

Delegation from the Republic of Kazakhstan
Position Paper for the United Nations Human Rights Council

The topics before the United Nations (UN) Human Rights Council (HRC) are I. Combatting Racism, Racial Discrimination, Xenophobia and Related Intolerances and II. Business and Human Rights. The Republic of Kazakhstan is committed to discussing these issues with other Member States (MS) in the HRC and to finding solutions that can improve the situation and the upholding of Human Rights for all people around the world.

I. Combatting Racism, Racial Discrimination, Xenophobia and Related Intolerances

The world is seeing a daily rise in racism, racial discrimination, xenophobia and related intolerances. Covid-19 increased the number of hate crimes (criminal acts motivated by bias or prejudice) towards groups that have already suffered from these in the past. Hate is not limited to a specific group, it can affect each and everyone, yet we can see some groups being affected for decades, specifically minorities. This topic is especially important to us since 130 ethnic groups are living together in Kazakhstan and we are trying all we can to prevent discrimination of any kind, as well as to promote a society for all.

The Republic of Kazakhstan is very pleased to see the steps taken so far and the creation of declarations and frameworks by the UN, such as the *Universal Declaration of Human Rights* (UDHR, 1948), especially Article seven which promotes equality and speaks against discrimination. Further, we want to highlight the creation of the *International Convention on the Elimination of All Forms of Racial Discrimination* (1965), the *Committee on the Elimination of Racial Discrimination* (1969) and the Second Optional Protocol to the *International Covenant on Civil and Political Rights* (A/RES/44/128) which we joined back in 2020, paving the way for full ratification. We have been working closely with other MS to fight contemporary forms of racism, racial discrimination, xenophobia and related intolerances, which lead to the implementation of the resolution *Measures to be taken against political platforms and activities based on doctrines of superiority and violent nationalist ideologies which are based on racial discrimination or ethnic exclusiveness and xenophobia, including neo-Nazism* (A/RES/56/268), as well as on the resolution on *Tolerance and pluralism as indivisible elements in the promotion and protection of human rights* (E/CN.4/RES/2004/54).

The Republic of Kazakhstan also has a prohibition of discrimination stated in our Constitution (Article 14) and the Criminal Code (Article 141-1), as well as in 2009 we put a law in action on refugees, granting them equal treatment without discrimination and prohibiting the deportation of asylum seekers. Furthermore, we have adopted a law in 2011 providing the social protection of migrants and their safety. For us, tolerance is not only a standard of political culture but also a national principle. In addition, we created an Assembly of People where 40 of the largest ethnic groups are present and a Presidential Commission on Human Rights. We think that these measures can help us in our fight against intolerance because creating an environment where all are included can reduce discrimination. This is why we have also taken measures in our society with the law *On Languages in the Republic of Kazakhstan* (1997) in our schools and in our ethnic cultural centers where we grant every citizen the right to study their native language by teaching in a total of sixteen languages since bilingual teaching has been proven as an effective approach.

We think that local legislation and frameworks are great steps to target discrimination, which is why we urge all MS to commit to the cause and sign the frameworks by the UN, as well as to create their national laws against racism, racial discrimination, xenophobia and related intolerances. While this is going to improve the legal situation, our main target needs to be the society. A lot of microaggressions come from society and legal frameworks will not change this. Furthermore, changing mindsets where these microaggressions are already present will be very hard or even without success, which is why we advise putting our focus on education, especially primary education. Studies have shown that children learn racism and discrimination from their parents, schools, the media and culture. We cannot directly influence the way parents deal with the topics, but we can shape the way it is taught in schools and presented in the media. We propose to start teaching children in primary education in cooperation with the United Nations Children's Fund (UNICEF) about racism, racial discrimination, xenophobia and related intolerances in a child-friendly way for which we could create a specific program called *children against intolerances* and will be funded by the UNICEF in the specific MS who is willing to participate and has presented the necessity for this program, for example MS which have a history with intolerances. We for example are preparing textbooks in cooperation with other countries concerning education in minority languages and where the minorities were originally from. This is in our opinion a great way to include minorities and we would like to expand this program to all

textbooks in cooperation with experts on intolerance and education for the right approaches, as well as to cooperate with the same experts on training teachers on how to work with their pupils on the topics.

II. Business and Human Rights

Even today in the twenty-first century, we still see human rights violations in businesses. According to the International Labor Organisation 24.9 million people are affected by exploitation, unsafe working conditions or discrimination at work based on traits like race, gender, and sexual orientation with sexual harassment being the most common form of gender-based violence in the work environment in addition to other human rights violations such as forced labor, which we regard as a form of modern-day slavery or child labor. Women and girls are especially at a higher risk. Around 35 percent of women around the world fall victim to direct violence at the workplace and 58 percent of women are victims of forced labor. Furthermore, the news presents to us each week new cases of women dying in unsafe factories while these jobs often are the first actual opportunity for independence.

The Republic of Kazakhstan wants to highlight the frameworks implemented by the UN to support the situations of employees, such as the UDHR where Article 23 specifically points out the rights of workers, for example to protect against unemployment, for equal pay or to join a trade union. In addition, we want to emphasize the implementation of the *Guiding Principles on Business and Human Rights* (HR/PUB/11/04), *Business and human rights: improving accountability and access to remedy* (A/HRC/RES/38/13), the resolution on the *Rights of the child* (A/RES/63/241) which we worked on, the *Convention on the Elimination of All Forms of Discrimination against Women* (1979) and the creation of the Sustainable Development Goals (SDGs) in the *Agenda 2030* (A/RES/70/1). The SDGs are of great importance for this topic since 90 percent of them are somehow linked to Human Rights and Labor standards, especially the SDGs 3, 5, 8, 9, 11 and 12. Furthermore, we value very highly the creation of the Working Group on discrimination against women and girls (A/HRC/RES/15/23).

We have the Association of Business Women of Kazakhstan and hosted The IV Eurasian Women's Summit in 2015. We have some major points about Business and Human Rights in our legal frameworks. In our present national Labor Law which we established 1999, we limit consensual overtime per week, grant breaks and prohibit labor contracts under the age of sixteen, the only exception is with parental permission, as well as for light work under the age of sixteen. Trade Unions are protected in our constitution (Article 23) as well as that we are having a specific Trade Union Law. The average maternity leave duration in Kazakhstan is 126 days and employees cannot be dismissed in connection with maternity leave. In general, we have 1,44 million women in business with 44 percent of small and medium-sized businesses owned by women, as well as already five percent management of state-owned companies are accounted for by women, yet our president tasked the Government to make it 30%.

Covid-19 has shown us how much we rely on women, who are frontline workers in hospitals and directly exposed to the virus or had to reduce work to take care of their children or family members. We all now need to take action and put women in business on the agenda and put our focus on them. All of us should include laws in our national legislation to protect girls and especially pregnant women, for example with laws concerning maternity leave or, as well as to encourage the formation of national female business associations. Associations can be very helpful for women to organize themselves and to give others the possibility to leave toxic and abusive workspaces and environments. In addition, we urge the creation of a Special Rapporteur on the rights of women in businesses to monitor the human rights violations against women and girls, especially in bigger corporations. The special rapporteur shall be a woman who should have experience in businesses, for example a former CEO and who will be supported by the Office of the UN High Commissioner for Human Rights. This shall happen in cooperation with the working group on the issues of human rights and on transnational corporations and other business enterprises. The special rapporteur for women and girls should target gender discrimination, unsafe working conditions and exploitation, especially of girls who should not even be in the position of being an employee or pregnant women. The main target should also be to collect data about how employees can report human rights violations to a state institution and how the governments promote the protection of women in workplaces and support female-owned businesses. The rapporteur will write an annual report including the collected data about human rights violations and about national reporting possibilities to the HRC for them to further address the results with the MS.