

Statement to Pre-sessions 48

State: Kazakhstan

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Thematic: LGBTQI+ rights

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Text:

Dear Members of the Human Rights Council,

In previous UPR cycles, Kazakhstan received a total of 14 recommendations aimed at protecting LGBTQIA+ rights. Unfortunately, none of them have been even partially implemented.

Over this period, the situation has continued to worsen. Discriminatory laws and policies restrict rights and create an atmosphere of fear and isolation.

Current laws require mandatory sterilization and psychiatric evaluations for changing gender markers and impose age restrictions, which particularly complicates life for young transgender people who cannot access necessary support until they turn 21. In 2023, 59 cases of violence against transgender people were recorded, with about 30% involving police.

We continue to face institutional barriers, especially when attempting to register LGBTQIA+ organizations or hold peaceful assemblies, due to constant unjust refusals and pressure.

Against this backdrop, police harassment has intensified: regular raids on private meetings are accompanied by humiliations, forced medical testing, and exposure of personal data. For example, in April 2024, there was a police raid on two private events within one week in Astana. At one of the events, the police detained around 40 people.

Access to information is also restricted with thematic and educational websites, such as Selftanu.kz, blocked under claims of protecting the population, focusing to children, from harmful information, depriving young people of vital resources and support.

We call upon the Human Rights Council and Member States to support the following recommendations for Kazakhstan:

1. Adopt anti-discrimination legislation that directly prohibits discrimination based on sexual orientation and gender identity.
2. Remove sterilization and psychiatric evaluation requirements for legal gender markers, lower age restrictions and ensure the right to free self-identification.
3. Amend the law on peaceful assemblies to adopt a notification-based system, ending the practice of denying assembly permits and organization registrations due to discrimination based on sexual orientation and gender identity, so that LGBTQIA+ individuals can safely exercise their rights to freedom of assembly and association.
4. Stop blocking without court order of online resources, ensure access to information and prevent broad interpretations of laws aimed at restricting LGBTQIA+ references.
5. Conduct independent oversight and review of law enforcement actions involving LGBTQIA+ individuals to ensure fair handling of cases and accountability for abuses.

This statement is based on consultations with various LGBTQIA+ civil society groups in Kazakhstan, who hold additional insights and specific recommendations across different areas, highlighting the unique needs of groups such as transgender people and LBQT+ women, who also require attention and support.

Thank you for your attention!