



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

Distr.: General
6 November 2019
English
Original: Russian
English, French, Russian and
Spanish only

Committee on the Elimination of Racial Discrimination

**Combined eighth to tenth periodic reports
submitted by Kazakhstan under article 9 of the
Convention, due in 2017***

[Date received: 9 September 2019]

* The present document is being issued without formal editing.



1. This report is being submitted to the Committee on the Elimination of Racial Discrimination in accordance with article 9 (1) of the International Convention on the Elimination of All Forms of Racial Discrimination and the general guidelines on the form and content of reports to be submitted by States parties (CERD/C/2007/1). It constitutes the eighth to tenth combined periodic reports of the Republic of Kazakhstan on implementation of the Convention.
2. The report was drafted by a working group under the Ministry of Information and Social Development.
3. The working group included members from ministries, departments, the National Centre for Human Rights under the Office of the President of Kazakhstan, the national government agency Qoғamdyq kelisim under the Office of the President of Kazakhstan, the expert advisory board of the Assembly of People of Kazakhstan (the People's Assembly), the Centre for the Study of Inter-Ethnic and Interfaith Relations in the Central Asian Region of the Academy of Public Administration under the Office of the President of Kazakhstan and ethnocultural associations.
4. The common core document of Kazakhstan was drafted in accordance with the general guidelines on the form and content of reports to be submitted by States parties to the international human rights treaties and submitted for consideration of the Committee in May 2012. These combined eighth to tenth periodic reports contain information on the main changes and the progress achieved as regards the elimination of all forms of racial discrimination over the reporting period from 2014 to 2017.
5. The report is divided into two main parts, one containing general information and information on the implementation of articles 1 to 7 of the Convention, and the other presenting replies to the questions raised and recommendations made by the Committee following consideration of the previous report.

1. General information: Population

6. The administrative and territorial structure of Kazakhstan has undergone some changes since the submission of the previous report, the combined sixth and seventh reports, in 2014.
7. In 2014, the Nauryzbay district of Almaty was created, incorporating several rural subdistricts previously in the Karasay district of Almaty Province, which resulted in changes in the populations of the city of Almaty and Almaty Province, respectively.
8. At the regional level, in 2014, territory from three districts in South Kazakhstan Province, Ordabasy, Sayram and Tóle Bı, was added to the city of Shymkent, where it became the new Karatau district of Shymkent, thus changing the populations of Turkistan Province and Shymkent.
9. Pursuant to Presidential Decree No. 708 of 19 June 2018 on the administrative and territorial structure of Kazakhstan, the city of Shymkent was given special national status, the administrative centre of South Kazakhstan Province was moved from Shymkent to the city of Turkistan and South Kazakhstan Province was renamed as Turkistan Province.
10. The total population has increased since 2014, from 17,160,900 to 17,918,200. As at the start of 2017, the growth accounted for 4.4 per cent of the total population. This situation resulted from an increased birth rate and a significant reduction in the number of deaths. Over the same period, the number of citizens taking up permanent residency outside Kazakhstan increased, while the number of persons arriving in the country decreased significantly. In 2014, the net migration balance was 12,162 persons, and it rose to 21,623 persons in 2017.
11. Population growth occurred over the reporting period in 13 of the country's 17 regions, with the exception of Kostanay, North Kazakhstan and East Kazakhstan Provinces. The greatest increases in overall population were recorded in the cities of Almaty, Astana and Shymkent and in Turkistan Province.
12. As at 1 January 2017, among children and young persons under the age of 24 years, there were more males than females, while females predominated in the age group of 24 years and above. There are almost twice as many women aged 65 and over as there are men.

In general, life expectancy has increased, as has the number of people aged 70 years and over.

13. At the start of 2017, more than half the population of Kazakhstan (57.2 per cent) lived in urban areas and 42.8 per cent lived in rural areas. The share of population who are urban residents has increased from 54.9 per cent to 57.2 per cent since 2014. At the regional level, the urban population has significantly increased in Turkistan, Almaty and Karaganda Provinces.

14. According to census data, the population of Kazakhstan consists of more than 120 ethnic groups. As at the start of 2017, it included more than 12 million Kazakhs (66.9 per cent), 3.6 million Russians (20.2 per cent), 563,100 Uzbeks (3.1 per cent), 238,700 Ukrainians (1.5 per cent), 261,100 Uighurs (1.5 per cent), 202,500 Tatars (1.1 per cent) and 180,700 Germans (1.0 per cent).

Legal framework

15. The Constitution and the main laws addressing human rights and freedoms for all citizens regardless of their racial and ethnic background have remained unchanged since the submission of the combined sixth and seventh periodic reports.

16. In accordance with article 39 (2) of the Constitution, any action likely to disturb inter-ethnic and interfaith harmony is regarded as unconstitutional. Article 4 of the Constitution provides that the provisions of the Constitution, corresponding laws, regulations and other enactments, international treaty and other obligations, and decisions of the Constitutional Council and the Supreme Court constitute applicable law in Kazakhstan. International treaties ratified by Kazakhstan prevail over domestic law. The procedures and conditions for the implementation of international treaties to which Kazakhstan is a party in the territory of Kazakhstan are defined by domestic legislation.

17. In line with the rules of procedural law, international treaties ratified by Kazakhstan take precedence over the corresponding legal codes and are directly applicable, except when it is specified in such a treaty that its application requires the promulgation of a law (Code of Criminal Procedure, art. 2; Code of Civil Procedure, art. 2; Code of Administrative Offences, art. 1).

18. In accordance with article 4 of the Refugees Act of 4 December 2009, the main principles of the government policy on refugees are: support for the right to asylum for asylum seekers and refugees under the procedure set out in the Act; the inadmissibility of discrimination on the grounds of social origin, race, ethnicity, nationality, religion or political opinions in application of the procedures for obtaining refugee status; respect for the confidentiality of the personal data of asylum seekers and refugees; help with reunification of separated asylum seekers and refugee families; protection of the rights of refugee children in Kazakhstan, in accordance with national legislation on children's rights; and non-refoulement of asylum seekers.

19. On 3 July 2014, a new Criminal Code was adopted, including the following articles: article 145 (Violation of the human and civil right to equality) under chapter 3, which is entitled Criminal offences against constitutional and other human and civil rights and freedoms, and which criminalizes the direct or indirect restriction of human or civil rights based on origin, social, professional or property status, sex, race, ethnicity, language, attitude to religion, beliefs, place of residence, membership of voluntary associations or on any other grounds; and article 174 (Incitement of social, ethnic, tribal, racial, class or religious hatred) under chapter 4, entitled Crimes against the peace and security of humanity.

20. The aforementioned elements of a crime were incorporated into the new Criminal Code of 3 July 2014 from the superseded Criminal Code of 16 July 1997.

21. Furthermore, just as in the previous Criminal Code, under article 54 (1) (6) of the new Criminal Code, the commission of a criminal offence motivated by ethnic, racial or religious hatred or enmity or by revenge for the lawful actions of others, or with the aim of concealing or aiding and abetting another criminal offence, constitutes an aggravating circumstance to be taken into account in sentencing.

22. Moreover, a motivation of social, ethnic, racial or religious hatred or enmity is specified as an aggravating circumstance to be taken into account in sentencing in articles 99 (2) (11), 106 (2) (8), 107 (2) (6), 110 (2) (6), 202 (2) (4), 203 (2) (3) and 314 (2) (3) of the Criminal Code.

2. Information on the implementation of articles 1 to 7 of the Convention

23. The second part of this report contains information about the practical measures taken for the implementation of articles 1 to 7 of the Convention, which cover a broad range of civil and political rights. For this purpose, information was taken from the national report of Kazakhstan on implementation of the International Covenant on Civil and Political Rights, submitted to the Human Rights Committee in 2014.

24. Compliance of the definition of racial discrimination in domestic law with the definition provided in article 1 (1) of the Convention.

25. In national legislation, the equivalent term to “discrimination” is “violation of the right to equality” (Criminal Code of 3 July 2014, art. 145), which means the direct or indirect restriction of human (or civil) rights or freedoms based on origin, social, professional or property status, sex, race, ethnicity, language, attitude to religion, beliefs, place of residence, membership of voluntary associations or on any other grounds.

26. Legislative, institutional and other measures taken by government agencies to give effect to article 2 of the Convention.

Article 2 (1) (a), (b), (c) and (d) of the Convention

27. Kazakhstan condemns all forms and manifestations of racial discrimination and has enshrined the equality of all persons before the law in its Constitution. The State places the highest value on human beings and their lives, rights and freedoms. In accordance with article 14 (2) of the Constitution, no one may be subjected to any 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.

28. Article 20 (3) of the Constitution prohibits propaganda and agitation inciting the violent overthrow of the constitutional order, violations of the integrity of the country, the undermining of national security, war, social, racial, ethnic, religious, class or tribal supremacy or a cult of brutality and violence.

29. Article 5 (3) of the Constitution prohibits the establishment and operation of organizations whose goals or activities are aimed at the violent overthrow of the constitutional order, violation of the country’s integrity, undermining of national security or incitement to social, racial, religious, class or tribal hatred, as well as the establishment of unauthorized paramilitary organizations.

30. These provisions have been taken up in the country’s other laws and regulations.

31. For example, in accordance with article 13 of the Media Act of 23 July 1999, the promotion of social, racial, ethnic, religious, class or tribal supremacy are among the grounds for suspending the production or distribution of media publications.

32. In accordance with the Anti-Extremism Act of 18 February 2005, inciting racial, ethnic or tribal hatred, including in connection with violence or calls to violence, is considered “ethnic extremism” and is prosecuted in accordance with the criminal law of Kazakhstan.

33. In accordance with article 174 of the Criminal Code of 3 July 2014, deliberate actions aimed at inciting social, ethnic, tribal, racial, class or religious hatred, insulting the national honour and dignity or religious sensitivities of citizens or promoting the exclusivity, superiority or inferiority of citizens based on their attitude to religion, class, ethnic, tribal or racial affiliation are punishable by a sentence of restriction or deprivation of liberty of 2 to 20 years, depending on the severity of the offence.

34. In July 2014, the new Criminal Code of 3 July 2014 entered into force, significantly increasing the penalty under article 174 (previously article 164).

35. The Code of Administrative Offences of 5 July 2014 also contains articles 57, 434-1 and 453, which stipulate the penalties for less serious violations of legislation relating to inter-ethnic harmony.

36. In addition, in accordance with article 39 (2) of the Constitution, any actions likely to disturb inter-ethnic and interfaith harmony are regarded as unconstitutional.

Article 2 (1) (e) of the Convention

37. Kazakhstan encourages and supports the establishment of integrationist multiracial organizations and movements. Pursuant to the Presidential Decree of 1 March 1995 on the Establishment of the Assembly of People of Kazakhstan, this consultative and advisory body was established under the Office of the President to strengthen social stability and inter-ethnic harmony, based on the principle of partnership between the Government and civil society institutions, in the form of ethnocultural associations. In October 2008, the Assembly of People of Kazakhstan Act was adopted, providing the legal framework for the Assembly's activities. In 2015, the Act was amended to include provisions broadening the Assembly's aims and role. The amended Act contained more precise wording that expanded on the concepts of social harmony and national unity, promoted social and political stability and more effective cooperation between government and civil society institutions in respect of inter-ethnic relations and included provisions to ensure inter-ethnic harmony in the country.

38. At the opening of the third session of the sixth Parliament on 4 September 2017, the President of Kazakhstan called for the amendment of the Assembly of People of Kazakhstan Act, which resulted in the introduction of amendments to the Act on 27 April 2018.

39. The Assembly has mediation offices to promote and enable social harmony and national unity. Social harmony councils have been set up in populated areas and in all the country's regions. Their main role is to resolve social problems and prevent tensions in society.

40. The Act provides that one of the Assembly's main areas of focus is facilitation of philanthropic activities and mediation relating to social harmony and national unity.

41. In light of the increased role for ethnocultural associations in the work of the Assembly, the Act provides that they be included as part of the Assembly's structure.

42. To strengthen the role of the Assembly Council and to bolster its effectiveness in the government policy aimed at reinforcing social harmony, it was necessary to broaden its powers.

43. The Act thus provides for the Assembly Council to be composed of the leaders of national ethnocultural associations and gives the Council the right to establish civic awards.

44. One of the most important objectives for government policy is to ensure social harmony and national unity in the country, which currently has residents from more than 100 ethnic groups. All government agencies, other organizations and institutions work to that end.

45. The executive body of the Assembly is a national State institution called the Qoғamdyq kelisim under the Office of the President, which was established to carry out the work of the Assembly by a presidential decree of 17 June 2014.

46. Local Qoғamdyq kelisim executive bodies have also been established at regional friendship houses within the local administrations of the provinces and the cities of Astana, Almaty and Shymkent.

47. The status of these national and local executive bodies of the Assembly is enshrined in law and their activities are legally regulated.

48. New provisions have been introduced regarding the Assembly's ethnocultural associations to govern their activities and status and government support for activities aimed at preserving and developing traditions, languages and culture.

49. Standards have been introduced for the public accreditation of ethnocultural associations with the aim of further improving such associations as institutions in their own right and involving them more broadly in the active work of the Assembly.

50. Given the significance of questions related to government support, the law has been amended to include a new article on government support for the work of the ethnocultural associations of the Assembly in preserving and developing traditions, languages and culture. It provides a mechanism for government support and for government agencies' assistance to the Assembly.

Article 2 (2) of the Convention

51. Kazakhstan guarantees equality before the law for all citizens and the observance of all constitutional rights and freedoms regardless of racial, ethnic, religious, linguistic, social or other affiliation. Accordingly, Kazakhstan refrains from creating artificial inequalities between members of different ethnic groups and does not grant unequal or separate rights to different ethnic groups.

52. Legislative, institutional and other measures taken by government agencies to give effect to article 3 of the Convention.

53. Kazakhstan categorically rejects segregation and apartheid in its territory and guarantees the rights and freedoms of its citizens to movement within the country. In accordance with article 21 (1) of the Constitution, all persons who are legally present in Kazakhstan have the right to move freely within its territory and to select their place of residence. Moreover, in accordance with article 21 (2), all persons have the right to leave Kazakhstan and citizens have the right to return to the country without hindrance.

54. The Act on the Legal Status of Aliens of 19 June 1995 guarantees that foreign nationals and stateless persons can move freely in Kazakhstan. In accordance with article 16 of the Act, restrictions may be applied by order of the country's competent authorities whenever necessary to ensure national security, protect public order, health or morals or defend the rights and legitimate interests of its citizens.

55. Legislative, institutional and other measures taken by government agencies to give effect to article 4 of the Convention.

56. The Criminal Code of 3 July 2014 contains provisions on crimes and offences motivated by racial and ethnic intolerance (arts. 54, 107, 168, 174, 183 and 404).

57. In accordance with article 54 of the Criminal Code, the commission of offences with the motive of ethnic, racial or religious hatred or enmity or revenge for the lawful actions of others or with the aim of concealing or aiding and abetting another criminal offence is an aggravating circumstance to be taken into account in sentencing.

58. Article 145 of the Criminal Code criminalizes violations of the human and civil right to equality. Violation of the right to equality means the direct or indirect restriction of human (or civil) rights or freedoms based on origin, social, professional or property status, sex, race, ethnicity, language, attitude to religion, beliefs, place of residence, membership of voluntary associations or on any other grounds.

59. Article 174 (1) of the Criminal Code contains a list of the actions which are treated as criminal acts because they constitute incitement to social, ethnic, racial or religious hatred. These include deliberate actions aimed at inciting social, ethnic, tribal, racial, class or religious hatred or enmity, insulting the honour and dignity of a citizen's ethnic group or the religious sensitivities of citizens or promoting the exclusivity, superiority or inferiority of citizens based on their attitude to religion, class or ethnic, tribal or racial affiliation, if such actions are committed publicly or through the media or by disseminating literature or other forms of information promoting social, ethnic, racial or religious hatred or enmity.

60. Article 168 of the Criminal Code establishes the criminal offence of genocide, defined as deliberate acts with the intent to destroy, in whole or in part, a national, ethnic, racial or religious group by killing members of the group, causing serious bodily harm to them, forcibly preventing births within the group, forcibly transferring their children, forcibly resettling them, or by creating other conditions of life calculated to bring about the physical destruction of members of the group.

61. Article 404 (2) of the Criminal Code criminalizes the establishment or leadership of organizations which advocate for or practise racial, ethnic, tribal, social, class or religious intolerance or exclusion, call for the violent overthrow of the constitutional order, undermine national security or attack the territorial integrity of Kazakhstan.

62. From 2014 to 2016, 277 criminal cases were initiated under article 174 of the Criminal Code (44 in 2014, 82 in 2015 and 151 in 2016), resulting in 80 convictions (25 in 2014, 35 in 2015 and 20 in 2016) by the courts. In the first seven months of 2017, 22 persons were convicted, of whom 10 were sentenced to deprivation of liberty and 12 to restriction of liberty.

63. There were 20 convictions for the incitement of religious hatred and 2 for the incitement of ethnic hatred.

64. For example, “E” from Aqmola Province, who was the administrator of an open group called “I am Russian” on the social network VKontakte with approximately 200 members, in July 2015 disseminated a publication containing elements of incitement to ethnic hatred from an account operating under the name of Semen Kotovsky.

65. According to a forensic psychological and linguistic assessment, the text contained elements of incitement to ethnic hatred and insults to the honour and dignity of the Kazakh ethnic group and its history. E fully admitted his guilt and showed sincere remorse for what he had done. On 18 November 2015, Saryarka District Court No. 2 in Astana found E guilty of committing an offence under article 174 (1) of the Criminal Code of 3 July 2014.

66. In 2017, “M” from West Kazakhstan Province, who used the VKontakte mobile application with the user name Aslan Aslan and was one of the 90,000 followers of the Typical Uralsk community, read one of its news items, entitled “Gas prices to rise again in West Kazakhstan Province”. Having noticed that some of the persons who had commented on the article were citizens of the Russian Federation, M left comments containing elements of incitement to inter-ethnic hatred, thus using information and communication networks with the intent to incite ethnic hatred.

67. The court found M guilty of committing an offence under article 174 of the Criminal Code and sentenced him to 3 years’ restriction of liberty.

68. In the first seven months of 2017, the Convention was applied in the consideration of 66 civil cases, 9 criminal cases and 68 cases of administrative offences.

Article 5 (a) of the Convention on the right to equal treatment before the tribunals and all other organs administering justice

69. In accordance with Article 14 of the Constitution, everyone is equal before the law and the courts. No one may be subjected to any 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.

70. In accordance with article 76 of the Constitution, the judiciary exercises power on behalf of the Republic of Kazakhstan and its purpose is to protect the rights, freedoms and lawful interests of citizens and organizations and uphold the Constitution, laws, regulations, other enactments and international treaties. In accordance with the Constitutional Act of 25 December 2000 on the Judicial System and the Status of Judges, all persons, regardless of social, ethnic, tribal, racial or religious affiliation, are guaranteed judicial protection against any unlawful decisions and acts of State bodies, organizations, officials or other persons who violate or restrict the rights, freedoms and legitimate interests enshrined in the Constitution and national legislation. No one may be deprived of the right to have his or her case heard by a competent, independent and impartial court in accordance with all the requirements of the law and justice.

71. To promote better practice among judges, various measures have been implemented to encourage the study and application of the substantive provisions of the international treaties ratified by Kazakhstan.

72. In 2015, the Supreme Court, in cooperation with the Regional Office for Central Asia of the Office of the United Nations High Commissioner for Human Rights (OHCHR) as part of a joint project with the United Nations Development Programme (UNDP), organized practical seminars on the implementation of the decisions of the United Nations

human rights treaty bodies. The events were held for judges, procurators and other officials, in the cities of Astana (10–11 September), Aktau (17–18 September), Öskemen (6–7 October) and Almaty (8–9 October).

73. Representatives of the Supreme Court took part in a seminar organized by OHCHR in support of a comprehensive approach to the implementation of United Nations human rights recommendations, held on 29 and 30 October 2015, in the village of Burabay.

74. Representatives of the Supreme Court also participated in a regional conference organized by OHCHR to share experience in establishing national mechanisms for reporting and follow-up and for implementation of the recommendations of United Nations human rights mechanisms, which took place on 9 and 10 December 2015 in Bishkek, Kyrgyzstan.

75. In 2016, the Supreme Court organized joint seminars with OHCHR and UNDP for judges, procurators and other officials on the subject of individual communications to the United Nations human rights treaty bodies, the procedure for their consideration and the implementation of decisions, in Almaty (23–24 June), Oral (5–6 December) and Shymkent (8–9 December).

76. The Academy of Justice under the Supreme Court and the training centres of the provincial courts regularly conduct training courses entitled “International standards and protection of the right to a fair trial” and “Application of international treaties ratified by Kazakhstan”.

77. The website of the Supreme Court features documents on international human rights law, including the texts of international treaties, under the heading “Help for judges on matters of international law”.

78. As a result of these efforts, there has been year-on-year growth in the number of court cases in which international treaties, including the Convention, are applied.

79. In 2016, the Convention was applied in the consideration of 17 civil cases, 7 criminal cases and 15 cases of administrative offences. In the first five months of 2017, it was applied in 47 civil cases, 3 criminal cases and 50 cases of administrative offences.

Article 5 (b) on the right to security of person and protection by the State against violence or bodily harm, whether inflicted by government officials or by individuals

80. The national legislation of Kazakhstan includes an adequate legal framework providing citizens with legal remedies to ensure security of person and protection by the State against violence or bodily harm. Citizens have the right to file complaints as they wish with any government agencies, courts or non-governmental organizations.

81. In accordance with article 17 of the Constitution, no one may be subjected to torture, violence or other cruel or degrading treatment or punishment.

82. Kazakhstan has human rights institutions and organizations monitoring the observance of civil rights, such as the Ombudsman and the Human Rights Commission under the Office of the Head of State.

83. The procedure for the submission, consideration and resolution of complaints from physical persons and legal entities about the actions of public authorities is set out in Act No. 221 of 12 January 2007 on the Procedure for Considering Communications from Natural and Legal Persons.

84. Moreover, the internal affairs agencies of Kazakhstan work within the scope of their competence to prevent and suppress criminal acts, including unlawful infringements of human and civil rights and freedoms or attacks on the public and national interest, without any racial discrimination. In their work, the internal affairs agencies take urgent measures to suppress and identify incidents of racial violence.

85. We should point out, however, that no incidents of inter-ethnic violence or conflict were recorded in Kazakhstan over the reporting period.

Article 5 (c) on political rights

86. Article 3 of the Constitution provides that the Government's power is derived solely from the people. The people exercise power directly through national referendums and free elections and delegate the exercise of their power to State bodies.

87. In accordance with article 4 of the Constitutional Act on Elections in the Republic of Kazakhstan of 28 September 1995, citizens of Kazakhstan have the right to participate in elections from the age of 18 years, irrespective of origin, social, professional or property status, sex, race, nationality, language, attitude to religion, convictions, place of residence or any other circumstances.

88. In accordance with article 33 (4) of the Constitution, all the country's citizens have the right to enter public service. The requirements for candidates for public sector jobs are determined solely by the duties of the position and are laid down in national legislation.

89. Pursuant to article 16 (5) of the Civil Service of Kazakhstan Act of 23 November 2015, discrimination is prohibited in public service recruitment on grounds of origin, social, professional or property status, sex, race, nationality, language, attitude to religion, beliefs or place of residence, or on any other grounds.

90. One of the main specificities of the People's Assembly is that the interests of ethnic groups have guaranteed representation in Parliament, the highest legislative body of the country. Nine members of the Majilis, the lower house of Parliament, are selected from the Assembly to represent the interests of all the country's ethnic groups.

91. The members of the Assembly's group in Parliament actively take part in the working groups that draft bills. They also prepare and transmit requests to the Government and individual government agencies regarding enhanced status for the Kazakh language, the problems of Kazakh repatriates (the *oralman* community) and the improvement of legislation on education, including in the locations where the various ethnic groups are concentrated.

Article 5 (d) on other civil rights, in particular the right to freedom of movement, to choice of nationality, to own property, to marriage, to freedom of peaceful assembly, etc.

Right to freedom of movement and residence

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

93. The right to leave any country, including one's own, and to return to one's country.

94. In accordance with article 21 (2) of the Constitution, everyone has the right to leave the country. Citizens of the country also have the right to return without hindrance.

95. In 2016, the local subdivisions of the migration police issued citizens of Kazakhstan with 29,700 exit documents for permanent residency abroad (the figure for the equivalent period of 2015 was 34,500).

96. The greatest number, 26,400 (29,700 the previous year), were issued for moves to the Russian Federation, followed by 2,000 (2,000) for Germany, 305 (535) for Belarus, 156 (116) for Canada and 213 (262) for the United States of America.

97. In the first six months of 2017, the local subdivisions of the migration police issued citizens of Kazakhstan with 15,000 exit documents for permanent residency abroad (the figure for 2016 was 29,700).

98. The greatest number, 13,200 (26,400 the previous year), were issued for moves to the Russian Federation, followed by 1,200 (2,000) for Germany, 75 (305) for Belarus, 28 (156) for Canada and 71 (213) for the United States of America.

99. From 2014 to 1 August 2017, 11,686 persons returned to resume permanent residency in Kazakhstan.

100. In the first half of 2017, the number of persons with refugee status in Kazakhstan was 596 (135 families, including single adults and children). Most refugees were registered in the city of Almaty (370 persons, 91 families), South Kazakhstan Province (176 persons, 34 families), Almaty Province (48 persons, 9 families) and Zhambyl Province (2 persons). Among persons with refugee status, 280 were women and 316 were men. They were citizens of Afghanistan (568 persons), Uzbekistan (10), the Syrian Arab Republic (10), China (3) and other countries (5).

101. The ethnic composition of the refugee population was as follows: 314 Tajiks, 86 Pashtuns, 139 Hazaras, 21 Uzbeks, 11 Arabs, 8 Turks and 17 members of other ethnic groups. Of these persons, 56 had a higher education, 18 had a specialist secondary education and 264 had a secondary education; 67 had received no education. Among the refugees, 131 were school-age children and 60 were children under the age of 5.

102. In 2017, 154 persons applied to the migration service for refugee status. Refugee status was granted to 2 of these persons and 41 applications are under consideration. The refugee status commission refused to grant refugee status to 87 persons on the grounds set forth in the Refugees Act of 4 December 2009.

103. The work of the government agencies addressing the refugee issue is based on 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 stipulates the criteria and the procedure for obtaining refugee status, guarantees protection for asylum seekers and refugees and sets out their fundamental rights and obligations in Kazakhstan. The procedure for submitting and registering applications for refugee status has been specified in law and the deadline for the competent authorities to decide whether to grant refugee status has been extended to three months from the date of registration of applications.

104. The Refugees Act guarantees freedom of employment and enterprise, access to health services and other rights and freedoms for which provision is made by the country's Constitution, its legislation and the international treaties it has ratified.

105. In accordance with the rules of international law and recommendations of the Office of the United Nations High Commissioner for Refugees, special provisions have been made for refugee children, and refugee travel documents are issued. The issuance of Convention travel documents allows refugees to move both within and outside the country.

Right to nationality

106. Under article 10 of the Constitution, the country's citizenship is acquired and lost in accordance with the Citizenship Act of 20 December 1991 and is identical and equal regardless of the basis on which it was acquired. Citizens may under no circumstances be deprived of nationality or denied the right to change their nationality and may not be exiled from Kazakhstan. Kazakhstan does not recognize its citizens as nationals of another State.

107. The Citizenship Act was amended in 2016, following terrorist incidents in a number of regions of Kazakhstan and an increasing participation by its citizens, as members of terrorist organizations, in hostilities in Middle Eastern countries.

108. Specifically, under an Act of 22 December 2016 that amended various laws relating to extremism and terrorism, the Citizenship Act was amended in relation to the deprivation and loss of citizenship.

109. Articles 20-1 and 21 of the Citizenship Act were amended:

- Article 20-1. Deprivation of citizenship of Kazakhstan

Deprivation of citizenship of Kazakhstan shall be permitted only by court order for the commission of terrorist offences or of other offences under the relevant articles of the Special Section of the Criminal Code, which cause serious harm to the essential interests of Kazakhstan.

- Article 21. Loss of citizenship

Citizenship shall be lost:

(8) Following participation by the holder in foreign armed conflicts or extremist and/or terrorist activities in the territory of a foreign State.

110. In accordance with article 5 of the Citizenship Act, citizens of the country are equal before the law, irrespective of their origin, social or property status, race or ethnicity, sex, education, language, attitude to religion, political or other beliefs, type or nature of occupation, place of residence or any other circumstances.

111. In accordance with article 16 of the of the Citizenship Act, persons with at least five years' continuous legal residence in Kazakhstan or who have been married to a citizen for at least three years may become citizens of Kazakhstan. These citizenship requirements are waived for minors; legally incapacitated persons; persons who have rendered special services to Kazakhstan or who practise one of the professions on a list established by the President of Kazakhstan and meet the corresponding requirements and the family members of such persons; and citizens of former Soviet republics who come to Kazakhstan for the purpose of seeking permanent residence and who have a close family member – either a biological or adopted child, spouse, biological or adoptive parent, sibling or grandparent – who is a citizen, irrespective of how long they have resided in the country.

112. Kazakhstan facilitates the return to its territory of persons who were compelled to leave it during periods of mass repression and forced collectivization or as a result of other inhuman political acts, and of their descendants.

Right to marriage and choice of spouse

113. Family and marital relations are regulated by the Marriage and Family Code of 26 December 2011.

114. The national legislation on marriage and the family is based on the principle of marriage as a voluntary union between spouses. In accordance with article 2 (4) of the Code, the rights of citizens in matters of marriage and family relations may not be restricted based on origin, social, professional or property status, race, ethnicity, language, attitude to religion or on any other grounds.

115. In accordance with articles 9, 10 and 13 of the Code, no marriage may be concluded without the free and full consent of the man and the woman, who must both be of marriageable age.

116. The minimum age of marriage is 18 years for both men and women. The registry office in the place where the marriage is to be registered may lower this age by no more than two years where valid reasons exist, such as a pregnancy or the birth of the couple's child.

117. Marriages are concluded in registry offices or in special State-run wedding registration halls, in the physical presence of the intending spouses, who must give notice to the registry office one month before the wedding.

118. The official registration of a marriage between a citizen of Kazakhstan and a foreign national or stateless person may take place either in a registry office of Kazakhstan, in the usual manner prescribed by national law, or in the diplomatic mission or consulate of the foreign State of which the intending spouse is a citizen.

Right to own property

119. All citizens of Kazakhstan have the right to own property regardless of their ethnic affiliation.

120. In accordance with article 26 (1) of the Constitution, citizens may privately own any legally obtained property. In accordance with article 26 (2), no one may be deprived of his or her property, except by court order. In exceptional circumstances provided for by law, compulsory acquisition of property for public use is possible in exchange for full compensation. Property rights are guaranteed by the State. There are no legislative provisions that would give preferential or other special rights to the members of certain ethnic groups over others in matters of property relations.

121. The legislation in force governing the registration of real property rights does not contain any restrictions or disqualification rules for the registration of real property rights on any grounds.

122. Foreigners have a specific legal position when it comes to the acquisition of real property.

123. In accordance with article 3 of the Civil Code of 27 December 1994, foreign nationals, foreign legal entities and stateless persons have the same rights and obligations under civil law as Kazakh citizens and legal entities, unless specific laws provide otherwise.

124. Article 9 of the Act on the Legal Status of Aliens stipulates that foreigners who reside permanently in Kazakhstan have the same rights and obligations as citizens in respect of housing.

125. Foreigners in Kazakhstan may own their own homes (except foreigners who are temporary residents) and other property, have copyright over works of science, literature and art, discoveries and inventions, technical innovations and industrial designs, and enjoy other property and personal non-property rights, except in cases established by national law.

126. In view of the above, foreign nationals who are temporarily resident in Kazakhstan are not entitled to own their own apartment or house. This restriction does not, however, apply to foreigners who are permanent residents.

127. Furthermore, article 252 (1) of the Civil Code provides that if, on grounds permissible under the law, a person is in possession of property that cannot legally belong to him or her, the property in question must be transferred by the owner within one year of the acquisition of the title, unless another period is stipulated by law. If the property is not transferred by the owner within the specified period, it is subject to forced transferral by court order and the owner is compensated for the value of the property, less the costs of the transferral.

128. For this reason, the rights of foreigners to inherited real property are registered by the judicial authorities, and if the foreign citizen cannot legally acquire the property, it must be transferred within a year of acquisition of the title.

Right to inherit

129. In accordance with article 26 (2) of the Constitution, the right to inherit is guaranteed by law. Article 14 of the Civil Code of 27 December 1994 guarantees the right of all citizens to own property, including foreign currency, both within and outside Kazakhstan, to inherit and bequeath property, to move freely within Kazakhstan and choose their place of residence, to freely leave and return to the country, to engage in any legal activity, to establish legal entities alone or together with other citizens or legal entities, to conclude any legal contract and take on its obligations, to hold intellectual property rights for inventions, works of science, art and literature and other results of intellectual labour, and to seek compensation for material and moral prejudice.

130. Legal assistance for cases of inheritance involving foreign nationals is provided in accordance with international law, article 5 (1) of the Convention on Legal Assistance and Legal Relations in Civil, Family and Criminal Matters of 7 October 2002 (the Chisinau Convention) and the Convention on Legal Assistance and Legal Relations in Civil, Family and Criminal Matters of 22 January 1993.

131. The competent judicial authorities of the contracting parties communicate through their central, regional and other agencies to provide legal assistance, unless the Convention stipulates otherwise.

132. In accordance with article 16 (2) of the Chisinau Convention, when the judicial authorities of a requesting contracting party receive property claims in civil, family or criminal cases, the judicial authorities of the contracting parties provide reciprocal assistance to determine the place and type of employment and income, including funds held in bank accounts, of the persons residing in their territory who are the subject of such claims.

133. In addition, cooperation in the provision of legal assistance in civil, family and criminal matters is ensured on the basis of international treaties with other States ratified by Kazakhstan.

134. The statistics show that 171,162 certificates of succession were issued in 2016 and 78,902 in the first half of 2017.

Right to freedom of thought, conscience and religion

135. Freedom of conscience is guaranteed under article 22 of the Constitution. Article 3 of the Act on Religious Activity and Religious Associations provides that religious associations and citizens of Kazakhstan, foreign nationals and stateless persons are equal before the law regardless of their attitude to religion. Pursuant to article 3 (5) of the Act, it is prohibited to prevent lawful religious activity, violate the civil rights of natural persons based on their attitude to religion, insult a person's religious sensitivities or desecrate the venerated objects, buildings or places of any religion.

136. The main religions in Kazakhstan by number of followers are currently Islam and Christianity. Islam is mainly practised by Turkic and Caucasian peoples and by Tajiks. Approximately one third of the population is Christian.

137. As at the third quarter of 2018, the country had 3,720 registered religious entities, representing 18 faiths: 2,592 Muslim; 339 Orthodox; 86 Catholic; 591 Protestant; 60 Jehovah's Witnesses; 26 New Apostolic Church; 8 International Society for Krishna Consciousness; 7 Jewish; 6 Baha'i; 2 Buddhist; 2 Church of Jesus Christ of Latter-day Saints (Mormons); and 1 Unification Church.

138. In total, the country has 3,502 functioning places of worship, including 2,592 mosques, 301 Orthodox churches, 110 Catholic churches, 407 Protestant churches, 54 Jehovah's Witnesses Kingdom Halls, 26 New Apostolic Church buildings, 6 synagogues, 3 Baha'i Houses of Worship, 2 International Society for Krishna Consciousness temples and 1 Buddhist temple.

139. There are 554 officially registered missionaries, of whom 435 are foreign nationals and 119 are citizens of Kazakhstan.

140. The country's public authorities systematically explain the procedures for registering religious associations and missionaries. For this purpose, the competent authorities regularly hold meetings with the leaders of the Spiritual Administration of Muslims of Kazakhstan, the Orthodox and Roman Catholic churches, the Jewish community, Protestant associations and other religious groups.

141. Support is provided for civil society organizations and in that context concerted efforts are made to prevent religious extremism and terrorism. Items on combating religious extremism and promoting interfaith dialogue and harmony in society are published in the media.

142. The Ministry of Information and Social Development has a Council on Relations with Religious Associations, which includes the leaders of all religious associations. The provincial administrations have similar councils, which operate as forums for dialogue.

143. To promote global dialogue between religions and cultures, expand international humanitarian cooperation and prevent the exploitation of religious feeling to escalate conflicts and hostilities, Kazakhstan initiated the Congress of Leaders of World and Traditional Religions, which has been held in the capital once every three years since 2003. A Council of Religious Leaders was established under the auspices of the Congress. Its work is focused on further strengthening mutual understanding and cooperation between representatives of different religions and on refining the conceptual foundations of the Congress's platform for dialogue. The Congress has met three times since 2003.

144. Leaders and prominent representatives of Islam, Christianity, Judaism, Hinduism, Buddhism and other religions have taken part in the Congress, which is held in Astana. The Congress's platform for dialogue provides a venue for a rich and substantial debate on spiritual convergence between religious communities; it also adopts joint statements addressed to individuals, peoples and governments.

145. The Astana forum works in cooperation with United Nations specialized agencies and international dialogue platforms such as the United Nations Alliance of Civilizations and the Baku international religious forum.

Right to freedom of opinion and expression

146. Freedom of speech and expression are guaranteed under article 20 of the Constitution. Everyone has the right to receive and impart information in any manner not prohibited by national law. Restrictions are placed on information that constitutes a State secret. A list of such information is set forth in the State Secrets Act of 15 March 1999.

147. In addition, article 20 of the Constitution prohibits, propaganda and agitation inciting the violent overthrow of the constitutional order, violations of the integrity of the country, the undermining of national security, war, social, racial, ethnic, religious, class or tribal supremacy, or a cult of brutality and violence.

148. The Media Act of 23 July 1999 regulates relations in the media sector and provides State guarantees of media freedom in accordance with the Constitution.

149. The existence of a free media is one of the key conditions and indicators for the development of a free, democratic country governed by the rule of law. As at mid-2018, 2,995 media outlets (2,897 in 2017), 30 per cent of which were State-owned, were operating in the country. Of these media outlets, 2,591 were print periodicals, 112 were television channels, 65 were radio stations and 227 were news agencies and online publications.

150. Kazakhstan has 52 ethnic publications printed in 11 languages of the country's ethnic groups. The largest newspapers of the ethnocultural associations receive government support (*Ukrainski Novini, Deutsche Allgemeine Zeitung, Koryo Ilbo, Uighur Avazi, Vatan, Ak Bars* and *Ahiska*).

Right to freedom of peaceful assembly and association

151. In accordance with article 32 of the Constitution, citizens of Kazakhstan have the right to peaceful and unarmed assembly and to hold assemblies, rallies, demonstrations, marches and pickets. The exercise of this right may be restricted by law in the interests of national security, public order, public health or the protection of the rights or freedoms of others.

152. The freedom of peaceful assembly in Kazakhstan is legally regulated through application of the Act on the Procedure for Organizing and Holding Peaceful Assemblies, Rallies, Marches, Pickets and Demonstrations, of 17 March 1995.

153. The Act is intended to enable citizens to enjoy their constitutional rights and freedoms and to ensure public safety and order when such events are held in streets, squares and other public places. In the management of protests, focus is placed on upholding law and order and quickly pinpointing the causes and sources of the protest to find legal ways and means of resolving them. In the event of unauthorized protests, the procuratorial authorities immediately take measures to explain the applicable law and prosecute the perpetrators in accordance with the law, including by imposing administrative penalties in accordance with the procedure established in article 488 of the Code of Administrative Offences of 5 July 2014.

154. Article 488 of the Code of Administrative Offences and article 400 of the Criminal Code of 3 July 2014 contain penalties for violation of the law on the procedure for organizing and holding peaceful assemblies, rallies, marches, pickets and demonstrations. The penalties range from fines to administrative detention of up to 10 days.

155. The right to freedom of peaceful assembly is universal for all citizens of Kazakhstan, regardless of their racial, ethnic, linguistic, social, class, tribal or other affiliation.

156. In accordance with article 23 of the Constitution, citizens of Kazakhstan have the right to freedom of association. Article 5 of the Constitution recognizes the ideological and political pluralism of the country. Voluntary associations are equal before the law. Citizens of Kazakhstan are guaranteed the right to freedom of association regardless of their racial, ethnic, linguistic, social, class, tribal or other affiliation.

157. The Voluntary Associations Act of 31 May 1996 and the Non-Profit Organizations Act of 16 January 2001 govern matters relating to the exercise by citizens of Kazakhstan of their right to freedom of association.

158. As at 1 January 2017, Kazakhstan had 18,517 registered non-profit organizations, of which 11 per cent were involved in support for youth policy and children's initiatives, 9 per cent in support for socially disadvantaged groups, 7 per cent in education, information, sport and culture, 7 per cent in protecting the rights and legitimate interests of citizens and organizations, 7 per cent in protecting public health and promoting a healthy lifestyle, 4 per cent in gender policy, 3 per cent in culture and art, 3 per cent in fostering social harmony and national unity, 3 per cent in helping orphans and children from large or single-parent families, 2 per cent in preserving historical and cultural heritage, 1 per cent in tackling demographic issues and 1 per cent in environmental protection.

159. The country has approximately 1,000 ethnocultural associations (of which 29 operate nationwide) and 135 Sunday schools run by these associations, which teach the native languages of more than 30 ethnic groups.

160. The Assembly of People of Kazakhstan, or People's Assembly, brings together the ethnocultural associations in a single civil society organization. In order to build the institutional capacity of the Assembly, an expert advisory board has been established, made up of scholars, experts and leaders of the top research organizations.

161. An official depository for the Assembly has been opened at the National Academic Library. The Assembly also has a web portal.

162. The national government agency Qoғamdyq kelisim organizes expert advisory, informational and analytical assistance for the work of the Assembly, supports ethnocultural associations, holds public social, political, cultural and academic events that contribute to fulfilment of the Assembly's aims and objectives and monitors inter-ethnic and interfaith relations, etc. Similar institutions operate at regional level for the provincial authorities, with their activities carried out from the friendship houses.

163. In their new format, the regional friendship houses have incorporated all the multifaceted work on inter-ethnic relations carried out by ethnocultural associations and have been transformed into multifunctional resource centres for them. Their priority area of work is the preservation of cultural, linguistic, religious and ethnic diversity among the population.

164. In 2015, a policy framework for development of the People's Assembly (up to 2025) and the related plan of action were adopted by presidential decree; also adopted were a number of other laws and regulations intended to strengthen unity and inter-ethnic harmony, including a policy framework for the development of the friendship houses associated with the People's Assembly.

165. Pursuant to another presidential decree of 2015, Gratitude Day is now celebrated on 1 March to mark the day that the People's Assembly was founded. Its main aim is to strengthen the unity of the people of Kazakhstan and to preserve inter-ethnic and social harmony.

Article 5 (e) on economic, social and cultural rights, in particular the right to work, the right to form trade unions, the right to housing, public health, education, participation in cultural life, etc.

166. Kazakhstan guarantees that workers may form and join trade unions on a voluntary basis. This provision is regulated by the Constitution, the Trade Union Act of 27 July 2014, the International Labour Organization (ILO) Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87) and the ILO Right to Organise and Collective Bargaining Convention, 1949 (No. 98).

167. All citizens of Kazakhstan have the right to form and join trade unions, as well as the right to conclude individual and collective agreements, regardless of their racial, ethnic, social, linguistic, class, tribal or other affiliation.

168. For active cooperation between State entities and non-profit organizations in the protection of workers' rights, the State has established a national trilateral commission on

social partnership and the regulation of social and labour relations, led by the Deputy Prime Minister of Kazakhstan.

169. The Federation of Trade Unions of Kazakhstan encompasses 18 sectoral trade unions and 16 regional trade union associations. The total number of trade union members is more than 2 million. The Kazakhstan Confederation of Labour includes 12 sectoral trade unions and 3 regional trade union associations, with a total of 650,000 members. The Amanat trade union association, which has nine subsidiaries in nine of the country's regions, was registered in May 2017.

170. Trade unions are formed for the purpose of consolidating and promoting legal safeguards and protecting the social, economic and labour rights and interests of trade union members.

171. Respect for human rights, adequate living conditions and favourable conditions of work, the improvement of employment opportunities and increased economic stability are all basic elements of social justice, which trade unions strive to achieve for all workers. To achieve their goals, trade unions set the following priorities: upholding the constitutional right of citizens to remuneration without discrimination of any kind; eliminating poverty; preventing violations of national legislation at foreign companies or discrimination against local workers and professionals; upholding the constitutional right of citizens to social protection from unemployment; drawing the attention of the authorities to women's issues and providing comprehensive support to the work of women's non-governmental organizations and commissions; instituting equitable relations between employers and employees based on legal standards; and fighting for fair pensions.

172. One of the most important functions of trade unions is their participation in social partnership and the work of the national trilateral commission on social partnership and the regulation of social and labour relations, which includes representatives of the Government, employers and workers. Through collective bargaining, trade unions conclude sectoral and wage agreements with the competent public authorities and employers' organizations. All the provincial trade union associations conclude regional agreements with the local authorities and employers' organizations.

173. Pursuant to article 28 of the Constitution, citizens of Kazakhstan are guaranteed a minimum wage and pension and old-age, illness, disability, survivors' and other social security benefits. This right is universal for all citizens, irrespective of racial or ethnic origin.

174. As at 1 April 2018, 509,200 persons were receiving disability benefits, 170,000 were receiving survivors' benefits and 1,000 were receiving old-age benefits.

175. The levels of social benefits depend on the minimum subsistence level, the category and cause of disability and the number of dependents and cause of death of a breadwinner.

176. Since the subsistence level increases every year, the levels of benefits increase accordingly.

177. On 1 January 2018, following a review of the calculation of the subsistence level, the level was increased by 16 per cent compared to 2017, which led to a corresponding increase in the level of social benefits.

178. Moreover, under the Mandatory Social Insurance Act of 25 April 2003, citizens have the right to receive payments when social risks occur: disability, unemployment, loss of a breadwinner or loss of income in connection with pregnancy and childbirth or the adoption of a newborn baby and childcare for children under the age of 1 year. In the first quarter of 2018, 4.9 million persons were enrolled in the mandatory social insurance system. As at 1 April 2018, the total amount of payments made since the introduction of the mandatory social insurance system stood at 949 billion tenge; in March 2018, payments amounting to 14,786,000 tenge were made to 347,124 recipients.

Right to work

179. In accordance with the Constitution and national legislation, all forms and manifestations of discrimination in labour and employment are prohibited in Kazakhstan. Everyone has the right to freedom of employment and a free choice of occupation and

profession. Everyone has the right to safe and healthy working conditions and remuneration without discrimination of any kind and the right to social protection against unemployment.

180. Article 6 of the Labour Code of 23 November 2015 prohibits discrimination in the workplace. Under this rule, everyone has equal opportunities to exercise their labour rights and freedoms. No one may be subjected to any form of discrimination in the exercise of their labour rights on grounds of origin, social, professional or property status, sex, race, ethnicity, language, attitude to religion, beliefs, place of residence, age or disability status, or membership of voluntary associations. Distinctions, exclusions, preferences and restrictions that are established in accordance with the law for specific occupations or based on the special concern of the State for persons requiring greater social and legal protection do not constitute discrimination. Persons who consider that they have been subjected to discrimination at work are entitled to submit complaints to the courts or to other bodies, in accordance with a procedure established by law.

181. This provision is fully compatible with the Constitution, article 14 (2) of which states that no one may be subjected to any 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.

182. Moreover, by Order No. 102 of 28 April 2017, the Minister of Labour and Social Protection approved the composition of an expert group to analyse the application of labour legislation with a view to developing proposals to amend the Labour Code.

183. Within the expert group, the inclusion of skin colour as a prohibited ground of discrimination is being discussed with representatives of government agencies and national employers' and workers' organizations.

184. In accordance with the applicable legislation, citizens of Kazakhstan and foreign nationals and stateless persons permanently residing in Kazakhstan have equal rights to pensions and social security benefits, including social insurance.

185. Under the Mandatory Social Insurance Act of 25 April 2003, employees, individual entrepreneurs (sole traders), persons engaged in private practice, physical persons who make single consolidated payments under article 774 of the Code on Taxes and Other Obligatory Payments to the Budget (Tax Code) and foreign nationals and stateless persons permanently residing in Kazakhstan who carry out an income-generating activity in the country, except persons over the age specified in article 11 (1) of the Pensions Act, are subject to mandatory social insurance.

186. Thus, migrant workers engaged in temporary employment in the country and members of their families are not subject to mandatory social insurance, unless international treaties provide otherwise.

Right to housing

187. Matters related to housing in Kazakhstan are governed by the Housing Act of 16 April 1997, the Civil Code and other legislation promulgated pursuant to the Code. In Kazakhstan, citizens have a guaranteed right to housing. Affordable housing is provided from public housing stock to those groups who are defined as needy, under rules set forth in the Constitution (art. 25 (2)).

188. In accordance with article 71 (1) of the Housing Act, the local executive bodies of districts, cities with the status of a province, cities of special national status and the capital draw up a register of local citizens who are eligible for housing from municipal housing stocks or private housing leased by the local authorities. In accordance with article 74 of the Act, housing from municipal housing stocks or from private housing leased by the local authorities is provided to citizens on the register in the order that they submitted their duly documented applications.

189. The citizens on such lists have equal rights. In the absence of specific provisions to the contrary in the Housing Act, for example for persons with disabilities and veterans of the Great Patriotic War, no one listed for the right to housing from municipal housing stocks or private housing leased by the local authorities is given priority over others, for instance on the basis of racial, ethnic, linguistic, class or tribal affiliation.

Right to public health, medical care, social security and social services

190. Citizens of Kazakhstan have the right to social security and social services, regardless of racial or ethnic affiliation, in accordance with the procedures established by national legislation.

191. Under article 29 of the Constitution, all citizens have the right to health and to receive a guaranteed level of free medical care as stipulated by law, as well as paid-for medical care at public and private treatment facilities and from private medical practitioners.

192. In accordance with article 87 of the Code on Public Health and the Health-Care System of 18 September 2009, the State guarantees that citizens of the country have the right to health, a guaranteed level of free medical care, equal access to health care, accessible, high-quality, effective and safe medicines and measures to prevent disease and promote a healthy lifestyle and diet.

193. States parties undertake to adopt effective measures in the fields of education, culture and information, with a view to combating prejudices which lead to racial discrimination and to promoting understanding, tolerance and friendship among nations and racial or ethnical groups, as well as to propagating the purposes and principles of the Charter of the United Nations, the Universal Declaration of Human Rights, the United Nations Declaration on the Elimination of All Forms of Racial Discrimination, the education programme of the High Commissioner on National Minorities of the Organization for Security and Cooperation in Europe (OSCE) and this Convention.

194. In addition to the annual plans of action approved at sessions of the People's Assembly, a strategy is also implemented with the strategic aims of creating a tolerant linguistic environment as a unifying factor for the people of Kazakhstan and for the further strengthening of statehood, national unity and society, for the stable development of the nation.

195. The Kazakh model of inter-ethnic tolerance continues to be improved based on interaction between government agencies, ethnocultural associations and civil society organizations. Funds are provided from the State budget to support children in the Kazakh diaspora abroad (for example, through the provision of textbooks on the Kazakh language and the literature and the history of Kazakhstan, or by means of rest and recuperation at the Baldauren national educational and health centre), for ethnic theatres, Sunday schools and ethnolinguistic centres and to implement a public information policy on inter-ethnic relations, to publish relevant literature, to monitor the situation of different ethnicities and faiths and to carry out research on current problems.

196. In the area of linguistic policy, a seminar was held in February 2016 in Astana with OSCE support, to report on the implementation of the road map for the development of multilingual education in Kazakhstan for the period 2010–2015.

197. From 10 to 16 July 2016, a delegation from Kazakhstan attended a regional summer school on multilingual and multicultural education for integration, held in Cholpon-Ata, Kyrgyzstan as part of the Central Asia Education Programme of the OSCE office of the High Commissioner on National Minorities. The event included a dialogue between the various States on integration and education for national minorities in Central Asia.

198. The main aims of the summer school are to develop further bilateral and multilateral cooperation between the countries of the region with the following aims: to improve education for national minorities and integration, to build the expertise of participating countries in monitoring and evaluating multilingual education, and to share experience and provide advice on various aspects of multilingual education, including planning, piloting of multilingual programmes, methods of second language teaching and content and language integrated learning, teacher training, further training and professional development; and the design of teaching materials.

199. On 20 and 21 April 2016, the OSCE High Commissioner on National Minorities organized an event dedicated to the twentieth anniversary of the publication of *The Hague Recommendations Regarding the Education Rights of National Minorities*, which included a meeting of the national coordinators of the Central Asia Education Programme, attended by heads of ethnic schools (Uighur, Uzbek and Tajik) from Kazakhstan and employees of the Órleý centre and the Y. Altynsarin National Academy of Education.

200. In May 2017, the second phase of the education programme came to an end. A draft memorandum of cooperation on multilingual and multicultural education in Kazakhstan between the High Commissioner on National Minorities and the Ministry of Education and Science of Kazakhstan has now been prepared. Under the memorandum, it is proposed to continue joint work as part of the third phase of the Central Asia Education Programme.

Right to education and training

201. In accordance with article 30 of the Constitution, all citizens are guaranteed free primary and secondary education at State schools. Primary and secondary education is compulsory. Citizens are also entitled to receive free higher education, on a competitive basis, at a State establishment of higher education. Paid education is dispensed on the basis of and in accordance with a procedure established by law.

202. In accordance with the Constitution, the Education Act of 27 July 2007 and the Languages in Kazakhstan Act of 11 July 1997, the State ensures favourable conditions for the study and development of all the languages of the multi-ethnic people of Kazakhstan. Every ethnic group living in the country has the right to form its own ethnocultural centres and Sunday schools to facilitate the renewal and development of its language, culture, traditions and customs. Article 28 of the Convention on the Rights of the Child, on the right to education, is fulfilled for the children of migrants and members of the *oralman* community, in accordance with the applicable legislation.

Right to equal participation in cultural activities

203. Citizens of Kazakhstan have the right to equal participation in the cultural life of the country, regardless of their racial, ethnic, linguistic, class, tribal or social affiliation.

204. Ethnic theatres enjoy success in Kazakhstan. Almaty is the only city in the Commonwealth of Independent States to have a national Korean musical theatre, a national Uighur theatre (the K. Kozhamyarov Musical Theatre) and a national German theatre, and there is an Uzbek theatre in Sayram, in South Kazakhstan Province. Kazakhstan currently has a total of 24 State theatres.

205. As at 1 January 2017, there were more than 7,600 public cultural organizations, including 38 national institutions (9 theatres, 7 concert halls, 3 libraries, 6 museums, 9 historical and cultural museums and heritage sites, 1 film production company and 3 other institutions).

206. The country has 87 ethnolinguistic centres that teach the traditions, customs and languages of 25 ethnic groups concentrated in the regions. They are provided with teaching materials, historical literature and language lab equipment, enabling users to familiarize themselves with the culture and traditions of the people, participate in festivals and days of culture of the ethnic groups and study literature, history, music and visual arts.

207. In 2014, a national framework for cultural policy was approved by presidential decree. The framework for cultural policy was developed with the aim of implementing the President's message to the people of 17 January 2014, entitled "The Kazakh journey 2050: A shared goal, shared interests and a shared future". The dominant strategy in the new cultural policy is "Máńgilik El", the national idea put forward by the Head of State in order to bring the Kazakh people closer to their rich cultural heritage and cultural potential.

Article 5 (f) on the right of access to any place or service intended for use by the general public: transport, hotels, restaurants, cafes, theatres and parks

208. Kazakhstan guarantees the right of access to any place or service intended for use by the general public. The Constitution guarantees the rights of citizens to move freely within the country and to choose their place of residence. In accordance with article 21 (1) of the Constitution, all persons who are legally present in Kazakhstan have the right to move freely within its territory.

209. Moreover, the Criminal Code of 3 July 2014 provides criminal liability for incitement to inter-ethnic hatred, and also for discrimination on the grounds of sex, race, language or social, ethnic, class, tribal or other origin.

Legislative, institutional and other measures taken by government agencies to give effect to article 6 of the Convention

210. The information is included in section 2, on criminal and administrative liability for the incitement of ethnic hatred.

Legislative, institutional and other measures taken by government agencies to give effect to article 7 of the Convention

211. The State works constantly to develop interreligious, inter-ethnic and intercultural dialogue, improve the national legislation, create the conditions and mechanisms needed to uphold the rights of ethnic groups and implement the substantive provisions of the Convention.

212. The Centre for the Study of Inter-Ethnic and Interfaith Relations in the Central Asian Region of the Academy of Public Administration under the Office of the President performs research and analysis in support of the State's policy regarding ethnicity.

213. The inter-ethnic and interfaith situation is continuously monitored in order to counteract negative trends in inter-ethnic relations.

214. During the reporting period, the media coverage of inter-ethnic and interfaith relations at the national and regional levels was in compliance with the legislation and with ethical standards and principles. The press club of the People's Assembly discusses how to establish a culture conducive to inter-ethnic relations and organizes master classes for ethnic media outlets on setting up and operating web versions of newspapers and on effective blogging.

215. Government agencies have worked to strengthen the Assembly's role in coordinating the work of all levels of government and of civil society organizations to reinforce social harmony and national identity and unity.

216. This work was organized as part of the implementation of area 4, Identity and Unity, of the National Plan entitled "100 Concrete Steps: A Modern State for All". Under this area, the Assembly of People of Kazakhstan Act was amended in 2015. The Assembly's goal of strengthening the unity of the people of Kazakhstan was enshrined in the Act.

217. A new concept has been introduced in the application of public law: public policy on social harmony and national unity.

218. As part of the strengthening of the People's Assembly, new institutions and mechanisms have been established for its work and the way all of its structures function has been updated.

219. The organizational structure and operational mechanisms of the Assembly are fully in place, in the form of the Qoғamdyq kelisim national government agency and the local Qoғamdyq kelisim agencies attached to the administrations of the cities of Astana and Almaty and the provinces.

220. To ensure cooperation between the People's Assembly and its parliamentary groups in the Majilis and in the local councils (*maslikhats*) in the provinces, on 20 May 2016 a new consultative and advisory body of the People's Assembly was established, the Parliamentarians Board of the Assembly of People of Kazakhstan.

221. It consists of current and former members of the Majilis and prominent representatives of civil society.

222. On the whole, the country now has new vertical and horizontal governance structures to manage inter-ethnic processes.

223. Following implementation of the policy framework, the People's Assembly has taken on new areas of work related to philanthropic activities, mediation and public oversight (work of the social harmony councils).

224. For the first time, philanthropic activities have become a structured public function of the Assembly. Under the Charity Act, adopted on 16 November 2015, the People's Assembly has become the coordinator of such activities in the country.

225. The Assembly's secretariat develops measures together with relevant government agencies and other organizations to improve incentive mechanisms and establish a system of philanthropy in line with OSCE standards.

226. An inclusive national mediation network under the People's Assembly has been set up and is in operation. It includes the Assembly's social harmony councils and mothers' councils, its expert advisory board, its 16 regional expert advisory groups and its mediation offices within the friendship houses.

227. On 30 June 2016, a memorandum of cooperation was signed between the Supreme Court and the People's Assembly regarding the development of a mediation system and an action plan for implementation of the memorandum was adopted.

228. The memorandum provides for the development of the Assembly's mediation system as a mechanism for the prevention and resolution of social and legal conflicts at the regional level, including in remote communities (districts and villages), and for the promotion of the use of mediation.

229. Language policy in the country is implemented on the basis of the Languages in Kazakhstan Act, in accordance with the State programme for the development and use of languages for the period 2011–2020. The third stage of the State programme was launched in 2017. The programme was amended in line with the Head of State's National Plan, "100 Concrete Steps", to add goals related to developing trilingual teaching models.

230. In 2016, as part of a project to organize training for government employees in order to promote trilingualism, a memorandum of understanding was signed with the Academy of Public Administration under the Office of the President.

231. Under the project, 300 government employees of the central executive bodies took courses in the Kazakh language. In 2017, twice as many government employees were enrolled in Kazakh and English language courses.

232. The country has 87 regional centres that teach Kazakh. The implementation of the language policy is linked to joint work with the regional language administrations and the centres.

233. The main mechanism for implementing public policy on languages is focused not only on developing the Kazakh language, but also on promoting the teaching of Russian and English.

234. From 2014 to 2016, under the State programme, 88 books were published, including study guides, specialized dictionaries, translated classics of world literature, informative and popular science works and children's books. Works in other languages accounted for 24 of these publishing projects.

235. In 2016, the textbook *Qazaq sózi*, which is based on modern Kazakh language teaching methods, was published and widely distributed.

236. To preserve the linguistic capital of the people of Kazakhstan, State funding is provided on an annual basis, along with methodological support, for members of different ethnic groups to study their native languages. Courses in the native languages of 25 ethnic groups have been organized and launched.

237. The proportion of ethnic groups covered by native language and Kazakh courses provided by ethnocultural associations rises every year. In 2016, this indicator stood at 72.7 per cent.

238. To develop the linguistic capital of the people of Kazakhstan, support for native language teaching was provided to approximately 20 ethnic groups in 2014, 22 ethnic groups in 2015 and 24 ethnic groups in 2016.

239. The share of the population proficient in three languages increased from 15 per cent in 2014 and 16 per cent in 2015 to reach 20.5 per cent of the population, including both adults and school students, in 2016. There has been a positive trend in the share of the population that speaks three languages.

240. As part of the plan of action on implementation of the State programme for the period 2017–2019, work is being carried out to improve and standardize teaching methods, develop language learning infrastructure, promote the learning of Kazakh, improve the

linguistic culture, preserve linguistic diversity in Kazakhstan and teach English and other foreign languages.

241. Moreover, since April 2017, more than 600 government employees have been attending language classes as part of the project to organize training for government employees in order to promote trilingualism.

Annex

Information on the comments and recommendations of the Committee on the Elimination of Racial Discrimination

The Committee encourages the State party to continue its efforts to adopt comprehensive anti-discrimination legislation, including a definition of direct and indirect discrimination, as stipulated in article 1 (1) of the Convention, in order to ensure effective access to justice and appropriate remedies for victims of racial discrimination. The Committee requests the State party to disseminate relevant information to the public, in particular to minorities, about what constitutes discrimination and about available legal remedies for persons facing racial discrimination.

1. The basic international standards and principles in the field of human rights are guaranteed under the Constitution and the Criminal Code of Kazakhstan.
2. The country's legislation is aimed at protecting human rights irrespective of descent or racial, ethnic, social, tribal or other origin, the supreme values being the individual and the life, rights and freedoms of the individual. The national legislation is aimed at protecting individuals and citizens irrespective of their racial or ethnic origin. The legislation in force already contains mechanisms to protect the rights of the ethnic groups living in Kazakhstan.
3. The practical implementation of international treaty norms is regularly shared by means of decisions issued by the oversight chamber of the Supreme Court. In accordance with article 4 of the Constitution, international treaties to which Kazakhstan is party take precedence over national legislation and are directly applicable by the courts. To ensure the proper and consistent application of international treaties by the courts, the Supreme Court adopted a regulatory decision on 10 July 2008 on the application of the provisions of international treaties.
4. In Kazakhstan, equal rights among citizens of all ethnic groups are enshrined in the law and implemented in practice in all spheres of society, and the law provides the basis for tolerant coexistence among all religions and ethnic groups. The national legislation and the international instruments to which Kazakhstan is party stipulate that the rights and freedoms of some individuals may not infringe upon those of others.
5. Any unlawful acts that discriminate on the basis of ethnicity, race, language or relationship to religion are criminal offences punishable by law. Actions intended to undermine the unity of the people of Kazakhstan or to worsen inter-ethnic relations are classified as a threat to national security under the National Security Act of 6 January 2012 and are prohibited. These universally applicable provisions 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 thus stipulates that any acts that may undermine inter-ethnic harmony shall be considered to be unconstitutional. It also provides that restrictions on human and civil rights and freedoms may only be put in place by means of laws, and solely to the extent necessary to protect the constitutional system, preserve public order and protect human rights and freedoms and public health and morals.
6. It is an administrative offence to produce, store, transport or distribute media products containing information aimed at inciting hatred on the basis of social, racial, ethnic, religious, class or tribal distinctions in Kazakhstan and to allow such materials to be published in the media. It is also a criminal offence to violate the equal rights and freedoms of citizens, which reflects the constitutional provision mentioned above on equality and the inadmissibility of direct or indirect limitations on human and civil rights and freedoms on the basis of origin, social, official or property status, sex, race, ethnicity, language, attitude to religion, beliefs or any other circumstances.
7. An effective mechanism has been developed for citizens to file complaints in defence of their rights and interests. It is governed by the country's civil, criminal and administrative legislation.

8. The domestic law has a sufficient legislative basis to provide citizens with legal remedies for violations of their rights and freedoms. Citizens have the right to file complaints as they see fit with any State bodies, courts or NGOs.

9. Kazakhstan has human rights institutions and structures that monitor the observance of citizens' rights, such as the Ombudsman and the Commission on Human Rights under the Head of State.

10. The procedure for filing, considering and resolving complaints from individuals and legal entities about the actions of State bodies is set out by the Act on the Procedure for Considering Communications by Natural and Legal Persons of 12 January 2007.

11. There is a reception service at the National Centre for Human Rights, which ensures that the Human Rights Commissioner (the Ombudsman) considers complaints from Kazakh and foreign citizens and stateless persons concerning actions and decisions taken by officials and organizations in violation of their rights and freedoms as guaranteed by the Constitution or under international treaties. The conditions and procedures for filing complaints with the Human Rights Commissioner are posted at www.ombudsman.kz.

12. Violations of the law, such as acts of domestic crime or defamatory publications with ethnic connotations, or violations that might be perceived as such by the public, are subject to special monitoring by procuratorial bodies.

Relevant statistical data 7. The Committee recommends that the State party collect and publicize reliable statistical data on the social and economic situation of individual ethnic groups, disaggregated by areas where minority groups live in substantial numbers, in order to provide an adequate empirical basis for policies to enhance the equal enjoyment of rights under the Convention in Kazakhstan. The Committee also recommends that the State party collect data on the ethnic composition of the prison population and on the representation of minority groups in the civil service. The Committee requests the State party to provide it with such information in its next periodic report.

13. Article 23 of the State Statistics Act of 19 March 2010 makes provision for a population statistics registry containing information on physical persons living in Kazakhstan and on citizens of Kazakhstan temporarily located outside the country.

14. Official statistics are issued according to a scheduled distribution timetable. Through their Internet sites, the State statistics bodies ensure that users have equal access to quality official statistics.

15. Article 5 of the State Statistics Act sets out the basic principles for State statistics: consistency and comparability of State statistics with universally accepted international standards; professional independence and autonomy in statistical activities; equal access of users to official statistical information; the use of all types of sources of information, taking into account quality, timeliness, costs and the burden on respondents; and the reliability, scientific validity, timeliness of delivery and public accessibility of official statistical information.

16. The Statistics Committee of the Ministry of National Economy of Kazakhstan keeps statistics on the main social and economic indicators in the country, by region. The Committee's official website publishes statistical data on the country's overall population, the main demographic indicators and the population by ethnic group, including by province, city, district and village. The information makes it possible to monitor indicators of living standards, the unemployment rate, the labour market and remuneration, income levels and other socio-economic data on the development of the regions.

17. The country's Constitution guarantees equal access to the public service. The requirements for candidates to qualify for public service positions depend only on the responsibilities of the position in question and are established by law. In addition, the Constitution also establishes that no one may be subjected to any discrimination on the grounds of ethnicity or language, or on any other grounds. The intention behind this norm is to ensure equal rights and duties for all citizens and equal protection of those rights by the State.

18. The Civil Service Act of 23 November 2015 provides for the realization of the constitutional right of universal access by citizens to public service regardless of ethnicity, through an open competition.

19. A corresponding appraisal of compliance with the national law is carried out by the nine deputies elected from the Assembly of People of Kazakhstan to the Majilis, the lower house of Parliament.

20. The Assembly's group of deputies actively take part in the working groups that draft legislation. In addition, they prepare and send requests to the Government and to various State bodies on issues related to the rights of ethnic groups.

The Committee recommends that the State party amend its legislation to provide for the possibility of adopting special measures to promote equal opportunities and enhance strategies against inequality and discrimination, in accordance with article 1 (4) and article 2 (2) of the Convention.

21. In Kazakhstan, all citizens' rights and freedoms are scrupulously respected. Under the Constitution, all citizens are equal and have the right to participate in the management of the affairs of the State. Representatives of the country's ethnic groups are not passive "consumers" of rights and freedoms, but active participants in the construction of the nation-State in the country, on an equal footing with ethnic Kazakhs.

22. In Kazakhstan, all ethnic groups have high civil status under the law and high social status. Their representatives do not act as ethnic minorities; they are considered as citizens with the full panoply of rights of the united people of Kazakhstan. Furthermore, under article 19 of the Constitution, citizens have the right to indicate or to refrain from indicating their ethnic origin.

23. All citizens of the country, regardless of their ethnic origin, have the right to participate in the country's political life, either through representative bodies or directly.

24. The Assembly of People of Kazakhstan, or People's Assembly, is a unique achievement in the human rights sphere and brings together the ethnic groups living in Kazakhstan. The Assembly's status, including its right to send nine representatives to the Majilis, is enshrined in the country's Constitution. The nine deputies are appointed on a rotating basis to avoid competition between the ethnic groups.

25. Representatives of the country's ethnic groups participate in the work of various ethnocultural associations. There are currently more than 1,000 such associations in the country. Regional organizations are brought together in assemblies at the provincial level.

26. The election of the Assembly's membership is governed by the Act on the Assembly of People of Kazakhstan of 20 October 2008. Under the Act, candidates for the Assembly are nominated by decision of the regional assemblies on the basis of proposals from the ethnocultural associations, as well as by decision of their higher bodies.

27. The Assembly's members are thus elected directly by representatives of the ethnic groups.

28. The Assembly holds sessions annually with the participation of the President of Kazakhstan to consider a wide range of issues relating to all ethnic groups living in the country. Based on the results of those sessions, instructions are issued for the Government to introduce new mechanisms to protect the rights and interests of all ethnic groups.

29. The Assembly's executive body is its secretariat, which is an independent department within the Office of the President. Its structure also includes a scientific and expert council; a press club; the Assembly of People of Kazakhstan Foundation; the Tildaryn innovative language teaching centre; and the Assembly's entrepreneurial association.

30. There are friendship houses in all the country's regions. The Palace of Peace and Reconciliation in Astana, built on the instructions of the President, is the venue for the annual sessions of the Assembly of People of Kazakhstan, the Congresses of World and Traditional Religions and other significant events. In 2014, Qoғamdyq kelisim, a national State agency operating under the Office of the President, was established pursuant to a presidential decree.

31. In Kazakhstan, there are 52 officially registered print publications operating in 11 languages of the country's ethnic groups.
32. The largest national ethnic newspapers are supported by the State (for example, the newspapers *Ukrainski Novini*, *Deutsche Allgemeine Zeitung*, *Koryo Ilbo*, *Uighur Avazi*, *Vatan*, *Ak Bars* and *Ahiska*).
33. All the country's educational institutions, regardless of their form of ownership, teach Kazakh, Russian and one foreign language, in accordance with the mandatory State standard for each level of instruction. Children at the country's schools study the outstanding works of Kazakh, Russian, native and world classical and modern literature, which celebrate national and universal values, friendship and mutual understanding between peoples. This contributes to mutual understanding between the representatives of the different ethnic groups living in the country and cultivates patriotism and a sense of citizenship, tolerance and moral values.
34. In areas with high concentrations of ethnic groups, in addition to the basic types of schools, Sunday schools or language courses have been set up at ethnocultural centres for additional study of the State language and the native languages, cultures, traditions and customs of the country's ethnic groups. At these schools, students learn the traditions, customs and languages of the communities concentrated in the regions, including the German, Korean, Tatar, Polish, Ukrainian, Armenian, Greek, Azerbaijani, Chechen, Ingush, Belarusian, Chuvash, Bulgarian, Bashkir, Tajik and Czech communities.
35. All the conditions have now been created to ensure the use of ethnic languages, especially in areas with high concentrations of ethnic groups.
36. Article 21 of the Languages of Kazakhstan Act of 11 July 1997 stipulates that forms, signs, announcements, advertisements, price lists and other visual information are to be in the State language and in Russian and, if necessary, in other languages.
37. All texts are laid out as follows: on the left or on the top, in the State language, and on the right or on the bottom in Russian, in the same size font. Texts may also be provided in other languages, as required, with font sizes not exceeding those required by law.
38. In this regard, we should like to point out that the legislation provides for all necessary measures to ensure the use of the languages of the ethnic groups. The State also creates the conditions and makes use of all possibilities to meet demand for language services in the languages of the ethnic groups. The representatives of the ethnic communities often call for active learning of the Kazakh language, as it is necessary to ensure integration into the country's society and career prospects for young people. All the conditions have now been created for learning the State language free of charge.

Representation of minorities in political life and in the civil service 9. Recalling its previous recommendations, the Committee encourages the State party to: (a) Ensure a fair and adequate representation of minority groups in political life and decision-making bodies at all levels by, inter alia, adopting special measures; (b) Establish in particular mechanisms for the election of members of the Assembly of People of Kazakhstan and of the deputies nominated to the Majilis by the Assembly in order to allow for the fair representation of minority communities and due consultation with them on matters affecting their rights; (c) Take effective measures to facilitate and increase the representation of non-Kazakh ethnic groups in the civil service, including by reviewing the occupational requirements for public sector jobs and limiting the requirement for mastery of the Kazakh language only to positions where it is essential; (d) Provide data in its next periodic report, disaggregated by ethnic group, on the representation of minority groups in political bodies and decision-making positions, and in the civil service.

39. Kazakhstan guarantees the right of all persons, without distinction of any kind in relation to race, colour, sex, language, religion, political or other opinion, national or social origin, or other circumstances, to take part in the administration of the State.
40. Article 33 of the Constitution establishes that citizens have the right to participate in the management of State affairs directly and through their representatives. Citizens have the

right to be elected to State and local government bodies and to take part in national referendums.

41. The country's Constitution guarantees equal access to the public service. The requirements for candidates to qualify for civil service positions depend only on the responsibilities of the position in question and are established by law. In addition, the Constitution also sets out that no one may be subjected to any discrimination on the grounds of ethnicity or language, or on any other grounds. The intention behind this norm is to ensure equal rights and duties for all citizens and equal protection of those rights by the State.

42. Article 16 of the Civil Service Act of 23 November 2015 establishes that on entry into the public service, no one may be subjected to any discrimination on grounds of origin, social, official or property status, sex, race, ethnicity, language, attitude to religion, beliefs or place of residence, or on any other grounds.

43. The law provides for the realization of the constitutional right of universal access by citizens to the civil service, regardless of ethnicity, through an open competition. In all, representatives of more than 50 ethnic groups work in the civil service.

44. It should be noted that at both the national and regional levels, the Assembly of People of Kazakhstan includes, in addition to the ethnic groups, the heads of the legislative and executive branches and representatives of central and local executive bodies and their local structures. This makes it possible to fully ensure representation of the interests of the ethnic groups and their participation in decision-making.

The Committee recommends that the State party: (a) Undertake legislative changes and strengthen the Commissioner's mandate to effectively promote human rights and fight against all forms of racial discrimination; (b) Provide the Commissioner with adequate financial and human resources, in compliance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles), annexed to General Assembly resolution 48/134 of 20 December 1993; (c) Take steps to ensure that the Commissioner enjoys public confidence and full independence; (d) Make public the reports on the Commissioner's work against racial discrimination on a regular basis.

45. (a) On 10 March 2017, the President signed an act amending the Constitution, which established the status of the Commissioner for Human Rights in Kazakhstan, or Ombudsman, in the country's basic law. Specifically, the Constitution establishes a new procedure for electing the Commissioner. Previously, the Commissioner had been appointed by the President after consultation with parliamentary committees. Going forward, the Senate of the national Parliament will have the exclusive right to elect the Commissioner.

This innovation, which was aimed at bringing the institution of the Ombudsman into line with the Paris Principles, attests to the growing importance of the national human rights institution, the country's commitment to democratic transformation and its recognition of human and civil rights and freedoms as priorities.

Consolidating the status of the Ombudsman in the Constitution helps to substantially strengthen the national system for the protection of human and civil rights and freedoms, as well as the role of the Ombudsman, in the country's political and legal structure.

46. (b) The Legal Policy Council is currently considering further improvements to the activities of the Ombudsman and is discussing an expansion of the powers of the national human rights institution and increases in its financial and human resources.

Kazakhstan has a responsible approach to the obligations undertaken under international treaties and pays a great deal of attention to the recommendations made by the United Nations treaty bodies. Whenever possible, it takes measures for further implementation of the instruments.

47. (c) By law, the role of the Commissioner in the country's modern State system is to monitor respect for human and civil rights and freedoms, and within the limits of his or her competence, to restore rights that have been violated.

The institution of the Ombudsman has a special role, serving as a mediator between the State authorities and society.

Every year, the staff of the Commissioner's Office consider about 1,500 applications and complaints concerning violations of human and civil rights and freedoms. The statistics indicate that approximately 18 per cent of the total number of applications processed in recent years have resulted in positive decisions in favour of the applicants, with the subsequent restoration of the violated rights. At this stage, we can confidently say that the institution of the Ombudsman has significantly increased public confidence not only in the national human rights institution, but also in other State bodies, and has made it possible to establish close contacts with the non-governmental sector and strengthen the country's image in the field of foreign policy, thanks to positive interaction with international organizations.

The Office of the Ombudsman is independent in its work and is neither subordinate to nor subsumed within any legislative, judicial or executive institution.

48. (d) In accordance with paragraph 23 of the Statute of the Office of the Human Rights Commissioner adopted by Presidential Decree No. 947 of 19 September 2002, every year, the Commissioner presents the President with a report on his or her activities.

The report provides a structured and detailed account of the activities of the national human rights institution during the reporting period, including information on how it has carried out its mandate, a description of the complaints of human rights violations that it has received and the main areas of work of the Ombudsman. The report contains analytical documentation, including the texts of appeals and recommendations and other materials.

The report is subsequently presented to the public, including to representatives of the scientific community, international organizations, civil society and the media.

Racist hate speech

11. The Committee recommends that the State party effectively investigate and, as appropriate, prosecute and punish acts of hate speech and take appropriate measures to combat hate speech in the media and on the Internet, regardless of the status of the perpetrators. The Committee also recommends that the State party take further measures to promote tolerance, intercultural dialogue and respect for diversity, with a focus on the role of journalists and public officials in that regard.

49. Under the Rules for the monitoring of the media, the Ministry of Information and Public Development performs round-the-clock monitoring of the mediascape to ensure compliance with the country's legislation.

50. When content constituting a violation of the country's legislation is detected, a warning letter is sent to the owner of the Internet resource calling for it to remove such content.

51. The agencies in charge of fighting against illegal content have now established close cooperation with the leading Russian and Western social networks, including MailRu, VKontakte, Odnoklassniki, Livejournal, Facebook, Twitter, Instagram, YouTube and others.

52. Since 2014, the agency responsible for combating violations of the law by owners and administrators of Internet resources has taken measures at least 407 times to remove material containing propaganda for the incitement of ethnic hatred.

53. When the owner of an Internet resource fails to stop a violation, or if a notification is sent to an authorized agency by an interested departmental body reporting the illegal dissemination of information, and/or if a judicial decision has entered into force in accordance with the Rules governing interaction of State bodies in the telecommunications network, the Ministry issues an instruction to the telecommunications operator to restrict access, in accordance with the provisions of article 41-1 of the Communications Act of 5 July 2004.

54. Under this law, the authorized agency has taken action to restrict access to illegal information sources sowing inter-ethnic hatred among users in Kazakhstan 170 times.

55. With regard to the recommendation that the State party should take further measures to promote tolerance, intercultural dialogue and respect for diversity, with particular attention to the role of journalists and public officials,

56. on 28 December 2017, a law was adopted amending certain legislative acts on information and communication, including the Media Act.

57. In order to regulate the activities of journalists and strengthen the role of the media in providing the public with quality information, the Media Act provides for the following standards:

- The introduction of a concept of “propaganda in the mass media”, which establishes a basis for recognizing when actions promote a favourable public opinion of information that is prohibited by the legislation of Kazakhstan. We should point out that in Kazakhstan, any actions, including propaganda, that are capable of disrupting inter-ethnic and interfaith harmony are recognized as unconstitutional;
- The establishment of basic principles for the work of the media;
- The mandatory appointment of an authorized person or department for liaison with the media in central State and local executive bodies, agencies and State bodies that are directly subordinate to, or reporting to, the President (except for the State protection service). The establishment of such departments is aimed at providing reliable information to the population through the media;
- The introduction of an obligation for journalists to take measures to verify the accuracy of disseminated information.

58. These innovations will help journalists to provide reliable and verified information. Moreover, the work of press services will allow close and continuous cooperation between State bodies and the journalistic community.

Legislation on the fight against incitement to violence and against extremist organizations. 12. The Committee recommends that the State party review its legislation so as: (a) To prohibit incitement to violence against any group of persons on account of race, colour or ethnic origin; (b) To declare illegal and prohibit all forms of organization and all propaganda activities that promote and incite racial hatred; (c) To prohibit and punish participation in such organizations or activities, in line with article 4 (a) and (b) of the Convention.

59. Article 14 of the Constitution establishes the equality of the country’s citizens in law, specifying that no one may be subjected to any discrimination on grounds of social, official or property status, origin, sex, race, ethnicity, language, attitude to religion, beliefs or place of residence, or on any other grounds.

60. The Constitution prohibits the establishment and operation in the country of voluntary associations whose purposes or actions are intended to foment national or racial discord (art. 5) and propaganda of any nature advocating social, racial, ethnic, religious, birth or tribal superiority (art. 20).

61. Such provisions have been reflected in other normative legal acts of the country.

62. Specifically, under article 13 of the Media Act of 23 July 1999, the promotion of social, racial, ethnic, religious, class or tribal supremacy is considered grounds for suspending media productions or their distribution.

63. In accordance with the Anti-Extremism Act of 18 February 2005, inciting racial, ethnic or tribal hatred, including in connection with violence or calls to violence, is considered “ethnic extremism” and is prosecuted in accordance with the criminal law of Kazakhstan.

64. In accordance with article 174 of the Criminal Code of 3 July 2014, deliberate actions aimed at inciting social, ethnic, tribal, racial, class or religious hatred, insulting the national honour and dignity or religious sensitivities of citizens or promoting the exclusivity, superiority or inferiority of citizens based on their attitude to religion, class, ethnic, tribal or racial affiliation are punishable by a sentence of restriction or deprivation of liberty of 2 to 20 years, depending on the severity of the offence.

65. In July 2014, the new Criminal Code entered into force, significantly increasing the penalty under article 174 (previously article 164). The Code of Administrative Offences of 5 July 2014 also stipulates the penalties for less serious violations of the law in the area of inter-ethnic harmony.

66. When procurators ascertain that the country's law on combating extremism has been violated by individuals or by legal entities or their subdivisions (such as branches or representative offices), or if they have information indicating that such actions are in preparation, or if they establish that the dissemination through the media of extremist materials may be detrimental to human rights and freedoms, they can take action. In accordance with article 7 (2) of the Anti-Extremism Act of 18 February 2005, they introduce procuratorial supervision reports on the elimination of any manifestations of extremism or reasons or circumstances facilitating such manifestations and on the restoration of violated rights; they submit statements to courts when an organization's activities are suspended for actions along extremist lines, and they carry out criminal prosecutions, as stipulated and to the extent established by law.

67. Six organizations have been recognized by courts as being extremist (on 28 March 2005, Hizb ut-Tahrir; on 7 June 2012, Senim. Bilim. Omir.; on 26 February 2013, Tablighi-Jamaat; on 7 December 2012, the Halyk Maidany-People's Front Social Movement; on 21 December 2012, the Alga People's Party; and on 18 August 2014, Takfir wal-Hijra).

68. From 2014 through the first five months of 2017, 389 criminal cases were initiated under article 174 of the Criminal Code (44 in 2014, 82 in 2015, 151 in 2016 and 112 in the first five months of 2017), resulting in 95 convictions and sentences handed down by a court (25 in 2014, 35 in 2015, 20 in 2016 and 15 in the first 5 months of 2017).

69. Thus, under article 174 of the Criminal Code of 3 July 2014, 35 persons were convicted in 2015 (of whom 26 were sentenced to deprivation of liberty, 8 to restriction of liberty and 1 to a fine), and a court applied coercive medical measures to 1 person.

70. Of those 35 persons, 28 were convicted for incitement of religious hatred.

Criminal law and freedom of expression. 13. The Committee recommends that the State party clearly define criminal offences, in particular those in article 164 of the Criminal Code, so as to ensure that they do not result in unnecessary or disproportionate interference with freedom of expression, including that of members of minority communities.

71. The Criminal Code of 3 July 2014 contains article 174 (until 1 January 2015, art. 164) on liability for incitement of social, ethnic, tribal, racial, class or religious discord.

72. In the new version of the Criminal Code of 3 July 2014, the liability and penalties under article 174 have been made more stringent than those under the old version, under article 164, in light of the growing threat from followers of violent extremism and terrorism.

73. Article 174 of the Criminal Code of 3 July 2014 follows on from and is not inconsistent with the requirements of the International Covenant on Civil and Political Rights, other international standards and the positions of international organizations on this question.

74. Specifically, the OSCE States have recognized the danger of hate crimes and have undertaken to take measures to establish or strengthen accountability for the incitement of such crimes.

75. Thus, criminal liability for incitement of social, national, tribal, racial, class or religious hatred is in line with both the national interests and the international obligations of Kazakhstan.

76. As is the case for many countries around the world, for us too, it is important that the tools proposed for establishing liability should be required exclusively to ensure the rights and freedoms of citizens and the security of the public and the State.

The Committee recommends that the State party consider amending the Labour Code in order to prohibit explicitly discrimination based on colour in line with article 1 (1) of the Convention.

77. In accordance with article 6 of the Labour Code of 23 November 2015, everyone has equal opportunities to exercise their rights and freedoms in respect of work.

78. No one may be subjected to any discrimination in the exercise of labour rights on the basis of sex, age, physical disability, race, ethnicity, language, property, social or official status, place of residence, attitude to religion, political beliefs, tribal or class affiliation or membership of a voluntary association.

79. This standard is fully in keeping with the Constitution, which in article 14 (2) establishes that no one may be subjected to any discrimination on grounds of social, official or property status, origin, sex, race, ethnicity, language, attitude to religion, beliefs or place of residence, or on any other grounds.

80. It is generally understood that the concept of race is inextricably linked to skin colour.

81. With a view to drawing up proposals to amend the Labour Code of 23 November 2015, on 28 April 2017 the Ministry of Labour and Social Protection issued Order No. 102 approving the composition of an expert group to analyse enforcement practices for labour legislation.

82. The possibility of including a prohibition against discrimination based on skin colour will be discussed with representatives of State bodies and national employers' and workers' associations in the framework of the expert group.

The Committee recommends that the State party: (a) Take steps to facilitate the regularization of, and prevent any discrimination against, foreign workers by flexible application of the work permit and quota systems, while ensuring fair competition in their recruitment; (b) Consider amending the Population Migration Act of 2011 and related regulations to ensure that the requirements to become a sole trader are not overly restrictive and do not discriminate on the grounds set out in article 1 (1) of the Convention and those that are prohibited in the State party's legislation.

83. In accordance with the legislation in force, citizens of Kazakhstan, as well as foreigners and stateless persons permanently residing in Kazakhstan, have equal rights, both to pensions and to social security, including social insurance. Under the Mandatory Social Insurance Act of 25 April 2003, workers, individual entrepreneurs (sole traders), persons carrying out private activities, physical persons who make contributions through the single consolidated payment system in accordance with article 774 of the Code on Taxes and Other Mandatory Payments to the Budget (the Tax Code) and also foreigners and stateless persons residing permanently in Kazakhstan and engaged in income-generating activities in the country are subject to mandatory social insurance, with the exception of persons who have reached the age set by article 11 (1) of the Pensions Act.

84. Thus, migrant workers engaged in temporary employment in the country and members of their families are not subject to mandatory social insurance. Under the Mandatory Occupational Accident Insurance Act, all workers, except those employed by State institutions, are subject to mandatory occupational accident insurance while on the job.

85. An agreement on mutual recognition of employees' rights to compensation for damages resulting from occupational injury, disease or other adverse effects on health related to the performance of their work was signed by the member States of the Commonwealth of Independent States (CIS) on 9 September 1994 and ratified by Kazakhstan by Presidential Decree No. 2303 of 25 May 1995. Under this agreement, employers who are responsible for causing such harm must pay compensation for damages, as specified by their national legislation. The degree of severity of an employee's occupational injury or disease is considered in accordance with the legislation of the State party where the employee resides.

86. Article 133 of the Labour Code of 23 November 2015 obliges employers, at their own expense, to pay employees a social benefit for temporary disability. Under Kazakh law,

migrant workers are entitled to temporary disability benefits and to compulsory insurance against occupational accidents.

87. Kazakhstan is in favour of civilized migration, with the elimination of the underlying causes of illegal migration and proper conditions for the social protection of migrants. The country's migration policy is one of the strategic pillars of its State policy. Kazakhstan has an appropriate international treaty framework to regulate issues related to migration.

88. In accordance with international law and the provisions of the multilateral and bilateral agreements to which Kazakhstan is a party, measures are taken to prevent and suppress illegal migration, violence against migrants with any status and trafficking in persons.

89. The Population Migration Act of 22 July 2011 sets out the main objectives of State policy in the area of labour migration, including the protection of the domestic labour market through a quota for foreign labour and the recruitment of highly qualified foreign workers to work in Kazakhstan.

90. The legislation governing the attraction of foreign workers to Kazakhstan has undergone dramatic changes towards liberalization of labour migration regime. Since 1 January 2017 it has taken on a new format.

91. The system for issuing work permits has been revised.

92. Previously, there were many conditions for issuing work permits, including:

- special conditions (requirements for training, retraining, professional development and job creation for the country's citizens);
- an economic feasibility test (including a search for alternative candidates among local workers in the domestic labour market); and
- placement in second-tier banks of contribution guarantees (funds to guarantee the purchase of return tickets for foreigners once they complete their employment in Kazakhstan).

93. From 2017, all these requirements were eliminated, and a new paid system was introduced for the issuance of work permits. Employers now pay a fee to obtain permits, with rates ranging from 137 to 250 times the monthly calculation index, depending on the workers' qualifications (310,000–570,000 tenge).

94. In general, permits are now issued more quickly. Whereas previously the entire procedure to obtain a work permit took about a month, beginning in 2017 decisions on issuing permits have been made within seven working days once a completed application is submitted.

95. In addition, the procedure for intracompany transfers has been improved. In this regard the country's legislation has been brought into line with the standards of the World Trade Organization (WTO). Intracompany transfers take place in economic sectors identified by the Government of Kazakhstan. Directors, managers and specialists are subject to this procedure.

96. Furthermore, since 2017, a system using certification of qualifications has been introduced to attract independent foreign job applicants. Previously, employees who came to Kazakhstan individually without an invitation from an employer had to obtain work authorizations. Since last year, such authorizations have been replaced with certificates of qualification issued by the country's Ministry of Labour and Social Protection, and there are no quotas on the number of individual foreign workers.

97. Special attention has been paid to alleviating requirements that supervisory staff must be local.

98. Thus, with the intracompany transfer policy, the requirement that staff must be local has been simplified. The ratio for managers and specialists has been set at 50 per cent, and the requirement for director-level staff to be local has been entirely eliminated.

99. For priority projects, the proportion of local staff may be established by agreement between the foreign company and State bodies (for example, the relevant ministry, a local executive body or the Ministry of Labour and Social Protection).

100. In general, the following are exempt from the requirements to ensure a certain proportion of local supervisory staff:

- Small business owners;
- Government institutions and enterprises;
- Foreign workers who come to Kazakhstan for self-employment with the certificates of qualification described above;
- Persons holding work authorizations issued under quotas for their countries of origin in accordance with international treaties ratified by Kazakhstan on cooperation in the area of labour migration and social protection of migrant workers; and
- Representative offices and branches of foreign legal entities with no more than 30 employees.

101. Within the work permit system, certain categories of foreign workers are allowed to work in Kazakhstan without work authorizations, including:

- persons hired by the participating entities and bodies of the Astana International Financial Centre;
- specialists working to set up a space launch facility or to operate ground-based space infrastructure facilities who are hired under the country's international agreements on cooperation in aerospace activities;
- directors of branches or representative offices of foreign legal entities; and also the directors of Kazakh legal entities and their deputies with 100 per cent foreign participation in their authorized share capital;
- persons on official travel assignments for business purposes, the duration of which does not exceed in total 120 calendar days in a calendar year;
- directors of organizations that have concluded contracts with the Government of Kazakhstan for investments exceeding an equivalent of US\$ 50 million and directors of legal entities of Kazakhstan which carry out investment activities in priority activities and have concluded a contract with an authorized investment body;
- citizens of the States parties to the Treaty on the Eurasian Economic Union of 29 May 2014;
- persons working in a national management holding company in positions not lower than heads of structural divisions, with higher education and confirmed documents, as established by the legislation of Kazakhstan; and
- persons hired to work as members of the board of directors of a national holding management company.

102. It is also not necessary to obtain authorization for entrepreneurial immigrants who arrive in the country for business purposes.

103. As at 1 April 2018, the number of employers hiring foreign workers was 3,258. Such employers have some 473,000 Kazakh employees and 24,300 foreign employees, or 4.9 per cent of their total workforce. In order to protect the domestic labour market, the Government of Kazakhstan sets annual quotas for foreign specialists. In 2018, the quota was set at 0.46 per cent of the national workforce, or 41,000 persons. At this stage, the labour market is characterized by the following: according to official statistics, the overall unemployment rate fell from 5.1 per cent to 4.9 per cent between similar times in 2016 and 2017.

The Committee recommends that the State party: (a) Take special measures to ensure that migrant workers and their families enjoy equal access to education, health care and other essential public services, including social insurance; (b) Compile disaggregated data on all categories of migrant workers and on their enjoyment of their rights; (c) Strengthen measures to prevent incidents of violence, extortion and trafficking against migrant workers and prosecute and punish perpetrators of such acts; (d) Consider acceding to International Labour Organization Convention No. 143 (1975) concerning migrations in abusive conditions and the promotion of equality of opportunity and treatment of migrant workers.

104. Under article 30 of the Constitution, all citizens are guaranteed free secondary education at State schools. Secondary education is compulsory. In addition, citizens are entitled to receive free higher education on a competitive basis at a State establishment of higher education. Paid education is dispensed on the basis of and in accordance with a procedure established by law.

105. In accordance with the Constitution, the Education Act of 27 July 2007 and the Languages of Kazakhstan Act of 11 July 1997, the State is responsible for creating favourable conditions for the study and development of all the languages of the multi-ethnic people of Kazakhstan. Every ethnic group living in the country has the right to establish its own ethnocultural centres and Sunday schools which promote the revival and development of the languages, culture, traditions and customs of the ethnic groups.

106. The right of migrant children and Kazakh returnee (*oralman*) children to receive an education, as set out in article 28 of the Convention on the Rights of the Child, is respected in Kazakhstan, in accordance with the legislation in force.

107. Under article 34 (1) of the Code on Public Health and the Health-Care System of 18 September 2009, citizens of Kazakhstan and *oralmans* are provided with a guaranteed level of medical assistance, with funding from the State budget.

108. Under article 88 of the Code, in the absence of other provisions in international agreements ratified by Kazakhstan, foreigners and stateless persons in the country are entitled to a guaranteed level of medical care free of charge for acute diseases that pose a threat to others, as stipulated in a list drawn up by an authorized body.

109. It is worth noting that article 88 (5) of the Code establishes that foreigners and stateless persons permanently residing in Kazakhstan are entitled to a guaranteed level of free medical care on an equal footing with citizens of Kazakhstan.

110. In the absence of other provisions in international agreements ratified by Kazakhstan, foreigners and stateless persons temporarily staying in the country are entitled to a guaranteed level of medical care free of charge for acute diseases that pose a threat to others, as stipulated in a list drawn up by an authorized body.

111. In addition, it should also be noted that under article 88 (5-1) of the Code, refugees and asylum seekers are provided with preventive, diagnostic and curative medical services with the greatest proven effectiveness, in the manner and to the extent determined by an authorized body.

112. The procedure and scope for the provision of preventive, diagnostic and curative medical services to refugees and asylum seekers are set out by Ministry of Health and Social Development Order No. 368 of 21 May 2015, which approved the rules for and scope of those services with the most proven effectiveness.

113. At present, foreign nationals and stateless persons are provided with free medical care in the framework of the guaranteed level of medical assistance for acute diseases that pose a threat to others, in accordance with a list of diseases approved by the Ministry of Health and Social Development in Order No. 194 of 1 April 2015.

114. Ambulance services and emergency medical care are provided free of charge to citizens of States members of the Commonwealth of Independent States, in accordance with the Agreement on the Provision of Medical Care to Citizens of States Members of the Commonwealth of Independent States, ratified by Kazakhstan on 27 March 1997.

115. Under this Agreement, in the event of sudden, acute conditions or diseases that threaten the life of the patient or the health of others, or in the event of accidents,

poisonings, injuries, births or urgent conditions during pregnancy, citizens are provided with ambulance services and emergency medical assistance by the treatment and preventive care establishments of their State of temporary residence. They receive such services and assistance without hindrance, free of charge and in full, regardless of the organizational and legal forms, departmental affiliation or form of ownership of such establishments.

116. In accordance with the Act of 14 October 2014 on the ratification by Kazakhstan of the Treaty on the Establishment of the Eurasian Economic Union, a protocol has been drawn up on the provision of medical assistance to workers of the member States and their family members.

117. Under this protocol, the State provides medical care to such workers and their family members according to the terms and conditions specified by the law of the country of employment, and international agreements. Member States grant such workers and members of their families the right to receive free first-response and emergency medical care according to the same terms and conditions as those applicable to citizens of the country of employment.

118. Once the threat to the patient's life or the health of others has been eliminated, the medical care is provided on a paid basis, either by means of voluntary medical insurance schemes or at the expense of the employer.

119. In addition, it should also be noted that under article 88 (5-1) of the Code on Public Health and the Health-Care System, refugees and asylum seekers are provided with preventive, diagnostic and curative medical services with the greatest proven effectiveness, in the manner and to the extent determined by an authorized body.

120. The procedure and scope for the provision of preventive, diagnostic and curative medical services to refugees and asylum seekers are set out by Ministry of Health and Social Development Order No. 368 of 21 May 2015, which approved the rules for and scope of those services with the most proven effectiveness.

Education. 17. The Committee recommends that the State party: (a) Take additional measures to increase access for children from ethnic minorities to instruction in and study of their mother tongue, including through the establishment of schools and the provision of textbooks in minority languages and of adequate professional staff; (b) Adopt special measures to ensure improved access to higher education for students from all ethnic groups without discrimination.

121. With regard to the Committee's seventeenth recommendation, on additional measures to improve access for children from ethnic minorities to education in their own language and to education in such languages, in particular through the opening of Sunday schools and centres, we can report the following.

122. There are 3,797 Kazakh-language schools in the country (51.4 per cent), with 1,394,192 students; 2,260 mixed-language schools (30.6 per cent), with 1,381,228 students; 1,312 schools with Russian-language instruction (17.7 per cent), with 395,562 students; 12 Uzbek-language schools (0.16 per cent), with 8,608 students; 11 Uyghur-language schools (0.15 per cent), with 6,110 students; and 1 Tajik-language school (0.01 per cent), with 534 students.

123. In addition, classes are given in the native languages of ethnic groups (including Chechen, Azerbaijani, Dungan, Polish, Kurdish and Turkish) at 26 general education schools.

124. All educational organizations, regardless of their form of ownership, follow the State compulsory standard for secondary education.

125. Also, in the 2018/19 school year, 1,899 children of *oralmans* were attending general education schools, including 6 at the primary level, 66 at the intermediate level and 1,827 at the general secondary level.

126. Most of these students live in the following regions: 570 in Almaty, 280 in East Kazakhstan and 223 in Karaganda.

127. On 28 September 2010, the Minister of Education and Science issued Order No. 468 approving the rules for accepting foreigners and stateless persons permanently residing in

Kazakhstan to preschool, primary, intermediate and secondary education. The children of foreigners are admitted to schools and taught in accordance with these provisions.

128. The order was amended in 2012. Thus, children of foreigners and stateless persons permanently residing in Kazakhstan and also persons temporarily residing in Kazakhstan (refugees, asylum seekers, consular officials, employees of diplomatic institutions and migrant workers working in Kazakhstan in accordance with the legislation on migration) enjoy the same rights as citizens of Kazakhstan and are accepted at educational institutions.

129. Educational institutions, taking into account the difficulties encountered by children in adapting to the teaching programme, not only address academic issues; they also establish the conditions required to provide children with all-around support, for example by organizing additional classes for them. They also carry out activities for their parents.

130. Additional specialized courses entitled *Til damytú*, *Til mádeniети* and *Sóz óneri* have been introduced at schools to assist with studies in mother tongues. Optional courses in the Kazakh and Russian languages are organized, along with club activities.

131. The children of Kazakh repatriates (*oralmans*) are included in the public life of schools. They take part in amateur artistic activities, competitions and school Olympiads and are included in organized sports activities. Measures have been taken to provide children from poor *oralman* families with clothing, footwear and school materials, in accordance with the legislation in force.

132. The directors of the municipal and district education departments have taken action on this question. They have ensured that during the last year of schooling the personal files of the children of foreign citizens and stateless persons are brought into line with the requirements at all schools in their jurisdictions. Measures have also been taken with the migration authorities to produce updated lists of foreign citizens who arrive in Kazakhstan, as per the existing database.

133. In the strategic plan of the Ministry of Education and Science, there is an indicator entitled “Children’s level of awareness about their rights and responsibilities”. In order to meet the objectives under this indicator, the Ministry is working with NGOs and public bodies to conduct annual social research programmes, and with educational organizations in the provinces and the cities of Almaty and Astana to organize a 10-day programme under the title “The world of children and the Convention” and to conduct surveys among children.

134. Regarding technical and vocational schools, we can present the following information.

135. In 2018, technical and vocational schools admitted 831 students, and 720 graduated; the total number of students attending such schools was 2,177.

136. Decision No. 264 was adopted by the Government on 28 February 2012 to approve quotas for admission to schools conducting technical and vocational, post-secondary and higher education programmes. It sets aside a quota of 4 per cent of the approved quota for State education places at such schools for persons of Kazakh ethnicity who are not citizens of Kazakhstan.

137. At institutions of higher education and postgraduate schools, in accordance with the Committee’s recommendations, measures have been taken to ensure improved access to higher education for students from all ethnic groups, without discrimination.

138. The Education Act of 27 July 2007 establishes that citizens have the right, on a competitive basis, to receive a higher education free of charge. Stateless persons permanently residing in Kazakhstan are granted the right to receive free higher and postgraduate education on a competitive basis, in accordance with the approved quota for State education places, for their first course of study at the relevant level.

139. Admission to schools conducting higher and postgraduate education programmes is carried out on the basis of citizens’ applications, on a competitive basis.

140. The competition must guarantee observance of the right to education and ensure the enrolment of those citizens who are the most capable and prepared to master the educational programme of the level in question.

141. In the 2017/18 academic year, a total of 20,632 representatives of 84 ethnic groups were engaged in studies at higher education institutions.

142. Representatives of ethnic groups study at the country's higher education institutions in the specialization and language of study of their choosing. Quotas for State education places are reserved for a speciality with the code "5B021000-foreign languages and literature".

143. In 2018, 13,256 people of 38 ethnic minorities took part in the standardized national testing. Of these, 3,553 received State education grants.

144. A total of 5,639 people from 39 ethnic minorities took part in the comprehensive testing, and 713 of them received grants.

145. For admission to schools conducting higher education programmes, a proportion of 4 per cent of the approved quota of State education places is reserved for persons of Kazakh ethnicity who are not citizens of Kazakhstan.

146. Such persons, if they are not covered by the 4 per cent quota for admission to places of higher education, are now able to study at the preparatory departments of institutions of higher education. For the 2018/19 academic year, a State quota allocated 1,200 places for this purpose, along with another 100 places for foreign citizens and 200 for students from Turkey and other Turkic-speaking republics, at the Akhmet Yassawi International Kazakh-Turkish University.

147. In the 2018/19 academic year, 992 non-citizens of Kazakh ethnicity were enrolled in 19 institutions of higher education as a result of the comprehensive testing.

148. Persons from the Kazakh diaspora are selected and receive an education in accordance with rules that set out the procedures and conditions of selection for the assignment of persons from the Kazakh diaspora to attend schools in Kazakhstan. Every year, persons from the Kazakh diaspora from more than 10 countries thus take part in a competition.

149. On 24 June 2017, at the L. Gumilyov Eurasian National University, a round table was held on Immigration to Kazakhstan for educational purposes: Upcoming tasks for the Ministry of Education and Science in the framework of the fifth World Kurultai of Kazakhs.

150. The round table was attended by 85 ethnic Kazakh delegates from 40 countries. The round table discussed numerous aspects of questions related to obtaining a higher or postgraduate education, recognition of education diplomas or certification and the provision of textbooks and teaching materials in the Kazakh language.

151. The material and technical support for general education schools is improving every year. Local budgetary funding has been used to equip such schools with subject study labs, recent computers and interactive whiteboards. All schools have telephone connections and are connected to the Internet.

152. In addition to the basic types of schools, in areas where ethnic groups are concentrated, Sunday schools and language courses have been set up at ethnocultural centres for additional study of the State language and native languages and of the cultures, traditions and customs of the country's ethnic groups. There are 26 Sunday schools in the country, with 1,001 children and adolescents in attendance. At these schools, students study the traditions, customs and languages of peoples concentrated in the regions, including Germans, Koreans, Tatars and Ukrainians.

Refugees and asylum seekers 18. The Committee recommends that the State party ensure that standardized asylum procedures are implemented and establish a referral procedure for the Migration Police Departments and the Border Guard Service at all border points, including international airports and transit zones, in compliance with international norms and standards, in particular the principle of non-refoulement.

153. Article 10 of the Refugees Act of 4 December 2009 sets out the procedure for submitting and registering applications for refugee status, covering various circumstances in which applicants cross the State border.

154. Specifically, paragraph 3 of the article establishes that "when crossing the State border of Kazakhstan, applicants shall submit a written application at a migration control

station, or in the absence of such a station, to a division of the Border Guard Service of the National Security Committee”.

155. The Migration Services Committee of the Ministry of Internal Affairs has established a permanent commission to coordinate its activities with refugees and to consider complaints about decisions handed down by police migration services departments of the provinces and the cities of Nur-Sultan and Almaty when such decisions deny, extend, revoke or terminate refugee status. The commission includes representatives of the Ministries of Foreign Affairs, Health and Social Development, Labour and Social Protection and Education and Science, the Border Guard Service of the National Security Committee and the Office of the United Nations High Commissioner for Refugees. Most refugees work in the trade, construction or services sectors or are self-employed. The Office of the United Nations High Commissioner for Refugees and the Red Cross and Red Crescent society provide ongoing assistance to socially vulnerable categories of refugees.

Stateless persons 19. The Committee recommends that the State party: (a) Take measures to address statelessness; (b) Provide data in its next periodic report on the acquisition of Kazakh citizenship and the number of persons who lack valid identity documents, as well as the exact number of stateless persons and of persons at risk of statelessness, including their ethnic origin; (c) Take measures to ensure that the State party’s laws concerning the acquisition of Kazakh nationality do not increase the number of stateless persons; (d) Consider acceding to the 1961 Convention on the Reduction of Statelessness, as a matter of priority.

156. Under article 10 of the Citizenship Act of 20 December 1991, citizenship of the Republic of Kazakhstan is either acquired by birth or conferred on the grounds or according to the procedure stipulated by the country’s international agreements, or on other grounds stipulated by the Act.

The Committee recommends that the State party take special measures to alleviate the reportedly precarious socioeconomic situation of Roma, ensuring their enjoyment of economic, social and cultural rights without prejudice or stereotyping, and provide Roma victims of discrimination with effective access to remedies. The Committee also recommends that the State party submit updated information on the enjoyment of economic, social and cultural rights by Roma in its next periodic report.

157. The Roma have the same access as other citizens to social services such as health care, culture and education. The education authorities have adopted a set of measures aimed at ensuring unconditional respect for the rights of children as citizens to receive free schooling irrespective of their ethnicity or whether they belong to a minority group, including the Roma (gypsy) community. At the country’s schools, educational activities are carried out with respect for the principle that the population must have access to education at all levels, taking into account the intellectual development and the psychophysiological and individual characteristics of each citizen, without any restrictions on the basis of race or ethnicity.

158. The equality of all persons before the law in the exercise of their rights and freedoms is guaranteed. Schools at all levels conduct educational programmes that provide for various activities aimed at strengthening a culture of inter-ethnic and interracial education. No complaints or reports of harassment on the grounds of race or ethnicity have been registered with the Human Rights Commissioner or with State bodies from the Roma community.

159. Representatives of the Roma community have registered the Tsygan voluntary association, which carries out activities to develop the culture and traditions of their people. With the assistance of the Assembly of People of Kazakhstan, this association has become involved in the life of Kazakh society. The Tsygan cultural centre takes an active part in the celebration of national and ethnic holidays.

The Committee recommends that the State party: (a) Ensure effective remedies, including just and adequate reparation or satisfaction, through the competent national courts and other State institutions for any act of racial discrimination, by making appropriate use of the anti-discrimination legislation; (b) Provide the Committee with data on the application of the Convention through judicial and administrative decisions in its next periodic report; (c) Undertake a thorough analysis of the reasons for the low number of cases in which discrimination was established by the Commissioner for Human Rights and ensure that the Commissioner effectively investigates all complaints of racial discrimination; (d) Implement measures to strengthen the legal aid system and provide assistance to individuals and associations to facilitate litigation in discrimination cases; (e) Undertake training of public officials, including law enforcement officials, members of the judiciary and lawyers, concerning legal protection and safeguards against racial discrimination, drawing attention to the Committee's general recommendation No. 13 (1993) on the training of law enforcement officials in the protection of human rights.

160. The Office of the Human Rights Commissioner, in carrying out its function as a monitor of observance of human rights and freedoms in the country, seeks to provide full support for reforming the judicial system and for ensuring the fundamental human rights to judicial protection and a fair trial.

161. Paragraph 18 of the Statute of the Office of the Human Rights Commissioner, approved by Presidential Decree No. 947 of 19 September 2002, stipulates that the Commissioner does not consider complaints concerning the actions and decisions of the country's courts. However, in the light of the memorandum on cooperation between the Human Rights Commissioner and the President of the Supreme Court, an analysis of citizens' complaints of violations of their rights in the administration of justice is now regularly carried out. A summary of the analysis is subsequently transmitted to the country's highest judicial institution for information.

162. The statistics indicate that in the last five years, the Office of the Human Rights Commissioner received just 32 complaints about racial discrimination. Of these, actual violations of rights or situations of racial discrimination were established in just five cases.

163. In their complaints, the applicants pointed to violations of the requirements of the Languages in Kazakhstan Act of 11 July 1997 and the exclusive use of the Kazakh language in signage, discrimination on the basis of ethnicity in the composition of football teams, discrimination in announcements or advertisements published in the media and the failure of law enforcement officers to take action to investigate the murder of a person from an ethnic minority.

164. In all the above cases, the Office of the Human Rights Commissioner carried out the appropriate verifications and subsequently ensured that the violated rights were restored.

165. An annual analysis of the complaints and reports of violations suggests that racial discrimination in Kazakhstan is not systematic but rather most often the result of individual misconduct.

166. In addition, a sample analysis of court practice shows that there has been an increase in the number of cases referring to international instruments, including the International Convention on the Elimination of Racial Discrimination.