



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

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## Committee on the Elimination of Racial Discrimination

106th session

11–29 April 2022

Item 6 of the provisional agenda

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

### List of themes in relation to the combined eighth to tenth reports of Kazakhstan

#### Note by the Country Rapporteur

1. The Committee on the Elimination of Racial Discrimination decided, at its seventy-sixth session,<sup>1</sup> that the Country Rapporteur would send to the State party concerned a short list of themes with a view to guiding and focusing the dialogue between the State party's delegation and the Committee during the consideration of the State party's report. The present document contains a list of such themes. It is not an exhaustive list; other issues may also be raised in the course of the dialogue. No written replies are required.

#### Convention in domestic law and the institutional and policy framework for its implementation (arts. 1–2 and 6)

2. Information on measures taken to collect and publicize reliable statistical data on the social and economic situation of individuals belonging to ethnic minority groups, migrants and refugees; and statistics on the ethnic composition of the prison population.<sup>2</sup>

3. Information on steps taken towards adopting a comprehensive anti-discrimination law including a definition of direct and indirect discrimination; and measures taken to disseminate information to the public, especially minorities, but also lawyers, magistrates and other law enforcement officers, about the prohibition of racial discrimination and available remedies for victims.<sup>3</sup>

4. Updated information on amending the legislation to provide for the possibility of adopting special measures, in accordance with articles 1 (4) and 2 (2) of the Convention.<sup>4</sup>

5. Updated information on measures to strengthen the mandate of the Commissioner for Human Rights to effectively promote human rights and fight racial discrimination, to increase the Commissioner's financial and human resources, to ensure that the Commissioner enjoys public confidence and full independence and to make public the reports on the Commissioner's work against racial discrimination, on a regular basis.<sup>5</sup>

6. Information on measures to ensure the effective investigation of, and remedies for, any act of racial discrimination; updated information on the domestic application of the

<sup>1</sup> A/65/18, para. 85.

<sup>2</sup> CERD/C/KAZ/CO/6-7, para. 7; and CERD/C/KAZ/8-10, para. 14, and annex, paras. 13–20.

<sup>3</sup> CERD/C/KAZ/CO/6-7, para. 6; and CERD/C/KAZ/8-10, annex, paras. 1–12.

<sup>4</sup> CERD/C/KAZ/CO/6-7, paras. 8–9; and CERD/C/KAZ/8-10, para. 51, and annex, paras. 21–38.

<sup>5</sup> CERD/C/KAZ/CO/6-7, para. 10; and CERD/C/KAZ/8-10, annex, paras. 45–48.



Convention; and analysis of the reasons for the low number of racial discrimination cases found by the Commissioner for Human Rights.<sup>6</sup>

7. Measures to strengthen the legal aid system and provide assistance to individuals and associations to facilitate litigation in racial discrimination cases.<sup>7</sup>

#### **Racist hate crimes, hate speech and freedom of expression (arts. 4 and 7)**

8. Updated information on measures to effectively investigate, prosecute and combat racist hate speech and to punish perpetrators; and measures to promote tolerance, intercultural dialogue and respect for diversity, with a focus on the role of journalists and public officials.<sup>8</sup>

9. Updated information on measures to ensure that the legislation against incitement to racist violence and on extremist organizations is fully in line with the requirements of article 4 (a) and (b), as well as with article 1, of the Convention.<sup>9</sup>

10. Information on measures taken to clearly define criminal offences, in particular those described in article 174 of the Criminal Code, to ensure that they do not result in unnecessary or disproportionate interference with freedom of expression, including among minority communities.<sup>10</sup>

11. Information on measures to investigate allegations of incitement to violence and of hate speech against the Dungan minority group, in relation to the violent events of 7 and 8 February 2020 in the Korday District; and steps taken to ensure that persons from the Dungan community who are subject to criminal investigations and proceedings receive a fair trial.<sup>11</sup>

#### **Situation of ethnic minority groups (art. 5)**

12. Disaggregated data on, and measures to facilitate and increase the representation of, ethnic minority groups in political and decision-making bodies and in the civil service, at all levels.<sup>12</sup>

13. Update on measures to increase access for children from ethnic minority groups to instruction in, and the study of, their mother tongue; and an update on special measures to ensure improved access to higher education for students from all ethnic groups, without discrimination, and the results of any such measures.<sup>13</sup>

14. Update on amending the Labour Code to explicitly prohibit discrimination based on colour.<sup>14</sup>

#### **Situation of migrants, asylum seekers, refugees and stateless persons (arts. 2 and 5)**

15. Information on measures taken to amend the Population Migration Act of 2011 and related regulations to ensure that the requirements to become a sole trader are not overly restrictive and are not discriminatory, in line with article 1 (1) of the Convention.<sup>15</sup>

16. Updated information on measures to ensure that migrant workers and their families enjoy equal access to education and health care; disaggregated data on all categories of

<sup>6</sup> CERD/C/KAZ/CO/6-7, para. 21; and CERD/C/KAZ/8-10, paras. 69–79, and annex, paras. 1–12 and 160–166.

<sup>7</sup> CERD/C/KAZ/CO/6-7, para. 21; and CERD/C/KAZ/8-10, paras. 69–79, and annex, paras. 7–12 and 160–166.

<sup>8</sup> CERD/C/KAZ/CO/6-7, para. 11; and CERD/C/KAZ/8-10, annex, paras. 49–58.

<sup>9</sup> CERD/C/KAZ/CO/6-7, para. 12; and CERD/C/KAZ/8-10, annex, paras. 59–70.

<sup>10</sup> CERD/C/KAZ/CO/6-7, para. 13; and CERD/C/KAZ/8-10, annex, paras. 64–76.

<sup>11</sup> See

[https://tbinternet.ohchr.org/Treaties/CERD/Shared%20Documents/KAZ/INT\\_CERD\\_ALE\\_KAZ\\_9502\\_E.pdf](https://tbinternet.ohchr.org/Treaties/CERD/Shared%20Documents/KAZ/INT_CERD_ALE_KAZ_9502_E.pdf).

<sup>12</sup> CERD/C/KAZ/CO/6-7, para. 9; and CERD/C/KAZ/8-10, paras. 88–89, and annex, paras. 17–20 and 39–44.

<sup>13</sup> CERD/C/KAZ/CO/6-7, para. 17; and CERD/C/KAZ/8-10, paras. 201–202, and annex, paras. 121–152.

<sup>14</sup> CERD/C/KAZ/CO/6-7, para. 14; and CERD/C/KAZ/8-10, annex, paras. 77–82.

<sup>15</sup> CERD/C/KAZ/CO/6-7, para. 15; and CERD/C/KAZ/8-10, annex, paras. 83–103.

migrant workers and on their enjoyment of their rights; and information on strengthening measures to prevent incidents of violence, extortion and trafficking against migrant workers and to prosecute and punish perpetrators of such acts.<sup>16</sup>

17. Information on the establishment of 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.<sup>17</sup>

18. Measures to ensure that all persons who are not formally recognized as refugees, but nonetheless are unable to return to their country of origin due to other compelling reasons, are allowed to stay in the country until it is safe for them to return and can exercise and enjoy their economic, social and cultural rights without discrimination.<sup>18</sup>

19. Information on measures to prevent and protect people from statelessness, including on the statelessness determination procedure; statistics on stateless persons and those at risk of statelessness, including their ethnic origin; and information on measures to address childhood statelessness at birth.<sup>19</sup>

20. Statistics on the acquisition of Kazakh citizenship; and measures to ensure the acquisition of valid identity documents, and the number of persons who lack such documents.<sup>20</sup>

21. Updated information on the enjoyment of economic, social and cultural rights by Roma people, without prejudice or stereotyping; and measures to provide and ensure potential Roma victims of discrimination with information on access to remedies, including through domestic courts or bodies.<sup>21</sup>

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<sup>16</sup> CERD/C/KAZ/CO/6-7, para. 16; and CERD/C/KAZ/8-10, annex, paras. 88, 104–120 and 127–128.

<sup>17</sup> CERD/C/KAZ/CO/6-7, para. 18; and CERD/C/KAZ/8-10, annex, paras. 153–155.

<sup>18</sup> Submission by the Office of the United Nations High Commissioner for Refugees, in the context of the third universal periodic review cycle, for the review of Kazakhstan, p. 3.

<sup>19</sup> CERD/C/KAZ/CO/6-7, para. 19; and CERD/C/KAZ/8-10, annex, para. 156.

<sup>20</sup> Ibid.

<sup>21</sup> CERD/C/KAZ/CO/6-7, para. 20; and CERD/C/KAZ/8-10, annex, paras. 157–159.