of the Republic of Kazakhstan and he was fined 30 monthly calculation indices (\$256).

44. In January 2010 Messrs. Z., S. and B., acting in the name of the Uighur ethnic group, spray painted, explicit language on the wall of an apartment block in the *Kulager* residential complex of Almaty city, thereby offending the honour and dignity of representatives of the Kazakh ethnic group. On 24 April 2010, the court of the Medeo region of Almaty city found Messrs. Z., S. and B. guilty of committing the crime established by article 164, paragraph 2, of the Criminal Code of the Republic of Kazakhstan, and sentenced them to two years in prison.

## Article 5

### *Subparagraph (a) The right to equal treatment before the tribunals and all other organs administering justice*

45. Article 14 of the Constitution of the Republic of Kazakhstan states that "everyone is equal before the law and the courts. No one may be subjected to discrimination of any kind by reason of origin, social, official or property status, sex, race, nationality, language, attitude to religion, opinions, place of residence or any other circumstance".

46. Judicial authority in Kazakhstan is the sole preserve of the courts, as represented by standing judges and by jurors involved in criminal proceedings in the cases and according to the procedure specified in the Constitutional Act on the Court System and Status of Judges of the Republic of Kazakhstan of 25 December 2000. In Kazakhstan justice is dispensed only by the courts. The enactment of legislation providing for the transfer of exclusive court powers to other bodies is prohibited. No other bodies or officials are entitled to appropriate the powers of judges or the functions of the judiciary. Appeals, claims and complaints which are examined as part of proceedings may not be considered or controlled by any other bodies, officials or other persons.

47. Judicial authority is exercised in the name of the Republic of Kazakhstan and is intended to protect the rights, freedoms and legal interests of citizens and organizations, and ensure implementation of the Constitution, laws, other legislation and international treaties. Any person, irrespective of social position, nationality, ethnicity, race or religion, shall be guaranteed judicial protection from any unlawful decisions or actions by State bodies, organizations, officials and other persons which violate or restrict a person's rights, freedoms or legitimate interests as provided for by the Constitution and national laws. No person may be deprived of the right to

examination of his or her case by a competent, independent and impartial court that observes all requirements of the law and justice.

48. According to the data provided by the Supreme Court, no civil or administrative cases have been brought or heard for suits or claims on the grounds of racial discrimination during the reporting period.

49. The data provided by the Committee for Legal Statistics and Special Records of the Office of the Procurator-General of the Republic of Kazakhstan shows that the number of persons sentenced under article 164 of the Criminal Code of the Republic of Kazakhstan, "incitement of social, national, ethnic, racial or religious enmity" was 12 in 2010 and 20 in 2011, including 14 in the South Kazakhstan province, 4 persons in Qaraghandy province, 1 in Aqtobe province and 1 person in Mangghystau province.

50. For example, on 2 June 2010 the Aqmola provincial court found Mr. T. guilty of deliberately and publicly, during the period from March to September 2009 in the village of Zhaksy, inciting national and religious enmity and discord, of advocating the exclusivity, superiority or inferiority of citizens on the ground of their attitude to religion or their class or national affinity, and also of promoting terrorism and disseminating materials with such content.

51. In order to implement the Convention's provisions for the professional development of judges, the training centres attached to the Supreme Court of the Republic of Kazakhstan are conducting various measures for the study and application of the main provisions of international treaties ratified by the Republic of Kazakhstan.

52. During the period from 2010 to 2011 the Supreme Court conducted 52 seminars and training missions (work placements) for 969 judges, to provide them with further training in human rights standards and international human rights obligations.

53. From 16 to 18 June 2010, in Shchuchinsk, judges from the Supreme Court and local courts participated in a seminar on international refugee law for judges, organized as part of a joint effort with the Office of the United Nations High Commissioner for Refugees.

54. In September 2010, two regional seminars on combating trafficking in persons were held in Kazakhstan for judges and prosecutors in Mangghystau province and judges from Astana city, organized jointly with the International Organization for Migration (IOM).

55. On 28 and 29 November 2011, representatives of the Supreme Court participated in a seminar on individual communications submitted to United Nations human rights mechanisms. The seminar was held in the village of Borovoe, in the Aqmola province.

56. The seminars were designed to raise the awareness of competent State authorities regarding procedures for the examination of individual appeals by different human rights protection bodies, and also regarding the obligations assumed by States parties in the context of United Nations international human rights treaties.

57. The Supreme Court is actively fostering communication with representatives of civil society involved in efforts to protect human rights and to combat racial

discrimination. For example, from August to December 2009 the Supreme Court, together with the Charter for Human Rights Foundation, held four regional seminars for judges on issues relating to trials by jury, authorization of detention and implementation of the recommendations of the Committee against Torture.

*Subparagraph (b) The right to security of person and protection by the State against violence or bodily harm, whether inflicted by government officials or by any individual group or institution*

58. Detailed information on this subparagraph will be submitted to the Committee in 2012 as part of the report of the Republic of Kazakhstan on the implementation of the Convention against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment.

59. Article 17 of the Constitution states that “no one must be subject to torture, violence or other treatment and punishment that is cruel or humiliating to human dignity”.

60. In 2011 article 141-1 was added to the Criminal Code of the Republic of Kazakhstan to strengthen criminal liability for the intentional infliction of physical and/or mental suffering by an investigator or a person conducting an inquiry or by any other official, or at their instigation or with their tacit consent by any other person, or with their knowledge, with the aim of obtaining from the victim or a third person information or a confession or to punish him or her for an act which he or she committed or is suspected of having committed, or to intimidate or coerce the victim or a third person, or for any reason based on discrimination of any kind.

61. In 2011, 11 criminal cases were brought against citizens of Kazakhstan under article 141-1 of the Criminal Code, including 5 which went to court, 6 which were suspended (4 owing to the failure to identify the person due to appear as the accused and 2 as a result of the corresponding expert examination).

62. During the first half of 2012, eight criminal cases were brought in accordance with article 141-1 of the Criminal Code of the Republic of Kazakhstan, including three cases which went to court, five that were suspended (three owing to the failure to identify the person due to appear as the accused and two as a result of the corresponding expert examination).

*Subparagraph (c) on political rights*

63. Under article 3 of the Constitution of Kazakhstan, the people are the sole source of government authority. They wield authority directly through national referenda and free elections and also delegate authority to government agencies.

64. Under article 4 of the Constitutional Act on Elections of 28 September 1995, citizens of Kazakhstan may vote in elections from the age of 18 years, irrespective of their origin, social position, occupation, property, gender, race, ethnicity, language, religious views, convictions, place of residence or any other circumstance.

65. Under article 33, paragraph 4, of the Constitution, any citizen has the right to apply for employment in the civil service. The job requirements for civil service applicants are related solely to the nature of the official duties concerned and are set forth in the law of the Republic of Kazakhstan.

66. Under article 12, paragraph 4, of the Civil Service Act of 23 July 1999, no direct or indirect restrictions related to gender, race, ethnicity, language, social origin, material circumstances, place of residence, religious views, convictions, organizational affiliation or any other circumstance may be placed upon the hiring of civil service applicants.

67. Nine of the deputies elected to the Majilis of the Parliament (the lower chamber of Parliament) by the Assembly of the People of Kazakhstan are responsible for carrying out an expert assessment to determine compliance with national legislation on ethnicity. These deputies are active members of working groups that are preparing draft laws. Moreover, members of the Assembly draft and submit to the Government and various government agencies requests related to raising the profile of the State language, resolving issues related to *oralman* (ethnic Kazakh returnees) and enhancing education legislation, particularly in areas with high densities of ethnic minorities (see annexes 13 and 14).

*Subparagraph (d) (i) The right to freedom of movement and residence*

68. Information on the legislative and practical application of the right to freedom of movement for Kazakh citizens, stateless persons and foreign nationals is provided in the section on article 3 of the Convention.

*Subparagraph (d) (ii) The right to leave any country, including one's own, and to return to one's country*

69. Under article 21, paragraph 2 of the Constitution, every person has the right to travel outside the country. Citizens also have the right to return to the country unimpeded.

70. In 2010, 28,852 people left the country to take up permanent residence elsewhere. Of those, 2,303 returned to Kazakhstan. The largest number of returnees, 1,657, came from the Russian Federation; 198 came from Mongolia, 127 from China, 123 from Germany, 61 from Uzbekistan and 48 from Belarus.

71. In 2011, 32,848 people left the country to take up permanent residence elsewhere. Of those, 1,259 returned to Kazakhstan. The largest number of returnees, 1,057, came from the Russian Federation; 67 came from Germany, 54 from Uzbekistan and 26 from Belarus. No statistics on the ethnicity of citizens returning to Kazakhstan have been compiled.

72. As at 1 January 2012, there were 566 persons in Kazakhstan with refugee status (209 families, in addition to single individuals, including unaccompanied children). Most of the refugees are registered in Almaty (457 people, including 171 families), in the Province of South Kazakhstan (83 people, including 31 families) and in Almaty Province (26 people, including 7 families).

73. Those with refugee status include 250 women and 316 men. Of those, 552 are Afghan nationals, 1 is a Somali national, 2 are Ethiopian, 6 are from Uzbekistan and 5 are Chinese.

74. The ethnic breakdown of the refugees is as follows: 328 are Tajik, 111 are Pashto, 80 are Khazars, 31 are ethnic Uzbeks and 16 belong to other ethnic groups. The number of refugees who completed their higher education is 68, 18 did not complete their course of higher education, 13 completed their secondary vocational

education, 207 completed their regular secondary education and 36 completed their primary education, while 48 had no education. The refugees also include 109 children of school age and 67 under the age of five years.

75. In 2011, 129 people applied for refugee status to the migration agencies. Of those, two were granted refugee status (one in the city of Almaty and one in the South Kazakhstan province). Twelve applications are currently being processed. The refugee status commission has declined 79 requests for refugee status (36 families) on the grounds set forth in the Refugees Act of 4 December 2009.

76. The work of government refugee agencies is based on the provisions of the 1951 Convention relating to the Status of Refugees, the Refugees Act of 4 December 2009, the Act on the Legal Status of Aliens of 19 June 1995 and other laws and regulations. The Refugees Act entered into force in 2010. It sets forth eligibility criteria and procedures for granting refugee status, guarantees protection of the rights of asylum seekers and refugees, and also sets forth their principal rights and obligations while in the territory of Kazakhstan. Procedures for submitting and registering requests for refugee status are specified in the law, and deadlines for authorized agencies to hand down decisions on refugee status have been extended to three months from the date of registration of the request.

77. The Refugees Act guarantees the freedom to work or engage in entrepreneurial activity, access to health services and other rights and freedoms provided for under the Constitution, legislation and international treaties ratified by the Republic of Kazakhstan. In connection with the adoption of the Refugees Act, modifications have been made to the Code of Administrative Offences of 30 January 2001 and to the Act on state social assistance of 11 July 2001.

78. Under the norms of international law and recommendations of the Office of the United Nations High Commissioner for Refugees, special provisions have been made for child refugees, and travel documents are being issued for refugees. The issuance of travel documents provided for in the Convention relating to the Status of Refugees allows for the movement of refugees both within and beyond the territory of Kazakhstan.

79. In application of the Refugees Act, Decision No. 183 of 9 March 2010 confirms the rules for granting, extending, withdrawing and rescinding refugee status; procedures for registration and consideration of requests for refugee status; and also the formats for asylum seekers' identity documents, refugee certificates and travel documents.

80. To coordinate work with refugees, the Ministry of Internal Affairs has established a standing working group within the Migration Police Committee. The group's members include representatives of the Office of the General Procurator, the Ministries of Foreign Affairs and Justice and the Office of the United Nations High Commissioner for Refugees. Most refugees work in sales, construction and services or are self-employed. The Office of the High Commissioner for Refugees and the Red Crescent Society provide assistance on an ongoing basis to socially vulnerable categories of refugees.

81. In April 2011 the Commission on Human Rights attached to the Office of the President, together with the Office of the United Nations High Commissioner for Refugees, organized a regional conference in Almaty on migration. The participants included representatives of the competent agencies of the countries of Central Asia,

the Russian Federation, China and Turkey, and international organizations (the International Organization for Migration and the Organization for Security and Cooperation in Europe (OSCE)) and representatives of Kazakh government agencies. In June 2012, there was a round table discussion in the Senate of the Parliament of Kazakhstan on the current status and prospects for legislation on refugees in Kazakhstan in accordance with international practice. The participants included members of Parliament, representatives of government agencies and international experts.

*Subparagraph (d) (iii) The right to citizenship*

82. In accordance with article 10 of the Constitution, Kazakh citizenship is acquired and rescinded under the Citizenship Act of 20 December 1991 and is identical and equal irrespective of the basis on which it was obtained. Under no circumstances may a citizen of Kazakhstan be deprived of his or her citizenship or of the right to change citizenship, nor can a citizen of Kazakhstan be expelled from the country. A citizen of Kazakhstan may not also be recognized as the citizen of another State.

83. In accordance with article 5 of the Citizenship Act of 20 December 1991, citizens are equal before the law regardless of their origin, social status or property, race or ethnic affiliation, gender, education, language, religious views, political or other convictions, occupation, place of residence or any other circumstance.

84. In accordance with article 16 of the Citizenship Act, individuals who have been legal permanent residents of Kazakhstan for at least five years or who have been married to a Kazakh citizen for at least three years may become citizens of Kazakhstan. These requirements are waived for minors, legally incapacitated individuals and those who have performed special services for the Republic of Kazakhstan or who practice a profession and meet eligibility requirements as contained in the list drawn up by the President of Kazakhstan, and also for family members of such persons; citizens of former Soviet republics who come to Kazakhstan to establish permanent residence there who have a close family member who is a citizen of Kazakhstan, such as a child (including an adoptive child), spouse, parent (or adoptive parent), sibling or grandparent, irrespective of how long they have resided in Kazakhstan.

85. In accordance with the provisions of that article, citizens of former Soviet republics who came to Kazakhstan to establish permanent residence there and who have a close family member who is a citizen of Kazakhstan, such as a child (including an adoptive child), spouse, parent (or adoptive parent), sibling or grandparent, irrespective of how long they have resided in Kazakhstan, may obtain Kazakh citizenship. The Republic of Kazakhstan will take measures to facilitate the return to Kazakhstan of those forced to leave the country during mass repressions, forced collectivization or as a result of other inhuman political acts, as well as to facilitate the return of their descendants.

86. Over the period from 2009 to 2012, the number of people who received Kazakh citizenship was 214,438, 90 per cent of whom (194,731) were people who had been forced to leave Kazakhstan, or their descendents (*oralman*). Of the total, 74,030 people received Kazakh citizenship in 2009; 77,863 in 2010; 59,030 in 2011; and 3,515 in 2012.

87. *Nurly kosh* was a government-approved national programme for the period 2009-2011 for the resettlement of ethnic Kazakhs. It aimed to regularize internal and external ethnic migration; encourage skilled expatriate professionals to return to Kazakhstan; prevent social risks associated with migrants' difficulties in adaptation and integration, as well as with unemployment and irregular migration; further national consolidation, strengthen social stability and harmony; and improve the demographic situation.

*Subparagraph (d) (iv) The right to marriage and choice of spouse*

88. Family and marital relations are governed by the Code on marriage (spousal relations) and family of 26 December 2001 (the Code).

89. The marriage and family legislation of Kazakhstan is based on the principle of voluntary marriage (marital union). Article 2, paragraph 4, of the Code prohibits all restrictions on citizens' rights upon entry into marriage (marital union) and on family relationships based on origin, social position, occupation and property, race, ethnicity, language, religious views or any other circumstance.

90. There is a growing trend towards ethnically mixed marriages among Kazakhs, Russians, Uzbeks, Ukrainians, Uighurs, Tatars and Germans. From 2009 to 2011, the number of mixed marriages rose from 25,522 to 27,269 (see annex 15).

*Subparagraph (d) (v) The right to own property*

91. Citizens of Kazakhstan have the right to own property without regard to their ethnicity.

92. In accordance with article 26, paragraph 1, of the Constitution, citizens may privately own any legally acquired property. In accordance with paragraph 3 of the same article, no one may be deprived of property except by court decision. To meet the needs of the State, forced expropriation of property may occur in exceptional cases as provided for by law and on the condition that fair compensation is provided. Ownership is guaranteed by the State. The legislation contains no provision granting priority or other special property rights to members of one ethnic group rather than another.

93. The Constitution, the Civil Code of 27 December 1994, the Land Code of 20 June 2003, the Act on registration of real estate rights of 26 July 2007 and the State property Act of 1 March 2011 guarantee the right to own property.

94. To ensure transparency in procedures related to documentation and allocation of plots of land for individual housing, the Act amending and supplementing the Land Code was adopted on 6 July 2007. It streamlines procedures for allocating plots of land and establishes deadlines for decisions authorizing ownership of plots of land (article 43, paragraph 7).

*Subparagraph (d) (vi) Inheritance rights*

95. In accordance with article 26, paragraph 2, of the Constitution, inheritance rights are guaranteed by law. Article 14 of the Civil Code of 27 December 1994 guarantees the right of citizens to own property, including foreign currency, both in Kazakhstan and abroad, and to inherit and bequeath property.

96. In accordance with article 235 of the Civil Code, when a citizen dies, the right to ownership of property passes by inheritance to other individuals in accordance with the will of the deceased person or the law. According to the provisions of chapter 59 of the Civil Code (special part), on legal inheritance, the rules and procedures for inheritance are common to and obligatory for all citizens of the country irrespective of race, ethnicity, language or religious or other affiliation.

*Subparagraph (d) (vii) The right to freedom of thought, conscience and religion*

97. Freedom of thought, conscience and religion are guaranteed under article 22 of the Constitution. According to article 3 of the Act on religious activity and religious organizations of 11 October 2011, “religious organizations and citizens of Kazakhstan, foreign nationals and stateless persons are equal before the law, regardless of their religious views”. In accordance with article 3, paragraph 5, “hampering legal religious activity, violating the civil rights of natural persons for reasons related to religion, insulting their religious sentiments, or profaning objects, buildings and sites venerated by followers of any religion is not permitted”.

98. The religions with the largest followings in Kazakhstan are currently Islam and Christianity. According to the 2009 population census, 70 per cent of the population consider themselves Muslim. In Kazakhstan, it is mainly representatives of Turkic, Caucasian and Tajik peoples who practice Islam. Approximately one third of the population (26 per cent) is Christian (see annex 12).

99. There are 3,868 religious organizations active in Kazakhstan, either as legal persons or as their subsidiaries. There are 237 missionaries engaged in missionary activity in the country, including 217 foreign nationals. There are 3,374 active houses of worship in Kazakhstan.

100. The Religious Affairs Agency of the Republic of Kazakhstan was set up in 2011 in order to guarantee citizens’ rights to freedom of thought, conscience and confession and to strengthen interfaith harmony.

101. The Fourth Congress of Leaders of World and Traditional religions was held in May 2012. At the Congress, members of the Council of religious leaders were selected. The Council works to strengthen mutual understanding and cooperation among representatives of various religions and to enhance the conceptual bases of the Congress forum for dialogue.

102. The Religious Affairs Agency has, in its capacity as an authorized body, worked to strengthen the legislative framework. A number of regulatory and legal acts have been adopted (see annex 18).

103. The Council on Links with Religious Organizations, whose members include representatives of religious organizations, is a part of the Government of Kazakhstan. Similar organizations operate as forums for dialogue in the provincial governments (*akimaty*).

104. Information on registration procedures for religious organizations is made systematically available in Kazakhstan. Meetings have been held for this purpose with Muslim, Orthodox and Roman Catholic spiritual leaders, as well as with the leaders of Jewish, Protestant and other communities.

105. Regular activities to prevent extremism and terrorism are carried out with support from civil society representatives. Information on how to address religious



extremism and spread interfaith harmony is published in the print and electronic media on an ongoing basis.

*Subparagraph (d) (viii) The right to freedom of belief and freedom to express one's beliefs*

106. Article 20 of the Constitution guarantees freedom of speech and artistic freedom. Every person has the right to receive and disseminate information freely through any channels not prohibited under the laws of Kazakhstan. Information that constitutes a State secret is restricted. The State Secrets Act of 15 March 1999 establishes a list of items constituting a State secret.

107. In addition, according to article 20 of the Constitution, “advocacy or campaigning for change to the State structure by violent means, violation of the territorial integrity of the Republic, undermining state security or advocating war or superiority based on social, racial, ethnic, religious, class or clan affiliation, or a cult of cruelty and violence are not permitted”.

108. The Mass Media Act of 23 July 1999 governs social relations in the field of the mass media and establishes State guarantees of their freedom, in accordance with the Constitution.

109. One of the key conditions and indicators of the development of a democratic State governed by the rule of law is the existence of free, unfettered mass media. As at 1 January 2012, there were 2,740 mass media outlets operating in the country, of which 84 per cent (2,301) were privately owned and 16 per cent (439) were State-owned. The vast majority of these, 91 per cent, were newspapers (1,662) and magazines (832). Electronic media (50 television stations, 43 radio stations, 134 cable television operators and 6 satellite broadcast outlets) accounted for 8.5 per cent of the media market, and 13 news agencies made up the remaining 0.5 per cent.

110. Kazakhstan has 32 national print media outlets publishing in 13 languages spoken by various ethnic groups. The *Medeniet* (culture) television station broadcasts in three languages (Uighur, Korean and German). The largest national ethnic newspapers have State support. (These include *Ukrainski novini*, *Deutsche Allgemeine Zeitung*, *Kore il'bo*, *Uigur avasi*, *Vatan*, *Ak bars* and *Ahiska-Akhyska*.)

111. There are 2,786 foreign press outlets freely available on the Kazakhstan news market, including 2,672 print publications and 112 television and radio stations (90 per cent of which are in Russian, 5 per cent in English and 5 per cent in other languages).

112. As a party to the Final Acts of the Regional Radiocommunication Conference, held in Geneva in 2006, Kazakhstan, like other countries in the region, is preparing for a complete changeover to digital terrestrial or over-the-air broadcasting in 2015. Digital broadcasting will be introduced in border areas and provincial centres in 2012 and 2013. In 2014 and 2015, the digital broadcast area will be expanded to include the central areas of the country.

*Subparagraph (d) (ix) The right to freedom of peaceful assembly and association*

113. In accordance with article 32 of the Constitution, citizens of Kazakhstan have the right to assemble peacefully and without arms, and to hold meetings, rallies,

demonstrations, marches and pickets. This right may be restricted by law to preserve national security, public order and health and to protect the rights and freedoms of others.

114. In Kazakhstan, freedom of peaceful assembly is governed by the Act on procedures for organizing and holding peaceful rallies, meetings, marches, pickets and protests of 17 March 1995.

115. The purpose of the law is to establish conditions for citizens to enjoy their constitutional rights and freedoms and ensure public safety and order during such events in streets, squares and other public places. There is a particular focus on respect for the law and law enforcement during protest actions, rapid identification of the causes and sources of such events and the search for ways and means for their legal authorization. Unauthorized events result in prompt measures by the Office of the Procurator to clarify existing legal norms and to prosecute those responsible, including in the case of administrative offences as provided for under article 373 of the Code of Administrative Offences of 30 January 2001.

116. The Code of Administrative Offences (article 373) and the Criminal Code (article 334) contain penalties for violation of the legislation on procedures for organizing and holding peaceful rallies, meetings, marches, pickets and protests, ranging from fines and administrative arrest for a maximum of 15 days to incarceration for up to year.

117. The right to freedom of peaceful assembly is universal for all citizens of Kazakhstan irrespective of their race, ethnicity, language, social position, class, clan or other affiliation.

118. In accordance with article 23 of the Constitution, citizens of the country may assemble (associate) freely. In accordance with article 5 of the Constitution, Kazakhstan recognizes ideological and political diversity. Social organizations are equal before the law. Citizens of Kazakhstan are guaranteed the right to freedom of assembly irrespective of their race, ethnicity, language, social position, class, or family or other affiliation.

119. The Act on social organizations of 31 May 1996 and the Act on non-profit organizations of 16 January 2001 govern social relations arising out of citizens' enjoyment of the right to freedom of association.

120. As at 1 January 2012, 35,000 non-profit organizations were registered in Kazakhstan, including some 20,000 non-governmental organizations (8,099 social organizations, 1,271 associations of legal persons, 4,910 foundations, 3,031 institutions and 820 ethnic and cultural associations).

121. The Assembly of the People of Kazakhstan is a national civil society institution that brings together ethnic and cultural associations. An expert advisory council serves to strengthen the Assembly's institutions, and its members include academics, experts and directors of the leading scholarly research organizations. To fund the Assembly's community harmony projects, the Assembly now has a Social Fund. The magazine *Menin Elim* (My country) reports on ethnic policy and Assembly activity. The Assembly has an official collection located in the National Academic Library of the Republic of Kazakhstan and it also has a functioning web portal.

122. In September 2009, the Kazakh model of inter-ethnic and interdenominational tolerance was examined during a workshop on that topic held in the Hague at the office of the High Commissioner on National Minorities of the Organization for Security and Cooperation in Europe (OSCE), Mr. Knut Vollebaek. A delegation from the Assembly of the People of Kazakhstan participated in the workshop.

123. The OSCE High Commissioner took part in an international workshop on the participation of Kazakhstan's ethnic groups in sociopolitical life and the experience of the Assembly of the People of Kazakhstan with the role and effectiveness of consultative bodies, which was held in Almaty in September 2010. During bilateral meetings with the High Commissioner, proposals were made regarding the Assembly's national programme of work and regarding the work of the High Commissioner during Kazakhstan's OSCE chairmanship. Agreements were reached regarding international conferences, meetings, training sessions for sharing of experiences, and joint research projects.

124. The Presidential Decree on a national unity doctrine, designed to strengthen respect among ethnic groups, was approved in 2010. The doctrine's main provisions are contained in the Development Strategy of the Republic of Kazakhstan for the period up to 2020.

125. In addition to annual workplans adopted at sessions of the Assembly of the People of Kazakhstan, implementation of the Strategy's provisions is part of strategic plans to establish a tolerant language environment as a way of uniting the people of Kazakhstan and to further strengthen statehood and the unity of the people and ensure consolidation of society in the interest of the nation's stable development.

126. The Kazakh model of inter-ethnic tolerance has continued to improve through engagement with State agencies, ethnic and cultural organizations and civil society institutions. Budget support has been provided to Kazakh communities abroad, ethnic mass media outlets, ethnic theatres, Sunday schools and ethnic and linguistic centres, and funding has been provided for State inter-ethnic relations information policy, publication of specialized literature and training materials for State agencies. The ethnic and religious situation is being monitored, and research on issues of current interest is being conducted.

127. Representatives of the Assembly secretariat were included in the Kazakh delegation that took part in a special United Nations event as part of the 2010 International Year of Rapprochement of Cultures at United Nations headquarters in New York, over which the Secretary-General presided.

128. Members of the Assembly Council participated in the OSCE second supplementary meeting on the humanitarian dimension, held in Vienna, on the topic of education for members of national minorities, integration and equality. At that meeting, High Commissioner Vollebaek referred to the positive lessons to be drawn from the experience of Kazakhstan, noting that citizens of Kazakhstan had a high level of education irrespective of ethnic background.

129. A language policy workshop was held in 2010 on regional cooperation among schools using Uigur and Uzbek as the language of instruction, rapprochement and the search for effective educational approaches to address problems and instill Kazakh patriotism. With support from OSCE, the *Kazakhstan, Menin Otany*

(Kazakhstan, My Homeland) project was carried out in schools where Uigur is the language of instruction.

130. Community friendship centres in the regions have incorporated all multifaceted inter-ethnic relations activities of ethnic and cultural associations into a new format, and have become multifunctional resource centres. One priority in the work of the community friendship centres is preservation of the country's cultural, linguistic, religious and ethnic diversity.

*Subparagraph (e) (i) The right to work*

131. According to the Constitution of the Republic of Kazakhstan and national legislation, in Kazakhstan any form or type of discrimination in employment and occupation is prohibited and everyone enjoys freedom of labour and free choice of occupation or profession. Everyone has the right to working conditions that meet safety and hygiene requirements, to remuneration for labour without any discrimination, and to social protection against unemployment.

132. Article 7 of the Labour Code of the Republic of Kazakhstan of 15 May 2007 prohibits discrimination in the labour sphere. Pursuant to this standard, all persons have equal opportunities to exercise their rights and freedoms at work. No one may be subjected to any discrimination in the exercise of labour rights on the ground of sex, age, physical disability, race, nationality, language, property, social or official position, place of residence, religious views, political opinions, family, class or membership of voluntary associations. Distinctions, exceptions, preferences and restrictions which are deemed to be inherent requirements of a given job or stem from the State's special concern for persons requiring enhanced social and legal protection do not constitute discrimination. Persons who consider that they have been subjected to discrimination at work are entitled to apply to the courts or to other bodies in accordance with the procedure established by domestic law.

133. According to current legislation, citizens of Kazakhstan and also foreigners and stateless persons residing permanently on the territory of the Republic of Kazakhstan have equal rights both to a pension and to social security, including social insurance.

134. According to the Mandatory Social Insurance Act of the Republic of Kazakhstan of 7 February 2005, mandatory social insurance coverage is provided to workers, with the exception of working pensioners, and self-employed persons, including foreigners and stateless persons residing permanently on the national territory and carrying out income-generating activities.

135. Thus, migrant workers and their family members engaged in temporary employment activities on the territory of Kazakhstan shall not be covered by mandatory social insurance.

136. According to the Act of the Republic of Kazakhstan on Mandatory Employee Insurance for Accidents in the Performance of Employment (Professional) Duties of 7 February 2005, all workers, except for employees of State institutions, shall be covered by mandatory insurance for accidents in the performance of their employment (professional) duties.

137. In addition, the Agreement of 9 September 1994 on mutual recognition of the rights to compensation for damage caused by an occupational injury or disease or

other work-related impairment of health, signed by the States parties of the Commonwealth of Independent States (CIS) (ratified by Decree No. 2303 of the President of the Republic of Kazakhstan of 25 May 1995), states that an employer responsible for damage caused shall provide compensation, in accordance with national legislation. In this regard, the degree of severity of an occupational injury or disease shall be reviewed under the legislation of the party on whose territory the employee resides.

138. Article 159 of the Labour Code of the Republic of Kazakhstan states that employers are required to pay benefits when an employee has a temporary disability. Under the legislation of the Republic of Kazakhstan, migrant workers have the right to benefits for temporary disability, and also to compulsory employee accident insurance during the performance of employment (professional) duties.

139. Kazakhstan supports the organization of civilized migration — elimination of the causes of illegal migration and the creation of conditions for the social protection of migrants. The migration policy of the Republic of Kazakhstan is one of the strategic areas of State policy. An appropriate international treaty framework has been established in the country to regulate migration issues.

140. In accordance with international legal norms and the provisions of multilateral and bilateral agreements to which Kazakhstan is a party, measures are taken to prevent and curtail illegal migration, violence against migrants whatever their status and trafficking in persons.

141. The Population Migration Act of the Republic of Kazakhstan of 22 July 2011 establishes the main aims of State policy as regards population labour migration, including protection of the domestic labour market by means of quotas for recruiting foreign workers and attracting highly qualified foreign workers to work in the Republic of Kazakhstan.

142. In order to implement the new Migration Act of the Republic of Kazakhstan of 22 July 2011, rules and conditions have been devised for issuing employment permits to foreign workers and permits to employers for recruiting such workers (hereinafter — the Rules), as approved by Decree No. 45 of the Government of the Republic of Kazakhstan of 13 January 2012. The Rules establish a simplified procedure for obtaining permits for the recruitment of foreign workers by mineral producing companies that undertake programmes to promote Kazakh workers to the companies' managerial ranks (no special conditions are imposed for the issue of permits); for self-employment in specialized fields for which Kazakhstan does not have training facilities (scientists, teaching staff of higher education institutions, IT specialists and specialists in rare fields) by companies participating in projects included in the Industrialization Map of Kazakhstan for 2010-2014 and the "Productivity 2020" programme (special conditions are not imposed for the issue of permits); as part of the quota for priority projects (exempt from conditions concerning the number of Kazakh managers, and also from special conditions for the issue of permits); for those working in special economic zones (exempt from conditions concerning the number of Kazakh managers and the procedure for seeking suitable applicants on the domestic labour market has been cancelled); and for companies recruiting ethnic Kazakhs or former compatriots (special conditions are not imposed for the issue of permits and the procedure for seeking suitable applicants on the domestic labour market has been abolished).

143. Furthermore, the Rules provide exemption from obtaining permits to: businesses immigrants (immigrants who have arrived in the country to undertake business activities); foreign workers (citizens of the Russian Federation and the Republic of Belarus) in the context of the Convention on the legal status of migrant workers and members of their families from the States members of the CIS; and foreign workers employed as the heads of branches or offices of foreign corporations.

144. In addition, inter-company transfers of foreign workers are regulated (previously, there were no legal provisions concerning such transfers).

145. As at 1 May 2012, the number of employers recruiting foreign workers was 3,032. In this regard, 401,100 Kazakh citizens and 25,900 or 6.4 per cent of foreign citizens work for these companies. In order to protect the domestic labour market, the Government of the Republic of Kazakhstan sets an annual quota for hiring of specialists from abroad.

146. In 2012, the quota was set at 1.0 per cent of the economically active population or 89,100 persons.

147. One of the practical measures to provide employment for the population of the Republic of Kazakhstan is the strategy for regional employment and retraining (road map), the essence of which is to adopt measures to address the issues of short-term employment of the population in times of crisis. A total of \$2.3 billion was devoted to funding this in 2009-2010, and almost 9,000 projects were implemented, for which about 400,000 jobs were created (258,600 in 2009 and 132,000 in 2010). Moreover, 200,000 persons were recruited for temporary jobs subsidized by the State, and 150,000 citizens were retrained for new occupations. These measures not only curbed the growth in unemployment, but also reduced its level from 6.9 per cent in the second quarter of 2009 to 5.5 per cent by the end of 2010.

148. The current parameters of the labour market are as follows: the size of the economically active population increased from 8.4 million people in 2008 to 8.8 million in 2011; the employed population expanded from 7.9 million to 8.3 million people. Most of the employment is in private companies. The unemployment level decreased from 6.6 per cent in 2008 to 5.4 per cent in 2011. Accordingly, the number of unemployed persons decreased by 85,000 people as the economically active population increased.

149. The new employment programme adopted in Kazakhstan in 2011 is designed to offer productive employment and envisages new approaches and mechanisms for promoting employment, based on the actual labour market situation. The focus of State support measures has been significantly broadened by resolving issues concerning the self-employed population. Priority is given to young people in rural areas.

150. The above programme has four priority areas: training and employment assistance; promotion of entrepreneurship in rural areas; increasing the mobility of human resources; development of populated rural areas. Partial compensation (up to 70 per cent) is also provided for programme participants of employers' training-related expenses. The obligations of the State and programme participants are established by a social contract.

151. As the opportunities for the creation of employment in rural areas are limited, provision is made to increase the economically active population by means of self-employment. Entrepreneurship is promoted in rural areas by providing training in its basic principles; the provision of microcredit; the development and installation of engineering and communication infrastructure. The main entrepreneurship support mechanism in rural areas is a system of microcredit. Such loans are granted for sums up to \$20,000 for a period of five years, at an average interest rate of 6 per cent.

152. In order to make these mechanisms available to people with low income, the State has established favourable conditions for the granting of loans with a lower rate of interest of between five and eight per cent, and without a deposit requirement.

*Subparagraph (e) (ii) The right to form and join trade unions*

153. Kazakhstan guarantees workers the right to form trade unions and to join them on a voluntary basis. This situation is regulated by the Constitution of the Republic of Kazakhstan; the Trade Unions Act of the Republic of Kazakhstan of 9 April 1993; International Labour Organization (ILO) Convention No. 87 on Freedom of Association and Protection of the Right to Organize; and ILO Convention No. 98 on the Right to Organize and Collective Bargaining.

154. All citizens of the Republic of Kazakhstan have the right to form and join trade unions, as well as to conclude individual and collective agreements, irrespective of racial, national, social, language, class, ethnic or other affinity.

155. For the purposes of active cooperation between State bodies and non-profit organizations in the protection of workers' rights by the State, a State tripartite commission on social partnership and the regulation of social and labour relations has been set up under the leadership of the Deputy Prime Minister of the Republic of Kazakhstan.

156. The largest and most representative workers' organization is the Federation of Trade Unions of the Republic of Kazakhstan which, as at 1 January 2012, had 2,139,683 trade union members. The percentage of trade union members in terms of the total number of employed workers in 2012 was 37.5 per cent (5,694,000). As at 1 January 2009, the number of trade union members was 2,047,185.

157. The Federation of Trade Unions of the Republic of Kazakhstan is a non-profit organization in the form of a voluntary association of legal entities combining 26 nationwide sectoral trade unions, 14 provincial associations and a council of trade unions of Astana city. The Federation of Trade Unions has 180 provincial trade union committees and equivalent territorial organizations of sectoral trade unions, and 18,521 primary trade union organizations.

158. In terms of numbers, the largest nationwide sectoral trade union are: education and science employees, with 814,612 members; health care, with 279,023 members; the mining and metals industry, with 213,086 members; and railway workers, with 110,163 trade union members.

159. Trade unions are formed to consolidate and promote the provision of legal guarantees and the protection of social, economic and labour rights and interests of trade union members.

160. Observance of human rights, provision of satisfactory living conditions and suitable working conditions, improvement of employment opportunities and increased economic stability — all these are fundamental elements of social justice which trade unions aim to provide for all workers. In order to achieve their aims, trade unions have the following priorities in their activities; citizens' constitutional right to be remunerated for work without any discrimination; reduction of poverty and destitution among the population; compliance of foreign firms with of the national legislation of Kazakhstan and non-discrimination against workers and specialists from Kazakhstan; enforcement of citizens' constitutional right to social protection against unemployment; increased attention on the part of the authorities to women's issues and multifaceted support for the activities of women's non-governmental organizations and commissions; establishment of fair relations between workers and employers on the basis of legislation; and campaigning for a fair pension system.

161. One of the most important functions of trade unions is their participation in social partnership, in the work of the State tripartite commission (representatives of the Government, employers and workers) based on such partnership and the regulation of social, economic and labour relations. On the basis of collective bargaining trade unions conclude sectoral (tariff-related) agreements with authorized State bodies and employers' unions. All the provincial associations of trade unions conclude regional agreements with local government and employers' unions. Throughout the country as a whole, 18 sectoral (tariff-related) agreements (with 26 sectoral trade unions) and 14 regional agreements have been concluded.

162. There are 17,409 collective agreements in operation in the country, which are in force at 95.4 per cent of companies and institutions where trade union organizations are active. Thus, sectoral members' organizations have seen significant growth in the number of grassroots organizations that have concluded collective agreements. In 2010 there were 16,884 such organizations, and in 2011 there were 516 more (17,410). Sectoral trade unions have been active in organizational terms in concluding collective agreements: employees of agricultural and processing organizations in Kazakhstan (1,579 in 2010 and 1,682 in 2011), small and medium-sized businesses (361 in 2010 and 402 in 2011); culture, sports and IT workers in the Republic of Kazakhstan (487 in 2010 and 597 in 2011); and education and science workers in the Republic of Kazakhstan (9,387 in 2010 and 9,588 in 2011).

163. The priority issues in trade union activities remain the efforts to achieve an increase in the minimum wage and in net remuneration, prompt payment of remuneration, non-discrimination in payment and improvement of the payment system for workers in State-financed sectors. As a result of trade unions' efforts, the basic official salary of workers in the budgetary sphere increased by 25 per cent; it was 13,613 tenge (\$91) in 2010, and by 2011 it was 17,697 tenge (\$118).

164. With the support of the International Labour Organization, trade unions work to eradicate the worst forms of child labour. A plan of action is currently being prepared to carry out an extensive public survey in order to identify the problems of child labour in the home.

165. The trade unions took part in the efforts to resolve the issue of compensation for harm caused to the life and health of workers. The result of these efforts was the adoption of the Act of the Republic of Kazakhstan of 30 March 2011 amending and



supplementing the Civil Code of the Republic of Kazakhstan, which provides for an increase in compensation for lost earnings for those affected by industrial accidents and occupational diseases.

*Subparagraph (e) (iii) The right to housing*

166. Housing relations in the Republic of Kazakhstan are regulated by the Housing Act of 16 April 1997, the norms of the Civil Code and other legislation enacted pursuant to the Code. In Kazakhstan, the right of citizens to housing is guaranteed. Housing in State residential properties is provided at a reasonable price to those in need, in accordance with the norms established in the Constitution of the Republic of Kazakhstan (article 25, paragraph 2).

167. In accordance with article 71, paragraph 1, of the Housing Act of 16 April 1997 (hereinafter, the Act), the local government of the district, city of provincial or national significance or the capital, produces a register of citizens of the Republic of Kazakhstan, by place of residence, to whom housing in municipal residential properties or housing in privately owned residential properties leased by the local government may be granted. According to article 74 of the Act, housing in State residential properties or privately owned housing leased by the local government shall be allocated to citizens whose names are included on the register, in the order in which the applications were filed, together with all the requisite documents, as established by the lists.

168. The rights of citizens included in the above lists are recognized as equal. No one shall be given preference on account of race, nationality, language, class or ethnicity, with the exception of persons with disabilities and participants in the Great Patriotic War, with regard to housing in State residential facilities or privately owned facilities leased by the local government, over others included in these lists, unless otherwise provided for by the Act.

169. State support is currently being provided for housing development and municipal housing systems are being modernized, while conditions are being established for creating an optimum housing model. In 2011, taking into account all sources, 417.1 billion tenge (\$2.78 billion) were devoted to funding housing development, which is 119.2 per cent of the 2010 figure. The amount of additional housing introduced was 6.5 million square metres, or 101.9 per cent of the previous year's figure. Of the total amount of new housing, 55 per cent was for individual housing, or 3.6 million square metres, 13 per cent more than in 2010. A draft accessible housing programme for the period up to 2020 is being prepared.

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

170. Citizens of the Republic of Kazakhstan, irrespective of race, nationality or ethnicity, have the right to social security and social services, in accordance with the procedure established by national legislation.

171. Article 29 of the Constitution of the Republic of Kazakhstan guarantees the right of citizens to health care and to a range of free guaranteed medical treatments as established by law and paid medical care at State and private medical facilities, as well as from individuals with a private medical practice.

172. In accordance with article 87 of the Code of the Republic of Kazakhstan on public health and the health-care system of 18 September 2009, the State guarantees to citizens the right to health protection, the provision of a guaranteed range of free health-care treatments, equal access to health care, quality health care, the accessibility, quality, effectiveness and safety of medicines, disease prevention measures and the promotion of a healthy lifestyle and healthy diet.

173. In their efforts to guarantee access to medical services, State authorities are guided by a list of guaranteed free health-care services and the rules for providing primary, in-patient and emergency medical care. In 2011, a single national health-care system was introduced to ensure access to health care, and patients have the right to choose their health-care organization.

174. Foreign citizens present in the territory of the Republic of Kazakhstan receive medical care in accordance with the Agreement on Cooperation in the Field of Health Care, under which the Governments of CIS States undertake to provide emergency and immediate medical care to citizens of member States without mutual compensation for expenditures, and also routine medical care as requested by health-care authorities and institutions, with reimbursement of actual expenditures by the sending State, or on the conditions provided for in special bilateral agreements (article 3).

175. Foreigners and stateless persons are denied entry to the Republic of Kazakhstan if they suffer from a disease included on the list approved in 2011. The following diseases are included on the list: drug addiction, mental disorders (diseases), tuberculosis, leprosy, sexually transmitted diseases (syphilis, venereal lymphogranuloma, chancroid), and acute infectious diseases (excluding acute respiratory viral infections and influenza).

176. In addition, in 2011 the rules for providing medical care to immigrants were approved. The rules define the procedure for the provision of medical assistance and they apply to *oralman*, stateless persons, citizens of other countries who have arrived in Kazakhstan for humanitarian and political reasons, for the purposes of working, receiving education and family reunification.

177. The provision of equal access to medical care is one of the aims of the State programme of health-care development of the Republic of Kazakhstan (entitled "Healthy Kazakhstan") for 2011-2012 and the Programme of oncological care development in the Republic of Kazakhstan for 2012-2016.

178. Article 28 of the Constitution of the Republic of Kazakhstan guarantees the country's citizens a minimum level of salary, as well as pension and social security benefits for the elderly and in the case of illness, disability, loss of a family provider and on other legitimate grounds. This right is universal for all citizens irrespective of racial, national or ethnic origin.

179. In Kazakhstan as at 1 June 2012, there were more than 468,300 persons with disabilities, 200,000 persons who had lost the main family provider and 21,300 elderly people were receiving social benefits. The general trend of State policy in this regard is to increase the levels of basic social benefits, taking into account the State's current economic capacities. Since 1 January 2012, the levels of State benefits have increased by an average of 7 per cent.

180. According to current legislation citizens have the right to obtain social benefits in cases of social risk: disability, loss of a family provider, loss of employment, loss of income as a result of pregnancy, birth or adoption and loss of income on account of caring for a child under the age of one year. The number of people with mandatory social insurance is more than six million (in 2005 it was 3.9 million). All employed workers and 23 per cent of self-employed persons are insured. As at 1 June 2012, the total amount of social benefit payments since the introduction of the mandatory insurance system was 232.9 billion tenge (\$1.55 million), and in May 2012 social benefits of 6,951.7 million tenge (\$46.3 million) were paid to a total of 219,164 persons.

181. In December 2008 the Special Social Services Act of the Republic of Kazakhstan was adopted and the social security system is now being reformed. For 2009-2011, a State budget allocation of over 16 billion tenge (\$106 million) was made for implementation of the first stage of the reform. In 2012, provision was made in the State budget for 2.2 billion tenge (\$14.66 million) to introduce standards for the provision of special social services for about 38,000 persons and the opening of day care centres for 790 people.

182. As at the beginning of 2012 the social security system covered more than 20,000 seniors and persons with disabilities, including children with disabilities, in 103 residential medical and social institutions (50 residential homes for the elderly and persons with disabilities, 32 residential psycho-neurological facilities, 4 residential homes for children with mobility impairments, and 17 residential psycho-neurological facilities for children), 7,200 persons in 37 semi-residential facilities (15 rehabilitation centres for persons with disabilities and 22 day care centres); 51,000 persons in 482 departments providing homecare for the elderly and persons with disabilities, including children with disabilities.

183. As at January 2012, a standard was introduced for the provision of special social services for homeless persons in the cities of Astana and Almaty, and the East Kazakhstan and Qostanay provinces. The total allocation from the State budget was 155.6 billion tenge (\$1.037 million) to cover about 4,000 homeless persons.

184. In order to ensure that the rights of persons with disabilities are respected and that they are integrated into society by the local executive authorities, about 88,000 persons with disabilities (93 per cent of the total number so requiring) were provided with orthopaedic care, hearing aids, wheelchairs, technical devices to aid those with hearing and vision defects, health resort treatment, sign language specialist services and individual assistants for individual rehabilitation programmes.

185. In order to support persons with disabilities, safeguard their right to work and expand the employment opportunities available to them on the labour market, in 2011 the Decree of the Government of Kazakhstan of 31 January 2011 on certain issues regarding State procurement from organizations set up by public associations of persons with disabilities was approved and provides support for companies producing goods, performing work and providing services created by non-governmental associations of persons with disabilities in order to provide employment for persons with disabilities who are able to work.

186. An assessment of facility surveys conducted around the country showed that as at 1 January 2012 persons with disabilities had access to 11,400 (32 per cent) porch

entrances, ramps and mechanisms for wheelchairs, 485 (10 per cent) pedestrian crossings were equipped with sound and light signals, 879 (6 per cent) special buses were accessible to persons with disabilities, 3,700 (30 per cent) passenger stops were adapted to allow persons with mobility impairments to use public transport, and 132 taxis for persons with disabilities were in operation in the regions.

*Subparagraph (e) (v) The right to education and training*

187. According to article 30 of the Constitution, all citizens are guaranteed free secondary education in State educational establishments. Secondary education is compulsory. Citizens may also apply on a competitive basis for higher education, free of charge, in State higher education establishments. Higher education with tuition charges is available in accordance with the procedures established by law.

188. According to the Constitution, the Education Act of 27 July 2007 and the Act on languages in the Republic of Kazakhstan of 11 July 1997, the State creates favourable conditions for the study and promotion of all languages of the multi-ethnic people of Kazakhstan. Every ethnic group in the country has the right to establish its own ethnic cultural centres and Sunday schools to encourage the revival and development of its language, culture, traditions and customs.

189. In the 2010/11 academic year, 13,133 pupils at 108 general secondary schools studied one of 16 ethnic minority languages as a separate subject: German, Polish, Korean, Dungan, Kurdish, Turkish, Tatar, Azerbaijani, Uighur, Chechen, Greek, Armenian, Hebrew, Lezgin, Ukrainian and Belarusian.

190. In places with sizeable ethnic populations, Sunday schools and language courses have been set up at ethnic cultural centres alongside ordinary schools to facilitate additional study of the State language and of ethnic minority languages. Kazakhstan has 81 Sunday schools that are attended by 3,956 children and teenagers. At these schools the students may, in optional classes or study groups, study the traditions, customs and languages of the ethnic groups with a sizeable presence in their regions: German, Korean, Tatar, Polish, Ukrainian, Armenian, Greek, Azerbaijani, Chechen, Ingush, Belorussian, Chuvash, Bulgarian, Bashkir, Tajik and Czech.

191. At present, 78,921 pupils are taught in the Uzbek language at 58 schools which use Uzbek as the language of instruction and at 83 schools with more than one language of instruction. In addition, 14,424 pupils are taught in the Uighur language at 14 schools which use Uighur as the language of instruction and at 49 schools using more than one language. Another 3,615 pupils are taught in the Tajik language at 2 schools which use Tajik as the language of instruction and at 10 schools using more than one language (see annex 15).

192. All educational institutions in the Republic of Kazakhstan, regardless of the form of ownership, make provision for teaching Kazakh, Russian and one foreign language, as specified in the State general education standards for each level of education. At school children study major classics and contemporary works of Kazakh, Russian, ethnic and world literature which celebrate the moral qualities of individuals, national and universal values, and friendship and mutual understanding among peoples. This promotes an understanding of humanist ideas and the democratic values of mutual understanding among representatives of the various

ethnic groups in Kazakhstan, and nurturing patriotism and a sense of citizenship, tolerance and morality.

193. National competitions are held in the Republic each year for Uighur and Uzbek languages and literature. School pupils play an active role in the Akbota national mathematics competition, the Mathematical Kangaroo international mathematics competition, as well as science competitions at the national level.

194. Textbooks created in Kazakhstan, written in the Kazakh, Russian, Uzbek and Uighur languages, have been designed and gradually introduced into the educational process as part of the special programme for preparation and publication of textbooks and educational resources for general schools. Acquisition of textbooks for pupils at schools where instruction is in the Uzbek language is 88.7 per cent financed by local government budgets, and the respective figures for Uighur and Tajik schools are 99 per cent and 87.9 per cent. Pursuant to Government decision No. 173, 98 per cent of the cost of textbooks is financed for children from low-income families, regardless of race, nationality or ethnicity. In 2005 textbooks in Tajik for pupils in class 1 — *Alifbe* and *Zaboni modari* (a reading programme) — were prepared and published in print runs of 2,000 copies each, financed from local budgets. The State education development programme for the period 2011-2020 makes provision for all pupils to receive textbooks and study materials at no cost by 2015, with a gradual increase in procurement from local budgets until 100 per cent of textbooks are financed.

195. Secondary schools are improving their facilities every year. Modern computers and interactive whiteboards are purchased from local budgets. All schools have telephone and Internet connections. Education funding is rising steadily (by 9.7 per cent from 2009 to 2010).

196. One of the principal tasks today is to help young people whose school education was in the Uzbek, Uighur or Tajik languages to have access to higher and vocational education in Kazakhstan. In particular, the Unified National Examination and the Comprehensive Post-Secondary Examination are offered in only Kazakh and Russian. Pupils from schools using ethnic minority languages as the language of instruction take their final examinations in their ethnic minority language. Since 2007, school leavers whose language of instruction was Uzbek, Uighur or Tajik have had the option of taking the Unified National Examination in the Russian or Kazakh languages. This practice became official in 2009, and pupils of these schools may choose between the Unified National Examination and the final examination.

197. Pupils from schools with instruction in ethnic minority languages who wish to enter higher education institutions take the Comprehensive Post-Secondary Examination and, depending on their results, may compete for State education grants. A pilot project to mainstream graduates of schools where Uzbek is the language of instruction into the secondary education and IT environment in Kazakhstan is being implemented with support from the OSCE High Commissioner on National Minorities. The project outcome shows that most graduates from participating schools have secured State grants and are studying at higher education institutions in Kazakhstan.

198. All schools using ethnic minority languages for instruction teach the main subjects (other than languages) in two languages, that is, bilingually, as chosen by

the pupils: in the ethnic minority language and in the official State language (Kazakh) or in the ethnic minority language and in Russian. Quantitative and qualitative analysis of the results of multilingual and bilingual instruction confirms the effectiveness of these innovative approaches. This practice is significantly expanding access to technical, vocational, and higher education for graduates of Uzbek-, Uighur- and Tajik-language schools.

199. In 2004 only 13 young people from Y. Saremi Specialized Secondary School No. 1, or 7.2 per cent of the total of 181 school leavers, entered higher education institutions with grants, while in 2010 106 out of 121 (87.6 per cent) school leavers embarked on higher education, with 76 (62.8 per cent) obtaining State education grants.

200. Provision has been made for members of ethnic groups to study the State language in order to ensure equal opportunities in social and professional life in Kazakhstan. Centres for Kazakh language study are available at 33 higher education institutions in all regions and they provide services for all those wishing to study or improve their knowledge of the State language. In order to improve opportunities for members of ethnic groups to study the State language and enhance their social integration, two extra hours per week in each class have been allocated to study of Kazakh as the State language in classes 1-11 of schools where instruction is in the Russian, Uzbek, Uighur or Tajik languages. Programmes for graded language study (Kazakh as the State language, Russian and English) have been designed and approved in accordance with the European standard for language knowledge, which is based on the grade system for language knowledge presented in the Council of Europe document, "Common European Framework of Reference for Languages: Learning, Teaching, Assessment". Starting in the 2010-2011 academic year, graded programmes in the Kazakh language were introduced for classes 1-11 at schools where the language of instruction is not Kazakh.

201. In 2010, there was a total year group of 7,175 school leavers at schools using ethnic minority languages for instruction, 543 of whom participated in the Unified National Examination and 1278 took the Integrated Application Examination, while 73 receiving an *Altyn begli* (gold medal) certificate of secondary education and 183 receiving certificates of excellence. The number entering higher education institutions was 1,263, including 806 who received education grants.

202. Members of all ethnic groups receive higher education at technical, vocational and higher education institutions in the Republic. Students at higher education institutions include members of 86 ethnic minorities, constituting 7.8 per cent of the total number of students (610,200). Members of ethnic minorities pursue their studies at higher education institutions in Kazakhstan in their chosen subjects and language. Each year, 5 education grants are offered for the study of Uzbek as a foreign language, together with 10 for Korean, 5 for Uighur, and 5 for Polish. These grants account for 20 per cent of the total number of grants offered for foreign-language study.

203. Teachers working at schools where instruction is provided in ethnic minority languages receive their training at the Zharkent Teacher Training College, Al-Farabi Kazakh National University, Abai Kazakh National Teacher Training University, the Abylai Khan Kazakh University of International Relations and World Languages, the Auyezov State University of Southern Kazakhstan and Zhangsugurov Zhetysu State University.

204. Each year five school leavers from schools with the Uighur language as the language of instruction who have won prizes in national competitions and are holders of *Altyn begli* certificates are awarded grants to study at the Uighur Language and Literature Faculty of Abai Pedagogical University. At present there are 8,772 teachers working at schools which use an ethnic minority language as the language of instruction. Of the total, 83.2 per cent have completed a course of higher education, 16.3 per cent have completed vocational secondary education, 0.4 per cent did not complete their course of higher education and 0.02 per cent completed their secondary education. Teachers at schools providing instruction in minority languages can attend further training courses at the advanced training institutes which exist in all of Kazakhstan's provinces as well as at provincial teacher-training institutes and the advanced training centres attached to them. Advanced training institutes cooperate with the Assembly of the People of Kazakhstan and with the ethnic cultural centres. Language specialists are hired from Uzbekistan, Tajikistan and Germany. Teachers at schools in Kazakhstan providing instruction in the Uzbek language take part in various Uzbek language and literature forums in Uzbekistan. Study visits to Latvia and Kirgizia have been organized for teachers at schools providing instruction in the Uzbek and Tajik languages in order to study bilingual teaching and learn from the experience of non-native language teachers.

205. An interactive Internet-based learning system has been designed to help create a shared IT and education environment for all regions and to develop the practice of online study. Weekly interactive classes have been held since September 2007, and the participants include government officials and community workers, academics, writers, journalists, and innovative educators with various subject specialties.

*Subparagraph (e) (vi) The right to equal participation in cultural activities*

206. Citizens of the Republic of Kazakhstan, irrespective of their race, nationality, ethnicity, language, class origin, or family or social background, have the right to equal participation in cultural life.

207. Kazakhstan's State theatres, in addition to the Kazakh and two mixed State theatres, include 14 Russian, German, Korean, Uighur and Uzbek theatres. Three of them are the only theatres of their kind in the CIS. These theatres, in addition to contemporary productions in the languages of ethnic minorities, stage productions from the repertoire of classical and traditional works of the peoples of the Republic of Kazakhstan.

208. In addition, there are historical ethnographic museums with unique collections of exhibits covering the history of the various ethnic minorities residing in the territory of the Republic of Kazakhstan.

209. There are 40 national and more than 8,000 provincial cultural organizations in Kazakhstan. Eighteen new theatres, 874 libraries and 222 museums, and 1,500 cultural centres have been established. In the context of the national strategic project on cultural heritage, 600 titles with a total print run of 1.5 million books have been published on the history, archaeology, ethnography and culture of the peoples of Kazakhstan, including volumes on world literature, world culture and world philosophical heritage. The Aimanov Kazakhfilm studio has produced more than 20 documentary films on the subject of national cultural heritage. Every year more

than 200 events are held in Kazakhstan to promote the country's historical and cultural heritage.

210. Kazakhstan has 87 active ethnolinguistic centres, at which 4,304 children and teenagers study the traditions, customs and languages of 16 ethnic groups which have a substantial presence in the regions. Academic and historical literature and linguaphone facilities are available so that they can learn about the culture and traditions of their people and participate in festivities and ethnic culture days and study literature, history, music and the visual arts.

*Subparagraph (f) The right of access to any place or service intended for use by the general public, such as transport, hotels, restaurants, cafes, theatres and parks*

211. The Republic of Kazakhstan guarantees the right of access to any place of service intended for use by the general public. The Constitution safeguards the rights of citizens to freedom of movement within the national territory and choice of place of residence. According to article 21, paragraph 1, of the Constitution, any one who is lawfully present in the territory of Kazakhstan has the right to free movement within that territory.

212. In addition, the Criminal Code of the Republic of Kazakhstan establishes criminal liability for incitement to ethnic hatred and for discrimination on the grounds of sex, race, language, social position, nationality, or class, family or other origin.

#### **Article 6**

213. Information concerning criminal and administrative liability for incitement to ethnic hatred is presented in section 2.

#### **Article 7**

214. The State is constantly making efforts to develop interfaith, inter-ethnic and intercultural dialogue, improving national legislation, creating the conditions and mechanisms for defence of the rights of ethnic groups and implementation of the provisions of the Convention.

215. A plan of action has been prepared with a view to implementing the provisions of the doctrine of national unity of Kazakhstan for the period 2011-2014 (hereinafter, the Doctrine). Measures to implement the Doctrine are included in the strategic plans for the period 2001-2015.

216. A centre for the study of inter-ethnic and interfaith relations provides scientific and analytical support for State ethnic policies. It has conducted three round tables on the subject of the Doctrine, one regional seminar and two nationwide seminars for State employees and leaders of ethnic cultural associations and expert groups.

217. With State support, the higher educational institutions have developed elective courses in: the history of establishing inter-ethnic relations; national and international relations in Kazakhstan and the contemporary world; diasporas; and the history of deported peoples. A higher education textbook on the history of Kazakhstan has been published. It uncovers the historical roots of the country's ethnic diversity. In addition, a guide on new trends in State ethnic policies has been published for government workers and leaders of ethnic cultural associations.



218. In the regions members of scientific expert groups have conducted the following projects: school of tolerance (East Kazakhstan Province); and the regional programme for the promotion of tolerance and national unity among the population (Aqmola Province). Other publications include a multi-volume work on the history of the Karaganda Labour Camp and a research paper on Japanese prisoners of war in Qaraghandy province (Bolashak University); a foundation educational project on folk wisdom of the Kazakhs on education (Auyezov State University of Southern Kazakhstan); and a reference book on the doctrine of national unity of Kazakhstan, in three languages (the Eurasia Danalyk Humanities Research Foundation, Aqmola Province).

219. The inter-ethnic and interfaith situation is monitored constantly, in order to countering any adverse trends in inter-ethnic relations. All cases of social and criminal conflict with the potential to affect ethnic relations are identified and addressed. During the reporting period, the topic of inter-ethnic and interfaith relations received media coverage both nationally and regionally, in compliance with legislation and with ethical norms and principles. Issues relating to building a culture of raising awareness of inter-ethnic relations were discussed at meetings of a club of leading journalists and experts on inter-ethnic relations and a master class was given in that context for representatives of ethnic media on the creation and functioning of Internet versions of newspapers and on effective blogging.

220. Efforts to implement the National Human Rights Action Plan of the Republic of Kazakhstan 2009-2012 continued. In 2011, the Act of 22 July 2011 on amendments and additions to some legal acts on issues of population migration was promulgated. It governs social relations in that area and defines the legal, economic and social framework for migration. The Act of 17 February 2012 on amendments and additions to the Labour Code was adopted to improve the legal regulation of labour relations with a view to developing democratic, legal and social mechanisms to ensure social cohesion and economic development and to provide legislative support for decent work.

221. The Ministry of Culture and Information of the Republic of Kazakhstan developed a plan of action for 2011-2013 in the context of the State language development programme 2011-2020. The infrastructure for teaching the State language has been expanded: Kazakh is the language of instruction at 1,418 day-care facilities and at 3,830 schools, which is about half of all secondary schools. A total of 132 language study centres have been established and in 2011 instruction was provided to 563 groups, or 22,654 pupils, 11,271 of whom were members of ethnic groups.

222. Events were held at institutes of higher education on the following subjects: youth for national unity and tolerance (2011); issues of ethnic, religious and national identity (2011); young people as the defenders of the peaceful development of inter-ethnic relations (2011); and strength in unity (2011). Model programmes for higher education institutions were developed and introduced as optional subjects in 2011-2012, based on the optional course on a framework for tolerance. The framework for tolerance is being introduced into the system of secondary education through the subjects of social science, first language, the history of Kazakhstan, and the individual and society. Multicultural education programmes are being introduced in secondary and further education.

## IV. Information on the observations and recommendations of the Committee

### Information concerning paragraph 8 of the concluding observations (CERD/C/KAZ/CO/4-5)

223. Since socioeconomic factors are key to maintaining inter-ethnic stability, the Government is working systematically to narrow gaps in living standards and social security among various sectors of the population.

224. The Ministry of Labour and Social Protection is developing an employment programme designed to raise income through sustainable and productive employment.

225. Detailed information on reducing unemployment and promoting job placement is contained in the section on the right to work.

226. The increase in economic activity will lead to a 5 per cent reduction in unemployment by 2020. The proportion of the population whose per capita income is below the poverty line will fall from 8.2 per cent in 2010 to 6 per cent in 2020.

227. To improve the circumstances of impoverished families, the State is paying benefits for children under the age of 18 years as well as housing allowances and targeted social assistance.

228. A number of measures are being taken to provide housing to low-income families. The State provides housing to members of low-income groups that are entitled to social protection. These include veterans of the Great Patriotic War, those with disabilities as a result of the War and other participants and people of equivalent status; persons in disability categories I and II; families who have or are raising children with disabilities; recipients of retirement pensions; orphans, children deprived of parental care, *oralman* and families with many children (see annex 17).

229. In addition, more than 15,000 orphans and children deprived of parental care are growing up in residential institutions. Housing is provided for them until they attain the age of majority. Rental and subsidized housing units are then provided to those ready to leave the orphanages.

230. In July 2009, amendments were made to the Housing Act to bolster the right of children deprived of parental care to government housing. This entitlement will now be available to orphans and other eligible children up to the age of 23 years. In 2009, 111 orphanage alumni received housing, a figure five times higher than in 2008, when 22 apartments were provided to people in that category.

231. In accordance with the Government's legislative workplan for 2012, a draft law on amendments and additions to some legal acts on the right to housing for orphans and children deprived of parental care was submitted to Parliament for consideration.

232. A workplan to strengthen engagement on inter-ethnic relations for 2008 and 2009 was signed in 2008 in order to provide for cooperation between the Ministry of Internal Affairs and the secretariat of the Assembly of the People of Kazakhstan. The plan included meetings between the regional offices of the Assembly and the internal affairs unit to develop cooperation measures and lectures on inter-ethnic

issues as part of professional training for staff of the internal affairs agencies. Representatives of ethnic and cultural associations and the internal affairs agencies have made joint visits to areas with sizeable populations of particular ethnic communities. There is also joint monitoring for early detection of conflict situations.

233. An Agreement on cooperation between the Assembly of the People of Kazakhstan and the Ministry of Internal Affairs was signed in April 2012 to strengthen cooperation on inter-ethnic issues in 2012 and 2013.

234. The Agreement aims to continue implementation of legislative provisions that ensure equality of citizens without regard to racial, ethnic or religious affiliation; protect human rights and freedoms; and prevent politicization of inter-ethnic relations. Preventive mechanisms and measures in the Agreement include improving the public's political and legal awareness of ethnic relations and fostering zero tolerance for xenophobia, extremism and nationalism. The Agreement provides for joint activities with the Ministry of Internal Affairs to address issues affecting society as a whole, such as crime, drug abuse, alcoholism and the spread of juvenile delinquency. There are plans for training workshops for the police in places where there are sizeable populations of particular ethnic groups; training for the police to work in a multi-ethnic society; and language classes and public information campaigns.

235. The primary emphasis will be on training Ministry of Internal Affairs personnel to work in a multi-ethnic society.

236. There are now regular regional meetings of the secretariat of the Assembly of the People of Kazakhstan and directors of law enforcement agencies. In Almaty Province, tripartite response teams (with representatives from the *akim* and the precinct, and ethnic community leaders) have been formed to prevent conflict. Joint patrols made up of police and student representatives of ethnic minorities have been organized in all provincial capitals. An inter-ethnic and interfaith research centre holds lectures for officers serving at the main office of the Ministry of Internal Affairs.

237. In this connection, the Recommendations on Policing in Multi-Ethnic Societies, released by the OSCE High Commissioner on National Minorities in 2006, serve as a natural supplement to the joint efforts of the Assembly of the People of Kazakhstan and the Ministry of Internal Affairs on policing in a multi-ethnic society.

238. This work is part of the State's broader activities to consolidate society and build national unity. For example, paragraph 8 of the Plan of action for implementing the national unity doctrine of Kazakhstan for the period 2011-2014 assigns to the Ministry of Internal Affairs and local executive agencies the task of regular monitoring of the status of inter-ethnic and interfaith relations in the country in order to prevent civil rights violations and identify adverse inter-ethnic trends.

#### **Information concerning paragraph 9 of the concluding observations**

239. Detailed information is provided in the section on the right to education and training.

240. According to the Constitution, the Education Act and the Languages Act, the State creates favourable conditions for the study and promotion of all the languages

of the multi-ethnic people of Kazakhstan. Every ethnic group in the country has the right to establish its own ethnic cultural associations and Sunday schools to encourage the revival and development of ethnic minority languages, cultures, traditions and customs.

*Subparagraph (a)*

241. Students in schools where an ethnic minority language is the language of instruction take their final examinations at school in those languages. Since 2007, graduates of these schools have had the option of taking the Unified National Examination in either Kazakh or Russian. This was officially enshrined in law in 2009, and the students in question may take the Examination if they so choose.

242. To enter an institution of higher learning, graduates of schools where an ethnic minority language is the language of instruction take the Comprehensive Examination for Higher Education, whose results may be used to compete for government scholarships for higher education.

243. The OSCE High Commissioner on National Minorities is supporting implementation of a pilot project to mainstream graduates of schools where Uzbek is the language of instruction into the secondary education and IT environment in Kazakhstan.

244. The purpose of the project is to provide supplemental basic science classes in the Kazakh and Russian languages to prepare applicants for admission to institutions of higher education.

245. In 2011, there was a total of 7,769 school leavers at such schools, of whom 596 took the Unified National Examination, and 1,373 took the Comprehensive Examination for Higher Education, while 93 received a “gold medal” certificate of secondary education (good behaviour and excellent 1 grades in all subjects annually as well as in the State exams); and 171 received an honours certificate. A total of 1,334 were accepted by institutions of higher education, including 876 scholarship recipients.

*Subparagraph (b)*

246. Each year, the State allocates funds for education from the national budget. In 2007, this amount was 480.7 billion tenge (3.2 billion dollars) or 3.7 per cent of the gross domestic product (GDP); in 2010, it was 797 billion tenge (5.3 billion dollars) or 4.1 per cent of GDP; and for the 2011-2012 academic year, it was 1 billion tenge (6.66 million dollars) or 3.8 per cent of GDP. During the 2011-2012 academic year, there were 7,465 public secondary schools in operation, a figure that includes schools with Russian, Uigur, Tajik and Uzbek as the languages of instruction. There were 2,479,044 pupils enrolled in these schools.

247. These schools are improving their facilities every year. Modern computers and interactive whiteboards are purchased for from local budgets. All schools have telephone and Internet connections. All schools have physics, biology, computer, language and multimedia laboratories, interactive whiteboards and workshops.

248. Each year, under a cultural heritage programme, the latest children’s books, literary works, reference volumes, popular scientific works, electronic textbooks and encyclopedias are added to school library collections.

*Subparagraph (c)*

249. There are currently 74 schools where Uzbek, Uigur and Tajik are the languages of instruction (58 for Uzbek; 14 for Uigur; and 2 for Tajik). In addition, during the 2010/11 academic year, 13,133 pupils at 108 general secondary schools studied 16 ethnic minority languages as a separate subject (German, Polish, Korean, Dungan, Kurdish, Turkish, Tatar, Azerbaijani, Uighur, Chechen, Greek, Armenian, Hebrew, Lezgin, Ukrainian and Belarusian). There are 10,652 teachers thus employed, of whom 91.4 per cent hold diplomas from institutions of higher learning; 0.4 per cent did not complete their course of higher education; 8.2 per cent have secondary vocational training; and 0.03 per cent have completed secondary school.

250. The work of teachers in all schools is governed by State general education requirements and standards, irrespective of the language of instruction.

251. The State general education standards contain requirements for basic secondary school content; maximum workload; and the level and quality of teaching. These standards set out expected outcomes for key competencies, knowledge, skills and abilities in various fields, and they foster successful socialization. There is also an obligatory state accreditation procedure for schools which monitors compliance with State public education standards.

252. The principal further education institutions for schoolteachers where training is conducted in ethnic minority languages are provincial teacher-training institutes; regional teacher-training institutes; and the further education centres attached to the latter.

253. Study visits to other countries are organized to provide opportunities for bilingual study and to learn from non-native language teachers.

254. Domestically published textbooks in Kazakh, Russian, Uzbek and Uigur have gradually been introduced into the educational process under a special programme to design and publish textbooks and educational materials for the public schools. With regard to textbook needs for years 1-11, 89 per cent have been met.

255. Work is going forward on translation into Tajik of textbooks published by the Almaty Kitap (Almaty Book) Publishing House for years 1-4, and on design of Tajik language and Tajik literature textbooks and educational materials for years 2-11.

256. The State education development programme for the period 2011-2020 makes provision for all pupils to receive textbooks and educational materials at no cost by 2015, with a gradual increase in procurement from local budgets each year, until 100 per cent of textbooks are financed.

*Subparagraph (d)*

257. In accordance with the editorial calendar for basic textbook publication adopted on 9 March 2011 by the Ministry of Education and Science, textbooks in the fields of culture, traditions and inter-ethnic relations published in 2011 included one on ancient oriental culture; one on the history of foreign literature; and one on the theory and technique of educational design.

258. Since 2011, specific subjects related to inter-ethnic relations and racial discrimination have been introduced in institutions of higher education. Modern

political theory and ethnic and inter-ethnic relations in the world today and in Kazakhstan are subjects of study at Kozybayev State University in North Kazakhstan. The history of the Turkic peoples and diaspora studies are subjects of study at Kostanay State Pedagogical Institute. The history of deported peoples, the history of mountain peoples deported to Kazakhstan and the history of Germans deported to Kazakhstan are subjects of study at the University of Foreign Languages and Business Careers. At the Satpaev Kazakh National Technical University, a syllabus for an elective course on inter-ethnic relations has been approved. Utemisov State University in West Kazakhstan has approved a programme on the history of inter-ethnic and interfaith relations in western Kazakhstan.

259. Korbyt Ata State University in Qyzylorda is offering a programme on the history of ethnic relations in Qyzylorda Province. Semipalatinsk State Pedagogical Institute has released educational aids on the ethnic and cultural development of the peoples of Kazakhstan. Baishev University in Aqtobe offers a special course on the culture of inter-ethnic relations.

260. As part of its basic research programme for the period 2009 to 2011, the Ministry of Education and Science has carried out research projects and activities that involve an in-depth study of ethnic relations, their history and special aspects of their development.

261. The Balikhhanov Institute of History and Ethnography and the Baitursynov Linguistics Institute are two of the principal research organizations reporting to the Ministry of Education and Science that are carrying out interdisciplinary research. During the period under consideration, these two institutions engaged in fundamental research projects in the following areas: the situation of multi-ethnic states in the twentieth and early twenty-first centuries; harmony among the peoples of Kazakhstan: history, religion and culture; Kazakhstan in the twentieth and twenty-first centuries: methodology, historiography and cliometrics; and Kazakhstan's ethnic minority languages as the basis for stable relations among ethnic groups.

262. These research activities have led, most significantly, to the publication of textbooks, learning aids, monographs, specialized journals and collections; and to proposals for international conferences. Some specific findings have been introduced into the educational process and certain key aspects have been incorporated into the library research system.

263. In order to convey objectively the processes that contribute to ethnic tolerance, as well as to provide a contemporary reading of the Alash phenomenon among expatriate Kazakhs, the research advisory council of the Assembly of the People of Kazakhstan has carried out an international project on contemporary interpretation of the Alash Orda philosophy in the Kazakh diaspora, with consideration of its status, assessment and lessons learned (a social and historical analysis). Findings are contained in the monograph *Keep the Flame Burning*.

264. Researchers from Qaraghandy have published a five-volume work on the history of the Karaganda Labour Camp and a study on Japanese prisoners of war in Qaraghandy Province, in both Kazakh and Russian. This was sponsored by the Assembly of the People of Kazakhstan.

265. A collection of documents on deportation to Kazakhstan during the period 1930-1935 is being prepared for publication jointly with the Presidential Archive of

Kazakhstan. This work reflects the role of the Kazakh public and members of other ethnic groups in choosing the path of tolerance and neighbourly relations while living under a harsh totalitarian regime.

266. A textbook on the history of Kazakhstan that was published in 2011 by Professor G. V. Kan, a member of the research advisory expert council of the Assembly of the People of Kazakhstan, also addresses the history of ethnic relations and contemporary aspects of the formation of a cohesive Kazakh people.

267. The research advisory council of the Assembly has published a monograph on Nursultan Nazarbayev and the idea of peace and civic harmony, and a historical overview of the Assembly of the Peoples of Kazakhstan. These studies trace the establishment of multi-ethnic Kazakhstan and the evolution of relations among ethnic groups.

268. A book entitled *Kazakhstan nas ob'edinaet* (Kazakhstan unites us) contains eyewitness accounts of deportations and accounts by descendants of deported and repressed peoples and analyses the origins of ethnic tolerance.

269. The five-volume history of the Karaganda Labour Camp, the study on Japanese prisoners of war in Qaraghandy Province and the educational materials on new approaches to State ethnic policy in Kazakhstan were published with support from the Assembly of the Peoples of Kazakhstan.

*Subparagraph (e)*

270. Detailed information is contained in the section on the right to education and training.

271. In accordance with article 3 of the Education Act, one principle of State education policy is public access to education at all levels, in the interest of intellectual development and taking into account each person's psychological, physical and individual traits.

272. The State provides free preschool, elementary, secondary and basic general education for its citizens. Moreover, it provides technical and vocational training and post-secondary, higher and postgraduate education at no cost, on a competitive-entry basis and in accordance with State educational needs, for candidates who will be studying in an educational programme at that level for the first time.

273. In accordance with Government Decision No. 111 of 10 January 2012, admission of foreign nationals for paid study in institutions of higher education is interview-based.

274. Sunday schools and language courses offered at national cultural centres provide additional opportunities for study of the official State language and ethnic minority languages and cultures. Kazakhstan has 81 Sunday schools that are attended by 3,956 children and teenagers. At these schools the students may, in optional classes or study groups, study the traditions, customs and languages of 16 different ethnic groups that have sizeable populations in the regions. Education funding is rising steadily (by 9.7 per cent from 2009 to 2010).

275. A pilot project to mainstream graduates of schools where Uzbek is the language of instruction into the secondary education and IT environment in Kazakhstan is being implemented with support from the OSCE High Commissioner

on National Minorities. Apart from languages, the main subjects in these schools are taught in two languages, that is, in the ethnic minority language and in Kazakh, which is the official State language, or in the ethnic minority language and in Russian.

276. A study of the results of adopting multilingual and bilingual instruction demonstrates the effectiveness of innovative approaches. These approaches are expanding access to technical, vocational and higher education for graduates of schools where Uzbek, Uigur or Tajik is the language of instruction.

277. The Ministry of Education and Science hosts conferences, meetings and workshops on strengthening social integration into the secondary education and IT environment through multilingualism and bilingual education for pupils enrolled in schools where Uzbek, Uigur or Tajik is the language of instruction. The city of Shymkent hosted an international conference in May 2009, and representatives of the Office of the OSCE High Commissioner on National Minorities participated in a national workshop in Almaty in April 2010.

278. Students at higher education institutions include member of 86 ethnic minorities. These minorities account for 7.8 per cent of all students, or 610,200 people. Members of ethnic minorities at higher education institutions in Kazakhstan choose their field of specialty and language of instruction. Each year, 5 fellowships are offered for study of the Uzbek language; 10 for Korean; 5 for Uigur; and 5 for Polish. These grants together account for 20 per cent of the total number of grants offered for foreign language study.

279. In order to create a shared IT and educational environment for online learning in the regions, an interactive Internet-based learning system has been put in place. Weekly interactive classes have been held since 2007, and the participants include government officials, community workers, academics, writers, journalists and innovative educators with various subject specialties.

280. There are 19 ethnic minority languages taught as separate subjects in 100 general education schools and studied by 14,567 students. There are 289 students of German; 921 study Polish; 583 Korean; 6,098 Dungan; 227 Tatar; 163 Ukrainian; 4,374 Turkish; 384 Azerbaijani; 592 Kurdish; 292 Uigur; 177 Chechen; 40 Greek; 26 Armenian; 8 Belarusian; 12 Tajik; 8 Hebrew; 15 Kyrgyz; and 15 study Lezgin.

281. Kazakhstan has 195 specialized ethnolinguistic centres where children and adults can take courses in 30 different ethnic minority languages. Public funds are allocated to the Sunday schools to support the study of ethnic minority languages.

#### **Information concerning paragraph 10 of the concluding observations**

282. The fundamental international human rights norms and principles are guaranteed under the Constitution and the Criminal Code of the Republic of Kazakhstan.

283. Practice in the implementation of international treaty norms is regularly reviewed in the decisions of the supervisory division of the Supreme Court. In accordance with article 4 of the Constitution, international treaties to which Kazakhstan is party take priority over national legislation and are directly applied by the courts.



284. The Supreme Court adopted a regulatory decision on the application of international treaties on 10 July 2008 to ensure proper and consistent application of international treaty norms by the courts.

285. On 5 May 2009, the Head of State approved the National Human Rights Action Plan of the Republic of Kazakhstan 2009-2012 (hereinafter, National Plan). In accordance with an instruction from the Head of State, the Government and competent state agencies report to the President's Office twice a year (in July and December) on progress in implementing the National Plan.

286. Equal rights among citizens of all ethnic groups are enshrined in law and implemented in practice all across society. The law provides the basis for tolerant coexistence among all religions and ethnic groups. According to national legislation and the international instruments to which Kazakhstan is party, the rights and freedoms of some individuals may not infringe upon those of others. In particular, the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights (ratified on 28 November 2005) and the International Convention on the Elimination of All Forms of Racial Discrimination (acceded to on 29 June 1998) proclaim equal rights and freedoms without distinction as to ethnicity, race or religion.

287. Any unlawful acts that discriminate on the basis of ethnicity, race, language or religious views are criminal offences punishable by law. Actions intended to disrupt the unity of the people of Kazakhstan and cause deterioration in inter-ethnic relations are considered a threat to national security and are prohibited under the National Security Act. These provisions, which have universal application, are also set forth in the Constitution, which is the supreme law of the land and is directly applicable nationwide. Article 39 of the Constitution stipulates that "Any action that may contribute to the violation of inter-ethnic harmony is deemed unconstitutional." It also provides that restrictions may be placed on human (or civil) rights and freedoms by legislation only and solely to the extent necessary to protect the constitutional system and public order, human rights and freedoms, and public health and morals.

288. The production, storage, transfer and dissemination in Kazakhstan of materials for the mass media containing information designed to incite social, racial, ethnic, religious, class or clan-based hatred and permitting publication in the mass media of such materials shall be prosecutable as administrative offences (articles 343 and 344 of the Code of Administrative Procedure). Violations of the equal rights of citizens are also criminal offences, as set forth in the Constitutional provision referred to above on equal rights and prevention of direct or indirect restrictions of human (civil) rights and freedoms based on origin, social, occupational or financial position, sex, race, ethnicity, language, religious beliefs, convictions or any other circumstance. There is an effective mechanism through which citizens may submit applications in defence of their rights and interests. The mechanism is governed by the civil-procedural, criminal-procedural, and administrative legislation of Kazakhstan.

289. The national legislative framework provides adequate legal protection when citizens' rights and freedoms are violated. Citizens may choose to file grievances with any government agency, court or non-governmental organization (NGO).

290. Kazakhstan has legal defence organizations and bodies that monitor compliance with civil rights, such as the Ombudsman and the Presidential Human Rights Commission. Procedures for submission, consideration and response to grievances filed against State agencies by natural and legal persons are set forth in Act No. 221 on the Procedure for Considering Applications by Natural and Legal persons of 12 January 2007.

291. At the National Human Rights Centre, the Human Rights Commissioner considers appeals from citizens of Kazakhstan, foreign nationals and stateless persons concerning actions and decisions taken by officials and organizations in violation of rights and freedoms guaranteed by the Constitution and international treaties. Information on how and under what circumstances to file an application with the Human Rights Commissioner may be found at [www.ombudsman.kz](http://www.ombudsman.kz) (see annex 16).

292. Gay McDougall, the United Nations Independent Expert on minority issues, noted Kazakhstan's significant achievements in the field of ethnic tolerance in a report on her visit there in 2009. Knut Vollebaek, the OSCE High Commissioner on National Minorities, also noted the country's potential in that area following a visit in 2010.

293. Legal offences (such as domestic crime and attacks through the media) that either have ethnic implications or could be publicly portrayed as such are the object of special monitoring by the Office of the Procurator.

#### **Information concerning paragraph 11 of the concluding observations**

294. More detailed information can be found in the section of this report on article 5 of the Convention.

295. All ethnic groups in Kazakhstan have high civil and social status. Their members do not act behalf of the ethnic minorities to which they belong, but are seen rather as citizens of the united people of Kazakhstan possessing the full range of rights.

296. In addition, under article 19 of the Constitution, citizens have the right to determine and to declare, or not to declare, their national or ethnic affiliation.

297. In accordance with the Constitution, all citizens are equal and have the right to participate in government affairs. Members of the ethnic groups of Kazakhstan are not passive "consumers" of rights and freedoms, but rather active participants in the administration of the State, on an equal footing with ethnic Kazakhs.

298. Government policy in Kazakhstan aims to eliminate underlying causes of former Soviet policy concerning the relative positions of various ethnic groups in society and to address the adverse consequences of discriminatory Soviet policies towards members of deported peoples. The State routinely provides compensation payments to victims directly affected by the deportations.

299. Members of ethnic groups in Kazakhstan have formed various ethnic cultural associations. There are currently 820 ethnic cultural associations in the country, with regional organizations that come together in the framework of the provincial assemblies.

300. Election of representatives to the Assembly of the People of Kazakhstan is governed by the Act on the Assembly of the People of Kazakhstan. In accordance with article 15 of that Act, candidates for seats in the Assembly are nominated at sessions of the provincial assemblies, based on recommendations by the ethnic cultural associations, as well as by decisions of those associations' executive bodies.

301. Members of the ethnic groups themselves thus directly elect representatives to the Assembly. The Assembly is a unique human rights achievement that serves as a gathering place for the ethnic groups of Kazakhstan. It mediates between the ethnic cultural associations and the State. The status of the Assembly, including its right to send nine of its members to the Majilis (lower house) of Parliament, is defined in the Constitution. The nine deputies are selected by rotation, to avoid competition among ethnic groups.

### **Information concerning paragraph 12 of the concluding observations**

302. More detailed information can be found in the section of this report on article 5 of the Convention.

303. Kazakhstan guarantees the right to participate in the administration of the State to all individuals without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, or national or social origin or other status.

304. In accordance with article 33 of the Constitution, citizens may participate in the administration of the State either directly or through their representatives.

305. Citizens of Kazakhstan have the right to be elected to State bodies and local governing bodies and to vote in national referendums.

306. The Constitution guarantees equal access to civil service employment. The requirements for candidates for civil service positions shall be determined solely by the nature of the duties in question and shall be established by law. Moreover, the Constitution also establishes that no one may be subjected to discrimination of any kind on ethnic, language or any other grounds. This rule implies equality of all citizens in respect of rights and responsibilities and equal protection of these rights by the State.

307. The Civil Service Act provides for the realization of citizens' constitutional right of universal access to employment in the civil service by open competition, irrespective of ethnic affiliation.

308. At the same time, an "ethnic division of labour" has arisen in Kazakhstan, reflecting the lack of interest among many members of ethnic minorities for work in the civil service owing to their orientation towards certain niches in business and in the services sector, where earnings are significantly higher than in the civil service.

309. In addition to representatives of ethnic minorities, the Assembly of the People of Kazakhstan includes, at both the national and regional levels, leaders of the legislative and executive branches and representatives of the central and local government bodies and their regional offices. This allows for the full participation of ethnic groups and for the representation of their interests in decision-making.

310. At the nineteenth session of the Assembly of the People of Kazakhstan, President Nazarbayev directed the Government to "ensure adoption of

comprehensive measures to respond more strongly to issues related to discrimination based on family relationships, a shared place of origin or personal allegiance, as well as corruption-related offences in recruitment and admission to educational institutions”.

**Information concerning paragraph 13 of the concluding observations**

311. Information is contained in the section of the report relating to population data.

**Information concerning paragraph 14 of the concluding observations**

312. Data on the ethnic composition of the population are available from the results of the population census carried out every 10 years. According to the results of the most recent population census, conducted in 2009, 4,065 members of the Roma ethnic group live in the Republic of Kazakhstan.

313. Most Roma work as independent entrepreneurs or in services and do not show any interest in the civil service.

314. Local governments have offered members of the Roma ethnic group a site for compact settlement. Measures are being introduced to prevent discriminatory acts in relation to all ethnic minorities, including Roma.

315. In 2009, according to official statistics the overall number of members of the Roma ethnic group was 4,065 persons, including 531 in the Aqmola province, 152 in the Aqtobe province, 484 in the Almaty province, 5 in the Atyrau province, 161 in the West Kazakhstan province, 142 in the Zhambyl province, 678 in the Qaraghandy province, 431 in the Qostanay province, two in the Qyzylorda province, 12 in the Mangghystau province, 53 in South Kazakhstan province, 387 in Pavlodar province, 431 in North Kazakhstan province, 182 in East Kazakhstan province, 124 in Astana city and 290 in Almaty city.

316. The Roma have equal access with other citizens to social services including health care, culture and education. The education authorities are implementing a series of measures to ensure unconditional realization of the rights of child citizens to free school education, irrespective of their affiliation to an ethnic group or minority group, including the Roma nationality.

317. The country’s educational institutions carry out their work in accordance with the principle of providing the population with access to education at all levels, depending on the individual intellectual development and the psychological and physiological characteristics of each citizen, without any restriction based on race or nationality.

318. The equality of all persons before the law in the exercise of their rights and freedoms is guaranteed. The curricula of education institutions at all levels make provision for various measures designed to foster a culture of inter-ethnic and inter-racial education, and these measures are implemented. No complaints or representations from the Roma concerning racial or ethnic oppression have been recorded.

319. It may be asserted, with regard to assimilation with the indigenous population and the availability of housing and permanent jobs or businesses, that Kazakhstan’s Roma have a settled way of life and exercise all the rights and perform all the duties of citizens of the Republic. Accordingly, the problem of nomadic Roma

communities referred to in the Committee's general recommendations is not a current issue in Kazakhstan.

320. The country's internal affairs agencies are responsible, within the limits of their jurisdiction, for taking action to prevent and suppress criminal and other unlawful encroachments on human rights and freedoms and the rights and freedoms of citizens or on the interests of society and the State, without any discrimination on racial grounds. In their work these agencies take immediate action to prevent and investigate instances of racial violence. No acts of racial violence against the Roma were recorded during the reporting period. The police are prohibited from using unlawful force when arresting or detaining Roma.

321. Citizens are recruited to the internal affairs services in accordance with the requirements of the regulations governing the activities of these services without discrimination on racial grounds, but no representatives of the Roma ethnicity have joined these services. The migration-control work of the internal affairs services offers no instances of Roma being among the foreign nationals subjected to administrative prosecution and expulsion from Kazakhstan.

322. Roma representatives have registered the collective association Tsygan, which works to promote the culture and traditions of the Roma people. Assisted by the Assembly of the People of Kazakhstan, this association has become involved in the life of Kazakh society. The Roma cultural centre takes an active part in the celebration of State festivals. However, the lack of specialist teachers is causing difficulties in the organization of Sunday schools to teach Roma children their ethnic language. Russian is currently the language of everyday exchanges in Roma circles; at their parents' wish Roma children may be taught in Russian in secondary schools.

#### **Information concerning paragraph 15 of the concluding observations**

323. As from 2012 a number of recommendations made in the National Human Rights Action Plan 2009-2012 had been implemented. In particular, in December 2009 the Refugee Act of the Republic of Kazakhstan was adopted, the main objective of which is to grant asylum to foreigners and stateless persons, grant refugee status, and also enforce their rights and obligations. The Act complies with to the provisions of the Convention relating to the Status of Refugees, which Kazakhstan has ratified, and takes account of the main principles for guaranteeing the rights of refugees and asylum seekers: non-refoulement, transparency and accessibility in the granting of refugee status, non-discriminatory support for refugees, confidentiality of information, family unity and protection of the rights of child refugees.

324. Article 12 of the Refugee Act of the Republic of Kazakhstan establishes grounds for the rejection of asylum claims including the existence of reasonable grounds to consider that a claimant is taking part or has taken part in the activities of terrorist, extremist or banned religious organizations operating in the country of origin or in the country from which he or she has arrived. This paragraph is included in the Act for the purposes of national security.

325. A person whose claim is rejected on the above grounds shall voluntarily leave the Republic of Kazakhstan within one month of the date of the decision to refuse to grant, extend or remove refugee status, or the decision to terminate such status.

326. Where a person refuses to leave the territory of the Republic of Kazakhstan voluntarily, he or she is subject to deportation by the internal affairs agencies on the basis of a court decision. The Act also prohibits the return or expulsion of asylum seekers and refugees to countries where their lives or freedom may be endangered on account of their race, religion, ethnicity, nationality, membership of a particular social group or political opinion.

327. Article 8, paragraph 5, of the Refugee Act of the Republic of Kazakhstan states that asylum seekers have the right to stay in the Republic of Kazakhstan until a final decision is taken on the refugee status application and for the period of the appeal procedure. The Refugee Act forbids the deportation or repatriation of asylum seekers and refugees whose lives or freedom may be endangered on account of their race, religion, ethnicity, nationality, membership of a particular social group or political opinion (article 18).

328. The regulatory decision of the Supreme Court of 28 December 2009 on implementation of the provisions of criminal and criminal procedure law relating to respect for personal liberty and the inviolability of human dignity and to the prevention of torture, violence and other cruel or degrading treatment or punishment contains the following clarification: “when examining a request to hand over a citizen of a foreign State accused of committing a crime or convicted by a foreign State, pursuant to article 3 of the Convention, circumstances shall be clarified where they indicate the presence or absence in the requesting foreign State of the regular practice of committing gross, flagrant or major violations of human rights. Where such facts are proven and there are sufficient grounds for believing that the person to be handed over may be subjected to torture, that person shall not be handed over to the requesting State”.

329. The Refugee Act adopted by the Republic of Kazakhstan grants asylum seekers the right to appeal a decision by the competent agency that refused to award refugee status. Such a person has the right to remain in Kazakhstan until a decision is taken on the award of refugee status, including the duration of the appeal period. Refugees have the right to appeal a decision by the competent agency to refuse to extend, to remove or to terminate refugee status. The competent agencies shall, within five working days of a decision being taken to refuse to award refugee status or a decision to remove refugee status, transmit or send to the person making the request a copy of the decision with an indication of the reasons for refusal or clarification of the procedure to appeal the decision taken. A person who has received a corresponding decision has the right to refer the matter to the courts.

330. The Act prohibits the return or expulsion of asylum seekers and refugees to countries where their lives or freedom may be endangered on account of their race, religion, ethnicity, nationality, membership of a particular social group or political opinion. An asylum seeker may apply for or be granted refugee status prior to his or her arrival in Kazakhstan in person or through his or her representative at the diplomatic mission or consulate in the Republic.

331. The Refugee Act of the Republic of Kazakhstan grants persons within the jurisdiction of the United Nations High Commissioner for Refugees (UNHCR) the following rights: freedom of employment or self-employment; access to health services in accordance with the legislation of Kazakhstan; other rights and freedoms provided for by the Constitution of the Republic of Kazakhstan, and the laws and international treaties ratified by the Republic of Kazakhstan.

332. According to the Refugee Act, persons within the jurisdiction of the Migration Police Committee of the Ministry of Internal Affairs of the Republic of Kazakhstan have the right to receive identity papers that indicate their status as refugees or asylum seekers. Between 2009 and 2011 the Government of Kazakhstan assigned 3,718.4 million tenge (\$24.8 million) to the implementation of the Refugee Act and the issue of identity cards for refugees and asylum seekers. A refugee identity card is valid for free movement throughout the territory of the Republic of Kazakhstan. Refugees have the right to a travel document that will attest their identity and status outside the Republic of Kazakhstan.

333. Article 280, paragraph 1 of the Code of Civil Procedure of the Republic of Kazakhstan states that natural persons and legal entities have the right to apply to the courts within three months of the date on which they became aware that their rights, freedoms and legal interests had been violated.

334. Most refugees are settled in two regions of Kazakhstan: 11 per cent in South Kazakhstan province and 88.1 per cent in Almaty city, owing to the intrinsic natural and climate conditions. The children of refugees and repatriates have the right to obtain targeted social assistance from the State. They are provided with opportunities for in-depth study of their native languages, as well as Kazakh and Russian, as part of study and educational programmes designed to promote integration into Kazakh society. Additional classes, language groups and optional sessions are organized.

#### **Information concerning paragraph 16 of the concluding observations**

##### *Subparagraph (a)*

335. Since 1993, Kazakhstan has been a member of the International Labour Organization (ILO) and the country has ratified 16 ILO conventions, including all eight fundamental and four priority conventions. Kazakhstan has also ratified the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, the Convention on the Elimination of All Forms of Discrimination against Women and its Optional Protocol, and the Convention on the Rights of the Child and its two Optional Protocols.

336. The Act on the incorporation of amendments and additions into certain laws of the Republic of Kazakhstan on labour migration issues has been drafted and will soon be examined by the Parliament.

337. Kazakhstan is a party to the following multilateral agreements within the CIS: Agreement on Cooperation in Labour Migration and Social Protection for Migrant Workers of 1994, Agreement on the Mutual Recognition and Equivalence of Secondary (General), Primary Professional and Secondary Professional (Specialized) Education of 2004. Kazakhstan has also signed multilateral and trilateral agreements on labour migration issues with Azerbaijan, Belarus, Kyrgyzstan, Mongolia, Tajikistan and Uzbekistan.

338. In Kazakhstan 32,000 migrant workers from 105 countries in the world are employed. On 22 July 2011, the amended version of the Population Migration Act of the Republic of Kazakhstan was adopted. Representatives from the OSCE Centre in Astana, ILO, the European Commission and IOM took part in the drafting process.

339. The provisions of the draft law are intended to provide social support for migrants and mitigate the adverse effects of migration processes as part of the effort to preserve and develop national identity and security by reducing illegal and selective migration to the maximum extent possible.

340. Within the implementation of the new law, Decree No. 45 of the Government of the Republic of Kazakhstan of 13 January 2012 approved the Rules and conditions for issuing work permits for employment of foreign workers and for recruitment by employers of foreign workers. New foreign labour categories have been introduced: foreign workers, seasonal foreign workers and business immigrants. Different quotas have also been introduced for hiring foreign workers: based on categories, regions, countries, sectors and individual projects of particular importance. A list has been prepared of the positions, specializations and professions (with significant labour shortages at the national level) for which employment permits are issued directly to foreign workers under a simplified procedure.

341. In order to protect the domestic labour market, the Government of the Republic of Kazakhstan sets an annual quota for the recruitment of foreign specialists to work in the Republic. The quota is based on a review of the domestic labour market, employers' applications and proposals by the State authorities concerned.

342. The highest quota level in the period 2007-2010 was in 2008, when the quota was equal to 1.6 per cent of the Republic's economically active population, which was more than 1.5 times the level in 2007. In order to protect citizens of Kazakhstan from the threat of unemployment in the context of the world financial crisis, the quota was subsequently lowered in 2009 to less than half to reach 0.75 per cent of the economically active population. The indicator remained at that level in 2010, representing 63,700 foreign workers, and in 2011 the quota for hiring foreign workers was 0.85 per cent.

343. In 2011, most of the people who came to work in the Republic (about 87.1 per cent) were from countries outside the former Soviet Union, including China (23.5 per cent), Turkey (15.4 per cent), India (8.6 per cent), the United Kingdom (7.0 per cent) and Italy (4.9 per cent). According to local government data as at 1 January 2012, a total of 3,187 employers were using foreign workers (40.9 per cent more than in 2007). The workforces of these employers consisted of 443,500 Kazakh citizens (54.2 per cent more than in 2007) and 29,300 foreign nationals (45.7 per cent fewer than in 2007).

344. In accordance with Decree No. 1066 of the President of the Republic of Kazakhstan of 22 September 2010 on certain issues in implementation of Decree No. 1039 of the President of the Republic of Kazakhstan of 17 August 2010, the functions of the Ministry of Labour and Social Welfare of the Republic of Kazakhstan in respect of migration and refugee issues are transferred to the competence of the Ministry of Internal Affairs of the Republic of Kazakhstan, with the exception of functions for setting quotas on hiring of foreign labour and providing one-off payments and compensation to *Oralman* and members of their families who came to the Republic on the basis of quotas for *Oralman* immigration.



*Subparagraph (b)*

345. Work to prevent illegal migration is carried out in close association with competent bodies in member States of the Commonwealth of Independent States (CIS) on the basis of the Agreement on cooperation between CIS member States to combat illegal migration, documents adopted pursuant to this Agreement and in the context of unions, organizations and communities created by members of CIS, such as the Eurasian Economic Community, the Common Economic Zone, the Collective Security Treaty Organization and the Shanghai Cooperation Organization, as well as in the framework of bilateral agreements (with Belarus, Russia and Ukraine).

346. In order to regulate the process of return and admission of migrants who have illegally entered the territories of the Contracting Parties, work is being done on the preparation of readmission agreements with Ukraine, the Russian Federation and countries of Central Asia (15 countries in total). These documents are now being processed at the national level. Readmission agreements were signed in 2009 with Germany, in February 2010 with Switzerland, and in 2011 with Norway and the Czech Republic (they are now being prepared for ratification).

347. An Agreement on cooperation to combat illegal labour migration from third States was signed in November 2010 as part of the work to establish the Common Economic Zone and the Customs Union. Preventive operational measures are constantly in force including the “Migrant”, “Undocumented Migrant” and “Border” projects.

348. Prompt action is taken on a regular basis to ensure the appropriate investigation, criminal prosecution and punishment of employers and intermediaries who are responsible for violation of the rights of migrant workers and of foreigners.

349. Units responsible for combating organized crime carry out special work to identify, eliminate and prevent instances of trafficking in persons and associated crimes.

350. Kazakh legislation specifies criminal responsibility for trafficking in persons. Laws and regulations regarding trafficking in persons are enhanced and amended as necessary, international conventions and protocols are ratified, and agreements are signed. In 2001, the Parties to Criminal Proceedings (State Protection) Act of the Republic of Kazakhstan came into force, pursuant to which protection is provided for trafficking victims during investigations and criminal proceedings. Under amendments introduced in 2009, protection is also guaranteed prior to the institution of criminal proceedings.

351. In 2010 units for combating trafficking in persons initiated 279 criminal cases, of which 22 concerned trafficking in persons, 17 were for trafficking of minors, 21 were for kidnapping with the intention to exploit, 21 were for illegal imprisonment with the intention to exploit, 7 were for involvement in prostitution, and 191 were for sexual procurement and maintaining a brothel. For the first time in Kazakhstan, four organized crime groups involved in exploitation of people were broken up. During 2010 a total of 82 people were identified as being victims of trafficking in persons (the figures in 2009 and 2008 were 59 and 50, respectively).

352. A special preventive campaign entitled “STOP Trafficking”, is carried out in the Republic on a quarterly basis in order to identify, prevent and solve crimes associated with trafficking in persons.

353. A governmental interdepartmental commission for combating the transfer abroad, entry and trafficking in persons has been in operation since 2004. Similar commissions at regional level report to the provincial authorities (*akims*) and the cities of Almaty and Astana. Every four years an interdepartmental plan of action is adopted and implemented on the basis of the recommendations of a governmental commission.

354. Measures are carried out on a regular basis for implementation of the 2009-2011 action plan of the Government of the Republic of Kazakhstan for combating, preventing and reducing the number of crimes associated with trafficking in persons, and for implementing the 2010-2011 joint plan with the Office of the Procurator-General for checks of employment agencies, organizations offering services for arrangement of foreign travel, modelling agencies and marriage agencies.

355. The following confidential telephone lines are in operation: the 11616 hotline (financial support for this activity is provided by the Ministry of Internal Affairs as part of a State social mandate, and the telephone line is staffed by the Union of Crisis Centres non-governmental organization); and the 1409 hotline (financial support is provided by the Ministry of Justice as part of a State social procurement order, and the telephone line is staffed by the social foundation Pravo (Right)). The hotlines are designed to identify victims of human trafficking crimes and to provide assistance. They are accessible from landlines and mobile telephones throughout the country 24 hours per day. Brochures were issued (12,000 in total) for Kazakh citizens travelling abroad, containing the addresses and telephone numbers of the consular missions of the Republic of Kazakhstan, which were sent to State authorities and provincial justice departments of the cities of Astana and Almaty, and were distributed in places where citizens travel abroad such as airports, railway stations and ports. The brochures in question contain advice on how not to fall victim to human trafficking.

*Subparagraph (c)*

356. Deportation of foreigners and stateless persons from the Republic of Kazakhstan is applied as an administrative sanction for violation of residence rules that are established by law and is applied solely on the order of a court, according to the provisions of the Code of Administrative Offences of the Republic of Kazakhstan.

357. A centre has been set up in Qaraghandy, at the Barimbek Beisenov Legal Institute of the Ministry of Internal Affairs, for training of specialists in combating illegal migration and trafficking in persons. The new institution will also be the basis for a new international training centre for specialists for the Central Asian region, to be created with the support of the International Organization for Migration (IOM).

358. Two seminars were held at the Qaraghandy Centre in 2010 on the theme of development and prospects for migration policy in the Republic of Kazakhstan. They were attended by 38 employees from units of the migration police (part of the Department of Internal Affairs). Representatives of social and non-governmental organizations in Kazakhstan took part in the seminars, as did representatives of the Kazakh International Bureau for Human Rights and the Rule of Law. The seminar

participants discussed key issues in the development of migration policy in Kazakhstan for the period 2007-2015.

359. As part of the work schedule of the Academy of State Management attached to the Office of the President of Kazakhstan, a seminar was held from 14 to 18 March 2011 on further training of civil servants. The theme of the seminar was migration policy and the problems of refugees in the context of national and international security. Principles of transparency and legitimacy are observed by constant monitoring of legal access for migrants to mechanisms for appealing against deportation and establishing the legitimacy of their presence in the country. In case of violation of any residence conditions, an illegal migrant is subject to national and recognized international sanctions of arrest, return and/or deportation.

360. In April 2011, a national seminar-meeting on mechanisms for combating trafficking in children was held in Almaty, on the initiative of the Ministry of Internal Affairs and with the support of the Crisis Centre Union in Kazakhstan (an association of legal entities), the OSCE Centre in Astana, IOM and the Embassy of the United States of America in the Republic of Kazakhstan. Participants included experts from the Russian Federation and Ukraine, and representatives of non-governmental organizations from Kazakhstan, Uzbekistan, Kyrgyzstan and Tajikistan.

*Subparagraph (d)*

361. Deportation decisions are taken by the courts. Under article 61 of the Migration Act of 22 July 2011, appeals against decisions and acts (or failure to act) of the competent authorities and/or their officials may be filed with higher-level State authorities (a higher-level official) and/or with the courts, in accordance with the laws of the Republic of Kazakhstan.

362. In addition, article 49 of the Migration Act, which covers grounds for the refusal to grant or for the cancellation of authorization for permanent residence in the Republic of Kazakhstan for immigrants, states that appeals against a refusal to grant a residence permit or identity card to a stateless person may be filed in the manner prescribed by the legislation of the Republic of Kazakhstan.

363. A person who intends to appeal such a decision shall remain on the territory of the Republic of Kazakhstan during the appeal period.

*Subparagraph (e)*

364. Article 5 of the Migration Act of 22 July 2011 states that immigrants in the Republic of Kazakhstan enjoy the same rights and freedoms as are accorded to citizens of the Republic of Kazakhstan, unless the Constitution of the Republic of Kazakhstan, laws or international treaties provide otherwise.

365. In addition, immigrants in the Republic of Kazakhstan have the right to education and to medical and social care, according to the procedure established by the legislation of the Republic of Kazakhstan. They have the right to freedom of movement in the area of national territory that is open for visits by immigrants, and to free choice of their place of residence, as well as the right to apply to courts and public authorities for the protection of their property and personal non-property rights. *Oralman* have the right to obtain paid adaptation and integration services at

adaptation and integration centres for *oralman*, except for those *oralman* and the members of their families who receive these services free of charge.

366. Furthermore, immigrants in the Republic of Kazakhstan assume the obligations established for citizens of the Republic of Kazakhstan, unless the Constitution, laws or international treaties provide otherwise, and shall comply with the Constitution and legislation of the Republic of Kazakhstan, including the established procedure for entry, exit and residence on the national territory.

**Information concerning paragraph 17 of the concluding observations**

367. The study of human rights standards is included in the training programmes of the advanced training institutes of the Office of the Procurator-General and the Ministry of Internal Affairs. In accordance with the Law Enforcement Service Act, persons recruited to work in the internal affairs authorities undergo special initial training. Accordingly, a special human rights course has been developed and introduced into the programme of special initial training courses as part of the agreement between the Ministry of Internal Affairs and the OSCE Centre in Astana and the Kazakh International Bureau for Human Rights and the Rule of Law.

368. The programme of further training courses for officials of internal affairs departments includes subjects related to international human rights standards. Training was provided for 1,000 persons in 2009, 2,743 in 2010 and 3,467 in 2011, at departmental training institutions of the Ministry of Internal Affairs.

369. Further training programmes for judges cover issues related to the field of human rights. The Supreme Court provides educational programmes in this field (conferences, seminars and round tables).

370. The Human Rights Commissioner, with assistance from international non-governmental organizations and his counterparts in foreign States, is conducting training workshop projects for civil servants, employees of social welfare institutions, the penitentiary system and non-governmental organizations.

371. Moreover, secondary schools in the Republic of Kazakhstan offer courses in civic rights subjects. Junior classes study “Knowledge of the world”, while the senior classes are offered courses in history (51 hours), the history of Kazakhstan (51 hours), basic civics (68 hours) and basic jurisprudence (68 hours).

372. In addition, special courses devised by the International Foundation for Electoral Systems are taught in the “Introduction to citizenship” programme. Since 2006-2007 schools throughout the country have introduced legal subjects: foundations of State and law; and basic jurisprudence. These disciplines are included in the list for national competitions and scientific project competitions. Since the 2005/06 academic year all schools have been working on the regional project “Researching humanitarian law”, one of the basic aims of which is to disseminate knowledge about international humanitarian law. The programme is designed to curtail and prevent violations of fundamental human rights by developing pupils’ world outlook and civic responsibility, and teaching them to research various aspects of a specific problem.

373. The Kazakh State makes considerable efforts to enhance the legal literacy not only of civil servants in specific departments, but also of the population as a whole.

374. In particular, the Supreme Court and the local courts hold round tables, seminars and lectures at institutions, schools and colleges, and publish articles in local and national newspapers and magazines, with the participation of representatives of law enforcement and other relevant State authorities, as well as the legal profession and non-governmental organizations.

375. From 11 to 15 July 2011, as part of cooperation efforts with the Supreme Court of the Republic of Bulgaria, a delegation from the Supreme Court and provincial courts of the Republic of Kazakhstan visited Sofia in order to study the judicial practice of the Republic of Bulgaria in civil and criminal cases involving violence and discrimination against women and human trafficking, and in applying the provisions of international conventions regulating these issues.

376. The plan of work for 2012 of the Centre for Inter-ethnic and Interfaith Studies of the Academy of Public Administration attached to the Office of the President of the Republic of Kazakhstan provides for the following: training courses on inter-ethnic and interfaith relations; special courses for further training programmes for civil servants; creation of a research database for an ethnic and faith map of Kazakhstan, and the collection, systematization and standardization of statistics.

#### **Information concerning paragraph 18 of the concluding observations**

377. Kazakhstan is a multi-ethnic State in which more than 120 ethnic groups live peacefully together. According to the Constitution of the Republic of Kazakhstan, everyone is equal before the law and the courts. No one may be subjected to discrimination of any kind on the ground of origin, social, official or property status, sex, race, nationality, language, religious beliefs, opinions, place of residence or any other circumstances.

378. Every individual has the right to appeal to the courts if their constitutional rights are violated or challenged. This category of cases is initiated on the basis of a claim by the injured party or his legal representatives.

379. Amendments have now been made to existing laws for the further enhancement of the criminal penalty system and the penitentiary system, further strengthening of the fight against corruption, enhancement of the judicial system, provision of qualified legal assistance, provision of a guaranteed range of free medical treatments, social support for certain categories of citizens, protection of citizens' rights to the inviolability of private life, prevention of offences and the protection of consumers' rights.

380. Digital human rights libraries attached to local government offices and representative bodies have been set up in Almaty city and the South Kazakhstan province. A library is also being established in the East Kazakhstan province and is now nearing completion.

#### **Information concerning paragraph 19 of the concluding observations**

381. The application of special support measures for *oralman* is determined not by their ethnic affiliation, but by the following two factors. Many of them are the descendants of individuals who at some time were forced to move abroad on account of the threat of political repression, the 1931-1932 famine, forced transfer for settlement and other circumstances, and the measures taken by the Kazakh State essentially provide compensation to these repatriates. When they arrive in

Kazakhstan, most *oralman* are in dire need of assistance with adaptation, unlike their compatriots who returned to the Republic of Kazakhstan following a short period abroad, as the country's cultural landscape has undergone radical changes over the past few decades and most *oralman* have little or no command of Russian, which is in widespread use in modern-day Kazakhstan.

382. In 2010, 28,852 persons left the country to reside permanently abroad, and 2,303 of them returned to Kazakhstan within the same year. The largest number, 1,657, returned from Russia, 61 from Uzbekistan, 48 from Belarus, 198 from Mongolia, 127 from the People's Republic of China and 123 from Germany.

383. In 2011, 32,848 persons left the country to reside permanently overseas, of which 1,259 returned to Kazakhstan in the same year. The largest number, 1,057, returned from Russia, 54 from Uzbekistan and 26 from Belarus, while of those returning from countries outside the former Soviet Union, 67 returned from Germany and 5 each from the United States of America and Israel.

384. The official statistics do not show the ethnic composition of the returning population.

#### **Information concerning paragraph 20 of the concluding observations**

385. The Languages Act of the Republic of Kazakhstan, approved on 17 July 1997, establishes the legal foundations for the use of languages in Kazakhstan and the State's duty to create conditions for the study and development of languages and to ensure uniform respect, without exception, for all the languages used in Kazakhstan.

386. Article 21 of the Languages Act (concerning the language used in official forms and visual information) clearly states that forms, signs, announcements, advertising materials, price lists, price tags, and other visual information are to be written in the State language and in Russian, and in other languages as necessary.

387. All visual texts are arranged as follows: in the State language on the left or above and in Russian on the right or below, and the size of the letters should be the same in both languages. Visual texts may also be displayed in other languages as necessary, but the size of letters should not exceed the stipulations of by-laws.

388. It may be noted that all necessary legislative measures are taken to ensure that minority languages are used. The Government also creates the conditions and uses all available opportunities to meet the ethnolinguistic aspirations of citizens.

389. Many representatives of ethnic communities support active study of the Kazakh language, as it is essential for young people's integration into Kazakh society and for their professional future.

390. Reiterating its previous concluding observations, the Committee encourages the State party to consider establishing an independent national human rights institution, in accordance with the principles relating to the status of national institutions for the promotion and protection of human rights ("the Paris Principles") (General Assembly resolution 48/134).

391. A series of measures to strengthen national potential and eliminate shortcomings in the promotion and protection of human rights, including by guaranteeing the rule of law and appropriate protection for vulnerable population

groups, is envisaged in the National Human Rights Action Plan of the Republic of Kazakhstan 2009-2012.

392. The Human Rights Commissioner of the Republic of Kazakhstan has been assigned functions in accordance with the Paris Principles. Accordingly, the Commissioner has the right to request information from State authorities and officials, to submit to Parliament proposals for parliamentary hearings and to visit any State authorities and organizations, and also places of detention.

393. The Commissioner is permitted to verify with the prosecuting authorities the facts of alleged violations. The only complaints that the Commissioner does not examine are those relating to acts and decisions of the President, the Parliament and its members, the Government, the Constitutional Council, the Procurator-General, the Central Electoral Commission or the courts of the Republic of Kazakhstan.

394. The Commissioner receives reports and complaints of various kinds, including in relation to discrimination on the grounds of nationality. Between 2003 and 2011, 37 reports of discrimination on the grounds of nationality were received.

395. Bearing in mind the indivisibility of all human rights, the Committee encourages the State party to consider ratifying those international human rights instruments which it has not yet ratified, in particular treaties the provisions of which have a direct bearing on the subject of racial discrimination, such as the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (1990), International Labour Organization (ILO) Convention No. 111 (1958) concerning Discrimination in Respect of Employment and Occupation and 1960 UNESCO Convention against Discrimination in Education.

396. Kazakhstan ratified ILO Convention No. 111 (1958) concerning Discrimination in Respect of Employment and Occupation in Act No. 118-II of the Republic of Kazakhstan of 14 December 2000.

397. With regard to the ratification of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families: analysis of the assessment of the consequences of the Republic of Kazakhstan's accession to the Convention leads to the conclusion that accession would be premature for the following reasons: (a) current legislation on migration policy is insufficiently developed and action must be taken to complete it and to develop additional and more complete legal and regulatory acts on selected issues; (b) the Convention under consideration is not included in the list of instruments that must be signed for the purposes of membership of the World Trade Organization (WTO), and accession at the present time would require significant amendments to current legislation; (c) most of the signatory countries to the Convention are donor countries which seek to protect their own citizens outside their national borders. The reservations made by a number of countries that have acceded to the Convention relate to citizens' social and political rights and freedoms; (d) the developed countries have not acceded to the Convention since the rights and freedoms guaranteed by the legislation of these countries meet the Convention's requirements and, in many cases, exceed them; (e) the countries of the Commonwealth of Independent States (CIS) (including Azerbaijan, the Kyrgyz Republic and Tajikistan, which have ratified the Convention) are not fully ready to implement the requirements of the Convention in practice.

398. Owing to the fact that the Convention makes legal and illegal labour migration virtually equal in terms of rights, this may create real and potential threats to any aspect of the security of the host society, distort its social, demographic and territorial entities, aggravate competition on the local labour and housing markets, form whole sectors of employment not subject to regulation by law, cause a clash between ethnic and sub-ethnic stereotypes and standards of behaviour, lead to the social and cultural marginalization and criminalization of society, and create centres of social tension.

399. Kazakhstan ratified the Convention on the Legal Status of Migrant Workers and the Members of Their Families of CIS member States on 31 December 2009 (No. 235-IV). In order to establish a legal base for the Common Economic Space of the Republic of Belarus, the Republic of Kazakhstan and the Russian Federation, as regards guaranteeing freedom of movement for workers, Decree No. 1044 of the Government of the Republic of Kazakhstan of 8 October 2010 on the signing of the Agreement on the legal status of migrant workers and the members of their families was adopted. The Agreement was signed on 19 November 2010 in Saint Petersburg during the regular session of the Inter-State Council of the Eurasian Economic Community.

400. In the light of its general recommendation No. 33 (2009) on follow-up to the Durban Review Conference, the Committee recommends that the State party give effect to the Durban Declaration and Programme of Action, adopted in September 2001 by the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, taking into account the Outcome Document of the Durban Review Conference, held in Geneva in April 2009, when implementing the Convention in its domestic legal order. The Committee requests that the State party include in its next periodic report specific information on action plans and other measures taken to implement the Durban Declaration and Programme of Action at the national level.

401. The Republic of Kazakhstan is making intensive efforts and is taking concrete steps at the domestic level, as well as cooperating actively with other States and regional and international organizations (United Nations High Commissioner for Refugees, IOM, and the International Committee of the Red Cross and Red Crescent) in the field of human rights protection.

402. All the issues raised and recommendations made in the Durban Declaration are taken fully into account in Kazakhstan both in terms of legislation and as regards public relations in the social, economic, political, cultural, inter-ethnic and religious spheres. For example, article 14, paragraph 2, of the Constitution of the Republic of Kazakhstan states: "No one may be subjected to discrimination of any kind on the ground of origin, social, official or property status, sex, race, nationality, language, religious views, opinions, place of residence or any other circumstance."

403. As a member of the world community, Kazakhstan takes an active part in tackling refugee problems, in accordance with the State's migration policy. This is a logical continuation of Kazakhstan's chosen path of adhering to the purposes and principles of the Charter of the United Nations and the Universal Declaration of Human Rights, a path confirmed by the adoption of the Act of the Republic of Kazakhstan of 15 December 1998 on Kazakhstan's accession to the Convention relating to the Status of Refugees and the Protocol thereto.



404. The legal status of refugees is regulated by the Migration Act of the Republic of Kazakhstan and other domestic legislation. Kazakhstan is a party to the 1951 Convention relating to the Status of Refugees and its Protocol of 1967. It is also a party to the International Convention on the Elimination of All Forms of Racial Discrimination, adopted on 21 December 1965 and ratified by Kazakhstan on 29 June 1998.

405. The project on institutional and capacity-building activities to strengthen the asylum systems in Central Asia, financed by the European Union and UNHCR, is designed to tackle the problems of the protection of refugees and *oralman* by monitoring the exercise of their rights by these population groups in Kazakhstan.

406. The Refugee Act of the Republic of Kazakhstan has been adopted. A working group was set up as part of the process of preparing the draft law, and its members include representatives of a number of ministries and from the Office of the Procurator-General and the National Security Committee. The working group also includes representatives of the United Nations, OSCE and the country's public associations. The rights of the citizens of the Republic of Kazakhstan guaranteed by the Constitution are observed. The equality of all persons before the law in the exercise of their rights and freedoms is guaranteed. The curricula of education institutions at all levels make provision for a variety of measures designed to foster a culture of multinational and multiracial tolerance, and these measures are implemented.

407. The Committee recommends that the State party continue consulting, expanding and deepening its dialogue with organizations of civil society working in the area of human rights protection, in particular in combating racial discrimination, in connection with the preparation of the next periodic report.

408. In the Republic of Kazakhstan, consistent efforts are being made in this area and progress is being made. For example, the Supreme Court is actively developing links with civil society and non-governmental organizations that deal with human rights issues, efforts to combat racial discrimination and other special issues. In conjunction with the Charter for Human Rights Foundation, the Supreme Court of the Republic of Kazakhstan has held a number of events for judges on trials by jury, approval of arrest and implementation of the recommendations made by the Committee Against Torture to combat human trafficking in the Republic of Kazakhstan by enhancing national legislation in accordance with international standards.

409. Human rights protection issues are addressed by a number of NGOs in Kazakhstan, such as the International Bureau for Human Rights and the Rule of Law of Kazakhstan, Charter for Human Rights Foundation, the Almaty Helsinki Committee, the Edil coz international foundation for the protection of freedom of speech and the Institute of European Law and Human Rights.

410. The Government of the Republic of Kazakhstan encourages the involvement of representatives of the non-governmental sector in all initiatives relating to the protection of human rights and the rights of citizens.

**Information concerning paragraph 25 of the concluding observations**

411. The issue of the Republic of Kazakhstan's ratification of this amendment is under consideration. The relevant notification will be made based on the outcome of the examination by the Government of the Republic of Kazakhstan.

**Information concerning paragraph 26 of the concluding observations**

412. The observation is duly noted. This report will be published in the State language, the language of official use and other commonly used languages, and will be published on the websites of the Ministry of Culture and Information and other State authorities, as well as in the Law database, which is available free of charge in all public service centres.

---