

# Kazakhstan

## ACCESS TO ADEQUATE FOOD

The COVID-19 pandemic had a serious impact on LGBT+ people, and particularly trans people. Many lost their jobs in the informal sector, and lacking savings or benefits, had difficulties covering rent and basic necessities. Civil society provided food, hygiene products, and other essentials to many. Financial assistance from the state was not accessible to trans people, either because they did not meet the eligibility criteria or due to the inconsistency between their legal gender and gender expression.

## BIAS-MOTIVATED SPEECH

On IDAHOBIT on 17 May, the British Embassy in Nur-Sultan released a video in support of LGBTI people in the country. As a response, well-known MMA fighter Kuat Khamitov called LGBTI people “worse than dogs”. Local activist Nurbibi Nurkadilova condemned the post and faced severe backlash from commenters, who urged the killing of LGBT people, and to “rape, kill, and burn” her and her partner. The Kazakhstan MMA Sports Federation issued a statement against discrimination.

## BIAS-MOTIVATED VIOLENCE

With the sudden loss of income, many trans people had to move back to unsafe family homes. A young trans woman was physically assaulted by her uncle and had to flee her home for safety.

The Kok.team documented 81 cases of discrimination or violence against the community this year and found that 52% of the victims were aged 18-25 and 20% were minors. 50% of the violations were insults, 46% death threats and 42% blackmail. 41% of the victims were gay men, 16% bisexual men, 12% lesbian women, 12% bisexual women, 5% trans people, and 14% identified as ‘other’. Many reported mental health problems and suicidal thoughts following the attacks.

On 3 August, police raided a gay club in Astana to enforce lockdown measures. The detention was legal, but the officers humiliated those present and said “gays should be shot”. Those under 18 were outed to their parents by the police.

The Prosecutor’s Office announced it would work on the case of [Bekzat Mukashev](#), a gay man who was allegedly abducted and forced to undergo conversion therapy by his family (see under Bodily integrity). In spring, his partner fled to Russia and Mukashev was to follow. On 13 June, Mukashev was forcibly abducted from his apartment in Almaty, allegedly by his own family. Kok.team launched the social media campaign #FreeBekzat. Mukashev posted a video later, refuting his abduction.

*“My name is Arman. I am from Kazakhstan and I am gay. My partner’s name is Bekzat Mukashev. Bekzat’s parents [...] repeatedly locked him in the house, beat him, threatened him and tried to cure him of homosexuality. No matter how many times Bekzat and I ran away, his parents found us and took Bekzat home [...]. We appealed to the police several times, but to no avail.” - [Arman Khasanov](#), Bekzat Mukashev’s partner*

In September, the police announced that Bekzat was home with his parents, and no criminal proceedings would be initiated. The parents forbade Bekzat’s advocates to contact him.

On 13 May, a trans woman was physically assaulted by a group of men in Kostanay. The men took the victim to the police station later, where she was subjected to psychological abuse by the police. She was forced to withdraw her complaints. The victim later filed a case, but fled the locality.

## BODILY INTEGRITY

Bekzat Mukashev was forced by his family to undergo conversion therapy in the form of [brain surgery](#) at the National Centre of Neurosurgery at Nur-Sultan.

## DATA COLLECTION

In May, local trans group ALMA-TQ launched a research project to learn more about the situation and experiences of trans people in the country. The report will be published in 2021.

## EQUALITY AND NON-DISCRIMINATION

In May, NGO Anti-Discrimination Centre published a [comprehensive report](#) on the situation of LGBTI people in Central Asia, including Kazakhstan.

## FREEDOM OF ASSEMBLY

In spring, the new law on freedom of assembly sparked national and international outcry, but was eventually adopted and signed into law by the President in May. First, the law prohibits spontaneous demonstrations. Second, the authorities must be “notified” of a planned protest and the notifier must wait three-to-seven days for a response. The government argued that the notification is not a permission, but advocates believe it is. Third, no protests will be allowed in central locations. Fourth, fines will increase. Civil society firmly condemned the law, fearing it further restricts freedom of assembly.

## FREEDOM OF ASSOCIATION

In July, the Ministry of Justice announced it would register Feminita as an organisation, after repeated denials in the past. In a meeting in the summer with the Ministry, Feminita disagreed with the terms offered and the amendments to their founding documents. Feminita suspects the announcement was due to Kazakhstan's upcoming review by the UN Human Rights Committee. As of late December, Feminita was still not registered.

## FREEDOM FROM TORTURE, CRUEL, INHUMAN OR DEGRADING TREATMENT

The Ili District Court sentenced a former prison guard to the minimum five and a half years in prison and a ban from civil service for repeatedly raping a trans woman in prison in 2019.

## HEALTH

During the state of emergency, army and police officers were stationed in many cities, with unlimited powers. Many trans people feared leaving their homes. Most trans healthcare services were suspended, with appointments cancelled, requests for new prescriptions denied, and hormones unavailable. It was also impossible to travel to Kyrgyzstan to access surgical care. The commission issuing medical certificates suspended its work.

On 25 November, the Minister of Health issued an order changing the rules of conduct of the commission. The resulting amendment no. 539 to the healthcare law raises the age limit for trans healthcare access from 18 to 21 and excludes those with a mental health or "behavioral disorder" diagnosis. Civil society pleaded for their withdrawal.

## HUMAN RIGHTS DEFENDERS

The COVID-19 pandemic has forced activists to move their work online, including service provision, meetings, and community support. Activists reported higher rates of burnout, due to increased work stress, and the toll of the pandemic.

Two organisers of the feminist march on 8 March were fined by the special inter-district court of Almaty for hooliganism, classified as minor misdemeanor. Farida Ospan was fined 13000 kzt (25 euro) and Arina Osinovskaya 66000 kzt (130 euro).

## LEGAL GENDER RECOGNITION

On 25 November, the Ministry of Health approved sterilisation and hormonal treatment as mandatory requirements for LGR, against previous recommendations of the working group,

consisting of representatives of the Ministry, civil society, and medical professionals.

The proposed amendment to the healthcare law (see under Health) will also mean that those under 21 and with mental health and "behavioural disorders" diagnoses will not be able to access LGR. The process provided no opportunity for public consultation.

\*Some of the information about Kazakhstan was shared with ILGA-Europe by activists who for safety reasons need to stay anonymous. These accounts were not publicly shared online or otherwise.

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