



ECOM

reQUEST

Human Rights Violations Based on Sexual Orientation and Gender Identity in Kazakhstan

Submission to the Committee on Economic, Social, and Cultural Rights

On the occasion of the review of Kazakhstan's periodic report under the International Covenant on Economic, Social, and Cultural Rights

For the 79th Pre-Sessional Working Group (09 February 2026 – 06 March 2026)

Human Rights Violations Based on Sexual Orientation and Gender Identity in Kazakhstan.

An alternative report in relation to the consideration of the third periodic report of Kazakhstan under the International Covenant on Economic, Social, and Cultural Rights.

ECOM - Eurasian Coalition on Health, Rights, Gender and Sexual Diversity

www.ecom.ngo

Contact: Elvira Tilek,

elvira@ecom.ngo

REQUEST: Rights and Equality for Queer Unity, Empowerment and Social Transformation

Contact: Rustam Zhantassov,

werequest.kz@proton.me

Introduction

1. Since 2006, Kazakhstan has been bound by the mechanism of the International Covenant on Economic, Social, and Cultural Rights (ICESCR). In 2024, Kazakhstan submitted its 3rd periodic report to the Committee on Economic, Social, and Cultural Rights (the Committee or the CESCR). At the upcoming meeting of the Pre-Sessional Working Group, a List of Issues relating to this report, in advance of the dialogue, will be adopted.
2. The policies and practices discussed in this submission implicate a range of rights protected under the ICESCR. The aim of this report is to provide the CESCR with additional information which may be useful while the Committee adopts the List of Issues, and to highlight the current debate on the rights of LGBTQIA+ people as well as the present-day level of their protection in Kazakhstan. In particular, we wish to underscore Kazakhstan's urgent need to review and amend those laws, policies, and practices that affect the rights and freedoms of these vulnerable groups suffering from intersecting forms of discrimination. There is a clear lack of data concerning discrimination, which makes it difficult to analyze and understand the situation of these vulnerable groups in the country.
3. ECOM - Eurasian Coalition on Health, Rights, Gender and Sexual Diversity, an international association with a mission to support the development of national LGBT communities and their activism, to promote human rights, health, and social well-being for people of gender and sexual diversity in Eastern Europe and Central Asia (EECA). The network currently has 90 members from 20 countries. ECOM was founded in 2011 and registered as an Association in Estonia in 2013.
4. REQUEST (Rights and Equality for Queer Unity, Empowerment and Social Transformation) is an independent human rights initiative established to promote freedom of association, protect rights, and expand the participation of LGBTQIA+ people in Kazakhstan. The initiative was founded by three human rights organizations — the public foundations “Nomad Rights,” “Glotion Human Rights Center,” and “Human Rights Consulting Group” — through the signing of a joint protocol on the establishment of the initiative, without formal registration.

Disaggregated data collection and statistics

5. We are concerned about the gaps and weaknesses in the mechanisms for coordinating, integrating, and verifying data collected at the national level. Current data collection methods do not adequately reflect the situation of those facing intersecting forms of discrimination, including migrants, asylum seekers, sex workers, and persons who identify as LGBTQIA+. A clear example is the fact that the State party's report (E/C.12/KAZ/3) does not contain such statistics, nor does it include any information related to LGBTQIA+ rights. It is evident that issues of discrimination against LGBTQIA+ people and matters related to legal gender recognition are absent from Kazakhstan's report. We also regret the lack of disaggregated statistics concerning migrants, refugees, asylum seekers, LGBTQIA+ people, and other groups experiencing intersecting forms of discrimination.
6. The State party should carry out a thorough assessment of all its mechanisms for collecting demographic data and promptly address any gaps or weaknesses in the collection, verification, and

integration of such data. Such an assessment should include a focus on the data collected on the situation of migrants, refugees, and asylum seekers facing intersectional forms of discrimination, including those living with HIV and/or who identify as LGBTQIA+ persons. The State party should also provide adequate funding to all State entities responsible for disaggregated data collection.

7. *Suggested Questions to Kazakhstan for the LoI:*

- *Please provide disaggregated statistical data — including by sex, age, disability, ethnic origin, migration status, sexual orientation, and gender identity — on discrimination complaints received between 2019–2025, and explain what measures the State party has taken to improve the collection, verification, and integration of such data, particularly regarding migrants, refugees, asylum seekers, sex workers, and LGBTQIA+ persons.*

The Covenant in domestic law and the institutional and policy framework for its implementation

8. Although Kazakhstan formally recognizes the primacy of ratified international treaties over domestic legislation and reports that the provisions of the ICESCR are directly applicable, in practice, the Covenant is rarely invoked or applied by domestic courts. The implementation of Covenant rights remains limited and inconsistent. Existing institutional and policy frameworks do not provide effective mechanisms to ensure the direct enforceability of ICESCR norms, particularly in areas related to non-discrimination and the protection of vulnerable groups, including LGBTQIA+ people. Moreover, national legislation does not contain clear procedures for the execution of views and recommendations of UN treaty bodies, resulting in a significant gap between Kazakhstan's international obligations and their practical realization. As a result, individuals whose rights under the Covenant have been violated face substantial challenges in obtaining effective remedies at the national level.

9. *Suggested Questions to Kazakhstan for the LoI:*

- *Please provide information on court cases in which the Covenant rights were invoked before, or applied by, domestic courts in connection with the protection of the rights of LGBTQIA+ individuals. Please also provide data on remedies provided to these victims whose rights protected under the Covenant were violated.*
- *Please provide information on measures to raise awareness of the Covenant and the anti-discrimination legislation among the judiciary, lawyers, law enforcement officials and among the population.*
- *Please indicate whether the State party plans to ratify the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights (CESCR-OP), and if so, provide an expected timeline for its consideration and adoption.*
- *Please clarify whether the State party intends to recognize the inquiry procedure under Article 11 of the Optional Protocol to the ICESCR, and what steps are being taken to strengthen national mechanisms for responding to serious or systematic violations of Covenant rights.*

Non-discrimination (art. 2)

10. The Constitution of the Republic of Kazakhstan and the Social Code do not explicitly recognise sexual orientation and gender identity (SOGI) as protected grounds against discrimination. There is no anti-discrimination legislation in Kazakhstan that directly includes SOGI.
11. In accordance with the Action Plan in the field of human rights and the rule of law¹ as of March 2024 it is planned to establish a permanent working group on issues of anti-discrimination legislation and on the implementation of the International Convention on the Elimination of All Forms of Racial Discrimination and/or to create a separate structural unit within the National Human Rights Centre on issues related to the elimination of all forms of discrimination.
12. Kazakhstan, in its Third Periodic Report² noted that: “125. The legislation of the Republic of Kazakhstan contains a direct prohibition of discrimination on the grounds of gender identity. In the Law ‘On State Guarantees of Equal Rights and Equal Opportunities for Men and Women’ of 8 December 2009, the concept of ‘discrimination on the basis of sex’ is defined as ‘any restriction or infringement of human rights and freedoms, as well as the lowering of his or her dignity on the basis of sex’ (sub-paragraph 3) paragraph 1 of article 1).” However, this definition is incomplete and does not explicitly cover sexual orientation and gender identity.
13. In Kazakhstan, criminal liability is established for violations of the equality of citizens³. However, there is no clear and accessible information on the number of cases registered in the Unified Register of Pre-Trial Investigations, as well as on the number of cases that have been closed or referred to the courts.
14. According to ECOM⁴, from 2016 to 2024, 134 hate crimes were registered, 105 of which were committed against LGBTQIA+ people, which accounts for 78% of all recorded hate-motivated crimes.
15. Transgender people are deemed unfit for military service⁵ in peacetime, fit for service with limitations in wartime, and also ineligible for contract military service (including for certain military occupational specialties, in military educational institutions and in positions involving harmful factors). This is contrary to modern WHO standards, under which gender incongruence has been removed from the section on mental disorders, and it institutionalises discrimination on the grounds of SOGI.
16. On 12 November 2025, the Mazhilis (the lower chamber of Parliament) adopted the draft law “On Amendments and Additions to Certain Legislative Acts of the Republic of Kazakhstan on Archival Affairs and on Restricting the Dissemination of Unlawful Content”⁶. The amendments represent a large-scale expansion of censorship provisions, affecting more than ten sectoral laws, including on the

¹ Presidential Decree of the Republic of Kazakhstan No. 409 of 8 December 2023

² E/C.12/KAZ/3

³ article 145 of the Criminal Code of the Republic of Kazakhstan

⁴ National Report on Violations of the Rights of LGBT People in Kazakhstan, 2024, ECOM. <https://ecom.ngo/en/library/national-report-kazakhstan-2024/>

⁵ Order of the Minister of Defence of the Republic of Kazakhstan No. 722 of 22 December 2020 “On the Approval of Health Requirements for Persons Serving in the Armed Forces, Other Troops and Military Formations of the Republic of Kazakhstan”

⁶ <https://mazhilis.parlam.kz/ru/all-bill/730>

rights of the child, education, advertising, culture, mass media, communications, online platforms and cinematography. Substantively, they:

- introduce “propaganda of non-traditional sexual orientation.” “Propaganda of non-traditional sexual orientation” is understood as the dissemination of information about non-traditional sexual orientation and/or adherence to it, carried out publicly or using mass media, telecommunications networks or online platforms, including intentionally distorted information for an indeterminate circle of persons, for the purpose of forming positive public opinion;
- prohibit such “propaganda” in educational institutions. LGBTQIA+ “propaganda” is classified as information harmful to the health and development of children and is considered unlawful content that can be blocked extrajudicially;
- provide that the authorised body shall refuse to issue a film distribution certificate for films that “propagate” LGBTQIA+;
- prohibit in the mass media the publication of content that “propagates non-traditional sexual orientation.” Editors-in-chief and owners of mass media outlets may be held liable. Information that “propagates” LGBTQIA+ also constitutes grounds for suspending the activities of a mass media outlet. Foreign television and radio channels may be refused registration if their materials contain “propaganda” of LGBTQIA+.

17. As of 24 November 2025, the draft law is under consideration by the Senate (the upper chamber) of Parliament. If adopted, it will become law and will be sent to the President for signature.

18. As of 24 November 2025, the Mazhilis of Parliament is also considering the draft law “On Amendments and Additions to the Code of the Republic of Kazakhstan on Administrative Offences on Issues of the Prevention of Offences”⁷ whose provisions introduce administrative liability for the posting and dissemination of unlawful content which, in the event of the adoption of the law prohibiting LGBTQIA+ “propaganda,” will be punishable by a fine of up to 40 monthly calculation indices (MCI, approximately 300 USD) and up to 10 days of administrative detention.

19. *Suggested Questions to the Kazakhstan for the LoI:*

- *We request clarification as to whether the State party intends to include sexual orientation and gender identity in the list of protected grounds against discrimination in the Constitution, the Criminal Code, the Social Code, the special anti-discrimination law under development and other legislative acts. We request that you indicate the envisaged timeframe and the specific status of the drafting of such legislation.*
- *We request information on the implementation of the relevant point of the Action Plan on Human Rights and the Rule of Law concerning the establishment of a permanent working group on anti-discrimination legislation and/or a separate unit within the National Human Rights Centre. Have these structures been established? What are their mandate, composition and work plan? Has discrimination on grounds of SOGI been included in their agenda?*
- *We request that you indicate any judicial or administrative decisions in which LGBTQIA+ persons have been afforded protection against discrimination.*
- *We request an explanation of how the State will guarantee that these provisions prohibiting*

⁷ <https://mazhilis.parlam.kz/kk/all-bill/777>

“propaganda of non-traditional sexual orientation” will not lead to discrimination against LGBTQIA+ persons in the exercise of their rights to work, education, health care and participation in cultural life.

- *We request that you indicate whether an assessment has been carried out of the impact of the draft law on the rights of children and young people, including LGBTQIA+ adolescents, in terms of: access to reliable information on health and sexual and reproductive health; access to psychological support; and the prevention of bullying, suicide and violence. If such an assessment has been conducted, we request that you provide its results.*
- *The draft law provides for a ban on issuing distribution certificates for films and for restrictions on the work of the media and online platforms for “propaganda” of LGBTQIA+. We request clarification as to how the State intends to ensure compliance with article 15 of the Covenant (the right to take part in cultural life) and article 13 (the right to education) for LGBTQIA+ persons and for society as a whole, in view of these restrictions.*

Right to work (arts. 6, 7)

20. The absence of comprehensive anti-discrimination legislation that expressly includes sexual orientation and gender identity has a direct impact on the enjoyment of the right to work by LGBTQIA+ persons in Kazakhstan.
21. The Labor Code of the Republic of Kazakhstan provides for a prohibition of discrimination, but does not explicitly include SOGI as protected grounds.
22. LGBTQIA+ persons face refusals in hiring, mobbing, demotion, or dismissal after the disclosure of their SOGI. This forces many to conceal their identity or move into precarious employment and the informal sector of the economy, including sex work. This is particularly characteristic of trans persons due to their limited access to legal recognition of gender identity and to changing their documents.
23. According to studies, between 24 and 75 per cent of trans women are engaged in sex work⁸. Sex workers, including LGBTQIA+ persons, are regularly subjected to violence and extortion by law enforcement officials and clients, and are also targeted in hate-motivated crimes. Due to widespread stigma and discrimination in society, as well as within law enforcement and judicial systems, they have extremely limited access to the protection of their rights and to effective justice mechanisms.
24. *Suggested Questions to Kazakhstan for the LoI:*
 - *We request clarification as to how the State party ensures that employment, social protection, and poverty-reduction programmes are accessible to LGBTQIA+ persons.*
 - *We request that you provide information on the measures taken by the State party to prevent discrimination on the grounds of SOGI in the field of employment, including: (a) the existence or absence of an explicit prohibition of discrimination on grounds of SOGI in labour legislation; (b) existing remedies for LGBTQIA+ persons who have faced refusal in hiring, dismissal or mobbing.*
 - *We request that you provide statistical data for the last five years on complaints of discrimination*

⁸ Through a Different Lens: Occupational Health of Sex-Working Young Trans Women. — 2023. <https://pmc.ncbi.nlm.nih.gov/articles/PMC10066761/#B1>

in the field of employment on grounds of sexual orientation and/or gender identity, including: (a) the number of complaints submitted to State bodies (labour inspectorates, the Ombudsperson, the National Human Rights Centre, courts); (b) the outcomes of the examination of these complaints (measures taken by the State party).

Right to Family Life (art. 10)

25. In Kazakhstan, LGBTQIA+ persons are systematically excluded from family law institutions. The Constitution of the Republic of Kazakhstan and the Code on Marriage (Matrimony) and Family recognise only the union of a man and a woman; same-sex couples have no access either to marriage or to any form of partnership and, consequently, to protection in the areas of inheritance, maintenance (alimony), social guarantees, etc.
26. The Rules on the registration of persons wishing to adopt a child⁹ explicitly prohibit adoption by “persons adhering to non-traditional sexual orientation”. At the same time, the list of medical contraindications¹⁰ includes “mental disorders F00–F79” (ICD-10), which also covers the diagnosis F64 “gender identity disorders”. On this basis, LGBTQIA+ persons are deprived of the possibility to adopt children or to take children under guardianship/foster care.
27. Article 28-2 of the Law “On the Rights of the Child”¹¹ explicitly provides that a mentor cannot be “a person adhering to a non-traditional sexual orientation”. This excludes LGBTQIA+ adults from mentorship programmes for orphans and children deprived of parental care.
28. Such a regulatory framework institutionalises discrimination on the grounds of sexual orientation and gender identity and is contrary to article 10 of the Covenant.
29. *Suggested Questions to Kazakhstan for the LoI:*
 - *We request clarification as to whether the State party is considering the possibility of revising the definition of marriage in national legislation, as well as introducing forms of legal recognition of same-sex partnerships, in order to ensure that LGBTQIA+ families have equal access to protection in the areas of inheritance, maintenance obligations, social security and housing rights.*
 - *We request that you indicate on which international legal and scientific grounds the norms are based according to which “persons adhering to a non-traditional sexual orientation” and persons with a diagnosis of F64 are not allowed to adopt, act as guardians, custodians or foster carers. How are these norms reconciled with the State’s obligation to ensure non-discriminatory access of children to care and support from adults, guided by the best interests of the child and not by the presumed sexual orientation of the guardian/mentor?*
 - *We request that you provide information on the number of refusals in adoption, guardianship, custody and foster care over the last five years in which, as a formal or actual ground, the following were indicated: (a) the candidate’s “non-traditional sexual orientation”; (b) the presence of a psychiatric diagnosis F64.*

⁹ <https://adilet.zan.kz/rus/docs/V1600014067>

¹⁰ <https://adilet.zan.kz/rus/docs/V1500012127#z0>

¹¹ http://adilet.zan.kz/rus/docs/Z020000345_#z54

- *We request that you provide information on the procedure for selecting candidates for adoptive parents, guardians, foster carers and mentors, including: (a) whether any “psychological tests” or other procedures are used that are aimed at identifying “non-traditional sexual orientation”; (b) how the State party ensures the protection of the right to privacy and the inadmissibility of arbitrary interference in the personal and family life of candidates.*

Right to an adequate standard of living (art. 11)

30. LGBTQIA+ persons in Kazakhstan face systemic challenges that negatively affect their right to an adequate standard of living, particularly in access to safe and secure housing. Discrimination by private landlords is widespread: tenants may be denied rental housing or asked to vacate the premises once their sexual orientation or gender identity becomes known. These evictions typically occur without legal justification and leave individuals vulnerable to social instability, harassment, and homelessness.
31. Transgender people face additional barriers due to mismatches between their appearance and identification documents. This often results in refusals to rent housing, difficulties accessing temporary shelters, and exposure to verbal abuse or threats. Young LGBTQIA+ persons who experience family rejection are at heightened risk of homelessness and lack access to any LGBT-inclusive support services or emergency accommodation.
32. Kazakhstan currently lacks anti-discrimination legislation that explicitly protects individuals from discrimination in housing on the basis of sexual orientation or gender identity. As a result, victims have no effective legal remedies, and discriminatory evictions or refusals to rent remain undocumented and unaddressed. The absence of data and protective mechanisms exacerbates housing insecurity for LGBTQIA+ persons across the country.
33. *Suggested Questions to Kazakhstan for the LoI:*
 - *Please provide information on measures taken to prevent discrimination in access to housing and to protect LGBTQIA+ persons, including transgender people, from forced or unlawful evictions. Please also indicate what remedies and complaint mechanisms are available to individuals who face housing discrimination based on sexual orientation or gender identity.*

Right to Health (art. 12)

34. The right to health, as enshrined in Article 12 of the ICESCR, obliges the State to ensure the availability, accessibility, acceptability and scientific quality of medical services, as well as the prohibition of any form of discrimination. Monitoring by ECOM and national data for 2023–2024¹² demonstrate systemic barriers affecting LGBTQIA+ individuals’ access to healthcare, including in the areas of HIV services, transgender healthcare, mental-health support, and the protection of medical confidentiality. The analysis shows a significant gap between the formal absence of discrimination in normative documents and the actual functioning of healthcare systems, where medical institutions and administrative mechanisms often become sources of risks and violations.

¹² ECOM, “Regional Report on Human Rights Violations Against LGBT People in Eastern Europe and Central Asia for 2024”, 2024

35. According to ECOM’s data on HIV among MSM (men who have sex with men) in Kazakhstan¹³, the country remains in a concentrated stage of the epidemic with a substantial burden among key populations. HIV prevalence among MSM is 8.8%, significantly exceeding the national average of 0.32%. Only 24% of MSM living with HIV are aware of their status, which represents a critical failure in early detection systems. While 93% of those diagnosed are on treatment and achieve viral suppression, the gap between the estimated number of people living with HIV and those actually diagnosed indicates persistent barriers related to stigma, distrust of the healthcare system, and fears of breaches of confidentiality.
36. LGBTQIA+ individuals frequently face violations of medical confidentiality. National cases documented by ECOM¹⁴ indicate instances in which healthcare workers disclosed a patient’s HIV status, sexual orientation, or information about their partners without consent. In practice, this occurs both through openly discussing a patient’s status in the presence of others and through sharing personal information with third parties. Cases of refusal of medical care and derogatory comments from healthcare staff have also been recorded. Such violations contradict the international AAAQ standards (availability, accessibility, acceptability and quality), undermine testing and treatment outcomes, and create an environment of risk for MSM and transgender people, who rely on consistent access to preventive healthcare services.
37. Kazakhstan maintains criminal liability for “Knowingly placing another person at risk of HIV infection” (Part 1 of Article 118 of the Criminal Code). ECOM notes that the very existence of such broadly formulated criminal provisions creates an atmosphere of fear among people living with HIV, reduces willingness to undergo testing, and deters individuals from seeking medical care, thereby undermining public health objectives. This model of criminal prosecution reinforces stigma, compromises confidentiality, creates a risk of wrongful accusations, and contradicts international recommendations that call for ending the criminalization of HIV.
38. The regulatory framework governing transgender people in Kazakhstan creates a structurally restrictive environment that is incompatible with international medical standards and Article 12 of the Covenant¹⁵. The country maintains a minimum age requirement of 21 to access the medical commission for gender dysphoria, effectively excluding transgender adolescents from early medical and psychosocial support. This absence exacerbates risks of anxiety disorders, depression, and suicidal behaviour. Medical commissions across the country frequently refuse to provide services and redirect individuals to Almaty, where the only functioning commission is located, depriving or limiting residents of other regions of territorial accessibility to medico-social services and creating significant financial and logistical barriers.
39. Diagnostic practices based on the continued use of ICD-10 and the F64.0 “Transsexualism” classification preserve the medicalization of gender incongruence as a mental disorder¹⁶. When mental-

¹³ ECOM, “HIV Services Cascade MSM in the Republic of Kazakhstan”, 2024

¹⁴ ECOM, “National Report on Human Rights Violations Against LGBT People in Kazakhstan”, 2024

¹⁵ ECOM, “Analysis of Kazakhstan’s National Legislation Related to SOGI and HIV”, 2024

¹⁶ ECOM, “Analysis of Kazakhstan’s National Legislation Related to SOGI and HIV”, 2024

health concerns are suspected, transgender individuals are placed in psychiatric inpatient facilities for 2–3 weeks in order to obtain the required conclusion, an approach that violates the principle of minimal intervention and contradicts the ICD-11 model, in which gender incongruence has been moved to the chapter on sexual health. This practice creates additional barriers to accessing care, stigmatizes patients, and prevents transgender individuals from seeking assistance without the risk of pathologization.

40. The practice of legal gender recognition in Kazakhstan remains closely tied to mandatory medical interventions¹⁷. The requirement to undergo surgical gender reassignment, including de facto sterilization, in order to change one's gender marker creates conditions in which individuals are compelled to undertake irreversible procedures simply to exercise their rights. This violates bodily integrity, deprives individuals of autonomy in determining the extent of medical intervention they require, and obstructs the realization of the right to health, particularly with regard to freely making decisions about one's own body. Moreover, the absence of national protocols for gender-affirming medical care forces transgender people to seek services abroad often at significant financial cost placing them at a systemic disadvantage compared to other patients.
41. LGBTQIA+ people's mental health remains largely excluded from state programmes. The absence of specialised psychological, crisis, and counselling services, as well as the lack of professionals trained to work with transgender clients and MSM, forces highly vulnerable individuals to cope on their own, often resorting to self-medication, informal hormone regimens, or avoiding medical institutions altogether. Of particular concern is the complete lack of services for transgender adolescents, who face systemic isolation and an absence of supportive, youth-appropriate care.
42. *Suggested Questions to Kazakhstan for the List of Issues:*
 - *Please provide information, including statistical data, on how Part 1 of Article 118 of the Criminal Code of the Republic of Kazakhstan is being implemented in practice, as well as on measures taken by the State to revise this provision in line with international recommendations on HIV decriminalisation, and on steps aimed at mitigating the negative impact of criminal prosecution on access to HIV testing, treatment and prevention for people living with HIV.*
 - *Please provide information on measures taken to prevent breaches of medical confidentiality, including cases of involuntary disclosure of patients' HIV status, sexual orientation or gender identity, and on mechanisms in place to ensure accountability of healthcare professionals for such violations.*
 - *Please provide information on steps taken to ensure non-discriminatory, confidential and evidence-based access to HIV testing, treatment and prevention for MSM, transgender people and people living with HIV, including actions aimed at reducing stigma within healthcare settings.*
 - *Please provide information on measures taken to ensure that adolescents and young people have access to reliable, science-based information on health, sexual education and HIV prevention, as well as on safeguards to prevent unjustified restrictions on such content in the digital environment.*
 - *Please provide information on existing or planned State programmes for psychosocial support for LGBTQIA+ people, including transgender adolescents and people living with HIV, and on measures aimed at expanding access to mental-health services.*

¹⁷ ECOM, "Analysis of Kazakhstan's National Legislation Related to SOGI and HIV", 2024

- *Please provide information on steps taken by the State to bring national protocols and practices on gender-affirming healthcare into compliance with international medical standards, including the transition from ICD-10 (diagnosis F64.0) to ICD-11 approaches, and the removal of mandatory psychiatric institutionalisation for transgender individuals.*
- *Please provide information on measures planned or undertaken by the State to eliminate the age threshold of 21 years for accessing medical commissions on gender dysphoria and to ensure early, science-based support for transgender adolescents.*
- *Please provide information on actions taken by the State to abolish surgical requirements, including de facto sterilisation, as a condition for legal gender recognition, and on mechanisms considered to safeguard bodily autonomy and physical integrity of transgender people.*
- *Please provide information, including statistical data, on measures to ensure territorial accessibility of gender-affirming healthcare, including the establishment and functioning of additional medical commissions outside Almaty, and on steps taken to standardise the provision of such services across the country.*

Right to Education (art. 13)

43. LGBTQIA+ students in Kazakhstan face various forms of discrimination and stigmatization that hinder their full enjoyment of the right to education. School environments are often unsafe: cases of bullying, harassment, and psychological pressure from peers and in some instances from teachers frequently go unaddressed by school administrations. Many students are forced to conceal their identities out of fear of violence or exclusion, which negatively affects their academic performance, attendance and mental well-being.
44. There are no systematic measures in Kazakhstan to protect LGBTQIA+ children in educational settings, including mechanisms for responding to discrimination, access to psychological support, or clear guidelines for educators. School curricula do not include scientifically based, inclusive, and age-appropriate comprehensive sexuality education (CSE), and the information provided often reinforces stereotypes and excludes any discussion of sexual orientation and gender identity.
45. Transgender students face particular challenges, such as the inability to use a name that aligns with their gender identity, restrictions related to school uniforms, and the lack of safe access to toilet facilities. These barriers create an unsafe and discriminatory environment for them.
46. As a result, many LGBTQIA+ students experience declining mental health, increased absenteeism, and a heightened risk of dropping out of school.
47. *Suggested Questions to Kazakhstan for the LoI:*
 - *Please provide information on the measures taken by the State party to prevent discrimination and bullying against LGBTQIA+ students in educational institutions, and on steps to ensure a safe and inclusive learning environment, including access to psychological support and inclusive educational materials.*

Right to Take Part in Cultural Life and to Enjoy the Benefits of Scientific Progress and Its Applications (art. 15, a and b)

48. On 12 February 2024, the Information Committee of the Ministry of Culture and Information of the Republic of Kazakhstan sent an official letter¹⁸ to the hosting provider PS.kz. In this document, the Committee stated that it had “identified an online resource in violation of the laws of the Republic of Kazakhstan ‘On Mass Media’, ‘On the Rights of the Child in the Republic of Kazakhstan’, and ‘On Protecting Children from Information Harmful to Their Health and Development’,” and demanded that access to the domain Selftanu.kz be restricted. The Committee referred to provisions of legislation on mass media, on the protection of children from harmful information, and to the Law “On the Rights of the Child”, which prohibits the dissemination of information deemed harmful to the well-being and development of children.
49. In this letter¹⁹, the Information Committee stated that it classified the website Selftanu.kz as a mass media outlet (with reference to sub-paragraphs 4 and 5 of Article 1 of the Law “On Mass Media”), and its materials as media products. The Committee further asserted that the website contained information falling under categories of “information prohibited for children”, as listed in sub-paragraphs 3 and 6 of paragraph 2 of Article 16 of the Law “On Protecting Children from Information Harmful to Their Health and Development” (including information of a sexual nature or other content whose dissemination to children is prohibited by law). The Committee additionally referred to Articles 34 and 39 of the Law “On the Rights of the Child”, which establish liability for distributing informational materials that may have harmful effects on children, including materials that could be considered “pornographic” or conducive to unlawful behaviour.
50. The Information Committee further stated that its demand²⁰ was based on the State’s right to curtail the dissemination of information which, in the Committee’s view, does not correspond to the “historical and other traditions, cultural values of Kazakhstani society and the State”, and does not meet the objectives of “proper upbringing and full development of children”. These formulations fully replicate the reasoning used by the Committee for the Protection of Children of the Ministry of Enlightenment in its letter of 29 January 2024, which the Information Committee explicitly referenced in its communication.
51. In addition to this letter, the Committee for the Protection of Children of the Ministry of Enlightenment of the Republic of Kazakhstan issued a separate official response to Arsen Aubakirov on 26 February 2024²¹. In this communication, the Committee confirmed that the website Selftanu.kz had generated “significant public resonance”, that “written complaints” and “calls to the trust line” had been

¹⁸ Information Committee of the Ministry of Culture and Information of the Republic of Kazakhstan, Letter No. 23-01-2-23/496 dated 12 February 2024

¹⁹ Information Committee of the Ministry of Culture and Information of the Republic of Kazakhstan, Letter No. 23-01-2-23/496 dated 12 February 2024

²⁰ Information Committee of the Ministry of Culture and Information of the Republic of Kazakhstan, Letter No. 23-01-2-23/496 dated 12 February 2024 (with reference to the Letter of the Committee for the Protection of Children of the Ministry of Education of the Republic of Kazakhstan dated 29 January 2024, No. 311-21-745/21)

²¹ Committee for the Protection of Children of the Ministry of Education of the Republic of Kazakhstan, Letter No. 3T-2024-03106975 dated 26 February 2024

registered, and that parental groups had demanded its blocking. The Committee reported that it had forwarded the relevant notification to the competent information authority, after which it received confirmation that access to the resource had been restricted “as of 12 February of this year”.

52. In its letter²², the Committee for the Protection of Children stated that it considered it “necessary to restrict access” to resources that “promote the ideas of the LGBT movement among the population of Kazakhstan”, justifying this by referring to “children’s psycho-age characteristics”, their “vulnerability to negative influences of the information environment”, “historical and cultural values”, and the need to ensure “proper upbringing and full development”. Neither the letter from the Information Committee nor the letter from the Ministry of Enlightenment provides any indication that a scientific, psychological-pedagogical, legal or other professional assessment of the content of the Selftanu.kz website was conducted.
53. The decisions of State authorities that led to the blocking of Selftanu.kz were based on value-laden and ideological considerations, as well as subjective assessments of alleged risks, rather than on any scientifically grounded expert evaluation of the resource’s content. The reasoning of the Ministry of Culture and Information and the Ministry of Enlightenment substitutes a modern, evidence-based approach with traditionalist interpretations of “cultural values” and “proper upbringing”, which is inconsistent with international standards set out in Article 15 of the ICESCR and Article 17 of the Convention on the Rights of the Child, both of which require States to ensure children’s access to information that supports their physical, mental, spiritual and moral development. The analysis of the official correspondence demonstrates that State bodies viewed issues of identity, development and education through a moralistic lens rather than through an assessment of scientific validity or pedagogical merit. This approach effectively excludes digital educational platforms from being recognised as part of the contemporary cultural and scientific environment, which is a core concern in the context of Article 15 of the ICESCR.
54. An important additional indication of a broader trend toward excessive and disproportionate restrictions on access to scientifically verified information in Kazakhstan is the incident involving the blocking of the World Health Organization (WHO) website in 2022. According to media reports²³, the WHO website became inaccessible within Kazakhstan without any official notice, justification or public explanation from the competent authorities. State representatives later stated that the blocking had been imposed by a court following a request from the Prosecutor of the Talgar District of Almaty Region. In its reasoning, the court asserted that “the Court has indeed established that the online resources indicated by the applicant contain information on methods of depriving a person of life, as well as information promoting suicidal sentiments”. The final decision included the following formulation: “Taking into account that human life is recognised as one of the highest values in Kazakhstan, and that the disseminated online resources contain information on methods of depriving a person of life, encouraging intentional self-harm, the prosecutor’s application is subject to approval”. This case

²² Letter of the Committee for the Protection of Children of the Ministry of Enlightenment of the Republic of Kazakhstan dated 29 January 2024, No. 311-21-745/21 (cited in the Letter No. 23-01-2-23/496 of the Information Committee dated 12 February 2024)

²³ Media, “The Website of the World Health Organization Blocked in Kazakhstan,” Vlast.kz, 8 July 2022, <https://vlast.kz/novosti/52750-v-kazahstane-zablokirovan-sajt-vsemirnoj-organizacii-zdravooohranenia.html>

illustrates the absence of transparent procedures and reliable mechanisms for assessing scientific and educational resources, creating a risk of arbitrary restrictions on public access to critically important international medical information. Such actions directly affect the State's obligations under Article 15 of the ICESCR and undermine trust in the digital infrastructure used for disseminating knowledge.

55. *Suggested Questions to the Kazakhstan for the LoI:*

- *Please provide information on how the blocking of the educational resource Selftanu.kz is compatible with the obligations of the Republic of Kazakhstan under Article 15 of the ICESCR to ensure the right to take part in cultural life, access to scientifically verified information, and the protection of freedom of scientific and educational activity.*
- *Please provide information on existing mechanisms aimed at preventing unjustified restrictions on access to scientific and educational resources in the digital environment, and on measures taken by the State to ensure the availability of evidence-based materials for children and young people.*
- *Please provide information on the reasons, legal grounds and decision-making procedures that led to the blocking of the World Health Organization's website in 2022, as well as on steps taken by the State to prevent further cases of unjustified restrictions on access to international scientific, medical and educational resources, including measures to ensure transparency and accountability of the competent authorities.*

Conclusion

56. Regrettably, we have to admit that during the recent reporting period, the situation with the rights and freedoms of LGBTQIA+ individuals in Kazakhstan not only did not improve, but has, in fact, substantially deteriorated. The present alternative report concludes that there are gaps and shortcomings in the legislative and policy frameworks which must be urgently addressed.

57. Accordingly, we kindly ask the Committee to include these topics to one degree or another in the forthcoming List of Issues and ask Kazakhstan a number of questions in this regard (paras. 7, 9, 19, 24, 29, 33, 42, 47, 55). We would appreciate the Committee's attention to these issues, and we hope that the CESCR will hold Kazakhstan accountable for making progress on these matters.