

Opinion – Coming in from the Soviet Cold: Feminist Politics in Kazakhstan

Written by Martin Duffy

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MARTIN DUFFY, DEC 9 2022

Kazakhstan is not a country one associates with even the most nascent of feminist political cadres. Indeed, at the recent November 20 elections, while two female candidates were nominated for the first time, one of them stood for the Presidency on an anti-feminist platform. This was Saltanat Tursynbekova, a human rights activist backed by Qazaq analary – dasturje zhol (Kazakh mothers are a path to traditions) public association. The other female candidate, Karakat Abden, is a little more progressive. She was nominated by the National Alliance of Professional Social Workers, a member of the National Commission for Women Affairs and is adviser to Astana's mayor. Prior to these nominations, in 2019, Daniya Yespayeva from the Ak Zhol party became the first woman in Kazakh history to run for president.

How meaningful is Kazakhstan's bizarre Presidential political coalition for feminism? As all politics in the country are openly contrived as a proxy for genuine opposition, one is forced to look outside the political system for genuine campaigning on women's rights. Does Kazakhstan possess leadership so omnipotent that the best one can dream up is a political system which allows an alternative spokesman for the same President's policies? This writer uses the exemplar evidence of some hundred interviews conducted with civic society organisations to track the slow but resolute homecoming of feminist politics from the thermafrost of Soviet-era women's rights.

Maria Khudolayera is a confident, successful businesswoman with a large Instagram following across Kazakhstan. She is also a committed feminist whose political contribution to changing the landscape of feminist politics is notable. When this author met her in a boutique Kazakhstan hotel, her appearance was more of a fashion model than the immiserated females portrayed elsewhere in Kazakhstan politics. Like many such entries into feminism, her story began as an unfortunate accident. Part of a female jogging group habitually exercising in the vast Commemoration Park amidst Soviet-era memorials, she found herself precipitously launched into a feminist struggle she little expected.

While running one Sunday morning, two men started following her and when they got to a less observed spot, one of them tried to touch her. Luckily, bystanders came to her aid and called the police. The two men ran away and the police arrived fifteen minutes later. One of the younger policemen was sympathetic to her, which was a welcome surprise because Kazak police do not have a good reputation for taking gender-based crime seriously. Further, it is not unusual for sex assault cases in Kazakhstan to be thrown out on such spurious grounds as 'a man's natural urges' or 'mistaken mutual attraction.' This young officer did take the case seriously and filed a report. It happened that on the same day, two men meeting the descriptions given by Maria were detained on suspicion of another assault on a female in the same park. In fact, based on what they said to the police who arrested them, it curiously transpired that they regarded this attack on the second woman as a revenge attack, because they thought she was the same woman they had assaulted earlier, and who had called the police on them. This story will give the reader some context as to the status of sexual assault prosecutions in Kazakhstan.

It is also quite common in the courts for sex attacks to get argued down to the status of disorderly conduct which is prosecuted in a lower court with no risk of a custodial sentence. Feminist politicians have been campaigning unsuccessfully for years to have the status of these crimes properly recognized in accordance with Kazak law.

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Kazakhstan has no specific law outlawing harassment against women, so prosecution is only possible through the existing law of common assault or disorderly behaviour.

To some extent Maria's case has proven to be a breakthrough in Kazak feminist political campaigning. After the assault, Maria spent five hours trying to convince the police she had a right to bring her case. It was all but impossible to find an officer willing to complete her declaration. The one young officer who had reported her assault said that he risked personal opprobrium from his fellow officers for entertaining what they regarded as a 'trivial demonstration of a man's natural instincts with a good-looking woman.' Faced with a lack of audio or CCTV evidence, Maria was effectively being told she should go home. This was despite the fact that the two suspects were being detained for another assault on a woman.

With the help of a pro bono lawyer Maria persevered, forcing the police to bow to legal pressure, and the matter was listed for a camera hearing the next day. Maria's Instagram account recorded a surge in hundreds of extra followers, including hundreds of testimonies of support for the feminist cause. While her case was successful and proven as a case of disorderly behaviour, no custodial sentence was imposed.

Not surprisingly, some six months later the same man came before the courts in Oral/Uralsk on a similar charge of touching a girl inappropriately in public. His defence was that he was married and that the girl was mad. According to the rules of criminal defence in the Kazak courts, the defendant gets a free lawyer provided by the state while the victim must pay for her own prosecution. In this instance, the victim could only afford the assistance of a volunteer student lawyer. The alleged perpetrator said that he noticed the girl's jeans looked dirty and he was only trying to remove visible stains from them. While the judge did not accept this mitigation, he only imposed relatively lenient public order sanctions against the convicted young man. It is difficult to see such paltry sentences as genuinely offering a deterrent to anyone seeking to attack women in this way. Maria's case, and others like her, have however exposed the courts in western Kazakhstan to the imperative of ensuring female protection, and to triggering the full apparatus of the law when faced with traumatic instances of assault.

There is now a well-organized feminist network campaigning for legal rigor on sexual assault. This process has been reflected in an enormous social media campaign and by some tentative changes in the way local police react to the prosecution of alleged perpetrators of sexual crime. Since these feminist groups have little trust in mainstream politics to provide protection, they put their trust more in grassroots networking. As a result of this vociferous lobbying, and the brave support of a few lone women in the higher echelons of the Kazak judiciary, the statute now recognizes the concept of sexual assault as a serious crime, and not just as an example of public disorder.

There are however limitations to the growth of feminist politics in this vast country. While the situation for urban women in the larger cities is improving, that for rural women is not. Even in the cities there is a dearth of young women trying to enter politics because they face such a 'cold house' from entrenched elderly male incumbents. There is a definite glass ceiling as to how far women can advance despite twenty years of lukewarm support from the President and token appointments of women to senior jobs. The fact that one of the female Presidential candidates in the 20 November election was avowedly anti-feminist speaks volumes about the status of feminist politics in Kazakhstan.

There are plans for a more radical re-launch of the Kazak Women's Party which may contest the upcoming parliamentary elections, tentatively planned for 2023. As for Maria, her perseverance and brief fame as feminist crusader inspired many young Kazak women not to accept casual sexual assault as part of the everyday reality of living in a male-dominated society. However, she is scarred psychologically by the experience and also receives a large volume of hate mail. She has also been trolled by cyber bullies loathing feminist campaigning.

Regressively, Kazak judges still entertain defence arguments in sex assault such as 'the woman looked provocative' or the accused 'thought he was being entertained by a glance.' It may take decades to reform the judiciary such that this 'old boy's locker room' argumentation finally loses all credibility, and women's assault cases have the same status in the criminal law as other cases of personal injury.

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During the election campaign which has confirmed the incumbent in office, Tokayev supported the integrity of women's rights, a further example of that office's capacity to absorb a diversity of pressing public issues and neutralize them from the more dangerous grounds of public protest. Tokayev will deftly avoid following through on this election commitments now that he has been successfully re-inaugurated. However, feminists will seek to make Tokayev keep his word. Thanks to people like Maria, feminist politics in Kazakhstan are coming in from the post-Soviet cold.

About the author:

Martin Duffy has participated in more than two hundred international election and human rights assignments since beginning his career in Africa and Asia in the 1980s. He has served with a wide range of international organizations and has frequently been decorated for field service, among them UN (United Nations) Peacekeeping Citations and the Badge of Honour of the International Red Cross Movement. He has also held several academic positions in Ireland, UK, USA and elsewhere. He is a proponent of experiential learning. He holds awards from Dublin, Oxford, Harvard, and several other institutions including the Diploma in International Relations at the University of Cambridge.