

PERSPECTIVE

New Legislation Criminalizing Sex Work in Kazakhstan Is Cause for Concern

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Introduction

In recent years, global trends in sex work legislation have been mixed, with many countries maintaining or expanding punitive approaches despite growing advocacy for decriminalization. Some governments, particularly in Eastern Europe, Central Asia, and parts of Africa, have intensified crackdowns on sex work under the guise of public health or anti-trafficking efforts, often increasing surveillance, fines, and police harassment.¹ At the same time, there has been a notable rise in grassroots and international human rights advocacy pushing for the decriminalization of sex work, citing its potential to reduce violence, improve health outcomes, and uphold the rights of sex workers.² However, progress has been uneven, and the global policy environment

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remains largely hostile, with only a few countries, such as New Zealand and parts of Australia, adopting fully decriminalized models.³

Like many countries in the region, Kazakhstan has intensified enforcement measures under the banner of public order and anti-trafficking. Last year, President Kassym-Jomart Tokayev signed Law No. 110-VIII on Countering Human Trafficking.⁴ Upon taking effect in September 2024, this law redefined the parameters of sexual services in the context of anti-trafficking efforts, which has raised concern among public health and human rights experts due to its potential consequences for those engaged in sex work. By broadly defining *potential* victims of human trafficking to include individuals in vulnerable positions due to socioeconomic factors, such as homelessness or unemployment, this legislation conflates sex work with trafficking and assumes that all individuals engaged in sex work are coerced. While the stated objectives—protecting women and children from exploitation—may be well-intentioned, the practical implications of this legislation may disproportionately harm women who engage in sex work, violating their fundamental human rights and undermining their health and safety.

Sex work in Kazakhstan

Kazakhstan's sex work profession is diverse and fluid, encompassing individuals of various ages, genders, and ethnic backgrounds, who work in public venues, informal networks, and private settings. The Kazakhstan Scientific Center for Dermatology and Infectious Disease (KSCDID), which is part of the Ministry of Health, conducts periodic surveillance of sex work in the context of HIV prevention program planning. In 2024, KSCDID estimated that there were approximately 21,980 sex workers in Kazakhstan; however, this may not capture the full extent of sex work in the country.⁵ Our research identified additional groups of women who exchanged sex occasionally or exchanged sex for drugs, goods, or other services and who were likely not included in official estimates.⁶ Additionally, official estimates exclude men who have sex with men and transgender individuals

who engage in sex work, as KSCDID classifies these as a separate key population.

Sex workers are highly marginalized in Kazakh society. While there has been a focus on their sexual health, sex workers face a broad range of health and social challenges. In Kazakhstan, specialty clinics that serve sex workers are locally referred to as AIDS centers or “friendly clinics.” These clinics provide HIV-related services, including testing for sexually transmitted infections (STIs), HIV testing, and referrals. Mental health challenges are often overlooked, although prior research has identified a 52.5% prevalence of past-week suicidal ideation among a sample of 400 women who exchange sex and use drugs.⁷ Sex workers are subjected to violence from both intimate partners and clients, as well as from law enforcement, including coercion or extortion into providing sex to avoid being detained or arrested.⁸ The Kazakhstani government has taken no measures to protect individuals engaged in sex work and has tried to downplay its existence.⁹ Further, sex workers face high levels of stigma and discrimination in health care settings. According to the most recent (2024) Stigma Index report, nearly half (45.7%) of women who exchange sex and are living with HIV are afraid that health care professionals will treat them poorly or disclose their HIV status, and nearly one-third (28.6%) have had a prior negative experience.¹⁰ Additionally, the COVID-19 pandemic led to changes in how sex work operated in Kazakhstan. Lockdowns and restrictions reduced clientele and drove sex work underground, eroding social networks and forcing some into more precarious work circumstances.¹¹ Law No. 110-VIII, which increases criminal-legal exposure, could make the risks of violence and exploitation from these changes even greater.

Legal frameworks for sex work

Sex work laws by country tend to fall into one of several legal frameworks: criminalization, partial criminalization, the “Nordic model,” decriminalization, and legalization.¹² These frameworks are described in Table 1. Decriminalization is widely considered to provide the best protections for pub-

lic health and for women engaged in sex work, and it is the model supported by sex workers, advocates, and international organizations such as the World Health Organization.¹³

Prior to 2024, Kazakhstan followed a partially decriminalized model of sex work regulation, where engaging in sex in exchange for goods or services was not deemed illegal, but soliciting in public locations (article 449 of the Administrative Code) and brothel-keeping (article 450) were.¹⁴ Buying sex is generally not an offense in Kazakhstan, except where a client knowingly receives sexual services from a minor, which is criminalized. Recent amend-

ments also introduced explicit criminal liability for providing sexual services online in real time (e.g., webcam prostitution). As mentioned, these laws were frequently abused by police, as women engaged in sex work are frequently harassed by police or detained for “administrative violations.”¹⁵

Potential impacts of Law No. 110-VIII

The health and safety of sex workers in Kazakhstan will be severely compromised under this new legislation. Between 2016 and 2020, Kazakhstan opened 161 criminal cases related to sex work, the majority

TABLE 1. Legal frameworks for sex work

	Full criminalization	Partial criminalization	“Equality,” “entrapment,” or “Nordic” model	Decriminalization	Legalization
Criminalizes individual sex workers	Yes	No	No	No	No
Criminalizes clients	Yes	Yes	Yes	No	No
Criminalizes third parties (e.g., managers)	Yes	Yes	Yes	No	No
Impact on sex workers	Makes street-based sex workers more susceptible to frequent arrests and police violence and harassment; reinforces stigma	Organizing and soliciting sex work are illegal, making it impossible to safely vet clients and work in public venues	Sex workers can still face police surveillance, fines, arrest, and violence; forced to rely on income from criminalized clients, which increases economic instability and housing insecurity	Sex work can be regulated like other forms of labor and has more workplace protections; allows sex workers to organize for labor rights; can reduce stigma over time	Sex work is strictly regulated by the state; workers must procure licenses; this model excludes certain populations, such as migrants and undocumented workers
Impact on health care access	Severely impacts access to essential health care; undermines public health and harm reduction services	Impacts access to essential health care; sex workers likely to avoid clinics that may collude with law enforcement	Limits access to harm reduction programs if services focus only on “exit strategies” rather than offering health care without judgment	Increases access to harm reduction services and access to regular health care	Workers must complete consistent medical testing but are not necessarily provided with better access to services; however, this could increase testing and uptake
Impact on human rights	Infringes on sex workers’ rights to health and safety as enshrined in the Universal Declaration of Human Rights and International Covenant on Economic, Social and Cultural Rights; increases risk of violence and exploitation	Infringes on sex workers’ rights; forces individuals to engage in private, solitary sex work, making them more susceptible to violence and social isolation	Amnesty International, UNAIDS, and other human rights organizations oppose this model because it can harm sex workers; does not decrease risks of violence and exploitation	Recommended by World Health Organization, Amnesty International, and other major human rights governing bodies; reduces violence and exploitation; increases legal protection	Restrictive conditions may violate the rights of sex workers; creates a two-tier system where some workers meet the legal requirements and those who do not (e.g., undocumented workers) are criminalized

of which relate to organizing sex work; this is likely to increase under the new legislation.¹⁶ Moreover, as we have seen in Canada and northern Europe, legislation that inadvertently or purposively conflates sex work with trafficking increases the policing of sex work communities in the name of stopping it. A robust body of prior research has documented the detrimental effects of increased policing in a context of partial and complete criminalization, including violence from clients, condomless sex, and HIV/STI incidence, which drive sex work underground and make women hesitant to seek care.¹⁷ Policing can also cause treatment disruptions for HIV.¹⁸ In Europe and Canada, police surveillance and harassment of sex workers, under the guise of preventing trafficking, often intersects with racial profiling and migration policies.¹⁹ Moreover, reforms to sex work legislation that stop short of full decriminalization do not reduce these negative effects. For example, in Canada, a 2014 shift from full criminalization to the Nordic Model (criminalizing the clients of sex workers) had no impact on reduction in violence.²⁰ In contrast, sex workers in New Zealand report that the country's 2003 shift to decriminalization improved relationships between sex work communities and the police, and made women more comfortable reporting abuse.²¹ Increased policing under this new legislation will likely shift sex work in Kazakhstan into private and unregulated settings. This transition will increase the risk of exploitation and violence by partners and police, with additional barriers to seeking legal protection against such behaviors. By further pushing sex work into the shadows, the legislation also limits the ability of sex workers to engage in harm reduction services, such as HIV testing, pre-exposure prophylaxis uptake, and STI treatment. This diminished access may increase the likelihood of HIV/STI transmission not only among sex workers but also within the broader population. Our research and work lead us to believe that this criminalization will worsen social isolation, depriving sex workers of peer support systems that often act as lifelines for accessing resources and harm reduction services.

In the months since this law has taken effect, we have begun to see both predicted and unpredicted impacts. Local nongovernmental organizations (NGOs) have reported increased demand for support services across the country, as sex workers are persecuted by the police. There are rumors of extortion by the police, threats, pressure, fines, persecution, targeting, and public exposure of sex workers in the media. There is a lack of clarity among service providers working with those engaged in sex work. The change has created widespread confusion among service providers who work with women engaged in sex work, particularly in determining what routine services, or advertising for such services, may be construed as "facilitating" sex work. Many providers do not fully understand the changes to the law, and state agencies offer conflicting interpretations. This uncertainty has disrupted service providers' outreach to and support for sex workers. Finally, civilians often lack clarity on what constitutes "other sexual services," whether it be online advertising, third parties (organizers, apartment tenants, pimps), or strictly sex work. This ambiguity contributes to an environment where sex workers become the target of harassment and violence, reflecting a broader pattern in which vaguely defined and inconsistently enforced laws fuel fear, misinformation, and confusion.

Call to action

Reversal of this legislation and decriminalization of sex work is essential to ensuring the safety, health, and dignity of individuals working in the sex industry. At the very least, Kazakhstan should consider clarifying the law to distinguish between consensual sex work and trafficking, aligning with international public health guidance. However, in the meantime, the following steps are needed:

Ensure health care access

Kazakhstan's Ministry of Health should scale up HIV self-testing by increasing the number of distribution points and enabling individuals to order

tests online. To ensure equitable access to care for sex workers, the Ministry of Health should expand low-barrier strategies by establishing more friendly clinics near sex work venues and integrating online scheduling tools for time-specific appointments. Additionally, friendly clinics should extend their operating hours into the late afternoon, evenings, and weekends to accommodate more schedules. These clinics could be transformed into one-stop shops by offering a broader range of services beyond HIV and STI testing and condom distribution.

Protect the rights and safety of sex workers

Immediate action is needed to protect the rights and safety of sex workers in Kazakhstan. NGO and medical service provider efforts should include educating women who exchange sex about their legal rights and the current status of sex work under Kazakhstan's administrative and criminal codes. NGOs should organize safety trainings that cover both physical and digital security. Centralized access to safety resources should be made available through dedicated websites and social media platforms. Additionally, an emergency panic button system should be developed and implemented to provide immediate access to protection. Free or low-cost legal consultations should also be offered at accessible and convenient locations to ensure that sex workers can seek justice and support without barriers.

Support nongovernmental organizations

NGOs that support sex workers in Kazakhstan require additional resources and structural support to effectively meet the needs of this population. Increased funding is essential to expand the scope of preventive, legal, medical, and social services provided by these organizations. Clear service guidelines should be developed to define the legal rights and limitations of NGOs working with sex workers, clarify mandatory reporting requirements (including protocols for sharing client data), and outline the legal support available to NGO staff. Medical and social service providers should receive training on how to work respectfully and effectively with sex workers, in alignment with international and com-

munity-led standards, and on documenting human rights violations in accordance with Kazakhstani legislation. Outreach workers also need enhanced training, particularly in responding to gender-based violence and making appropriate referrals, to better support women who exchange sex.

Strengthen legal protections for sex workers

Advocacy efforts should target key national and international actors, including Kazakhstan's Ministry of Foreign Affairs, Ministry of Health, and Ministry of Labor and Social Protection, as well as UN Women. Submitting shadow or alternative reports to United Nations bodies such as the Committee on the Elimination of Discrimination Against Women and the Committee on Economic, Social and Cultural Rights is also critical to holding the government accountable for protecting the rights of sex workers. Particular attention must be paid to the rights of migrant sex workers, who face heightened vulnerability and are often deterred from reporting violence due to fear of deportation. Efforts should be made to systematically document human rights violations against migrant sex workers, ensure that reporting abuse does not endanger their legal status, and develop dedicated support programs with trained specialists who understand the specific needs of this population.

The international community, including human rights organizations and public health advocates, must apply pressure on the Kazakhstani government to repeal harmful legislation and implement evidence-based policies that align with global human rights standards. While legal and policy reforms are underway, interim harm reduction strategies should be implemented to mitigate the direct harm experienced by sex workers and the broader societal consequences of criminalization.

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