

**Mandates of the Special Rapporteur on the rights to freedom of peaceful assembly and of association and the Working Group on discrimination against women and girls**

Ref.: AL KAZ 2/2026  
(Please use this reference in your reply)

6 March 2026

Excellency,

We have the honour to address you in our capacities as Special Rapporteur on the rights to freedom of peaceful assembly and of association and Working Group on discrimination against women and girls, pursuant to Human Rights Council resolutions 59/4 and 59/14.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning the arrest, detention, and criminal prosecution of activists affiliated with the Atajurt movement in the Almaty region in November 2025, and related concerns regarding the exercise of the rights to freedom of peaceful assembly, association, and expression.

According to the information received:

On 13 November 2025, 19 activists affiliated with the Atajurt movement staged a protest near the Kazakhstan-China border in the Almaty region. The purpose of the protest was reportedly to draw attention to the detention of Mr. Alimnur Turganbai, an ethnic Kazakh who had acquired Kazakh citizenship and whose legal status and whereabouts in the People's Republic of China remain unclear, as well as to express concern regarding the treatment of ethnic Kazakhs and other Turkic minorities in the Xinjiang region.

During the protest, participants reportedly burned three Chinese flags and a portrait of President Xi Jinping and chanted slogans. Video recordings of the protest were shared on social media. Information received indicates that the protest remained peaceful and did not involve calls for violence, discrimination, or hostility against individuals.

Following the protest, 12 activists were reportedly sentenced to between seven and 15 days of administrative detention, while others were fined under article 434 of the Code of Administrative Offences for "petty hooliganism." Subsequently, criminal proceedings were initiated under article 174(2) of the Criminal Code, which criminalises "incitement" to ethnic, national, or other discord when committed by a group of persons and carries penalties of up to ten years' imprisonment.

Thirteen individuals were reportedly remanded in custody, and six were placed under house arrest. Allegedly in late November 2025, these measures were extended for a further two months., Thirteen activists remain in pre-trial detention and six remain under house arrest pending the outcome of the trial. The trial reportedly commenced on 23 January 2026 before a specialised criminal court in the city of Taldykorgan, Zhetysu region, and further hearings

are scheduled for 19-20 February 2026, when a verdict may be announced. If convicted under Article 174(2), the activists face sentences of up to ten years' imprisonment. It is reported that the proceedings are being held behind closed doors at the request of one defendant, although the remaining defendants supported a public hearing, and concerns have been raised regarding the lack of transparency of the proceedings.

The court hearing scheduled for 19 February was postponed after one of the defendants, Ms. Nazigul Maksutkhan, was taken to hospital. Later that day, she gave birth following a surgical intervention. Reportedly, her physical condition was stable; however, however, she remained in a state of emotional distress due to the ongoing legal case (as part of which she and other activists also have had to travel several hours to attend court hearings, which are held in city several hundred kilometres from their home region) as well as reported pressure on activists. While pregnant, Ms. Nazigul Maksutkhan, was allegedly subjected to restrictive measures in the context of these proceedings. Reportedly, she was under house arrest in the late stages of pregnancy.

According to the activists' lawyer, some of the other defendants have also allegedly experienced a deterioration in their health due to poor conditions in pre-trial detention, including impaired eyesight and hearing as pre-existing conditions have worsened.

Concerns have been raised regarding whether external diplomatic considerations may have influenced the decision to initiate criminal proceedings.

Updated information further indicates that individuals expressing support for the defendants have reportedly faced intimidation, including surveillance, short-term detention, and pressure from security services.

The present proceedings form part of a broader pattern affecting the Atajurt movement, including previous prosecutions under Article 174 of the Criminal Code, administrative penalties for participation in peaceful assemblies, and the denial of registration as a political party.

While not wishing to prejudge the accuracy of the information received, we express concern that the use of administrative detention, criminal prosecution, prolonged pre-trial detention, house arrest, and closed court proceedings in response to peaceful protest activities may amount to disproportionate interferences with the rights to freedom of peaceful assembly and of association, as protected under international human rights law.

We wish to recall that the Republic of Kazakhstan is a State Party to the International Covenant on Civil and Political Rights. Articles 19 and 21 of the Covenant protect the rights to freedom of expression and peaceful assembly. Any restrictions on these rights must be prescribed by law, pursue a legitimate aim, and be necessary and proportionate to that aim.

We further note that international human rights law permits the criminalisation of advocacy of national hatred only where there is intent to incite discrimination, hostility, or violence and where there is a clear and imminent risk of harm. The information received suggests that the protest targeted policies and actions of a foreign government rather than advocating hostility toward a national group.

In connection with the above alleged facts and concerns, please refer to the **Annex on Reference to international human rights law** attached to this letter which cites international human rights instruments and standards relevant to these allegations.

As it is our responsibility, under the mandates provided to us by the Human Rights Council, to seek to clarify all cases brought to our attention, we would be grateful for your observations on the following matters:

1. Please provide any additional information and/or comment(s) you may have on the above-mentioned allegations.
2. Please provide detailed information on the legal basis for the continuation of pre-trial detention and house arrest measures.
3. Please clarify the rationale for holding the trial in Taldykorgan and for conducting proceedings behind closed doors.
4. Please provide detailed information on how the elements of “incitement” under Article 174(2) have been assessed.
5. Please clarify the safeguards in place to protect the health and well-being of Ms. Nazigul Maksutkhan, in the post-partum.
6. Please provide information on measures taken to ensure that individuals and organisations affiliated with the Atajurt movement, as well as those expressing support for the defendants, are able to exercise their rights to peaceful assembly and association without intimidation or retaliation.

This communication, and any response received from your Excellency’s Government, will be made public via the communications reporting [website](#) at the 60 days mark. Should Your Excellency’s Government respond within 60 days, both the communication and the response, may be published before the 60 days mark. The communications and responses will also be made available in the subsequent periodic report to be presented to the Human Rights Council.

While awaiting a reply, we urge that all necessary interim measures be taken to halt the alleged violations and prevent their re-occurrence and in the event that the investigations support or suggest the allegations to be correct, to ensure the accountability of any person responsible for the alleged violations.

Please accept, Excellency, the assurances of our highest consideration.

Gina Romero  
Special Rapporteur on the rights to freedom of peaceful assembly and of association

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

## Annex

### Reference to international human rights law

In connection with above alleged facts and concerns, we would like to draw your attention to the following human rights standards:

Article 21 of the ICCPR states that “[t]he right of peaceful assembly shall be recognized. No restrictions may be placed on the exercise of this right other than those imposed in conformity with the law and which are necessary in a democratic society in the interests of national security or public safety, public order (*ordre public*), the protection of public health or morals or the protection of the rights and freedoms of others”.

Article 22 of the ICCPR protects the right to freedom of association with others. States not only have a negative obligation to abstain from unduly interfering with the rights of peaceful assembly and of association but also have a positive obligation to facilitate and protect these rights in accordance with international human rights standards (A/HRC/17/27, para. 66 and A/HRC/29/25/Add.1). Freedom of association is closely linked to the rights to freedom of expression and to peaceful assembly and is of fundamental importance to the functioning of democratic societies. These rights can only be restricted in very specific circumstances, where the restrictions serve a legitimate public purpose as recognized by international standards and are necessary and proportionate for achieving that purpose.

We further wish to stress that article 7 of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) to which Kazakhstan acceded in 1998 requires State parties to take all appropriate measures to eliminate discrimination against women in political and public life.

Article 7 of CEDAW provides that States shall take appropriate measures to eliminate discrimination against women in the political and public life of the country. Also, articles 1 to 5 of the CEDAW require States to eliminate discrimination against women and to ensure the effective protection of women’s human rights. The CEDAW Committee has clarified in general recommendation No. 19 (U.N. Doc. A/47/38) and general recommendation No. 35 (CEDAW/C/GC/35) that gender-based violence against women constitutes a form of discrimination (para. 1) and that States have obligations to act with due diligence to prevent, investigate, punish and provide remedies for acts of violence committed by both State and non-State actors (para 24 b)).

As stressed by the Working Group on discrimination against women and girls in one of its thematic reports to the Human Rights Council (A/HRC/23/50), stigmatization, harassment and outright attacks are used to silence and discredit women who are outspoken as leaders, community workers, human rights defenders and politicians. Women human rights defenders are often the target of gender-specific violence, such as verbal abuse based on their sex, sexual abuse or rape; they may experience intimidation, attacks, death threats and even murder. Violence against women defenders is sometimes condoned or perpetrated by State actors. The Working Group recommended to accelerate efforts to eliminate all forms of violence against women, including through a comprehensive legal framework to combat impunity, in

order to fulfil women's human rights and to improve the enabling conditions for women's participation in political and public life.