



MISSION PERMANENTE  
DE LA RÉPUBLIQUE DU KAZAKHSTAN  
AUPRÈS DE L'OFFICE DES NATIONS UNIES  
ET DES AUTRES ORGANISATIONS  
INTERNATIONALES AYANT LEUR  
SIÈGE A GENÈVE

Réf. №

30-305

The Permanent Mission of the Republic of Kazakhstan to the United Nations and other International Organizations in Geneva presents its compliments to the Office of the High Commissioner for Human Rights and has the honour to transmit the response of the Ministry of Foreign Affairs of the Republic of Kazakhstan to the joint communication from Special Procedures dated 15 July 2021.

*Enclosed: 5 pages*

The Permanent Mission avails itself of this opportunity to renew to the OHCHR the assurances of its highest consideration.

**Geneva, 10 September 2021**



**Office of the High Commissioner  
for Human Rights**

**Geneva**

ҚАЗАҚСТАН РЕСПУБЛИКАСЫ  
СЫРТҚЫ ІСТЕР  
МИНИСТРЛІГІ



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Nur-Sultan  
September 9, 2021

**Your Excellencies,**

On behalf of the Republic of Kazakhstan I have the honor to provide you with a formal response to your joint letter № AL KAZ 4/2021 of July 15, 2021, related to Ms Gulzada Serzhan and Ms Zhanar Sekerbaeva.

The enclosure to this letter contains detailed and comprehensive responses of the line state institutions of Kazakhstan – General Prosecutor's Office, Supreme Court, Ministry of Justice, Ministry of Information and Social Development and the Akimat (mayor's office) of Shymkent – to the questions raised in your address.

**Ms Mary Lawlor**

**Special Rapporteur on the situation of human rights defenders**

**Ms Irene Khan**

**Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression**

**Mr Clement Nyaletsossi Voule**

**Special Rapporteur on the rights of freedom of peaceful assembly and of association**

**Mr Victor Madrigal-Borloz**

**Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity**

**Ms Melissa Upreti**

**Chair-Rapporteur of the Working Group on discrimination against women and girls**

**Geneva**

I express my sincere hope that the information provided by the Kazakh authorities in an open and transparent manner would be sufficient to offer you more clarity on Ms Serzhan's and Ms Sekerbaeva's case and address all your concerns.

On my personal behalf, I would like to reconfirm Kazakhstan's firm commitment to the protection of fundamental rights and freedoms, as well as willingness to further develop close and fruitful cooperation between the Republic of Kazakhstan and the United Nations.

Please accept the assurances of my highest consideration.

Enclosure: 3 pages.

**Deputy Minister**

A handwritten signature in blue ink, appearing to be 'Yerlan Alimbayev', is written over a faint blue circular stamp.

**Yerlan Alimbayev**

**Responses of the line state institutions of the Republic of Kazakhstan to the  
questions raised in the joint letter of the United Nations Special Rapporteurs  
№ AL KAZ 4/2021 of July 15, 2021**

**Answers to the questions 1, 2, 3 and 4**

On May 21<sup>st</sup> 2021, "Feminita" activists Ms Gulzada Serzhan and Ms Zhanar Sekerbaeva posted a video message on the social network "TikTok" under the name "Shymkent wait for me on May 29<sup>th</sup>". In this message they announced plans to hold a conference on the LGBTQ issues on May 29<sup>th</sup>, 2021, between 4.00 pm to 8.00 pm in Shymkent.

On May 29<sup>th</sup>, 2021, Ms Serzhan and Ms Sekerbaeva arrived in Shymkent and, at previously appointed time, were waiting for participants in the cafe of the City hotel, located on Taukekhan Avenue.

In the meantime, at 4.30 pm, a group of 50 men arrived at this cafe to oppose the LGBTQ-themed conference. In this regard, the manager of the City hotel contacted the Shymkent Police Department via 102, Kazakhstan police emergency telephone number. The manager reported that a group of men arrived at the hotel and expressed their dissatisfaction with the hotel administration regarding the conference.

In response, a police officer in charge of this administrative area, Mr [REDACTED] arrived at the hotel and witnessed a conflict between the two parties – Ms Serzhan and Ms Sekerbaeva vs a group of men. Under these circumstances, seeing the waxing discontent of a group of men towards Ms Serzhan and Ms Sekerbaeva, the police officer offered Ms Serzhan and Ms Sekerbaeva to get into police car to ensure their safety and prevent any violence against them.

However, Ms Sekerbaeva, misunderstood the policeman's intentions and without asking or warning him, rendered active physical resistance to him (*tore off the policeman's shoulder strap*). In this regard, on May 29<sup>th</sup>, 2021, the Shymkent Police Department opened a pre-trial investigation regarding the insult of a public officer at duty under the article 378 of the Criminal Code of the Republic of Kazakhstan.

Soon after Ms Serzhan and Ms Sekerbaeva were taken to the Abay District Police Department, Ms Sekerbaeva filed a statement regarding bodily injuries she had received from unknown persons. Based on this complaint, a pre-trial investigation was opened under the article 293 (*hooliganism*) of the Criminal Code of the Republic of Kazakhstan, and a forensic medical examination was carried out. Ms Serzhan and Ms Sekerbaeva were questioned in the Abay District Police Department as witnesses entitled to defense counsel. However, no measures in the form of arrest or detention were applied to them.

During this time, some 70 people had gathered in front of the police station where Ms Serzhan and Ms Sekerbaeva were staying, expressing their objection to organizing the LGBTQ-related event in their town. Thereafter, the heads of the Shymkent Police Department and the Prosecutor's Office conducted a preventive conversation with these persons. Police and Prosecutors' Office officials explained them the national legislation on the prevention of disturbance of public order, after which the gathering dispersed.

Following these events, on the evening of May 29<sup>th</sup>, 2021, to prevent any possible attempts to commit unlawful actions against Ms Serzhan and Ms Sekerbaeva, Shymkent police officers took them safely to the place of their residence in Almaty city.

On June 2<sup>nd</sup>, 2021, in an interview with the Radio Azattyk (*a Kazakh branch of the Radio Free Europe/Radio Liberty*) journalists, Ms Sekerbaeva expressed her gratitude to the police officials for having prevented earlier (*on May 29<sup>th</sup>, 2021 in Shymkent*) the unlawful acts towards them by the men who had gathered there. At the same time, an official investigation conducted by the Shymkent Police Department showed that the arguments of Ms Serzhan and Ms Sekerbaeva about unlawful actions of the police officers against them were not confirmed.

### **Answer to the question 5**

According to the Constitution, the Republic of Kazakhstan is a democratic, secular, legal, and social state whose highest values are the individual's life, rights, and freedoms.

Under the article 14, paragraph 2 of the Constitution, no one may be subjected to discrimination of any kind on the grounds of origin, social, official, or material status, sex, race, nationality, language, religion or beliefs, opinions, place of residence or any other circumstances. Furthermore, the international community recognizes that all human beings are born free and equal in dignity and rights.

In addition, Kazakhstan has acceded to eight core human rights conventions and six optional protocols, including the 1979 International Convention on the Elimination of All Forms of Discrimination against Women and the 1999 Optional Protocol.

Presidential Decree No. 384 of 6 December 2016 approved the Concept of Family and Gender Policy in the Republic of Kazakhstan until 2030, reflecting major principles and approaches to forming a family and gender policy. According to the

Concept, the implementation of gender policy in the Republic of Kazakhstan is based on the following principles:

3

- Ensuring equal enjoyment of all economic, social, cultural, civil and political rights regardless of gender;
- Non-discrimination and non-admission of gender asymmetry in State and public life;
- Shaping of gender identity and elimination of gender stereotypes in society.