

**ECOM****Education
Community****Glotion reQUEST****HRCG**

**Written Contribution for
Human Rights Committee
144th session**

**Human Rights Violations Based on Sexual Orientation, Gender Identity and Expression,
and Sex Characteristics (SOGIESC) in Kazakhstan**

The alternative report is prepared by the Coalition of NGOs — ALMA-TQ, ECOM, Education Community, Human Rights Center “Glotion”, Human Rights Consulting Group, and REQUEST.

ALMA-TQ — Kazakhstan transgender initiative aimed at improving the quality of life and strengthening the community of transgender, transsexual, gender non-conforming, and gender non-binary people in Kazakhstan through community support, the development of a social support system, mobilization, community capacity building, and advocacy.

Almaty, Kazakhstan

Contact: victoryatq@gmail.com

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.

www.ecom.ngo

Contact: Elvira Tilek

(elvira@ecom.ngo)

Education Community — a queer youth NGO dedicated to supporting and empowering LGBTQIA+ people in Kazakhstan who experience discrimination, as well as raising awareness on human rights and promoting equality and justice in the country. Our mission, based on an intersectional approach, is to address the needs of marginalized communities and create a society in which everyone, regardless of their background, has the opportunity to thrive without any discriminatory or stigmatizing restrictions. A key aspect of our work is to bring together representatives of sexually and gender diverse groups, in particular the LGBTQIA+ community in Kazakhstan and Central Asia, and to promote their personal, legal, psychological, financial and overall sustainable development.

<https://www.instagram.com/edu.community.kz/>

Astana / Almaty, Kazakhstan

Contact: edu.community.kz@gmail.com

Human Rights Center “Glotion” — a non-profit, non-governmental organization operating in the Republic of Kazakhstan. It was officially registered on May 28, 2021. Glotion works to ensure that Kazakhstan’s legislation and law enforcement practices comply with international human rights standards, with a particular focus on political rights.

Astana, Kazakhstan

Contact: pfglotion@gmail.com

The human rights queer initiative **REQUEST: Rights and Equality for Queer Unity, Empowerment and Social Transformation** — is committed to creating conditions for a safe, dignified, and equal life free from discrimination based on sexual orientation and gender identity through education, monitoring, and advocacy in Kazakhstan.

Astana, Kazakhstan

Instagram: <https://www.instagram.com/werequest.kz>

Contact: werequest.kz@proton.me

Location: Astana, Kazakhstan

Human Rights Consulting Group (HRCG) — a non-profit, non-governmental organization officially registered in Kazakhstan in 2020. Based in Astana, HRCG focuses on the protection and promotion of human rights in the digital age, with particular emphasis on the rights to privacy, freedom of expression, access to information, and the rights of LGBTQIA+ communities. The organization works through research, advocacy, legal analysis, and strategic engagement with national and international human rights mechanisms, including the UN Universal Periodic Review. HRCG also collaborates with civil society organizations, grassroots initiatives, and international partners to strengthen civic space and digital rights protections in Kazakhstan and Central Asia.

Instagram: <https://www.instagram.com/hrcg.kz>

Contact: info@hrcg.kz

Location: Astana, Kazakhstan

Table of Contents

INTRODUCTION.....	4
NON DISCRIMINATION (arts. 2, 19, 20 and 26).....	4
Anti-Discrimination Legislation.....	4
Hate crime and hate speech law.....	5
Discriminatory laws and provisions.....	5
Legal Gender Recognition.....	8
Recommendations for Kazakhstan.....	10
PROHIBITION OF TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT (ART. 7).....	10
Police brutality.....	11
Recommendations for Kazakhstan.....	11
ACCESS TO JUSTICE, INDEPENDENCE OF LAWYERS AND THE JUDICIARY AND RIGHT TO A FAIR TRIAL (ARTS. 2 AND 14).....	11
Recommendations for Kazakhstan.....	12
RIGHT TO PRIVACY, FREEDOM OF EXPRESSION AND PEACEFUL ASSEMBLY (ARTS. 17 AND 19–21).....	12
Freedom of expression.....	12
Rights to Privacy.....	12
Peaceful Assembly.....	14
Freedom of Association.....	14
Recommendations for Kazakhstan.....	15
FREEDOM OF ASSOCIATION AND THE RIGHT TO PARTICIPATE IN PUBLIC LIFE (ARTS. 22, 25 AND 26).....	16
Access to public discussions.....	16
Recommendations for Kazakhstan.....	16

INTRODUCTION

1. This written contribution contains information on issues related to discrimination, violations of the rights to freedom of association and peaceful assembly, freedom of opinion, barriers to expression for LGBTQIA+ individuals, and obstacles to legal gender recognition for trans people in Kazakhstan.

2. The contribution aims to support Kazakhstan in fulfilling its obligations under the International Covenant on Civil and Political Rights and make sure no one is left behind.

NON DISCRIMINATION (arts. 2, 19, 20 and 26)

Anti-Discrimination Legislation

3. LGBTQIA+ people face discrimination in Kazakhstan based on sexual orientation, gender identity and expression, and sex characteristics (SOGIESC), but lack legal provisions to complain. In replies to the list of issues, Kazakhstan refers to Article 145 of the Criminal Code “Violation of equality,” as a provision to prevent discrimination based on SOGIESC. But this mechanism is not sufficient.

4. *“Prohibition (of discrimination) does not necessarily mean criminalization. States should distinguish between expression that requires criminalization, expression that requires civil or administrative penalties and expression that merits other forms of response.”*¹

OHCHR

5. The lack of civil or administrative penalties and the absence of a comprehensive anti-discrimination law lead to discrimination cases being rarely investigated. Thus, in the period 2018–2022, no criminal cases were brought under Article 145 of the Criminal Code. In 2022 Human Rights Commissioner received 1 complaint on the grounds of sexual orientation and gender identity.² In the same year, trans initiative ALMA-TQ registered 29 cases of discrimination and violation based on gender identity,³ ECOM has documented 26 cases of violence and discrimination based on SOGIESC⁴, and Education Community has registered 41 cases.

6. The discrepancy between cases of discrimination based on SOGIESC documented by NGOs and those officially registered as legal proceedings by the state highlights the insufficiency of the existing norms and the urgent need for the adoption of anti-discrimination legislation.

¹ Protecting Minority Rights – A Practical Guide to Developing Comprehensive Anti-Discrimination Legislation, December 2022. URL:

<https://www.ohchr.org/en/publications/policy-and-methodological-publications/protecting-minority-rights-practical-guide>

² Replies to the list of issues (CCPR/C/KAZ/3), para 83-85, July 2024. URL:

<https://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=%2F1BftQYd5Ojcb0pybU%2BsTP6Up16STTxAOa%2BaLxaTa9wme%2BpDL6R9wYZc%2BLKzNsGFb8dG3fpyN9KS9AmhCs60drA%3D%3D>

³ Case report 2023, ALMA-TQ. The report is available here: <https://www.alma-tq.org/post/case2023>

⁴ National report on violations of the rights of gay men, other MSM and trans people in Kazakhstan, ECOM, 2022. URL: <https://ecom.ngo/en/library/violations-rights-kazakhstan/>

7. One of the positive actions taken by the Government is reflected in paragraph 24 of the Plan of Action on Human Rights and the Rule of Law, approved by Presidential Decree No. 409 of 8 December 2023: *“the establishment in 2024 of a standing working group on anti-discrimination legislation <...> and/or the creation of a separate unit within the National Human Rights Centre for issues related to the elimination of all forms of discrimination.”*

8. In June 2024, the first meeting of the working group on anti-discrimination legislation was held.⁵ However, according to Glotion and REQUEST, there were no representatives of LGBTQIA+ organizations, initiatives, or activists among the participants of the working group. This can result in the voices of queer people not being heard and the law being drafted without reflecting the interests of all groups.

Hate crime and hate speech law

9. In the List of issues, the Committee requested Kazakhstan to provide information on legislative amendments aimed at preventing and punishing hate crimes and hate speech targeting individuals living with HIV/AIDS, as well as those based on sexual orientation, gender identity.⁶ The government ignored this request and provided no data.

10. Unfortunately, Kazakhstan lacks the necessary legislation to address these issues, which has resulted in numerous hate crimes and hate speech incidents going uninvestigated. According to the OSCE, NGOs reported 41 cases of hate crimes based on SOGIESC in 2023 alone.⁷

11. In addition to legislative reform, targeted training is essential for judges and law enforcement officers to strengthen their capacity to effectively handle hate crime cases. Furthermore, constant and independent mechanisms are needed to ensure accountability for hate crimes committed by

police officers. According to documented cases of violence and discrimination against transgender people in 2023, about 30% of the offenses were committed by police officers.⁸

Discriminatory laws and provisions

12. In the Replies to the List of issues, Kazakhstan reports that policies on HIV prevention, treatment and diagnosis are tailored to the lesbian, gay, bisexual and transgender community; and a comprehensive package of 12 types of assistance recommended by the World Health Organization (WHO) has been introduced (including information and education); and representatives of lesbian, gay, bisexual and transgender persons are involved in decision-making.⁹

⁵ URL: <https://www.gov.kz/memleket/entities/mam/press/news/details/792707?lang=ru>

⁶ List of issues prior to the submission of the third periodic report of Kazakhstan (CCPR/C/KAZ/QPR/3), para 6, April 2023. URL:

<https://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=JY1yMP0VhKbYGlF4MOxMbUpo8R0zsnxrFvNdSvB2VGHl5DLpwwmSrW6AyubbJXMZPGL4y9FUOI98otcwOKZag%3D%3D>

⁷ OSCE ODIHR, Hate crime Report, Kazakhstan, 2023. URL: <https://hatecrime.osce.org/kazakhstan>

⁸ Joint Submission to the Human Rights Council for the 48th Session of the Universal Periodic Review by Queer Rights Network UPR-Kazakhstan

⁹ Replies to the list of issues (CCPR/C/KAZ/3), para 88-91, July 2024. URL:

<https://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=%2F1BftQYd5Ojcb0pybU%2BsTP6Up16STTxAOaA1XaTa9wme%2BpDL6R9wYZc%2BLKzNsGFb8dG3fpyN9KS9AmhCs60drA%3D%3D>

13. These actions by Kazakhstan are commendable as effective measures to prevent the spread of HIV among LGBTQIA+ individuals. This success is threatened by attempts to pass the so-called “LGBT Propaganda” law that was proposed in April 2024 by deputies of the Majilis (Lower House) with penalties of up to 7 years of imprisonment. Some deputies suggested amending Part 1 of Article 174 of the Criminal Code, titled “*Incitement of social, national, tribal, racial, class, or religious discord*,” to include provisions specifically on the spread of propaganda on non-traditional sexual relations.

14. If the law on “LGBT propaganda” is adopted in Kazakhstan, participation in decision-making for LGBTQIA+ people, HIV information campaigns for LGBTQIA+ people referred to by the state will be jeopardized.

15. In May 2024, a petition titled “Against open and hidden LGBT propaganda” was posted on the official state portal for online petitions. It garnered 50,000 signatures. Meanwhile, there were reports from staff of public sector employees and civil servants that their management was forcing them to sign the petition under the directive of the ruling party, “Amanat”.¹⁰

16. On June 9, 2024, the petition was accepted for consideration by the Ministry of Culture and Information of Kazakhstan. In response to criticism and allegations of the petition's illegality, the ministry stated that it does not see any human rights violations and will review it in the prescribed manner.¹¹ A working group was formed¹².

17. *“The Ministry of Culture and Information of Kazakhstan will organize the activities of the working group, which will include representatives from stakeholders, government agencies, and public associations. The process of considering the petition will adhere to the requirements of the legislation.”*

Press service of the Ministry of Culture

18. In response, UN experts called on Kazakhstan to reject a petition considering that it will violate freedom of expression, peaceful assembly, and association based on sexual orientation and gender identity.

19. *“This petition should not have been entertained by the government in the first place and should be rejected now. The petition itself is based on prejudice, and any legislation arising from it would inevitably and unlawfully trample on human rights.”*¹³

Experts of UN Special Procedures

¹⁰ The Village Kazakhstan media outlet. Article: “Public sector employees and civil servants were forced to sign a petition to ban “LGBT propaganda” in Kazakhstan”, 2024. URL: <https://www.the-village-kz.com/village/city/news-city/36199-byudzhnikov-i-gossluzhaschih-zastavlyali-podpisyyva-t-petitsiyu-o-zaprete-propagandy-lgbt-v-kazahstane>

¹¹ The Village Kazakhstan “The Ministry of Culture of the Republic of Kazakhstan believes that the petition to ban “LGBT propaganda” does not violate human rights”. URL: <https://www.the-village-kz.com/village/city/news-city/36259-v-minkulte-rk-schitayut-chto-petitsiya-o-zaprete-lgbt-p-ropagandy-ne-narushaet-prava-cheloveka>

¹² DKnews “The working group on the petition against LGBT propaganda held its first meeting” <https://dknews.kz/ru/v-strane/330879-rabochaya-gruppa-po-peticii-protiv-lgbt-propagandy>

¹³ OHCHR Kazakhstan: Reject rights-violating petition, say UN experts, July 2024. URL: <https://www.ohchr.org/en/press-releases/2024/07/kazakhstan-reject-rights-violating-petition-say-un-experts>

20. The petition itself and its consideration, as well as statements made by officials, have led to an increase in hate speech against LGBTQIA+ people. Due to the absence of the SOGI basis in hate speech legislation, these cases go unpunished.

21. *On June 21, 2024, the first official meeting was held to review a petition calling for a ban on so-called LGBT “propaganda.” During the session, several members of parliament and anti-LGBTQIA+ public activists used openly hateful and discriminatory language. Arguments presented in favor of the petition included claims that LGBTQIA+ people constitute a mental illness, that queer people allegedly “corrupt” children, and even that they were responsible for natural disasters - such as floods in Kazakhstan - framed as divine punishment.*

Education Community

22. There are credible concerns that the recent wave of anti-LGBTQIA+ sentiment in Kazakhstan may have been supported or enabled by state authorities. For instance, in April 2024 law enforcement agencies carried out targeted raids on queer clubs, resulting in the unlawful detention of hundreds (in the same month discussion in the Majilis regarding the introduction of legislation on so-called “LGBT propaganda” occurred). These actions were not followed by proper investigations, raising serious questions about accountability and due process.

23. Another illustrative case involves a government-commissioned study. In early 2025, the Ministry of Health released a report titled “About LGBT Propaganda”, which concluded that exposure to LGBT-related content does not have a negative impact on youth. On the contrary, the study found that such content can help LGBT adolescents understand their identities, access support systems, and reduce feelings of isolation. The report underscored the importance of safe and supportive environments for young people’s mental and emotional well-being.

24. However, shortly after its publication, President Tokayev publicly accused international organizations of promoting so-called “democratic moral values, including LGBT,” and interfering in the domestic affairs of sovereign states. In the aftermath of this statement, the Ministry of Health removed the study from open sources.¹⁴ This sequence of events demonstrates how political pressure can suppress evidence-based dialogue and undermine both public health initiatives and fundamental human rights.

25. In addition to introducing a law on “LGBT propaganda,” Kazakhstan implemented legislative changes in 2024 that prohibit LGBTQIA+ individuals from becoming adoptive mentors. The Deputy Minister of Education stated that prospective foster mentors would be required to undergo psychological testing aimed at assessing their sexual orientation and gender identity:

26. *“We have implemented a comprehensive psychological test. It has already been put into practice. Out of 4100 people tested, only 280 have passed”¹⁵*

¹⁴ Current Time media outlet, “Kazakhstan's Ministry of Health retracted the results of its own study when it showed that “gay propaganda” does not affect young people”, March 2025. URL:

<https://www.currenttime.tv/a/minzdrav-kazahstana-otkazalsya-ot-rezultatov-sobstvennogo-issledovaniya-kogda-ono-pokazalo-chto-gey-propaganda-ne-vliyaet-na-molodyozh/33352786.html>

¹⁵ Current Time media outlet. Article “In Kazakhstan, LGBT+ people will not be allowed to adopt orphans. The law copies Russian practices of persecution of minorities”, February 2024. URL:

<https://www.currenttime.tv/a/v-kazahstane-predstavityam-lgbt-ne-dadut-usynovlyat-sirot-zakon-kopiruet-rossiyski-e-praktiki-presledovaniya-menshinstv/32805872.html>

27. Legislation of Kazakhstan has discriminatory norms and includes the concepts of “sodomy” and “lesbianism” that are used in Articles 121-123 of the Criminal Code.¹⁶ In the List of Issues, the Committee asked whether those terms had been reviewed or amended following the provisions of the Covenant to eliminate discriminatory language and guarantee adequate protection.¹⁷

28. In response, Kazakhstan stated that “*current wording of articles 121–123 of the Criminal Code is in conformity with the demands of society, national interests and standards of ethics and morality and also meets international human rights protection standards.*”¹⁸

29. In reality, those terms promote hatred, stereotypes against LGBTQIA+ people and do not meet international human rights protection standards.

Legal Gender Recognition

30. According to ALMA-TQ Transgender Initiative, legal gender recognition is contingent on undergoing mandatory surgical procedures and obtaining a psychiatric diagnosis, as stipulated in Article 257, clause 13 of the Code on Marriage and Family, and consists of requirements that violate international human rights standards, including bodily autonomy and the right to self-determination. These conditions have been equated to forced sterilization and condemned by the UN as inhumane treatment. Furthermore, the process is highly medicalized under Order No. KP ДСМ-203/2020, demanding a review by a medical commission with seven members and over 20 unrelated tests, such as genetic screenings and cranial X-rays. The six-month validity of the commission’s decision further restricts access, rendering legal gender recognition virtually unattainable for many.

31. International human rights organizations: Human Rights Watch, TGEU, and Amnesty International called on Kazakhstan to abandon mandatory medical interventions in the procedure of legal recognition of gender, and to ensure non-discriminatory access to medical care for transgender persons. They have repeatedly emphasized that current practices in the country violate fundamental human rights and exacerbate the vulnerable situation of transgender persons.

32. The UN Committee against Torture in 2023 made some of the most specific recommendations to Kazakhstan aimed at protecting transgender people from cruel and degrading treatment. The Committee called for the elimination of the requirement of mandatory surgical correction and psychiatric examination as conditions for changing documents, emphasizing that such requirements contradict the principles of bodily and mental integrity and may amount to inhuman treatment. The Committee insisted on the need for a voluntary and dignified approach to the process of gender reassignment, guaranteed access to legal and medical procedures without discrimination, and the establishment of independent and effective complaint mechanisms for cases of violence and humiliation, especially by police and medical personnel.

33. The Human Rights Committee, in its last concluding observations, recommended that Kazakhstan *review the procedures for gender-reassignment surgery and sex change to ensure*

¹⁶ Criminal Code of Kazakhstan, URL: <https://adilet.zan.kz/rus/docs/K1400000226>

¹⁷ List of issues prior to the submission of the third periodic report of Kazakhstan (CCPR/C/KAZ/QPR/3), para 7, April 2023.

¹⁸ Replies to the list of issues (CCPR/C/KAZ/QPR/3), para 102, July 2024.

*their compatibility with the Covenant.*¹⁹ In the List of Issues, the Committee asked whether efforts have been made to ensure that the procedures for gender reassignment surgery and sex change are compatible with the Covenant.²⁰ In response, Kazakhstan ignored the recommendation; did not provide an answer to the question, and only described this discriminatory procedure.²¹

34. In 2020, the situation for transgender youth in Kazakhstan worsened when the minimum age for accessing medical and social assistance was raised from 18 to 21, effectively barring them from beginning a legal gender transition or changing identification documents. This legislative restriction, combined with institutional discrimination, leaves transgender youth without access to gender-affirming medical care. As a result, many turn to self-administering hormones without proper clinical supervision, often relying on unverified online sources or peer advice. This unsafe practice carries serious health risks, including hormonal imbalances, cardiovascular and reproductive complications, and worsening mental health conditions.

35. Kazakhstan, in its replies, justified the raise of age by stating that “*medical transition is started when the personality is formed and when all systems are mature, the most important of which are the nervous and endocrine systems.*”²² However, the absence of medical oversight greatly increases their vulnerability and can lead to irreversible harm.

36. Since January 2025, ALMA-TQ has recorded six cases of refusal to change the documents of transgender people by district departments of the State Registration Service. In each case, the refusal was accompanied by demands to provide evidence of genital surgical procedures, including photo materials. Such demands raise serious concerns, as registration employees have no legal basis to demand such information. Moreover, refusals occur even in the presence of official certificates confirming irreversible medical interventions. Despite the existence of an approved procedure for changing the gender marker, local executive bodies are often unaware of its provisions and, due to the prevailing transphobia, ignore the fulfillment of all established requirements. This negative trend reflects the deteriorating situation in the country against the backdrop of the growing influence of Russia, where the LGBTQ community was officially recognized as an “extremist movement” in 2023. The increased amount of misinformation about transgender people in the media and open attacks by Kazakhstani MPs create an atmosphere of impunity, where local authorities are guided by personal biases and carry out discriminatory actions.

37. Transgender youth face systematic marginalization due to widespread transphobia, stigma from peers, educators, and even family members. This often results in exclusion from educational settings, limited socialization, and barriers to employment, fostering isolation and emotional distress. The lack of inclusive support systems, social stability, and positive role models further contributes to risky behavior, such as neglecting health, avoiding disease prevention, including HIV testing, and increased vulnerability to substance use. Study “We Live

¹⁹ Concluding observations on the second periodic report of Kazakhstan (CCPR/C/KAZ/CO/2), para 10, August 2016. URL:

<https://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=nV5EBGB%2FyO%2BkLiDAJu2ergnyVQ0I0Cf6O6wTF96zPfiz61LgRsl%2BtpjwpXzyJ9Lcc%2Fu6tmLTWqbqJlmj%2BVoYg%3D%3D>

²⁰ List of issues prior to the submission of the third periodic report of Kazakhstan (CCPR/C/KAZ/QPR/3), para 7 (b), April 2023.

²¹ Replies to the list of issues (CCPR/C/KAZ/QPR/3), para 96-99, July 2024.

²² Replies to the list of issues (CCPR/C/KAZ/QPR/3), para 100, July 2024

While We Are Not Seen”²³ revealed that over 80% of surveyed transgender individuals had experienced violence, bullying, persecution, and discrimination.

Recommendations for Kazakhstan

38. Adopt a comprehensive anti-discrimination law that includes explicit protections based on SOGIESC. This law must provide civil, administrative, and criminal remedies, include clear definitions, enforcement mechanisms, and accessible complaint procedures.

39. Adopt specific legislation addressing hate crimes and hate speech, including those based on SOGIESC. The law should include: clear definitions aligned with international standards; penalties proportionate to the harm caused; mandatory data collection; and independent mechanisms to hold law enforcement accountable, especially for abuses committed by officers.

40. Include LGBTQIA+ organizations, activists, and human rights defenders in all legislative consultations, especially in the anti-discrimination working group.

41. Reject any legislative initiatives aimed at restricting freedom of expression and information about LGBTQIA+ people, including bills banning “LGBT propaganda”.

42. Repeal outdated and stigmatizing terms like “sodomy” and “lesbianism” in Articles 121–123 of the Criminal Code.

43. Develop and implement awareness-raising programs among government officials, police, and media representatives on hate speech and stigmatization of LGBTQIA+ people.

44. Monitor and respond effectively to manifestations of hate speech on the Internet and in the media against the LGBTQIA+ community, ensuring that perpetrators are held accountable.

45. Establish a simple, transparent, and non-pathologizing procedure for legal gender recognition based on self-determination, without requiring psychiatric diagnoses, surgeries, or invasive tests, and ensure the mandatory abolition of forced sterilization as a prerequisite, specifically by repealing Article 257, paragraph 13 of the Code on Marriage, Spouses, and Family.

46. Change the minimum age for accessing medical and social gender-affirming services from 21 to 18. This should include the removal of age-based restrictions from Article 156, Gender reassignment of the Law ‘On National Health and the Health System’, and other relevant legal documents.

47. Protect publicly funded, evidence-based research, such as the Ministry of Health’s study on LGBT youth, from political interference.

PROHIBITION OF TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT (ART. 7)

²³ Alma-TQ, “Report on Registered Cases of Violence and Discrimination Against Transgender People in Kazakhstan for 2023”, <https://www.alma-tq.org/live>

Police brutality

48. Human Rights Committee requested that Kazakhstan provide information on measures taken to ensure that cases of discrimination or violence based on SOGI, including incidents of police brutality, are properly investigated and sanctioned, and that victims have access to effective and appropriate remedies.²⁴ In response, the state offered a broad statement, merely referring to the constitutional guarantee of the right to judicial protection for all individuals. Unfortunately, no concrete or specific actions have been taken by the government to address police violence against LGBTQIA+ individuals or to implement additional investigative mechanisms tailored to such cases.

49. At the same time, data provided by NGOs highlights the urgent need for specific protective measures. According to Education Community, 20% of all crimes against LGBTQIA+ individuals are committed by police officers.²⁵ This statistic is supported by ECOM's data, which also identifies police as perpetrators in 20% of such cases.²⁶ The situation is even more alarming for transgender people. According to ALMA-TQ, out of 112 documented cases in 2024, 56 involved incidents of police violence, abuse of authority, discrimination, or blackmail, accounting for more than half of all reported cases.

50. A gay man reported a police raid during a private event for LGBTQIA+ individuals and allies. Officers stormed the venue, forced guests to the ground, used homophobic slurs, and confiscated phones. The man was interrogated outside in freezing conditions about his sexual orientation. Attendees were detained overnight, denied basic needs, and had their personal data collected. Some were physically assaulted. Property was damaged during the raid, and fines were issued despite no clear violations.

Education Community

Recommendations for Kazakhstan

51. Create an independent mechanism to investigate cases of police violence, discrimination, and abuse of power specifically targeting LGBTQIA+ individuals.

52. Introduce mandatory, ongoing training programs for police and security forces on SOGIESC-related rights, anti-discrimination principles, and prevention of abuse, developed in consultation with LGBTQIA+ organizations.

ACCESS TO JUSTICE, INDEPENDENCE OF LAWYERS AND THE JUDICIARY AND RIGHT TO A FAIR TRIAL (ARTS. 2 AND 14)

53. In Kazakhstan, vague references to “traditional values” are increasingly used to suppress freedom of expression. The lack of a clear legal definition for such “values” allows authorities to

²⁴ List of issues prior to the submission of the third periodic report of Kazakhstan (CCPR/C/KAZ/QPR/3), para 7 (c), April 2023.

²⁵ NGO “Education Community”, from a database of documented offenses against LGBTQIA+ people in Kazakhstan. 2024. Unpublished

²⁶ ECOM, Regional Report on Violations of the Human Rights of LGBT People in the Countries of Eastern Europe and Central Asia 2024, table 1, p9. URL: <https://ecom.ngo/en/library/regional-report-2024/>

interpret them arbitrarily, leading to potential abuses of power and undermining the rule of law. Such actions not only stifle cultural expression but also pose significant challenges to justice and the protection of human rights in the country.

54. In 2024, a video featuring a man dancing in high heels inside a traditional Kazakh yurt sparked significant controversy in Kazakhstan. The performance was condemned by several government officials and members of parliament, who labeled it a “violation of national honor” and called for criminal prosecution of the artist. The Minister of Culture criticized the content as provocative and contrary to Kazakh values, while a member of parliament urged the General Prosecutor's Office and the National Security Committee to take legal action against the performer.²⁷

Recommendations for Kazakhstan

55. Establish clear legal protections for freedom of expression that explicitly limit the use of vague and subjective concepts like “traditional values” as grounds for censorship or criminal prosecution.

RIGHT TO PRIVACY, FREEDOM OF EXPRESSION AND PEACEFUL ASSEMBLY (ARTS. 17 AND 19–21)

Freedom of expression

56. According to REQUEST, the rhetoric and practice of restricting the freedom of expression of the LGBTQIA+ community and their advocates in Kazakhstan has significantly toughened. The growth of legislative initiatives aimed at banning “LGBT propaganda” has been particularly notable. For example, in 2023-2025, deputies of the Majilis of the Parliament of Kazakhstan repeatedly proposed amendments to legislation aimed at banning the mention of “non-traditional sexual orientation” in the media and social networks, under the threat of closure of publications. These amendments, although not finally approved, sparked widespread public discussion and contributed to further stigmatization and discrimination against LGBTQIA+ people.

57. In 2024, access to the LGBTQIA+ self-awareness and educational platform Selftanu.kz was restricted without prior notice or a transparent legal basis. The platform, which provides resources on mental health, identity, and empowerment for queer individuals in Kazakhstan, was reportedly blocked by authorities or internet service providers. This action represents a growing trend of online censorship targeting LGBTQIA+ content under vague notions of “propaganda” or “non-traditional values,” and further limits access to affirming and non-discriminatory information. Such interference infringes upon freedom of expression and access to information and contradicts Kazakhstan’s obligations under the ICCPR.²⁸

Rights to Privacy

58. Kazakhstan’s current legislation on privacy and personal data protection fails to explicitly address sexual orientation and gender identity (SOGI), leaving significant gaps in safeguarding

²⁷ Current Time media outlet. “An attack on the honor of the nation”. Kazakhstan is outraged by a clip of a man in heels dancing in a yurt”, 2024. URL: <https://www.currenttime.tv/a/kazakhstan-asia-tradition/33002530.html>

²⁸ Orda.kz media outlet. “Representatives of LGBTQ+ communities and human rights defenders want to challenge the decision to block the Selftanu.kz website”, 2024. URL: <https://orda.kz/predstaviteli-lgbtq-soobschestv-i-pravozaschitniki-hotjat-osporit-reshenie-o-blokirovke-sajta-selftanu.kz-382565/>

LGBTQIA+ individuals against data misuse and violations of privacy. There are no references to SOGI in the classification of sensitive personal data, nor are there protective measures to prevent the discriminatory use of such information. As part of its Enhanced Partnership and Cooperation Agreement (EPCA) 2016 with the European Union, Kazakhstan has expressed intentions to accede to Convention 108 of the Council of Europe for the Protection of Individuals with regard to Automatic Processing of Personal Data and its Additional Protocol (Article 237).²⁹ The most recent updates to Convention 108, adopted in 2018 and entered into force in 2023, include specific safeguards against the collection and processing of data that could lead to discrimination, explicitly covering SOGI-related data. The absence of domestic legal alignment with these international standards exposes LGBTQIA+ people in Kazakhstan to the risk of privacy violations, outing, and subsequent social or institutional discrimination.

59. In April 2024, during police raids on LGBTQIA+ events in Astana, approximately 70 individuals were detained.³⁰ Reports indicate that detainees were coerced into writing explanatory statements disclosing their sexual orientation and gender identity while in police custody. These statements were collected without informed consent and under duress, raising serious concerns about violations of privacy and the potential misuse of sensitive personal data. Following these incidents, public statements by Ministry of Internal Affairs officials confirmed the existence of so-called “lists” of LGBTQIA+ individuals, compiled without clear legal grounds or a transparent purpose. The creation of such databases, in the absence of safeguards or oversight, constitutes a severe breach of the right to privacy and may facilitate systemic discrimination, surveillance, and repression based on SOGI.

60. In 2024, “fake dating” was the most frequently reported form of anti-LGBTQIA+ violence documented by ECOM. This tactic involves perpetrators posing as potential romantic or sexual partners on dating apps or social media to lure LGBTQIA+ individuals into meetings. Once the victim arrives, they are subjected to extortion, blackmail, physical assault, or threats of being outed to family, friends, or employers.

61. The most common perpetrators are private individuals, often motivated by financial gain or homophobic and transphobic aggression. Victims are frequently coerced into paying money under the threat of having their SOGIESC publicly exposed. In two documented cases, media outlets also played a role in such violations by publishing the personal data of LGBTQIA+ individuals without consent, effectively outing them. These reports included private photos sourced from personal communications. In one instance, the media outlet later removed the content and issued an apology to the affected person.

62. *The survivor met the perpetrator at his apartment, where the situation quickly turned violent. The attacker pulled out a knife, threatened physical harm, and stole the survivor’s passport, smartphone, and 80,000 KZT. Later, he demanded a ransom of 300,000 KZT, threatening to publicly reveal the survivor’s identity if the payment was not made.*³¹

ECOM

²⁹ The ratification of the Agreement is available online. URL: <https://adilet.zan.kz/rus/docs/Z1600000475>

³⁰ Parni+ media outlet, Police raids in Kazakhstan: the story of a party organizer, 2024. URL: <https://parniplus.com/lgbt-movement/opinions/politseiskie-reidy-v-kazahstane/>

³¹ ECOM, National Report on Violations of the Rights of LGBT People in Kazakhstan 2024. URL: <https://ecom.ngo/en/library/national-report-kazakhstan-2024/>

Peaceful Assembly

63. The Law “On the Procedure for Organizing and Holding Peaceful Assemblies in the Republic of Kazakhstan” requires prior authorization for any peaceful assembly. According to Education Community and Glotion, the state routinely denies requests for assemblies that address LGBTQIA+ issues, while educational institutions exert pressure on students to discourage their participation. Authorities often cite alleged security threats or the risk of attacks against LGBTQIA+ individuals as grounds for cancellations. In many cases, assemblies are blocked due to claims that designated public spaces are unavailable frequently because of scheduled renovations or cultural events, which are often artificially initiated by the Akimat (administration) to prevent such gatherings.

64. An LGBTQIA+ activist submitted 15 notifications to hold Pride-related events in 2022 and 2023. All of them were denied, commonly citing repair work or other coinciding activities as justification. After exhausting all domestic legal remedies, the activist was unable to restore his rights.

65. According to REQUEST and Education Community, in 2024, the Almaty Akimat refused to authorize a feminist march, citing the possibility that LGBTQIA+ topics might be raised. On April 10, 2024, Members of Parliament Y. Zh. and S. M. proposed amending the law to allow authorities to ban assemblies that include “propaganda of non-traditional sexual orientation.”

Glotion, REQUEST, Education Community

66. In 2025, the Akimat again denied permission for a feminist march in Almaty, this time citing public security concerns. Officials referenced ten appeals calling for a ban on the March 8 event due to its alleged promotion of non-traditional values, same-sex unions, and LGBT symbols.

Freedom of Association

67. In Kazakhstan, LGBTQIA+ initiatives consistently face systemic barriers in exercising a fundamental right: the freedom of association. Although this right is formally guaranteed by the Constitution and international treaties ratified by Kazakhstan, in practice, it is undermined by legal and administrative obstacles that selectively restrict the registration of organizations working to protect LGBTQIA+ rights.

68. While there is no explicit legal ban on registering LGBTQIA+ organizations, applications are often rejected on vague grounds, such as “non-compliance of the organization’s objectives with legal requirements.” Of the 18,204 registered NGOs in Kazakhstan, only one explicitly focuses on LGBTQIA+ rights in its official charter. Other initiatives often avoid applying for registration due to fear of retaliation or omit references to LGBTQIA+ issues to increase the likelihood of approval.

69. The consequences of registration denial go beyond limited access to funding and partnerships—it poses serious legal risks. Under Article 489 of the Code of Administrative Offences, operating on behalf of an unregistered organization can lead to administrative penalties, including fines, arrest, or a formal ban on activities. Effectively, denial of registration equates to a ban on legal existence.

70. These challenges reflect a broader pattern of systemic and implicit discrimination, reinforced by the discretionary power of justice authorities and the absence of clear, transparent criteria for evaluating the objectives of organizations. As a result, decisions are often subjective, preventing equal access to fundamental rights.

71. On February 12, 2025, Member of Parliament I.S. proposed adopting a “foreign agents” law, claiming that NGOs promote foreign ideologies and values, including LGBT rights. Members of the People's Party of Kazakhstan are currently drafting the bill.

Recommendations for Kazakhstan

72. Ensure the protection of LGBTQIA+ digital platforms and online content from unjustified censorship and blocking. Establish clear, transparent legal safeguards that prohibit arbitrary restrictions on access to identity-affirming resources, such as Selftanu.kz, and guarantee freedom of expression and access to information in accordance with the ICCPR and international digital rights standards.

73. Amend national legislation on privacy and personal data protection to explicitly include sexual orientation and gender identity as sensitive categories, in line with international standards. Ensure alignment with the updated provisions of Convention 108+ and its Additional Protocol, including safeguards against the collection and processing of SOGIESC-related data that may result in discrimination.

74. Prohibit the collection, retention, and use of personal data related to SOGIESC by law enforcement agencies without the free, informed, and explicit consent of the individuals concerned. Ensure that any such practices, including the creation of “LGBTQIA+ lists”, are outlawed and subject to independent oversight, with legal accountability for violations of privacy and data protection standards.

75. Amend the Law on Peaceful Assemblies to eliminate the notification procedure for peaceful assemblies and include provisions prohibiting discrimination on the basis of SOGIESC.

76. Guarantee the protection of peaceful assembly participants from harassment and threats, including LGBTQIA+ rights activists.

77. Develop the necessary mechanisms and procedures to guarantee a safe and enabling environment for civil society in the field of LGBTQIA+ rights, including individual activists and initiatives, and organizations.

78. Ensure equal conditions for registration of LGBTQIA+ initiatives and organizations, without regard to SOGIESC, including in the choice of name, statutory objectives, and activities.

73. Ensure the safety of founders and participants of LGBTQIA+ associations, including from harassment, intimidation, threats, and violence.

79. Ensure the inclusion of representatives of LGBTQIA+ communities in consultative and dialog mechanisms, including on human rights, gender equality, and civil society issues.

80. Repeal Article 489 of the Code of Administrative Offenses of the Republic of Kazakhstan, which is used to prosecute LGBTQIA+ initiatives for operating without registration.

Glotion, REQUEST

FREEDOM OF ASSOCIATION AND THE RIGHT TO PARTICIPATE IN PUBLIC LIFE (ARTS. 22, 25 AND 26)

Access to public discussions

76. Over the past period, the rhetoric and practice of restricting the freedom of expression of the LGBTQIA+ community and their advocates in Kazakhstan have significantly toughened. The growth of legislative initiatives aimed at banning “LGBT propaganda” has been particularly notable. For example, in 2023-2025, deputies of the Majilis of the Parliament of Kazakhstan repeatedly proposed amendments to legislation aimed at banning the mention of “non-traditional sexual orientation” in the media and social networks, under the threat of closure of publications. These amendments, although not finally approved, sparked widespread public discussion and contributed to further stigmatization and discrimination against LGBTQIA+ people.

77. According to REQUEST, access to the discussion, organized by Ministry of Culture and Information on so-called “LGBT propaganda,” was restricted: representatives of the LGBTQIA+ community, human rights organizations and allied actors were allowed to participate in the discussions in too limited a number (7 out of 50 people). Their views were censored, and their speeches were interrupted and blocked by the organizers. Such practices contribute to the exclusion of the voice of the LGBTQIA+ community from the public space and directly contravene Kazakhstan's obligations under ICCPR.

Recommendations for Kazakhstan

78. Ensure equal representation and respect for the views of LGBTQIA+ activists and human rights organizations in discussions on socially significant initiatives and working groups under state bodies.

79. Support the inclusiveness of national human rights action plans, including the participation of LGBTQIA+ organizations in their development and implementation.