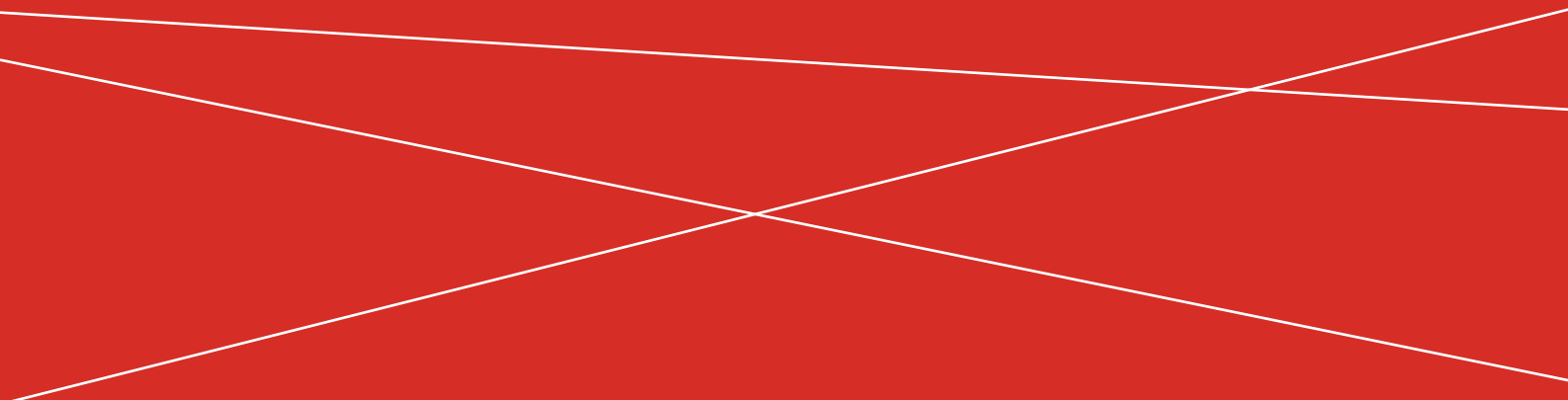




Kazakhstan: On the ‘LGBT propaganda’ ban

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ARTICLE 19 Europe

Amsterdam Law Hub
Nieuwe Achtergracht 164
1018 WV Amsterdam
The Netherlands

E: europeoffice@article19.org

W: www.article19.org / www.article19.nl

Bluesky: [@article19europe](https://bsky.app/profile/article19europe)

Linkedin: [@ARTICLE 19 Europe](https://www.linkedin.com/company/article-19-europe)

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Introduction

ARTICLE 19 Europe urges Kazakhstan to withdraw its current legislative efforts to penalise the so-called ‘propaganda of non-traditional sexual orientation’. We join Kazakhstan’s civil society in condemning these amendments for their devastating impact on freedom of expression and the country’s LGBT community. These overbroad and vague restrictions violate Kazakhstan’s international human rights obligations by imposing sweeping censorship that restricts freedom of expression. Far from protecting children or public morals, the amendments institutionalise discrimination, fuel social stigma, and increase the risks of violence and exclusion faced by LGBT people in Kazakhstan. Such legal measures undermine the principles of equality, human dignity, and non-discrimination, and threaten to silence all voices advocating for LGBT rights and inclusion.

At the end of October 2025, Kazakhstan’s Parliament sought to introduce changes to multiple laws, under the guise of regulating ‘harmful content,’ explicitly prohibiting and penalising content and expressions ‘propagating non-traditional sexual orientation’.

One of the most significant changes affects the ‘Law on the Rights of the Child,’ which lumps so-called ‘LGBT propaganda’ together with pornography and promotion of violence. The expansion of these restrictions is coupled with the introduction of ‘administrative’ sanctions for disseminating ‘propaganda of non-traditional sexual orientation’ (sometimes also referred to as ‘LGBT propaganda’ or ‘homosexual propaganda’), which include fines and imprisonment.

Additionally, a range of other laws, including in the areas of media, culture, education, online platform regulation, and communications, were supplemented with corresponding amendments against LGBT propaganda. The concept of ‘non-traditional sexual orientation’ is deliberately paired in legislation with the mention of paedophilia.

These amendments are a part of a broader trend in the country, where the rhetoric of ‘protecting children’ is deployed to justify censorship and the policing of personal identity. This legislative shift also follows the blueprint of Russia’s 2013 [LGBT propaganda ban](#), which has since been condemned by international and [regional human rights bodies](#) for legitimising discrimination and violence. [ARTICLE 19 Europe has also previously warned](#) that prohibitions of ‘LGBT propaganda’ serve no other purpose than to silence and discriminate against a whole segment of the population.

Kazakhstan’s civil society organisations expressed utmost concern over this legislative package, fearing the broad enforcement of state censorship in the digital sphere and the punitive application of these amendments against the media, human rights defenders, and non-governmental organisations.

At present, the proposed legislation is under consideration in the Parliament. The crux of the proposal has been included in the draft law ‘On Amendments and Additions on Issues of Archival Affairs and the Restriction of Dissemination of Illegal Content,’ currently under the consideration in the Senate. The amendments to the Code of Administrative Offences are still being debated in the Mazhilis (the lower house of the Parliament of Kazakhstan). ARTICLE 19 Europe echoes the concerns of local civil society and urges the Government to ensure that any prohibitions of ‘LGBT propaganda’ are immediately removed from the legislation.

In this statement, we outline that these amendments violate both Kazakhstan’s constitutional guarantees and international human rights obligations, and institutionalise discrimination, silence freedom of expression, and exacerbate the vulnerability and marginalisation of LGBT people and their right to live free from fear and stigma.

Analysis of Kazakhstan's 'LGBT propaganda' ban

Kazakhstan's obligations under international human rights standards

Prohibitions on 'LGBT propaganda' potentially affect a number of human rights, protected under international human rights standards, in particular the International Covenant on Civil and Political Rights (ICCPR), signed and ratified by Kazakhstan. At the very least, it negatively impacts the rights to freedom of expression, freedom of assembly, freedom of association, and the rights to equality and non-discrimination.

ARTICLE 19 Europe recalls that under the international human standards, any restrictions on the right to freedom of expression must satisfy the three-part test. They must be provided for by law; pursue a legitimate aim; and be necessary and proportionate to that aim. We find that the bans on 'LGBT propaganda' fail this test on all three aspects.

Prohibitions do not meet the requirement of legality

The requirement of 'legality' mandates that the restrictions on freedom of expression must 'be formulated with sufficient precision to enable an individual to regulate his or her conduct accordingly and it must be made accessible to the public'. However, the amendments contain very vague and ambiguous terms.

According to the information provided to ARTICLE 19 Europe, the proposal in the Law on the Rights of the Child states that "'propaganda" shall mean the dissemination of information about non-traditional sexual orientation and adherence to it, carried out publicly or through the use of mass media, telecommunications networks, or online platforms, including the intentional distortion of such information to an indefinite audience with the aim of forming a positive image' (Article 39 para 1 part 3 of the Law).

'Non-traditional sexual orientation' is not defined, although it is clearly understood to insinuate all same-sex relationships. It is also entirely unascertainable to predict what information will be considered as 'forming a positive image'.

The law lists various forms of communication but adds the phrase 'indefinite circle of persons,' similar to Russia's 'homosexual propaganda' law, which effectively penalises any public or semi-public mention of LGBT topics. The inclusion of phrases like 'creating a positive image' and 'distortion of information' is unclear, as they are presented as examples rather than necessary components of the offence.

This lack of clarity leaves these terms open to a range of interpretations and possible arbitrary enforcement. The law will also certainly have a chilling effect as people will err on the side of caution, avoiding any mention of LGBT issues, and thus succumb to self-censorship.

The history of enforcement of similar laws, [notably in Russia](#), vividly demonstrates that they are ultimately used to prohibit and suppress *any* expression of support for LGBT people or *any* public expression of 'non-traditional' sexual orientation or gender identity as such.

Prohibitions do not pursue a legitimate aim

All limitations on free expression must pursue one of the 'legitimate aims', explicitly enumerated in Article 19 para 3 of the ICCPR, namely the protection of the rights or reputations of others, the protection of national security or of public order, or the protection of public health or morals.

Here, ARTICLE 19 Europe first notes that it is difficult to identify the clear justification put forward by Kazakhstan. Local civil society organisations noted serious procedural violations and an overall lack of transparency in the legislative process. Based on the information available, the justification appears to be limited to the oblique references to promoting 'traditional values' and countering 'harm to children,' with

references to paedophilia, with no specification of the causal link between the professed threat to children's rights and the mention of LGBT in the media, on online platforms, or in school curriculum.

Here, ARTICLE 19 Europe recalls that the UN Human Rights Committee in its [General Comment No. 34](#) on freedoms of opinion and expression noted that limitations to protect **the rights of others** should be construed with care and should not impede debate on issues of public interest.

In determining whether the amendments protect children, it is important to consider the numerous decisions of international and regional human rights courts and bodies that found States to have failed to produce evidence in support of claims that the mention of 'non-traditional sexual orientation' has any adverse effect on children. Instead, we find that the claims of proponents of the amendments rest upon and perpetuate harmful stereotypes of LGBT people that appeal to prejudices but have no basis in fact or reality.

This point has been underlined by the European Court of Human Rights in the case of [Aleksyev v. Russia](#), which challenged Russia's LGBT propaganda laws. The Court held that there was no scientific or sociological evidence 'suggesting that the mere mention of homosexuality, or open public debate about sexual minorities' social status, would adversely affect children'.

Rather, as stated by [international bodies](#), evidence indicates that open debate and discussion regarding sexual orientation and gender identity in their full diversity, including age-appropriate information for children, is conducive to social inclusion, positive public health outcomes, and education.

Therefore, far from protecting children, the measures introduced in the amendments can put their physical and mental development at serious risk.

As for the protection of **traditional values** (referred to in the amendments), we note that the ICCPR does not allow restrictions to be placed on the exercise of the right to freedom of expression for the purposes of ensuring respect for values. Should the Government argue that the basis of the law is the protection of **public morals**, we note that restrictions on the right to freedom of expression cannot be justified on this basis:

1. First, under international human rights law ['public morals' is not a fixed concept](#) but one that develops over time and thus cannot be satisfied by a mere reference to historical practices.
2. Second, the protection of 'public morals' must always be interpreted in light of the [universality of human rights](#) and not be premised on principles derived from a single tradition.
3. International standards are clear that 'public morals' [cannot be invoked to justify prejudice or promote intolerance](#).

ARTICLE 19 concludes that diverse sexual orientation and gender identities are part of the human condition, and the silencing of LGBT people cannot be framed as an issue of morality or the protection of children. We therefore conclude that the amendments are not necessary to protect public morals in a democratic society.

Prohibitions are not necessary in a democratic society

The amendments provide broad enforcement discretion, including the removal of online content and censorship in traditional media and educational and cultural spheres. On their own, these restrictions are already flagrantly unnecessary and disproportionate.

We recall that, [under General Comment No 34](#), for a limitation on the right to freedom of expression to be considered necessary, States must demonstrate in a 'specific and individualised fashion the precise nature of the threat, and the necessity and proportionality of the specific action taken, in particular by establishing a direct and immediate connection between the expression and the threat'.

We note that the broad mentions of ‘protection of children’ offer no objective or individualised connection to the restrictions against ‘homosexual propaganda’. Quite to the contrary, they deprive children of the full enjoyment of the rights to education and access to information and a range of viewpoints. The purported objectives are disingenuous and, thus, by definition, the measures taken to limit the expressions linked to sexual orientation cannot be necessary.

Furthermore, Kazakhstan also introduced changes to its Code of Administrative Offences, providing sanctions for ‘propaganda of non-traditional sexual orientation and paedophilia,’ including fines and ‘administrative arrest’. In the local system, the term ‘administrative arrest’ de facto signifies imprisonment and can be extended to up to 10 days.

We point out that the proportionality test requires the application of the least restrictive means available for achieving the purported legitimate aim. As noted above, restrictions against ‘homosexual propaganda’ are without legitimacy, so the proportionality analysis is, in principle, redundant. However, clearly disproportionate sanctions, particularly removal and bans of content and the risk of imprisonment, add to the flagrant character of the infringement of the right to freedom of expression.

LGBT propaganda laws can fuel discrimination and stigma

ARTICLE 19 Europe finds that under the guise of ‘protecting children’ or furthering ‘traditional values,’ the Kazakhstan legislators conceal their true intention: to discriminate and stigmatise the LGBT community.

Beyond violating the right to freedom of expression, we fear that this legislation will have serious implications for socio-economic and cultural rights and even safety of LGBT people, including minors, in Kazakhstan. The restrictions are discriminatory because they specifically target information related to non-heterosexual orientations and gender identities without any reasonable justification. They reinforce negative attitudes and silence advocates for LGBT equality, giving advantage to those opposing these rights.

To this effect, we note for comparison purposes that the European Court of Human Rights, in [Alekseyev v Russia](#), made clear that minority rights cannot depend on acceptance by the majority. If they did, rights like freedom of religion, expression, and assembly would become meaningless.

We also highlight States have positive obligations to tackle prejudice and intimidation against minority groups, including LGBT people, rather than ignore or, worse, contribute to further stigmatisation and hostility. In the sphere of education, this translates into [the need to integrate the principles of tolerance and non-discrimination](#) into school curricula and actively dismantle homophobic and transphobic educational requirements that enable prejudice and intimidation against young LGBT people that can lead to ostracisation and even suicide. Access to information on sexual and reproductive health, devoid of misrepresentation of contemporary scientific evidence and free from anti-homosexual prejudice, should be an integral element of comprehensive education for children.

Media, especially public broadcasters, should avoid harmful stereotypes and promote acceptance. Public officials must refrain from making discriminatory comments and strongly condemn any attacks or stigmatisation against LGBT people.

Therefore, ARTICLE 19 Europe finds that the Kazakhstan’s anti-LGBT amendments follow the worst examples of ‘homosexual propaganda’ restrictions. Motivated by vague mentions of ‘protecting children,’ these laws serve no other purpose but to discriminate against LGBT people. The amendments to ‘The Law on the Rights of the Child’ and a range of other laws in the spheres of education, health, and media seek to create a robust system of censorship.

ARTICLE 19 Europe's recommendations

- Kazakhstan must immediately withdraw all elements of its legislation on 'propaganda of non-traditional sexual orientation' and refrain from any similar legislative initiatives in the future.
- Kazakhstan should reaffirm its commitment to promoting and protecting the right to freedom of expression and other associated rights and freedoms on the basis of equal treatment and non-discrimination.
- Kazakhstan must fulfil its responsibility to take sustained and systematic action to modify or eliminate stereotypes and negative, harmful and discriminatory practices against LGBT people that are justified by traditional values.