

Mandates of the Special Rapporteur on the rights to freedom of peaceful assembly and of association; the Special Rapporteur on the situation of human rights defenders and the Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity

Ref.: AL KAZ 4/2025
(Please use this reference in your reply)

25 September 2025

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; Special Rapporteur on the situation of human rights defenders and Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity, pursuant to Human Rights Council resolutions 59/4, 52/4 and 59/5.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning the **alleged lack of effective remedies available to human rights defenders in Kazakhstan, including reports that the creation of a national protection mechanism – an important safeguard enabling access to such remedies – has been opposed by the authorities. Additional concerns were raised regarding human rights defenders working on the rights of women and LGBTIQ persons, including Ms. Gulzada Serzhan and Ms. Zhanar Sekerbayeva, who have faced intimidation, obstruction, legal and administrative harassment, and a lack of accountability for violations committed against them.**

Ms. **Gulzada Serzhan** and Ms. **Zhanar Sekerbayeva** are women human rights defenders, founders of Feminita Kazakhstan Feminist Initiative (Feminita), a queer grassroots initiative formed to monitor, document, and challenge discrimination and hate crimes based on sexual orientation and gender identity, including by means of strategic litigation, media campaigns, and advocacy for the rights of lesbian, bisexual, trans, intersex, and queer (LBTIQ) women in Kazakhstan.

We previously wrote to Your Excellency's Government on 25 October 2019 (AL KAZ 4/2019) regarding the restrictions on the registration of Feminita as a legal entity, as well as the violations of the rights to freedom of expression and peaceful assembly of its members, including Ms. Gulzada Serzhan and Ms. Zhanar Sekerbayeva. We also wrote on 15 July 2021 (AL KAZ 4/2021) regarding the harassment, intimidation, and arbitrary detention of Ms. Gulzada Serzhan and Ms. Zhanar Sekerbayeva. We are grateful for your Excellency's Government's responses dated 23 December 2019, 22 May 2020, and 10 September 2021, and in particular for the affirmation of your Excellency's Government's firm commitment to non-discrimination. However, we remain concerned after receiving the information outlined below.

According to the information received:

General situation of human rights defenders

According to the information received, there are currently no effective national legal remedies available for human rights defenders in Kazakhstan.

On 1 September 2021, in his Address to the Nation, the President of Kazakhstan included the protection of human rights defenders as part of the country's strategic agenda, stating: "In defending citizens' rights, we must not forget the rights of human rights defenders, including lawyers. The safety of their activities must be ensured, and unlawful actions obstructing their work must be prevented."

Subsequently, paragraph 23 of the Plan of Further Measures in the Area of Human Rights and the Rule of Law, approved by Government Decree No. 258 of 28 April 2022, envisaged the establishment of a working group on the protection of human rights defenders. The working group was formally established in September 2022 by order of the Human Rights Commissioner (Ombudsman). It included representatives of both governmental bodies and non-governmental organisations working in the field of human rights. Its mandate includes the review of complaints and appeals from human rights defenders, discussion of information provided by law enforcement agencies, and the development of practical recommendations and proposals for improving national legislation. According to the information received, one of the central topics discussed by the working group was the adoption of a national law on the protection of human rights defenders.

However, it has been reported that the working group has not been convened by the Ombudsman since July 2023, despite repeated requests from civil society representatives.

As regards the adoption of such a law, a letter dated 5 September 2024 from the National Centre for Human Rights (the government body supporting the work of the Ombudsman), addressed to one of the non-governmental organisations participating in the working group, states: "In 2022-2023, the issue was discussed on several occasions by the working group. Unfortunately, at that time, it did not receive support from the relevant state bodies." It further states that further consideration will resume "when state bodies may be inclined to support or at least not oppose the initiative."

Similarly, during a recorded meeting of the Advisory Council on Democracy and Human Rights under the Ministry of Foreign Affairs held on 19 March 2025, the Special Envoy of the Ministry, who chaired the session, stated: "A working group was established... the matter [of adopting a national mechanism to protect human rights defenders] was discussed but unfortunately did not gain support." The Special Envoy also stated that work on the protection of human rights defenders is already being carried out within the framework of the International Covenant on Civil and Political Rights. However, she expressed a narrow interpretation of the term "human rights defenders", referring primarily

to lawyers and legal advisors, whose interests, in her view, are already represented by professional associations governed by national legislation.

Human rights defenders working on the rights of women and LGBTIQ persons

Non-investigation of previous incidents

According to newly provided information, the harassment, intimidation, and arbitrary detention of Ms. Gulzada Serzhan and Ms. Zhanar Sekerbayeva in Shymkent, as described in communication dated 15 July 2021, have not been effectively investigated despite the evidence allegedly provided by Feminita. The case appears to have been closed and archived without due accountability.

Attempted vehicle assault

On 29 July 2023, a man later identified as [REDACTED] allegedly used his vehicle in an attempt to intimidate Ms. Zhanar Sekerbayeva while she was crossing the pedestrian crossing on Timiryazev Street in Almaty at approximately 8:00 p.m. It is reported that he drove onto the pedestrian crossing and stopped abruptly in very close proximity to her, prompting her to jump out of the way while still on the crossing.

Ms. Sekerbayeva reportedly told the driver that one cannot drive over a pedestrian crossing and endanger people, to which the man allegedly responded that he had done so deliberately, claiming to have recognised her as a lesbian activist. He allegedly shouted verbal abuse at her, including phrases such as “you are not a woman”, “BDSM freak”, “you are worse than paedophiles”, and “shut your mouth”. He reportedly threatened to beat her, raised his hand several times, and acted in a physically threatening manner.

According to information received, Ms. Sekerbayeva called the police, who arrived at the scene within 20 minutes. During the interaction with police, the man reportedly justified his actions using her identity, told officers about his family and children, and expressed openly hostile views towards LGBTIQ people. He also reportedly began recording her on video and threatened to publish the footage online. The police officers present allegedly did not intervene to stop him from doing so.

Later the same day, Ms. Sekerbayeva filed a formal complaint against the man at Bostandyk District Police Department. However, according to information received, no measures were taken to hold him accountable.

Disruption of an event on environment and LGBTIQ rights

On 7-10 October 2024, activists from Feminita held an event in Almaty, informally called “lesbian kurultay” (traditional Kazakh assembly to make important decisions) and focused on the theme “Environment and its impact on the LGBTIQ community: how we experience crises and envision our future”.

Prior to the event, the organisers reportedly received last-minute refusals from four hotels and one co-working space. According to information received, a representative of one venue privately admitted that the refusal was due to instructions from local authorities. Eventually, a venue was secured, but the electricity in the premises was reportedly cut off during the event.

On 9 October, anti-LGBT activists came to the venue and attempted to disrupt the event. They tried to force the door open, shouted insults at participants, physically pushed and grabbed attendees, and filmed them without consent. According to information received, the disruptive individuals also called the police, alleging that minors were present at the event, a claim that was not substantiated.

Representatives of Feminita called the police and requested the removal of the individuals disturbing the event. When officers arrived, they reportedly detained two of the attackers. However, Ms. Gulzada Serzhan and Ms. Zhanar Sekerbayeva, as well as one more activist and several foreign attendees, were also detained. The Feminita activists were reportedly held at Almalinsky District Police Department for approximately one and a half hours.

Whilst at the police station, they submitted a formal complaint describing the incident, but according to information received, no criminal case was opened, and no effective investigation was conducted.

Furthermore, officers who arrived at the event reportedly photographed the identification documents of all women present, without providing any legal justification for doing so.

On the following day, 10 October, the same anti-LGBT activists allegedly arrived at a different venue for the same event. When asked to leave, they reportedly refused and filmed everything on their mobile phones.

Since none of the venues were publicly disclosed, it is alleged that surveillance has been used either by anti-LGBT activists or by law enforcement who may have passed the location information to the activists.

Request for recognition as an extremist organisation

On 9 October 2024, a member of the Kazakhstani Parliament, [REDACTED], submitted a parliamentary request to the Prosecutor General and other authorities, calling for Feminita to be recognised as an extremist organisation and for its activities to be banned within the country. Although the request was ultimately denied as groundless, it received extensive media coverage.

Disruption of a human rights education event

A human rights education event for LGBTIQ women was held on 13-16 February 2025 at a hotel conference room in Almaty.

On 13 February 2025, around 11:00 a.m., a group of approximately six women entered the venue during a presentation. According to information received, they were live streaming on social media, verbally insulting organisers and participants. Allegedly, they falsely accused attendees of child molestation and claimed the event was an orgy taking place in a school setting. The individuals approached participants at close range with their cameras, shouted, and reportedly attempted to provoke physical confrontation. The same group allegedly called the police.

Approximately eight police officers arrived shortly thereafter. According to the information received, event participants were required to write explanatory statements, and officers photographed their identity documents. Ms. Gulzada Serzhan and Ms. Zhanar Sekerbayeva were then arrested without being informed of the grounds for their arrest.

Ms. Serzhan and Ms. Sekerbayeva were taken to Medeu District Police Department. They believed the police were investigating the incident, as the attackers were also present at the same police station. However, while the attackers waited in the hall, Ms. Serzhan and Ms. Sekerbayeva were held in a locked room with bars. After approximately one hour, both were transferred separately in different police vehicles to Bostandyk District Police Department. Ms. Sekerbayeva was allegedly subjected to intimidation during transport, including humiliating questions of a sexual nature. Both defenders were released approximately three and a half hours after their arrest. Upon return, they resumed the event, although significant time had been lost.

The next day, on 14 February 2025, the event resumed at the same venue but was again disrupted by a different group of approximately five women. According to information received, two individuals reportedly pushed aside the hotel administrator who had refused to open the door to the event room. They attempted to force the door open by hitting it, while others continued to live-stream. Loud music was played and participants were insulted, including with the phrase “foreign agents, come out!”. Ms. Sekerbayeva was reportedly injured while trying to hold the door closed.

The incident was allegedly retraumatising for many participants, a number of whom were survivors of gender-based violence. At least two individuals reportedly experienced panic attacks requiring medication, and one participant, who had recently undergone heart surgery, allegedly fainted as a result of the stress.

Approximately eight police officers (different from those of the previous day) arrived at the request of the alleged attackers. Again, they photographed participants’ identity documents and collected written statements from all present.

According to the information received, these disruptions have not been effectively investigated. No individuals involved in the alleged attacks have been held accountable, and damages to the hotel property have reportedly not been compensated. The attackers are allegedly the same individuals who

disrupted the “lesbian kurultay” on 7-10 October 2024, and are reportedly affiliated with the government, operating as a government-organised non-governmental organisation that appropriates feminist rhetoric while promoting traditional values.

Fines for operating as an unregistered group, alongside repeated registration refusals

Following the disruption of the human rights education event described above, on 13 February 2025, police filed administrative cases against Ms. Gulzada Serzhan and Ms. Zhanar Sekerbayeva, accusing them of leading Feminita, which is not registered in accordance with national legislation on public associations. On 19 February 2025, the Specialised Inter-District Administrative Court of Almaty found Ms. Serzhan guilty of violating part 9 of article 489 of the Code of Administrative Offences (“leading public associations not registered in accordance with legal requirements”). She was fined KZT 393 200 (approximately EUR 625). According to the information received, the evidence against her allegedly included a statement she gave while in detention, under the impression that it was being collected in connection with the investigation into the disruption of the event. On 21 February 2025, the same court also found Ms. Sekerbayeva guilty under the same article and imposed the same fine. She was allegedly not given access to the case materials prior to the hearing. Appeals filed by the defence were dismissed by the Almaty City Court on 27 February 2025 and 11 March 2025.

Importantly, there have allegedly been at least 15 attempts to establish and register the Public Foundation “Feminita” since 2017. However, the Department of Justice in Almaty has consistently rejected these applications on various formal grounds.

During the latest attempt, on 8 April 2024, the founders once again submitted the documents for registration. However, by Order No. 826 dated 15 April 2024, the Almaty Department of Justice refused registration on a single ground: that “the foundation’s objectives partially contradict article 4 of the Law of the Republic of Kazakhstan “On Non-Commercial Organisations” – namely, the protection of the rights of women of LGBTIQ communities.” At the same time, article 4 of the Law on Non-Commercial Organisations explicitly includes the protection of the rights and legitimate interests of individuals and organisations as valid objectives. Therefore, the refusal was based specifically on the group whose rights and interests the foundation intended to protect.

Arrest on the eve of International Women’s Day and previous attempts to hold the march

On 28 February 2025, at approximately 3:00 p.m., three law enforcement officials arrested Ms. Sekerbayeva at a gym in Almaty and transported her to Almalinsk Police Department.

At the police department, the authorities accused her of violating part 7 of article 488 of the Code of Administrative Offences (“organising and/or holding

a public event in violation of the procedure established by law for organising and holding peaceful assemblies”). It was alleged that on 13 May 2024, she had organised and participated in a peaceful protest without prior authorisation from municipal authorities.

The protest in question involved six women peacefully demonstrating in Almaty against violence towards women and what they viewed as lenient sentencing of perpetrators. The demonstration was reportedly a public response to an ongoing high-profile case involving the violent killing of his wife by a former government minister.

Later on 28 February 2025, the Specialised Inter-District Administrative Court of Almaty sentenced Ms. Sekerbayeva to ten days of administrative detention, effective until 10 March 2025. The decision was upheld by the Almaty City Court on 5 March 2025. This was reportedly a preventive measure aimed at stopping her from organising or participating in any peaceful protest on International Women’s Day, 8 March 2025.

Notably, nearly a year passed between the alleged offence and the imposition of the sentence. In contrast, Ms. Gulzada Serzhan was fined KZT 184 600 (approximately EUR 294) by the same court for the same alleged offence on 15 May 2024, a decision that was upheld by the Almaty City Court on 6 June 2024.

Attempts to hold peaceful assemblies dedicated to commemorating International Women’s Day bring together various women’s rights initiatives and movements in Kazakhstan. According to available information, between 2017 and 2025, the Almaty city administration has only once (in 2021) authorised a march for women’s rights timed to celebrate 8 March. In 2022 and 2023, activists managed to obtain permission to hold a rally as an alternative. Among the reasons given by the authorities for their refusal were the unavailability of public venues due to other events, renovation work, a “threat to public order”, and the alleged “promotion of alien values, such as same-sex relationships, marriages, LGBTIQ symbols and others, under the guise of fighting for women’s rights”. However, even in 2021 and 2023, activists faced harassment and threats related to the organisation of assemblies. In 2021, participants were threatened with criminal prosecution, and students were threatened with expulsion from universities for participating. In 2023, threats and provocations took place both during and after the rally.

While we do not wish to prejudge the accuracy of these allegations, we are concerned about the reported lack of effective national remedies available to human rights defenders.

While we welcome the President’s public commitment in 2021 to ensuring safety and the non-obstruction of human rights defenders, along with the subsequent measures referenced in this communication, these steps appear insufficient to establish the necessary conditions for a genuinely enabling environment, particularly in light of the alleged lack of progress and the other serious allegations outlined in this communication. We also note with regret the reported opposition by government bodies

to the establishment of a national protection mechanism. We are concerned that this may, in part, stem from a limited understanding of the concept of “human rights defenders” among the relevant government authorities.

We would also like to express our deep concern over the use of rhetoric such as “promotion of alien values” and “extremist activity” directed at human rights defenders engaged in vital and legitimate work to advance the rights of women and LGBTIQ persons.

We would like to express our concern regarding the ongoing restrictions placed on these defenders, as demonstrated by the government’s response to their long-standing efforts to organise peaceful assemblies on women’s rights and register an organisation dedicated to protecting the rights of the LGBTIQ community. We further note with concern more recent reports of defenders repeatedly being denied venues for human rights events, due to alleged pressure from the authorities on private businesses. We are further concerned by the repeated disruption of human rights events, alleged surveillance, heavy fines on Ms. Gulzada Serzhan and Ms. Zhanar Sekerbayeva, and what appear to be arbitrary arrests and detention, aimed at preventing them from exercising their rights to peaceful assembly and freedom of expression.

Furthermore, we are concerned about the rise of narratives labelling civil society, human rights activists and protesters as “foreign agents” and agents of “foreign influence”, often basing such allegations on the type of funding that they receive. Such stigmatization further undermines the public trust needed for civil society to be able to do its work.

Even more concerning is the reported lack of effective investigations into incidents of harassment, intimidation, and physical or verbal abuse, and other violations, as well as the persistent failure to hold perpetrators accountable. It is also very concerning that in some cases, law enforcement has reportedly failed to prevent privacy violations against defenders from vulnerable groups and people attending their events or has itself been involved in actions such as photographing identification documents or collecting explanatory statements without clear legal basis.

We are deeply concerned about the chilling effect this situation is creating, as well as the risk of further escalation – including the potential for physical violence – fostered by a climate of impunity, hostile rhetoric from government officials and politicians, and hate speech online showing the faces of human rights defenders and participants in their events. The seriousness of these risks is underscored by the attempted car assault referenced in the allegations above.

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 information as to whether the adoption of a national law aimed at protecting human rights defenders was met with opposition from government bodies. If so, we would appreciate any information regarding the reasons for this opposition.
3. Please clarify how the grounds for refusing to register the Public Foundation “Feminita” (Order No. 826 dated 15 April 2024) align with Kazakhstan’s human rights obligations. Additionally, we would appreciate clarification as to why Ms. Serzhan and Ms. Sekerbayeva faced fines in February 2025 for operating without registration, despite eight years of ongoing efforts to obtain it.
4. Please provide update on the status and, if applicable, the outcome of investigation into the harassment, intimidation, and arbitrary detention of Ms. Gulzada Serzhan and Ms. Zhanar Sekerbayeva in Shymkent, as outlined in the communication dated 15 July 2021. Additionally, please provide information about the investigations into the attempted vehicle assault and threats against Ms. Zhanar Sekerbayeva in Almaty on 29 July 2023, the disruptions of human rights events in Almaty on 9 October 2024, 13 February 2025, and 14 February 2025, which allegedly included physical and verbal abuse, threats, privacy violations, and arbitrary arrests and detention, as well as the alleged arbitrary arrest of Ms. Zhanar Sekerbayeva on 28 February 2025 and her ten-day detention. For each incident, please indicate whether any individuals have been held accountable.

This communication and any response received from your Excellency’s Government will be made public via the communications reporting [website](#) within 60 days. They will also subsequently be made available in the usual 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(s) responsible for the alleged violations.

We may publicly express our concerns in the near future as, in our view, the information upon which the press release will be based is sufficiently reliable to indicate a matter warranting immediate attention. We also believe that the wider public should be alerted to the potential implications of the above-mentioned allegations. The press release will indicate that we have been in contact with your Excellency’s Government’s to clarify the issue/s in question.

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

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

Mary Lawlor
Special Rapporteur on the situation of human rights defenders

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

Annex

Reference to international human rights law

In connection with above alleged facts and concerns, we would like to refer your Excellency's Government to the following standards and norms of international human rights law, as well as recommendations accepted by Kazakhstan during its recent Universal Periodic Review and those issued by United Nations treaty bodies.

The concept of human rights defenders and the obligation of States to ensure their protection

First of all, we would like to refer your Excellency's Government to the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognised Human Rights and Fundamental Freedoms, adopted on 9 December 1998 (also known as the UN Declaration on Human Rights Defenders).

Regarding the scope of "human rights defenders", we wish to underscore the following considerations. The UN Declaration on Human Rights Defenders refers to "individuals, groups and associations... contributing to... the effective elimination of all violations of human rights and fundamental freedoms of peoples and individuals" (fourth preambular paragraph). In line with this broad definition, human rights defenders may be any individuals or groups actively engaged in the promotion and protection of human rights, ranging from international organisations headquartered in major cities to individuals working within their own local communities. They may come from different professional and social backgrounds, and their efforts may be paid or voluntary. Importantly, human rights defenders are not confined to non-governmental or intergovernmental organisations; they may also include, for example, government officials, civil servants, or members of the private sector. The key criteria are whether the individual or group is defending a human right and acting through peaceful means. Additionally, it is essential that human rights defenders uphold the universality of human rights as articulated in the Universal Declaration of Human Rights. One cannot selectively deny certain rights (for instance, those of women or LGBTIQ persons) presenting oneself as a human rights defender in respect of other rights.

Article 1 of the declaration states that everyone has the right to promote and strive for the protection and realisation of human rights and fundamental freedoms at the national and international levels. Article 12 of the declaration further states that the State shall take all necessary measures to ensure the protection by the competent authorities of everyone, individually and in association with others, against any violence, threats, retaliation, de facto or de jure adverse discrimination, pressure or any other arbitrary action as a consequence of his or her legitimate exercise of the rights referred to in the Declaration. In this connection, everyone is entitled, individually and in association with others, to be protected effectively under national law in reacting against or opposing, through peaceful means, activities and acts, including those by omission, attributable to States that result in violations of human rights and fundamental freedoms, as well as acts of violence perpetrated by groups or individuals that affect the enjoyment of human rights and fundamental freedoms.

Additionally, we would like to refer to recommendation 140.103, supported by Kazakhstan during the Universal Periodic Review of 23 January 2025, to establish a national protection mechanism for journalists and human rights defenders.

Equality and non-discrimination in relation to women and LGBTIQ persons

We would like to underline that the principles of equality and non-discrimination form part of the foundations of the rule of law. Articles 1 and 2 of the Universal Declaration of Human Rights state that “[a]ll human beings are born free and equal in dignity and rights”, and “[e]veryone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status”. This is reaffirmed in article 2(1) of the International Covenant on Civil and Political Rights (ICCPR) and article 2(2) of the International Covenant on Economic, Social and Cultural Rights (ICESCR), both of which Kazakhstan ratified on 24 January 2006.

The United Nations treaty bodies have consistently affirmed that sexual orientation and gender identity are prohibited grounds of discrimination under international human rights law. For example, the Committee on Economic, Social and Cultural Rights has clarified that the phrase “other status” in article 2(2) of the ICESCR includes both sexual orientation and gender identity, and that these must not be barriers to the enjoyment of Covenant rights (E/C.12/GC/20, paragraph 32). Similarly, the Human Rights Committee in its general comment on article 9 of the ICCPR, concerning the right to liberty and security of person, affirmed that this right applies to everyone, including lesbian, gay, bisexual, and transgender individuals (CCPR/C/GC/35, paragraph 3).

We further wish to stress that article 7 of the Convention on the Elimination of All Forms of Discrimination against Women, acceded to by Kazakhstan on 26 August 1998, requires State parties to take all appropriate measures to eliminate discrimination against women in political and public life.

In this regard, we would like to draw your Excellency’s Government’s attention to the report on women human rights defenders (A/HRC/40/60), in which the Special Rapporteur on the situation of human rights defenders highlighted that women defenders face additional and different risks and obstacles that are gendered, intersectional, and shaped by entrenched gender stereotypes and deeply held ideas and norms about who women are and how women should be (paragraph 6). The Special Rapporteur raised a deep concern with the rise of the concept of “gender ideology” as posited by religious leaders, politicians, and members of conservative groups, who, misunderstanding and misusing gender matters, describe the “ideology” as a threat to religious values, the family, and morals in society (paragraph 31). In this view, “gender ideology” is positioned as the attempt by defenders of the human rights of lesbian, gay, bisexual, and transgender persons and those of other diverse orientations and gender identities, and by feminists, to destabilise the political and social order; the supposed threat is being used to shape political outcomes and justify discrimination (Id.). The Special Rapporteur stated that the States should: protect the rights of women defenders, including by taking a public stand against all State and non-State actors who violate

these rights, ceasing all attacks and threats against women defenders, and investigating all that occur, ensuring that impunity does not prevail (paragraph 108(a)); ensure that women defenders enjoy a safe and enabling environment to exercise their rights, considering their specific and diverse needs, in particular by addressing systemic and structural discrimination and violence that women defenders experience and enacting laws that recognise and protect the rights of all human rights defenders, with a specific focus on the needs of women defenders (paragraph 108(b)); prioritise the protection of women defenders in online spaces and adopt laws, policies, and practices that protect their right to privacy and protect them from libel and hate speech (paragraph 108(d)); and assess protection practices for women defenders against the seven principles underpinning good protection practices (which include an intersectional approach to assessing risk and designing protection initiatives) (paragraph 108(h)).

The rights to freedom of expression, peaceful assembly, and association

Concerning the rights to freedom of expression, freedom of peaceful assembly, and freedom of association, we would like to refer to articles 19, 21, 22 of the ICCPR.

Article 19 requires the States parties to guarantee the right to freedom of expression, including the right to impart information and ideas of all kinds. As emphasised by the Human Rights Committee in general comment No. 34 (CCPR/C/GC/34), such information and ideas include discussion of human rights and commentary on one's own and on public affairs (paragraph 11).

Restrictions on the right to freedom of expression must be compatible with the requirements set out in article 19(3) of the ICCPR. This means that they must be "provided by law"; be necessary for respect of the rights or reputations of others or for the protection of national security or of public order (*ordre public*), or of public health or morals; and conform to the strict tests of necessity and proportionality (paragraph 22). Laws restricting the freedom of expression must not violate the non-discrimination provisions of the ICCPR (paragraph 26). Article 19(3) may also never be invoked as a justification for the muzzling of any advocacy of human rights (paragraph 23). Nor, under any circumstance, can an attack on a person, because of the exercise of his or her freedom of opinion or expression, including such forms of attack as arbitrary arrest, be compatible with article 19(Id.). It is the States parties' duty to put in place effective measures to protect against attacks aimed at silencing those exercising their right to freedom of expression (paragraph 23). All such attacks should be vigorously investigated in a timely fashion, the perpetrators be prosecuted, and the victims receive appropriate forms of redress (Id.).

Article 21 guarantees the right of peaceful assembly and states that 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.

As Human Rights Committee interpreted in its general comment No. 37 (CCPR/C/GC/37), participating in an "assembly" entails organising or taking part in a gathering of persons for a purpose such as expressing oneself, conveying a position on a particular issue, or exchanging ideas (paragraph 12). The gathering can also be

intended to assert or affirm group solidarity or identity (Id.). Assemblies may, in addition to having such aims, serve other goals and still be protected under article 21(Id.).

The obligation to respect and ensure peaceful assemblies imposes negative and positive duties on States before, during, and after assemblies (paragraph 23). The negative duty entails that there be no unwarranted interference with peaceful assemblies (Id.). States are obliged, for example, not to prohibit, restrict, block, disperse, or disrupt peaceful assemblies without compelling justification, nor to sanction participants or organisers without legitimate cause (Id.). Moreover, States parties have certain positive duties to facilitate peaceful assemblies and to make it possible for participants to achieve their objectives (paragraph 24). States must thus promote an enabling environment for the exercise of the right of peaceful assembly without discrimination and put in place a legal and institutional framework within which the right can be exercised effectively (Id.). Where needed, States must also protect participants against possible abuse by non-State actors, such as interference or violence by other members of the public, counterdemonstrators, and private security providers (Id.).

States must leave it to the participants to determine freely the purpose or any expressive content of an assembly (paragraph 22). The approach of the authorities to peaceful assemblies and any restrictions imposed must in principle be content neutral and must not be based on the identity of the participants (Id.). States must ensure that laws and their interpretation and application do not result in discrimination in the enjoyment of the right of peaceful assembly, including on the basis of sex, political or other opinion, sexual orientation or gender identity, or other status (paragraph 25). Particular efforts must be made to ensure the equal and effective facilitation and protection of the right of peaceful assembly of individuals who are members of groups that are or have been subjected to discrimination, or that may face particular challenges in participating in assemblies (Id.). Moreover, States have a duty to protect participants from all forms of discriminatory abuse and attacks (Id.). The possibility that a peaceful assembly may provoke adverse or even violent reactions from some members of the public is not sufficient grounds to prohibit or restrict the assembly (paragraph 27). States are obliged to take all reasonable measures that do not impose disproportionate burdens upon them to protect all participants and to allow such assemblies to take place in an uninterrupted manner (Id.). No one should be harassed or face other reprisals as a result of their presence at or affiliation with a peaceful assembly (paragraph 33).

While the right of peaceful assembly may in certain cases be limited, the onus is on the authorities to justify any restrictions (paragraph 36). They must be able to show that any restrictions meet the requirement of legality and are also both necessary for and proportionate to at least one of the permissible grounds (Id.). Restrictions must not be discriminatory, impair the essence of the right, or be aimed at discouraging participation in assemblies or causing a chilling effect (Id.). They must be the least intrusive among the measures that might serve the relevant protective function (paragraph 40).

In her report to the General Assembly (2024) on protecting the rights to freedom of peaceful assembly and of association from stigmatization (A/78/246), the Special Rapporteur on the right to peaceful assembly and association noted that negative and stigmatizing narratives spread by authorities and political actors have led to the expansion of restrictive legislation on peaceful assemblies and associations, which

further exacerbates stigmatisation, creating a mutually reinforcing harmful cycle. The Special Rapporteur recommended States to conduct comprehensive, inclusive and publicly accessible research into existing harmful narratives and their impact on public freedoms, including evaluating the effects of legislation related to “foreign agents”, counterterrorism, money-laundering, cybercrime and public order laws, with special assessments focusing on the impact of these narratives and legislation on vulnerable and marginalized groups.

Regarding the refusal of permission for women’s marches and the punishment of those taking part in protests against violence towards women without prior authorisation, we would like to draw attention to the following provisions of general comment No. 37. Having to apply for permission from the authorities undercuts the idea that peaceful assembly is a basic right (paragraph 70); and a failure to notify the authorities of an upcoming assembly, where required, does not render the act of participation in the assembly unlawful, and must not in itself be used as a basis for dispersing the assembly or arresting the participants or organisers, or for imposing undue sanctions (paragraph 71). States parties should not rely on a vague definition of “public order” to justify overbroad restrictions on the right of peaceful assembly (paragraph 44). Restrictions on peaceful assemblies should only exceptionally be imposed for the protection of “morals”; and restrictions based on this ground may not be imposed because of opposition to expressions of sexual orientation or gender identity (paragraph 46). Where criminal or administrative sanctions are imposed on organisers of or participants in a peaceful assembly for their unlawful conduct, such sanctions must be proportionate, non-discriminatory in nature, and must not be based on ambiguous or overbroadly defined offences, or suppress conduct protected under the ICCPR (paragraph 67).

While the collection of relevant information and data by authorities may under certain circumstances assist the facilitation of assemblies, it must not result in suppressing rights or creating a chilling effect (paragraph 61). Any information gathering, whether by public or private entities, including through surveillance or the interception of communications, and the way in which data are collected, shared, retained, and accessed, must strictly conform to applicable international standards, including on the right to privacy, and may never be aimed at intimidating or harassing participants or would-be participants in assemblies (Id.). Such practices should be regulated by appropriate and publicly accessible domestic legal frameworks that are compatible with international standards and subject to scrutiny by the courts (Id.).

Article 22 of the ICCPR guarantees everyone’s right to freedom of association with others. Article 22(2) of the ICCPR provides that no restrictions may be placed on the exercise of this right other than those which are prescribed by 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. The UN Human Rights Committee explained the scope of article 22(2) for example in *Aleksander Belyatsky et al. v. Belarus* (CCPR/C/90/D/1296/2004, paragraph 7.3). It clarified that restrictions on the right to freedom of association must meet the following three requirements: it must be provided by law; may only be imposed to protect national security or public safety, public order (*ordre public*), public health or morals, or the rights and freedoms of others; and must be “necessary in a democratic society” for achieving one of these purposes (Id.). The

reference to the notion of “democratic society” indicates, in the Human Rights Committee’s opinion, that the existence and operation of associations, including those which peacefully promote ideas not necessarily favourably received by the government or the majority of the population, is a cornerstone of a democratic society (Id.). The State party must demonstrate that the prohibition of an association is necessary to avert a real and not only hypothetical danger to national security or democratic order, and that less intrusive measures would be insufficient to achieve the same purpose (Id.).

We would like to refer to a joint statement dated 15 May 2014 marking International Day Against Homophobia and Transphobia, in which UN and regional human rights experts emphasised that they categorically reject arguments that laws banning the dissemination of information about sexual orientation or gender identity issues and arbitrarily restricting the right to freedom of association and peaceful assembly are necessary to protect public morals, health, or the well-being of vulnerable people. They stressed that “[p]rotecting and promoting the rights of LGBTI people to free expression, association, and peaceful assembly is crucial to end their discrimination and address the appalling human rights violations inflicted upon them. These are not only basic rights, but they are also essential in allowing individuals to claim other rights, in particular the rights to freedom from discrimination and equality before the law, and they can contribute to fostering public debate in society.”

We would also like to refer to articles 5 and 6 of the UN Declaration on Human Rights Defenders, which reaffirm the rights to freedom of expression, peaceful assembly, and association in the context of human rights defence.

The right to liberty and security of person

We would also like to refer your Excellency’s Government to article 9 of the ICCPR, which states that everyone has the right to liberty and security of person.

Regarding the liberty of person, it states that no one shall be subjected to arbitrary arrest or detention. Anyone who is arrested shall be informed, at the time of arrest, of the reasons for his or her arrest. As interpreted by the Human Rights Committee in general comment No. 35 (CCPR/C/GC/35), the notion of “arbitrariness” is not to be equated with “against the law” but must be interpreted more broadly to include elements of inappropriateness, injustice, lack of predictability and due process of law, as well as elements of reasonableness, necessity, and proportionality (paragraph 12). According to the same general comment (paragraph 17) and the jurisprudence of the Working Group on Arbitrary Detention, arrest or detention of an individual as punishment for the legitimate exercise of the rights guaranteed by the ICCPR, including freedom of expression or freedom of assembly, is arbitrary. Arrest or detention on discriminatory grounds is also in principle arbitrary (Id.). The Working Group on Arbitrary Detention has reiterated that a deprivation of liberty is arbitrary when it constitutes a violation of international law on the grounds of discrimination based on birth, national, ethnic, or social origin, language, religion, economic condition, political or other opinion, gender, sexual orientation, disability, or any other status, that aims towards or can result in ignoring the equality of human beings. In this respect, the Working Group on Arbitrary Detention has also concluded that being a human rights defender is a protected status under article 26 of the ICCPR.

Regarding the security of person, it is highlighted in general comment No. 35 (CCPR/C/GC/35) that this right protects individuals against intentional infliction of bodily or mental injury (paragraph 9). The right to personal security obliges States parties to protect individuals from foreseeable threats to life or bodily integrity proceeding from any governmental or private actors (Id.). States parties must take both measures to prevent future injury and retrospective measures, such as enforcement of criminal laws, in response to past injury (Id.). States parties must respond appropriately to patterns of violence against categories of victims such as intimidation of human rights defenders, violence against women, and violence against persons on the basis of their sexual orientation or gender identity (Id.).

The right to health

Regarding the disruption of event on 14 February 2025 and the alleged injury of Ms. Sekerbayeva, as well as health implications for the participants, we would also like to recall your Excellency's Government's obligations under article 12 of the ICESCR, establishing the right to the enjoyment of the highest attainable standard of physical and mental health.

The right to privacy

Regarding various alleged privacy violations, in addition to the references in the context of peaceful assemblies above, we would like to refer your Excellency's Government to article 17 of the ICCPR, which guarantees the right not to be subjected to arbitrary or unlawful interference with person's privacy, family, home or correspondence, or unlawful attacks on his or her honour and reputation, and the right to the protection of the law against such interference or attacks. As emphasised by the Human Rights Committee in general comment No. 16 (HRI/GEN/1/Rev.9 (Vol. I) p. 191), this right is required to be guaranteed against all such interferences and attacks whether they emanate from State authorities or from natural or legal persons (paragraph 1). Article 17 deals with protection against both unlawful and arbitrary interference (paragraph 2). Regarding the alleged actions of police, we would like to point out that "arbitrary interference" can extend to interference provided for under the law and even interference provided for by law should be in accordance with the provisions, aims, and objectives of the ICCPR and should be, in any event, reasonable in the particular circumstances (paragraph 4).

The right to fair trial

Regarding various proceedings mentioned above, we would like to refer to article 14 of the ICCPR, which enshrines the right to equality before courts and tribunals and to a fair and public hearing by a competent, independent, and impartial tribunal established by law if the person faces any criminal charges or if their rights and obligations are determined in a suit at law.

Core obligations under the ICCPR

With reference to the ICCPR obligations outlined above, we wish to respectfully remind your Excellency's Government that the ICCPR places a binding obligation on States parties "to respect and to ensure" all the rights in it (article 2(1)); to take legal

and other measures to achieve this purpose (article 2(2)); and to pursue accountability, and provide effective remedies for violations of the rights (article 2(3)).

Universal Periodic Review outcomes and treaty body observations

We would also like to refer to relevant recommendations accepted by Kazakhstan during its Universal Periodic Review, and to those issued by United Nations treaty bodies.

Universal Periodic Review

During the Universal Periodic Review of 23 January 2025, Kazakhstan supported the following recommendations on human rights defenders: 140.92 (“protect the right to freedom of expression and assembly, and immediately end intimidation, harassment and detainment of human rights defenders, journalists and civil society representatives”); 140.96 (“take the necessary measures to ensure that human rights defenders can work safely and exercise their right to freedom of expression”); 140.110 (“fully implement international standards protecting human rights defenders online and offline”); 140.111 (“fully protect freedom of expression and peaceful assembly online and offline, ensure thorough investigations of all acts of intimidation and harassment of human rights defenders, civil activists and media workers, and hold accountable all those responsible”).

It also supported several recommendations regarding to the situation of LGBTIQ persons: 140.49 (“adopt comprehensive legislation prohibiting discrimination on the grounds of age, disability, ethnicity, religion, sexual orientation and gender identity”), 140.213 (“criminalise all aspects of gender-based violence, including rape understood as lack of consent, as well as against LGBTQI+ persons and persons with disabilities”), 140.288 (“prevent and criminalise violence based on gender identity and sexual orientation”), 140.290 (“ensure proper investigation of hate crimes against LGBTIQ+ persons”), 140.112 (“guarantee freedom of thought, conscience and association for all citizens as laid down in its Constitution, including for human rights defenders and LGBTIQ+ persons”).

Human Rights Committee

We would also like to refer to the Human Rights Committee’s concluding observations of 3 September 2025 (CCPR/C/KAZ/CO/3).

The Committee stated that Kazakhstan should redouble its efforts to combat discrimination, stereotypes, and prejudice against lesbian, gay, bisexual, and transgender persons, and among other actions: “reinforce the legal framework to promote the equal rights of lesbian, gay, bisexual and transgender persons, ensuring that it explicitly prohibits discrimination and violence based on sexual orientation and gender identity” (paragraph 14(a)); “ensure that instances of hate speech and violence motivated by a victim’s sexual orientation or gender identity committed by State officials or private actors are investigated promptly, that those responsible are prosecuted and, if convicted, are appropriately punished and that the victims receive comprehensive reparations, including rehabilitation and compensation” (paragraph 14(a)); and “take all steps necessary to guarantee, in law and in practice, the

registration of all civil society organisations, including organisations of lesbian, gay, bisexual and transgender persons, without discrimination, ensuring that any restrictions imposed are in strict compliance with the provisions of the Covenant” (paragraph 14(c)).

The Committee also recommended to “adopt, without delay, comprehensive anti-discrimination legislation that defines discrimination in line with international standards, prohibits direct and indirect discrimination in the public and private spheres, including on the grounds of disability, ethnicity, age, sex, sexual orientation, gender identity and other statuses, and that provides for effective judicial and administrative mechanisms to provide remedies for victims of discrimination” (paragraph 12). It recommended Kazakhstan to “ensure that all cases of violence against women and girls are promptly and thoroughly investigated and that perpetrators are prosecuted and, if convicted, are punished with penalties commensurate with the gravity of the offence” (paragraph 22(c)) and “ensure that judges, prosecutors, law enforcement officers and health personnel receive appropriate training to enable them to deal with cases of gender-based violence in an effective and gender-sensitive manner” (paragraph 22(e)).

The Committee urged Kazakhstan to take all steps necessary to guarantee, in law and in practice, the effective exercise of the right to freedom of association and a safe environment for non-governmental organisations, enabling them to work without fear of retaliation (paragraph 54). Kazakhstan should, among other actions: “increase its efforts to ensure that regulations and practice regarding the registration, functioning and activities of political parties, trade unions and NGOs fully comply with articles 19, 22 and 25 of the Covenant” (paragraph 54(a)) and “refrain from criminalising NGOs for their legitimate activities under criminal law provisions that are broadly defined and do not comply with the principle of legal certainty” (paragraph 54(b)).

The Committee also stated that Kazakhstan should “facilitate the exercise of the right of peaceful assembly and ensure that any restrictions comply with the strict requirements of article 21, including the principles of proportionality and necessity” (paragraph 52). In particular, it should “ensure that the notification procedure cannot be misused to stifle peaceful assemblies, including spontaneous assemblies and demonstrations, and that any decision regarding the prohibition of a peaceful assembly is subject to an effective appeals procedure” (Id.). It should also “ensure non-discrimination, both in law and in practice, to enable all individuals and civil society actors to organise and participate in peaceful assemblies” (Id.).

Committee on the Elimination of Discrimination against Women

We would also like to refer to the Committee on the Elimination of Discrimination against Women’s concluding observations of 12 November 2019 (CEDAW/C/KAZ/CO/5).

The Committee recommended Kazakhstan to “enhance cooperation with civil society organisations, in particular those working on women’s rights, to ensure that they play a strong role in the area of the advancement of women and are meaningfully involved in policymaking and law-making processes” (paragraph 18(a)) and “review the law on charities to remove disproportionate restrictions on the registration of civil society organisations and ensure that such organisations, including feminist

organisations promoting women's human rights and the rights of lesbian, bisexual and transgender women and intersex persons, are able to exercise their rights to freedom of expression, assembly and association without undue interference" (paragraph 18(b)).

The Committee also recommended that Kazakhstan "criminalise offences based on sexual orientation and/or gender identity as a stand-alone crime and consider "sexual orientation and gender identity" as aggravating circumstances if they are used as a motive for committing a crime" (paragraph 48(b)(iii)) and "investigate reports of threats and blackmailing against lesbian, bisexual and transgender women and intersex persons and prosecute the perpetrators and bring them to justice, as appropriate" (paragraph 48(b)(v)).

The Committee recommended to "adopt comprehensive anti-discrimination legislation and measures to prohibit direct and indirect discrimination, as well as intersecting forms of discrimination, in the public and private spheres, and to include all internationally recognised prohibited grounds of discrimination against women" (paragraph 12(a)).

The Committee recommended to "ensure that article 145 of the Criminal Code encompasses intersecting forms of discrimination, such as discrimination based on sexual orientation and gender identity, and ensure that all women, including disadvantaged groups of women, are aware of this provision and other remedies available in the case of a violation of their rights and that they have effective access to legal aid and can seek redress and compensation" (paragraph 14(b)).

The Committee also recommended Kazakhstan to "ensure that all cases involving gender-based violence against women are effectively investigated and that perpetrators are prosecuted ex officio and punished with appropriate sanctions, give priority to criminal proceedings over reconciliation and ensure that police officers who fail to take action or deter victims from filing complaints are held accountable" (paragraph 26(f)).

Committee on Economic, Social and Cultural Rights

We also wish to draw attention to several pertinent recommendations contained in the Committee on Economic, Social and Cultural Rights' concluding observations of 29 March 2019 (E/C.12/KAZ/CO/2).

In particular, the Committee recommended that the State party "review the issue of gender role stereotypes and their consequences for both family and social life, in particular with a view to facilitating women's participation in the economy, the labour market and other areas of social and cultural life [...] and take other measures necessary to guarantee full access to and the enjoyment of economic, social and cultural rights by women" (paragraph 15). Furthermore, the Committee recommended to "take all steps necessary to prevent and combat discrimination against lesbian, gay, bisexual and transgender persons, and ensure their equal enjoyment of the rights under the Covenant, and enact tailored legal protections of these persons against attacks and harassment" (paragraph 11(c)) and "adopt comprehensive anti-discrimination legislation that addresses direct and indirect discrimination and encompasses all the prohibited grounds of discrimination, including sexual orientation and gender identity, as set out in

article 2(2) of the Covenant, taking also into account the Committee's general comment No. 20 (2009) on non-discrimination in economic, social and cultural rights" (paragraph 11(a)). Additionally, the Committee expressed a specific concern at information that some non-governmental organisations working for the protection and promotion of human rights, in particular the rights of lesbian, gay, bisexual and transgender persons, have faced difficulty in registering (paragraph 8). It recommended to "guarantee an enabling environment for non-governmental organisations engaged in the promotion and protection of economic, social and cultural rights, including a functional and accommodating registration procedure" (paragraph 9).