



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

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## Committee on the Elimination of Racial Discrimination

### 106th session

#### Summary record of the 2879th meeting

Held at the Palais Wilson, Geneva, on Thursday, 21 April 2022, at 3 p.m.

*Chair:* Ms. Shepherd

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*Combined eighth to tenth periodic reports of Kazakhstan*

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*The meeting was called to order at 3 p.m.*

**Consideration of reports, comments and information submitted by States parties under article 9 of the Convention (continued)**

*Combined eighth to tenth periodic reports of Kazakhstan (CERD/C/KAZ/8-10; CERD/C/KAZ/Q/8-10)*

1. *At the invitation of the Chair, the delegation of Kazakhstan joined the meeting.*
2. **Mr. Shoikin** (Kazakhstan), introducing his country's combined eighth to tenth periodic reports (CERD/C/KAZ/8-10) and noting that an addendum to those reports had recently been submitted, said that, in Kazakhstan, discrimination was prohibited on all grounds and government action was based on the principle of "unity in diversity". In 2020, a Kazakh had been appointed as the High Commissioner on National Minorities of the Organization for Security and Cooperation in Europe (OSCE), becoming the first person from the Commonwealth of Independent States and Central Asia to hold the position.
3. Under the Law of 29 December 2021, the mandate of the Human Rights Commissioner (Ombudsman) had been brought into full compliance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles). The Law strengthened the Ombudsman's legal status and activities, broadened the Ombudsman's powers to restore violated rights and introduced additional mechanisms, such as regional representatives of the Ombudsman. The Law also guaranteed the Ombudsman's immunity from criminal and administrative liability and protection from procedural coercive measures, interference and obstruction of his or her activities. The Ombudsman was able to bring broad legal action to protect rights and freedoms and could appeal directly to the Constitutional Court.
4. Since 2014, a national mechanism to prevent torture in closed institutions had operated under the Office of the Human Rights Commissioner. Non-governmental organizations (NGOs) in the field of rights protection worked actively with the mechanism, which monitored more than 3,000 institutions across the country. Citizens were also able to raise matters related to their rights and interests using an appeals mechanism.
5. Over the previous five years, women's representation in business and management had increased, and women remained well represented in the civil service and at the decision-making level. In 2021, the list of prohibited professions for women had been repealed and it was expected that the gender pay gap would improve as a result. In addition, 37 Kazakh companies received support under the United Nations Women's Empowerment Principles; the country office of the United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women) had named Kazakhstan a regional leader in promoting those principles.
6. In February 2022, the Law on Political Parties had been amended to ensure that women, young people and persons with disabilities constituted no less than 30 per cent of each candidate list for the Majilis, the lower house of Parliament, and local councils (*maslikhats*). Workplace quotas were in place for vulnerable groups and, as of 2021, approximately 19,000 people were employed under the quotas. Moreover, in the 2021–2022 academic year, educational grants had for the first time included quotas for socially vulnerable segments of the population.
7. Regarding statistics, the results of the 2021 census, including indicators on the social and economic development of various ethnic groups, would be published online. All citizens were guaranteed equal access to the civil service; 12 per cent of government employees, representing 56 ethnic groups, and 23 per cent of deputies in the Parliament were of non-Kazakh ethnicity. Information on the ethnic make-up of the prison population was available from the Ministry of Internal Affairs.
8. Between 2017 and 2021, the migration system had been optimized to ensure safe, orderly and legal migration; changes had included the introduction of electronic visas, the online issuance of documents for foreign workers and the simplified issuance of work permits for migrants. In 2020, Kazakhstan had signed a joint statement on the impact of the pandemic of coronavirus disease (COVID-19) on migrants.

9. In 2021, there had been 371 refugees in Kazakhstan, as well as 6,911 stateless persons, 1,808 of whom had been granted citizenship; 110 stateless women had been granted citizenship under the 1957 Convention on the Nationality of Married Women. Over 6,000 undocumented stateless persons had been identified as the result of a joint campaign by Kazakhstan and the Office of the United Nations High Commissioner for Refugees in 2020; 3,400 had been eligible for Kazakh citizenship and 1,600 had received official stateless status. A number of channels of illegal migration had been closed and attempts to cross the border illegally had been stopped. Moreover, in 2018, the Victim Compensation Fund Act had been adopted to enable victims of crimes related to trafficking in persons to receive financial compensation.

10. Regarding the direct application of the Convention, 35 judgments directly referring to the Convention had been rendered between 2016 and 2022. In February 2020, a conflict between persons of Kazakh and Dungan ethnicities had led to mass riots in several settlements in Korday district. A number of provocateurs had taken advantage of the situation to organize pogroms in which property had been destroyed and other crimes had been committed. The matter had been investigated by a specially created investigative committee under the Prosecutor General's Office, and sentences had been handed down to 46 Kazakhs, 13 Dungans and 1 Kyrgyz for participation in the riot and other offences.

11. The Committee for the Development of Inter-Ethnic Relations had been created to promote inter-ethnic dialogue and protect the rights of different ethnic groups, and the Institute of Applied Ethnopolitical Research had been established to analyse government policies on inter-ethnic matters. Guidelines on inter-ethnic relations had been developed and training in that area had been provided to more than 4,000 people, including NGO employees, journalists and civil servants. Moreover, the Academy of Public Administration, together with the United Nations Children's Fund (UNICEF), had developed a training programme for social workers and migration service employees on international standards and best practices for working with children in a migration context.

12. Other innovations had included a standard to prohibit discriminatory statements or actions by police officers when interacting with the public, and the live streaming of legal briefings on high-profile court cases by the Supreme Court's communications centre. An action plan adopted in 2021 aimed to improve cooperation between the Government and United Nations mechanisms, domestic legislation and law enforcement practices in the field of human rights.

13. Reforms announced in March 2022 had included a proposal for the representation quota for the Assembly of the People of Kazakhstan in the Majilis to be transferred to the Senate, with prospective deputies recommended by the Assembly rather than elected. The Majilis would also be given the right to adopt laws, and the Senate would be authorized to approve candidates for the posts of Chair of the Constitutional Court and Chair of the Supreme Judicial Council. Moreover, the establishment of the Constitutional Court would enable citizens and temporary or permanent residents of Kazakhstan to make direct appeals. A majoritarian/proportional representation model would be used for the election of Majilis deputies and members of regional and municipal councils.

14. In 2021, Kazakhstan had ratified the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty. A systematic approach to the investigation of crimes related to torture, led by the Prosecutor General's Office, would be introduced to ensure the objectivity of investigations and sentencing in human rights offences and to address impunity in law enforcement.

15. Other legislative changes had included a new rule on the organization of peaceful gatherings and the transfer of a provision on libel from the Criminal Code to the Administrative Code. The Media Act was undergoing revision to ensure effective communication between the authorities and the public and to enable the development of independent and reliable media.

16. **Ms. Ali Al-Misnad** (Country Rapporteur) said that she commended the participation of Kazakhstan in the World Justice Project Rule of Law Index, in which it had improved its position to rank 66 out of 139 countries in 2021. However, it was of concern that the country's

lowest scores had been under the indicators of “Constraints on government powers” and “Fundamental rights”.

17. She would appreciate information on the social and economic situation of the ethnic groups in the State party, and of migrants, refugees, asylum seekers and stateless persons, including with reference to education, employment, health and housing; as well as information on the types of crimes committed in the State party disaggregated by ethnicity.

18. In view of reports of amendments to the Constitution, she asked whether the Convention was directly applicable in the State party and how the Government ensured that its provisions were incorporated into domestic law and were applied in practice. Information would also be welcomed on the application of the Convention in the legal system and on measures taken to disseminate information to lawyers, magistrates, law enforcement officers and the public, especially minorities, about the prohibition of racial discrimination and the remedies available to victims. She also wished to know of any plans to adopt a comprehensive anti-discrimination law, including definitions of direct and indirect discrimination, in line with article 1 of the Convention.

19. She wondered whether any discussion had taken place on the inclusion in the Labour Code of a prohibition of discrimination based on skin colour and what the result had been; if not, when the issue would be discussed; and why skin colour had not previously been included among the prohibited grounds for discrimination. It would be interesting to know whether the State party maintained its position that special measures introduced artificial inequalities or unequal or separate rights for different ethnic groups, and whether it had adopted any special measures for certain racial or ethnic groups to ensure equal enjoyment and exercise of their human rights.

20. She wished to know how the State party intended to strengthen and ensure the independence of the Office of the Human Rights Commissioner (Ombudsman) and to increase the Office’s financial and human resources and expand it beyond the capital. She wondered whether the Ombudsman published any regular reports on racial discrimination. In addition, she would like to know whether, as reported, the Ombudsman was not authorized to investigate complaints concerning decisions of the President, heads of government agencies, Parliament, the Cabinet, the Constitutional Council, the Prosecutor General’s Office or the courts, and, if so, why. She would appreciate hearing the State party’s views on reports that the Ombudsman and the Human Rights Commission were unable to stop human rights abuses or punish those responsible, and that they avoided addressing underlying structural problems that led to such abuses.

21. Noting that judges received training on the implementation of the recommendations of United Nations human rights treaty bodies, she wished to know whether such training was provided for members of the Parliament and others involved in drafting and adopting legislation. Was there a systematic plan for training government officials, lawyers and law enforcement personnel in how to prevent and address racial discrimination and how to use anti-discrimination legislation?

22. She would appreciate it if the State party could explain the increase in the number of reported cases of racial discrimination and provide up-to-date statistics on the number of complaints of racial discrimination reported to the justice system and the number of court decisions in administrative, civil and criminal proceedings concerning acts of racial discrimination.

23. Further information would be appreciated on the mechanism developed to enable citizens to file complaints in defence of their rights and interests. In particular, she asked how often assistance and legal aid had been requested or provided to individuals in cases of racial discrimination; statistics, disaggregated by ethnicity and stateless, migrant or refugee status, should be provided on who had received such assistance and what kind of assistance had been provided. She asked what measures the State party had taken to ensure that remedies for victims of racial discrimination were effective and sufficient; how those remedies were evaluated; and how potential victims were made aware of them.

24. In view of the violent events of February 2020, she asked whether any activities had been undertaken to repair trust between the Dungan community and neighbouring non-

Dungan communities; what measures had been carried out to investigate allegations of incitement to violence and hate speech against the Dungan community, including through social networks and the media, in relation to the events of February 2020; and what steps had been taken to ensure that ethnic Dungans subject to criminal investigations and proceedings received a fair trial. It had been reported that the Dungan victims had received compensation of only 213 million tenge, significantly less than the initial estimate, and that lost vehicles and stolen cattle had not been taken into account. An update on the number of attackers, the amount of property and livestock stolen, and the compensation provided would be helpful.

25. **Ms. Chung** (Country Task Force), noting that the addendum to the periodic report had been prepared by a working group that included representatives of ministries, the National Centre for Human Rights and NGOs, said that she wondered whether the same was true of the report itself. She was also curious to know how far civil society organizations, including those of ethnic minorities, had been involved in the implementation of the Committee's past concluding observations. As the President of Kazakhstan had recently outlined political reforms aimed at transforming and modernizing the country, she asked whether those reforms included policies to promote the peaceful coexistence and wider participation of ethnic minorities, migrants and refugees in society, and when the reforms were likely to be implemented. The Committee would appreciate information about the ethnic composition of the Committee for the Development of Inter-Ethnic Relations and wondered whether it functioned independently of the Government.

26. Regarding hate speech, she would be interested to know how the State party ensured that the overly broad provisions of article 174 of the Criminal Code did not lead to unnecessary or disproportionate interference with freedom of expression. She wondered whether the State party planned to define the offences set out in article 174 more clearly. She would be grateful for information on measures taken to investigate and prosecute racist hate speech and hate crimes, to punish perpetrators and to prevent pogroms based on racist hatred. As negative stereotyping and hate speech usually targeted the most vulnerable groups, she wondered what measures the Government had taken to protect women, ethnic minorities and members of the lesbian, gay, bisexual, transgender and intersex community. Moreover, in the light of the Committee's previous concluding observations ([CERD/C/KAZ/CO/6-7](#)), she wished to know whether the State party's criminal laws prohibited incitement to violence against any group of persons on account of race, colour or ethnic origin; declared illegal and prohibited all forms of organization and all propaganda activities that promoted and incited racial hatred; and prohibited and punished participation in such organizations or activities.

27. As the Committee had received reports that migrants' access to the formal labour market and to social benefits – including in the areas of health care, housing and education – was hindered by a lengthy process of residence registration, she wished to know what steps were being taken to address the issue. She would be interested to know the estimated number of migrants, including undocumented migrants, in Kazakhstan and what efforts were being made to ensure that undocumented migrant workers could exercise their economic, social and cultural rights.

28. It would be useful to know whether the State party provided a path to citizenship for undocumented migrant workers and what steps it had taken to address the lack of labour protection mechanisms for female migrant workers. Information might be provided on any measures taken to improve access to health care for undocumented migrants and especially pregnant women, since they had no access to the health system beyond emergency treatment. How did the State party deal with situations in which migrants with irregular status, who did not have health insurance, fell seriously ill or required surgery?

29. The Committee would appreciate receiving information on the steps taken to prevent the labour exploitation of migrant children and to promote the realization of their right to health, which was hindered by their not having an individual identification number and their fear of interacting with the authorities. Furthermore, in view of reports that children of undocumented migrants were unable to enrol in school and were not provided with textbooks, it would be useful to know what action was being taken to ensure that all children in the State party were able to attend school. Lastly, she would be grateful if the delegation could comment on claims that law enforcement officers were sometimes complicit in trafficking in

persons and provide further details regarding the recently adopted Victim Compensation Fund Act.

30. **Mr. Kut** (Follow-up Coordinator) said that, in response to the concluding observations issued in 2014, the State party had duly provided an interim report (CERD/C/KAZ/CO/6-7/Add.1) in 2015. The periodic report had been due in 2017 but it had been submitted two years late. In the interim report, the State party had submitted follow-up information on paragraphs 8 (special measures), 15 (migrant workers) and 18 (refugees and asylum seekers) of the concluding observations.

31. The interim report did not seem to indicate that the State party had fully taken into consideration the Committee's recommendation in respect of special measures. However, the Committee was encouraged to note, from the addendum to the periodic report, that Kazakhstan was seeking acceptable tools to promote equal opportunity and that it had introduced a system of job quotas for vulnerable groups. The Committee would appreciate receiving details of the measures envisaged in that regard. The follow-up information provided on migrant workers had been satisfactory, although, again, further information would be welcome.

32. Unfortunately, the follow-up report had not adequately addressed the Committee's concerns regarding refugees and asylum seekers. While the issue had been partially addressed in the periodic report and the addendum, the Committee still did not know what measures had been taken to implement its recommendation. In that regard, it would appreciate receiving details of the activities of the permanent commission established by the Migration Services Committee of the Ministry of Internal Affairs.

33. **Ms. McDougall** said that she would be interested to know to what extent the ethnic composition of the population, as described in paragraph 14 of the report, had changed since 2017. For instance, the delegation might indicate whether there had been a decrease in the Russian population or an increase in the Uighur population. She was also curious to know what were the countries of origin of the migrant population and whether migrants from the Global South were treated differently to those from neighbouring countries in terms of access to services and the labour market.

34. The Committee was particularly interested to know what proportion of female members of the Parliament and of women in leadership positions in the private sector came from ethnic minorities. It also wished to know whether persons who wished to work in government or in the higher echelons of business faced language restrictions, either as a result of laws or policies or in practice.

35. Lastly, she asked whether, following reforms of the Parliament and the Assembly of the People of Kazakhstan, those bodies continued to set aside a number of seats for representatives of ethnic minorities. Did the authorities recognize that any loss of those seats would be undemocratic and would undermine the right of ethnic communities to participate in legislative processes?

36. **Mr. Diaby**, noting that the national human rights institution was attached to the Office of the President and that half of its members represented State bodies, said that he wished to know what could be done to make it more independent and more representative of society.

37. It had been reported that, during the recent unrest, troops had been ordered to fire without warning. He wondered whether the order had been rescinded now that calm had returned. Furthermore, given the heavy death toll, he wished to know whether any investigations had been conducted to identify perpetrators of violations. He was interested to know whether the law enforcement officers who had restored order had been trained in the use of force, including firearms. The delegation might provide an update on the current situation, including information on the number of people who remained in detention and the number of convictions.

38. **Ms. Tlakula** said that the report stated that, under article 13 of the Media Act, the promotion of social, racial, ethnic, religious, class or tribal supremacy were among the grounds for suspending the production or distribution of media publications. Noting that States parties must not disproportionately limit the right to freedom of expression, she wondered whether the article proscribed forms of speech other than hate speech. Noting that

nine members of the Majilis, the lower house of the Parliament, were selected to represent the interests of ethnic groups, she asked what was the total number of seats in the house.

*The meeting was suspended at 4.10 p.m. and resumed at 4.25 p.m.*

39. **Mr. Abishev** (Kazakhstan) said that Kazakhstan had two national human rights institutions. The first was the Human Rights Commission under the Office of the President, which had been established by presidential decree in 1994. The Commission was an advisory body that assisted the President in the exercise of his constitutional powers as guarantor of human rights and freedoms. It was a platform for dialogue that served as a link between the President, State bodies and civil society. It had 37 members, 19 of whom represented civil society. The Commission prepared analytical reports on the human rights situation in Kazakhstan, which it discussed with experts and sent to the President for approval. The reports, which were prepared in Kazakh, Russian and English, were also sent to civil society organizations and other partners and were published on relevant websites. The Commission also prepared specific reports on vulnerable groups, including victims of trafficking, ethnic minorities, stateless persons, refugees, migrants and returnees.

40. The second national human rights institution was the Office of the Human Rights Commissioner (Ombudsman), which had been established by presidential decree in 2002 and had been separated from the executive under a law of 29 December 2021. Since 2017, the Office had been endowed with constitutional status. It had a separate budget, guaranteeing its financial independence. The Office of the Ombudsman was currently led by a woman and it had 104 staff. The Office received and reviewed complaints from individuals and groups and could make recommendations to State bodies regarding measures to restore rights and freedoms that had been violated. It could also request State bodies or officials to open administrative or criminal investigations against individuals suspected of violating fundamental rights and freedoms. Furthermore, the Office was authorized to institute legal proceedings before the courts. Kazakhstan also had other relevant institutions, such as the National Commission on Women's Affairs and Family and Demographic Policies and the Ombudsman for Children's Rights, which reflected the Government's intention to develop its human rights policies in line with internationally recognized standards.

41. Article 4 (3) of the Constitution stipulated that international treaties that had been ratified by Kazakhstan enjoyed priority over its laws. Thus, international human rights commitments formed an integral part of the country's legal framework. In some cases, the Constitution might take precedence over an international agreement between two countries. For example, on 7 May 2001, the Constitutional Council had issued a decision relating to the treaty between the Russian Federation and Kazakhstan on the lease of the Baikonur Cosmodrome. The Council had declared that one of the treaty's provisions – under which Kazakh citizens living at Baikonur, on Kazakh territory, could be held criminally responsible under the laws of the Russian Federation – was unconstitutional. His country had not withdrawn from any international treaty during the 30 years since its declaration of independence. Treaties were ratified once it was ascertained that they were in line with the Constitution.

42. The provisions of the Convention were directly applied by the judiciary and the Office of the Ombudsman. The Supreme Court had adopted a regulatory decision on the implementation of international treaties on 10 July 2008 that was applicable to all judicial bodies operating in the area of criminal, civil or administrative law.

43. The Act on State Guarantees of Equal Rights and Opportunities for Men and Women was the only legal text that contained a definition of discrimination. Article 14 (2) of the Constitution stated that no one could be subjected to discrimination on grounds of origin, social, professional or property status, sex, race, ethnicity, language, attitude to religion, beliefs or place of residence, or on any other grounds, including sexual orientation. Article 20 (3) prohibited propaganda based on claims of racial or ethnic supremacy. The constitutional provision prohibiting discrimination on grounds of race and ethnicity was also reflected in legislation concerning elections, education, migration and the health-care system, as well as in the Labour Code, the Criminal Code, the Code of Criminal Procedure and the Code of Administrative Offences. He agreed, however, that a definition of direct and indirect discrimination should be included in the country's legislation.

44. The commission of a criminal offence motivated by racial or ethnic hatred was deemed to constitute an aggravating circumstance in the Criminal Code. Article 145 of the Code criminalized the direct or indirect restriction of rights and freedoms based on a person's race, origin or ethnicity.

45. The Office of the Human Rights Commissioner had prepared three reports on trafficking in persons, together with the International Organization for Migration and a number of anti-crisis centres run by NGOs. The United States Department of State had placed Kazakhstan in the Tier 2 list in its 2021 annual report on trafficking in persons. The Office of the Human Rights Commissioner had recommended to the Government that citizens of foreign countries, stateless persons and refugees should be provided with special social services free of charge. The Government had agreed to implement the recommendation in the near future. The Criminal Code was fully in line with the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (the Palermo Protocol) and other United Nations treaties.

46. **Mr. Shoikin** (Kazakhstan) said that the full results of the 2021 population census would be published at a later date in 2022. With regard to the large number of persons who had departed from Kazakhstan during the previous year, 72 per cent had been Russians, 8 per cent Germans, 7 per cent Ukrainians and 4 per cent Kazakhs. They had been motivated primarily by the goals of family reunification and the desire to achieve higher levels of education in order to have access to better-paid employment opportunities. Several neighbouring countries, especially the Russian Federation, provided support, such as education grants, under State programmes for persons who crossed the border.

47. Ethnic groups in Kazakhstan had been increasing in size. The number of Uighurs had increased from 251,187 in 2015 to 278,269. The number of Uzbeks had increased by about 15,000 to roughly 620,000. The number of Azeris had increased by 2,100, the number of Turks by 1,500, and the number of Dungans by 1,900 to a total of about 76,300. The number of Tajiks was also increasing, but the number of Russians, Ukrainians and Germans was decreasing.

48. Training courses were provided by the Academy of Justice under the Supreme Court. During the period from 2016 to 2020, a total of 56 seminars had been held with the support of the Friedrich Ebert Foundation on international human rights institutions and the United Nations human rights treaty bodies. A training course on combating hate speech, attended by 1,925 judges, had been held with the office of OSCE in Nur-Sultan. The Academy of Public Administration had provided training courses for 2,369 public officials, including almost 200 representatives of law enforcement agencies. According to the 2019–2020 work schedule of the Ministry of the Interior, 80 representatives of the Police Department of Nur-Sultan had attended training courses. Training on human rights issues and international norms was mandatory in all such courses.

49. In response to recommendations by the United States Department of State on trafficking in human beings, a webinar on the provision of legal assistance to victims of exploitation had been held in 2020 for 17 lawyers. In addition, 34 lawyers had participated in 2022 in an online seminar on international human rights norms.

50. A key task of the Committee for the Development of Inter-Ethnic Relations was the preparation of programmes to enhance public officials' qualifications in the area of human rights. Three-day seminars had recently been held in four different regions for representatives of the regional police authorities, public prosecutors' offices and local authorities. They had dealt with issues such as prevention of hate speech, protection of citizens' rights and recommendations made by United Nations human rights treaty bodies. The Committee also prepared recommendations aimed at ensuring that local officials prevented language-based discrimination and discrimination in the provision of State services. It undertook four field studies each year to assess the views of ethnic minorities and to investigate whether any discriminatory acts had been perpetrated. The Committee then prepared recommendations to law enforcement agencies and the Assembly of the People of Kazakhstan. The Assembly currently focused on inter-ethnic interaction and the organization of events aimed at surmounting problems encountered in inter-ethnic relations.

51. **Mr. Nurgaliyev** (Kazakhstan) said that article 6 of the Labour Code stated that all persons enjoyed equal opportunities to exercise their labour rights and freedoms, and that no one must be subjected to any form of discrimination in the exercise of his or her labour rights on grounds of sex, age or disability status, race, nationality, language, social, professional or property status, place of residence, religion, political beliefs or membership of voluntary associations. Persons who considered that they had been subjected to discrimination were entitled to submit complaints to the courts.

52. With regard to migrant labour, Kazakhstan complied with all relevant international treaties that it had ratified. Citizens, foreign nationals and stateless persons residing in the territory enjoyed equal rights in terms of employment and social protection. Migration policy was an area of strategic importance and the authorities sought to remove the causes of illegal migration and to promote regular labour migration. The legislation governing foreign workers had been amended to promote legal migration since 2017. They had access to public services on an equal footing with Kazakh citizens. There was a streamlined procedure for obtaining labour permits and changing employment. There were currently 484,607 labour migrants, of whom 95 per cent were from Uzbekistan and Tajikistan. The Ministry of Labour and Social Protection worked closely with the competent Uzbek authorities to ensure full protection of migrants' rights.

53. Foreign citizens, stateless persons and persons with residence permits enjoyed the same rights as citizens, except for the right to vote. In accordance with the Constitution, all persons had access to free education in State schools. With a view to guaranteeing migrants' access to secondary education, a computerized system checked the relevant data against the Government's database and the census. According to secondary school enrolment data for 2020/21 compiled by the Ministry of Education, 20,167 students were children of migrants and 689 were children of refugees. In addition, 93 children of migrants were enrolled in technical schools. Unaccompanied minors were placed in centres where they received all the legally required special social services. A study implemented with the support of UNICEF on the potential of the national system to meet the needs of migrant children, especially unaccompanied minors, had highlighted current issues in the system. A project aimed at improving their situation, safeguarding their rights and ensuring their access to social and educational services had been launched in April 2020.

54. **Mr. Shalabayev** (Kazakhstan) said that the events in Korday district in February 2020 had led to mass unrest. Vigorous action had been taken to provide compensation for the resulting damage to social centres, buildings and business enterprises and the serious losses that they had incurred. The public authorities had also undertaken systematic investigations and provided significant support to the residents. They had concluded, however, that harmony and mutual understanding between the different ethnic groups and the Dungan minority existed in the region and throughout the country.

55. Over 2 billion tenge had been accumulated in the victim compensation fund that had been established pursuant to legislation enacted in 2017. The compensatory damages provided to victims of the crimes committed during the events of February 2020 had thus far totalled about 200 million tenge.

56. The tragic events of January 2022 had had a severe impact on the entire country. He assured the Committee that law enforcement officers were not authorized to use lethal or non-lethal weapons against peaceful demonstrators. Pursuant to the legislation governing the National Guard, State security and counter-terrorism, the use of weapons was permitted only when State institutions were attacked or in response to criminal offences and acts of terrorism. The President had ordered the establishment of a committee to investigate the events, in cooperation with the Prosecutor General's Office, with a view to instituting criminal proceedings.

57. **Mr. Yeskaliyev** (Kazakhstan) said that over 27,000 persons were currently detained in the country's prisons. About half of the prison population was composed of Kazakhs. Twenty-eight per cent of detainees were Russians, 2.4 per cent were Ukrainians, 1.5 per cent were Germans and each other ethnic group accounted for less than 1 per cent of detainees. With regard to the categories of crimes for which they were detained, 36 per cent were convicted of property-related crimes, 22 per cent were convicted of murder, 14 per cent were

convicted of drug-related crimes, 11 per cent were convicted of assault or disorderly conduct, 9 per cent were convicted of rape, 3 per cent were convicted of transport-related crimes and 5 per cent were convicted of other crimes.

58. **Mr. Shoikin** (Kazakhstan) said that, pursuant to a presidential decree, the Media Act would be amended to take into account the impact of social media and the prevalence of hate speech in contemporary Kazakh society. Representatives of the media industry would be invited to participate in the redrafting process. It was hoped that the revised text of the Act would be submitted for general discussion by the end of 2022. Any further improvements suggested during discussions with stakeholders would be incorporated into the text.

59. He wished to confirm that NGOs did indeed participate in the preparation of the country's reports to the Committee; it was hoped that more NGOs could do so in the future. To date, it had been mainly cultural organizations representing different ethnic groups, and scientific groups, that had contributed to the drafting process. Such organizations and groups were also consulted in connection with draft legislation and reports on issues concerning inter-ethnic relations.

60. **Mr. Abishev** (Kazakhstan) said that training on the Convention was dispensed to judges and law enforcement personnel by the academy attached to the Prosecutor General's Office. Training was also provided by three specialized academies within the Ministry of Internal Affairs and the Academy of Justice under the Supreme Court. In addition, human rights experts and retired judges organized seminars on issues relating to civil and administrative law.

61. According to the Ministry of Foreign Affairs, the treaty bodies had received 145 individual complaints from Kazakh citizens. However, it appeared that not a single complaint had been submitted to the Committee on the Elimination of Racial Discrimination.

62. **Ms. Ali Al-Misnad** said that she understood from the addendum to the State party's report that, under article 145 of the Criminal Code, direct or indirect restriction of the human rights and freedoms of citizens based on, *inter alia*, descent, race, ethnicity or language was punishable. She had, however, been surprised to learn that no cases had been brought before the courts under that provision between 2018 and 2021 and wondered why that was the case.

63. According to the Office of the Human Rights Commissioner (Ombudsman), it had received only 32 complaints of racial discrimination over the previous five years, of which only 5 had been found to involve rights violations. She wondered whether the low number of complaints received by the Ombudsman could be explained by the existence of multiple complaints mechanisms. If that was the case, it would be useful to know the overall number of complaints of racial discrimination submitted to those mechanisms.

64. The delegation might clarify whether foreign nationals residing in Kazakhstan on a temporary basis now had access to social services. If that was the case, she would be interested to know when that entitlement had come into effect and which services were included.

65. It was her impression that, in Kazakhstan, there was a tendency to conflate offences such as terrorism and hate speech. Indeed, the Committee had received reports that writers and journalists were sometimes imprisoned on ambiguous charges for having exercised their right of freedom of speech. She wondered how the State party ensured that such offences were properly classified.

66. **Ms. Chung** said that the Committee would still like to receive data on victims of trafficking in persons, disaggregated by country of origin, and to know the ethnic composition of the Committee for the Development of Inter-Ethnic Relations established within the Ministry of Information and Social Development in 2020. According to alternative sources, the plight of lesbian, bisexual, transgender and intersex women belonging to ethnic minorities in Kazakhstan was particularly desperate. She would be grateful if the delegation could describe the measures being taken to assist those women.

67. **Mr. Shalabayev** (Kazakhstan) said that, according to the statistics gathered by the Prosecutor General's Office, over the previous five years, only 19 criminal cases had been brought under article 145 of the Criminal Code. Regrettably, the practical enforcement of

that provision remained a challenge. All the cases had involved an aggravating factor and the decisions taken in that connection had been agreed upon unanimously by the competent officials of the Prosecutor General's Office.

68. **Mr. Yeskaliyev** (Kazakhstan) said that, under Kazakh law, acts of terrorism included bomb attacks causing physical damage to property and harm to persons, incitement to war and the undermining of international relations, as well as threats to carry out such acts. Terrorist offences were dealt with by the competent State authorities. Since Kazakhstan had regained its independence, only 12 citizens had been sentenced for such acts. In one case, a soldier had murdered 14 fellow soldiers and carried out bomb attacks in May 2012. In a second case, an organized terrorist act had been perpetrated at a military site in June 2016. Other cases had involved threats and the use of deadly force against civilians. All those convicted had been sentenced to life imprisonment.

69. The tragic events that had taken place in January 2022 had been unprecedented in the history of Kazakhstan. What had begun as peaceful gatherings on 1 January had, by 4 January, turned violent when a group of armed bandits and terrorists had started to attack government buildings. On 4, 5 and 6 January, attacks had been carried out by armed groups and radical and destructive elements. Those acts had subsequently been classified as acts of terrorism. The investigations opened into those events were being led by a unit specially established for that purpose by the President of Kazakhstan. He wished to reassure the Committee that all the events that had taken place would be duly investigated.

70. **Mr. Abishev** (Kazakhstan) said that many foreign workers from Uzbekistan, Tajikistan, Turkey, China, the Philippines and other countries resided in Kazakhstan on a temporary basis. They typically came to work in the country for a period ranging from one month to one year. Pursuant to the Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, criteria to help identify victims of trafficking in persons had been developed in 2014. In 2015, the Ministries of Health and Social Development, Labour and Social Protection and Education and Science had developed standards for the provision of special social services to victims of trafficking in persons. Those standards had recently been updated.

71. According to data provided by the International Organization for Migration, between 2004 and 2018, the Kazakh police had identified some 600 victims of trafficking in persons, NGOs had identified some 420 victims and international organizations a similar number. Around 210 victims had been identified through hotlines and information received from individuals. Different embassies in Kazakhstan had reported just under 120 victims. Of the approximately 1,500 cases of trafficking in persons recorded over that period, more than 190 victims had been under 17 years of age, more than 660 victims had been between 18 and 25 years of age and around 310 victims had been between 26 and 30 years of age. Overall, male victims outnumbered their female counterparts; three transgender victims had also been identified. In Kazakhstan, most persons were trafficked for the purpose of labour exploitation, as opposed to sexual exploitation. The victims were, for the most part, migrant workers from at-risk groups. Further information was available in English on the website of the Ministry of Foreign Affairs. The social services provided to victims of trafficking in persons included medical care, psychological support, legal assistance and material assistance. Victims could live in crisis centres for a period of up to six months, which could be extended if a criminal case was brought.

72. The fact that the Committee had not received any individual complaints of racial discrimination from Kazakh citizens was a testament to the effectiveness of the policies in place to protect the rights and freedoms of all national minority groups. In 2021, the Human Rights Commission under the Office of the President of Kazakhstan had received three complaints of racial discrimination, which, after having been duly investigated, had been found to be vexatious and not to involve racial discrimination. The low number of cases of racial discrimination brought before the courts could also be attributed to the fact that disputes were often settled by non-judicial means, including mediation.

73. **Mr. Shoikin** (Kazakhstan) said that the Committee for the Development of Inter-Ethnic Relations within the Ministry of Information and Social Development included four

representatives of other ethnic groups. While there was admittedly scope for increasing that number, he wished to emphasize that civil service jobs were open to all duly qualified citizens, without distinction as to race or ethnicity. Campaigns were being carried out to recruit more citizens from ethnic minority backgrounds into the civil service. Information sessions on civil service careers and how to obtain employment in that sector had been organized for representatives of ethnic minority associations. Ethnic minority representation in the civil service was higher in the regions because of the high concentration of ethnic minority groups living there. Over 20 per cent of the members of the Parliament of Kazakhstan were from an ethnic minority background. In the Majilis, the lower house, 9 out of 107 deputies belonged to an ethnic minority group. Members of such groups had also been elected to the Senate, the upper house, by regional authorities.

74. Several organizations representing the lesbian, gay, bisexual and transgender population were active in Kazakhstan. They organized events throughout the country and enjoyed the same rights as other NGOs.

75. **Mr. Abishev** (Kazakhstan) said that discrimination on the basis of sexual orientation and gender identity was prohibited by the Constitution and the Criminal Code. Since 2009, persons could undergo gender correction operations on a voluntary basis; such operations were not, however, a prerequisite for changing a person's name or gender marker. The charters of organizations representing the lesbian, gay, bisexual, transgender and intersex population had to be aligned with the Constitution, domestic law and relevant international human rights instruments.

76. **Mr. Yeung Sik Yuen** said that, if he had understood correctly, the Prosecutor General's Office was involved in several matters concerning judges, including their training. If his understanding was correct, he would be interested to know how the independence of the judiciary was guaranteed in Kazakhstan, which body was responsible for appointing and dismissing judges, under what circumstances judges might be removed from office and whether they enjoyed security of tenure.

77. **Ms. Tlakula** said that she wished to know what was the total number of deputies in the lower house of Parliament. She would also be grateful if the delegation could clarify what exactly was meant by "gender correction" operations. Were they simply sex change operations?

78. **Ms. Stavrinaki**, noting that the State party did not appear to report on the prevalence of racially motivated hate crimes to international human rights mechanisms, said that she would appreciate more information on such crimes, particularly following reports from civil society to the effect that such crimes did indeed take place in Kazakhstan.

79. **Mr. Diaby** said that, while he welcomed the legislative steps taken to strengthen the legal framework within which the Human Rights Commission operated, the fact that the institution came under the authority of the Office of the President of Kazakhstan and that some of its members were Government officials remained a cause for concern. How did the State party guarantee the independence and impartiality of the Human Rights Commission and the diversity of its membership?

80. **Mr. Guissé** said it was his understanding that, in 2020, the Ombudsman had requested the Kazakh authorities to take action to combat the stigmatization and discrimination suffered by children born outside Kazakhstan, particularly children born in Syria or Iraq. He would welcome more information on the Ombudsman's appeal and its outcome.

*The meeting rose at 5.55 p.m.*