



NATIONAL REPORT

on Violations of the Rights
of LGBT People in Kazakhstan

2024



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ACRONYMS AND ABBREVIATIONS

CC RK Criminal Code of the Republic of Kazakhstan

Global Fund Global Fund to Fight AIDS, Tuberculosis and Malaria

HC Hate crimes

HIV Human Immunodeficiency Virus

LGBT Lesbian, gay, bisexual and trans people

MSM Men who have sex with men

NGO Non-governmental organization

NSC National Security Committee

PLH People living with HIV

PrEP Pre-exposure prophylaxis for HIV

Queer Umbrella term for an LGBT person

RK Republic of Kazakhstan

SOGI Sexual orientation and gender identity



METHODOLOGY FOR COLLECTING CASES OF HUMAN RIGHTS VIOLATIONS

The basis for this national report included monitoring cases of human rights violations, collected using tools provided by ECOM, as well as a brief analysis of the legal environment. The following research methods were used as part of monitoring: an analysis of documented cases and an analysis of thematic materials from open sources.

The purpose of collecting information is to identify cases of human rights violations faced by LGBT people in their access to health, employment, housing, and political participation. As a result of the analysis, the main causes of violations and discrimination were identified, and quantitative data was obtained. Conclusions and recommendations were developed based on this data.



INTRODUCTION

In 2024, the rights to freedom of expression, peaceful assembly, and association continued to be unjustifiably restricted in Kazakhstan. Peaceful street protests with a queer agenda were regularly disrupted or prohibited by police.

Violent attacks on journalists increased at the start of the year in connection with a steady pattern by authorities of applying overly broad criminal charges against activists and critics of the government¹.

A petition against “LGBT propaganda” collected 50,000 signatures, and has provoked an increase in online hate speech and a hate campaign against individual activists. UN Special Rapporteurs have called on the Kazakh authorities not to consider the petition as it calls for the violation on the basis of SOGI of the human rights to freedom of expression, association, and peaceful assembly.



Authorities in Kazakhstan should reject this petition, which is based on a misleading and discriminatory premise and calls for a rights-violating law,” the experts said. “Such a vaguely worded law would have an inhibiting effect on civil society organizations and human rights defenders and contribute to a hostile environment in which discrimination and even violence occur².

Эксперты ООН.

Despite calls from UN special rapporteurs to reject the petition, the Kazakh authorities held a series of meetings for its consideration. As a result, the Ministry of Culture and Information of the RK decided to partially satisfy the petition: the authorized body will consider the need to introduce restrictions on the distribution of LGBT content among children and adolescents. In November 2024, the Prime Minister of Kazakhstan stated that “government agencies have begun to study the impact of the LGBT movement on children.”³ Research on this topic is planned for 2025.

¹ Kazakhstan. Events of 2023 / World Report. 2024. – Human Rights Watch.— URL:

<https://www.hrw.org/ru/world-report/2024/country-chapters/kazakhstan>

² Kazakhstan: Reject rights-violating petition, say UN experts. – OHCHR, 31 July, 2024. — URL:

<https://www.ohchr.org/en/press-releases/2024/07/kazakhstan-reject-rights-violating-petition-say-un-experts>

³ Влияние ЛГБТ-движения на детей изучают госорганы Казахстана. – КазТАГ, медиа, 2024. — URL:

<https://kaztag.kz/ru/news/vliyanie-lgbt-dvizheniya-na-detey-izuchayut-gosorgany-kazakhstana>



LEGISLATION

The country's constitution enshrines the principle of equality and non-discrimination based on gender and other circumstances, but does not include sexual orientation and gender identity.



ANTI-DISCRIMINATION LEGISLATION

Kazakhstan does not yet have separate anti-discrimination legislation. However, at the end of 2023, the President of Kazakhstan signed the Decree “on the Action Plan in the Field of Human Rights and the Rule of Law.” The establishment of a permanent working group in March 2024 to consider issues related to anti-discrimination legislation is planned in this document⁴.

According to the press service of the Ministry of Culture and Information of the RK, several meetings of the Working Group were held in 2024. It included representatives of a number of ministries, the Prosecutor General's Office, the NSC, and the National Center for Human Rights. A draft Roadmap for 2024-2025 was developed to coordinate the Working Group⁵. It is not yet known whether the bill will include sexual orientation and gender identity as characteristics protected from discrimination.

Current legislation considers motivation by national, racial, or religious hatred or enmity as an aggravating circumstance to crime, but SOGI is not mentioned. Meanwhile, since 2016, 134 hate crimes have been registered, of which 105 were committed against LGBT people⁶, which accounts for 78% of all registered cases of HC.

Kazakhstan has no legislation on hate speech. ECOM monitoring data for 2024 indicates that hate speech is one of the most common violations faced by LGBT people. However, current legislation does not enable queer people to seek protection.

⁴ Decree of the President of the RK of 8.12.2023 “on the Action Plan in the Field of Human Rights and the Rule of Law”. — URL: <https://www.akorda.kz/ru/o-plane-deystviy-v-oblasti-prav-cheloveka-i-verhovenstva-zakona-811622>

⁵ The first meeting of the working group on anti-discrimination legislation was held / Ministry of Culture and Information of the Republic of Kazakhstan. 2024. — URL:

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

<https://www.gov.kz/memleket/entities/mam/press/news/details/876067?lang=ru>

⁶ Overview of incidents. — Hate Crime Report, OSCE ODIHR. — URL: <https://hatecrime.osce.org/incidents?country=KZ>

⁷ Code of the Republic of Kazakhstan “on Public Health and the Healthcare System” — URL:

https://online.zakon.kz/Document/?doc_id=34464437



CRIMINALIZATION OF HIV TRANSMISSION

The Code of the RK “on Public Health and the Healthcare System” guarantees access to antiretroviral therapy, pre-exposure and post-exposure prophylaxis, as well as social and legal protection for people living with HIV⁷.

Transmission of HIV is criminalized by paragraph 1 of Article 118 CC RK⁸, which imposes a fine, correctional or community service, or detention for up to fifty days for “knowingly placing another person at risk of HIV infection.” Although the wording is extremely vague and can be interpreted in different ways, the punishment remains the most lenient compared to other Central Asian countries. Kazakhstan should eliminate this provision, since the next provision of Article 2 already regulates the transmission of HIV.

Paragraph 2 of Article 118 CC RK states that “Infection of another person with HIV by a person who knew that he had this disease is punishable by imprisonment for up to five years.” At the same time, a person is absolved of liability if the other person was warned that the first person had HIV. This provision does not distinguish between intentional and unintentional transmission of HIV.



LEGAL GENDER RECOGNITION

In accordance with paragraph 13 of Article 257 of the Code “on Marriage (Matrimony) and Family”⁹, a prerequisite for legal gender recognition is “surgical sex reassignment.” This provision is part of an invasive and humiliating procedure. Trans people who do not wish to undergo such surgeries or do not have the means to do so are limited in their access to legal gender recognition.

The Committee Against Torture called upon Kazakhstan to abolish this requirement, as well as the requirement for a psychiatric diagnosis, and to establish procedures on a non-discriminatory and voluntary basis¹⁰.

⁸ Criminal Code of the Republic of Kazakhstan. — URL: https://online.zakon.kz/Document/?doc_id=31575252

⁹ Code of the Republic of Kazakhstan “on Marriage (Matrimony) and Family” of 26 December 2011 No. 518-IV. — URL: <https://adilet.zan.kz/rus/docs/K1100000518>

¹⁰ Kazakhstan. Events of 2023 / World Report. 2024. — Human Rights Watch. — URL: <https://www.hrw.org/ru/world-report/2024/country-chapters/kazakhstan>



ACCESS TO HUMAN RIGHTS

In 2024, ECOM documented 31 cases of human rights violations in Kazakhstan. Unlike other Central Asian countries, the list of main violators is broad and not limited to law enforcement officers. Human rights, in particular those of LGBT people, were violated in roughly equal measure by homophobic and transphobic citizens, government officials, law enforcement officers, relatives of LGBT victims, doctors, and even other queer people.

The most common violations were “fake dates” (9 cases) and “hate speech” (7 cases). In three cases, LGBT people faced restrictions on their right to peaceful assembly. The victims included sex workers, trans people, lesbians, bisexuals, and queer women. They faced intersectional discrimination and violence based on their gender, occupation, and affiliation with the LGBT community.



RIGHT TO HEALTH

Kazakhstan has done a lot of work on the integration of pre-exposure and post-exposure prophylaxis services. They are included in the list of guaranteed services in the Code of the RK “on Public Health and the Healthcare System.” Such services are available not only to citizens of the country, but also to migrants. There is a friendly office at the AIDS Center¹¹.

However, ECOM has registered two cases where patients had difficulties accessing these services. In the first case, the situation was resolved after filing a complaint. In the second case, the patient was forced to disclose information about his partner and his HIV status, which is a gross violation of patient confidentiality.



The patient went to the AIDS Center for PrEP. The doctor refused to provide the drugs, as she considered the patient to be low-risk, thereby violating the algorithm specified in the clinical protocol for the diagnosis and treatment of HIV (Protocol No. 180). The patient filed a complaint. The doctor reviewed the complaint and eventually administered PrEP.

ECOM monitoring, 2024.



A man had unsafe sex. The next morning, he went to the AIDS Center for post-exposure prophylaxis. The doctors forced him to provide his partner’s full name. The doctors found his partner in the database and revealed his HIV-positive status.

ECOM monitoring, 2024.

¹¹ Where to get PrEP in Kazakhstan? – Safe PrEP. — URL: <https://prep.love/prep-kazakhstan/>



RIGHT TO WORK

The lack of anti-discrimination legislation prevents LGBT people from fully protecting their labor rights. Often, LGBT people are subject to labor discrimination when their employers or colleagues find out about their SOGI. This forced LGBT people to work in the informal sector of the economy, including sex work.

This is especially true for trans people due to their limited ability to change identification documents. For instance, according to international studies, from 24% to 75% of trans women are involved in sex work¹². Sex workers are subjected to violence by law enforcement and clients on a daily basis. They become the targets of hate attacks. However, due to widespread stigma and discrimination in society, law enforcement bodies, and the judicial system, sex workers have limited access to protection of their rights and freedoms.



A gay sex worker and his friend were kidnapped through a “fake date,” taken out of town and beaten up. The victim is sure that the people who did this could have killed him because of his sexual orientation and for engaging in sex work. The attacks happened repeatedly.

ECOM monitoring, 2024.



POLITICAL RIGHTS AND FREEDOMS

According to the annual report of Human Rights Watch¹³, the right to hold peaceful assemblies in Kazakhstan continues to be severely restricted and controlled by the police. Citizens who try to exercise their right to peaceful protest face detention, fines, or short administrative arrest.

The country requires that notice be provided about holding peaceful assemblies, and local executive bodies (akimats) have the right to refuse permission for holding such events. Akimats often refuse organizers of peaceful assemblies, in particular if the topic of the peaceful assembly relates to the queer agenda, or if executive bodies suspect that the topic may relate to the queer agenda.

ECOM data for 2024 shows a discriminatory approach to the right to peaceful assembly. For instance, marches and other protests organized by feminist groups or LGBT people were prohibited, while protests against the LGBT community took place unauthorized and without arrests¹⁴.

¹² Through a Different Lens: Occupational Health of Sex-Working Young Trans Women. — 2023. — URL: <https://pmc.ncbi.nlm.nih.gov/articles/PMC10066761/#B1>

¹³ Kazakhstan. Events of 2023 / World Report. 2024. — URL: <https://www.hrw.org/ru/world-report/2024/country-chapters/kazakhstan>

¹⁴ Митинг против ЛГБТК+ прошёл в Алматы. — Bes.media, 2024. — URL: <https://bes.media/news/miting-protiv-lgbtk-proshyol-v-almati-43c84c/>



I submitted an application and a notice for a picket. An employee of the Akimat called me and informed me that permission to hold a picket on March 8 on the stated topic “For the right of women to the March 8 March” was denied. Her direct quote was: «I am telling you, it is a threat to public order. There is a lot of negativity towards you, I have received various notifications that they are against any pickets and rallies connected with LGBT people and feminists.

ECOM monitoring, 2024.

It should be noted that in 2024, the Constitutional Court of the RK accepted for consideration an appeal to examine the compliance of a number of laws of the RK restricting the holding of peaceful assemblies with the Constitution. The list of issues to be examined included several paragraphs of articles of the Law “on the Procedure for Organizing and Holding Peaceful Assemblies” concerning the reasons for refusing permission to hold peaceful assemblies¹⁵.

However, activists continue to face barriers to the right to peaceful assembly. Moreover, they face hate speech and hate crimes, while the government does not provide necessary protections.

Parliamentarians called for the Kazakhstani feminist initiative “Feminita” to be recognized as an extremist organization. One of the reasons for this was the fact that “Feminita” participates in the organization of peaceful assemblies. In October 2024, one of the founders of the initiative was detained during the “Lesbian kurultai” event¹⁶.



RIGHT TO HOUSING

LGBT people have limited access to housing. If their SOGI is discovered, landlords may exhibit homo- or transphobia, and refuse to rent them housing. Trans people are particularly vulnerable in this regard due to the discrepancy between their gender marker and their external appearance.

Domestic violence results in LGBT people either being forcibly confined or kicked out of their homes. Often, young queer people do not have the financial resources to rent housing and remain in vulnerable situations.



A father beat and threatened to kill a trans woman, demanding that she cut her hair and “look like a boy”. She was thrown out of her home and forced to drop out of university to work and rent an apartment. She then turned to local LGBT initiatives, which provided her with housing.

ECOM monitoring, 2024.

¹⁵ Могут ли акиматы запрещать мирные митинги? Конституционный суд примет решение. — Bes.media, 2024. — URL: <https://bes.media/news/mogut-li-akimati-zapreshat-mirnie-mitingi-konstitutsionniy-sud-primet-reshenie/>

¹⁶ Депутаты от правящей в Казахстане партии Amanat предложили признать инициативу «Феминита» экстремистской организацией. — Медиазона, 2024. — URL: <https://mediazona.ca/news/2024/10/09/feminita>



RIGHT TO PRIVACY

In 2024, 9 cases of “fake dates” were documented. Often, the perpetrators are ordinary citizens. The main motives for organizing “fake dates” are extortion, blackmail, and infliction of injuries. The perpetrators often demand money by threatening to reveal the SOGI of victims to their acquaintances, relatives, or colleagues.



The victim met a guy in an apartment, when he suddenly pulled out a knife and began to threaten him with physical violence, and took away his passport, smartphone, and 80,000 tenge¹⁷. Later he demanded a ransom of 300,000 tenge¹⁸, and threatened to reveal the victim’s sexual orientation to all the contacts in his smartphone.

ECOM monitoring, 2024.

The media participated in two documented cases and published personal information about LGBT people and outing them. The outlets used personal photographs taken from correspondence. Later, one of the media outlets removed the homophobic content, and apologized to the victim.



RIGHT TO LEGAL PROTECTION

In relation to widespread hate speech against LGBT people, the following violations of LGBT rights by government officials are noteworthy: attempts to recognize LGBT initiatives as extremist groups, illegal detentions of activists, consideration of petitions “against LGBT propaganda”, and others. Due to this, LGBT people feel unsafe and are afraid to seek help from the state. ECOM data for 2024 shows that victims often refuse to file statements, even if there is evidence of crimes. The reasons they cite for this are fear of disclosure of their SOGI to police officers and further persecution.

This fear is not without a basis. Cases have been documented in which representatives of law enforcement or the National Security Committee demanded that victims disclose information about other LGBT people. It remains unclear why the National Security Committee needs data on LGBT people, but this demonstrates the unfriendliness of the system.



A criminal case was opened against the victim, and NSC officers arranged informal meetings with him with proposals that they would “close the case in exchange for information about other LGBT people and LGBT activists.

ECOM monitoring, 2024.

¹⁷ Approximately 170 USD
¹⁸ Approximately 620 USD

Even in cases where LGBT people are willing to fight injustice, law enforcement agencies delay investigations and use offensive language towards those who seek assistance. In at least two cases in 2024, law enforcement officers mocked the victims due to their SOGI, asked humiliating questions, and delayed the investigation. Only in one case was the victim able to obtain justice.



Three homophobes found out that their friend was a queer person. They invited him to their apartment, tortured him by pressing a hot iron to his shoulder, and beat him with their hands, feet, a chair, and other objects. While threatening him, they demanded that he confess to pedophilia and recorded everything on a camera phone, while simultaneously extorting 500,000 tenge. The victim contacted the police. All three were detained, and the court found them guilty and sentenced them: one received three years and six months of imprisonment, the other two were sentenced to a restriction of freedom.

ECOM monitoring, 2024.



CONCLUSIONS AND RECOMMENDATIONS

In Kazakhstan, the trend “fake dates” continues to be widespread. Victims include gay and bisexual men, trans women, and LGBT sex workers. In 2024, the number of registered cases of hate speech increased significantly compared to previous years of monitoring. This may be due to the consideration of the petition “against LGBT propaganda”, as well as targeted online campaigns against individual LGBT people and activists.

Particularly vulnerable in 2024 are feminist groups and individual activists who advance an intersectional agenda and organize peaceful assemblies.



RECOMMENDATIONS FOR THE RK

- ✓ Refuse consideration of the need to adopt a law against “LGBT propaganda” as it is a discriminatory initiative;
- ✓ Adopt a comprehensive anti-discrimination law, prohibiting all forms of discrimination, including on the basis of SOGI, and develop an effective mechanism for investigating cases of discrimination;
- ✓ Adopt a law on hate crimes and include SOGI in the list of protected characteristics;
- ✓ Prohibit hate speech on the basis of SOGI;
- ✓ Amend Article 145 CC RK, by expanding the list of characteristics protected from discrimination to include health condition (HIV status), sexual orientation, and gender identity;
- ✓ Introduce a procedure for legal gender recognition in accordance with international standards, including the elimination of the requirements for mandatory examination in a psychiatric hospital over 30 calendar days and mandatory surgical intervention;
- ✓ Train police, prosecutors, and judges on how to effectively investigate and review allegations of hate crimes based on homophobia and transphobia.



RECOMMENDATIONS FOR INTERNATIONAL ORGANIZATIONS

- ✓ Monitor violations of the human rights of LGBT people;
- ✓ Respond to the shrinking civil space in the RK;
- ✓ Support local organizations and community-based initiatives.



RECOMMENDATIONS FOR CIVIL SOCIETY

- ✓ Develop a safe space for interaction and dialogue;
- ✓ Provide legal assistance and protection to victims in connection with their legal cases;
- ✓ Document cases of human rights violations against LGBT people;
- ✓ Support the activities of shelters for LGBT people.

