



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

Kazakhstan

On the Situation of LGBTQIA+ Human Rights in Kazakhstan

Contact person: Arsen Aubakirov

E-mail: aub.arsen@gmail.com

Mobile: +77471965101

The present report is submitted by Queer Rights Network UPR-Kazakhstan. Queer Rights Network UPR-Kazakhstan is a network of Kazakhstani human rights defenders focused on LGBTQIA+ rights, dedicated to writing and promoting an alternative report within the UPR framework.

Main submitting organization: Human Rights Consulting Group Public Foundation.

Organizations involved in the report preparation: ALMA-TQ Kazakhstan Transgender Initiative, Education Community Private Foundation, Human Rights Center "Glotion" Public Foundation, Nomad Rights Public Foundation.

The report contains the following sections:

- Introduction
- Rights of transgender people in Kazakhstan
- Right to access information, freedom of speech, and expression in the context of LGBTQIA+ in Kazakhstan
- LGBTQIA+ right to freedom of peaceful assembly
- LGBTQIA+ right to freedom and personal inviolability
- LGBTQIA+ rights in educational institutions
- LGBTQIA+ right to adequate housing
- Recommendations

Introduction

1. As a result of the third UPR cycle, Kazakhstan rejected 10 recommendations related to LGBTQIA+ rights. These recommendations concerned the adoption of anti-discrimination legislation and the prohibition of discrimination based on sexual orientation and gender identity (hereinafter referred to as SOGI). The rejection of these recommendations indicates serious human rights issues related to discrimination and the lack of protection for LGBTQIA+ people in Kazakhstan, as well as the authorities' unwillingness to take measures to improve the situation regarding LGBTQIA+ human rights.

2. Kazakhstan accepted only one recommendation to ensure favorable conditions for civil society and activists. However, this recommendation remains unfulfilled. Civil society faces neglect and formal responses to their requests, and activists have to make significant efforts to prove the importance of protecting LGBTQIA+ rights.

3. The situation regarding LGBTQIA+ human rights has significantly deteriorated since the last Universal Periodic Review. New legislative barriers for transgender people, the state's consideration of a petition to ban the promotion of "non-traditional" orientations, preventive detentions, and the rise of anti-LGBTQIA+ movements are evident.

4. Kazakhstan still lacks anti-discrimination legislation that protects LGBTQIA+ rights. LGBTQIA+ individuals, especially transgender people, face human rights violations in all areas of life, without access to social opportunities and services: family, work, education, healthcare, and more. Cases of violence against LGBTQIA+ people remain frequent, are not properly investigated, and perpetrators are rarely held accountable. Victims of hate-based violence against LGBTQIA+ often do not seek protection from law enforcement, as the police are known for their homophobia, persecution, arrests, and humiliations. LGBTQIA+ individuals face difficulties in exercising their political human rights, particularly the right to freedom of expression and the right to peaceful assembly.

I. Rights of Transgender People ¹

5. The situation with transgender rights in Kazakhstan has significantly worsened since 2020. Discriminatory provisions were added during amendments and additions to the Code "On the Health of the People and the Healthcare System." In Article 156, "Changes in Sex Identity," the age for medical examination was raised from 18 to 21 years, depriving transgender people under 21 of the right to medical and social assistance and the ability to change their documents. This has caused serious problems for transgender youth, who are forced to resort to hormone therapy on their own and leave safe spaces due to lack of support. This creates conditions where

¹ See Appendix 2 - Cases Describing Violations of the Rights of Transgender People

transgender youth are compelled to engage in risky behavior due to the lack of access to reliable information, medical services, and support².

6. Results of the Study "We Live While We Are Not Seen"³, conducted in Kazakhstan in 2022, shows that over 80% of surveyed transgender individuals have faced violence, bullying, persecution, and discrimination. Due to the high level of transphobia, it is almost impossible to seek help or protection from law enforcement agencies. According to documented cases of violence and discrimination against transgender people in 2023, about 30% of the offenses were committed by police officers.

7. The revision of the Code "On the Health of the People and the Healthcare System" in 2020 worsened the medical examination procedure for transgender people. The new rules⁴ include tests and examinations that are not related to confirming gender identity. The commission's conclusion is limited to a validity period of 6 months, during which the transgender person must undergo mandatory surgical correction and hormone therapy. Without the commission's conclusion, transgender people cannot receive medical and social assistance or change their documents. These requirements are insurmountable for many, and the limitation on the commission's conclusion validity period is unreasonable.

8. The requirement for mandatory surgical correction for transgender people to change their documents, as stipulated in point 13 of Article 257 of the Code "On Marriage and Family," is a barrier for the majority of transgender individuals, depriving them of the ability to change their documents and gender markers. The high level of transphobia and stigma makes revealing their identity unsafe and can lead to violence. Documents are a crucial part of socialization and the exercise of all rights for transgender people.

9. Kazakhstan has repeatedly received recommendations from UN treaty bodies to abolish the requirement for mandatory surgical correction and to align the legal gender recognition procedure with international human rights standards. None of these recommendations have been implemented.

II. The Right to Access Information, Freedom of Speech, and Expression in the Context of LGBTQIA+ in Kazakhstan

10. Kazakhstan received and accepted a number of recommendations following the third UPR cycle in 2019 regarding the rights to access information, freedom of speech and expression,

² Alma-TQ "Факторы риска инфицирования ВИЧ и ИППП, доступ к услугам профилактики и лечения вич для трансгендерных людей в Казахстане" 2020 г. https://www.alma-tq.org/files/ugd/feded1_8b56537a381b4a87a714de85830a7a16.pdf

³ Alma-TQ "Отчет по зарегистрированным кейсам насилия и дискриминации транслюдей в Казахстане за 2023 год" <https://www.alma-tq.org/live>

⁴ № КР ДСМ-203/2020 от 25 ноября 2020 года <https://adilet.zan.kz/rus/docs/V2000021680>

LGBTQIA+ rights, and non-discrimination⁵. The recommendations have not been fully implemented: no relevant legislation has been adopted, and law enforcement practices demonstrate a discriminatory approach to access to information, freedom of speech, and expression in the context of LGBTQIA+.

11. In practice, extrajudicial blocks are used to restrict access to them, even though the legislation does not prohibit content and internet resources related to LGBTQIA+.

12. On February 12, 2024, the Ministry of Culture and Information blocked the website for LGBTQIA+ teenagers, Selftanu.kz. In addition to the blocking, Mutali Moskeu and Sasha Kazantseva, the authors of the site, faced attacks, threats, and insults from anti-LGBTQIA+ movements in Kazakhstan, a petition to ban the site, and DDoS attacks.

13. The Ministry of Education and the Ministry of Culture and Information of Kazakhstan deemed it necessary to restrict access to Selftanu.kz, which disseminates LGBTQIA+ ideas, citing the psychosocial characteristics of children, their vulnerability to negative influences from the information environment, the cultural values of Kazakhstani society, as well as the proper upbringing and full development of children. The Ministry of Culture and Information noted that information prohibited for children includes content of a sexually erotic nature and pornography. However, the site did not contain such content and had an educational nature aimed at supporting LGBTQIA+ teenagers in self-identification and building safe relationships and interactions in society. The letter from the Ministry of Education of Kazakhstan mentions the work of the "Cyber Supervision" Information System, which is designed to prevent illegal and harmful content for the country's population, including children. This is not the only system for monitoring and removing content in Kazakhstan.

14. In April 2024, deputies of the lower house of Parliament (hereinafter referred to as the Mazhilis) proposed amendments to the draft law "On Mass Media" to prohibit LGBTQIA+ propaganda by closing and/or suspending the activities of media outlets. They also suggested including LGBTQIA+ propaganda as a criterion under Article 174 of the Criminal Code of the Republic of Kazakhstan, "Incitement of social, national, clan, racial, class, or religious discord".

15. In May 2024, a petition titled "Against Open and Hidden LGBTQ Propaganda" was posted on the official state portal for online petitions. It garnered 50,000 signatures in record time. Meanwhile, there were reports from staff of budget organizations that their management was forcing them to sign the petition under the directive of the ruling party, "Amanat"⁶. On June 9, 2024, the petition was accepted for consideration by the Ministry of Culture and Information

⁵ 139.52, 139.91, 139.93, 198.89, 139.102, 139.105, 139.106, 139.107, 139.47, 139.48, 139.51, 139.53, 139.54, 139.100, 139.197, 139.45, 139.49, 139.161, 139.44, 139.46, 139.50, 139.88, 139.114.

⁶The Village Kazakhstan "Public sector employees and civil servants were forced to sign a petition to ban "LGBT propaganda" in Kazakhstan" <https://www.the-village-kz.com/village/city/news-city/36199-byudzhetsnikov-i-gossluzhaschih-zastavlyali-podpisivat-petitsiyu-o-zaprete-propagandy-lgbt-v-kazahstane>, <https://orda.kz/rassylali-i-prizyvali-podpisivat-kto-stoit-za-50-tysjachami-golosov-protiv-lgbt-387860/>

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 manner⁷. A working group was formed⁸, consisting of representatives from the government, parliament, and civil society, and it will make a decision in August 2024.

III. The Right of LGBTQIA+ to Freedom of Peaceful Assembly

16. The law "On the Procedure for Organizing and Conducting Peaceful Assemblies in the Republic of Kazakhstan" requires mandatory permission for holding any peaceful assembly. The state denies the organization of peaceful assemblies if they address LGBTQIA+ topics, and educational institutions exert pressure on students to dissuade them from participating in such assemblies^{9 10 11}. The state uses security threats and attacks on LGBTQIA+ individuals as a pretext to cancel peaceful assemblies. Additionally, assemblies are prohibited on the grounds that designated places for peaceful assemblies are occupied¹². Often, repair works, cultural events, and peaceful assemblies are deliberately and artificially initiated by the akimat to obstruct peaceful assemblies or are not held at all¹³.

17. LGBTQIA+ activist Nurislam Kalikhbayev submitted 15 notifications to hold peaceful assemblies for Pride Month in 2022 and 2023. In all cases, his requests were denied under the pretext of repair work or other events. The activist was unable to restore his rights, having exhausted all domestic judicial mechanisms for protection¹⁴.

18. In 2022, at a feminist peaceful assembly in Astana, the authorities set a condition for the organizers that LGBTQIA+ topics should not be raised at the rally; otherwise, the rally would be stopped. All posters of the participants also had to be pre-approved by the akimat. Teachers were present at the assembly to identify students and later threaten them with expulsion^{15 16}. In 2022, at a feminist peaceful assembly in Astana, the authorities set a condition for the

⁷The Village Kazakhstan "The Ministry of Culture of the Republic of Kazakhstan believes that the petition to ban "LGBT propaganda" does not violate human rights" <https://www.the-village-kz.com/village/city/news-city/36259-v-minkulte-rk-schitayut-cto-petitsiya-o-zaprete-lgbt-propagandy-ne-narushaet-prava-cheloveka>

⁸DKnews "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>

⁹ NGO "Education Community", from a database of documented offenses against LGBTQIA+ people in Kazakhstan. 2024. Appendix 3, Case 1

¹⁰ 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". <https://www.instagram.com/p/CbAeZ0msoV6/>

¹¹ Batyr Jamal. "The school's reputation is suffering. How schoolgirls of the capital faced pressure after participating in a rally for women's rights" https://www.instagram.com/p/CbMi6HJsmJ4/?img_index=1

¹² NGO "Education Community", from a database of documented offenses against LGBTQIA+ people in Kazakhstan. 2024. Appendix 3, Case 2

¹³ "Glotion" Human Rights Center

¹⁴ NGO "Education Community", from a database of documented offenses against LGBTQIA+ people in Kazakhstan. 2024. Appendix 3, Case 2

¹⁵ NGO "Education Community", from a database of documented offenses against LGBTQIA+ people in Kazakhstan. 2024. Appendix 3, Case 1

¹⁶ NGO "Education Community", from a database of documented offenses against LGBTQIA+ people in Kazakhstan. 2024. Unpublished

organizers that LGBTQIA+ topics should not be raised at the rally; otherwise, the rally would be stopped. All posters of the participants also had to be pre-approved by the akimat. Teachers were present at the assembly to identify students and later threaten them with expulsion¹⁷.

19. In 2024, the akimat of Almaty denied permission for a feminist march in Almaty due to the possibility of LGBTQIA+ topics being raised at the event¹⁸.

20. On April 10, 2024, Yedil Zhanbyrshin and Samat Musabayev, deputies of the Mazhilis of Parliament, proposed¹⁹ including the promotion of "non-traditional" sexual orientation as a basis for denying permission to hold peaceful assemblies

IV. The Right of LGBTQIA+ to Freedom and Personal Security

21. During the fourth UPR cycle, the LGBTQIA+ community in Kazakhstan has faced serious violations of their right to freedom and personal security, including arbitrary detentions.

22. On May 29, 2021, in the city of Shymkent, a crowd attacked Gulzada Serzhan and Zhanar Sekerbayeva, co-founders of the feminist initiative Feminitie, disrupting their meeting about LBT rights with local women. Instead of protecting the activists, plainclothes individuals detained them and took them to a police station without explaining the reasons for the detention. The press service of the Shymkent Police Department explained that Gulzada Serzhan and Zhanar Sekerbayeva were detained to ensure their safety²⁰.

23. On April 12, 2024, in the city of Astana, the police raided a gay party in a private home and detained about 40 people²¹. The detainees were held at the police station for about 4 hours. Police officers insulted them. Under pressure, the detainees wrote statements admitting they are of "non-traditional orientation." Some received fines for disturbing the peace. The Astana Police Department stated that they conducted the raid after receiving information about drug use by young people in a rented cottage.

V. LGBTQIA+ Rights in Educational Institutions

24. LGBTQIA+ individuals in Kazakhstan remain unprotected from discrimination in the educational sphere. State educational institutions do not allow LGBTQIA+ individuals to

¹⁷ NGO "Education Community", from a database of documented offenses against LGBTQIA+ people in Kazakhstan. 2024. Appendix 3, Case 3

¹⁸ Informburo "Almaty Akimat on the refusal to hold the March 8 rally: Requested a ban due to LGBT propaganda", <https://informburo.kz/novosti/akimat-almaty-ob-otkaze-provodit-mars-8-marta-prosili-zapretit-iz-za-propagandy-lgbt>

¹⁹ Current Time, "In Kazakhstan, members of parliament have proposed introducing criminal liability for LGBT propaganda", <https://www.currenttime.tv/a/kazakhstan-lgbt-propaganda/32898887.html>

²⁰ Vlast, "The police explained the detention of the leaders of 'Feminities' as an intention to ensure their safety", <https://vlast.kz/novosti/45202-policia-obasnila-zaderzanie-rukovoditelnic-feminity-namereniyem-obespecit-ih-bezopasnost.html>

²¹ Parni+, "Police Raids in Kazakhstan: An Organizer's Story", <https://parniplus.com/lgbt-movement/opinions/politseiskie-reidy-v-kazahstane/>

openly and freely discuss topics related to SOGI, which is a direct violation of the UNESCO Convention against Discrimination in Education, ratified by Kazakhstan²², ²³, and UN Sustainable Development Goal #4 "Quality Education"²⁴. LGBTQIA+ students in Kazakhstan often conceal their SOGI or do not speak about it openly. University administration and faculty engage in outing based on personal prejudices and use the stigma surrounding revealed SOGI as a justification for mistreatment. The law does not prohibit these actions, and they face no consequences. This includes verbal abuse, hate speech, violations of students' privacy, and intentional grade reduction. Students who openly declare their SOGI report cases of bullying, threats of violence, and disruptions to their educational process. The administration either minimally intervenes or completely ignores such incidents. In 2021, the punishment and bullying of an eighth-grader for wearing a skirt to a school dance led to the teenager's suicide and school-wide protests.

25. Young LGBTQIA+ activists in universities are restricted in their right to freedom of speech and expression. The administration bullies, punishes, suspends, or bans them from attending institutional events if they publicly wear pride symbols (rainbow/pride) or hold lectures and talks on SOGI topics. If students wish to participate in peaceful assemblies supporting LGBTQIA+ outside the institution, the administration forbids them from doing so or threatens them with expulsion.

26. Teachers and staff members of educational institutions who belong to or are perceived as part of the LGBTQIA+ community face harassment from colleagues, distrust from students' parents, and forced dismissal by the administration. Their SOGI is associated with actions "capable of discrediting the high title of a teacher in the Republic of Kazakhstan." Any connection with the LGBTQIA+ community can lead to job loss and harm the personal lives and safety of educational institution staff in Kazakhstan²⁵.

VI. The Right of LGBTQIA+ to Adequate Housing

27. The legal norms concerning discrimination are fragmented and do not provide effective protection against discrimination in housing relations. LGBTQIA+ individuals are often denied rental agreements²⁶. National legislation stipulates that the property owner independently²⁷ chooses the individuals to whom they rent out the property.

²² "On the ratification of the Convention against Discrimination in Education" [original in Russian]. Law of the Republic of Kazakhstan dated January 28, 2016 No. 449-V LRK. Available online: <https://adilet.zan.kz/rus/docs/Z1600000449>.

²³ Orda, "Suicide of NIS Almaty Student: Curator Demanded Not to Wear a Skirt, Students Protest", <https://orda.kz/suicid-uchenika-nish-almaty-kurator-treboval-ne-nadevat-jubku-shkolniki-protestujut/>

²⁴ UN: Sustainable Development Goals - Goal No. 4 "Quality Education". 2023. Available online: <https://www.un.org/sustainabledevelopment/education/>.

²⁵ NewTimes.kz. "Parents demanded the dismissal of teachers when they saw them with a trans-woman named Amilai" [original in Russian]. 2024. Available online: <https://newtimes.kz/obshchestvo/182029-roditeli-potrebovali-uvolneniia-uchitelei-kogda-uvideli-ikh-v-transliatsii-transgendera-amilai>.

²⁶ "Nomad Rights" Public Foundation

²⁷ See the Law of the Republic of Kazakhstan "On Housing Relations" dated April 16, 1997, No. 94, with amendments and additions as of April 15, 2024, Article 23, Paragraph 3

28. National legislation does not include provisions prohibiting forced evictions or providing protection against forced evictions. Often, upon the disclosure²⁸ of SOGI, their rental agreements are unilaterally terminated, and they are evicted.

29. LGBTQIA+ individuals cannot seek assistance from state bodies, such as consumer rights protection authorities, to defend their rights as tenants because housing disputes are not considered consumer rights violations under national legislation.

Recommendations

30. Abolish the requirement for mandatory surgical correction and psychiatric diagnosis for transgender people to change their documents, making the procedure accessible and voluntary.

31. Lower the age requirement for transgender people to receive medical and social assistance from 21 years to 18 years in Article 156 of the Code "On the Health of the People and the Healthcare System".

32. Implement laws that protect the rights of transgender people.

33. Introduce penalties for discrimination based on SOGI for government officials.

34. Ensure impartial investigation of all cases of discrimination and violence against LGBTQIA+ individuals, as well as appropriate punishment.

35. Develop and adopt legislation that guarantees the protection of the rights to access information, freedom of speech, and expression, including SOGI issues, and eliminate the possibility of extrajudicial blocking of internet resources.

36. Ensure legal protection and safety for LGBTQIA+ activists and authors of internet resources and content.

37. Publish a publicly accessible list of all internet content monitoring systems, detailing their objectives and functions, and review their operations to ensure the rights to access information, freedom of speech, and expression.

38. Introduce a direct prohibition in the online petitions legislation against the consideration of petitions that violate the rights and freedoms of LGBTQIA+ individuals.

39. Amend the law on peaceful assemblies to ensure a notification-based procedure for holding peaceful assemblies and include provisions prohibiting discrimination based on SOGI.

²⁸ See the informational material: "They Told Me That I Disgraced Kazakhstan": LGBTQ+ on Pressure from Kazakhstani Law Enforcement Officers, dated July 13, 2023

40. Guarantee protection for participants of peaceful assemblies from harassment and threats, including activists defending LGBTQIA+ rights.
41. Legally prohibit the consideration and adoption of bills that restrict the rights of the LGBTQIA+ community, including those aimed at banning the "propaganda of non-traditional sexual orientation".
42. Take measures to ensure that police officers and other law enforcement representatives strictly adhere to Kazakhstani legislation and international human rights standards when detaining individuals, including members of the LGBTQIA+ community.
43. Implement mechanisms for independent monitoring of police actions, including regular investigations of cases of arbitrary detentions and abuses.
44. Ensure prompt and effective investigation of all cases of violence and discrimination against LGBTQIA+ individuals, holding perpetrators accountable.
45. Implement training programs for law enforcement officers on human rights issues, with a particular focus on LGBTQIA+ rights.
46. Adopt anti-discrimination legislation and include the terms "gender identity" and "sexual orientation," as well as prohibit discrimination based on these grounds.
47. Develop the necessary mechanisms and procedures to ensure a safe and supportive environment for civil society in the field of LGBTQIA+ rights, including individual activists, initiatives, and organizations.
48. Eliminate cases of dismissal of educators based on their SOGI by including SOGI in the list of factors for which discrimination is prohibited in the labor sphere in Article 6 of the Labor Code of the Republic of Kazakhstan.

Appendix 1 – List of Authors of the Joint Submission on the Human Rights Situation of LGBTQIA+ in Kazakhstan

№	Name and Surname	Organization	Sections in the Report
1	Alisher Kozhagulov	“Nomad Rights” Public Foundation	The Right of LGBTQIA+ to Adequate Housing
2	Arsen Aubakirov	“Human Rights Consulting Group” Public Foundation	The Right to Access Information, Freedom of Speech, and Expression in the Context of LGBTQIA+ in Kazakhstan
3	Liliya Mukhamejanova	“Education Community” Private Foundation	LGBTQIA+ Rights in Educational Institutions
4	The author (anonymously)	“Education Community” Private Foundation	The Right of LGBTQIA+ to Freedom of Peaceful Assembly
5	Rustam Zhantassov	Human Rights Center “Glotion” Public Foundation	Introduction; The Right of LGBTQIA+ to Freedom of Peaceful Assembly; The Right of LGBTQIA+ to Freedom and Personal Security
6	Victoria Primack	ALMA-TQ Kazakhstan Transgender Initiative	Rights of Transgender People

Appendix 2 – Cases Describing Violations of Transgender People's Rights

In 2023 transgender initiative ALMA-TQ registered 59 cases of rights violation, discrimination and violence caused specifically by a person's gender identity. Compared to the previous year this number has increased twice - 29 cases in 2022.

The number of documented cases increased partly because additional access to a group of transgender sex workers has appeared. Also, it is important to note that increased awareness within the community about the importance of documenting and reporting violations of transgender people's rights has contributed to the increase in recorded cases. However, there is still a difficulty and a huge problem that transgender people don't see any protection from the state, the legislation does not work and further contact with the police can lead to even more dire consequences. In this regard, people are not always ready to tell, much less fully document, a case, because they understand that this will not help them here and now. Most of the applicants want to forget about the incident as soon as possible.

Many note that in the documented cases, when asked whether any protective measures were taken or if they had contacted the police, it is regarded as futile. "I didn't contact the police because I think it is futile" - K. transgender woman from Almaty.

"I won't contact (the police) because it can hurt me even more" - transgender sex worker from Astana.

High levels of stigma and discrimination from the police is also confirmed by a large number of violations committed by law enforcement officers, namely 16 cases of abuse of power and discrimination related to prejudice and bias due to stigma against trans people. One of the cases now is strategic, since the victim trans woman found the strength to file a complaint against police officers who, while on duty, used psychological and emotional violence against her, insulted and humiliated her. The woman was the victim of an attack by gopniks, called the police, and in the end, she was found guilty and the attackers were released. The girl went through all the national authorities, which rejected her, siding with the police. Now, with the support of our initiative, she is preparing a case for the UN Human Rights Committee. This is the first case in the committee submitted by a transgender woman against Kazakhstan.

There were also 4 cases of blackmail, where police officers threatened to reveal the gender identity of trans people to apartment landlords or relatives and friends of the person, openly demanding money.

"The first time I gave 50 thousand because I understood that I wouldn't find an apartment with my documents, I was caught at the worst possible moment, I was after an attack and my condition was not very good, I decided not to provoke more" - Y. transgender woman, sex worker, Almaty.

"... one of the officers went through my entire phone, found nude photos of me and told me that if I didn't cooperate, he would send them to my parents." - transgender woman, Almaty.

Many police violations have occurred against transgender sex workers. In addition, girls detained by the police often talk about the lists of LGBT+ and specifically trans people made by the police, where the personal data of the detainees is entered. This is also evidenced by a recent incident. At the end of 2023, a police officer in Astana called at least 6 transgender sex workers to ask them if a transgender girl they knew was missing. According to all the girls who were phoned by the policeman, he said that near Astana, an almost decomposed body of a “male” dressed in women’s clothing and underwear was found. When the two girls asked where he got their phone numbers, the policeman replied that he got them from a list of trans sex workers that the police allegedly have, in which they have data for each of them. There is almost no doubt that it was a policeman since the number from which they called was the same as that called to others. Also, the number was checked using the number identification application “Numbuster” and more than 50 signatures of this number came out as a police number, opera, and other variations.

It is also impossible not to note the gross violation of the legislation of Kazakhstan, detentions of transgender sex workers mainly take place in apartments, the police call numbers from dating sites or advertisements, deceitfully present themselves as recipients of services or to get acquainted. Once the police find themselves in the apartment, they call the police. Also, without any reason, the police take the girls to the police station and issue a fine for harassment in the street/public places, even though the detention takes place in the apartment, and the police themselves come. In Kazakhstan, sex work is not criminalized, but the police constantly say the opposite, thereby deliberately misleading women.

“I have around 6 fines for harassment in the street, they are all hanging in Egov, some I have paid, it’s funny when they write them, at least the minimum because sometimes they ask more on the spot” - T. transgender woman sex worker, Almaty. “As always they came presenting as clients, at first one of them entered, then he called two more. Started saying that I was violating the law by illegally providing prostitution services” - Zh. transgender woman, sex worker, Karagandy.

Also, attacks occur from transphobic people and recipients of sex services; over the year, 5 cases of physical violence against trans women sex workers by their clients were recorded, which went unpunished, since not a single victim went to the police to protect themselves.

“If I tell that he was my client or he tells that I am a prostitute, police will constantly pursue me” - Y. transgender woman sex worker, Astana.

3 armed attacks on trans-women sex workers for profit and robbery were recorded. But there are many more such cases; some victims did not want to document such cases. The victims are firmly convinced that in their cases and situations, contacting law enforcement forces can further aggravate the situation and bring more problems from the police.

Discrimination in healthcare settings is an equally common practice. We have recorded 6 cases where transgender people were denied gender-affirming procedures and operations, were asked

personal questions, insulted, and asked to undress where it was not required, only out of the curiosity of the medical specialist himself.

“On the phone, I was told that they do the operations that I needed, but when I came and told the surgeon about my identity, he started kicking me out, aggressively insulting me, and told me that people like me have nothing to do there” - M. transgender woman, Almaty.

Everywhere a transgender person goes when revealing his identity, he may encounter transphobia. For example, we documented 4 more cases of discrimination in government institutions such as public service centers and military registration and enlistment offices. Trans people face refusals or demands to prove their identity in inhumane ways. One trans person was fired from their job because they came out as trans.

There were also 4 cases of physical, verbal and emotional violence in commercial organizations, where, due to transphobia, employees of establishments beat trans people, denied services, or showed a disdainful attitude. Especially often such cases of violence occur in nightlife establishments and clubs, when security instead of protection becomes an aggressor.

“I went to this club often, but one of the clients recognised me and told about this to the establishment, of course, everyone quickly found out about me. In the end, the next time I visited the security didn’t let me in and very brutally kicked me out with violence” - E. transgender woman, Astana.

Relatives and friends are also susceptible to negative perceptions of their transgender close people. We recorded 2 cases of domestic violence, when transgender people were subjected to physical and emotional violence from relatives, 2 cases of physical violence from neighbors, and 1 case of bullying by neighbors not only of a trans person but also of his family. 2 recorded cases of blackmail by partners of trans people and 1 case of physical violence.

There were also 2 cases of attacks on trans people in public places when people chased and beat trans people. One trans person had problems entering another country and suffered psychological pressure due to problems with documents. One case of harassment of a trans woman with HIV+ by NGO workers because of her openness and talk about her experience of violence from medical workers publicly.

An absolutely monstrous case when a trans woman was riding on a bus to a meeting, where two other passengers began to find fault with her appearance. At first, it was verbal abuse, then they began to physically push the woman. The woman had to urgently leave the bus, but the offenders followed her. Already on the street, they began to behave even more aggressively, insulting her, she began to run away from them, they ran after her, beat her in the process, they caught the woman in front of the cafe, began to strike her, she barely escaped and hid in the cafe toilet. After about 20 minutes the attackers left. The woman was saved by her friends. In this case, even having recordings from cameras and witnesses, the girl refused to file a statement with the police, explaining that the police would not do anything anyway, but would only bring more problems, psychological pressure and personal questions.

In 2023, two transgender women committed suicide; the reasons are not known for sure, there are only assumptions and information from friends and acquaintances. According to friends of one of the deceased, the woman was constantly subjected to bullying and violence, could not fully live in safety as a trans person, and her family did not accept her. We cannot say whether this was the reason, but living in conditions of constant risk and insecurity definitely affects the emotional state. All data was collected by the community itself since the state does not keep any official statistics regarding trans people on the violation of rights and violence that occurs everywhere. The increase in cases suggests that positive changes are not yet happening. Considering that the Kazakh legislation nowhere mentions gender identity as a sign on which violence and discrimination can be committed, the level of rejection and transphobia is growing. Particularly noted is the stigma from the police, which leaves virtually no opportunity for trans people to receive protection. In order to try to defend your rights and protect yourself, you will have to make a lot of effort to fight a system that excludes trans people.

This data is only for 2023, but judging by it, it is necessary to include gender identity as a protected characteristic as soon as possible, to develop and implement anti-discrimination legislation that would cover all areas and guarantee protection for transgender people, especially in the labor, social and medical spheres. Oblige the police to thoroughly conduct investigations against trans people, prosecutorial supervision to intensively check complaints and offenses committed by police officers, and toughen penalties for discrimination and violence through the use of official position. Change the procedures for legal gender recognition, as this is a direct path to reducing stigma and revealing people's identities. After all, it is documents, specifically their inconsistency with gender expression, that are the visible reasons for insurmountable barriers for transgender people.

Appendix 3 - Cases Describing Violations at Peaceful Assemblies

Cases of violations and discrimination against LGBTQIA+ individuals from the Education Community NGO database.

Case 1:

On March 12, 2022, a feminist rally for women's rights took place in Astana. The city authorities demanded that the organizers of the rally not raise the topic of LGBTQIA+ at the rally and ensure that no one did so. The authorities stated that otherwise, they would not approve the rally. It was also forbidden to raise Ukrainian flags or anything related to supporting Ukraine. The city authorities required the organizers to register all posters that would be at the rally. The posters had to be approved by the city authorities. When posters on topics unfavorable to the authorities were raised at the rally, they forced the organizers to deal with it and demand that the participants remove these posters. When the organizers refused to do so, they were threatened with stopping the rally. Representatives of the authorities sent an order for school teachers to come to the rally site and take the children away from the rally, as well as to identify their names. Additionally, information was spread among students, teachers, and parents that feminism represents Western values that corrupt children and that it was supposedly an LGBTQIA+ rally because, according to them, feminists use women's rights to promote LGBTQIA+. The school administration ordered teachers to check which students were at home and which were at the rally. Students had to send photos of where they were at that moment. One of the participants in the rally, who was 16 years old at the time, was threatened with expulsion from school for participating in the rally. Afterward, a human rights activist contacted the Department of Education of Astana, demanding an explanation of the situation and to prevent the persecution of students. The Department of Education stated that students would not be persecuted; however, they recommended that students refrain from attending peaceful assemblies.

Case 2:

In 2022 and 2023, LGBTQIA+ activist Nurislam Kalikhbayev submitted more than 15 notifications and applications to the Akimat of Astana for holding peaceful assemblies (marches and rallies) in honor of Pride Month. However, the activist was denied permission to hold them. The city authorities cited cultural events and repair work at the location for peaceful assemblies as reasons for the refusal. Upon the arrival of these dates, Nurislam checked whether these events and works were indeed taking place. However, they were not. Nurislam recorded the evidence. It is worth noting that the Akimats often use these reasons to deny peaceful assemblies on topics they do not approve of. In 2023, Nurislam took the refusals to court but lost the case in all instances.

Case 3:

On April 8, 2023, a feminist march and rally for women's rights took place in Astana. The theme of this year's peaceful assembly was "March and Rally Against All Forms of Violence Against Women." Thus, LGBTQIA+ was not the topic of the peaceful assembly.

The client and the organizing team of the march released an announcement about the march and rally on social media. Anti-gender movements learned about the peaceful assembly, one of which posted on its page calling on men to come out and disrupt the march because, according to them, it was a "feminist and LGBT march." In the comments under the post, there were calls to beat and attack participants in the peaceful assembly, supposedly because they were LGBT.

The day before the peaceful assembly, the website of the Spiritual Administration of Muslims of Kazakhstan (SAMK) published an "updated" version of a directive, a fatwa, where the muftiate urged the public to "avoid obscenities," stating that "under the guise of protecting women's rights, they promote indecent, degenerative same-sex relationships." "The actions of lesbians, gays, bisexuals, and transgender people are prohibited by Sharia. This is an obscenity that contradicts human nature. Anyone who goes against their nature and changes their gender is an open deviant and will be cursed by God. Such a person needs true repentance and treatment," the muftiate's website said. This was later removed from the SAMK website, but a media article that documented it remained.

Additionally, before the peaceful assembly, the city authorities invited the march organizer to a meeting attended by SAMK representatives. They tried to persuade the organizers to cancel the march because, according to Muslim rules, protests cannot be held or attended during the month of Ramadan. They also mentioned hearing that aggressive Muslim men were planning to come to the march to disrupt it.

The city authorities representatives then said they could not guarantee the safety of the participants of the peaceful assembly. According to them, if someone attacked a gay person, the police officer would not be able to protect him because he would be ashamed in front of his friends and family for protecting a gay person.

At the peaceful assembly on April 8, aggressive Muslim men were present, filming the faces of the participants and volunteers of the rally and then sending them to someone via WhatsApp. It was clear that these men were familiar with the police and had friendly relations with them: they talked, laughed, and smoked together. When the organizers asked the police to help address this, they did nothing. At the rally, some participants brought LGBTQIA+ flags. One representative of the anti-gender movement, Bagilya Baltabayeva from the "Kazakhstan Parents' Union," filmed the girls with flags on Instagram live video. She also verbally insulted the girls. When the rally organizers asked the police to intervene, the police did nothing. Later, Bagilya Baltabayeva posted videos of the girls with flags on her social media. She also publicly outed the girls, who were frightened that hundreds of thousands of people had learned about their orientation (the video received over a million views). Then, Bagilya Baltabayeva asked for help identifying these girls. She also falsely claimed that they were minors, although the girls were adults. Bagilya Baltabayeva later showed on her social media how she wrote complaints against these girls to government agencies and urged others to do the same. For example, she wrote a complaint to the Department of Education, calling for educational institutions to punish these girls. Videos and photos of the girls holding flags at the rally began

to spread in the media. In the comments, people threatened the girls with violence, insulted them, and used hate speech against them.

On April 12, Deputy of the lower house of the Parliament of the Republic of Kazakhstan, Ardak Nazarov, called for a ban on LGBT propaganda, to focus on the upbringing of youth, and to take preventive measures due to the "intensified promotion of same-sex marriages." He cited this rally and march as an example and urged parents to explain why their children attend rallies.