



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

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COMMITTEE ON THE ELIMINATION
OF RACIAL DISCRIMINATION
Seventy- sixth session
15 February – 12 March 2010

**QUESTIONS BY THE COUNTRY RAPPORTEUR
IN CONNECTION WITH THE CONSIDERATION OF
THE FOURTH AND FIFTH PERIODIC REPORTS OF
KAZAKHSTAN
(CERD/C/KAZ/4-5)**

1. The State party's report indicates that, in case of contradiction, international treaties ratified by the State party take precedence over the national legislation. However, the Committee received information regarding a resolution of the Constitutional Council of 2006 according to which, in case of contradiction between a treaty and the Constitution, such a treaty shall not be implemented. Please provide information on this issue, and on reports concerning rules adopted in 2008 by the Supreme Court on the implementation of the norms of international treaties.
2. Besides the general principles proclaimed in the Constitution, it seems that national legislation forbidding racial discrimination is rather limited. Thus, many treaty bodies and human

rights experts express concern that some aspects of the definition of racial discrimination and of article 2 of the Convention may not be covered, including indirect discrimination. Please indicate what measures the State party considers taking to address this problem.

3. What is the State party's assessment of inter-ethnic conflicts which took place in recent years in Aktau, Shelek, Malybai, Malovodnoe and Mayatas, involving Kazaks as well as Uighurs, Chechens and Kurds? What are the root causes of these conflicts; what measures are currently taken by the central and local authorities, as well as by the media, to prevent them, and what are the lessons learned?

4. Taking into account the weight of minorities in the overall population of the State party, what is the State policy with regard to the minority groups residing in the country? Insofar as persons belonging to minorities are also Kazakh citizens, please indicate how this policy is formulated and implemented in practice?

5. Please provide detailed information, including statistics on the representation of minorities in central bodies, such as the two chambers of parliament, the Government, the army, the police and the judiciary. Please indicate the level of representation of minorities in governmental bodies at the local level, especially in areas in which they constitute a substantial part of the population, and whether their representation is proportional to their size? Please provide information on concrete measures taken or foreseen by the State party to ensure a better representation of minority groups at all levels?

6. Does the State party maintain a regular dialogue with minority groups on issues of general interest and of particular interest to them, and if so, by what means? Please indicate how this could become a general pattern and be improved?

7. The Constitution guarantees the right of minority groups to use their mother tongue, to enjoy their own culture and to freely choose the language of education for their children. Please

indicate whether this right is ensured in practice by the necessary number of schools, textbooks and teachers for all groups. In addition, please indicate whether the right to use relevant mother tongues for communication with the administration is fully respected?

8. The report mentions 222 cases of offenses of incitement to social, national, ethnic, racial or religious enmity between 2003 and 2008. How many of these cases were ethnically or racially motivated? What was the result of prosecutions?

9. Kazakhstan is both a country of origin and destination for migrants. Millions of people left the country since 1991, and one of the explanations given in the report is the accession to power of ethnocratic regimes in the countries of the region. Many others came back to the country, such as the Oralmans, or arrived as refugees (such as Afghans, Uzbeks and Chechens). Is the State prepared to address these movements of people? Does the legislation in force respond to international standards accepted by the State party? Are relevant institutions functioning properly?

10. Many reports and human rights bodies consider that the Ombudsman of Kazakhstan has limited competences, being able to receive complaints only against local bodies, and without being called to present a report directly to the Parliament. Did the Office of the Ombudsman receive complaints about cases of racial discrimination under the Convention? Please indicate whether the State party foresees enhancing its competences, in accordance with international practice and the Committee's previous concluding observations?

11. Please provide further information on the People's Assembly of Kazakhstan, in particular on the representation of minority groups. In this connection, please indicate how their representatives are nominated and what activities the People's Assembly is developing to promote the cultural and linguistic rights of these groups, in order to fulfil its role as established by the law?

12. In addition to measures adopted in favour of Oralmans, what other special measures is the State party applying in accordance with article 2, paragraph 2 of the Convention?

13. Reports received mention a number of cases in which media were involved in negative campaigns against some minority groups, including through the use of nationalistic slogans, in connection with inter-ethnic conflicts. What steps does the State party intend to take in order to improve the image of the different ethnic groups in the media?

14. Does the Government of the State party see the need to elaborate and adopt a law on the rights of persons belonging to minorities, guaranteeing compliance with universally accepted standards concerning their rights and identity and, if yes, what would be the timetable to do so?

15. The report is using several concepts, such as ethnic groups, national groups, ethnic communities, nationalities etc. Please indicate if there is a difference among these concepts and whether the use of these terms implies different legal consequences?
