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the Elimination  
of all Forms of  
Racial Discrimination**

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COMMITTEE ON THE ELIMINATION  
OF RACIAL DISCRIMINATION

**REPORTS SUBMITTED BY STATES PARTIES UNDER  
ARTICLE 9 OF THE CONVENTION**

**Third periodic reports of States parties due in 2003**

**Addendum**

**KAZAKHSTAN\***

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\* This document contains the initial, second and third periodic reports of Kazakhstan, due on 25 September 1999, 2001 and 2003 respectively, submitted in one document.

## Introduction

1. This report is submitted in accordance with article 9, paragraph 1, of the International Convention on the Elimination of All Forms of Racial Discrimination and has been compiled according to the General Guidelines regarding the form and contents of reports to be submitted by States parties under article 9, paragraph 1, of the Convention.
2. The report covers the period from January 1999 to February 2001.

## PART ONE

### General information: the country and its people

1. The Republic of Kazakhstan, with a population estimated on 1 January 1999 at 14,841,900, covers an area of 2,724,900 square kilometres. The population density is 5.4 persons per square kilometre and the capital is Astana. The republic consists of 14 oblasts, with 160 districts, 2 cities of national significance, 85 cities and 200 villages.

**Table 1**

**Administrative and territorial units of Kazakhstan**

	1999	2000	2001
Districts	159	159	160
Cities	84	84	85
Villages	241	192	200

Kazakhstan is the ninth largest country in the world, after the Russian Federation, China, the United States of America, Argentina, Brazil, Canada, India and Australia. It has 12,187 kilometres of borders, which it shares with China, Kyrgyzstan, Uzbekistan, Turkmenistan and the Russian Federation. The country stretches some 3,000 kilometres from west to east and 1,600 kilometres from north to south. It includes forest-steppe, semi-desert and desert temperate regions. In January, average temperatures range from -18° C in the north and east to -3° C in the south. In July, average temperatures range from 19° C in the north to 28° C in the south. There are four climatic zones in the country - forest-steppe, steppe, semi-desert and desert. The highest point in Kazakhstan is Mount Khan-Tengri (7,010 metres) and the lowest is the Karagiye Depression (132 metres below sea level). The present-day fauna includes 172 species of mammals, 490 species of birds, 51 species of reptiles, 12 amphibious species and over 100 species of fish. Kazakhstan is bordered on the south-west by the Caspian and Aral inland seas. It is the largest landlocked country in the world.

### Natural resource potential

2. Kazakhstan has a wide variety of minerals, with deposits of 99 of the 105 elements in Mendeleev's periodic table. It has the world's largest known reserves of zinc, tungsten and barium sulphate, the second largest known reserves of silver, lead and chromite, the third largest known reserves of copper and fluorite, the fourth largest known reserves of molybdenum and the sixth largest known gold deposits.

Among the countries of the Commonwealth of Independent States (CIS), Kazakhstan's ranking for mineral deposits is as follows: first place for chromite ores and lead, second for oil, coal, copper, nickel and phosphate production and third for gold extraction.

According to surveys of the country's mineral wealth, the resources with the greatest economic importance are coal, petroleum, copper, iron, lead, zinc, chromite, gold and manganese.

### **History**

3. Ancient manuscripts first mentioned a union of tribes, the largest of which was called the Saki, living in Kazakhstan in the middle of the first millennium BC. Such tribes were predominantly occupied with semi-nomadic and nomadic cattle-breeding. In the early medieval period, in the sixth and seventh centuries AD, the Turkic Kaganate played a significant role in the formation of an ethnic identity. In the third and fourth centuries AD, the formation of a Turkic ethnic group had taken place in eastern Turkistan and the Altai region. The Turkic peoples were the sole masters of the silk road leading to the Mediterranean countries. Islam spread extensively in the tenth to twelfth centuries. Turkic writing developed, based on the Arabic alphabet. In the thirteenth to fifteenth centuries, the Kazakh language developed out of the Kypchak group of Turkic languages.

The break-up of the Golden Horde led to the formation of a large number of States. In Kazakhstan, three practically independent Khanates known as the Elder, Middle and Younger Zhuzes emerged. The strengthening of the Kazakh Khanate ran contrary to the interests of a number of neighbouring States, and a struggle for national independence soon ensued.

The complexity of the external political situation prompted the Kazakhs to seek solutions, one of which was the joining of the younger Zhuz to Russia in 1731. Kazakhstan was fully integrated into Russia in the 1860s. From October 1917 to March 1918, the Soviets consolidated their power in the country.

Between 1921 and 1940, Kazakhstan was transformed from an agrarian to an industrial-agricultural society. In the post-war period, the country became a place for nuclear weapons testing, which continued for 40 years. In general terms, the Soviet era transformed Kazakhstan into an agro-industrial country with a highly educated intelligentsia. Kazakhstan declared independence in 1991, and its first President, N.A. Nazarbaev, was elected on 1 December of that year.

### **Population**

4. According to the Statistics Agency of the Republic of Kazakhstan, at the beginning of 1999 the population was 14,957,800. Over the following two years the population decreased: to 14,896,100 in 2000 and to 14,841,900 in 2001.

**Table 2**  
**Ethnic composition of the population**  
**(as per 1999 census)**

	Total	Percentage of the population
Total population	14 953 100	100.0
Kazakhs	7 985 000	53.4
Russians	4 479 600	30.0
Ukrainians	574 100	3.7
Uzbeks	370 700	2.5
Germans	353 400	2.4
Tatars	249 000	1.7
Uighurs	210 400	1.4
Belarusians	111 900	0.8
Koreans	99 700	0.7
Azerbaijanis	78 300	0.5
Turks	78 700	0.5
Other nationalities	389 300	2.4

**Table 3**  
**Population, by age**  
**(at the beginning of the year)**

Age	1999	2000	2001
Under 1	217 800	205 100	214 800
1-4	972 300	911 800	861 500
5-9	1 501 100	1 446 900	1 384 200
10-14	1 606 900	1 602 100	1 586 500
15-19	1 398 900	1 422 900	1 450 900
20-24	1 292 200	1 302 300	1 308 400
25-29	1 154 600	1 164 300	1 173 600
30-34	1 069 800	1 054 300	1 052 300
35-39	1 201 600	1 175 500	1 133 500
40-44	1 037 600	1 063 800	1 092 100
45-49	855 400	869 900	883 600
50-54	525 700	613 900	691 600
55-59	553 000	459 000	387 000
60-64	561 600	606 300	621 100
65 and over	1 009 300	998 000	1 000 800

**Table 4**  
**Urban population, by age**  
**(at the beginning of the year)**

Age	1999	2000	2001
Under 1	109 200	103 000	110 300
1-4	460 300	440 400	424 600
5-9	734 900	694 400	655 700
10-14	806 600	808 100	800 000
15-19	703 500	713 900	727 500
20-24	718 300	708 100	700 000
25-29	737 200	730 700	717 800
30-34	641 700	645 200	659 400
35-39	717 300	699 500	674 800
40-44	636 000	648 900	661 600
45-49	534 400	541 200	547 700
50-54	328 600	384 900	434 000
55-59	317 200	263 300	223 600
60-64	328 700	354 200	360 400
65 and over	594 900	586 400	585 900

**Table 5**  
**Rural population, by age**  
**(at the beginning of the year)**

Age	1999	2000	2001
Under 1	108 600	102 100	104 500
1-4	512 000	471 400	436 900
5-9	766 200	752 500	728 500
10-14	800 300	794 000	786 500
15-19	695 400	709 000	723 400
20-24	573 900	594 200	608 400
25-29	417 400	433 600	455 800
30-34	428 100	409 100	392 900
35-39	484 300	476 000	458 700
40-44	401 600	414 900	430 500
45-49	321 000	328 700	335 900
50-54	197 100	229 000	257 600
55-59	235 800	195 700	163 400
60-64	232 900	252 100	260 700
65 and over	414 400	411 600	414 900

### **Life expectancy**

5. In 2001, the average life expectancy was 65.6 years. Life expectancy was 71.1 years for women, and 60.2 years for men.

**Table 6****Life expectancy at birth (in years)**

	1999	2000	2001
Total population	65.5	65.4	65.6
Men	60.3	59.8	60.2
Women	71.0	71.3	71.1

General birth and mortality rates (per thousand people)

1999:

Birth rate - 14.5

Mortality rate - 9.9

2000:

Birth rate - 14.8

Mortality rate - 10.1

2001:

Birth rate - 14.8

Mortality rate - 10.0

Natural population growth was therefore 4.6 per thousand people in 1999, 4.7 per thousand people in 2000 and 4.8 per thousand people in 2001.

**Infant mortality**

6. In 2001, 4,238 children under one year of age died, including 2,526 boys and 1,712 girls.

**Table 7****Infant mortality (number of deaths)**

	1999	2000	2001
Both sexes	4 444	4 158	4 238
Boys	2 616	2 448	2 526
Girls	1 828	1 710	1 712

**Infant mortality rate (per 1,000 live births)**

7. The infant mortality rate per thousand live births was 20.8 in 2001, 22.6 in 1999 and 20.9 in 2000.

**Table 8****Births and deaths by gender (number of people)**

	Births			Deaths		
	1999	2000	2001	1999	2000	2001
Both sexes	216 027	220 350	219 319	147 404	149 707	147 831
Males	111 677	112 928	112 935	80 692	83 780	82 516
Females	104 350	107 422	106 384	66 712	65 927	65 315

**Table 9****Births and deaths by gender in urban areas (number of people)**

	Births			Deaths		
	1999	2000	2001	1999	2000	2001
Both sexes	109 323	113 540	114 095	92 510	94 530	94 129
Males	56 578	58 125	58 863	50 869	53 134	52 747
Females	52 745	55 415	55 232	41 641	41 396	41 382

**Table 10****Births and deaths by gender in rural areas (number of people)**

	Births			Deaths		
	1999	2000	2001	1999	2000	2001
Both sexes	106 704	106 810	105 224	54 894	55 177	53 702
Males	55 099	54 803	54 072	29 823	30 646	29 769
Females	51 605	52 007	51 152	25 071	24 531	23 933

**Mortality rate**

8. In 2001, 147,831 people died, including 82,516 men and 65,315 women.

**Table 11****Number of deaths**

	1999	2000	2001
Both sexes	147 404	149 707	147 831
Males	80 692	83 780	82 516
Females	66 712	65 927	65 315

**Table 12**  
**Causes of death (number of deaths)**

	Both sexes			of which:					
				Males			Females		
	1999	2000	2001	1999	2000	2001	1999	2000	2001
Circulatory system diseases	73 350	74 620	73 583	34 108	35 711	35 160	39 242	38 909	38 423
Malignant tumours	19 533	19 387	19 183	10 761	10 655	10 508	8 772	8 732	8 675
Accident and injury	19 547	21 258	21 701	15 134	16 760	16 956	4 413	4 498	4 745
Pulmonary diseases	10 248	10 615	9 727	5 397	6 767	6 140	3 851	3 848	3 587
Diseases of the digestive tract	5 342	5 657	6 031	3 154	3 294	3 632	2 188	2 363	2 399
Infections and parasitic diseases	5 816	5 099	4 545	4 345	3 812	3 422	1 471	1 287	1 123

### **Maternal mortality**

9. In absolute terms, maternal mortality is decreasing in Kazakhstan. The number of women who died from complications related to pregnancy, labour and the post-natal period was 105 in 1999, 97 in 2000 and 87 in 2001.

### **Maternal mortality rate**

10. The maternal mortality rate (per 100,000 births) was 49.6 in 1999, 44.2 in 2000 and 39.6 in 2001.

### **Family structure**

11. Information on families is generally taken from census data. According to the 1999 census, there were 3,527,256 families in Kazakhstan. Average family size was four persons, or 3.6 in urban areas and 4.6 in rural ones.



**Table 13**

**Number of families and average family size  
(according to 1999 census data)**

	Total in urban and rural areas		of which:			
			Urban areas		Rural areas	
	Number of families	Average family size	Number of families	Average family size	Number of families	Average family size
Kazakhstan as whole	3 527 256	4.0	2 144 546	3.6	1 382 710	4.6
Akmola oblast (o.)	214 582	3.6	103 601	3.3	110 981	3.9
Aktobe o.	156 906	4.1	95 743	3.7	61 163	4.8
Almaty o.	347 877	4.3	117 869	3.6	230 008	4.6
Atyrau o.	86 581	4.9	54 592	4.5	31 989	5.6
East Kazakhstan o.	391 608	3.6	245 895	3.3	145 713	4.2
Zhambyl o.	211 885	4.5	108 761	3.9	103 124	5.0
West Kazakhstan o.	147 513	4.0	67 871	3.4	79 642	4.5
Karaganda o.	369 759	3.5	315 109	3.3	54 650	4.4
Kostanai o.	272 328	3.4	155 770	3.2	116 558	3.8
Kyzyl-orda o.	109 896	5.3	70 686	5.0	39 210	5.9
Mangistau o.	67 465	4.4	56 299	4.1	11 166	6.0
Pavlodar o.	211 845	3.5	140 910	3.3	70 935	4.0
North Kazakhstan o.	192 895	3.5	77 452	3.2	115 443	3.7
South Kazakhstan o.	370 473	5.2	158 345	4.3	212 128	5.8
City of Almaty	79 491	3.7	79 491	3.7	-	-
City of Astana	296 152	3.0	296 152	3.0	-	-

**Marriages and divorces**

12. The marriage rate per thousand people was 6.3 marriages in 2001 and 5.8 in 1999.

**Table 14**

**Marriages and divorces and marriage and divorce rates**

	Number			Per thousand people		
	1999	2000	2001	1999	2000	2001
Marriages	85 872	90 873	92 852	5.8	6.1	6.3
Divorces	25 583	27 391	29 599	1.7	1.8	2.0

**Education****Table 15****Literacy (people over the age of 15) as per 1999 census  
(percentage)**

	Total population			Urban population			Rural population		
	Both sexes	of which:		Both sexes	of which:		Both sexes	of which	
		Males	Females		Male	Females		Males	Females
Kazakhstan as whole	99.5	99.8	99.3	99.6	99.8	99.5	99.3	99.7	99
Akmola oblast (o.)	99.4	99.7	99.1	99.5	99.8	99.3	99.2	99.6	99.8
Aktobe o.	99.7	99.9	99.5	99.7	99.9	99.6	99.5	99.8	99.3
Almaty o.	99.4	99.7	99	99.6	99.8	99.4	99.3	99.6	98.9
Atyrau o.	99.7	99.9	99.5	99.7	99.9	99.6	99.6	99.9	99.4
East Kazakhstan o.	99.2	99.6	98.8	99.5	99.8	99.3	98.7	99.4	98.1
Zhambyl o.	99.7	99.9	99.5	99.8	99.9	99.7	99.6	99.8	99.3
West Kazakhstan o.	99.4	99.7	99.1	99.6	99.7	99.5	99.2	99.7	98.8
Karaganda o.	99.5	99.7	99.3	99.5	99.8	99.3	99.2	99.5	98.9
Kostanai o.	99.4	99.7	99.1	99.5	99.7	99.4	99.2	99.7	98.8
Kyzyl-orda o.	99.6	99.8	99.4	99.6	99.7	99.5	99.5	99.8	99.2
Mangistau o.	99.5	99.8	99.2	99.5	99.8	99.3	99.3	99.7	98.9
Pavlodar o.	99.4	99.8	99.2	99.6	99.9	99.2	99.1	99.6	98.6
North Kazakhstan o.	99.2	99.5	98.9	99.4	99.6	99.2	99.1	99.5	98.7
South Kazakhstan o.	99.9	99.9	99.8	99.9	99.9	99.9	99.8	99.9	99.7
City of Almaty	99.7	99.9	99.6	99.7	99.9	99.6	-	-	-
City of Astana	99.8	99.9	99.7	99.8	99.9	99.7	-	-	-

**Table 16 (a)****Pre-school establishments (at the end of the year)**

	1999			2000			2001		
	Total	of which:		Total	of which:		Total	of which:	
		Urban	Rural		Urban	Rural		Urban	Rural
Total number of establishments	1 102	859	243	1 089	912	177	1 103	886	217
Number of children, thousands	124.4	112.8	11.6	133.2	123.9	9.3	140.4	128.0	12.4

**Table 16 (b)**

**State general-education schools (at the beginning of the academic year)**

	1999/2000			2000/01			2001/02		
	Total	of which:		Total	of which:		Total	of which:	
		Urban	Rural		Urban	Rural		Urban	Rural
Total number of establishments	8 091	1 921	6 170	8 153	1 902	6 251	8 240	2 015	6 225
Number of pupils, thousands	3 101.4	1 606.7	1 494.6	3 229.1	1 622.7	1 606.4	3 063.7	1 604.9	1 458.8

**Table 17**

**Number of general-education school pupils by language of instruction  
(at the beginning of the academic year)**

	1999/2000	2000/01	2001/02
Kazakh	1 568 900	1 692 700	1 631 500
Russian	1 422 700	1 441 500	1 326 500
Uzbek	79 600	87 100	83 200
Uighur	22 300	22 400	21 700
Tajik	2 600	2 800	2 700
German	600	400	300
Tatar	100	0	0

**Table 18**

**Students in higher education, by nationality  
(at the beginning of the academic year)**

Number of students	Total	Type of course		
		Day	Evening	Correspondence
1999/2000	365 385	226 185	2 780	136 420
2000/01	440 715	254 569	2 073	184 073
2001/02	514 738	288 247	1 905	224 586
Kazakhs				
1999/2000	243 765	149 830	1 244	92 691
2000/01	298 903	168 807	890	129 206
2001/02	353 673	197 449	949	155 275
Russians				
1999/2000	86 377	52 554	1 258	32 565
2000/01	100 538	59 208	999	44 331
2001/02	112 538	60 225	762	51 551

**Table 18 (continued)**

Number of students	Total	Type of course		
		Day	Evening	Correspondence
Ukrainians				
1999/2000	6 691	4 160	46	2 485
2000/01	7 447	4 331	30	3 086
2001/02	9 088	4 958	22	4 108
Belarusians				
1999/2000	1 184	685	8	491
2000/01	1 229	641	8	580
2001/02	1 526	715	3	808
Uzbeks				
1999/2000	3 075	1 785	3	1 287
2000/01	3 389	1 943	3	1 443
2001/02	5 050	2 550	7	2 493
Azerbaijanis				
1999/2000	803	525	10	268
2000/01	913	649	9	255
2001/02	1 187	792	10	385
Kyrgyz				
1999/2000	200	124	1	75
2000/01	303	230	2	71
2001/02	264	208	2	54
Tajiks				
1999/2000	148	97	2	49
2000/01	153	87	2	64
2001/02	252	166	-	86
Turkmens				
1999/2000	230	145	-	85
2000/01	704	96	-	608
2001/02	661	421	1	239
Bashkirs				
1999/2000	280	159	-	121
2000/01	294	176	1	117
2001/02	291	154	-	137

**Table 18 (continued)**

Number of students	Total	Type of course		
		Day	Evening	Correspondence
Ingushes				
1999/2000	395	249	1	145
2000/01	449	280	1	168
2001/02	491	329	1	161
Tatars				
1999/2000	4 666	3 050	36	1 580
2000/01	6 005	3 718	44	2 243
2001/02	6 715	3 901	38	2 776
Greeks				
1999/2000	305	251	4	50
2000/01	220	172	1	47
2001/02	237	192	-	45
Koreans				
1999/2000	4 975	3 522	66	1 387
2000/01	5 738	3 759	34	1 945
2001/02	5 723	4 048	39	1 636
Kurds				
1999/2000	196	140	4	52
2000/01	198	140	1	57
2001/02	299	207	1	91
Germans				
1999/2000	4 391	3 259	19	1 113
2000/01	5 275	3 710	13	1 552
2001/02	5 954	3 871	18	2 065
Poles				
1999/2000	603	454	1	148
2000/01	837	614	2	221
2001/02	921	582	6	333
Turks				
1999/2000	1 232	1 002	-	230
2000/01	1 465	1 301	1	163
2001/02	1 213	1 015	8	190

**Table 18 (continued)**

Number of students	Total	Type of course		
		Day	Evening	Correspondence
Uighurs				
1999/2000	2 602	1 693	56	853
2000/01	3 277	2 071	26	1 180
2001/02	4 850	3 585	27	1 238
Chechens				
1999/2000	456	327	2	127
2000/01	456	341	1	114
2001/02	633	429	4	200
Other nationalities				
1999/2000	2 811	2 174	19	618
2000/01	2 972	2 290	5	677
2001/02	3 172	2 450	7	715

**Urban and rural population**

13. In 2001, the population comprised 56.0 per cent urban dwellers (8.3 million people) and 44.0 per cent rural dwellers (6.5 million people).

**Table 19**

**Urban and rural population (number of inhabitants  
at the beginning of the year)**

Year	Total population	of which:		Percentage of the population	
		Urban	Rural	Urban	Rural
1999	14 957 800	8 368 800	6 589 000	56.0	44.0
2000	14 896 100	8 322 200	6 573 900	56.0	44.0
2001	14 841 900	8 283 200	6 558 700	56.0	44.0

**Migration**

14. The Republic of Kazakhstan has a migration deficit. In 2001, 414,984 people departed from the Republic and 326,824 arrived. The migration deficit was 88,160.

**Table 20**  
**Migration, by nationality (number of people)**

	Number of people who arrived	Number of people who departed	Migration balance (+ or -)
Total			
1999	274 954	398 581	-123 627
2000	325 923	434 230	-108 307
2001	326 824	414 984	-88 160
Kazakhs			
1999	173 891	171 247	2 644
2000	213 120	202 440	10 680
2001	222 510	204 010	18 500
Russians			
1999	64 962	136 379	-71 417
2000	72 913	145 697	-72 784
2001	65 005	130 484	-65 479
Germans			
1999	5 608	37 119	-31 511
2000	5 405	32 998	-27 593
2001	5 161	33 424	-28 263

15. The legal status of refugees is regulated by the Migration of the Population Act and other enforceable enactments of the Republic. In December 1998, Kazakhstan acceded to the 1951 Convention relating to the Status of Refugees and the 1967 Protocol thereto.

### **The political and legal system**

#### **The Constitution**

16. The current Constitution is the second one in the 12 years of Kazakhstan's independence. The previous Constitution was in force from 28 January 1993 to 30 August 1995. The Soviet Constitution of the Kazakh SSR was in force in Kazakhstan up to 1993.

The current Constitution was adopted by a referendum on 30 August 1995, following nationwide discussion. On 7 October 1998 amendments were introduced, inter alia extending the terms of office of members of Parliament and the President.

The Constitution guarantees fundamental human rights and freedoms.

The Constitution may be changed and amended by Parliament on the proposal of the President or by a national referendum.

### **The President**

17. Kazakhstan maintains a presidential form of government.

The President decides on the basic directions of the domestic and foreign policy of the State, determines when elections to Parliament and referendums are to be held and signs laws, international treaties and instruments of ratification.

The President, with the consent of Parliament, appoints and dismisses the Prime Minister and members of the Government and, with the consent of the Senate, the Procurator General, the President of the National Security Committee, all judges (with the exception of judges of the Supreme Court), the Chairman and members of the Supreme Court Council and the *akims* (governors) of regions and of major cities, including the capital. The *akims* of other administrative-territorial units are appointed or elected to their posts in the manner determined by the President. The President has the right, at his own discretion, to dismiss any of the *akims* from their posts.

The President is the Supreme Commander-in-Chief of the Armed Forces of the Republic and presides over meetings of the Government on matters of special importance.

The President takes decisions relating to citizenship of the Republic and the granting of political asylum, grants pardon to citizens, presents State awards, confers honorary, higher military and other titles, civil and diplomatic ranks and professional titles, and exercises any other powers determined by the Constitution of the Republic of Kazakhstan.

The President has the right to veto laws adopted by Parliament and to repeal or suspend all normative acts of the Government and organs of executive authority. He may issue decrees and regulations which are binding in the territory of Kazakhstan and, in cases provided for in the Constitution of 30 August 1995, he may issue laws and decrees having the force of law.

Other powers of the President are determined by the Constitutional Act of the Republic of Kazakhstan on the President of the Republic of Kazakhstan of 26 December 1995.

The President is elected on the basis of universal, equal and direct suffrage for a seven-year term, but for not more than two successive terms. The President may be relieved of his post by the Parliament only if he is found guilty of high treason. A final decision on the question is taken by a majority of not less than three quarters of the total number of votes of the deputies to each chamber, provided that the Supreme Court finds the accusation justified and the Constitutional Council finds that the established constitutional procedures have been observed.

The President may be relieved of his office before the end of his term if he is unable to carry out his duties owing to illness.

### **Parliament**

18. The Parliament consists of two chambers: the Senate and the Majilis.



The Senate is composed of deputies, two being elected from each region and major city, including the capital, at a joint session of the deputies of all representative bodies of the respective region and major city, including the capital. Seven deputies to the Senate are appointed by the President.

The Majilis consists of 77 deputies; 67 are elected from the territorial electoral districts and 10 are elected on the basis of party lists for a single national electoral district. Those political parties which receive not less than 7 per cent of the votes cast in the election have access to the distribution of the deputies' mandates on the basis of the party lists. The term of office of deputies to the Senate is six years and the term of office of deputies to the Majilis is five years.

Parliament adopts and amends laws and ratifies and denounces international treaties of the Republic.

The deputies to Parliament and the Government have the right of legislative initiative, which is exercised exclusively in the Majilis.

The Senate elects and dismisses (on the proposal of the President) the President of the Supreme Court, the chairmen of the panels of judges and the judges of the Supreme Court of the Republic, and gives its consent to the appointment by the President of the Procurator General and the Chairman of the National Security Committee.

Parliament has the right to delegate legislative powers to the President, at his request, for a period of no more than one year.

The President may dissolve Parliament in the event of a vote of no confidence in the Government, a second refusal by Parliament to give its consent to the appointment of a Prime Minister, or a political crisis resulting from insuperable disagreements between the chambers of Parliament or between Parliament and the other branches of Government.

The organization and activities of Parliament and the legal status of the deputies are determined by the Constitutional Act on the Parliament of the Republic of Kazakhstan and the status of its deputies of 16 October 1995.

### **Government**

19. The Government is formed by the President of the Republic of Kazakhstan and is responsible to the President and accountable to Parliament.

The Prime Minister is appointed by the President, with the consent of Parliament.

Parliament hears the Government's programme and approves or rejects it.

Parliament has the right, on the initiative of not less than one third of the total number of the deputies, to hear the reports of members of the Government.

On the initiative of not less than one fifth of the deputies, Parliament may express a vote of no confidence in the Government by a majority of two thirds of the votes. In that case, the Government must resign. If the President does not accept the resignation of the Government, he has the right to dissolve Parliament.

The Parliament has the right to take a decision on his own initiative to terminate the powers of the Government and to remove any of its members from their posts. Removal of the Prime Minister from his post means the termination of the powers of the entire Government.

The terms of reference, organization and activities of the Government are determined by the Constitutional Act on the Government of the Republic of Kazakhstan of 18 December 1995.

### **Constitutional Council**

20. The Constitutional Council was created by the 1995 Constitution. It reviews the laws adopted by Parliament before the President signs them to ensure that they are in conformity with the Constitution of the Republic; reviews the international treaties of the Republic before their ratification to ensure that they are in conformity with the Constitution; gives official interpretations of the rules of the Constitution; in the event of a dispute, resolves issues relating to the validity of the election of the President of the Republic and of deputies to the Parliament and the validity of a national referendum; and carries out other functions determined by the Constitution.

The Constitutional Council considers these issues only at the request of the President, the Prime Minister, the President of the Senate, the President of the Majilis, or not less than one fifth of the total number of deputies to the Parliament.

Laws or other enforceable enactments that are found to encroach on the human and citizens' rights guaranteed by the Constitution are declared null and void by the Constitutional Council and are not enforced.

The Constitutional Council consists of seven members with a term of office of six years. The President of the Republic appoints two members and the President of the Constitutional Council and the President of the Senate and the President of the Majilis appoint two members each.

### **Courts and justice**

21. The courts consist of judges, whose independence is protected by the Constitution and by law.

The courts of the Republic of Kazakhstan are the Supreme Court and the local courts.

All judges are appointed by the President, with the exception of the members of the Supreme Court. The Supreme Court is the highest judicial organ of the Republic of Kazakhstan.

The courts are not entitled to apply laws and other enforceable enactments that encroach on the human and citizens' rights and freedoms guaranteed by the Constitution.

The President of the Supreme Court, the chairmen of the panels of judges and the judges of the Supreme Court of the Republic of Kazakhstan are elected by the Senate upon nomination by the President of the Republic.

The status, procedure for the formation, and organization of the work of the courts and of the Supreme Court Council are determined by the Decree of the President on the courts and status of judges in the Republic of Kazakhstan of 20 December 1995, which has the force of constitutional law.

22. The Office of the Procurator exercises overall supervision to ensure the exact and uniform application of laws, Presidential decrees and other enforceable enactments, represents the interests of the State in the courts and, within the limits established by the law, conducts criminal prosecutions.

The Office of the Procurator of the Republic is a uniform centralized system in which procurators of lower ranks are subordinate to procurators of higher ranks and to the Procurator General, who is appointed by the President for a five-year term. The Office of the Procurator is accountable only to the President.

The terms of reference, organization and operational procedures of the Office of the Procurator of the Republic are determined by the Decree of the President on the Office of the Procurator of the Republic of Kazakhstan of 21 December 1995, which has the force of law.

### **Local authorities**

23. Local State management is exercised by local representative and executive organs, which are responsible for the state of affairs in their respective territories.

The local representative organs (*maslikhats*) are elected by the population on the basis of universal, equal and direct suffrage for a four-year term.

The terms of reference of the *maslikhats* include: the approval of plans, economic and social programmes for the development of the territory, local budgets and budget performance reports; decisions on matters relating to the local administrative-territorial structure; consideration of reports of the heads of local executive organs on matters within the competence of the *maslikhat*; and the exercise of any other powers to guarantee the rights and lawful interests of citizens.

The local executive organs form part of a uniform system of executive organs of the Republic of Kazakhstan, and ensure the carrying out of the general State policy of the executive in their respective areas.

Each local executive organ is headed by the *akim* of the administrative-territorial unit concerned; the *akim* serves as the representative of the President and Government of Kazakhstan. The *akims* of regions and of major cities, including the capital, are appointed by the President of the Republic on the proposal of the Prime Minister. The *akims* of other administrative-territorial units are appointed or elected to their posts in the manner determined by the President.

The terms of reference of the local executive organs include: the drawing up of economic and social development programmes and the local budget; the management of communal property; and the exercise of other powers as determined by the Constitution and the legislation of the Republic of Kazakhstan.

A maslikhat may, by the vote of two thirds of its total number of members, pass a motion of no confidence in its *akim* and submit the question of the *akim*'s removal from office to, as the case may be, the President of the Republic or a higher *akim*.

The authority of the *akims* of regions and major cities, including the capital, are terminated with the inauguration of a newly elected President.

### **Commission on Human Rights attached to the Office of the President of the Republic of Kazakhstan**

24. The President of the Republic of Kazakhstan, by Decree No. 1563 dated 12 February 1994, established the Commission on Human Rights as a consultative advisory body attached to the Office of the Head of State. The Commission's activities are now governed by presidential decree No. 1042 of 19 March 2003. The Commission consists of 15 members representative of various social and economic strata and the national, political, professional and departmental characteristics of our society.

Today Kazakhstan is in the course of undertaking new democratic reforms. The principle of the creation of a humane democratic State, proclaimed in October 1990 in the Declaration on State Sovereignty, requires the reorganization of the economic, political, social and spiritual life of society and the formation of an appropriate legal base.

One of the activities in the field of human rights is the adoption of enforceable enactments aimed at the introduction into the legal system of international standards and principles for the observance of human rights.

The legislation already adopted, including the laws on freedom of religion and religious associations (1993), on the rehabilitation of the victims of political repression, on psychiatric care and guarantees of the rights of citizens under such care (1992) and on population migration (1997), has to a large extent incorporated international human rights standards, and this has marked an important stage in the establishment of a national system for the defence of human rights.

However, strong and effective measures are required to bring national legislation into line with the international conventions and other legal acts adopted by Kazakhstan.

Owing to the difficulties of economic reform, the standard of living of the population and, consequently, the real level of observance of social and economic rights, are not rising.

The social and political stability achieved during the years of the Republic of Kazakhstan's independence has created conditions for the comprehensive establishment of human rights and freedoms in society and for their observance and implementation.

## **The legal system**

### **Means of protecting human rights**

25. Kazakh law provides for the following kinds of liability for violation of human rights:

Pursuant to chapter 3 of the Criminal Code, criminal liability is incurred for offences against human and citizens' constitutional and other rights and freedoms. The relevant articles are: article 141 (Violation of the equal rights of citizens), 142 (Infringement of the inviolability of private life), 143 (Unlawful infringement of the secrecy of correspondence or telephonic, postal, telegraphic or other communications), 144 (Disclosure of medical secrets), 145 (Infringement of the inviolability of the home), 146 (Obstruction of the exercise of electoral rights or of the work of electoral commissions), 147 (Falsification of electoral or referendum documents or incorrect counting of votes), 148 (Violation of labour law), 149 (Obstruction of the exercise of the right to freedom of conscience and belief), 150 (Obstruction of the activity of voluntary associations), 151 (Obstruction of the holding of or of participation in meetings, rallies, demonstrations or street processions or of picketing), 152 (Violation of the rules on labour protection), 153 (Forced participation or non-participation in a strike), 154 (Refusal of information to a citizen) and 155 (Obstruction of journalists' lawful professional activity).

The Civil Code of 27 December 1994 regulates citizens' relations regarding intangible and tangible assets.

For example, articles 144, 145 and 146 of this Code provide for the rights to preservation of the confidentiality of one's personal life, control over the use of one's pictorial image and inviolability of the domicile.

Civil rights are protected through: the recognition of the rights; the restoration of the situation that prevailed before a right was violated; the prohibition of action that infringes or risks infringing a right; judicial authority to order performance of an obligation in kind; the levying of penalties and damages; the recognition of transactions as null and void; the compensation of moral injury; the termination or alteration of legal relations; the recognition of acts of the central government or local representative or executive bodies as invalid or inapplicable on the ground of unlawfulness; the fining of State bodies or officials for hindering the acquisition or exercise of rights by citizens or legal persons; other means provided for by law.

The Code of Administrative Offences of 30 January 2001 provides for administrative liability for the violation of rights with regard to health care, sanitary and epidemiological surveillance, protection of the environment, preservation of morals, ownership, and preservation of public order and safety. In particular, article 89 covers cases of breach by an employer or official of the law or rules on labour protection, article 221 concerns violation of the rules on safety at work, article 241 failure to clean up after incidents of pollution, article 323 breach of hygiene and health rules and standards and article 326 consumption of spirits and public drunkenness.

**Embodiment in the Constitution and law of rights proclaimed  
in international human rights instruments**

26. The Constitution provides that no one may be subjected to discrimination on grounds of origin, social, professional or property status, sex, race, nationality, language, attitude to religion, beliefs, place of residence or other circumstances. The Criminal Code and Civil Code also prohibit all forms of discrimination.

The presidential decree of 19 June 1995 on the legal status of aliens has the force of law. It provides that foreign citizens in the Republic of Kazakhstan are equal before the law irrespective of their origin, social or property status, race, nationality, sex, education, language, attitude to religion or type or nature of occupation.

The Health Care for Citizens in the Republic of Kazakhstan Act of 19 May 1997 provides that aliens in the territory of Kazakhstan are guaranteed the right to health care in accordance with the international agreements to which Kazakhstan is a party. Unless otherwise provided by international agreements ratified by Kazakhstan, aliens and stateless persons permanently or temporarily resident in Kazakhstan and refugees have the same rights and duties regarding health care as citizens of the country.

The Labour in the Republic of Kazakhstan Act of 10 December 1999 lays down rules prohibiting discrimination in the sphere of work. Everyone has equal opportunities to realize their labour rights. No one may be restricted in their labour rights or given any advantages as regards exercise of those rights on grounds of sex, age, race, nationality, language, property or official status, place of residence, attitude to religion, beliefs, citizenship, membership of voluntary associations or other factors unconnected with their professional qualities or skills or the results of their work.

Kazakhstan is now studying the possibility of adhering to the 1976 International Covenant on Civil and Political Rights and International Covenant on Economic, Social and Cultural Rights, which provide for the provision of equal rights to citizens.

**International legal instruments as a part of the national legal system and  
application of the provisions of international human rights instruments  
to State organs and to courts in judicial proceedings**

27. Article 4 of the Constitution provides that the law applicable in the Republic of Kazakhstan is made up of the norms of the Constitution, the laws which correspond to it, other legislation, international treaty and other obligations, and decisions of the Constitutional Council and the Supreme Court. The Constitution has supreme legal force and is directly applicable throughout the country. International treaties ratified by Kazakhstan take precedence over domestic law and are directly applicable, except when it follows from such a treaty that its application requires the promulgation of a law. All laws and international agreements to which the Republic is a party are published. The official publication of laws and regulations relating to citizens' rights, freedoms and duties is compulsory for their application.

Pursuant to article 1 of the Criminal Code of 16 July 1997, criminal law is based on the Constitution, constitutional acts and the generally recognized principles and rules of international law.

Pursuant to article 1 of the Code of Criminal Procedure of 13 December 1997, the procedure for criminal court proceedings within the territory of the Republic of Kazakhstan is defined by the Constitution, constitutional acts and the generally recognized principles and rules of international law. The country's international treaty and other obligations, together with normative decisions of the Constitutional Court and Supreme Court regulating procedure for judicial proceedings, form an integral part of the law of criminal procedure.

Article 3, paragraph 8, of the Civil Code of 27 December 1994 provides that where an international treaty to which Kazakhstan is a party establishes rules differing from those contained in the country's civil law, the rules of the treaty are applicable. International treaties to which Kazakhstan is a party are applied directly to civil-law relations except in cases where it follows from the treaty that its application requires publication of the treaty within a domestic act.

Pursuant to article 2 of the Code of Civil Procedure of 13 July 1999, the procedure for civil court proceedings within the Republic of Kazakhstan is defined by constitutional acts and the Code of Civil Procedure, which is based on the Constitution and the generally recognized principles and rules of international law.

In addition, article 2 of the Code of Administrative Offences of 30 January 2001 provides that international treaties and other obligations of the Republic of Kazakhstan regulating administrative-law relations form an integral part of the law on administrative offences.

Kazakhstan's international treaty and other obligations form part of the country's current law. International treaties ratified by Kazakhstan take precedence over domestic law and are directly applicable except in cases where it follows from the treaty that its application requires the promulgation of a law.

Pursuant to article 21 of the presidential decree of 12 December 1995 on the procedure for the conclusion, implementation and denunciation of international treaties of the Republic of Kazakhstan, international treaties are to be observed and their implementation is to be ensured in accordance with the Constitution, the said presidential decree, other laws and regulations of the Republic of Kazakhstan and the rules of international law. For Kazakhstan, strict implementation of the international agreements it ratifies is an imperative. The President of the Republic is the guarantor of implementation of the treaties that the country concludes and of the obligations deriving from them. The Government is responsible for taking measures to ensure the implementation of international treaties that have entered into force.

Pursuant to article 22 of the above-mentioned presidential decree, the obligations deriving from international treaties are discharged by the Government through the relevant ministries, State committees and other central authorities and through the State organs directly responsible to the President of the Republic.

Article 23 of the decree provides that general supervision of the execution of the international treaties ratified by Kazakhstan is the responsibility of the Ministry of Foreign Affairs.

Article 24 provides that, should other parties to an international treaty breach their obligations under it, the Ministry of Foreign Affairs must put before the Government proposals for the taking of the requisite measures in accordance with the rules of international law and the terms of the treaty.

In addition, with a view to strengthening control over the implementation of such accords, the President of the Republic endorsed by a decree dated 9 April 1996 the Regulations on procedure for the implementation of the international treaties of the Republic of Kazakhstan and agreements reached during meetings and talks at summit and intergovernmental level.

### **The economy**

28. Gross domestic product (GDP) in millions of tenge during the period 1999-2001:

1999: 2,016,456.3

2000: 2,599,901.6

2001: 3,250,593.3

**Table 21**

#### **Per capita gross domestic product (millions of tenge)**

	1999	2000	2001
Per capita GDP	135 080.6	174 707.0	218 830.3

### **Inflation**

29. Inflation measured 17.8 per cent in 1999, 9.8 per cent in 2000 and 6.4 per cent in 2001.

**Table 22**

#### **External debt (millions of dollars)**

	External debt	of which:	
		State and State-guaranteed debt	Private-sector debt
1999	12 081.0	4 056.0	8 025.0
2000	12 685.0	3 393.0	8 755.0
2001	15 078.0	3 800.0	11 278.0

*Source:* National Bank of Kazakhstan.



**Table 23**  
**Numbers of persons employed or unemployed and unemployment rate**

	1999	2000	2001
Employed, thousands	6 105.4	6 201.0	6 698.8
of whom:			
Men	3 261.2	3 255.5	3 470.2
Women	2 844.2	2 945.5	3 228.6
Unemployed, thousands	950.0	906.4	780.3
of whom:			
Registered with employment services at year-end	251.4	231.4	216.1
Unemployment rate, %	13.5	12.8	10.4
Registered unemployed as percentage of economically active population	3.9	3.7	2.9

### **Religious composition of the population**

30. Steady growth in the role of religion in society is among the main features of Kazakhstan's present-day development. Religion's authority and status are rising, its social functions are expanding and the numbers of believers and religious associations are increasing. Pursuant to the Constitution and the Freedom of Beliefs and Religious Associations Act of 1992, believers are able freely to profess a religion without being subject to restriction of their human rights or rights as citizens or their obligations to the State. More than 40 confessions are active in the country. The dominant faith is Islam in the form of the Sunni *maskhab* (doctrine), which is characterized by tolerance towards heterodoxy, acceptance of local customary law and recourse in legal issues to free individual judgement and judgement by analogy, thereby precluding dogmatism and avoiding the politicization of Islam, resistance to secular authority or the religious elite, intolerance of those with differing beliefs, religious fanaticism and the development of the values of a theocratic State.

Russian Orthodoxy is the second largest faith in terms of numbers of believers.

The Roman Catholic Church has a relatively long history of presence in the country, as do a number of Protestant faiths (principally the Evangelical Christian-Baptists and Lutherans), Judaism and Buddhism.

Religious movements not previously found in Kazakhstan have become active in the country since the early 1990s. They include the Jehovah's Witnesses, Mennonism, Mormonism, Wahhabism, the Unification Church, the Hare Krishna movement, Scientology, Baha'ism and Transcendental Meditation.

No official statistics are kept of the number of believers, since the Freedom of Beliefs and Religious Associations Act proclaims the right freely to choose any religion or not to profess a religion and people are entitled not to give information about their religious affiliation. According to figures from sociological monitoring of the religious situation in the country undertaken by the Ministry of Culture, Information and Public Harmony, from 50 to 60 per cent of the population are believers. However, if more objective criteria for considering someone to be a believer are applied (i.e., relatively regular attendance at temples, mosques, houses of prayer or meetings; constant observance of religious ceremonies; lifestyle in accordance with rules of the faith, etc.), the real number of believers turns out to be not more than 15-20 per cent of the population.

**Table 24****Trends in numbers of religious associations in Kazakhstan**

	1990	1993	1995	1996	1997	1999	1 January 2001
Religious associations, total	671	977	1 180	1 503	1 642	2 100	2 299
of which:							
Islam	46	296	483	679	826	1 003	1 150
Russian Orthodox Church (including the Church Abroad and Old Believers)	62	131	165	185	196	220	229
Roman Catholic Church (including Greek Catholic)	42	66	66	68	71	71	73
Evangelical Christian-Baptists	168	162	130	140	141	242	257
Lutherans	171	152	117	110	81	84	82
Seventh Day Adventists	36	36	34	41	45	64	68
Jehovah's Witnesses	27	33	27	45	52	97	108
Pentecostalists	42	36	19	18	19	37	31
Judaism							
New Apostolic Church							
New movements (Protestant, charismatic)	13	21	82	125	131	196	213
Non-traditional faiths (Baha'is, Society for Krishna Consciousness, Church of the Last Testament, etc.) and other small religious formations and foundations	64	44	57	92	80	86	88

In Kazakhstan, believers' religious affiliation corresponds to their ethnic origin. The Muslim community, of which Kazakhs comprise the majority, also includes Uzbeks, Tatars, Uighurs, Azerbaijanis, Chechens and so on.

Other than Poles, the members of the Russian Orthodox Church are mainly of Slav origin. Russians, Ukrainians and Belarusians form the largest groups.

In the case of the Roman Catholic Church, Germans and Poles comprise the largest ethnic groups. Some Ukrainians belong to the Greek Catholic Church (Uniate Church).

Most Protestants are Germans or Poles. However, the intensive activity by foreign missionaries is contributing to the spread of Protestantism within the country's indigenous population and among Russians, Koreans and people of other nationalities.

Buddhism is not widely represented. The majority of practitioners are from the Korean diaspora or Kalmyks.

Judaism is professed by Jews.

**Table 25**

**Number of religious associations as at 1 January 2001**

Oblast (o), town	Religious associations, total	Of which, religious associations having legal personality	Religious associations registered with oblast, municipal or district authorities	Religious structures
Astana	31	29	2	12
Almaty	259	148	111	83
Akmola o.	126	71	55	108
Almaty o.	355	192	163	402
Aktyubinsk o.	62	57	5	47
Atyrau o.	24	17	7	14
East Kazakhstan o.	126	103	23	90
Zhambyl o.	275	145	130	123
West Kazakhstan o.	43	38	5	34
Karaganda o.	238	142	96	238
Kostanai o.	121	82	39	54
Kyzyl-Orda o.	28	26	2	101
Mangistau o.	18	16	2	13
Pavlodar o.	111	52	59	95
North Kazakhstan o.	158	94	64	93
South Kazakhstan o.	324	162	162	498
Total	2 299	1 374	925	2 005

## **INFORMATION RELATING TO ARTICLES 2-7 OF THE CONVENTION**

### **PART 1**

#### **A. Article 1**

In this Convention, the term “racial discrimination” shall mean any distinction, exclusion, restriction or preference based on race, colour, descent, or national or ethnic origin which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life.

31. The term “racial discrimination” is not actually defined in the legislation of the Republic of Kazakhstan. However, it is widely used in juridical practice and is found in the Constitution and other normative acts.

Article 14 of the Constitution of 30 August 1995 states:

“1. All persons are equal before the law and the courts.

2. No one may be subjected to discrimination of any kind on grounds of origin, social, official or property status, sex, race, nationality, language, attitude to religion, belief, place of residence or any other circumstances.”

It should be noted that the above-mentioned list of prohibited types of discrimination is not exhaustive. This allows for broader and more progressive interpretation when applying this article of the Convention.

#### **Article 2**

1. States parties condemn racial discrimination and undertake to pursue by all appropriate means and without delay a policy of eliminating racial discrimination in all its forms and promoting understanding among all races, and, to this end:

(a) Each State party undertakes to engage in no act or practice of racial discrimination against persons, groups of persons or institutions and to ensure that all public authorities and public institutions, national and local, shall act in conformity with this obligation;

32. The principle of equal rights is included in the Constitution adopted on 30 August 1995.

33. Regarding the protection of linguistic equality in Kazakhstan, the chapter of the Code of Administrative Offences entitled “Administrative offences infringing the rights of the individual” provides for liability in the event of a violation of legislation on language (art. 81). This article states in particular that “Refusal by an official to accept or examine documents, requests, statements or complaints on the grounds of unfamiliarity with the language” in which they are presented constitutes an administrative offence. The above-mentioned chapter of the

Code contains article 82, on “Restriction of citizens’ rights regarding choice of language”. This is one of the most important articles describing administrative liability for discrimination on grounds of language.

34. Chapter 3 of the Criminal Code, entitled “Offences against constitutional and other human and citizens’ rights or freedoms”, contains article 141, “Violation of the equal rights of citizens”, which amplifies the relevant provision of the Constitution:

Paragraph 1. “Direct or indirect restriction of human (citizens’) rights or freedoms on the grounds of origin, social, official or property status, sex, race, nationality, language, attitude to religion, beliefs, place of residence, membership of voluntary associations, or any other circumstances, is punishable by a fine, detention for a period of up to three months or deprivation of liberty for a period of up to one year”;

Paragraph 2. “The same offence, if committed by a person using his or her official status or by the leader of a voluntary association, is punishable by double the fine, detention or deprivation of liberty referred to in paragraph 1 or by forfeiture for a period of up to three years of the right to hold specified positions or carry out specified activities”.

This article makes it inadmissible to restrict citizens’ rights on the ground of race or nationality, but not on the grounds of individual characteristics.

(b) Each State party undertakes not to sponsor, defend or support racial discrimination by any persons or organizations;

35. In Kazakhstan, any activity that may contribute to the violation of an international agreement is considered unconstitutional (Constitution of the Republic of Kazakhstan, part 2, article 39).

(c) Each State party shall take effective measures to review governmental, national and local policies, and to amend, rescind or nullify any laws and regulations which have the effect of creating or perpetuating racial discrimination wherever it exists;

36. Racial discrimination in legislation is contrary to the Constitution. Laws and regulations containing discriminatory provisions are therefore considered to be illegal and the procuratorial authorities will protest them to the State body or the official who issued them.

(d) Each State party shall prohibit and bring to an end, by all appropriate means, including legislation as required by circumstances, racial discrimination by any persons, group or organization;

37. The incitement of social, national, clan, racial or religious enmity is the subject of a distinct article (art. 164) in the chapter of the Criminal Code on offences against the peace and security of humanity. The article states the following:

Paragraph 1. “If carried out publicly or with the use of the mass media, deliberate action aimed at inciting social, national, ethnic, racial or religious enmity or dissension, insulting citizens’ ethnic honour and dignity or religious feelings, or propagandizing exclusiveness or

citizens' superiority or inferiority on the grounds of their attitude to religion or their social, national, clan or racial origin is punishable by either a heavy fine, detention for a period of up to six months, or punitive deduction of earnings for a period of up to two years".

These acts, if they are "committed by a group of people or repeatedly or with violence or the threat thereof, or by a person using his or her official status, or by the leader of a voluntary association" (paragraph 2 of the article) or have "serious consequences" (para. 3) are punishable by restriction of liberty for a period of up to 4 years or deprivation of liberty for a period of 4 to 10 years, with forfeiture for a period of up to three years of the right to carry out specified activities.

This article concerns disputes arising between citizens of different nationalities, clans or races that might involve violence, physical reprisals or threats thereof, destruction of or damage to property, isolation, segregation or restriction of rights, privileges and advantages, and also instances in which such acts are calculated to demean the shrines, way of life, structure or history of individual races, nationalities or nations.

38. The presence in the Code of Administrative Offences of article 62, paragraph 5, which provides for increased liability for administrative offences motivated by ethnic, racial or religious hatred or enmity - those being counted as aggravating circumstances - is of great importance for the prevention of discrimination on the grounds of race, nationality or language.

(e) Each State party undertakes to encourage, where appropriate, integrationist multiracial organizations and movements and other means of eliminating barriers between races, and to discourage anything which tends to strengthen racial division;

39. Kazakhstan is one of the world's most multinational States and it is very important for it to have domestic policies that take into consideration the interests of different nations and peoples. Consequently, State policy pays considerable attention to maintaining harmonious relations between ethnic groups. The general principle behind policy towards ethnic groups is not ethnic origin, but citizenship, and is very simple: we are all the people of a united and independent Kazakhstan.

40. It is important for a multinational country that, as article 7 of the Constitution says: "The State will ensure the creation of suitable conditions for the study and development of the languages of the peoples of Kazakhstan."

41. Regarding the language in which proceedings for administrative offences are conducted, the Code of Administrative Offences contains an article, article 21 (Language of proceedings), which provides that proceedings for administrative offences are to be conducted in the national language, with Russian and other languages being used as well when necessary. The article further provides that "Parties to proceedings who do not know the language in which the proceedings are conducted or know it inadequately must have explained and guaranteed to them the right to make statements, give testimony and evidence, make applications, file complaints, acquaint themselves with the case materials and express themselves during hearings in their native language or a language in which they are proficient, and to avail themselves without charge of the services of an interpreter."

42. To give effect to article 5 of the Education Act, educational establishments provide conditions for ethnic groups to study their native languages. In areas with a high ethnic population, there are educational organizations, classes, groups, etc. so that people can be taught in their native languages.

### **Article 3**

States parties particularly condemn racial segregation and apartheid and undertake to prevent, prohibit and eradicate all practices of this nature in territories under their jurisdiction.

43. Apartheid does not exist in Kazakhstan. There are no legislative acts which provide for any kind of segregation. Pursuant to article 160 (Genocide) of the Criminal Code, perpetrators of acts “calculated to destroy, in whole or in part, national, ethnic, racial or religious groups by killing of members of the group, causing of serious damage to their health, forcible prevention of births, forcible transfer of children, forced resettlement, or creation of conditions designed physically to destroy members of the group” are liable to the death penalty or life imprisonment, which are classified as exceptional forms of punishment.

There have been no recorded instances in the Republic of Kazakhstan of crimes under article 160 of the Criminal Code.

### **Article 4**

States parties condemn all propaganda and all organizations which are based on ideas or theories of superiority of one race or group of persons of one colour or ethnic origin, or which attempt to justify or promote racial hatred and discrimination in any form, and undertake to adopt immediate and positive measures designed to eradicate all incitement to, or acts of, such discrimination and, to this end, with due regard to the principles embodied in the Universal Declaration of Human Rights and the rights expressly set forth in article 5 of this Convention, inter alia:

(a) Shall declare an offence punishable by law all dissemination of ideas based on racial superiority or hatred, incitement to racial discrimination, as well as all acts of violence or incitement to such acts against any race or group of persons of another colour or ethnic origin, and also the provision of any assistance to racist activities, including the financing thereof;

44. Propaganda for and the promotion of racial and national superiority are prohibited under article 20, paragraph 3, of the Constitution.

45. Pursuant to article 160 (Genocide) of the Criminal Code, perpetrators of acts “calculated to destroy, in whole or in part, national, ethnic, racial or religious groups, by killing of members of the group, causing of serious damage to their health, forcible prevention of births, forcible transfer of children, forced resettlement, or creation of conditions designed physically to destroy members of the group” are liable to the death penalty or life imprisonment, which are classified as exceptional forms of punishment.

(b) Shall declare illegal and prohibit organizations, and also organized and all other propaganda activities, which promote and incite racial discrimination, and shall recognize participation in such organizations or activities as an offence punishable by law;

46. “The creation and activity of voluntary associations, the aims or activities of which are oriented towards ... the arousal of social, national, religious, class-related or ethnic hatred” are prohibited under article 5, paragraph 3, of the Constitution.

47. The constitutional provision on the prohibition of the creation of voluntary associations whose activities are aimed at arousing racial or ethnic dissension is amplified in the Voluntary Associations Act of the Republic of Kazakhstan (art. 5).

48. Article 5, paragraph 8, of the Political Parties Act prohibits “the creation of political parties based on citizens’ profession, race, nationality, ethnicity or religious affiliation ...”.

49. Pursuant to article 337, paragraph 2, of the Criminal Code, both the founding and the heading of voluntary associations that proclaim or practise racial, national or clan intolerance or exclusivity, are punishable by deduction of earnings or restriction or deprivation of liberty for a period of up to three years with forfeiture for a period of up to three years of the right to hold specified positions or to carry out specified activities.

50. In accordance with article 337, paragraph 3, of the Criminal Code, active participation in such associations is punishable by either a fine, punitive deduction of earnings for a period of up to one year, or detention for a period of up to four months.

The same penalties apply if the charter, programme of work or other documents adopted by a voluntary association and acknowledged by members of the association, or collectively made speeches that are supported by members of the association and guide their actions express a discriminatory or hostile attitude towards citizens on the grounds of their race, nationality, ethnicity, clan or social status or proclaim the members’ exclusiveness or superiority.

51. The use of the mass media to advocate social, racial, ethnic, religious or clan-related superiority, or cruelty or violence or to disseminate pornography is prohibited under article 2, paragraph 3, of the Mass Media Act.

52. Administrative law also provides for liability for administrative offences in the field of publishing and information, including for the dissemination in the media and the import of printed and other materials with “aim at arousing racial, ethnic, social or religious enmity, or propagandize war or class discrimination ...” (Code of Administrative Offences, arts. 343 and 344).

53. The Ministry of Culture, Information and Public Harmony and its regional offices monitor the mass media’s observance of domestic law. If law-breaking is discovered, the measures provided for in the country’s legislative acts are taken. If materials published in the media require more thorough verification or appraisal by an expert, prompt notification is given to the law-enforcement bodies so that appropriate action can be taken.

54. Article 4 of the Culture Act, which regulates cultural activities, prohibits propaganda for and the promotion of racial or ethnic superiority.

(c) Shall not permit public authorities or public institutions, national or local, to promote or incite racial discrimination;



55. The incitement of social, national, clan, racial or religious enmity is the subject of a distinct article (art. 164) of the Criminal Code in the chapter on offences against the peace and security of humanity. The article states the following:

Paragraph 1. “If carried out publicly or with the use of the mass media, deliberate action aimed at inciting social, national, ethnic, racial or religious enmity or dissension, insulting citizens’ ethnic honour and dignity or religious feelings of a person, or propagandizing exclusiveness or citizens’ superiority or inferiority on the grounds of their attitude to religion or their social, national, clan or racial origin is punishable by either a heavy fine, detention for a period of up to six months, or punitive deduction of earnings for a period of up to two years.”

Paragraph 2. “These acts, if committed by ... a person using his or her official status ... are punishable by restriction of liberty for a period of up to 4 years, or by deprivation of liberty for a period of 4 to 10 years with forfeiture for a period of up to 3 years of the right to carry out specific activities.”

### **Article 5**

In compliance with the fundamental obligations laid down in article 2 of this Convention, States parties undertake to prohibit and to eliminate racial discrimination in all its forms and to guarantee the right of everyone, without distinction as to race, colour or national or ethnic origin, to equality before the law, notably in the enjoyment of the following rights:

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

56. Article 13, paragraph 2, of the Kazakh Constitution guarantees everyone’s right to protection by the courts of their rights and freedoms.

57. The fundamental position set forth in article 14 of the Constitution is that all persons are equal before the law and the courts. No one may be subjected to any form of discrimination on the grounds of origin, social, professional or property status, sex, race, nationality, language, attitude to religion, beliefs, place of residence or any other circumstances.

58. Pursuant to the Code of Administrative Offences, “persons who have committed administrative offences are equal before the law irrespective of their origin, social, professional or property status, race or nationality, beliefs, sex, language, attitude to religion, type of work, place of residence, membership of voluntary associations, or any other circumstances” (article 11, “Equality of citizens before the law”).

59. The Code of Criminal Procedure, which entered into force on 1 January 1998, defines the procedure for criminal proceedings. Article 21 (The administration of justice on the basis of equality before the law and the courts) provides in paragraph 2 that, “during criminal proceedings, no one may be subjected to any form of discrimination on the grounds of origin, social, professional or property status, sex, race, nationality, language, attitude to religion ...”.

60. Article 13 (The equality of all before the law and the courts) of the Code of Civil Procedure also contains rules to protect the individual from discrimination: “During civil proceedings, no citizen may be given preferential treatment or subjected to discrimination on the grounds of origin, social, professional or property status, sex, race, nationality, language, attitude to religion, beliefs, place of residence or any other circumstances.”

61. The Penal Enforcement Code, which entered into force on 1 January 1998, sets forth the procedure and conditions for the enforcement and serving of sentences and other penalties for convicted offenders. This penal enforcement legislation defines the legal status of convicted persons and provides for the “respect and protection of their rights, freedoms and legal interests, [and] guarantees social justice and social, legal and other protection of the individual” (art. 8). It further provides that they have, in addition to all their other rights, the right to correspondence, the right to give explanations, make statements and receive responses in their native language or any other language and, where necessary, the right to have, free of charge, the services of an interpreter (art. 10). Convicted persons are guaranteed freedom of conscience and freedom of religion (art. 12).

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

62. Article 17 of the Kazakh Constitution proclaims the inviolability of human dignity. Paragraph 2 of the article states that: “No one may be subjected to torture, violence, or other cruel or degrading treatment or punishment.”

(c) Political rights, in particular the rights to participate in elections - to vote and to stand for election - on the basis of universal and equal suffrage, to take part in the Government as well as in the conduct of public affairs at any level and to have equal access to public service;

63. With regard to suffrage, firm guarantees exist against discrimination on any grounds, thanks to the principle of universal suffrage, which is directly linked to the constitutional provision on the procedure for elections in the Republic of Kazakhstan: “The people exercises power directly through national referenda and free elections, and also delegates the exercise of its power to State bodies” (Constitution, art. 3).

64. Further elaboration of this principle can be found in article 33 of the Constitution, pursuant to which citizens of the Republic of Kazakhstan have the right to participate in the management of State affairs directly and through their representatives and to make personal representations and submit individual and collective appeals to central and local government bodies. Citizens of the Republic have the right to vote and stand in elections to State bodies, and also to participate in national referenda (a right which is further elaborated in the Constitutional Act on National Referenda). This provision naturally does not speak of full access for all citizens to elections - qualifications as to residence, age and capacity continue to apply all over the world - but it does reinforce the guarantee against discrimination on grounds of nationality, race, etc.

65. The political right to participate in elections is also guaranteed by the Constitutional Act on Elections. In particular, article 4 of the Act provides that citizens of the Republic may exercise universal suffrage irrespective of their origin, race, nationality or language. The

absence of discrimination in the exercise of this right is particularly important, as it means that all citizens of the Republic may take part in the management of State affairs by voting in presidential, parliamentary (Majilis), and *maslikhat* and other local elections.

66. Article 33, paragraph 4, of the Constitution establishes the right to access to State service. The requirements for candidates for State service positions depend only on the duties of the position and are set by law.

67. The right to equal access to State service is elaborated in the State Service Act, which prohibits the placing on entry into State service of any direct or indirect limitations based on race, nationality or language (art. 12).

68. It should be noted that the following are offences under the Criminal Code: obstruction of the exercise of electoral rights or of the work of electoral commissions (art. 146), and falsification of electoral or referendum documents and incorrect counting of votes (art. 147).

(d) Other civil rights, in particular:

(i) The right to freedom of movement and residence with the border of the State;

69. Pursuant to article 21 of the Constitution, any person legally present on Kazakh territory has the right of free movement within the country and free choice of place of residence. This right is regulated by the law alone.

70. Pursuant to article 14 of the Civil Code, all citizens of Kazakhstan have the right of free movement within the territory of the Republic and free choice of place of residence.

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

71. Article 21, paragraph 2, of the Constitution states that "Everyone has the right to leave the Republic. Citizens of the Republic have the right to return to it without hindrance."

72. Article 3 of the Migration Act states the inadmissibility of discrimination on the grounds of origin, race, nationality or language when regulating migration of the population. The Act provides for the granting of refugee status to foreigners who are at risk of persecution on the grounds of race or nationality and are therefore forced to remain outside their country of citizenship.

73. Article 14 of the Civil Code also states the right freely to leave and return to the Republic.

(iii) The right to nationality;

74. Article 10 of the Constitution provides that citizenship of the Republic of Kazakhstan is acquired and terminated as prescribed by law, and is indivisible and equal, irrespective of the grounds of its acquisition.

75. Paragraph 2 of this article provides that citizens of the Republic may under no circumstances be deprived of their citizenship or of the right to change it, and may not be banished from the territory of Kazakhstan.

76. Kazakhstan guarantees its citizens protection and patronage outside its boundaries (Constitution, art. 11, para. 2).

(iv) The right to marriage and choice of spouse;

77. Pursuant to article 27 of the Constitution, marriage and family are under the protection of the State.

78. The Marriage and Family Act prohibits “all forms of restriction, on the grounds of social status, race, nationality, language or religion, of citizens’ rights to marry and in family relations” (art. 2, para. 4). Therefore, in accordance with national legislation, no citizen’s right to marriage and choice of spouse can be restricted on the grounds of race.

(v) The right to own property alone, as well as in association with others;

79. Article 6, paragraph 1, of the Constitution provides that the State shall recognize State and private property and protect them equally. Article 26 provides that citizens of the Republic may privately own any legally acquired property. This article also states that no one may be deprived of his or her property otherwise than by a court decision.

80. The right to own property is also stated in article 14 of the Civil Code.

(vi) The right to inherit;

81. Article 26, paragraph 2, of the Constitution guarantees the right to inherit.

82. Article 14 of the Civil Code also provides for the right to inherit and bequeath property.

(vii) The right to freedom of thought, conscience and religion;

83. Article 22 of the Constitution states that everyone has the right to freedom of conscience.

84. Exercise of the right to freedom of conscience may neither engender nor limit universal human or citizens’ rights or obligations towards the State (Constitution, art. 22, para. 2).

85. Article 19 of the Constitution provides that everyone has the right to divulge or not to divulge their religious affiliation.

86. Article 3 of the Freedom of Confession and Religious Association Act provides for the right to freedom of denomination. This right includes, for citizens and stateless persons alike, the freedom to profess any religion or none.

87. Pursuant to the Freedom of Confession and Religious Association Act, exercise of the freedom to profess a religion or disseminate beliefs may be restricted by law only as a means of protecting social order, human life, health, morals or the rights or freedoms of other citizens.

88. Obstruction of exercise of the right to freedom of conscience and confession is punishable under article 149 of the Criminal Code.

(viii) The right to freedom of opinion and expression;

89. The Constitution guarantees freedom of speech and creative activities (art. 20, para. 1). Pursuant to paragraph 2 of this article, everyone has the right freely to receive and disseminate information by any means not prohibited by law.

(ix) The right to freedom of peaceful assembly and association;

90. Article 32 of the Constitution proclaims citizens' right to assemble, hold meetings, rallies, demonstrations and street processions and picket, peacefully and without weapons.

91. This right may be restricted by law in the interests of State security, public order or health, and the rights and freedoms of other persons.

92. The Collective Labour Dispute and Strike Act (art. 14) declares illegal strikes involving demands that will disrupt national or racial equality.

(e) Economic, social and cultural rights, in particular:

(i) The rights to work, to free choice of employment, to just and favourable conditions of work, to protection against unemployment, to equal pay for equal work, to just and favourable remuneration;

93. Article 24 of the Constitution provides that everyone has the right to freedom of labour and free choice of occupation and profession and, further, that everyone is entitled to safe and hygienic working conditions, to non-discriminatory remuneration for their labour and to social protection against unemployment.

94. Article 28 of the Constitution guarantees a minimum wage and minimum pension.

95. The Labour Act, which entered into force on 1 January 2000, contains several articles concerning elimination of discrimination within the sphere of labour.

96. Article 4 of the Labour Act provides that everyone shall have equal opportunities to exercise their labour rights and that no one may have their labour rights restricted or be given any privileges as regards their exercise on the grounds of sex, age, race, nationality, language, property or professional status, place of residence, attitude to religion, beliefs, citizenship, membership of voluntary associations or other circumstances not related to the quality and results of their work.

97. Article 7 of the Act, entitled "Fundamental rights and duties of workers", sets forth workers' right to equal pay for equal work, without any form of discrimination.

98. Article 4 of the Employment Act of 23 January 2001 also states that the right to free choice of employment, to just and favourable working conditions and to social protection against unemployment must be granted to Kazakh citizens, foreigners and stateless persons permanently resident in the Republic of Kazakhstan.

99. Under article 5 of this law, citizens are guaranteed both protection against any form of discrimination within the sphere of employment, and equal opportunities to obtain a profession and employment.

100. Article 152 of the Criminal Code provides for criminal liability for violations of labour protection laws.

101. Pension legislation is based on the Constitution, which guarantees all citizens of the Republic of Kazakhstan a minimum pension and social services in old age.

102. Pursuant to the Pensions Act, which entered into force in the Republic of Kazakhstan on 27 June 1997, citizens of Kazakhstan are entitled to the receipt of pensions in the manner provided by law.

103. Unless otherwise stated by law or international agreements, foreigners and stateless persons who are permanently resident on Kazakh territory have, irrespective of their sex, age, race or nationality, the same pension rights as citizens of Kazakhstan.

104. To supplement its own law and bring it into line with international norms on the elimination of all forms of discrimination in respect of employment and occupation, and also to provide equal employment and occupation opportunities, the Republic of Kazakhstan has ratified the Discrimination (Employment and Occupation) Convention, 1958, of the International Labour Organization (Republic of Kazakhstan law NQ 444-1, of 20 July 1999).

(ii) The right to form and join trade unions;

105. The Trade Unions Act provides that citizens have the right to form trade unions.

106. Article 4 of this Act states that “the fundamental principle in creating trade unions shall be the equality of their members. The number of trade unions that may be established within a profession (or group of professions) shall be unlimited. All trade unions shall have equal opportunities before the law. Anyone preventing the creation or impeding the activities of a trade union will be prosecuted”.

(iii) The right to housing;

107. Pursuant to article 25 of the Constitution, the domicile is inviolable. No one may be deprived of their home otherwise than by a court decision. Penetration into and inspection and searching of the home are permitted only in the cases and manner provided for by the law.

108. Paragraph 2 of this article reads as follows: “In the Republic of Kazakhstan conditions shall be created to provide citizens with housing. To citizens in the legally defined categories who need it, housing shall be provided at an affordable price from the State housing stock, in accordance with the standards established by law.”

(iv) The right to public health, medical care, social security and social services;

109. Article 29 of the Constitution provides that “Citizens of the Republic of Kazakhstan have the right to health protection.”

110. Citizens are entitled to receive free of charge an amount of medical assistance provided for by law.

111. Paid medical assistance from State and private medical institutions and private medical practitioners is provided in accordance with terms and procedures stipulated by law.

112. Article 28 of the Constitution guarantees social security in old age and in the event of illness, disability, loss of a breadwinner and other circumstances.

113. Paragraph 2 of this article states that voluntary social insurance, the creation of additional types of social welfare services, and charity are encouraged.

114. Article 31, paragraph 2, of the Constitution provides for liability in accordance with the law for the concealment by officials, of facts and circumstances endangering people’s lives and health.

(v) The right to education and training;

115. The education system in the Republic of Kazakhstan consists of education organizations, successive education programmes, State-regulated standards for various levels of education, and administrative bodies. The main function of the education system is to create the conditions necessary for education, personality development and vocational training on the basis of national and universal human values and of leading scientific achievements and practice.

116. Pursuant to article 3 of the Education Act, the equal rights of all citizens and the accessibility of all levels of education are among the fundamental principles behind State education policy.

117. The State guarantees all citizens of the Republic general secondary and basic vocational education free of charge. Cost-free secondary, vocational, higher and postgraduate vocational education can be obtained on a competitive basis in accordance with State-set educational standards, provided that the candidate has not previously attended any courses at the level in question (Education Act, art. 4, para. 2).

118. Propaganda promoting racial and national intransigence and exclusivity is prohibited in educational organizations (*ibid.*, art. 14).

(vi) The right to equal participation in cultural activities;

119. The Culture Act provides that all persons of any nationality have the right to participate in the development of their national culture, and that all citizens must respect the language, culture, customs and traditions of the Kazakh people and of the other peoples of Kazakhstan.

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

120. In Kazakhstan, the above-mentioned rights are free from restrictions on the grounds of race, nationality, language, etc. As has already been stated, no one in the Republic may be subjected to discrimination on the grounds of origin, social, professional or property status, sex, race, nationality, language, attitude to religion, beliefs, place of residence, or any other circumstances. That is specified in the Constitution.

## **Article 6**

States parties shall assure to everyone within their jurisdiction effective protection and remedies, through the competent national tribunals and other State institutions, against any acts of racial discrimination which violate his human rights and fundamental freedoms contrary to this Convention, as well as the right to seek from such tribunals just and adequate reparation or satisfaction for any damage suffered as a result of such discrimination.

121. Protection under Kazakh law is equal for all, irrespective of race. Article 13 of the Constitution of 30 August 1995 gives everyone the right to be recognized as a subject of the law, the right to protection by the courts of their rights and freedoms and to receive qualified legal assistance. In the instances specified by law, such assistance is provided free of charge.

122. Of the organs in the Republic of Kazakhstan competent to deal with human rights issues, the most important are the courts of the Republic.

123. Article 75 of the Constitution states that the courts of the Republic are the Supreme Court of the Republic and the local courts established by law.

124. Article 78 of the Constitution provides that the courts do not have the right to apply laws or regulations which infringe human and citizens' rights or freedoms as set forth in the Constitution. In the event that a court finds that a law or regulation relevant to a case does infringe the aforementioned rights and freedoms, it is obliged to suspend the proceedings and put to the Constitutional Council a proposal that the instrument in question be declared unconstitutional.

125. Since human and citizens' rights and freedoms are set forth in the Constitution, mention must also be made of the activities of the Constitutional Council. The Constitutional Council is the State body that ensures the primacy of the Constitution throughout the country and that vets for conformity with the Constitution: prior to their signing by the President, laws passed by Parliament; prior to their ratification, international agreements concluded by Kazakhstan.

126. Laws and international agreements found to be in contravention of the Constitution cannot be signed, ratified or brought into force. Laws and regulations found to infringe the human and citizens' rights and freedoms set forth in the Constitution are repealed and become inapplicable. Decisions by the Constitutional Council enter into force on the day of their adoption, are binding throughout the country and are final and not subject to appeal.



127. The Office of the Procurator oversees and ensures the precise and uniform application of laws, presidential decrees and other legislation, represents the interests of the State before the courts and, within limits set by law, conducts prosecutions. Its duties also include supervising compliance with human rights legislation.

128. The Commission on Human Rights attached to the Office of the President of the Republic, was established by presidential decree 1563 of 12 February 1994, entitled "The creation of a national human rights commission". The activities of the Commission are currently regulated by presidential decree 1042 of 19 March 2003, entitled "The Commission on Human Rights attached to the Office of the President of the Republic of Kazakhstan".

129. The Commission is a consultative body which assists the Head of State in exercising his constitutional power as guarantor of human and citizen's rights and freedoms as set forth and guaranteed by the Constitution.

130. The Commission's main tasks are:

1. To create conditions under which the President of the Republic of Kazakhstan can fulfil his constitutional role as guarantor of human and citizen's rights and freedoms in the Republic;
2. To help improve the mechanism for securing and protecting human and citizens' rights and freedoms;
3. To assist central and local State bodies in implementing State policy regarding the securing and protection of human and citizen's rights and freedoms;
4. To participate in the development of concepts and programmes for State policy regarding the securing and protection of human rights and freedoms;
5. To assist in the strengthening of international cooperation regarding the securing and protection of human rights and freedoms.

131. In 2000, the Commission on Human Rights examined 409 communications concerning violations of human and citizens' rights and freedoms in the Republic of Kazakhstan.

132. Only in one of these communications, from Ms. L.T. Uslova, did the author complain of racial discrimination. Ms. Uslova, a resident of Temirtau in Karaganda oblast, claimed that there had been racial discrimination by senior officials of the Karaganda oblast special communications service (KOSSS) in connection with violation of her labour rights and those of her daughter, Ms. D. Uslova.

She alleged in her communication that officials of KOSSS had systematically degraded her, grossly violated her labour rights and made no secret of their intention to dismiss her by any possible means. She asserted that, as she was a qualified specialist with 16 years' service and met all the requirements for employment by the special communications service, her ethnic origin was the root cause of the persecution against her.

Her communication was examined by the Commission on Human Rights and, together with a covering letter, sent to the Office of the Procurator General of the Republic of Kazakhstan for investigation.

The investigation determined that the allegations of illegal dismissal of Ms. Uslova's daughter, Ms. D. Uslova, were the subject of a judicial inquiry. When questioned further about her allegations of unlawful conduct by officials of KOSSS, other than making general comments Ms. L.T. Uslova was unable to cite any specific instances of such conduct. The investigation also refuted the allegations that employees were selected on ethnic and gender grounds. It was found that, of 14 persons hired by KOSSS in the year 2000, 6 were non-indigenous and 3 were women. Ms. Uslova acknowledged that her assertions that senior officials of KOSSS had refused to grant her regular leave for 1998-1999 and to give her fresh proof of employment were unjustified.

Hence, the investigation failed to corroborate the allegations of persecution and pressure on ethnic grounds and discrimination against KOSSS employees not of Kazakh origin made in the communication. Ms. Uslova was informed by the proper legal means of the results of the investigation.

133. In 2001, the Commission on Human Rights received 629 written communications concerning human rights violations. Of these, only one alleged discrimination against a citizen on ethnic grounds.

134. In June 2001, Mr. V.B. Kolodko, a Ukrainian citizen serving a sentence in penal establishment AP-162\4 of the Penal Correction System Committee of the Kazakh Ministry of Internal Affairs, complained to the Commission on Human Rights of degrading treatment by the establishment's management. He asserted that the violation of his civil rights was linked to his ethnic origin and citizenship of another country.

Mr. Kolodko wrote that, after he had applied to the Office of the Procurator General of Kazakhstan for extradition in order to serve out his sentence at his place of permanent residence in Ukraine, various employees of the penal establishment had begun to seek deliberately to discredit him although he was reforming. To put him under mental pressure, they began to transfer him without reason from one group of prisoners to another, as well as to belittle and offend his national sensitivities and to put him in a punishment cell on trumped-up charges.

The violation of convicted persons' rights, and still more discrimination against such persons on racial (ethnic) grounds, being considered inadmissible, the Commission forwarded Mr. Kolodko's complaint to the Office of the Procurator General of Kazakhstan for investigation, with a request that the Commission be informed of the results. Mr. Kolodko's allegations that his rights had been infringed because of his nationality and his citizenship of another State could not be corroborated.

It transpired that Mr. Kolodko had systematically violated the rules laid down in the Penal Enforcement Code for the serving of sentences. The measures taken against him by the authorities of the correctional institution were found to be justified and lawful and to have no connection with his origin.

Mr. Kolodko agreed with the investigation's findings.

135. Chapter 3 of the Criminal Code of 16 July 1997 makes violation of human and citizens' constitutional and other rights and freedoms a punishable offence. Consequently, the law enforcement agencies, including the Office of the Procurator General, the Ministry of Internal Affairs and the National Security Committee, have well-defined functions as regards the protection of human rights in criminal proceedings.

136. The Code of Civil Procedure (article 8, Judicial protection of the individual's rights, freedoms and lawful interests) entitles every citizen "to apply to the courts for the protection of infringed or disputed constitutional rights or freedoms and legally protected interests".

### **Article 7**

State Parties undertake to adopt immediate and effective measures, particularly in the fields of teaching, 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, and this Convention.

137. Of the 130 nationalities that the 1999 census shows as living in Kazakhstan, 33 have, in accordance with the Voluntary Associations Act, formed ethnocultural associations. These in turn belong to the Assembly of the Peoples of Kazakhstan, an advisory body reporting to the President of the Republic. As time has shown, the Assembly constitutes the best medium for interaction between the State and associations representing ethnic groups; it provides a means for State support of the process of revival of ethnic cultures and is of great value in ensuring stable ethnic relations and nationwide concord, development and cultural integration.

138. The idea of establishing the Assembly of the Peoples of Kazakhstan was first put forward by Mr. Nazarbaev, President of the Republic, at the first Forum of the Peoples of Kazakhstan, which was convened in 1992 in celebration of the first anniversary of the country's independence.

The President signed the decree establishing the Assembly on 1 March 1995. His aim in doing so was to strengthen social stability and inter-ethnic harmony in Kazakhstan.

139. The Assembly's objectives are twofold: to elaborate, on the basis of the analysis of events and forecasts of political developments in the country, practical recommendations for consolidating society, and to assist the President of the Republic in his activities as guarantor of respect for the rights and freedoms of the citizens of Kazakhstan irrespective of their racial, ethnic or social origin, religion or beliefs.

140. The Assembly performs a variety of cultural, inspirational, communicative and advisory functions. It revives and promotes ethnic cultures, languages and traditions; it fosters national and ethnic patriotism; it strengthens inter-ethnic unity and harmony through the monitoring of ethnic relations, and it makes recommendations and proposals for State policy to develop friendly relations between the nationalities living in Kazakhstan.

141. Since it was founded, the Assembly has held nine sessions. These have discussed important socio-political issues relating to the furtherance of economic and political reform in Kazakhstan. It should be noted that the international community has acknowledged Kazakhstan's experience in achieving civil peace and concord and has praised the work of State organs and the situation as a whole in Kazakhstan. A statement by the OSCE High Commissioner on National Minorities, Max van der Stule, described the leadership of Kazakhstan as pursuing a consistent policy aimed at ensuring the conditions needed for the realization of the rights of all the ethnic groups in the country and the further harmonization of inter-ethnic relations. A still more positive assessment came from the lips of the United Nations Secretary-General, Kofi Annan, when, during an official visit to Kazakhstan in the autumn of 2002, he said that the country could serve as an example of a State where a variety of nations lived peacefully together and that ethnic diversity should be seen as not as a scourge, but as a blessing.

142. Practical measures by the Assembly of the Peoples to ensure conditions for the development of the cultures and languages of all the ethnic groups living in Kazakhstan include the holding of Festivals of the Peoples of Kazakhstan, language festivals, national- and native-language competitions for pupils of Sunday schools, international and national conferences and seminars on language policy, and round tables on topical issues of ethno-cultural development.

143. The activities of Friendship Houses are another means of providing and developing ethnic communities' cultures. The *akims* of a number of regions allocate funds to ethnic cultural associations and to Friendship Houses.

144. Almost every regional ethnic cultural centre has its own publications. For example, Tan, the Tatar and Bashkir cultural centre in Astana, publishes a newspaper called *Yashlek*, the association of Dungans in the town of Taraz puts out a newspaper called *Dunganskaya gazeta* and the Belarusian cultural centre in Kostanai has a publication called *Zubr*.

145. The international ties of the Assembly of the Peoples are developing swiftly, as the many visits to Kazakhstan by representatives of important international organizations demonstrate. Close working contacts have been established with OSCE. The former OSCE High Commissioner on National Minorities, Max van der Stule, came to Kazakhstan repeatedly and acquired detailed knowledge of the activities of the Assembly and the Small Assemblies reporting to *akims*. Close contacts have also been established with his successor, Ralf Ekeus.

146. With the support of OSCE, a centre for humanitarian research has been set up to study the problems of inter-ethnic relations. It has been involved in the holding of more than 10 international conferences and seminars on harmonization of inter-ethnic relations in Central Asia and has drawn up 11 reports on the results of monitoring of the inter-ethnic situation.

147. Ties between Kazakhstan and its peoples' ethnic homelands are growing wider and deeper. This process is particularly marked in the Azerbaijani, Armenian, Greek, Dungan, Jewish, Karachay-Balkar, Korean, German, Polish, Tatar, Turkish, Turkmen and Ukrainian diasporas.

148. Close contacts have been established with constituent parts of the Russian Federation, such as the Republic of Sakha (Yakutia), the Republic of Tatarstan, nine oblasts bordering on Kazakhstan, Altai krai and the Republic of Altai. Representatives of the United States Senate, the Polish Sejm and the Zhogorku Kenesh of Kyrgyzstan have all visited Kazakhstan's Assembly.

149. Hence, the educational, cultural and linguistic environment created in Kazakhstan for all ethnic minorities, the information and cultural facilities available (Friendship Houses, ethnic theatres, museums and mass media) and the country's expanding international ties are all contributing towards the general cause of the cultural development of Kazakhstan and all its people. However, the focus of this environment is not so much the fostering of the culture and traditions of any given ethnic group as the search for ways of integrating such groups in the culture of Kazakhstan as a whole. It is this kind of approach that gives significant results and that is, in our view, the only right way to achieve civilized development in a multi-ethnic society.

150. Language policy is an integral part of nationalities policy. It comprises a special system of measures by the State to ensure the timely resolution of language problems and the creation of an optimum language space in the country.

151. As has already been said, the Constitution entitles everyone without exception to the practice of their native language and culture and to free choice of their language of communication, upbringing, instruction and creative activity.

152. With a view to creating conditions for the study and use of the native languages of the peoples of Kazakhstan, the President of the Republic approved, in decree No. 3058 of 15 July 1996, the Policy Outline for ethno-cultural education in Kazakhstan. The principal idea behind the Outline is the creation of a language model aimed at preserving ethnic groups' special characteristics and the assimilation of the values of other cultures.

The country's education system includes 8,240 general-education State day schools with a total of 3,630,000 pupils.

153. According to figures from the Ministry of Education and Science, in 2001 the breakdown of general-education State day schools by language of instruction was: Kazakh, 42.2 per cent; Russian, 28.8 per cent; Uzbek, 1 per cent; Tajik, 0.2 per cent; Ukrainian, 0.01 per cent, and there were 1,999 schools where instruction was provided in two or more languages.

154. In 133 general-education schools, pupils from 11 nationalities study their native language (German, Polish, Ukrainian, Uighur, Korean, Dungan, Turkish, Chechen, Kurdish).

155. In Karaganda oblast, the education authorities work in close cooperation with the cultural centre of the *Wiedergeburt* German society, the *Revival* Korean cultural centre and the Tatar-Bashkir cultural centre and 11 German Sunday schools remain in operation.

156. An ethnic revival section has been in operation at Secondary School No. 17 in Petropavlovsk, North Kazakhstan oblast, since the 1998/99 academic year. In this section, children of eight nationalities study Azerbaijani, Hebrew, Polish, Tatar, German, Armenian, Ukrainian, Chechen and Ingush.

157. In Pavlodar, Atyrau, Kyzyl-Orda, South Kazakhstan, Karaganda, Almaty and West Kazakhstan oblasts, children of Korean nationality can study their native language in optional classes. The programme includes a course in conversational Korean developed for ethnic Koreans living abroad by the Language Education Institute of Seoul National University.

158. Under an agreement between the Kazakh Ministry of Education and Science and the Polish Ministry of Education, groups for the study of Polish have been opened in 29 schools in Kazakhstan. Opportunities exist for pupils of Polish nationality who graduate from general-education schools in Kazakhstan after 9 or 11 years of study to continue their education at specialized secondary schools or higher educational establishments in Poland.

159. Work continues on enhancing the status of the national language. The idea that the Kazakh people's age-old dream of having a powerful, flourishing State cannot be achieved unless Kazakh achieves genuine status as the official language is now firmly rooted in the public mind. Awareness is growing of the need to expand the study of Kazakh and its use as the official language and a means of inter-ethnic communication.

160. Four oblasts - Kyzyl-Orda, South Kazakhstan, Atyrau and Zhambyl - have fully adopted the national language and Mangistau and Aktyubinsk oblasts are close to taking this important step.

161. Central government offices are drafting more and more documents in two languages. To facilitate this, editing units have been established for documents written in Kazakh.

162. In all, 103 schools using Kazakh as the language of instruction were opened in 2001 alone.

163. With respect to its social functions, Russian retains its traditional strength as a means of communication in science, education and mass media. It plays a prominent role in business correspondence. Currently, 68 per cent of the students in Kazakhstan's higher educational establishments are taught in Russian.

164. In terms both of legislation and of practice, therefore, Kazakhstan is moving closer and closer to a language situation in which all citizens will, as the Constitution provides, be able to exercise their right to choose their language of communication, upbringing, instruction and creative activity.

165. Culturally, Kazakhstan reflects the broad range of its peoples' cultures. As the Culture Act proclaims, all citizens are equally entitled to create cultural values.

166. Furthermore, theatre programming provides daily confirmation of the reality of citizens' rights to equal participation in cultural life and to the practice of their native language and culture. Whatever their ethnic characteristics, theatres provide a regular cultural service to their audience. There are now 18 Kazakh theatres, 15 Russian theatres, 3 combined theatres (i.e. theatres with a Kazakh and a Russian troupe), 1 Uighur theatre, 1 Korean theatre and 1 German theatre. The theatre repertoire comprises works by Kazakh, Russian, German,

Korean, Uighur and other authors. Attached to the ethnic theatres having the status of national theatres are musical groups, such as the Korean ensemble “Ariran” and the Uighur groups “Nava” and “Yashlyk”.

167. Details of these institutions’ activities are given below.

168. In 2001, the M. Auezov Kazakh Drama Theatre gave 239 performances to a total audience of 60,900 people. The corresponding figures for a selection of other theatres were: M. Lermontov State Russian Theatre, 326 and 107,900; Uighur Musical Comedy Theatre, 150 and 110,000; Korean Musical Comedy Theatre, 23 and 9,500; German Theatre, 190 and 12,800. As can be seen, the ethnic theatres are much in demand and heavily frequented (the lower figures for the Uighur and Korean troupes are attributable to the fact that their usual theatres were under repair during the reporting period and those for the German troupe to the need to go on tour to areas with a high proportion of German inhabitants).

169. The close cooperation between cultural institutions and ethnic cultural centres is noteworthy. The events put on jointly with these centres: concerts by groups from the cultural centres, exhibitions of decorative and applied arts, demonstrations of ethnic cooking, celebrations of ethnic festivals or Unity Day, etc., are very popular.

170. There is also a systematic foundation to Kazakhstan’s humanitarian cooperation with its neighbours. Pursuant to the Declaration of Eternal Friendship and Cooperation signed between Kazakhstan and the Russian Federation, there is continuing successful cultural cooperation between border regions. In June 2002, the Kazakhstan Culture Days festival in Russia included demonstrations in neighbouring Russian areas of the culture of a variety of Kazakhstan’s oblasts. On the programme were concerts, discussions, open-air events and stage performances. Towards the end of 2002, the Presidents of Kazakhstan and Russia declared 2003 the Year of Kazakhstan in Russia. Both sides view this event as a significant step in the process of their countries’ economic, political and cultural rapprochement.

171. Folk pedagogy, with its progressive, wonderfully rich traditions and experience of the nurturing and teaching of the young is the most important of the components of our cultural heritage.

172. Programmes such as “Atameken”, “Kyzdar elippesi” and “Destur”, whose aim is to introduce the idea of ethnopedagogy into the process of school education, are now widespread.

173. College students of the humanities study the history, culture, traditions and customs of the peoples and nationalities living in Kazakhstan.

174. A number of teacher-training and business-studies colleges now offer ethnopedagogy as a field of study. For example, Uighur ethnopedagogy is on the syllabus at the Zharkent Teacher Training College in Almaty oblast, while Uzbek ethnopedagogy can be studied at the Turkestan Business Studies College in South Kazakhstan oblast and German ethnopedagogy at the Saran Business Studies College in Karaganda oblast.

175. The standard curricula for tertiary-level vocational training in the humanities include the study of: ethnic history; philosophy as expressed in the traditions and culture of the peoples of Kazakhstan; ethnoregional culture; ethnosociology; ethnopsychology, and ethnopedagogy.

176. The development of inter-ethnic education began in the late 1990s, when the importance of taking early account of the particular mentalities and genetic characteristics of children from differing nationalities and ethnic groups was first recognized. Fluency in native languages is a prerequisite for their preservation, and the Government has undertaken to contribute to the establishment of conditions for the study and use of the languages of Kazakhstan. To that end, the Policy Outline for ethnocultural education in Kazakhstan was approved in 1997. The principal idea behind the Outline is the creation of a language model aimed at the preservation of ethnic groups' special characteristics and the simultaneous assimilation of the values and standards of other cultures. The important thing about this process is that, while it helps people to acquire common, nationwide values, they do not lose their ethnic identity.

177. To assist in the revival of native languages, the network of pre-school organizations and schools is being expanded in areas with a significant proportion of ethnic inhabitants.

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