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International Federation for Human Rights (FIDH)
Oral Statement - Item 6
Universal Periodic Review of Kazakhstan
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The International Federation for Human Rights (FIDH) welcomes the adoption of the report of the Working Group on Kazakhstan and shares a number of concerns raised by some States during the interactive dialogue.

We share the recommendation made by a number of countries that Kazakhstan protects the rights of migrants and in particular signs and ratifies the International Convention on the Protection of the Rights of All Migrant Workers and Their Family Members.

In a report released in October 2009, based on a fact-finding mission in Kazakhstan, FIDH has stressed that the existing legislation, including the quota system and the delivery of work permits to the employer creates a situation of legal vulnerability of migrant workers and dependency from their employers. Instances of forced labour and related practices have been registered. Irregular migrants are also at the mercy of the police and at constant risk of being deported.

We therefore recommend that Kazakhstan ensures that its new law on migrations, currently under preparation, is in full conformity with international law.

Moreover, we welcome the observations made by several States about the existing practice of deportation of migrant workers, refugees and asylum seekers to countries where they are at risk of being tortured. In line with several countries, we recommend that Kazakhstan reviews relevant legal provisions and practices with a view to ensuring strict compliance with the principle of non-refoulement.

Since 2005, in violation of Kazakhstan's obligation not to commit refoulement, many Uzbek and Uyghur asylum seekers and refugees have been abducted, extradited or forcibly returned to the countries from which they have fled persecution.

This issue is of particular concern in light of the recent legislative and procedural changes for granting asylum. Since the new law on refugees has come into force in January, Kazakhstan requires that all asylum seekers go through the often ineffective national procedure of granting asylum. FIDH fact finding mission has shown that Uzbek, Kyrgyz and Uyghurs asylum seekers from China never had the possibility to receive protection from Kazakhstan.

The new procedure of granting asylum also seriously undermines the UNHCR protection mission, by allowing it to conduct its refugee status determination only after all internal procedures have been gone through.

Finally, we would like to stress that some provisions of regional agreements such as the Minsk Convention and the Shanghai Cooperation Organisation are also in contradiction with the principle of non-refoulement.