

Summary of Legislation Related to the Rights of LGBT, other MSM, and PLWH

Kazakhstan



| Legislative Aspect | Law | Practice |
|---|---|---|
| Travel and Immigration Bans on People Living with HIV (PLWH) | There are no legal obstacles for PLWH to travel or immigrate to Kazakhstan. | |
| Criminalization of HIV Transmission | Transmission of HIV is criminalized. | Knowingly subjecting another person to the danger of HIV infection is punishable by imprisonment of up to 3 years; infection of another person with HIV by someone who knows they are infected is punishable by imprisonment of up to 5 years; HIV transmission resulting from professional negligence of medical professionals is punishable by imprisonment of up to 5 years. |
| Ban on Blood Donation by MSM | MSM are not prohibited from donating blood. | |
| Criminalization of Same-Sex Sexual Activity | Same-sex sexual activity is legal. | Same-sex sexual activity was decriminalized in 1998. Age of consent is 16 for both men and women. |
| Ban on "Homosexual Propaganda" | There is no ban on "homosexual propaganda". | In May 2015, the Constitutional Court overturned a bill "On the Protection of Children from Information Harmful to their Health and Development." The bill would have introduced a ban on the promotion of "non-traditional sexual orientation." |
| Laws on Gender Identity and Expression (changing one's legal gender and related procedures) | A person may change their legal gender according to existing legislation. | In order to change one's legal gender, a person must undergo irreversible sterilization, hormonal treatment, and other surgical procedures. Gender reassignment procedures are available in the country, but are not covered by state medical insurance. Many Kazakhs cannot afford the costs related to these procedures. |

Eurasian Coalition on Male Health



| | | |
|---|---|--|
| SOGI Antidiscrimination Laws | There are no specific antidiscrimination protections for sexual minorities. | The Constitution of Kazakhstan prohibits discrimination in all circumstances. In practice, this provision has never been applied to protect LGBT people. Discrimination on the basis of sexual orientation and gender identity is not expressly prohibited by any law. |
| Hate Crimes Legislation | There is no comprehensive hate crimes legislation. | Aggravating criminal circumstances arise when a crime is committed on the basis of the victim's nationality, race, or religion, but there are no provisions including sexual orientation or gender identity. |
| Recognition of Same-Sex Partnerships | There is no recognition of any kind of same-sex partnership or union. | Marriage is the only form of legal partnership. It is defined as a union between man and woman by the Constitution. |
| Adoption | There is no legal act allowing LGBT people to jointly adopt children. | Single parents are eligible to adopt children. Thus, it is still possible for LGBT people to adopt . |



This document has been funded by grant 2014097 to the Consortium of MSM and Transgender Networks by the Robert Carr civil society Networks Fund.

