

Submission to the UN Human Rights Committee: Civic space and fundamental freedoms in Kazakhstan, May 2025

This submission has been prepared as input for the Human Rights Committee's review of Kazakhstan's third periodic report under the International Covenant on Civil and Political Rights (ICCPR), which will take place during its 144th session in Geneva in June 2025. It provides information on key concerns related to the protection of civic space and the freedoms of expression, association, and peaceful assembly. The submission draws on ongoing cooperation between International Partnership for Human Rights (IPHR) and its partners in monitoring and documenting relevant developments.¹ It is intended to complement and reinforce information submitted by Kazakhstani NGOs on these issues.

1. Lack of accountability for violations perpetrated during the suppression of January 2022 protests

During the January 2022 events in Kazakhstan, peaceful protests for social and political change evolved into unrest and clashes between security forces and people in the crowd, leaving over 230 people dead and thousands injured.² The authorities have rejected calls for an international investigation into these events, while failing to adequately address widespread allegations of excessive force, arbitrary detention, torture, and other abuses by law enforcement and security forces.

Monitoring by human rights groups showed that security forces often used indiscriminate and unwarranted force, including lethal force.³ Authorities also carried out arbitrary mass detentions of protesters, who were often held in makeshift detention centres and denied due process rights.⁴ Hundreds of complaints of torture of detained protesters were filed, with six confirmed deaths in custody.⁵

While some 50 security and law enforcement officials have been prosecuted and convicted for torture and other abuses during the January 2022 events, the number remains low compared to the scale of reported violations. As highlighted in a joint report published by IPHR, Kazakhstan International Bureau for Human Rights of Rule of Law (KIBHR), Kazakhstan's NGO Coalition against Torture, and the World Organisation against Torture (OMCT)⁶, the investigations opened into complaints about torture often did not meet international standards, and many of them were prematurely closed due to the alleged lack of elements of crime. In addition, when cases have made it to court, proceedings have often been marred by fair trial concerns, and the sentences issued have often not corresponded to the severity of the crimes. The compensation provided to victims of abuse and their families has often been inadequate.⁷

There are also concerns about the fairness of legal proceedings initiated against individuals accused of unlawful actions during the January events. These include people who were killed during the events and have been posthumously convicted, despite the

circumstances of their deaths remaining unclear. Among those prosecuted are also civil society and opposition activists targeted for their peaceful engagement (see more in section 5).

Recommendations

The Kazakhstani authorities should:

- Allow an independent international inquiry to clarify the January 2022 events, and determine the roles and responsibility of different actors.
- Impartially, thoroughly and effectively investigate all allegations of excessive force, torture, and other abuses, reopen prematurely closed cases, and ensure those responsible face fair trials with appropriate penalties. Victims should be granted adequate compensation.
- Drop charges against individuals prosecuted for peacefully protesting during the January 2022 events and ensure all proceedings related to these events meet international standards.

2. Ongoing violations of the right to freedom of assembly

Despite being promoted as progressive, a 2020 law on assemblies⁸ falls short of international standards by vaguely defining what constitutes an assembly, de-facto requiring advance permission for all protests, restricting assemblies to designated venues, and failing to protect spontaneous protests.

In the implementation of the new law, authorities have selectively denied permission for peaceful protests, especially on issues perceived to be political in nature. At the same time, they have typically not provided any proper explanations for such decisions or offered any alternative venues.

In a welcome decision issued in January 2025, the Constitutional Court ruled that authorities must not automatically deny permission for peaceful assemblies - such as on the grounds that other events are already planned at the proposed venues. Instead, they must propose an alternative time or venue of equivalent suitability. Authorities should comply with this ruling in practice and refrain from arbitrarily denying permission for protests.

It is, however, of further concern that peaceful assemblies held without advance permission typically are dispersed by police, and participants detained and penalised – including by being locked up for up to 15-25 days (under article 488 of the Code on Administrative Offenses). This also concerns those engaging in individual pickets or informal gatherings without a protest purpose. Activists are also frequently detained preventively ahead of planned protests, or weeks after protests, and penalised for social media announcements of protests.

Using these kinds of tactics, authorities have obstructed assemblies on issues such as justice for victims of the January 2022 events, opposition to Russia's war on Ukraine,

challenging government plans to build a nuclear power plant, women's rights, electoral fairness, democratic reforms, and the release of political prisoners.¹⁰

Recommendations

The Kazakhstani authorities should:

- Align the law on assemblies with international standards, ensuring a simple notification procedure, clear definitions, and protection for spontaneous protests.
- Effectively implement the Constitutional Court ruling of 20 January 2025 and refrain from automatically denying the right to hold protests.
- Allow peaceful protests to take place without interference and cease detaining and penalising participants before, during and after unsanctioned peaceful assemblies.

3. Restrictions on freedom of association

Harassment of political opposition groups

As part of a political modernisation drive initiated after the January 2022 events, President Tokayev pledged to simplify the registration of political parties. ¹¹ Relevant legislation was amended to reduce the number of signatures needed for registration, and two new parties were registered before the March 2023 parliamentary elections, increasing the number of registered parties to seven. However, as previously, no genuine opposition party has been able to register. For example, the opposition party Alga Kazakhstan! ("Forward Kazakhstan!") founded in spring 2022 has had its application for registration returned more than 25 times because of alleged problems with the list of supporters provided. ¹²

Members of Alga Kazakhstan! and other opposition groups have faced ongoing harassment, including surveillance, questioning, detentions, and politically motivated prosecutions. Authorities have also cracked down on supporters of the banned non-violent opposition movements Democratic Choice of Kazakhstan and Koshe Partiyasy ("Street Party"), prosecuting peaceful activities as "extremism."

Stigmatisation and control of NGOs receiving foreign funding

Hostile rhetoric about NGOs receiving foreign funding has recently resurfaced, as policymakers have seized on debates around the overhaul of US foreign assistance policies to attack such groups. Even President Tokayev has echoed this rhetoric. In a public address in April 2025, he accused "certain supposedly human rights organisations" of using foreign funding to tarnish Kazakhstan's image and stage "provocations." ¹³

Policymakers have also proposed new restrictive measures. In particular, in February 2025, a member of parliament from a pro-government faction proposed adopting a "foreign agent" law, claiming it is time to "rewrite the rules of the game with foreign donors who disguise political interests as 'media support,' 'human rights,' and 'increasing

tolerance."¹⁴ The following month, it was confirmed that her faction is drafting such a law. In parallel, separate new draft legislation on NGOs is underway.¹⁵ These developments have raised serious concerns about further restrictions targeting NGOs that receive foreign funding.

Under existing legislation, groups that receive foreign funding for certain key activities are already subject to a separate, discriminatory reporting scheme¹⁶, and some have faced pressure over alleged reporting violations. ¹⁷ The publication of a list of those receiving foreign funding, including prominent human rights organisations, starting in autumn 2023 has further stigmatised such groups.

In a further development of concern, in May 2025, the NGO Coalition against Torture was publicly attacked over its cooperation with a UN human rights mechanism. The Ombudsperson publicly dismissed the Coalition's joint submission with IPHR and the OMCT to the UN Special Rapporteur on Torture as "biased", and "non-credible" and accused it of "distorting reality," "manipulating public opinion," and lacking interest in dialogue and partnership. He also erroneously linked the submission to EU funding and expressed regret that "the EU is paying for all this." These remarks helped trigger a broader wave of online backlash.¹⁸

LGBTI groups at particular risk

During the recent discussions on foreign funding, policymakers have particularly singled out feminist and LGBTI groups, accusing them of undermining national values and promoting so-called "immoral behaviour." ¹⁹ Such groups have also have faced growing intimidation and harassment. For example, the NGO Feminita has been repeatedly denied registration on dubious grounds, and in February 2025, its leader, was fined for leading an unregistered organisation. ²⁰ A Member of Parliament previously called for the group to be banned as "extremist". ²¹ On several occasions, Feminita's events have been disrupted by anti-LGBTI activists, and its representatives have repeatedly been detained by police. ²²

Recommendations

The Kazakhstani authorities should:

- Allow opposition parties to register and operate freely, and stop intimidating and harassing opposition activists for their peaceful engagement.
- Refrain from undue control, discrimination and stigmatisation of foreign-funded NGOs, and ensure that any oversight of such organisations is implemented in full accordance with Kazakhstan's international obligations. They should refrain from adopting "foreign agent" NGO legislation and abolish the public list of foreignfunded entities as well as the separate reporting scheme for such groups.
- Ensure LGBT groups can freely associate, investigate any incidents of harassment against them, and hold perpetrators accountable.

4. Threats to freedom of expression and media freedom

Concerns about new media law

Kazakhstan's new media law, which took effect in August 2024²³, has raised significant concerns among media experts and human rights defenders despite some positive features such as a ban on censorship and quicker state responses to media inquiries. Key concerns include mandatory registration for both online and offline media, a lack of independent oversight, and vague grounds for suspending or terminating media operations. New accreditation rules also grant authorities broad powers to deny or revoke accreditation for foreign media and journalists, and to bar domestic journalists from covering the work of state bodies.

Harassment of media and journalists

Acts of intimidation and harassment targeting especially independent, non-state media and journalists are regularly reported, both on- and offline. These acts are often perpetrated with impunity.

For example, media workers covering the January 2022 events faced various forms of harassment, including physical attacks. To date, none of those responsible for attacks are known to have been held accountable. During the January 2022 events, the authorities also implemented a nationwide internet shutdown lasting several days, thereby preventing access to information about the crisis.²⁴

A series of physical and cyberattacks on independent outlets and journalists were also reported ahead of the March 2023 parliamentary elections.²⁵ The police arrested around 20 people accused of involvement. However, the suspected organiser, who allegedly acted based on "personal grievances", was eventually freed from criminal responsibility by reason of insanity²⁶ and it is unclear whether any other suspect has been convicted.

The assassination of an exile-based journalist in Kyiv²⁷ in summer 2024 further highlighted the risks faced by those reporting on sensitive issues in Kazakhstan.

Journalists also continue to be detained and prosecuted in apparent retaliation for their professional activities (see more in the section 5).

Campaign against "LGBTI propaganda" and misuse of broadly worded laws used to suppress freedom of expression

In the context of enhanced efforts to protect "traditional" values, a public petition to ban "LGBTI propaganda" in summer 2024 prompted a government-ordered study on the alleged influence of LGBTI materials on children, raising concerns that new restrictive legislation might follow in this area. Such concerns have been reinforced by recent renewed calls for a ban by policymakers.²⁸

Existing legislation banning the spread of "false" information has been increasingly misused to stifle dissent, with media, journalists and others targeted for legitimate free speech. While the Criminal Code (article 274) prohibits knowingly spreading "false" information, a new provision introduced to the Code on Administrative Offences in 2023 (article 456-2) penalises the publication and dissemination of "false" information – whether intentional or not – with fines and short-term detention.

Other legislation also gives rise to free speech concerns, including a remaining provision of the Code on Administrative Offences (article 73-3) that punishes the dissemination of "slanderous" information – despite the decriminalization of this offence in 2020.

Recommendations

The Kazakhstani authorities should:

- Ensure the new media law aligns with international standards and does not result in violations of media freedom.
- Investigate and address all cases of media and journalist harassment, holding perpetrators accountable.
- Refrain from measures unduly restricting free expression under the guise of protecting "traditional" values, or combatting disinformation or slander.

5. Persecution of activists, journalists, and bloggers

Civil society activists, opposition supporters, human rights defenders, journalists, and bloggers who are critical of the authorities face ongoing persecution, ranging from online threats to arrest and prosecution on politically motivated charges.

More than two dozen activists were charged with rioting (under Criminal Code article 272) and other offences relating to the January 2022 events despite the lack of evidence of their involvement in any unlawful acts.²⁹ Some of the criminal cases initiated in this context were eventually closed, and some activists were amnestied and freed from penalty. However, other activists are currently serving sentences issued against them.

Activists, journalists and bloggers have also continued to face criminal charges unrelated to the January events in retaliation for their legitimate exercise of the freedoms of expression, association and assembly. These charges have often been initiated under broadly worded Criminal Code provisions, such as those prohibiting knowingly spreading "false" information (article 274); "incitement" to ethnic, social or other discord (article 274); or involvement in "extremism" (in particular, article 405 which penalises the involvement in banned, extremist groups).

The trials against activists have been characterised by due process and fair trial violations, with lengthy prison sentences issued despite the lack of credible evidence. There have also been alarming reports of pressure and ill-treatment of activists in detention.

Currently around 30 people are behind bars on charges considered politically motivated by Kazakhstani human rights defenders.³⁰ These are only three examples of activists imprisoned on such charges³¹:

- The leader of the unregistered Alga Kazakhstan! party, **Marat Zhylanbaev** is serving a seven-year prison sentence on extremism-related charges, issued in November 2023 in retaliation for his peaceful opposition activities.³² He has reported being subjected to pressure in prison and has repeatedly launched hunger strikes to protest against inhuman and degrading treatment.³³
- Following a closed trial, **Duman Mukhamedkarim** a journalist, blogger and activist known for criticising authorities was sentenced to seven years in prison on unsubstantiated extremist-related charges in August 2024.³⁴ Mukhamedkarim alleged ill-treatment in pre-trial detention, and has reportedly self-inflicted injuries to protest against his prison conditions.³⁵
- In July 2023, civil society activist Aigerim Tleuzhan was sentenced to four eight years in prison for her alleged involvement in the seizure of Almaty airport during the January 2022 events. The prosecution's case relied heavily on questionable witness testimonies, and evidence supporting her innocence was largely ignored.³⁶

In some cases, extradition requests have been issued for critical voices based abroad. This is one recent example:

• Women's rights activist **Dinara Smailova** (also known as Dina Tansari) is facing multiple criminal charges in relation to her work with survivors of domestic and sexual violence. April 2025, she was briefly detained in Montenegro based on an extradition request from Kazakhstan. Although she was eventually released pending the consideration of her asylum application, her situation remains precarious ³⁷ Both human rights defenders and UN experts have expressed serious concern about the charges against her.³⁸

The use of non-custodial sentences that impose wide-ranging restrictions on fundamental freedoms against outspoken individuals is also a serious concern. The following are two examples:

- Satirical blogger Temirlan Yensebek, who in April 2025 was given a five-year restricted freedom sentence, accompanied by a ban on engaging in public and political activities, for allegedly inciting inter-ethnic hatred.³⁹ These charges concern a social media post in which he shared an offensively worded song, which he did not write and which is widely available and not banned in the country. His case illustrates how vague criminal provisions are misused to stifle free expression and punish critics of the government.⁴⁰
- **Zhanbolat Mamai**, leader of the unregistered opposition Democratic Party, was given a six-year suspended prison sentence in April 2023 after being found guilty of organising mass riots and spreading false information. The charges against him, related to the January 2022 events, lack credible basis and were clearly initiated to penalise him for his opposition activities and criticism of the authorities. Although

not imprisoned, Mamai faces wide-ranging prohibitions on political and social activities, which prevents him from continuing his opposition campaigning.⁴¹

Recommendations

The Kazakhstani authorities should:

- Cease arresting and prosecuting activists, journalists, and human rights defenders for exercising their fundamental freedoms and release those currently imprisoned on such charges.
- Stop misusing Criminal Code provisions related to "false information," "inciting discord", and "extremism" to penalise activists for peaceful activities, and align these provisions with international standards.
- Protect the health and well-being of activists in detention. Promptly, thoroughly, and impartially investigate any allegations of abusive treatment and hold the perpetrators accountable.
- End the practice of imposing wide-ranging restrictions on activist' exercise of fundamental freedoms as part of sentences.

¹ In particular, IPHR works with Kazakhstan International Bureau for Human Rights and Rule of Law (KIBHR) on the preparation of regular updates on civic space issues in cooperation with the CIVICUS Monitor global initiative. See: See https://monitor.civicus.org/country/kazakhstan/

² See more in IPHR-KIBHR special update on the January events: https://www.iphronline.org/kazakhstan-widespread-violations-reported-during-bloody-january.html

³ See report by Kazakhstan's Human Rights Alliance in Support of Fundamental Rights at: https://bureau.kz/wp-content/uploads/2023/06/ru_final.pdf

⁴ See more in IPHR-KIBHR special update on the January events: https://www.iphronline.org/kazakhstan-widespread-violations-reported-during-bloody-january.html

⁵ In August 2022, the authorities finally released an official list of people who died during the January events, including six who died in police detention. See more in the following media article: https://www.rferl.org/a/kazakhstan-unrest-death-toll-238/31991206.html?ltflags=mailer

⁶ Available at https://www.iphronline.org/wp-content/uploads/2023/01/Kazakhstan-January-Report-ENG.pdf

⁷ See more in the following report by IPHR, KIBHR and the Coalition against Torture from October 2024: https://iphronline.org/wp-content/uploads/2024/10/kazakhstan-victims-report_oct-24.pdf

⁸ The law is available in Russian at: https://online.zakon.kz/Document/?doc_id=36271780&show_di=1

⁹ See more at: https://bureau.kz/publ-all/sobstvennaya_informaciya/akimaty-ne-smogut-zapreshhat/

¹⁰ For examples of violations related to peaceful protests on these and other issues, see regular IPHR-KIBHR updates on civic space issues prepared in cooperation with the CIVICUS Monitor: https://iphronline.org/countries/kazakhstan/?mark[]=civicus-monitor

¹¹ The president made this pledge in an address to the people of Kazakhstan, delivered in March 2022: https://akorda.kz/ru/poslanie-glavy-gosudarstva-kasym-zhomarta-tokaeva-narodu-kazahstana-1623953

¹² See more in IPHR-KIBHR update from June 2024: https://iphronline.org/articles/kazakhstan-flood-coverage-restrictions-womens-rights-rally-ban-and-legal-cases-against-activists/

¹³ https://vlast.kz/novosti/64808-tokaev-obvinil-otdelnyh-pravozasitnikov-i-zurnalistov-v-provokaciah.html?utm_source=popular_pages&utm_medium=novosti

¹⁴ https://www.zakon.kz/obshestvo/6466831-vvesti-v-kazakhstane-zakon-ob-inostrannykh-agentakh-predlozhili-deputaty.html, https://tengrinews.kz/kazakhstan_news/deputat-predlojila-prinyat-v-kazahstane-zakon-ob-inoagentah-562299/

¹⁵ https://orda.kz/zakon-ob-inoagentah-razrabatyvajut-deputaty-parlamenta-399413/

¹⁶ Legal entities and individuals who receive foreign funding for legal assistance, surveys, as well as data collection, analysis and dissemination are required to provide information about their funding for inclusion in a government database.

¹⁷ In particular, in the lead-up to the January 2021 parliamentary elections, over a dozen other human rights organisations were threatened by heavy fines and suspension for alleged minor technical reporting

violations. Following an outcry, the charges were eventually dropped. See more in the following joint statements issued by IPHR and partners: https://www.iphronline.org/kazakhstan-end-campaign-againsthuman-rights-ngos-joint-civil-society-appeal.html; https://www.iphronline.org/kazakhstan-tax-officialsshould-end-harassment-withdraw-their-notices.html

¹⁸ See more in joint statement by IPHR and OMCT from 21 May 2025:

https://iphronline.org/articles/kazakhstan-authorities-must-end-smear-campaign-against-anti-torturecoalition-after-un-submission/

- ¹⁹ https://orda.kz/detej-uchat-byt-gomoseksualistami-i-lesbijankami-v-kazahstane-ozabotilis-lgbtpropagandoj-399948, https://orda.kz/feministki-lgbt-i-jemo-razlagajut-obschestvo-schitajut-v-mazhilise-
- ²⁰ https://ulysmedia.kz/news/46867-osnovatelnitsa-feminity-gulzada-serzhan-oshtrafovana-v-almaty/
- ²¹ See Vlast article from 9 October 2024: https://vlast.kz/novosti/62194-priznat-feminita-ekstremistskojorganizaciej-trebuut-deputaty-ot-partii-amanat.html
- ²² The most recent incidents took place in February and March 2025, see more in the following updates by KIBHR and the Times of Central Asia: https://bureau.kz/publ-all/sobstvennaya_informaciya/v-almaty-snovasorvali/, https://timesca.com/feminists-in-kazakhstan-under-pressure-ahead-of-international-womens-day/ ²³ The text of the new law is available (in Russian) at:

https://online.zakon.kz/Document/?doc id=38665430&pos=859;-27#pos=859;-27

- ²⁴ See more in IPHR-KIBHR special update on the January events: https://www.iphronline.org/kazakhstanwidespread-violations-reported-during-bloody-ianuary.html
- ²⁵ For more information, see IPHR-KIBHR update from March 2023:

https://iphronline.org/articles/kazakhstan-widespread-impunity-for-bloody-january-violations/

- ²⁶ See more in Orda article from 1 November 2023: https://orda.kz/delo-zhurnalistov-arkadija-klebanovapriznali-nevmenjaemym-i-otpravili-na-lechenie-378463/
- ²⁷ Opposition journalist Aidos Sadykov died in Kyiv on 2 July 2024 due to the injuries he sustained during an assassination attempt two weeks earlier. A vocal critic of the Kazakhhstani authorities, he had been based in Ukraine since 2014, facing ongoing intimidation and harassment, including spurious criminal charges initiated against him in absentia by Kazakhstani authorities. Following the attack, Ukrainian authorities identified two Kazakhstani citizens as suspects and requested their extradition from Kazakhstan – however, they have not been extradited. See more in Radio Azattyk report from 2 July 2024:

https://rus.azattyq.org/a/33018142.html, https://orda.kz/avtorov-youtube-kanala-base-objavili-v-rozysk-vkazahstane-378090/

- ²⁸ In particular, in January 2025, a Member of Parliament called on the government to fully implement the demands of the previous petition to ban "LGBTI propaganda" and to introduce legislation regulating social media on this issue. See: https://vlast.kz/novosti/63550-deputat-zanbyrsin-trebuet-peresmotret-resenie-popeticii-o-zaprete-propagandy-lgbt.html
- ²⁹ See presentation by KIBHR Director Yevgeniy Zhovtis from July 2022: https://bureau.kz/novosti/vystuplenie-na-meropriyatii-yanvarskim-sobytiyam/
- ³⁰ For a list of these prisoners, see https://tirek.info/lists/wpbdp_category/list01/
- ³¹ For additional case examples, see IPHR-KIBHR briefing from February 2025: https://iphronline.org/wpcontent/uploads/2025/02/iphr-kibhr-briefing-for-eu-kazakhstan-hr-dialogue-february-2025.pdf
- ³² See IPHR-KIBHR statement from 1 December 2023: https://iphronline.org/articles/kazakhstan-harshsentence-for-opposition-party-leader-shows-lack-of-real-political-modernisation/
- ³³ Most recently, he launched a hunger strike in March 2025 to protest against being held in degrading detention conditions and being denied the right to work, run — which is especially important to him as a former world-renowned marathon runner — and draw. See more in Respublika article from 17 April 2025: https://respublika.kz.media/archives/144112
- ³⁴ See KIBHR update from 2 August 2024: https://bureau.kz/goryachee/srok-za-intervyu/
- ³⁵ https://vlast.kz/novosti/62963-zurnalist-duman-muhammedkarim-nanes-sebe-uvece-trebua-perevoda-vkoloniu-bliz-almaty.html
- ³⁶ For a more detailed case description, see IPHR-KIBHR briefing paper from April 2024: https://iphronline.org/wp-content/uploads/2024/04/briefing-paper-for-eu-kazakhstan-hr-dialogue-april-
- ³⁷ See more in the following articles: https://rus.azattvg.org/a/sud-v-chernogorii-otkazalsva-ekstradirovatdinu-tansari/33385713.html, https://vlast.kz/novosti/64696-dina-tansari-soobsila-cto-sud-po-ee-ekstradiciiv-kazahstan-ese-predstoit.html
- ³⁸ See joint communication by the UN Special Rapporteur on Human Rights Defenders and other UN experts from 18 March 2024: https://srdefenders.org/kazakhstan-criminal-charges-against-and-placementon-an-international-wanted-list-of-whrd-dinara-smailova-joint-communication/

³⁹ https://rus.azattyq.org/a/pyat-let-ogranicheniya-svobody-i-massa-zapretov-kak-sudili-avtora-satiricheskogo-pablika-temirlana-ensebeka/33382984.html

 $^{^{40}}$ See more in IPHR statement from January 2025: https://iphronline.org/articles/kazakhstan-seven-years-in-prison-for-sharing-an-offensive-song/

⁴¹ For more information on his case, see IPHR statement from 19 April 2023: https://iphronline.org/articles/kazakhstan-opposition-party-leader-banned-from-campaigning/, and joint statement by IPHR, KIBHR, Helsinki Foundation for Human Rights and Norwegian Helsinki Committee from 12 June 2022: https://iphronline.org/articles/kazakhstan-drop-trumped-up-charges-release-opposition-leader/