



KAZAKHSTAN

ACCESS TO GOODS AND SERVICES

In November, a hotel in Almaty refused to host an event for human rights defenders, organised by Labrys. The hotel management said they believed that the LGBT movement is illegal in Kazakhstan.

BIAS-MOTIVATED SPEECH AND VIOLENCE

Following the resignation of Nursultan Nazarbayev, Kazakhstan held presidential elections on 9 June. During the campaign period Sadi-Bek Tugel, one of the (unsuccessful) candidates, spoke out against the lesbian and gay community, as well as sex workers, saying that they are against “Kazakh mentality” and “cannot be tolerated”.

On September 27, the Kazakh bureau of the Radio Free Europe released an interview with a gay man, who was lured on a fake date in July in Nur-Sultan by two men and was tortured, raped and humiliated. After hours of abuse, Ayan managed to escape and call for help. The police detained Ayan’s attackers and investigation is ongoing.

Local human rights groups documented over 40 cases of bias-motivated speech and violence between January-July, including in employment, in education, and at home. Some parents told them they should be taken to Chechnya or that they should have been aborted. Some were repeatedly detained by police and threatened with violence unless they shared names of other LGBT people. Several shared that they were later considering suicide.*

BODILY INTEGRITY

In September, a young queer woman in the capital reported* that she was subjected to conversion therapy by her parents. The family got recommendations for “therapy” from the Ministry of Health.

EDUCATION

On 8 March, the UN Committee on Economic, Social and Cultural Rights (CESCR) recommended Kazakhstan to prevent and combat bullying and violence against LGBT students.

EQUALITY AND NON-DISCRIMINATION

The CESCR recommended Kazakhstan to combat discrimination

against LGBT persons and adopt comprehensive anti-discrimination legislation that includes SOGI. Kazakhstan received the same recommendation as part of its third UPR review.

On 14 March, the European Parliament adopted a resolution on human rights in Kazakhstan and called for the elimination of discrimination against LGBT people.

In May, two trans women who were forcibly returned from a vacation in Egypt, were denied any assistance by their travel agency, returned to an airport on the other side of the country, and had to cover the incurred travel costs.

In a landmark decision published on 30 July, the Supreme Court ruled that two lesbian women will receive compensation from a Facebook user, Eldar Mamedov, who posted a video of them kissing without their permission in 2018. The video was viewed over 60,000 times, soliciting homophobic comments. The court ruled that the posting violated the victims’ right to private life. The first instance court had sided with the women. The second instance court had then stated that “[Kazakhstani] society is not ready for open sexual relations between people of the same sex”, that the behavior of the plaintiffs violated “the morale and moral foundations of society”, and that Mamedov “acted as a defender of the morals of the population”. On 22 July, several UN Special Procedures expressed grave concern about this reasoning. The Supreme Court’s ruling is viewed as the first legal victory for LGBTI rights in Kazakhstan.

The Criminal Code sets out criminal liability for rape in Article 120. However, “lesbianism” and “sodomy” carried out with force or threat, are singled out under Articles 121, 122, and 123. On 11 September, the President announced that the government will increase liability for serious crimes, and retain these articles.

FAMILY

The European Parliament resolution (see under **Equality and non-discrimination**), recommended Kazakhstan to ensure equal rights for same-sex couples.

FREEDOM OF ASSEMBLY

Between February and September, feminist and queer activists repeatedly submitted individual applications to the Almaty City



Hall to hold a women's march. All their attempts were rejected on the basis that other events were scheduled in the same place. The City Hall then had a meeting with one activist, in which the authorities expressed a concern that LGBT people may attend the demonstration. In the end, the assembly was authorised and the first feminist assembly in the country took place on 28 September, focusing on the topic of domestic violence.

On August 24, activists submitted a request in the capital Nur-Sultan and Almaty to hold the first LGBT rallies, but both were denied.

Activists held a demonstration on 8 December in Almaty. The event was aimed to focus on the visibility of LGBTQ women, but the city did not agree to that. The event took place in a small square, the only place where public campaigns are allowed to be held. This case exemplifies well restrictions on the freedom of assembly.

FREEDOM OF ASSOCIATION

The Almaty Justice Department denied registration to the feminist group Feminita three times between 2018 and 2019, on arbitrary grounds. After numerous appeals, the City Court ruled in September that the group does not aim to strengthen moral values and the family, as required of charitable institutions by the law. According to Feminita, the Court referred to "LBTIQ" being explicitly mentioned in the group's Charter.

In March, the CESC (see more under **Equality and non-discrimination**) recommended the authorities to guarantee an enabling environment for NGOs, especially LGBT groups by allowing them to freely register.

On 14 August, nearly 30 activists from Kazakhstan, Kyrgyzstan, Tajikistan and Uzbekistan founded the first Central Asian Regional LGBT+ platform.

Kazakhstan received UPR recommendations to create an enabling environment for LGBTI rights activists.

FREEDOM OF EXPRESSION

An art exhibition 'Silly Jokes' was displayed in Astana and Almaty in the spring, marking the 70th Anniversary of the Universal Declaration of Human Rights. Pro-feminist and LGBT artists were

among those featured: Kuanysh Bazargaliev presented a piece depicting a traditional Kazakh warrior with a rainbow flag.

FREEDOM FROM TORTURE, CRUEL, INHUMAN OR DEGRADING TREATMENT

A trans prisoner, Victoria Berkkhodjaeva reported to her lawyer and Kazakhstan's National Preventive Mechanism, that an employee in the Zhaugashty women's prison repeatedly raped her in July. A criminal investigation is ongoing.

HEALTH

In April, Feminita started a research project on the right to health for LBQT women and trans men, finding experiences of mistreatment in medical settings.

On 7 June, a trans woman with a chronic heart condition called an ambulance for help, but was met with a hostile paramedic who called her a "faggot" and a "freak", threatened to kill her, and threw her out of the ambulance. The victim was scared to report the case.

SEXUAL AND REPRODUCTIVE RIGHTS

Feminita's healthcare project (see under **Health**) found that LGBTQ women have low level of awareness about HIV and STIs and also very little access to friendly HIV centres in cities, which only cater to sex workers and men who have sex with men. Some LGBTQ women are forced to pretend they are sex workers to access these centres.

**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.*