



**NGO Public Foundation “Education Community”,  
Kazakhstan**

**RE: Call for Input: Protection against violence and discrimination based on sexual orientation and gender identity, in relation to the human rights to freedom of expression, association and assembly**

**NGO submission**

**31 January 2024**

*The present submission focuses on a number of issues related to the human rights violations of LGBTQIA+ people in Kazakhstan, specifically regarding the enjoyment of freedom of expression, association and assembly. The information is given vis-a-vis the questions formulated in the Call for Input<sup>1</sup>. At the end of the submission, potential recommendations are suggested. The submission is based on cases monitored by NGO “Education Community”, as well as public information.*

***Authorship.** The submission was prepared by Liliya Mukhamejanova, Aziyat Agishev and a third anonymous member, Kazakhstani LGBTQIA+ activists working at the NGO “Education Community”, Kazakhstan. NGO “Education Community”, a private foundation formally registered on 21st of April 2022, strives to unite sexual and gender-diverse groups in Kazakhstan, and its mission includes fostering personal, legal, psychological, and financial development for the LGBTQIA+ community via advocacy and capacity building projects.*

- 1. Does your country have any laws, policies, or practices that, explicitly or implicitly, ban, restrict or make more challenging the exercising of freedom of expression by civil society organizations or activists advocating for LGBT persons’ human rights?**

Article 20 of Kazakhstan’s Constitution guarantees freedom of speech and art while prohibiting censorship<sup>2</sup>. Kazakhstan is a State Party to the International Covenant on Civil

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<sup>1</sup> OHCHR. Call for Input: Protection against violence and discrimination based on sexual orientation and gender identity, in relation to the human rights to freedom of expression, association and assembly. Available online: <https://www.ohchr.org/en/calls-for-input/2024/call-input-protection-against-violence-and-discrimination-based-sexual>.

<sup>2</sup> Article 20, Constitution of the Republic of Kazakhstan - Current Version with Comments [original in Russian]. 2024. Available online: <https://constitutionrk.kz/razdel-2/statya-20>.

and Political Rights. Kazakhstan has no laws that would explicitly ban, restrict or make more challenging the exercising of freedom of expression by civil society organizations or activists advocating for LGBTQIA+ persons' human rights. However, in practice certain expressions related to LGBTQIA+ rights may be, and are, restricted based on such vague legal terms as “morality” and “public order”. Kazakhstan lacks specific legal protections for LGBTQIA+ people, including explicit laws against hate speech and discrimination based on SOGI.

Furthermore, since 2018 the country has a law “On the Protection of Children from Information Harmful to Their Health and Development”, which introduced restrictions for information available for minors<sup>3</sup>. It defines information prohibited for children as information that “leads children to antisocial and illegal actions; has content of a special sexual-erotic nature; contains descriptions and (or) image of sexual violence<sup>4</sup>”. Such language leaves space for interpretation of information related to LGBTQIA+ rights, sexual health and sex education as harmful for children, restricting it from being published and distributed. For example, the law was used in a recent case from January 2024 involving a website for LGBTQIA+ teenagers titled *Selftanu.kz*<sup>5</sup>. The website contains information on how to better understand one's sexual and gender identity, find friends and form romantic relationships, as well as materials on sexual health, and resources for support<sup>6</sup>. In response to this, the Republican Public Association of Parents titled “Senimen Bolashak”, and Zarema Usimova, an individual activist, launched two online petitions demanding to block the website, which have currently been signed by over 3700<sup>7</sup> and 800<sup>8</sup> people, respectively. In the description accompanying each petition, the authors cited “the protection of children and adolescents from LGBT propaganda” and the influence of the media on human psyche and society at large<sup>9</sup>. In addition, one of the site's opponents compiled a complaint template to the Prosecutor General's Office of the Republic of Kazakhstan with requests to bring the site's creators and those lobbying their interests on the Internet to justice for the creation of the site, in accordance with the mentioned law on protecting children from harmful information; as well as prohibit further dissemination of such topics as LGBTQIA+ rights, limit them to the age category 18+, and block this site and others alike that are publicly available on the Internet<sup>10</sup>. Furthermore, the editors of the local news agency “Kazinform” sent a request regarding *Selftanu.kz* to the Ministry of Culture and Information, to which the latter responded with an official order to monitor the website through its “Center for Analysis and

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<sup>3</sup> “On the Protection of Children from Information Harmful to Their Health and Development” [original in Russian]. Law of the Republic of Kazakhstan dated July 2, 2018 No. 169-VI LRK. Available online: <https://adilet.zan.kz/rus/docs/Z1800000169>.

<sup>4</sup> Ibid.

<sup>5</sup> See the website: <https://selftanu.kz/>.

<sup>6</sup> Ibid.

<sup>7</sup> Zhansaya Berdimurat, “On the blocking and banning of the LGBT propaganda website selftanu.kz” [original in Russian: O blokirovke i zaprete sayta po propandande LGBT selftanu.kz]. Otinish.kz. 2024. Available online: <https://www.otinish.kz/ru/petition/104/>.

<sup>8</sup> Zarema Usimova, “Initiative against the launch of a website for LGBTQ+ teenagers in Kazakhstan” [original in Russian: Initsiativa protiv zapuska sayta dlya LGBTK+ podrostkov v Kazakhstane]. ALASH online. 2024. Available online: <https://alash.online/1692-selftanu.html>.

<sup>9</sup> Berdimurat (n 9) 1.

<sup>10</sup> NGO “Education Community”, from a database of documented offenses against LGBTQIA+ people in Kazakhstan. 2024. Unpublished due to confidentiality.

Information”<sup>11</sup>. On February 12, 2024, the Ministry of Culture and Information officially blocked the website, citing Article 41-1 of the Law On Communications, and stating the website supposedly contained “information ‘harmful to the health and development of children’”<sup>12</sup>. Lastly, amidst the backlash directed at the website, the government is trying to pass a new amendment to the Laws on Education, Mentoring and Child Safety that will prohibit LGBTQIA+ people from becoming mentors for children living in Kazakhstani orphanages, by using an existent restriction that bans them from legally adopting a child<sup>13</sup>.

**2. If there are no such laws or policies, have there been attempts or incentives in the last ten years (2013-2023) to introduce such explicit or implicit restrictions, either nationally or locally? If so, who were the actors/groups/individuals or organizations behind these attempts, and what is the current situation?**

In addition to the implicitly discriminatory aspects in the legislation itself, in recent years, local executive authorities, education representatives, and members of “anti-gender” groups and those fighting for “traditional values” have repeatedly tried to limit the freedom of expression of LGBTQIA+ people.

The NGO “Education Community” documented two cases of restrictions of the freedom of speech of LGBTQIA+ people by Astana akimat (mayor’s office); in 2022, after a group of activists applied for a feminist peaceful assembly in the city, the authorities declared they would allow the event under the condition that the topic of LGBTQIA+ rights, including its symbols such as pride flags, would not be raised, and the participants' posters would be subject to akimat’s approval<sup>14</sup>. In April 2023, the akimat and the government-affiliated Spiritual Administration of Muslims of Kazakhstan (SAMK) again tried to conduct similar censorship at another feminist assembly<sup>15</sup>. It is worth noting that state and pro-state actors tend to homogenize feminist and LGBTQIA+ movements to portray them both as antisocial elements, so when events on behalf of the former are organized, the latter are often cited to restrict freedom of speech, along with freedoms of association and assembly<sup>16</sup>. After the 2023 feminist march in Astana, where the official topic was the elimination of all forms of violence

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<sup>11</sup> Kazinform. “The Ministry of Culture will monitor a new website helping teenagers determine their orientation” [original in Russian: Minkul'tury budet monitorit' novyy sayt dlya podrostkov po opredeleniyu svoey oriyentatsii]. 2024. Available online: <https://www.inform.kz/ru/minkulturi-budet-monitorit-noviy-sayt-dlya-podrostkov-po-opredeleniyu-svoey-orientatsii-405be7>.

<sup>12</sup> Kursiv.Media. “Website for LGBTQ teenagers blocked in Kazakhstan” [original in Russian: V Kazakhstane zablokirovali sayt dlya LGBTK-podrostkov]. 2024. Available online: <https://kz.kursiv.media/2024-02-12/lbs-lgbtsait/>.

<sup>13</sup> KazTAG. “LGBT people will not be able to become mentors for orphans in Kazakhstan – Ministry of Education” [original in Russian: Predstaviteli LGBT ne smogut stat' nastavnikami dlya detey-sirot v Kazakhstane – minprosvet]. 2024. Available online: <https://kaztag.kz/ru/news/predstaviteli-lgbt-ne-smogut-stat-nastavnikami-dlya-detey-sirot-v-kazakhstane-minprosvet>.

<sup>14</sup> NGO “Education Community”, from a database of documented offenses against LGBTQIA+ people in Kazakhstan. 2024. Unpublished due to confidentiality.

<sup>15</sup> Ibid.

<sup>16</sup> Nazarov A.K., Deputy request dated April 12, 2023, DS-56 (Mazhilis of the Parliament of the Republic of Kazakhstan) [original in Kazakh] 1. Available online: <https://www.parlam.kz/ru/mazhilis/question-details/19181>.

against women, but where LGBTQIA+ people and activists participated with symbols of the community, a member of Parliament Ardak Nazarov officially requested the Deputy Prime Minister Kazakhstan to ban “LGBT propaganda” and other “negative trends” on the legislative level<sup>17</sup>, introduce the conservative teaching of “national values” in schools, and block websites and media of all types that “do not correspond to national culture” to protect minors. Although the request was not granted, it was covered<sup>18</sup> extensively<sup>19</sup> by<sup>20</sup> media outlets, and caused a surge of varying responses from<sup>21</sup> the public<sup>22</sup>. According to a review by “Education Community”, in 2023, there were at least five cases of restrictions on freedom of speech involving educational institutions, where administrations of schools and universities prohibited people from speaking on topics related to LGBTQIA+ people, and tried to ban pride flags and other symbols that could be associated with the LGBTQIA+ community from their events<sup>23</sup>. Representatives of these institutions put pressure on LGBTQIA+ individuals, including threats to their grading and education, as well as the disclosure of their SOGI to other parties, e.g. parents, staff, and other students<sup>24</sup>.

To date, at least two additional petitions have also been published to ban LGBTQIA+ propaganda from organizations such as the “Blago-Daryu” Public Foundation<sup>25</sup> and individuals<sup>26</sup> associated with anti-gender movements in the country, summarily collecting about 4600 signatures. These petitions use similar rhetoric and theses, often copying or closely quoting each other, and spread false information about SOGI, e.g. homosexuality being simultaneously “a disease” and “a trend from the Global West”, the goal of

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<sup>17</sup> Ibid 2.

<sup>18</sup> KZ 24 News. “Ban do not allow—Mazhilis will consider the law on LGBT propaganda” [original in Russian: Zapretit' nel'zya razreshit', — Mazhilis rassmotrit zakon ob LGBT-propagande]. 2023. Available online: <https://kz24.news/news/obschestvo/zapretit-nelzya-razreshit-mazhilis-rassmotrit-zakon-ob-lgbt-propagande.html>.

<sup>19</sup> NUR.KZ. “‘The epidemic has already arrived’: Majlis member calls for a ban on LGBT propaganda in Kazakhstan” [original in Russian: “Epidemiya uzhe nastupila”: zapretit' propagandu LGBT v Kazakhstane prizval mazhilismen]. 2023. Available online: <https://www.nur.kz/society/2016480-zapretit-propagandu-lgbt-v-kazakhstane-prizval-mazhilismen/>.

<sup>20</sup> Zakon.kz. “Kazakhstan proposes banning LGBT propaganda” [original in Russian: V Kazakhstane predlagayut zapretit' LGBT-propagandu]. 2023. Available online: <https://www.zakon.kz/politika/6390131-v-kazakhstane-predlagayut-zapretit-lgbtpropagandu.html>.

<sup>21</sup> KTK. “Altai Kulginov was offered to work on LGBT prevention” [original in Russian: Profilaktikoy LGBT predlozhili zanyat'sya Altayu Kul'ginovu]. 2023. Available online: <https://www.ktk.kz/ru/news/video/2023/04/12/240024/>

<sup>22</sup> QARAKZ on Instagram. “Ardak Nazarov MP raises the topic of LGBT propaganda in Kazakhstan” [original in Russian: Deputat Ardak Nazarov podnyal temu propagandy LGBT v Kazakhstane]. 2023. Available online: <https://www.instagram.com/reel/Cq7PNg1LM90/>.

<sup>23</sup> NGO “Education Community”, from a database of documented offenses against LGBTQIA+ people in Kazakhstan. 2024. Unpublished due to confidentiality.

<sup>24</sup> NGO “Education Community”, from a database of documented offenses against LGBTQIA+ people in Kazakhstan. 2024. Unpublished due to confidentiality.

<sup>25</sup> “Blago-Daryu” Public Foundation, “We Demand To Introduce A Law ‘Against LGBT Propaganda’ In Kazakhstan” [original in Russian: TREBUYEM VNESTI ZAKON "PROTIV PROPAGANDY LGBT" V KAZAKHSTANE]. Avaaz.org. 2024. Available Online: [https://secure.avaaz.org/community\\_petitions/ru/pravitelstvo\\_respubliki\\_kazakhstan\\_trebuem\\_vnesti\\_zakon\\_protiv\\_propagandy\\_lgbt\\_v\\_kazakhstane\\_1/?ySyoLtb](https://secure.avaaz.org/community_petitions/ru/pravitelstvo_respubliki_kazakhstan_trebuem_vnesti_zakon_protiv_propagandy_lgbt_v_kazakhstane_1/?ySyoLtb)

<sup>26</sup> Almat Abay, “Initiative to ban LGBT propaganda in Kazakhstan” [original in Russian: Initsiativa za zapret propagandy LGBT v Kazakhstane]. ALASH online. 2024. Available online: <https://alash.online/1693-lgbt.html>

LGBTQIA+ community being the “indoctrination of children”, and increase in the number of queer people, as well as the “destruction of family values”<sup>27</sup>.

Due to such public displays of queerphobia and attempts to restrict freedom of speech and expression, large numbers of LGBTQIA+ people report verbal and online harassment, as well as threats against them, all of which undermine their ability to speak openly about their SOGI. Of the approximately 60 cases of violations against LGBTQIA+ people in Kazakhstan documented by Education Community, 33% deal with restrictions on freedom of speech and expression, and include both attacks on the personal accounts of ordinary citizens and aggression towards activists and activist organizations when they raise the awareness on LGBTQIA+ people and issues in public<sup>28</sup>. This monitoring does not reflect the true scale of rights violations due to limited resources and in the context of the lack of the State’s own monitoring.

**3. Does your country have any laws, policies, or practices that, explicitly or implicitly, ban, restrict or make more challenging the exercising of freedom of association and freedom of peaceful assembly by civil society organizations or activists advocating for LGBT persons’ human rights?**

Of the approximately 60 cases of violations against LGBTQIA+ people in Kazakhstan documented by the Education Community, 10% are related to infringements on the freedom of peaceful assembly and association<sup>29</sup>.

Kazakhstan’s law requires authorities’ approval for any peaceful protest. LGBTQIA+ activist Nurislam Kalikhbaev submitted more than 15 notifications for a peaceful assembly during Pride Month for two consecutive years, from 2022 to 2023, but consistently received refusals<sup>30 31</sup>.

Representatives of the state, state media, and anti-gender movements in Kazakhstan often view feminism and LGBTQIA+ as a unified movement, believing that the fight for women’s rights is used as a cover to address LGBTQIA+ issues. Therefore, local authorities deny or attempt to censor feminist peaceful assemblies. One unregulated practice by akimats involves meetings with activists who have submitted notifications for peaceful assemblies. These meetings discuss safety concerns, often highlighting potential attacks from adversaries if

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<sup>27</sup> See “Blago-Daryu” Public Foundation (n 19), Almat Abay (n20).

<sup>28</sup> NGO “Education Community”, from a database of documented offenses against LGBTQIA+ people in Kazakhstan. 2024. Unpublished due to confidentiality.

<sup>29</sup> NGO “Education Community”, from a database of documented offenses against LGBTQIA+ people in Kazakhstan. 2024. Unpublished due to confidentiality.

<sup>30</sup> NGO “Education Community”, from a database of documented offenses against LGBTQIA+ people in Kazakhstan. 2024. Unpublished.

<sup>31</sup> Vlast.kz. “The court dismissed the appeal of the activist who sought to challenge the denial by the Astana akimat to permit a peaceful rally in celebration of Pride Month”. [original in Russian: "Sud otklonil apellyatsiyu aktivista, kotoryy pytaetsya obzhalovat' otkaz akimata Astany v provedenii mirnogo mitinga v chest' mesyatsa Pride"]. 2023. Available online:

<https://vlast.kz/novosti/57379-sud-otklonil-apellaciu-aktivista-kotoryj-pytaetsya-obzhalovat-otkaz-akimata-astany-v-provedenii-mirnogo-mitinga-v-cest-mesaca-prajd.html>

certain topics are raised. Akimats provide “recommendations” and even explicit demands on which topics should not be addressed at the peaceful assembly. For example, the case of the rally in Astana in 2022, mentioned above in paragraph 2.

State representatives use attacks and threats as a pretext to cancel peaceful assemblies, claiming concern for the participants' safety. In 2023, organizers of feminist peaceful assembly were invited to a meeting with the akimat and the SAMK, where they were informed about an alleged plan by a group of Muslim men to disrupt the event. The akimat and SAMK recommended organizers either to postpone or cancel the assembly, citing concerns for participants' safety and the akimat's ability to guarantee it. They specifically mentioned the possibility of the police refusing to protect a gay man in the event of an attack, citing concerns related to embarrassment among their acquaintances.

Our data shows the state exerting pressure through educational institutions to deter youth participation in peaceful assemblies<sup>32 33 34</sup>. Administrators and teachers use chat platforms to send messages instructing students not to attend peaceful assemblies, demanding photo evidence that students did not participate and were at home during the events<sup>35</sup>. Furthermore, lists of students who attended peaceful assemblies are compiled in educational institutions to exert pressure on them later<sup>36</sup>. During a feminist rally in Astana in 2022, state representatives gathered teachers at the event to identify students who attended the rally, subsequently threatening these students with expulsion from educational institutions<sup>37</sup>.

In Kazakhstan, there are regulatory measures that threaten the operation of human rights organizations, like the list of “foreign agents” introduced in September, 2023. The full list includes 240 registered organizations and individual activists. At least 6 NGOs whose work we are acquainted with on helping LGBTQIA+ people are included in this list. The list is available on the page of the Ministry of Finance<sup>38</sup>. Many organizations have raised concerns that this list of “foreign agents” is introduced following the example of Russia's oppressive

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<sup>32</sup> NGO “Education Community”, from a database of documented offenses against LGBTQIA+ people in Kazakhstan. 2024. Unpublished

<sup>33</sup> Batyr Jamal. “Schoolgirls who took part in the protest for women's rights are facing threats of expulsion. Teachers urged parents not to let their daughters attend the peaceful assembly”. [original in Russian: Shkol'nitsam, uchastvovavshim v mitinge za prava zhenshchin, ugrozhayut otchisleniyem. Uchitelya trebovali ot roditeley ne puskat' docherey na mirnoye sobraniye]. 2022. Available online: <https://www.instagram.com/p/CbAeZ0msoV6/>

<sup>34</sup> Batyr Jamal. "The school's reputation is suffering. How schoolgirls of the capital faced pressure after participating in a rally for women's rights". [original in Russian: Stradaet reputatsiya shkoly. Kak shkol'nitsy stolitsy stolknulis' s davleniyem posle uchastiya v mitinge za prava zhenshchin]. 2022. Available online: [https://www.instagram.com/p/CbMi6HJsmJ4/?img\\_index=1](https://www.instagram.com/p/CbMi6HJsmJ4/?img_index=1)

<sup>35</sup> NGO “Education Community”, from a database of documented offenses against LGBTQIA+ people in Kazakhstan. 2024. Unpublished

<sup>36</sup> NGO “Education Community”, from a database of documented offenses against LGBTQIA+ people in Kazakhstan. 2024. Unpublished

<sup>37</sup> NGO “Education Community”, from a database of documented offenses against LGBTQIA+ people in Kazakhstan. 2024. Unpublished

<sup>38</sup> Register of Persons receiving money and (or) other property from foreign States, international and foreign organizations, foreigners, stateless persons subject to publication. Available online:

<https://kgd.gov.kz/en/content/register-persons-receiving-money-and-or-other-property-foreign-states-international-and>

policies and will be used as a tool of control and interference with the civil society, becoming a threat to the freedoms of expression and association<sup>39 40 41 42 43</sup>. As the government remains dormant in applying its power and control using the “foreign agents” list, some of the anti-gender movements, like the Kazakhstani Union of Parents, have mobilized their resources to publish information about this list as an attempt to discredit human rights movements especially feminist and LGBTQIA+ movements, stating “The list includes human rights activists, journalists, environmentalists, feminists, urbanists. All those who teach us how to live, what and how to teach our children”<sup>44</sup>.

**5. Are there practices, procedures, groups or actors, societal and political trends, incentives, civil society and constituency mobilization, laws, bills or policies, which you have not mentioned above but that already affect or are likely to affect in the future, directly or indirectly, the exercising of the human rights to freedom of expression, association and/or peaceful assembly by LGBT people, activists and civil society organizations in your country, nationally or locally?**

In 2022, the Ministry of Culture banned the distribution of Disney cartoon "Buzz Lightyear" after actor Nurtas Adambay denounced it for allegedly denigrating "traditional values" with queer characters<sup>45</sup>. This decision established a precedent for restricting LGBTQIA+ themes in media, showcasing the influence of non-state agents with queerphobic views on official structures.

On 13 February, 2024, representatives from the Public Association “Zheltoqsan 86”, who were a part of December 1986 protests in Almaty, Kazakhstan<sup>46</sup>, organized an anti-LGBT rally at the “Tauelsizdik Tany” monument. Their statements were, “We demand that Kazakhstan adopt a law banning LGBT. We also demand that all representatives of the minority be punished. And we demand that those who do not obey the laws of Kazakhstan be

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<sup>39</sup> The Diplomat. Kazakhstan Publishes List of Entities and Individuals Receiving Foreign Funding. Available online:

<https://thediplomat.com/2023/09/kazakhstan-publishes-list-of-entities-and-individuals-receiving-foreign-funding/>

<sup>40</sup> Committee to Protect Journalists. Kazakhstan publishes ‘foreign agent’ register with names of journalists and media outlets. Available online:

<https://cpj.org/2023/09/kazakhstan-publishes-foreign-agent-register-with-names-of-journalists-and-media-outlets/>

<sup>41</sup> Cabar Asia. “Foreign Agents” of Kazakhstan: Why Authorities Decided to Publish a List of Persons Funded by Foreign States. Available online:

<https://cabar.asia/en/foreign-agents-of-kazakhstan-why-authorities-decided-to-publish-a-list-of-persons-funded-by-foreign-states>

<sup>42</sup> Vlast. Kazakhstan’s “Foreign Agent” List Threatens NGOs. Available online:

<https://vlast.kz/english/57869-kazakhstans-foreign-agent-list-threatens-ngos.html>

<sup>43</sup> Konrad Adenauer Stiftung. Civil Society and Non-Governmental Organizations in the Republic of Kazakhstan. Available online:

[https://www.kas.de/documents/266501/0/Civil+Society+and+NGO\\_eng.pdf/0c632b30-f2b9-ce9c-7519-a9dd1865c0f9?version=1.0&t=1643353090262](https://www.kas.de/documents/266501/0/Civil+Society+and+NGO_eng.pdf/0c632b30-f2b9-ce9c-7519-a9dd1865c0f9?version=1.0&t=1643353090262)

<sup>44</sup> Kazakhstani Union of Parents. Instagram. Available online: <https://www.instagram.com/p/CxacRJ0tZX4/>

<sup>45</sup> Azattyq Radio. “Buzz Lightyear” Movie Will Not Be Shown In Kazakhstan Because Of The Scene With The Female Characters Kissing. 2022. Available online: <https://rus.azattyq.org/a/31942991.html>

<sup>46</sup> Kazakhstan: Zheltoqsan Protest Marked 20 Years Later. Radio Free Europe Radio Liberty. Available online: <https://www.rferl.org/a/1073453.html>

deported to their ‘gay world’<sup>47</sup>. The protesters also performed a ritual of burning ‘adyraspan’ (wild rue), which is believed to scare evil spirits, to cleanse the surroundings of “Tauelsizdik Tany” after the recent solitary picket on February 10 organized by Aqtorgyn Akkenzhebalasy, a participant of queer feminist organization - Feminita<sup>48</sup>, demonstrating the strengthening of anti-gender movements. This picket was organized with the aim of advocating for the permission to conduct the annual feminist march and protecting the right to peaceful assembly, since the Almaty akimat refused permission for the feminist peaceful assembly in 2024<sup>49</sup>.

- 6. Given that laws and policies regulating internet use, access and content can have especially restrictive effects on the protection of the human rights of LGBT persons, are there laws, policies and practices which appear neutral or otherwise not specifically addressed to LGBT or SOGI issues, which nonetheless have discriminatory effects on the exercising of the human rights to freedom of expression, association and/or peaceful assembly by LGBT people, activists and civil society organizations in your country, nationally or locally?**

The January 2022 Internet shutdown<sup>50</sup> in Kazakhstan, as well as frequent deliberate slowdowns<sup>51</sup> of independent media pages like Azattyq, the BBC, and YouTube in the same year, reveal the government's ability to limit the dissemination and access to information online, posing a potential threat to freedom of speech, including LGBTQIA+ individuals.

## **Recommendations**

The relevant Kazakhstani authorities should:

1. Implement the Law On the Protection of Children from Harmful Information in a way that ensures free dissemination of information related to SOGI;
2. Adopt national anti-discrimination legislation and introduce the terms “gender identity” and “sexual orientation” into it, as well as prohibit discrimination on their basis;
3. Adopt legislation against hate speech that ensures protection of LGBTQIA+ people;
4. Explicitly include sexual orientation and gender identity in article 14 of the constitution to protect LGBTQIA+ people against discrimination.

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<sup>47</sup> The Village. In Almaty, a group of Zheltoqsan participants performs a ritual of expulsion of LGBT people. 2024. Available online:

<https://www.the-village-kz.com/village/city/news-city/34469-v-almaty-gruppa-uchastnikov-zheltoksana-provodi-t-ritual-izgnaniya-lgbt>

<sup>48</sup> Vlast. Zheltoqsan participants’ anti-LGBT rallies. 2024. Available online:

<https://www.youtube.com/watch?v=o8lxGiGOHwg>

<sup>49</sup> 8 March KZ. “The akimat denied permission for March 8th. We persist in defending our rights". [original in Russian: Akimat otkazal v provedenii 8 marta. My prodolzhayem obstaiivat' svoi prava]. 2023. Available online: [https://www.instagram.com/p/C1MeSJmN8GU/?igsh=MXZjNm53eWd6MnRqbO%3D%3D&img\\_index=1](https://www.instagram.com/p/C1MeSJmN8GU/?igsh=MXZjNm53eWd6MnRqbO%3D%3D&img_index=1)

<sup>50</sup> See <https://shutdown.kz/>.

<sup>51</sup> Azattyq Radio. Website blockages, attacks on journalists, cyber surveillance: Kazakhstan is in the group of countries with a non-free Internet. 2023. Available online: <https://rus.azattyq.org/a/kazakhstan-freedom-of-net/32622687.html>.