Asylum applications y beautiful B. C.IIIA

Content

1589 Form

194 Forms

Passports and visas

Certificate of marriage registration

Statement

Exhibits 1-11

Witness statements

Country reports

I-589, Application for Asylum and for Withholding of Removal

U.S. Citizenship and Immigration Services

U.S. Department of Justice **Executive Office for Immigration Review**

START HERE - Type or print in black ink. See the instructions for information about eligibility and how to complete and file this application. There is no filing fee for this application.

NOTE: X Check this box if you also want to apply for withholding of removal under the Convention Against Torture. Part A.I. Information About You 3. USCIS Online Account Number (if any 1. Alien Registration Number(s) (A-Number) (if any) 2. U.S. Social Security Number (if any) NONE NONE NONE 4. Complete Last Name 6. Middle Name 5. First Name NONE 7. What other names have you used (include maiden name and aliases)? NONE 8. Residence in the U.S. (where you physically reside) Apt. Number Street Number and Name BLVD City Telephone Number State Zip Code CA 90028 LOSANGELES 213) 9. Mailing Address in the U.S. (if different than the address in Item Number 8) In Care Of (if applicable): Telephone Number Apt. Number Street Number and Name City State Zip Code X 10. Gender: X Male Female 11. Marital Status: Single Married Divorced Widowed 12. Date of Birth (mm/dd/yyyy) 13. City and Country of Birth 1993 KAZAKHSTAN 14. Present Nationality (Citizenship) 15. Nationality at Birth 16. Race, Ethnic, or Tribal Group 17. Religion KAZAKH ASIAN KAZAKHSTAN 18. Check the box, a through c, that applies: a. X I have never been in Immigration Court proceedings. I am now in Immigration Court proceedings. I am **not** now in Immigration Court proceedings, but I have been in the past. 19. Complete 19 a through c. **a.** When did you last leave your country? (mm/dd/yyyy) 2020 **b.** What is your current I-94 Number, if any? **5** c. List each entry into the U.S. beginning with your most recent entry. List date (mm/dd/yyyy), place, and your status for each entry. (Attach additional sheets as needed.) Date Status Expires 2020 Place LOS ANGELES Status B2 Date Date 2019 Place LOS ANGELES Status B2 Date Place NONE Status NONE 20. What country issued your last passport or travel 22. Expiration Date 21. Passport Number N document? (mm/dd/yyyy) 2029 KAZAKHSTAN Travel Document Number NONE 23. What is your native language (include dialect, if applicable)? 24. Are you fluent in English? 25. What other languages do you speak fluently? RUSSIAN X Yes No KAZAKH For EOIR use only. For Action: Decision: Interview Date: Approval Date: **USCIS** Asylum Officer ID No.: Denial Date: use only. Referral Date:

Part A.II. Information About Your Spouse and Children					
Your spouse I	am not married. (Skip to Your (Children below.)			
1. Alien Registration Number (A-Number (if any)	2. Passport/ID Card Number (if any)	3. Date of	Birth (mm/dd/yyyy)	4. U.S. Social Security Number (if any)	
NONE	N	1 19	985	NONE	
5. Complete Last Name	6. First Name	7. Middle	Name	8. Other names used (include maiden name and aliases)	
		NONE		NONE	
9. Date of Marriage (mm/dd/yyyy)	10. Place of Marriage		11. City and Countr	y of Birth	
Fig. 1997 - 100 Made 201 - 100 Made 1	The state of the s	SCS SN SHOW	KAZAKHST		
12. Nationality (Citizenship)	13. Race, Ethnic, o	r Tribal Group	14	I. Gender Male Female	
15. Is this person in the U.S.?	ASIAN			Nate Tentale	
Yes (Complete Blocks 16 to 24.)	No (Specify location):				
	ate of last entry into the S. (mm/dd/yyyy)	18. I-94 Number ((if any)	Status when last admitted (Visa type, if any)	
LOS ANGELES			B2	,	
20. What is your spouse's current status?	s the expiration date of his/her zed stay, if any? (mm/dd/yyyy)	22. Is your spouse Court proceed	in Immigration 23.	If previously in the U.S., date of previous arrival (mm/dd/yyyy)	
В2			No No	2019	
24. If in the U.S., is your spouse to be incl	aded in this application? (Check	the appropriate b	oox.)		
Yes (Attach one photograph of your	spouse in the upper right corner	of Page 9 on the	extra copy of the app	lication submitted for this person.)	
No		No. 10			
Your Children. List all of your children, re					
I do not have any children. (Skip to P		ur background.)			
I have children. Total number of ch	ıldren:				
(NOTE: Use Form I-589 Supplement A or	attach additional sheets of paper	and documentati	ion if you have more	than four children.)	
1. Alien Registration Number (A-Number) (if any)	2. Passport/ID Card Number (if any)	3. Marital Status Divorced, Wie	(Married, Single,	4. U.S. Social Security Number (if any)	
(g any)	(9 21.5)	Divorces, ir is		(9 4.79)	
5. Complete Last Name	6. First Name	7. Middle Name		8. Date of Birth (mm/dd/yyyy)	
	5	la contraction of the contractio			
9. City and Country of Birth	10. Nationality (Citizenship)	11. Race, Ethnic, or Tribal Group		12. Gender Male Female	
13. Is this child in the U.S.? Yes (C	Complete Blocks 14 to 21.)	No (Specify local	tion):	Wide Temate	
14. Place of last entry into the U.S.	15. Date of last entry into the	16. I-94 Number		17. Status when last admitted	
14. Flace of last entry into the U.S.	U.S. (mm/dd/yyyy)			(Visa type, if any)	
18. What is your child's current status?	19. What is the expiration	date of his/her	20. Is your child in	Immigration Court proceedings?	
	authorized stay, if any	y? (mm/dd/yyyy)	Yes	No No	
21. If in the U.S., is this child to be include	ed in this application? (Check the	e appropriate box			
Yes (Attach one photograph of your				cation submitted for this person.)	

Part A.II. Information About	Your Spouse and Child	ren (Continued)		
1. Alien Registration Number (A-Number) (if any)	2. Passport/ID Card Number (if any)	3. Marital Status (Married, Single, Divorced, Widowed)	4. U.S. Social Security Number (if any)	
5. Complete Last Name	6. First Name	7. Middle Name	8. Date of Birth (mm/dd/yyyy)	
9. City and Country of Birth	10. Nationality (Citizenship)	11. Race, Ethnic, or Tribal Group	12. Gender Male Female	
13. Is this child in the U.S.? Yes (C	omplete Blocks 14 to 21.) 🔲 N	No (Specify location):	() Y	
14. Place of last entry into the U.S.	15. Date of last entry into the U.S. (mm/dd/yyyy)	16. I-94 Number (<i>If any</i>)	17. Status when last admitted (Visa type, if any)	
18. What is your child's current status?	19. What is the expiration authorized stay, if any		in Immigration Court proceedings? No	
No	spouse in the upper right corner	e appropriate box.) of Page 9 on the extra copy of the ap	oplication submitted for this person.)	
1. Alien Registration Number (A-Number) (if any)	2. Passport/ID Card Number (if any)	3. Marital Status (Married, Single, Divorced, Widowed)	4. U.S. Social Security Number (if any)	
5. Complete Last Name	6. First Name	7. Middle Name	8. Date of Birth (mm/dd/yyyy)	
9. City and Country of Birth	10. Nationality (Citizenship)	11. Race, Ethnic, or Tribal Group	12. Gender Male Female	
13. Is this child in the U.S. ? Yes (Co	omplete Blocks 14 to 21.) 🔲 N	No (Specify location):		
14. Place of last entry into the U.S.	15. Date of last entry into the U.S. (mm/dd/yyyy)	16. I-94 Number (If any) 17. Status when last a (Visa type, if any)		
18. What is your child's current status?	19. What is the expiration authorized stay, if any		in Immigration Court proceedings?	
21. If in the U.S., is this child to be include Yes (Attach one photograph of your No	TOTAL DESCRIPTION OF THE PROPERTY OF THE PROPE	e appropriate box.) of Page 9 on the extra copy of the ap	oplication submitted for this person.)	
1. Alien Registration Number (A-Number) (if any)	2. Passport/ID Card Number (if any)	3. Marital Status (Married, Single, Divorced, Widowed)	4. U.S. Social Security Number (if any)	
5. Complete Last Name	6. First Name	7. Middle Name	8. Date of Birth (mm/dd/yyyy)	
9. City and Country of Birth	10. Nationality (Citizenship)	11. Race, Ethnic, or Tribal Group	12. Gender Male Female	
		No (Specify location):		
14. Place of last entry into the U.S.	15. Date of last entry into the U.S. (mm/dd/yyyy)	16. I-94 Number (<i>If any</i>)	17. Status when last admitted (Visa type, if any)	
18. What is your child's current status?	19. What is the expiration authorized stay, if any	The state of the s	in Immigration Court proceedings?	
21. If in the U.S., is this child to be include Yes (Attach one photograph of your No	10 miles	e appropriate box.) of Page 9 on the extra copy of the ap	oplication submitted for this person.)	

Part A.III. Information About Your Background

1. List your last address where you lived before coming to the United States. If this is not the country where you fear persecution, also list the last address in the country where you fear persecution. (List Address, City/Town, Department, Province, or State and Country.)

(NOTE: Use Form I-589 Supplement B, or additional sheets of paper, if necessary.)

Number and Street	City/Town	Department, Province, or State	Country	Date	
(Provide if available)		- 10 and 10 and 20 and 10 and	*	From (Mo/Yr)	To (Mo/Yr
13			KAZAKHSTAN		11/20
				1	

2. Provide the following information about your residences during the past 5 years. List your present address first. (NOTE: Use Form I-589 Supplement B, or additional sheets of paper, if necessary.)

Number and Street	City/Town	Department, Province, or State	Country	Date From (Mo/Yr)	es To (Mo/Yr)
BLVD	LOS ANGELES	CA	USA	/20	
			KAZAKHSTAN		11/20
			60		
			,		

3. Provide the following information about your education, beginning with the most recent school that you attended. (NOTE: Use Form I-589 Supplement B, or additional sheets of paper, if necessary.)

Name of School	ame of School Type of School Location (Address)	Location (Address)	Atten		
THE STATE OF THE S	31		From (Mo/Yr)	To (Mo/Yr)	
	UNIVERSITY	KAZAKHSTAN		20	
UNIVERSITY	UNIVERSITY	KAZAKHSTAN		16	
UNIVERSITY	UNIVERSITY	UNITED KINGDOM		15	
UNIVERSITY OF	UNIVERSITY			14	

4. Provide the following information about your employment during the past 5 years. List your present employment first. (**NOTE:** Use Form I-589 Supplement B, or additional sheets of paper, if necessary.)

Name and Address of Employer	Your Occupation	Da From (Mo/Yr)	tes To <i>(Mo/Yr)</i>
	LAWYER	116	20
		16	20
		120	20

5. Provide the following information about your parents and siblings (brothers and sisters). Check the box if the person is deceased. (NOTE: Use Form I-589 Supplement B, or additional sheets of paper, if necessary.)

Full Name	City/Town and Country of Birth	Current Location
Mother	USSR	Deceased KAZAKHSTAN
Father	USSR	Deceased KAZAKHSTAN
Sibling NONE	NONE	Deceased NONE
Sibling NONE	NONE	Deceased NONE
Sibling NONE	NONE	Deceased NONE
Sibling NONE	NONE	Deceased NONE

Part B. Information About Your Application

(NOTE: Use Form I-589 Supplement B, or attach additional sheets of paper as needed to complete your responses to the questions contained in Part B.)

When answering the following questions about your asylum or other protection claim (withholding of removal under 241(b)(3) of the INA or withholding of removal under the Convention Against Torture), you must provide a detailed and specific account of the basis of your claim to asylum or other protection. To the best of your ability, provide specific dates, places, and descriptions about each event or action described. You must attach documents evidencing the general conditions in the country from which you are seeking asylum or other protection and the specific facts on which you are relying to support your claim. If this documentation is unavailable or you are not providing this documentation with your application, explain why in your responses to the following questions.

Refer to Instructions, Part 1: Filing Instructions, Section II, "Basis of Eligibility," Parts A - D, Section V, "Completing the Form," Part B, and Section VII, "Additional Evidence That You Should Submit," for more information on completing this section of the form.

1.	. Why are you applying for asylum or withholding of removal under section 241(b)(3) of the IN.	A, or for withholding of removal under the
	Convention Against Torture? Check the appropriate box(es) below and then provide detailed a	answers to questions A and B below.
	I am seeking asylum or withholding of removal based on:	

am	seeking asylum of withholding of femov	ai vas	ed on.
	Race		Political opinion
	Religion	X	Membership in a particular social group
	Nationality	×	Torture Convention

A. Have you, your family, or close friends or colleagues ever experienced harm or mistreatment or threats in the past by anyone?

No X Yes

If "Yes," explain in detail:

- 1. What happened;
- 2. When the harm or mistreatment or threats occurred:
- 3. Who caused the harm or mistreatment or threats; and
- 4. Why you believe the harm or mistreatment or threats occurred.

I FACED PERSECUTION IN MY HOME COUNTRY DUE TO MY SEXUAL ORIENTATION. I HAD TO LIVE

I FACED EXTORTIONS AND THREATS

OF EXPOSURE FROM THE NATIONAL SECURITY COMMITTEE OFFICER. PLEASE SEE MY STATEMENT FOR MORE DETAILS.

B. Do you fear harm or mistreatment if you return to your home country?

No X Ye

If "Yes," explain in detail:

- 1. What harm or mistreatment you fear;
- 2. Who you believe would harm or mistreat you; and
- 3. Why you believe you would or could be harmed or mistreated.

I CANNOT GO BACK TO KAZAKHSTAN.

THE MAJORITY OF KAZAKHS DO NOT ACCEPT SAME-SEX RELATIONSHIPS, CONSIDERING LGBT COMMUNITY REPRESENTATIVES MENTALLY ILL.

AND POSSIBLE FORCED PSYCHIATRIC TREATMENT

PLEASE SEE MY STATEMENT

FOR MORE DETAILS.

Pa	rt B. Information About Your Application (Continued)
	Have you or your family members ever been accused, charged, arrested, detained, interrogated, convicted and sentenced, or imprisoned in any country other than the United States (including for an immigration law violation)?
	No X Yes
	If "Yes," explain the circumstances and reasons for the action.
	I WAS INTERROGATED BY IN FRONT PLEASE SEE MY STATEMENT FOR MORE DETAILS.
3.A.	Have you or your family members ever belonged to or been associated with any organizations or groups in your home country, such as, but not limited to, a political party, student group, labor union, religious organization, military or paramilitary group, civil patrol, guerrilla organization, ethnic group, human rights group, or the press or media? No Yes If "Yes," describe for each person the level of participation, any leadership or other positions held, and the length of time you or your family members were involved in each organization or activity.
	I BELONG TO LGBT COMMUNITY
3.B.	Do you or your family members continue to participate in any way in these organizations or groups?
	No X Yes
	If "Yes," describe for each person your or your family members' current level of participation, any leadership or other positions currently held, and the length of time you or your family members have been involved in each organization or group.
	I BELONG TO LGBT COMMUNITY
4.	Are you afraid of being subjected to torture in your home country or any other country to which you may be returned?
	No Yes If "Yes," explain why you are afraid and describe the nature of torture you fear, by whom, and why it would be inflicted.
2	T AM SCARED TO GO BACK TO KAZAKHSTAN. I AM SCARED FOR MY LIFE AND SAFETY. MOREOVER, I DON'T WANT TO FACE THAT'S WHY I BECAUSE OF EX MY STATEMENT AN SCARED TO GO BACK TO KAZAKHSTAN. I AM SCARED FOR MY LIFE AND SAFETY. MOREOVER, I DON'T ONE KNOWS ONE ANOTHER, ANT TO BE IN CONSTANT NEIGHBOR. PLEASE SEE

P	art C. Additional Information About Your Application
	OTE: Use Form I-589 Supplement B, or attach additional sheets of paper as needed to complete your responses to the questions contained in rt C.)
1.	Have you, your spouse, your child(ren), your parents or your siblings ever applied to the U.S. Government for refugee status, asylum, or withholding of removal?
	X No Yes
	If "Yes," explain the decision and what happened to any status you, your spouse, your child(ren), your parents, or your siblings received as a result of that decision. Indicate whether or not you were included in a parent or spouse's application. If so, include your parent or spouse's A-number in your response. If you have been denied asylum by an immigration judge or the Board of Immigration Appeals, describe any change(s) in conditions in your country or your own personal circumstances since the date of the denial that may affect your eligibility for asylum.
	10emin
2.A	A. After leaving the country from which you are claiming asylum, did you or your spouse or child(ren) who are now in the United States travel through or reside in any other country before entering the United States?
	■ No ■ Yes
2.E	3. Have you, your spouse, your child(ren), or other family members, such as your parents or siblings, ever applied for or received any lawful status in any country other than the one from which you are now claiming asylum?
	X No Yes
	If "Yes" to either or both questions (2A and/or 2B), provide for each person the following: the name of each country and the length of stay, the person's status while there, the reasons for leaving, whether or not the person is entitled to return for lawful residence purposes, and whether the person applied for refugee status or for asylum while there, and if not, why he or she did not do so.
3.	Have you, your spouse or your child(ren) ever ordered, incited, assisted or otherwise participated in causing harm or suffering to any person because of his or her race, religion, nationality, membership in a particular social group or belief in a particular political opinion?
	Yes If "Yes," describe in detail each such incident and your own, your spouse's, or your child(ren)'s involvement.
(6	

_	
Pa	rt C. Additional Information About Your Application (Continued)
١.	After you left the country where you were harmed or fear harm, did you return to that country?
	X No Yes
	If "Yes," describe in detail the circumstances of your visit(s) (for example, the date(s) of the trip(s), the purpose(s) of the trip(s), and the length
	of time you remained in that country for the visit(s).)
5.,	Are you filing this application more than 1 year after your last arrival in the United States?
	X No Yes
	If "Yes," explain why you did not file within the first year after you arrived. You must be prepared to explain at your interview or hearing why
	you did not file your asylum application within the first year after you arrived. For guidance in answering this question, see Instructions, Part 1:
	Filing Instructions, Section V. "Completing the Form," Part C.
nce s	
5.	Have you or any member of your family included in the application ever committed any crime and/or been arrested, charged, convicted, or
	sentenced for any crimes in the United States (including for an immigration law violation)?
	X No Yes
	If "Yes," for each instance, specify in your response: what occurred and the circumstances, dates, length of sentence received, location, the
	duration of the detention or imprisonment, reason(s) for the detention or conviction, any formal charges that were lodged against you or your relatives included in your application, and the reason(s) for release. Attach documents referring to these incidents, if they are available, or an
	explanation of why documents are not available.
0	
K	

Part D. Your Signature

I certify, under penalty of perjury under the laws of the United States of America, that this application and the evidence submitted with it are all true and correct. Title 18, United States Code, Section 1546(a), provides in part: Whoever knowingly makes under oath, or as permitted under penalty of perjury under Section 1746 of Title 28, United States Code, knowingly subscribes as true, any false statement with respect to a material fact in any application, affidavit, or other document required by the immigration laws or regulations prescribed thereunder, or knowingly presents any such application, affidavit, or other document containing any such false statement or which fails to contain any reasonable basis in law or fact - shall be fined in accordance with this title or imprisoned for up to 25 years. I authorize the release of any information from my immigration record that U.S. Citizenship and Immigration Services (USCIS) needs to determine eligibility for the benefit I am seeking.

Staple your photograph here or the photograph of the family member to be included on the extra copy of the application submitted for that person.

WARNING: Applicants who are in the United States unlawfully are subject to removal if their asylum or withholding claims are not granted by an asylum officer or an immigration judge. Any information provided in completing this application may be used as a basis for the institution of, or as evidence in, removal proceedings even if the application is later withdrawn. Applicants determined to have knowingly made a frivolous application for asylum will be permanently ineligible for any benefits under the Immigration and Nationality Act. You may not avoid a frivolous finding simply because someone advised you to provide false information in your asylum application. If filing with USCIS, unexcused failure to appear for an appointment to provide biometrics (such as fingerprints) and your biographical information within the time allowed may result in an asylum officer dismissing your asylum application or referring it to an immigration judge. Failure without good cause to provide DHS with biometrics or other biographical information while in removal proceedings may result in your application being found abandoned by the immigration judge. See sections 208(d)(5)(A) and 208(d)(6) of the INA and 8 CFR sections 208.10, 1208.10, 208.20, 1003.47(d) and 1208.20.

Print your complete name.	W	rite your name in your native alp	habet.
Did your spouse, parent, or child(rer	a) assist you in completing this application	n? X No Yes (If "Yes,	" list the name and relationship.)
(Name)	(Relationship)	(Name)	(Relationship)
Did someone other than your spouse	, parent, or child(ren) prepare this applica	ntion? No	Yes (If "Yes,"complete Part E.)
	ed by counsel. Have you been provided vist you, at little or no cost, with your asylu	The state of the s	Yes
Signature of Applicant (The p	verson in Part. A.I.)		
→ []		
Sign your name so it	all appears within the brackets	Date (mm/dd/y	עעעע)

Part E. Declaration of Person Preparing Form, if Other Than Applicant, Spouse, Parent, or Child

I declare that I have prepared this application at the request of the person named in Part D, that the responses provided are based on all information of which I have knowledge, or which was provided to me by the applicant, and that the completed application was read to the applicant in his or her native language or a language he or she understands for verification before he or she signed the application in my presence. I am aware that the knowing placement of false information on the Form I-589 may also subject me to civil penalties under 8 U.S.C. 1324c and/or criminal penalties under 18 U.S.C. 1546(a).

Signature of Preparer			Print Complete Name of Preparer		
Daytime Telephone Num	ıber	Address of Preparer	: Street Number and Name		
Apt. Number	City			State	Zip Code
To be completed by a attorney or accredited representative (if any)	d	Select this box if Form G-28 is attached.	Attorney State Bar Number (i applicable)	A STATE OF THE PARTY OF THE PAR	dited Representative count Number (if any)

Part F. To Be Completed at Asylum Interview	, if Applicable
NOTE: You will be asked to complete this part when you appear U.S. Citizenship and Immigration Services (USCIS).	for examination before an asylum officer of the Department of Homeland Security,
all true or not all true to the best of my knowledge and the Furthermore, I am aware that if I am determined to have knowing	am signing, including the attached documents and supplements, that they are at correction(s) numbered to were made by me or at my request. gly made a frivolous application for asylum I will be permanently ineligible for any ay not avoid a frivolous finding simply because someone advised me to provide
	Signed and sworn to before me by the above named applicant on:
Signature of Applicant	Date (mm/dd/yyyy)
Write Your Name in Your Native Alphabet	Signature of Asylum Officer
Part G. To Be Completed at Removal Hearing	g, if Applicable
NOTE: You will be asked to complete this Part when you appear for Immigration Review (EOIR), for a hearing.	before an immigration judge of the U.S. Department of Justice, Executive Office
all true or not all true to the best of my knowledge and that Furthermore, I am aware that if I am determined to have knowing	am signing, including the attached documents and supplements, that they are at correction(s) numbered to were made by me or at my request. gly made a frivolous application for asylum I will be permanently ineligible for any my not avoid a frivolous finding simply because someone advised me to provide
	Signed and sworn to before me by the above named applicant on:
Signature of Applicant	Date (mm/dd/yyyy)
Write Your Name in Your Native Alphabet	Signature of Immigration Judge

Supplement A, Form I-589

A 37 1 (7C :111)	T		
A-Number (If available)		Date	
NONE			
Applicant's Name		Applicant's Signature	
List All of Your Children, Reg			ilduan) Sh
(NOTE: Ose ims form and anach addition	iai pages una aocumentation as	needed, if you have more than jour chi	luren
1. Alien Registration Number (A-Number) (if any)	2. Passport/ID Card Number (if any)	3. Marital Status (Married, Single, Divorced, Widowed)	4. U.S. Social Security Number (if any)
	C El al	# AV:111 AV:	CD: 1 (/II/
5. Complete Last Name	6. First Name	7. Middle Name	8. Date of Birth (mm/dd/yyyy)
And residence of the second of	Tables associate as SpS - Distriction (SPO Sc	0	
9. City and Country of Birth	10. Nationality (Citizenship)	11. Race, Ethnic, or Tribal Group	12. Gender
			Male Female
13. Is this child in the U.S.? Yes (C	Complete Blocks 14 to 21.)	No (Specify location):	
14. Place of last entry into the U.S.	15. Date of last entry into the	16. I-94 Number (<i>If any</i>)	17. Status when last admitted
	U.S. (mm/dd/yyyy)		(Visa type, if any)
	140 777		
18. What is your child's current status?	19. What is the expiration authorized stay, if an		n Immigration Court proceedings?
	,,,	Yes	No
21. If in the U.S., is this child to be include	ed in this application? (Check th	e appropriate hor)	
		of Page 9 on the extra copy of the appli	ication submitted for this person)
No	emia in the upper right corner of	og ruge o on the extra copy of the apph	eatton suomittea for this person.)
1. Alien Registration Number (A-Number)		3. Marital Status (Married, Single,	4. U.S. Social Security Number
(if any)	(if any)	Divorced, Widowed)	(if any)
	C E AT	- XC111 X	0 D + CD: 1 / /11/
5. Complete Last Name	6. First Name	7. Middle Name	8. Date of Birth (mm/dd/yyyy)
9. City and Country of Birth	10. Nationality (Citizenship)	11. Race, Ethnic, or Tribal Group	12. Gender
			Male Female
13. Is this child in the U.S.? Yes (C	Complete Blocks 14 to 21.)	No (Specify location):	
14. Place of last entry into the U.S.	15. Date of last entry into the	16. I-94 Number (<i>If any</i>)	17. Status when last admitted
	U.S. (mm/dd/yyyy)		(Visa type, if any)
18. What is your child's current status?	19. What is the expiration authorized stay, if an		n Immigration Court proceedings?
	dudionzed stay, if an	Yes	No
24 TC: 4 TIG : 4: 1714 1 : 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1			
21. If in the U.S., is this child to be included in this application? (Check the appropriate box.) Yes (Attach one photograph of your child in the upper right corner of Page 9 on the extra copy of the application submitted for this person.)			
	r chiia in ine upper right corner	of rage 9 on the extra copy of the app	ucation submitted for this person.)
No			

Additional Information About Your Claim to Asylu	m
A-Number (if available)	Date
NONE	
Applicant's Name	Applicant's Signature
NOTE: Use this as a continuation page for any additional information re	equested. Copy and complete as needed.
Part A. III	
Question 3	
CATS SCHOOL ENGL:	
63/CO	



For



Most Recent I-94

Admission (I-94) Record Number:

Most Recent Date of Entry: 2020

: B2

Admit Until Date : /2021 Details provided on the I-94

Information form:

Last/Surname:

Birth Date : 1993

Passport Number:

Country of Issuance: Kazakhstan

Get Travel History

- Effective April 26, 2013, DHS began automating the admission process. An alien lawfully admitted or paroled into the U.S. is no longer required to be in possession of a preprinted Form I-94. A record of admission printed from the CBP website constitutes a lawful record of admission. See 8 CFR § 1.4(d).
- If an employer, local, state or federal agency requests admission information, present your admission (I-94) number along with any additional required documents requested by that employer or agency.
- Note: For security reasons, we recommend that you close your browser after you have finished retrieving your I-94 number.

OMB No. 1651-011

For inquiries or questions regarding your I-94, please click here

Accessibility | Privacy Policy



Moeskin e B CIIIA



For



Most Recent I-94

Admission (I-94) Record Number:

The state of the s

Most Recent Date of Entry: 2020

Class of Admission: B2

Admit Until Date : 7/2021
Details provided on the I-94

Information form:

Last/Surname:

e-

Birth Date:

1985

Country of Issuance :

(a

Get Travel History

- Effective April 26, 2013, DHS began automating the admission process. An alien lawfully admitted or paroled into the U.S. is no longer required to be in possession of a preprinted Form I-94. A record of admission printed from the CBP website constitutes a lawful record of admission. See 8 CFR § 1.4(d).
- ▶ If an employer, local, state or federal agency requests admission information, present your admission (I-94) number along with any additional required documents requested by that employer or agency.
- Note: For security reasons, we recommend that you close your browser after you have finished retrieving your I-94 number.

OMB No. 1651-011

<u>For inquiries or questions regarding your I-94, please</u> <u>click here</u>

Accessibility | Privacy Policy

KIENCO

Les Cille



VISA **Issuing Post Name** Surname Given Name Visa Type /Class B1/B2 Passport Number Nationality Birth Date Sex 993 KAZ M Entries **Issue Date Expiration Date** Mlessings of 2019 2029 Annotation ** <<<<<<<<<< VNU

Kieyco

O B CILIA TYPI TYPE MEMNEKET KODE OF STATE PACHORT NA PASSPORT NO. TACHOPT / PASSPORT P KAZ TEΠ / SURNAME ATHI / GIVEN NAMES ASAMATTHIFH / NATIONALITY **ЖСН/ID No** ЖЫНЫСЫ / SEX KAZAKHSTAN TYFAH KEPI / PLACE OF SIRTH TYFAH KYHI / DATE OF BIRTH 1985 KAZAKHSTAN H KYHI / DATE OF ISSUE 2019 **93 KOTILI / SIGNATURE OF BEARER PACTIOPT MEP3IMI / DATE OF EXPIRY** 029 *БЕРГЕН ОРГАН / AUTHORITY* MINISTRY OF INTERNAL AFFAIRS <<<<<<<<<<< P<KA

BCILIA VISA Issuing Post Name Control Number Surname to form Given Name Visa Type /Class B1/B2 Passport Number Sex Birth Date Nationality KAZ M Entries Issue Date Expiration Date Mlessings lo Annotation <<<<<<<<<

1,63/co

Gerkin e B CILIA (эт убра ПО

Treyco

Оглавление

1. Личная информация		1
2. Осознание ориентации		1
3. Отношение семьи к ЛГБТ		3
4.		4
5.		
	США	7
7. Угрозы и	КНБ	9
8. Проблемы	денег	10
9. Повторные		
соседа		14
11. Поездка в США и прошение об уб	бежище	16

1. Личная информация

1.1 Меня зовут
1.2 В родной стране мне приходилось вести двойную жизнь. Я — гей, но
иметь открытые отношения в Казахстане я не могу. По местным традициям к
моему возрасту я должен жениться,
к, чтобы я не выехал из
страны.
1.4 Сейчас я нахожусь в США вместе со своим мужем
убежище и предоставить нам защиту.
уосжище и предоставить нам защиту.
2. Осознание ориентации
2.1 Еще в школьном возрасте я понимал, что мне нравятся мальчики.
2.2 На мое мнение повлияли воспитание и ценности, которые привили мне
родители и общество, в котором я вырос.
2.2 Vromo Toro Muorino Konovia
2.3 Кроме того, многие казахи, родились и выросли в
Туркменистане и переехали либо к развалу СССР, либо после развала СССР. Казахи, выросшие в Туркменистане — консервативные, культура многих
казали, выросшие в туркитепистане — консервативные, культура многих

смешана с туркменской культурой.
2.4 В моем детстве не было понятий ЛГБТ, телевидение ограничивалось только российскими и казахскими каналами, но изредка показывали зарубежные фильмы и мультики. В подростковом возрасте я не знал, что ориентации могут быть другими.
2.5 Как в подростковом, так и во взрослом возрасте мне приходилось
скрывать свою ориентацию и врать своим родителям, родственникам, друзьям,
коллегам и знакомым, что у меня есть гетеросексульаные отношения с
девушками.
2.6 Быть геем в Казахстане опасно,
2.7 Быть позором для своей семьи или родственников — это самое ужасное
в Казахстане.

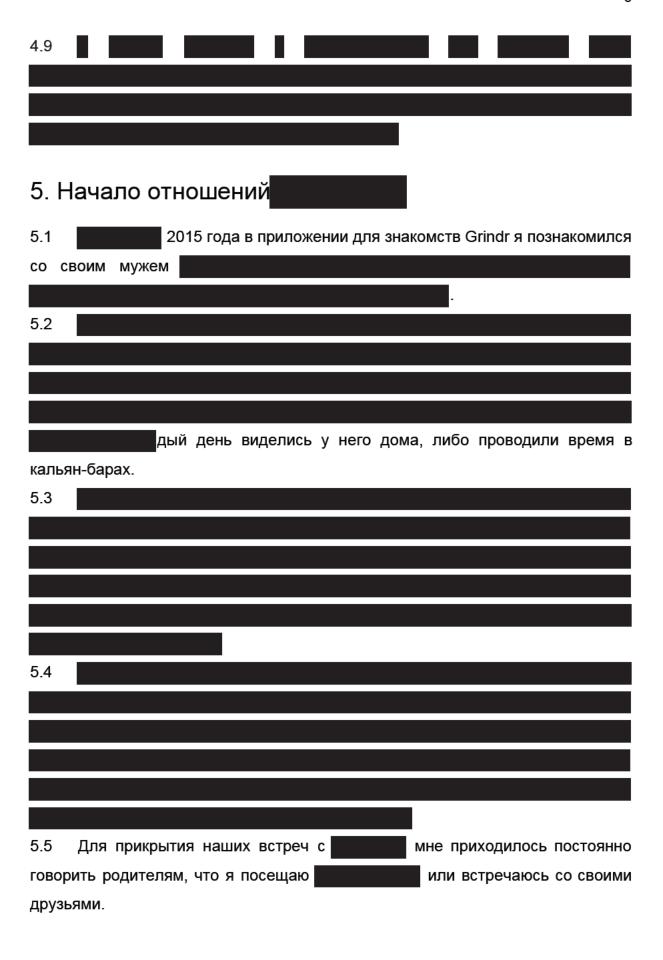
2.8 То, что моя семья и окружение в Казахстане прививала мне, и то, что я хотел на самом деле, а именно жить как нормальная среднестатистическая семья, но с мужем вместо жены, часто приводило к конфликтам внутри меня.

2.9
3. Отношение семьи к ЛГБТ
3.1 Кроме того, мои родители всегда говорили мне, что, как мужчина и
единственный сын в семье, я должен как можно раньше жениться и завести
детей.
детей.
3.2
3.3 Мои родные считают, что представители ЛГБТ-сообщества — больные
люди, которых нужно лечить в психиатрических больницах.
THE THE THE PARTY OF THE PARTY

3.4			
3.5	Вступить мужчине в брак	с мужчиной для моей	семьи — это табу и тема,
о ко	орой никогда нельзя гов	орить или упоминать.	
4.			
4.1			
		_	
4.2			

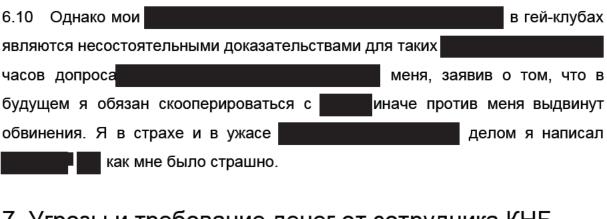
— См. Приложение **1**.

	пользовался приложениями Grindr,
Hornet и Badoo, в основном для секса.	
4.5 В 2012 году я познакомился с	
4.6	
4.7	
4.8 В январе 2015 года в приложе	нии Hornet я познакомился со своим
следующим парнем	



5.6
5.7 Со стороны своей мамы я всегда слышал, что представители ЛГБТ
являются проклятыми людьми, у которых есть психические проблемы, и их
принудительно необходимо лечить в психиатрических больницах.
6. Допрос из США
6.1 В связи с тем что, работает и располагает
некими секретами, каждый раз по возвращению с
зарубежных стран моему мужу необходимо проводить
6.2 После возвращения из США,
сотрудником где он заполнил бланки отчета о поездке в США. В своем
отчете он указал
6.3 Примерно в начале позвонил сотрудник
требованием предоставить мой номер для вызова меня на допрос.
отказал предоставлять мой номер до получения от меня разрешения для
предоставления моего номера. Однако, в течение того же дня примерно в 10
часов вечера на мой телефон поступил звонок с незнакомого номера. Человек,
который звонил мне,
6.4 я прибыл в . При входе у
меня забрали ключи от машины, бумажник, мое удостоверение личности и мой
телефон. Меня поместили в кабинет на первом этаже,

минут ожидал прибытие сотрудников.	
своим коллегой.	
6.5 Мой допрос начался с того, как	что мы делали в
Первым делом они спросили меня,	во время
транзита между	. Я дал
положительный ответ, что мы выходили в	
6.6 и сказал, что в	
указал, что мы выходили в Москве.	это «сокрытие
могут ждать последствия. Я	потому что
мне, что указал в своем	В
Москве.	
6.7 Выслушав ответы на все вопросы о поездке в США, пр	имерно через 20
минут после моего прибытия сотрудники начали задавать і	вопросы о моем
указывая факт	ъ, о которых я
никому не рассказывал, такие как	: Париж,
Мюнхен	; участие в
ЛГБТ-сообществах через	
6.8 Во время моего допроса	начали задавать
вопросы ли я	представителем
секс-меньшинств,	ли я с
представителями	представители
ЛГБТ-сообществ планировать публичные акции или демонстра	ции.
6.9 Я все отрицал, и	записи всех
телефонных звонков и фрагменты	,
которые они получили с	выписку из
банка, где было указано, что я покупал в клубе	В
Лос-	гда я посещал
. Я был один в этой по	оездке, навещал
свою подругу, у внеза	апно сказали, что
у них есть все основания и доказательства, что я потенциа	яльно собираюсь
организовать .	



7. Угрозы и требование денег от сотрудника КНБ

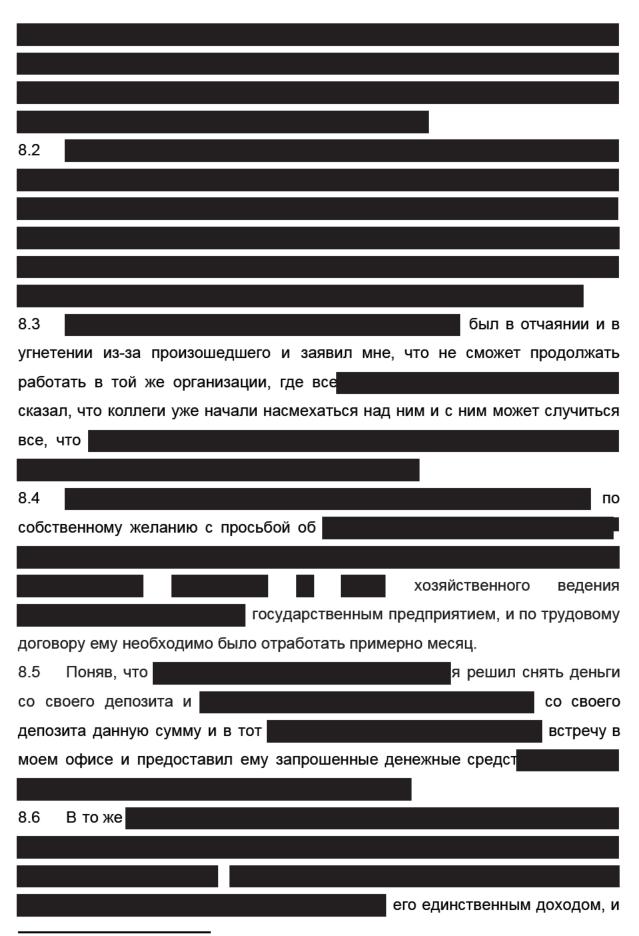
7.1	мой телефон поступило
несколько звонков с неизвестного номер	————— ра, в этот момент я не ответил на них в
связи с тем, что был на судебном за	седании. После выхода из судебного
заседания я увидел, что	поступило сообщение от
того же неизвестного номера.	
7.2 В переписке в	представился сотрудником
	того же дня ³ . В
назначенное на м	 ашине без государственных номеров и
потребовал, чтобы я сел в машину и отд	цал ему свой телефон. Я в страхе сел в
его машину и отдал ему свой	телефон, проверил
активные приложения и выключил его, г	 оложив в свой карман. Мы выехали за
город. Все это время, пока мы	и у меня были
разные мысли о том, что произойдет.	
7.3	, съехал с дороги и
примерно	дороги остановился. Разговор
резко начался	 . Я отрицал то, что я
	меня и сказал, что перейдет
ближе к делу. Он начал с того, что мне	не нужны своей
семьей. Он	не нужны будут проблемы на работе
из-за наших отношений.	

² Скриншот — См. Приложение 2.

³ Скриншот — См. Приложение 3.

7.4 Затем он начал расспрашивать, располагаю ли я свободными
денежными средствами. Я ответил, что у меня есть свободные деньги, но их
немного, так как в период карантина объем моих заказов резко снизился.
потребовал, чтобы я в срок до
от такой суммы и ответил, что у меня нет
таких средств.
7.5 скажет моей семье. КНБ может
повторно вызвать меня и заставить подписать письменное признание по
нераскрытым уголовным делам будут
проблемы на работе. Я мне
дополнительный срок для сбора данных средств и снизить сумму.
7.6 В этот же и показал
мне два письменных том, что я признаю, что
совершил уголовное преступление по статьям крупном
размере» и «Развращение что этих признаний
и отправить меня в тюрьму, откуда я не
выйду.
подписывать подобные признания.
7.7 Я был в помутнело в
глазах, и все мое тело от страха дрожало. Я понял,что у меня нет другого
выбора, и
000
8. Проблемы на
выплаты денег
8.1 без какого-либо предупреждения
явился ко мне в офис. Я я по работе
находился на встрече в департаменте юстиции. В офисе находилась
подождать меня.

— См. Приложение 4.



 $^{^{5}}$ Документы об увольнении Азамата — См. Приложение 5.



⁶ Выписка из банка — См. Приложение 6.

9.5		я был на работе, с неизвестно	го номера мне
пост	упил звонок от		
		меня, словесно унижал м	ена и говорип
uzo6	il a lle eggetuper e purpore		•
		ой. Через какое-то время он ре	
офи	са, громко хлопнув дверью.	Я подождал в офисе пока о	н не уйдет и
прям	ииком поехал в травматоло	гию	
9.7			
			сообщения с
угро	зами и требованием произвес	сти выплату в срок. Я не знал,	что делать —
прод	цать без причины недвижимос	ти я не	

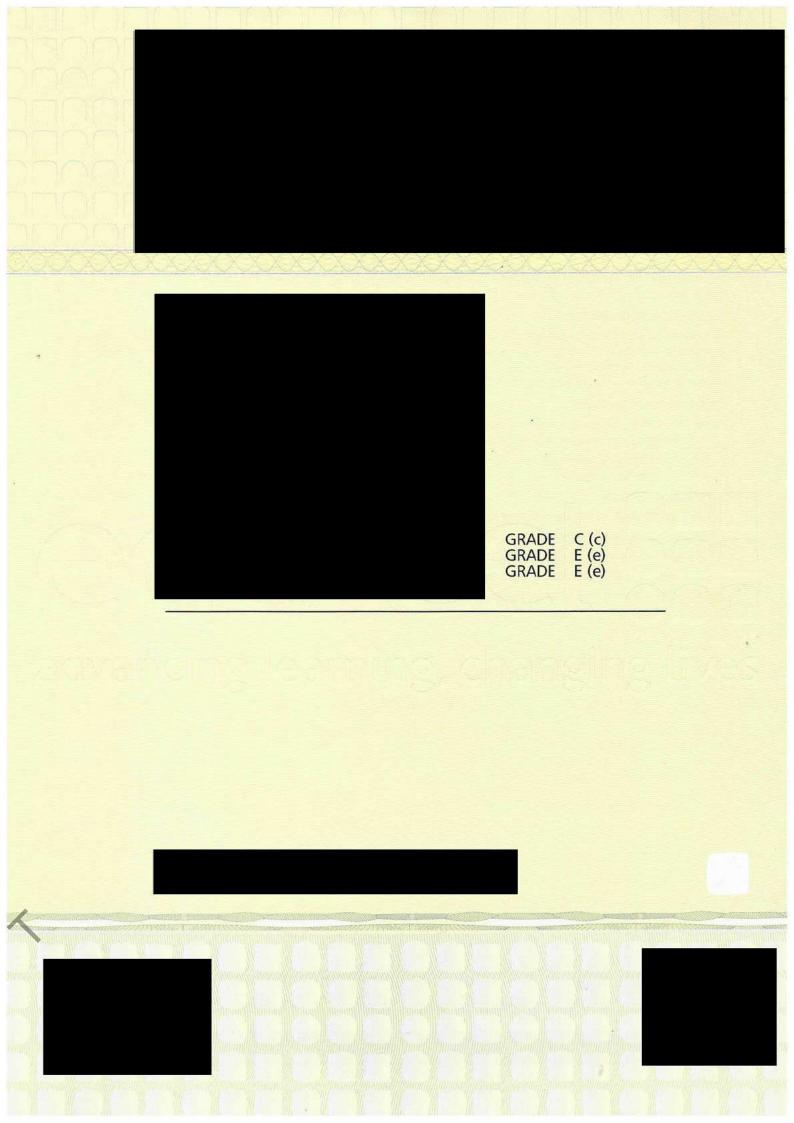
9.9	
	и не стал давать деньги в очередной раз. 5
ноябр	я 2020 года на номер моей мамы поступило сообщение от
	была
32002	нирована поездка в
Janna	пирована посодка в
10.	
10.1	
٩	

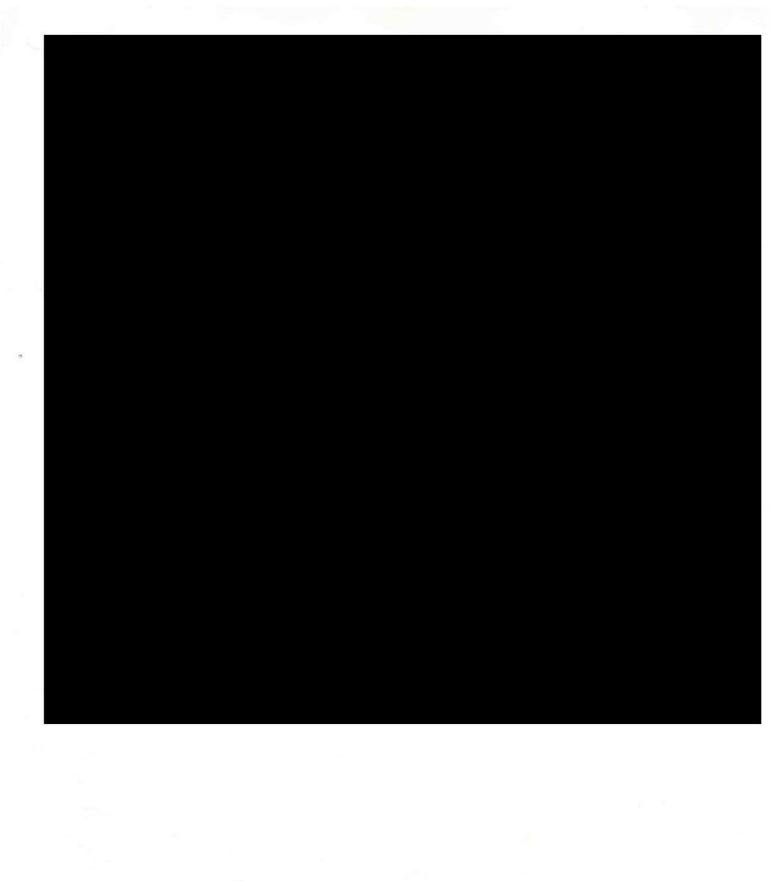
10.2 В период их отсутствия	
в, он выходил на улицу принимать доставку еды и продуктов.	
10.3 В нашем доме	
стал стучать в мою дверь в 4	l uara
	- luou
утра. В этот день я был один дома. Увидев через	
	меня
на улице и потребовал, чтобы	
10.6	
10.6	
Я открыл дверь, он сразу толкнул меня к ст	генке,
начал опять обзывать меня и кричал,	

деньги из своего бумажника и отдал ему.
10.7
11. Поездка в убежище
11.1 Как я писал ранее, 6 ноября мы с
The Nak / Micast paries, a noneph mar a
11.3 В тот же день было принято решение сдать билеты домой. Мы решили
остаться еще на месяц.
11.4 Мои родители стали часто звонить мне, они требовали, объясниться и
опровергнуть слухи о моей ориентации.
опровернуть слухи о моси орисптации.

11.5
11.6 Я боюсь возвращаться в родную страну. Помимо угроз и вымогательств
со стороны сотрудника с непониманием и давлением моих
родных, которые пойдут на все, чтобы я имел традиционную семью. В
11.7 Именно поэтому я прошу Правительство США предоставить мне и моему
убежище — мы хотим создать семью и
жить в стране,

11.7 That is why I kindly ask the US Government to grant me and my husband
Azamat political asylum — we want to create a real family and live in a country where
citizens treat us with understanding and respect.
I, HEREBY CERTIFY THAT THE ABOVE IS AN EXACT AND
ACCURATE TRANSLATION OF THE ORIGINAL DOCUMENT SUBMITTED TO ME IN THE RUSSIAN LANGUAGE AND THAT I AM COMPETENT IN BOTH ENGLISH AND RUSSIAN
LANGUAGES TO RENDER SUCH TRANSLATIO



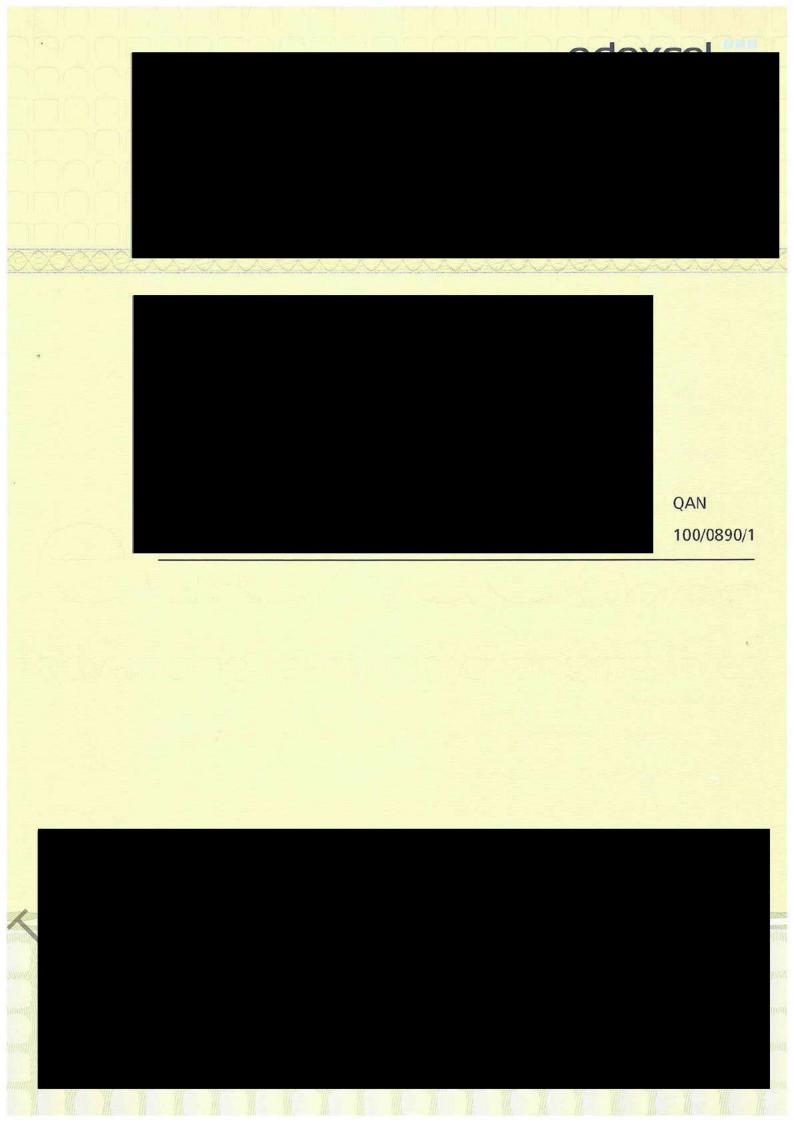


THIS CERTIFICATE IS PROTECTED BY THE FOLLOWING SECURITY FEATURES:

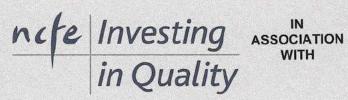
BESPOKE WATERMARK + HOLOGRAM + NUMISMATIC SECURE DESIGN + STEALTHTEXT + MICROPRINT + THERMOCHROMIC INK + UV INK + AUDIT NUMBER WITH CHECK DIGIT

A PEARSON COMPANY

INT/DOC 13 - CCCE



GCSE examinations are administered by Edexcel. Edexcel Ltd. Registered in England and Wales No. 4496750

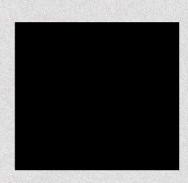




This is to certify that

Has been awarded

This achievement included the successful completion of the units detailed on the Candidate Unit Summary



Date Awarded: Centre No:

Award No:

Session:

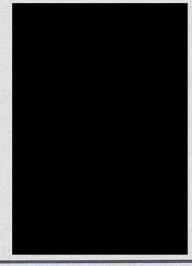
Candidate No:

Certificate No:

GLH:

QCF Level Equivalence:





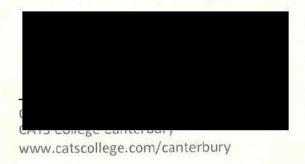
Undergraduate Foundation Programme

Certificate of Graduation

This Certificate is awarded to



This Certificate recognises your achievements as a full-time student on the Undergraduate Foundation Programme













Candidate Unit Summary

Use selieved the following component

Has achieved the following components of

UNDERGRADUATE FOUNDATION PROGRAMME

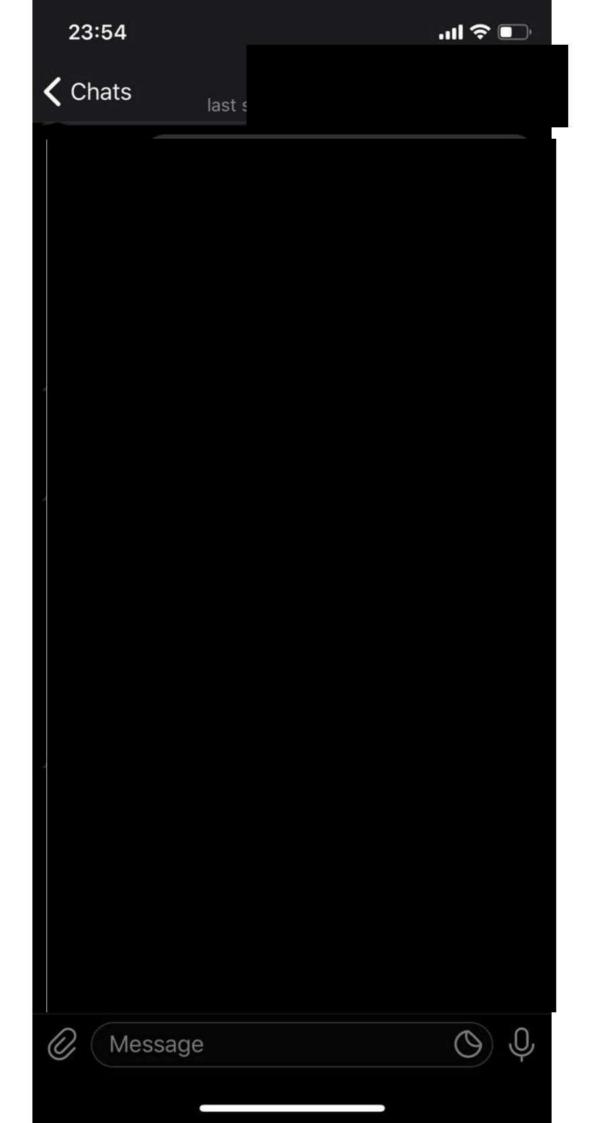
Internal Assessment

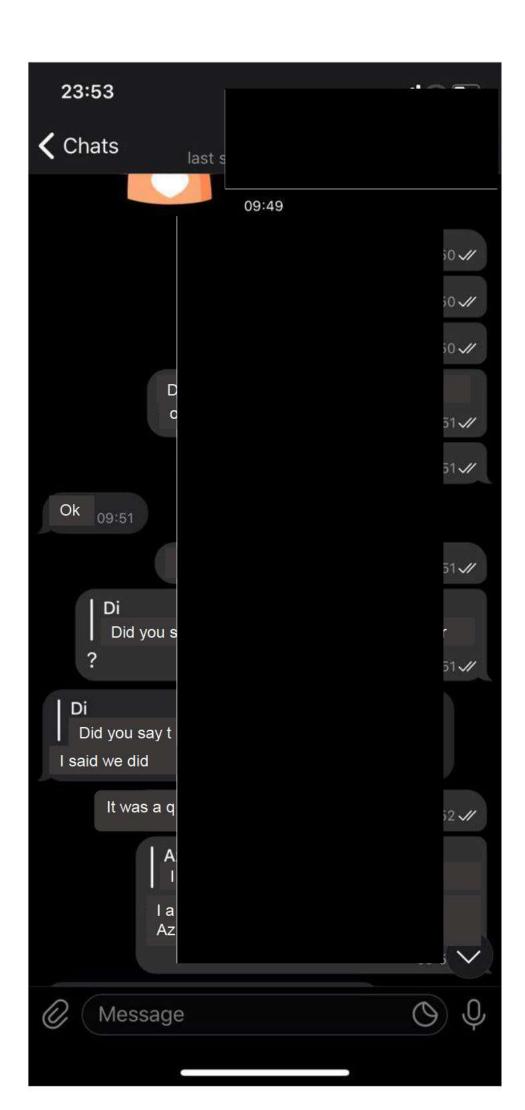
Fully Achieved

Units Achieved



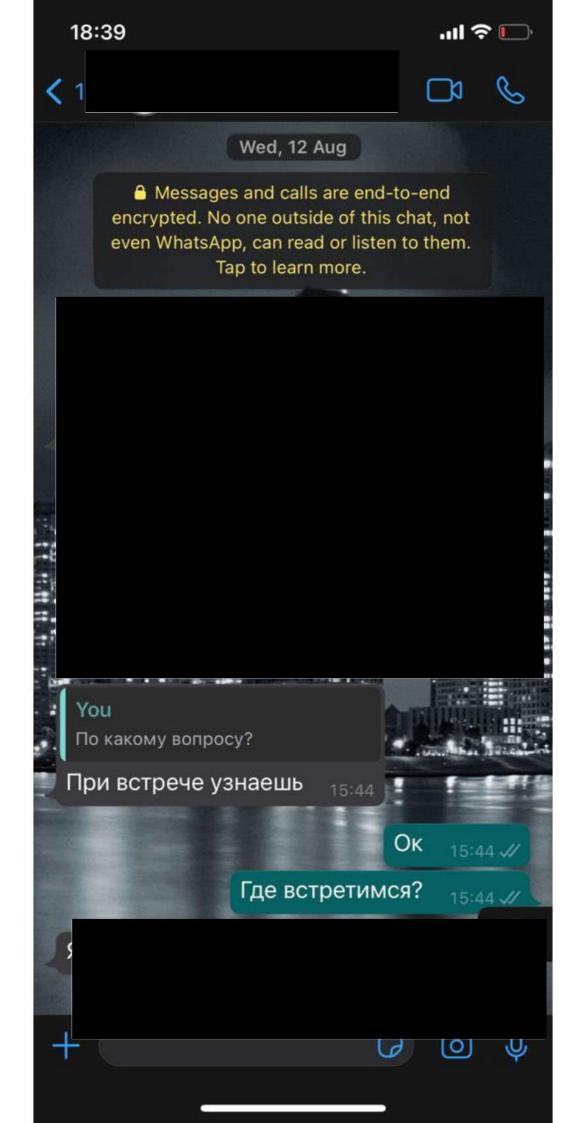








, HEREBY CERTIFY THAT THE ABOVE IS AN EXACT AND ACCURATE TRANSLATION OF THE ORIGINAL DOCUMENT SUBMITTED TO ME IN THE RUSSIAN LANGUAGE AND THAT I AM COMPETENT IN BOTH ENGLISH AND RUSSIAN LANGUAGES TO RENDER SUCH TRANSLATION.

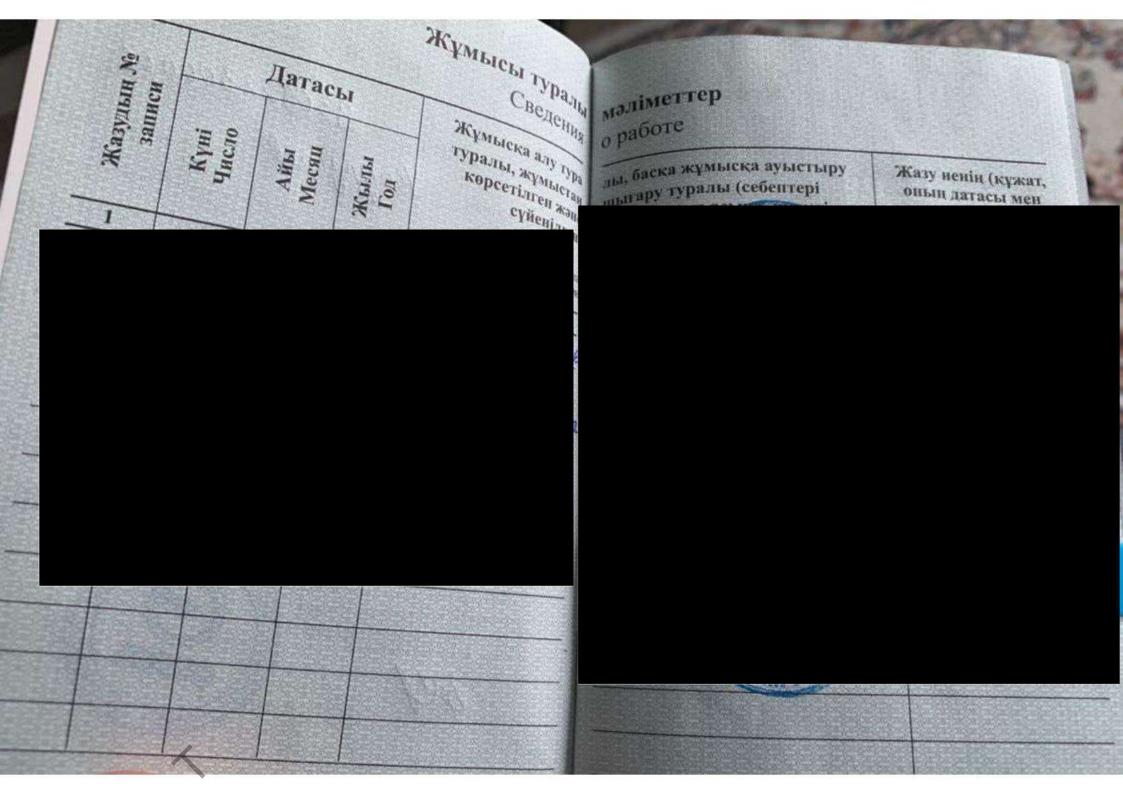


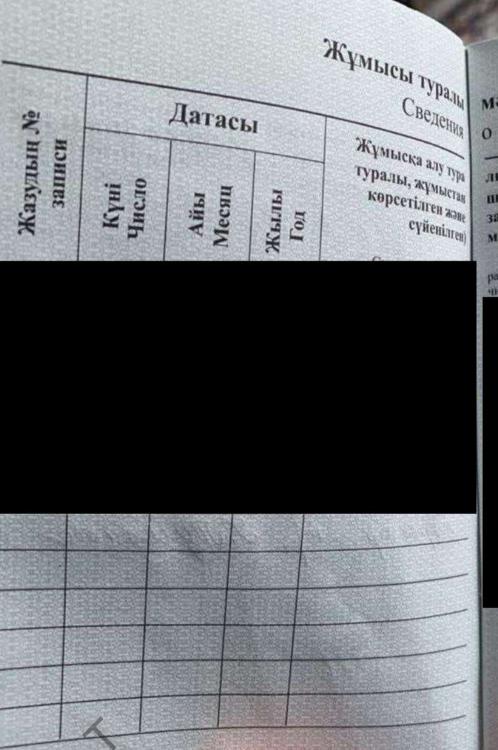


I, HEREBY CERTIFY THAT THE ABOVE IS AN EXACT AND ACCURATE TRANSLATION OF THE ORIGINAL DOCUMENT SUBMITTED TO ME IN THE RUSSIAN LANGUAGE AND THAT I AM COMPETENT IN BOTH ENGLISH AND RUSSIAN LANGUAGES TO RENDER SUCH TRANSLATION.



	ET-I №	
ж	СН (ИИН) №	
Фамилиясы фамилия	- 010	
Аты Имя Әкесінің аты		
Отчество Тутан жыли Дата рождения Білімі Образование	Dou	
Кәсіби мам Профессия, спо Толтырыля Дата заполнени	ан датасы ""	
Кітапша ис Подпись владе	сінің қолы льна книжки	
жауапты ад	пшаларын бер цамнын қолы ответственного з вых книжек	
<u> </u>	пі) (разборчиво)	





мәліметтер о работе

лы, баска жұмыска ауыстыру шығару туралы (себептері занның статьясына, пунктіне мәліметтер)

работу, о переводах на другую работу и об чия и со ссылкой на статью, пункт закона

Жазу ненің (құжат, оның датасы мен нөмері) негізінде енгізілді

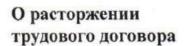
На основании чего внесена запись (документ, его дата и его номер)

Employment Book	
(date, month, year) Education: <i>higher</i>	
Profession, major:	
Date of filling	
The employment book owner's signature	
Signature of a person, who is responsible for employment books issue	
/ <i>signature</i> / (legibly)	

EMPLOYMENT HISTORY

E) (Date				On the grounds
Record No.	date	month	year	Information on appointment to the position, transfer to another full-time work, qualification, dismissal (with an indication of reasons and article and paragraph of the law)	of what a record was made (document, its date, and number)
1		2		3	4
1	03	05	2016		
				drilling"	Order No. 8 Л/С dated 0 /signature/

HEREBY CERTIFY THAT THE ABOVE IS AN EXACT AND ACCURATE TRANSLATION OF ENT SUBMITTED TO ME IN THE RUSSIAN LANGUAGE AND THAT I AM COMPETENT IN USSIAN LANGUAGES TO RENDER SUCH TRANSLATION.



Расторгнуть трудовой договор № 01-04-29-04 от 24 декабря 2014 года с диспетчером диспетчерского пункта огласно п.п. 5) ста
 Республики Казакстан по инициативе работника с
 Финансово-экономическому отделу произвести перерасчет ежегодного трудового отпуска использованных календарных дня.
 Приказ довести до личного состава.
 Основание: заявление Представло

Директор

КАЗАҚСТАН РЕСПУБЛИКАСЫ
ИНВЕСТИЦИЯЛАР ЖӘНЕ ДАМУ
МИНИСТРЛІГІ АЗАМАТТЫҚ АВИАЦИЯ
КОМИТЕТІНІҢ «ҚАЗАЭРОНАВИГАЦИЯ»
ШАРУАШЫЛЫҚ ЖҮРГІЗУ ҚҰҚЫҒЫҢДАҒЫ
РЕСПУБЛИКАЛЫҚ МЕМЛЕКЕТТІК
КӘСІПОРНЫНЫҢ АҚТАУ ФИЛИАЛЫ



АКТАУСКИЙ ФИЛИАЛ РЕСПУБЛИКАНСКОГО ГОСУДАРСТВЕННОГО ПРЕДПРИЯТИЯ НА ПРАВЕ ХОЗЯЙСТВЕННОГО ВЕДЕНИЯ «КАЗАЭРОНАВИГАЦИЯ» КОМИТЕТА ГРАЖДАНСКОЙ АВИАЦИИ МИНИСТЕРСТВА ПО ИНВЕТСТИЦИЯМ И РАЗВИТИЮ РЕСПУБЛИКИ КАЗАХСТАН





6 ph



OritiL



He Bozpanaso Har COBD



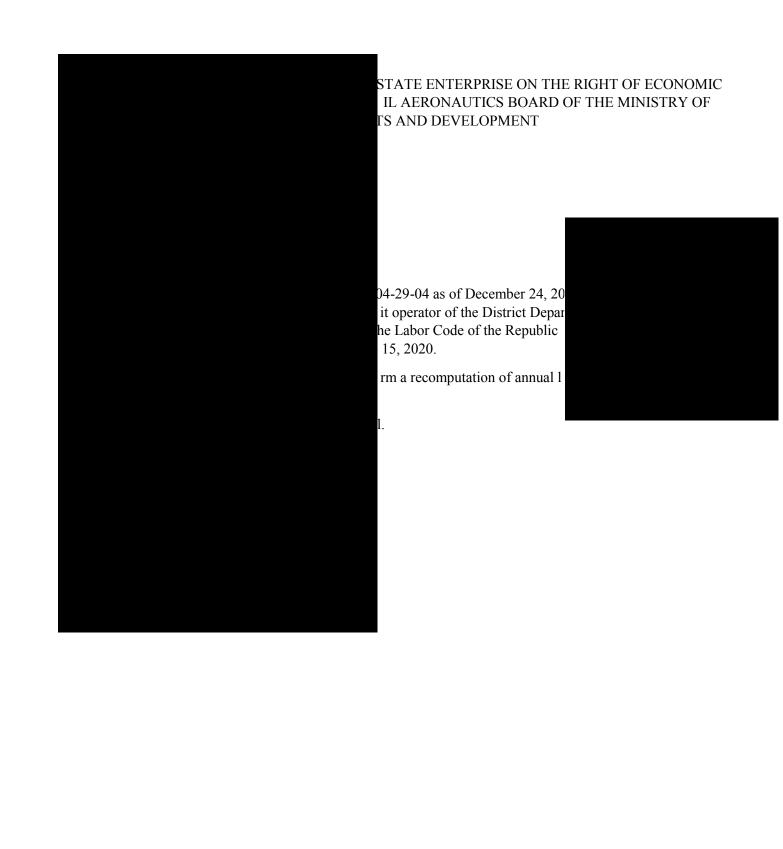
On termination of an employment contract

of the Republic of Kazakhstan on the employee's willful resignation from September 15, 2020.

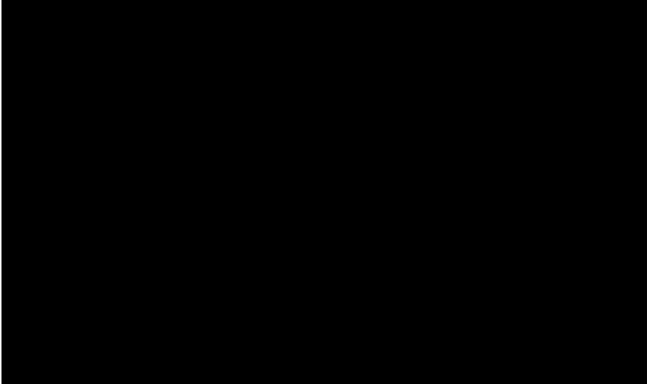
2. By Economy and Finance Department, perform a recomputation of annual leave of 45 used calendar

Grounds: willful resignation of A.D. Valeyev

Notion as of 08/28/2020









Letter of resignation

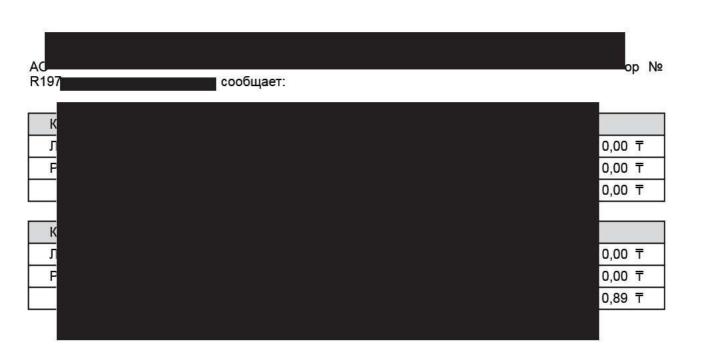
I kindly ask you to terminate my employment contract , on my own free will. 08/15/2020 /signature/

HEREBY CERTIFY THAT THE ABOVE IS AN EXACT AND ACCURATE E ORIGINAL DOCUMENT SUBMITTED TO ME IN THE RUSSIAN T I AM COMPETENT IN BOTH ENGLISH AND RUSSIAN LANGUAGES ANSLATION.



СПРАВКА

о задолженности



Информация действительна на момент выдачи справки о задолженности

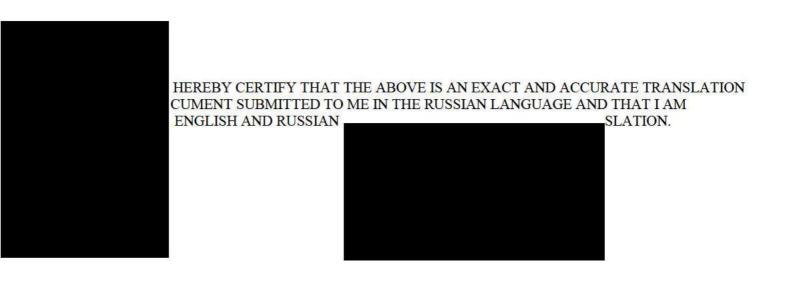
АО «Каspi Bank»
БИК:

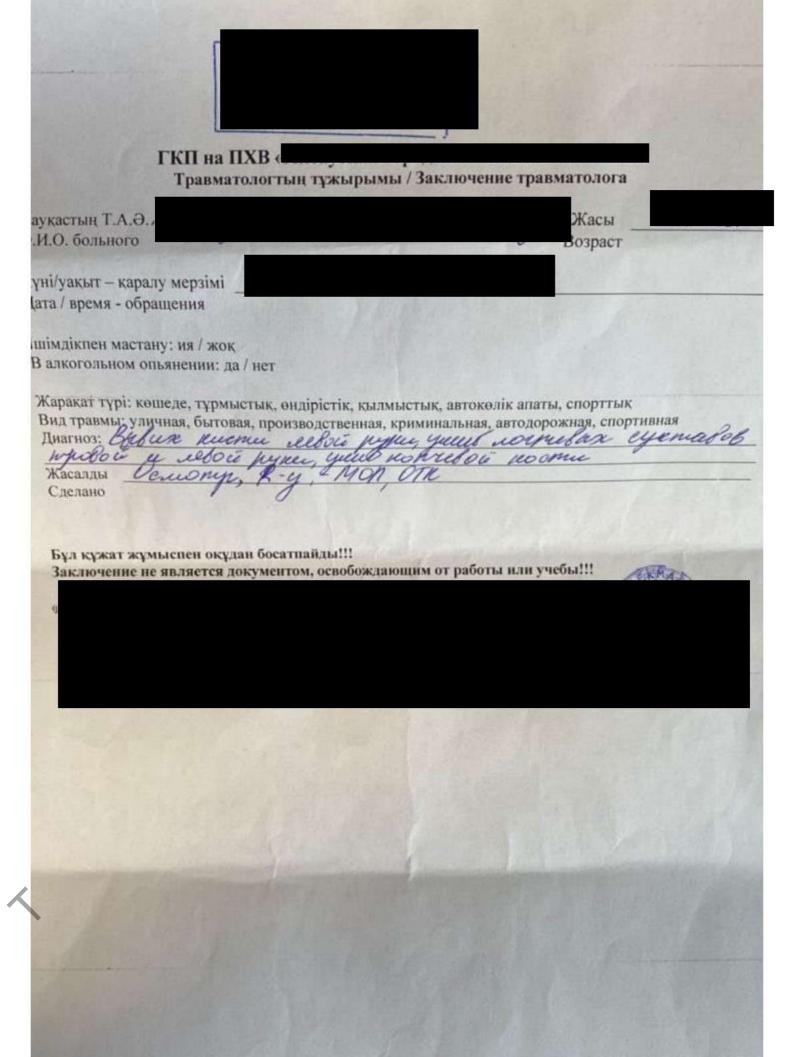


Statement of Debt

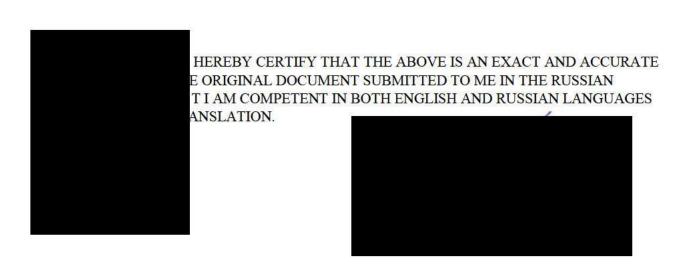
The information is valid at the time of issue of the statement of debt

JSC Kaspi Bank BIC:





Unitary Enterprise based on the Right of Economic Conclusion of traumatologist Date / time of appointment Impaired by alcohol Type of trauma: accident, sport trauma Diagnosis: closed dislocation of left Treatment performed: Examination, R-y, This conclusion is 20 Stamp: DOCTOR B.T.



				1	
ФИО пациента Дата: Жалобы: на головную боль, сниже Анамнез заб/я Актауской го Неврологический статус: Сознание ясное чми : Глазные щели ОД=ОS, зрачки ОД= объеме, лицо симметричное. Язык по Чувствительность сохранена. В позе Р интенцией ДИАГНОЗ: ЗЧМТ. Сотрясение головного мозга. Астено-невротический синдром Назначено: МРТ головного мозга Пирацет Мильга Бифрен Психоэх	Консультация невропатолога				
Жалобы: на головную боль, сниже Анамнез заб/я Актауской го Неврологический статус: Сознание ясное чмн : Глазные щели ОД=ОS, зрачки ОД= объеме, лицо симметричное. Язык по Чувствительность сохранена. В позе Р интенцией ДИАГНОЗ: ЗЧМТ. Сотрясение головного мозга. Астено-невротический синдром Назначено: МРТ головного мозга Пирацет Мильга Бифреи Психозя	ФИО пациента		100		
Анамнез заб/я Актауской го Неврологический статус: Сознание яснос чмн : Глазные щели ОД=ОS, зрачки ОД= объеме, лицо симметричное. Язык по чувствительность сохранена. В позе Р интенцией ДИАГНОЗ: ЗЧМТ. Сотрясение головного мозга. Астено-невротический синдром Назначено: МРТ головного мозга Пирацет Мильга Бифреи Психозя	Дата:	5.28 62			
Анамнез заб/я Актауской го Неврологический статус: Сознание ясное чмн : Глазные щели ОД=ОS, зрачки ОД= объеме, лицо симметричное. Язык по Чувствительность сохранена. В позе Р интенцией ДИАГНОЗ: ЗЧМТ. Сотрясение головного мозга. Астено-невротический синдром Назначено: МРТ головного мозга Пирацет Мильга Бифрен Психоэк	Жалобы: на головную боль, сниже	e			бшая слабость
чин : Глазные щели ОД=ОS, зрачки ОД= объеме, лицо симметричное. Язык по чувствительность сохранена. В позе Р интенцией ДИАГНОЗ: ЗЧМТ. Сотрясение головного мозга. Астено-невротический синдром Назначено: МРТ головного мозга Пирацет Мильга. Бифрен Психоэм					
Назначено: МРТ головного мозга Пирацет Мильга Бифрен Психозя	чмн: Глазные щели ОД=ОS, зрач объеме, лицо симметричное. Я Чувствительность сохранена. В	нки ОД= Язык по			ОЛЕ ЗИВІ
Назначено: МРТ головного мозга Пирацет Мильга Бифрен Психозя	ДИАГНОЗ: ЗЧМТ. Сотрясение го	оловного мозга. А	стено-невротич	еский синдром	
Пирацет Мильга Бифрен Психоэм					
Психоэм	Пирацет				
Психоэм	Мильга	100			
Психоэм	Бифрен	4			
Bpau:					
	Врач:				

ГКП на ПХВ «/

Протокол исследования магнитно-резонансной томографии Область обследования: головного мозга без контрастирования

ФИО пациента: Дата рождения Дата обследова

На серии MP-томограмм в сагиттальной, аксиальной и коронарной плоскостях в Т 1, Т2 ВИ, DWI, FLAIR, SW — субарахноидальные пространства, базальные цистерны мозга расширены,

истерна менений.

и ровные.

Патологического MP-сигнала на DWI не выявлено. Пневматизация придаточных пазух не нарушена.

Заключение:

- МР-признаки посттравматическая энцефалопатии
- Консультация неврапотолога

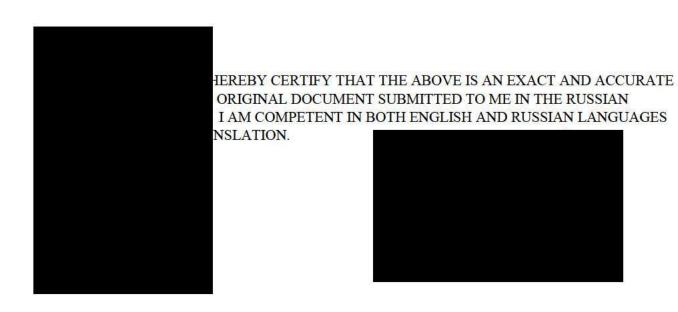
ımp: A	
ultat	t
ent's	
te: 10/	
mplair	1
amnes nt to tl	
urolog sure O mmetri Romb	
AGNC	
scribe	
cetan	n
lgamn	1
ren 25	
sychoen	r

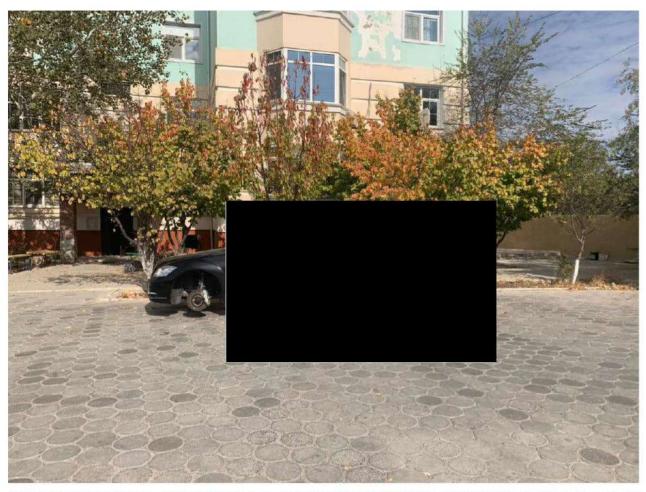
Doctor: G.S.

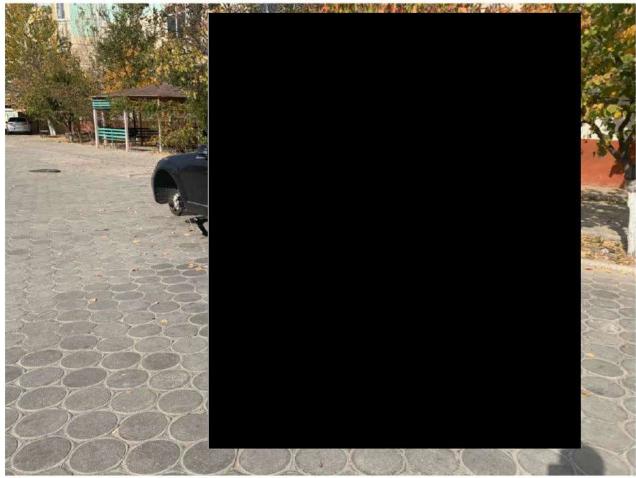
/Stamp of the doctor/

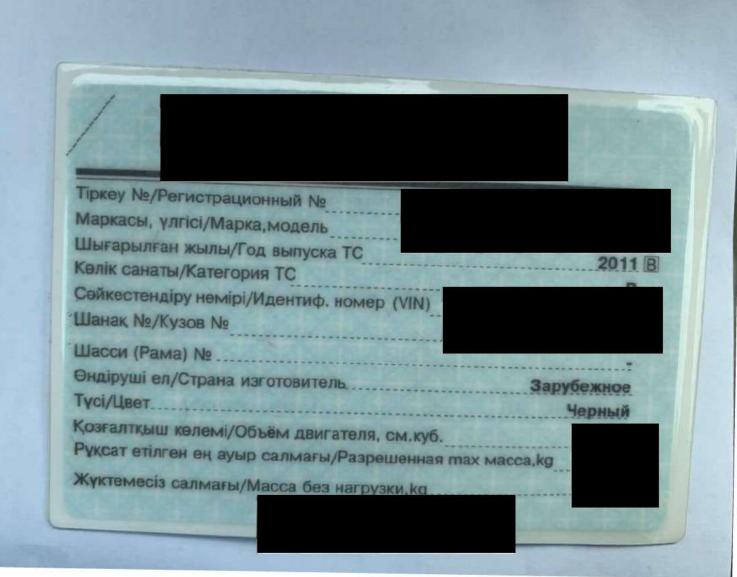
ump:		
nit		olyclinic No. 1"
ex		
		SW - arachnoid structural, and
		ypophysis.
		es are clear and

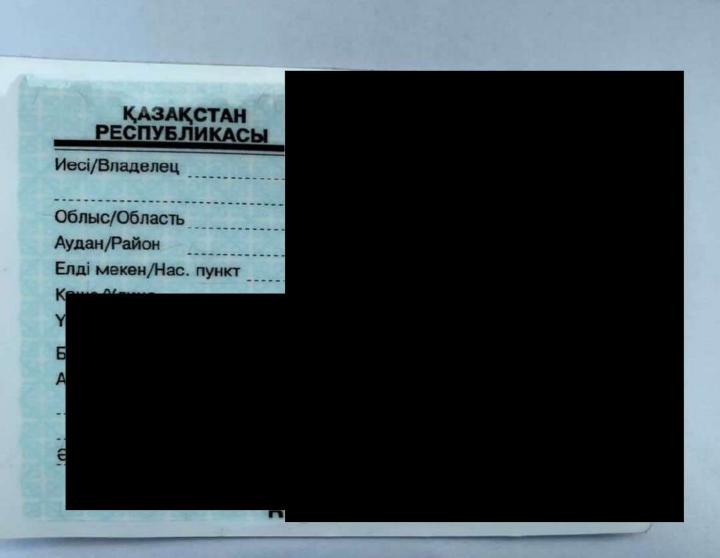
<

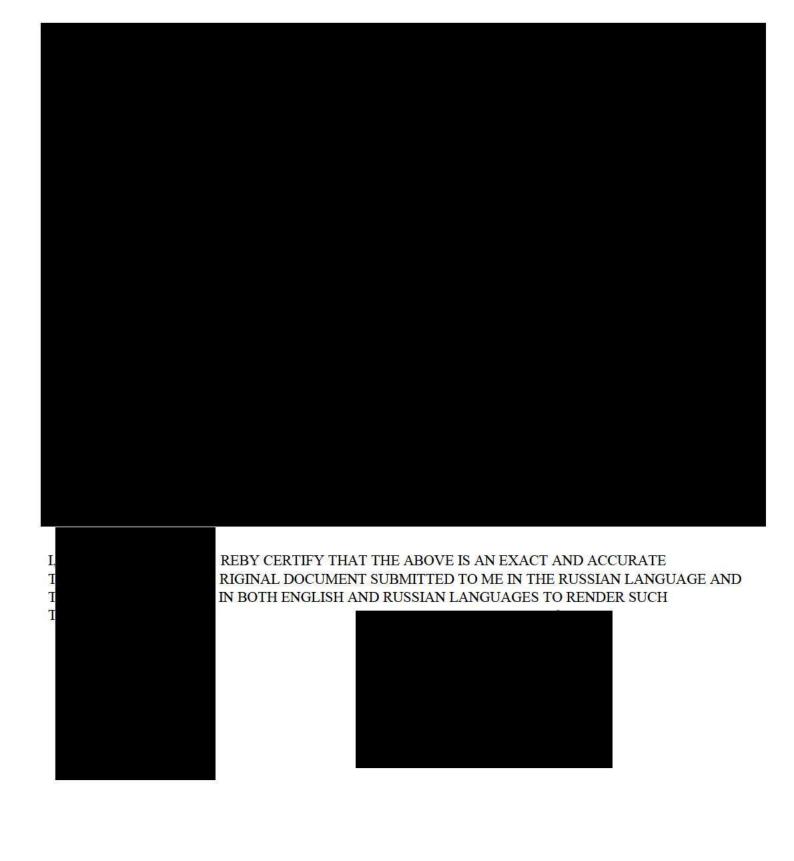




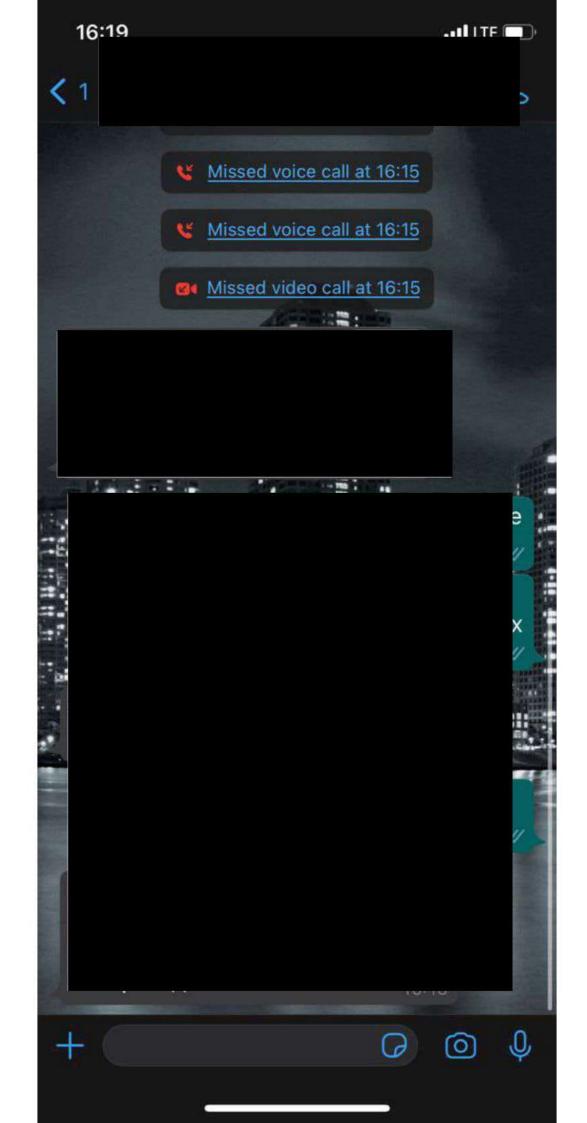


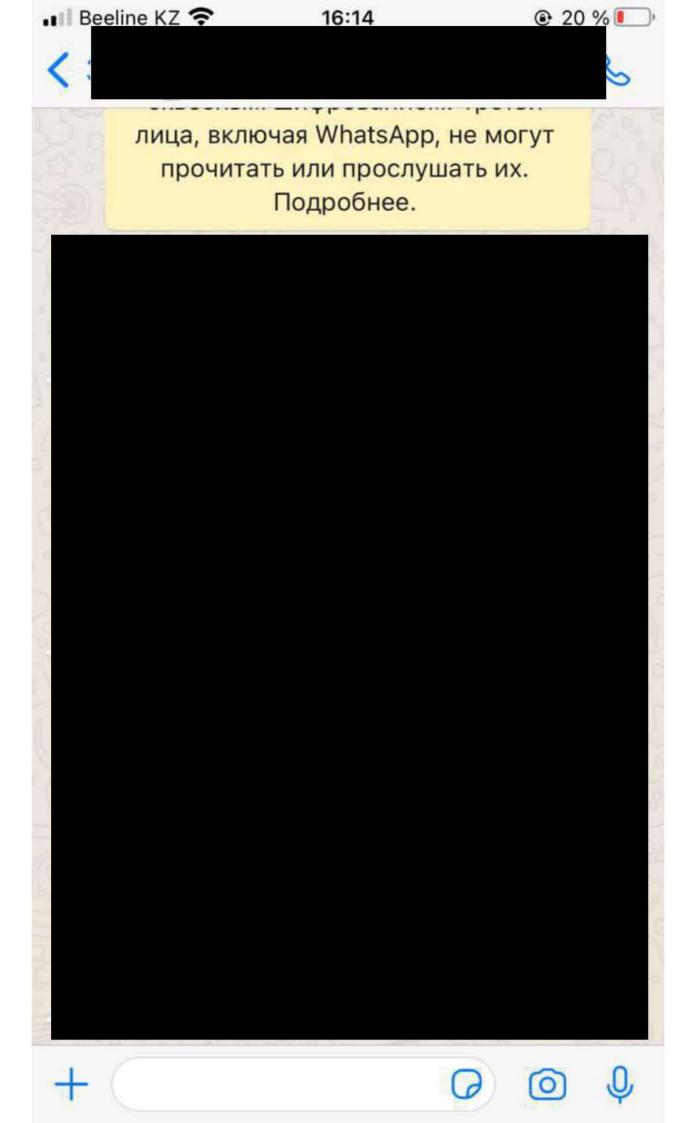


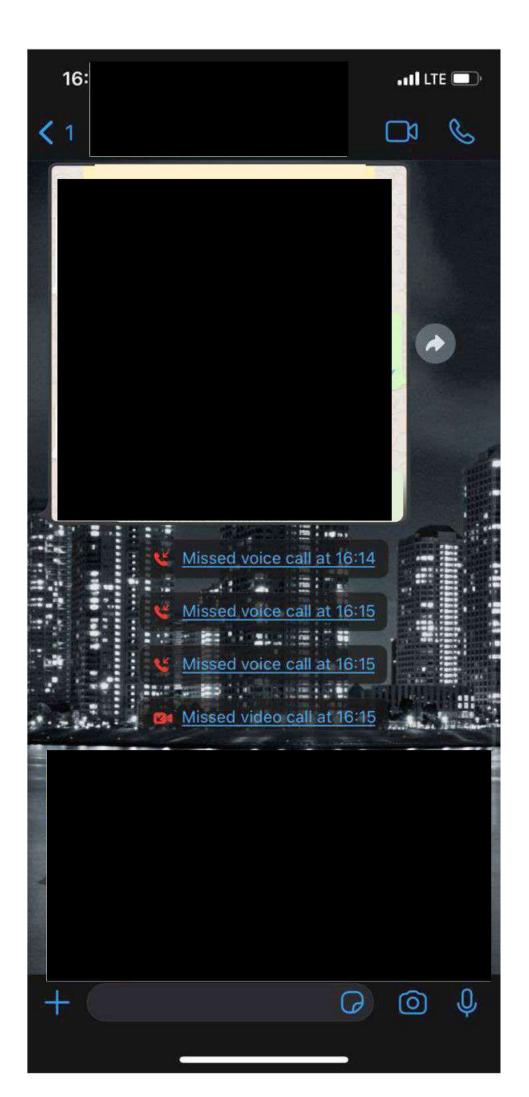


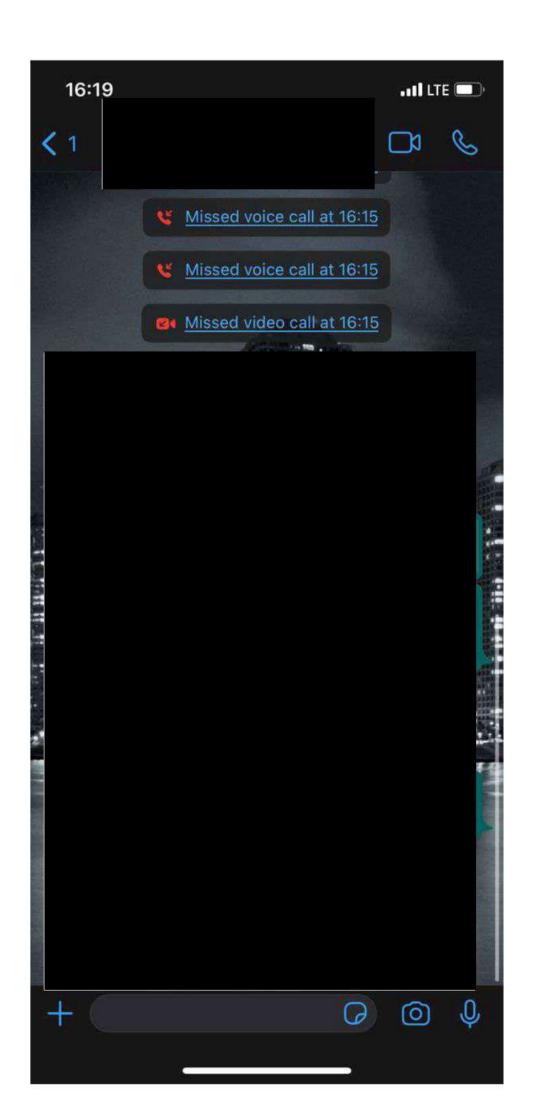


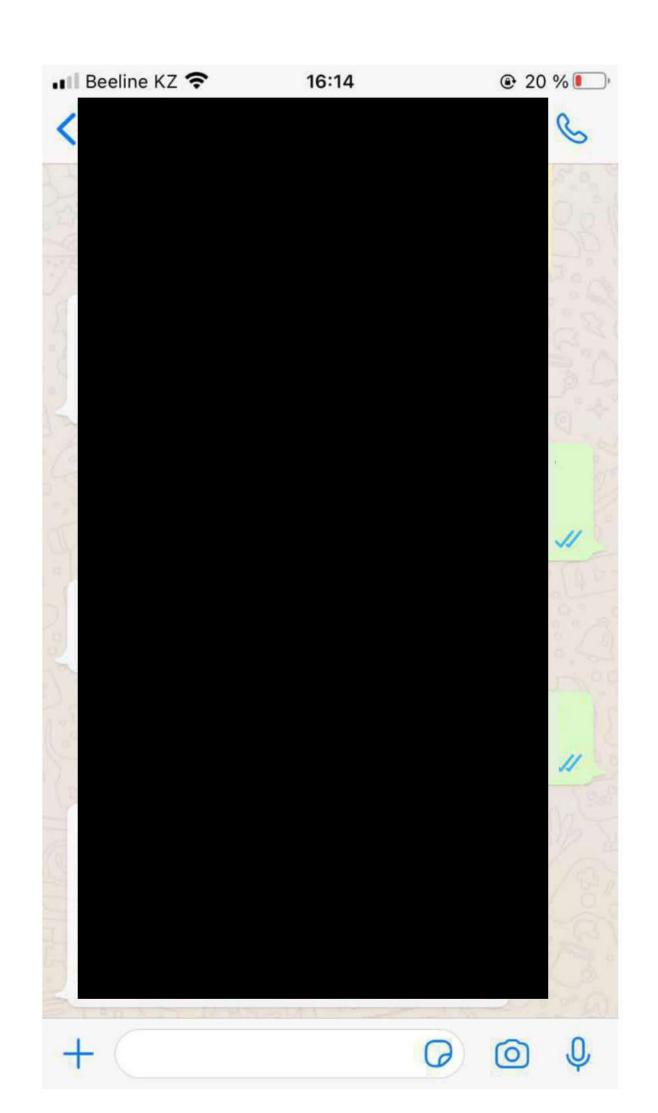


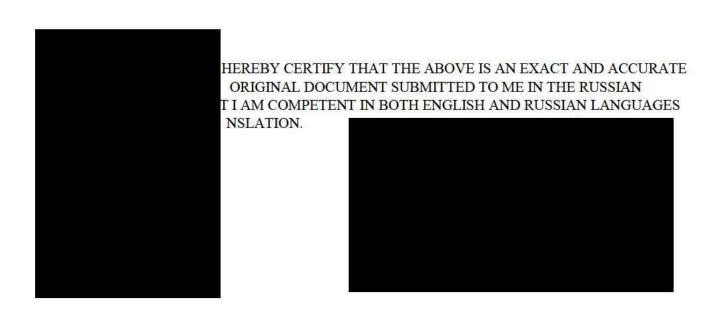








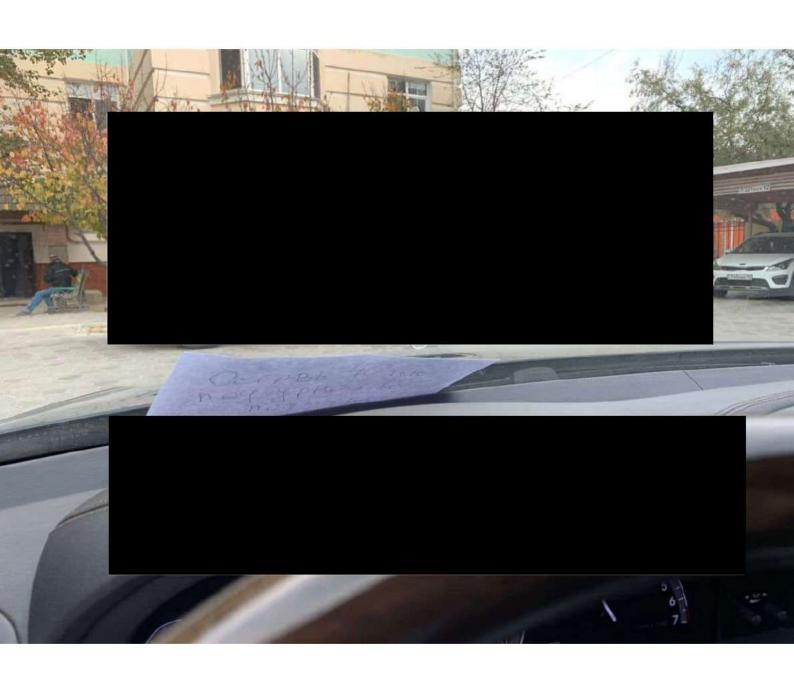
















Melle Machapi Checir op Checir op Checir op Checir op Checir op Marke c Moure Spare, uc Orene ber Moure Mour

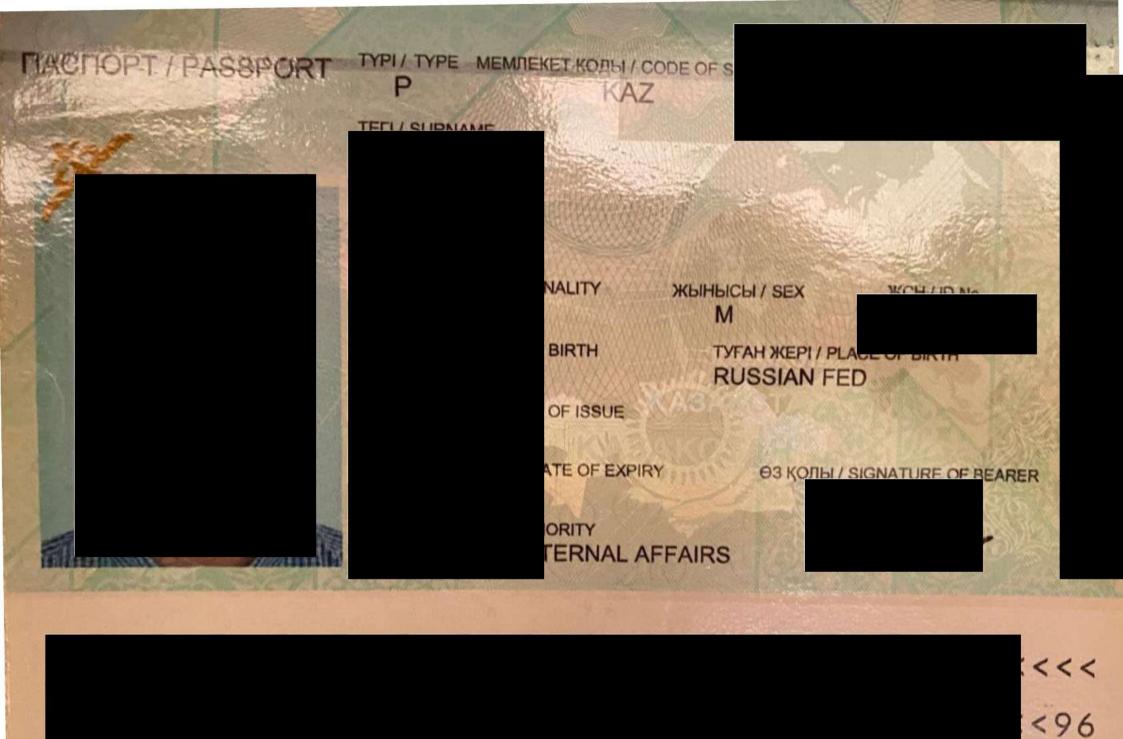
emiones

Maleuro Mal

la. 4-32 Dugapa So morning caleau exemane compyguik Mudie u ew ania, hea i gpyr me currae, su - eno Spaul revery; emelyne ru b omephil us genbru genera u meather

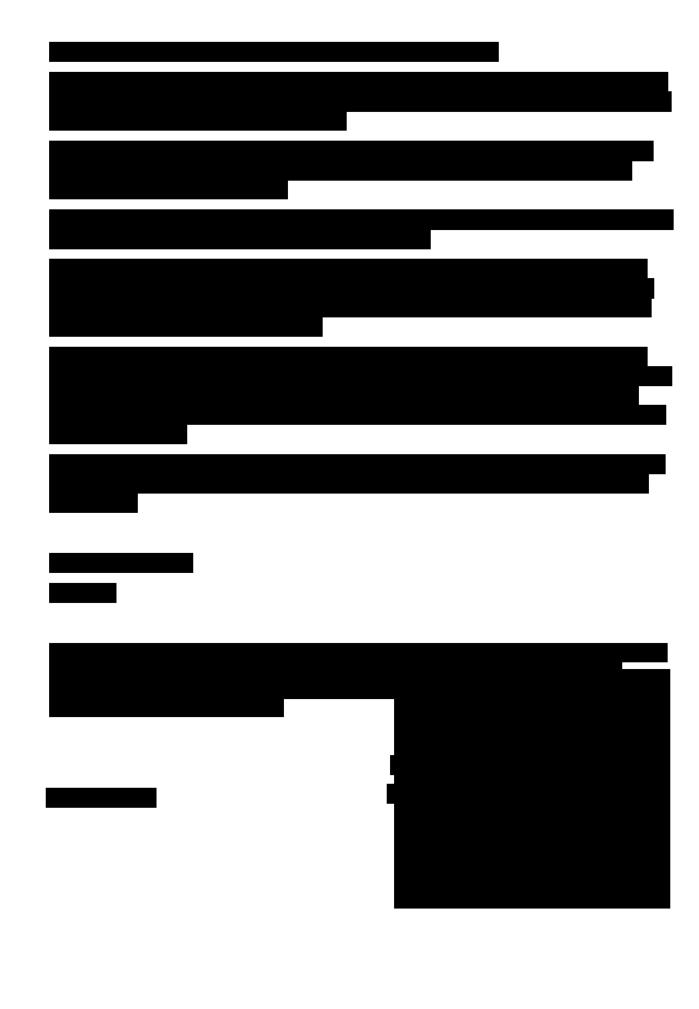


く

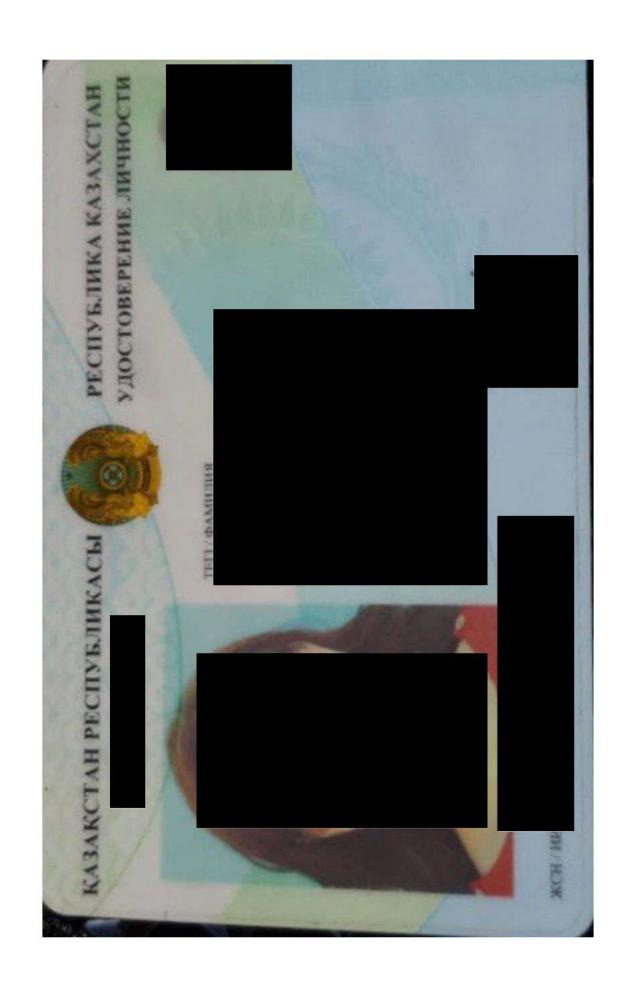


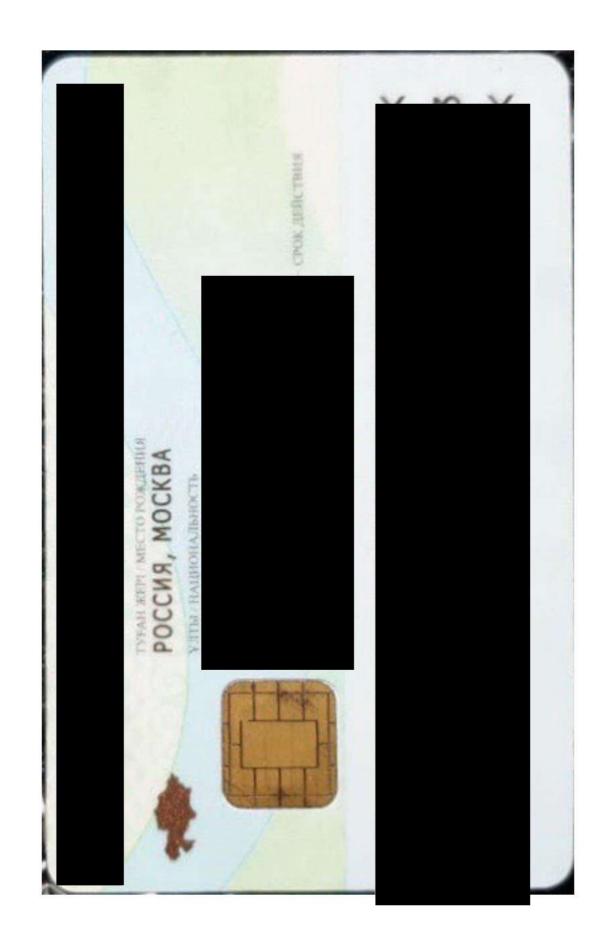
maka, a kai unte COTI not ma MCI nai Care npo nort npur ec, gen tack orga 250 ropeo ero 2002 rero baia nocto 2 ct ew npegu 60 non Spere ice & stry k man zbar

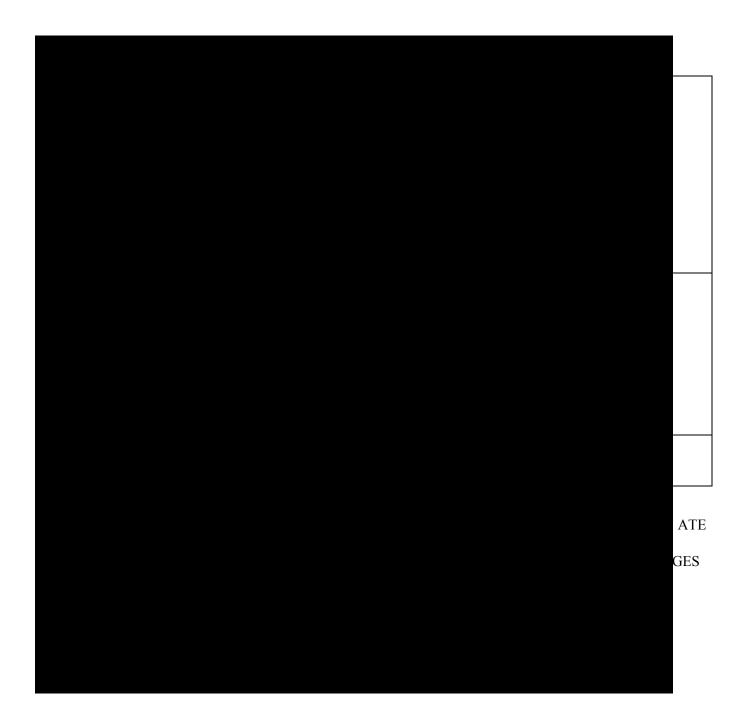
P. wheel varar, rge no Ho 40 tel 2 ne gu 6 H



X







Haypsi Yrunuch

beisban no Mor as Poquitem Hux ognor Sovesnow,

burnare
on ne x

Sum no
gona
ner nepeg
roosu

yeposu

ese op. nenum paú

был моаич

ATOHUT.

деньги, страхе банке,

reason.

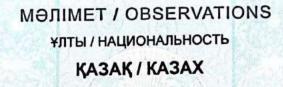
amues amunes amunes

CLUIA

5 mc



<





9 Honep repez раска odugu zacka esce осуна se ree ken doins Oxaco lan 80% K u re npueu rabuteun 11 верния cemen Mar ero djuan, opuerero या का pace of Ha don-& Kakux athomet marou. Joure rpublice. kaul K c runn Ha & etal & cmA enge. stary rayras rei 0 259







СТАТЬИ

КАК КАЗАХСТАНЦЫ ОТНОСЯТСЯ К ГОМОСЕКСУАЛЬНОСТИ?

В начале мая 2017 года вышло исследование организации «АСТ Казахстан» «Как казахстанцы относятся к гомосексуалистам (https://www.kok.team/ru/2017-05-19/manipulyatory-iz-kompanii-ast-kazahstan)». И если интерес журналистов к «горячей» теме понятен, то с точки зрения науки к работе есть ряд больших



Политолог, аналитик лаборатории антикоррупционной политики НИУ ВШЭ вопросов и замечаний. Политолог, аналитик лаборатории антикоррупционной политики НИУ ВШЭ, исследователь гомосексуальности Дмитрий Толкачев подготовил анализ исследования специально для Kok.team

Представьте, что в вашу квартиру приходит незнакомый человек и спрашивает, как вы относитесь к русским, евреям или левшам. Вы сможете ответить на этот вопрос без труда, как минимум потому, что у вас есть знакомые русские или евреи, или левши. И подобные темы обществом не табуируются. А как быть с геями? Есть ли у вас знакомые гомосексуалы? Вряд ли вы будете свободно разговаривать о сексуальности других людей или тем более о своей сексуальности с неизвестным вам человеком, который проводит опрос. Эта ситуация в социологии называется «спираль молчания»: человек с меньшей вероятностью выскажет своё мнение на ту или иную тему, если чувствует, что находится в меньшинстве, так как боится быть отвергнутым.

В социальных науках ещё есть концепция «фальсификация предпочтений». Тимур Куран сформулировал её, изучая крах коммунистического режима в Восточной Европе. По данным опросов все поддерживали действовавший политический режим, но почему-то потом массово вышли на улицы, протестуя против него. Недовольство из «кухонь» вылилось на улицы не потому, что плохо проводили опрос, а потому, что никто не говорил искренне. Была правда публичная и правда личная — напоказ все поддерживали коммунистический режим, но на деле были им совершенно не довольны. Такая же ситуация может быть и после революции — человек может поддерживать новый режим, чтобы не прослыть контрреволюционером.

Респонденты прибегают к фальсификации своих предпочтений в условиях несвободной или репрессивной атмосферы. «А что, если я скажу что-то не то о политике?», «А что будет, если я скажу, что на деле мне совершенно всё равно, кто кого любит, я вообще ничего не имею против гомосексуалов? Вдруг обо мне подумают, что я тоже гей?». Подобные вещи могут быть не осознаваемы самим человеком, но они легко перепроверяются исследователями в ходе глубинных исследовательских интервью или экспериментов. Это можно проверить даже при помощи комментариев в социальных сетях. Фраза «я не гей, но ничего против не имею...» прямо указывает на страх человека быть причисленным к порицаемой группе. И по сути положительная или безразличная позиция по отношению к гомосексуалу подвергается «фальсификации предпочтений» и «спирали молчания» через добавление этого «но». Дело усугубляется, если социологические службы «рисуют» цифры, под которые вы должны подстраивать свои мысли, чтобы не прослыть белой вороной.

Вместе с тем все требует перепроверки - наука вообще любит всё верифицировать. Вы можете выяснить, что перед вами яблоко несколькими способами: опросить людей вокруг или провести биохимический анализ. Но что если люди вам врут, а химический анализ подделывают? Стоит просто обратиться к другим исследованиям или к другим исследователям.

Итак, какими бывают ошибки при социологических опросах? Выделяют ошибки измерения и ошибки репрезентации. Если первые связаны с качеством составленной анкеты, самим интервьюером, неудачными формулировками, то вторые – с формированием выборки (той, что на бумаге и той, что в реальности). Из этих двух типов ошибок можно подвергнуть сомнению только саму анкету и вопросы. Конечно, сама выборка «в реальности» также должна быть подвергнута сомнению, но все же следует признать, что перепроверить данные мы сможем только в том случае, если проведём опрос сами.



Анализ опросника

Самая большая проблема в опросе — формулировка вопросов и их последовательность. Давайте зададим несколько вопросов подряд: «Как вы относитесь к проституции?», «Как вы относитесь к проституции?», «Как вы относитесь к гомосексуализму?». «Да никак я не отношусь» - ответил бы респондент. Но такого ответа нет. Что ж, тогда придется выбирать из предложенного. Не давая всех возможных вариантов ответа, исследователь вынуждает респондента отвечать в рамках навязанного выбора.

Именно это происходит в анкете «АСТ Казахстан». Так, например, в вопросе «Повашему мнению, как можно охарактеризовать гомосексуализм или половое влечение к людям своего пола?» исследователи заранее подсказали ответ двумя терминами: «гомосексуализм» и «половое влечение». «Гомосексуализм» - это слово с негативной коннотацией, а термин «половое влечение» является излишне сексуализированным. Естественно, человек, услышав эти слова, представит себе не романтические отношения, а скорее анальный секс двух мужчин. Вы уже представили? А зачем?

И далее человеку, который ни разу в своей жизни не видел этого «гомосексуализма» в своей среде (среди друзей, соседей или коллег), предлагают несколько вариантов:

- «болезнь или последствие психологической травмы»,
- «отсутствие морали, плохая привычка»,
- «сексуальная ориентация с равными правами на существование»,
- «признак особенных талантов»,
- «модная тенденция».

Неудивительно, что с такими формулировками 46% выбрали «болезнь», а 28% «отсутствие морали». О чём это на самом деле говорит? Во-первых, о нашем табуированном отношении к сексу (в СССР секса не было, а в Казахстане он есть?). А во-вторых, о стереотипах в отношении гомосексуальности и об отсутствии знаний о сексуальности человека в принципе.

На следующий вопрос «Как, по-вашему мнению, следует относиться к гомосексуалистам/лесбиянкам?» предлагаются варианты:

- «изолировать»,
- «предоставить психологическую помощь»,
- «лечить», «оставить в покое»,
- «выслать за пределы страны»,
- «ограничить пропаганду гомосексуализма».

Давайте переформулируем вопрос «Как следует относиться к людям с зелёными глазами». Логичным ответом будет: «Да также, как и ко всем людям». Но если такого варианта в анкете нет, то и ответить таким образом невозможно.



Из предложенных ответов две пары по большому счету являются одинаковыми. Варианты «изолировать от общества» и «выслать за пределы страны» очень похожи и не дают реального выбора. Также одинаковый смысл имеют варианты «предоставить психологическую помощь» и «лечить». Этот ответ скорее всего дают те люди, которые считают, что гомосексуальность — это болезнь. Идея о том, что гомосексуальность — это болезнь. Идея о том, что гомосексуальность — это болезнь, а не грех, как считалось раньше, появилась в Европе в XIX веке. О гомосексуальности перестают говорить, как о нарушении религиозных заветов и переходят к изучению в рамках медицинский терминов. В XX веке

гомосексуалов даже пробовали "лечить" гормонами, психотерапией, электрошоком, давали рвотное, сажали в тюрьму, трансплантировали яички, делали лоботомию и так далее. Но ничего не выходило – гетеросексуалами они не становились. Геи просто закрывались в себе, уходили в депрессию или заканчивали жизнь самоубийством.

Затем стали появляться генетические исследования, и в 1990 году медики пришли к выводу, что гомосексуальность болезнью не является и в международной классификации болезней 10-го издания (МКБ-10) такого термина уже не было. Шарлатаны на этом не остановились и предлагали «вылечить гея» за 2500-6000 долларов. Но человек устроен гораздо сложнее, и у природы на гомосексуальность, видимо, свой расчет. Процент гомосексуальных особей в природе остаётся неизменным (https://www.youtube.com/watch?v=Sr4Bkzfv4pE&vl=ru) у многих видов, в том числе и среди людей.

Формулировка «Ограничить пропаганду гомосексуализма» - это очевидное веяние из России. И скорее всего просто перепечатка из исследований «Левада-центра». До России «пропаганду гомосексуализма» видели только в Великобритании в период правления Маргарет Тетчер. На самом деле ни «пропаганды гетеросексуализма», ни «пропаганды гомосексуализма» не существует. Геем невозможно стать в результате воспитания или под влиянием «моды». Вы лично стали бы геем, увидев их в кино? Вряд ли. «Но как же дети? Дети это видят!» - скажете вы. Если оставить эмоции и спокойно задать себе вопрос «А стал ли бы я геем, когда был маленьким, если бы увидел что-то такое в кино или на улице», то ответ придет сам. Также можно прочесть исследования про подростков. Так, авторы исследования «Однополый секс не распространяется в подростковых социальных сетя

(http://fowler.ucsd.edu/same_sex_sexual_attraction_does_not_spread.pdf)х» доказали, что влияние друзей на сексуальную ориентацию равно нулю. Легко друзьями перенимаются вредные привычки, но никак не способность влюбиться в человека одного с тобой пола. Так что если вы действительно переживаете за своего ребёнка, то лучше следите за тем, не употребляет ли он алкоголь или наркотики. Ваш ребёнок точно откажется от однополых отношений, если не чувствует в этом потребности.

Причины гомофобии

После того, как наука накопила достаточное количество данных о безвредности гомосексуальности, исследователи приступили к изучению обратно стороны вопроса гомофобии. Такого рода работы стали появляться ещё в 1996 году, когда команда исследователей провела эксперимент. Собрали группу мужчин и разделили их на две подгруппы – гомофобную и негомофобную. С этой целью им были заданы несколько контрольных вопросов, например, "Будете ли вы нервничать, находясь в группе гомосексуалов?". После этого мужчинам из обеих групп исследователи стали показывать порнографию самого разного вида: гетеросексуальное, гомосексуальное мужское и гомосексуальное женское (то есть лесбийское). Исследователи уточняют, что в видео не было насилия, то есть показывался секс по согласию между партнерами, при этом все актеры были совершеннолетними (как и участники эксперимента). В изображения входили: поцелуи, раздевание, оральный секс, вагинальный секс, анальный секс. При этом во время просмотра на половой орган участников надевали прибор, который измерял эрекцию. Результат подтвердил гипотезу исследователей гомофобы приходили в возбуждение от гей-порно, что фиксировали соответствующие устройства. А люди, которые относились к гомосексуалам положительно или безразлично сохраняли полное спокойствие при виде однополого секса. Одним из



предложенных объяснений эрекции гомофобов на мужскую гомосексуальную порнографию было то, что ненависть к геям лежит в поле подавленной гомосексуальности. Это одно из объяснений.

Совершенно не удивительно, что в анализируемом опросе 63% граждан Казахстана крайне негативно относятся к «легализации однополых браков». Во-первых, как мы понимаем из предыдущих вопросов и ответов на них, что никто толком не знает «а что же такое гомосексуальность». И скорее всего считает, что это история только про секс и «половое влечение». Во-вторых, вероятно здесь накладывается и проблема восприятия людьми «брака» и «любви» - каждый третий брак в Казахстане заканчивается разводом (https://www.kursiv.kz/news/tendencii-weekly/tendencii-lubvi/). А если гетеросексуальное большинство не уверено в том, что такое брак и любовь, то и о гомосексуальных браках речи быть не может. Как показывает история брачного равноправия, общества, прежде чем дойти до уровня готовности принятия гей-браков, проходили стадию десексуализации гомосексуальности, когда люди переставали определять гомосексуальность только через сексуальные практики, а понимали, что речь идет об эмоциональной, романтической привязанности – любви.

Инструменты перепроверки данных «АСТ

Казахстан»

Проверить справедливость исследования можно используя альтернативные исследования. Давайте обратимся к уже существующим опросам World Value Survey (http://www.worldvaluessurvey.org). Глобальное исследование ценностей появилось в 1981 году, но данные по Казахстану собирались только в 2010-2014 годах. По данным этого международного опроса 67% казахстанцев считают, что гомосексуальность не может быть оправдана и 73% указывают, что не хотели бы иметь соседей-гомосексуалов. Но дальнейший анализ показывает, что эта цифра только подтверждает тот факт, что большинство попросту не имеет знакомых гомосексуалов.

Хорошее социологическое исследование должно учитывать значительную долю особенностей и несколько вариантов развития событий, переменных, которые позволяют уточнить ответы на основные вопросы. Например, что если гомосексуалом/кой окажется ваш сосед, ваши сын или дочь, или другой родственник, а может даже начальник? Изменится ли ваше отношение к такому человеку? А как изменится ваше отношение к гомосексуальности?

Основываясь на данных Глобального исследования ценностей, можно предположить, что отношение к человеку не изменится, так как 76% жителей Казахстана указывают, что доверяют своим соседям. Для сравнения «полностью доверяют» своим соседям в России только 18% граждан, в Швеции – 29%, а в Казахстане полное доверие соседям оказывают – 24%. На вопрос «Перестанете ли вы общаться со своим другом, если он признается в гомосексуальности» мы скорее всего получим отрицательный ответ, ведь 86% граждан Казахстана утверждают, что для них важна дружба, а 48% из них указывают, что - очень важна (для сравнения, в России таких людей – 35%, а в Швеции 68%). Если дружба настолько важна для человека, то он/она обязательно сделает попытку разобраться в вопросах сексуальной ориентации и поймет, что гомосексуальность – вариант нормальной сексуальной ориентации. Точно такая же ситуация и с вопросом про коллег по работе: 65% жителей Казахстана ежедневно общаются со своими друзьями и коллегами (57% в России и 70% в Швеции).



Самое важное, что 60% жителей Казахстана указывают, что хотели бы видеть своих детей толерантными и уважающими других людей. А это значит, что, если мы будем заниматься образованием, будем разрушать стереотипы, то сможем скоро увидеть процветающее общество. Осталось только понять себя, понять других и начать уважать друг друга.



ARTICLES OCTOBER 9, 2017 2976 likes

WHAT DO KAZAKHS THINK ABOUT HOMOSEXUALITY?

In early May of 2017, the research by "AST Kazakhstan" organization "What do Kazakhs think about homosexuality" was published (https://www.kok.team/ru/2017-05-19/manipulyatory-iz-kompanii-ast-kazahstan). And even if journalists' fervent interest to this topic is justified, there are still some questions and serious comments on the scientific side of that research. Political theorist, laboratory analyst of anti-corruption policy at NRU HSE, homosexuality researcher Dmitry Tolkachev prepared the analysis of the conducted work specially for Kok.team

Just imagine some stranger coming into your house asking what you think of Russians, Jewish, or left-handed. You would easily answer those questions at least due to the fact of presence of Russians, Jewish or left-handed in your social circle, and topics like these are not socially tabooed. But what about gays? Do you know any gay people? You most probably wouldn't talk about your own or other people's sexuality with the person you don't know. In social science, it is called the "spiral of silence", when the person would less likely

k of

Dmitry Tolkachev (/ru/author/dmitriy-tolkachev)

Political theorist, laboratory analyst of anti-corruption policy at NRU HSE

express his opinion on some topic if he feels that he is in minority, being scared of being rejected.

There is also a "preference falsification" social science concept. It was defined by Timur Kuran while studying the communist regime downfall in Eastern Europe. According to polls, everyone supported the current political regime but still myriads went out to the streets to protest against it. Having grown from so-called 'kitchen talks' into street protests, popular discontent was expressed not because the polls were conducted wrong but people's dishonesty. There were 2 kinds of truth – the public one and the personal one, simply saying that everyone supported communist regime in public but nobody supported it in reality. The same thing can happen after the revolution, too, as the person can pretend to support the current government just not to gain the character of counter-revolutionist.

Respondents tend to counterfeit their preferences in the medium of unfreedom and repression. "What if I say something wrong about politics?", "What if I say that I don't really care about who the person loves or that I don't even have nothing against homosexuals? What if people will think that I'm gay?". Such things are not even being realized by the person himself, but are easily proven by researches in the course of interviews and experiments. That can be checked by comments on social networks. The phrase "I'm not gay, but I have nothing against that..." directly indicates a person's fear of being numbered among the condemned group. And in fact, a positive or indifferent attitude towards homosexuals is subjected to "falsification of preferences" and "spiral of silence" through the addition of this "but". The matter is aggravated if sociological services "draw" the numbers, under which you must adjust your thoughts so as not to be considered a black sheep.

At the same time, everything must be rechecked; science is generally about verifying everything. You can find out that there is an apple in front of you in several ways: by interviewing people around you or by performing biochemical analysis. But what if people lie to you and the chemical analysis is faked? You just need to turn to other studies or other researchers.

Questionnaire Analysis

The biggest problem in the survey is the question formulation and sequence. Let's ask several questions in a row: "What do you think about prostitution?", " What do you think about drug addiction?", " What do you think about homosexuality?" "I don't care," the respondent would answer. But there is no such answer. Well, then you have to choose from the ones proposed. Without giving all possible answers, the researcher forces the respondent to answer within the framework of the imposed choice.

This is exactly how it goes in the "AST Kazakhstan" questionnaire. For example, in the question "In your opinion, how can you characterize homosexuality or sexual attraction to people of the same sex?" the researchers suggested the answer in advance by two terms: "homosexuality" and "sexual attraction." "Homosexuality" is a word with negative connotations, and the term "sexual attraction" is overly sexualized. Naturally, a person hearing these words will not think of a romantic relationship, but rather anal sex between two men. Have you already imagined it? But why?

And then, a person who has never seen this "homosexuality" in his environment (among friends, neighbors or colleagues) is offered several options:

"Illness or consequence of psychological trauma",

"Lack of morality, bad habit",

"Sexual orientation with equal rights to exist",

"A sign of special talents"

"Modern trend".

It's not a surprise that with such wording, 46% chose "illness" and 28% chose "lack of morality." What does this really mean? First, about our tabooed attitude towards sex (there was no sex in the USSR, but is there in Kazakhstan?). And secondly, about stereotypes regarding homosexuality and about the lack of knowledge about human sexuality in principle.

To the next question "How do you think should homosexuals / lesbians be treated?" The options are:



"Provide psychological assistance",

"Heal", "leave alone",

"Send out of the country",

"Limit the propaganda of homosexuality."

Let's reformulate the question to "How should we treat people with green eyes." The logical answer would be: "Yes, as well as to all people." But if there is no such option in the questionnaire, then it is impossible to answer in this way.

Of the proposed answers, two pairs are basically the same. The options "isolate from society" and "send out of the country" are very similar and do not give a real choice. Also, the options "provide psychological assistance" and "treat" have the same meaning. This answer is most likely given by those people who believe that homosexuality is a disease. The idea that homosexuality is a disease and not a sin, as previously thought, appeared in Europe in the 19th century. They stop talking about homosexuality as a violation of religious covenants and move on to studying within the framework of medical terms. In the XX century, homosexuals even were tried to "treat" with hormones, psychotherapy, electroshock, emetics, imprisonment, transplanted testicles, lobotomy and so on. But it led to nothing and they did not become heterosexual. Gays simply hid into their shell, fell into depression or committed suicide.

Then it was time for genetic studies, and in 1990, doctors came to the conclusion that homosexuality is not a disease and in the International Classification of Diseases, 10th Edition, there was no such term anymore. The crooks did not stop there and offered to "cure the gay" for 2500-6000 dollars. But human is much more complicated, and nature has its own calculation for homosexuality. The percentage of homosexual individuals in nature remains unchanged (https://www.youtube.com/watchv=Sr4Bkzfv4pE&vl=ru) in many species, including among humans.

The wording "Limit the propaganda of homosexuality" is an obvious Russian trend, and most likely just a reprint from the research of the Levada Center. Before Russia, "propaganda of homosexuality" was seen only in Great Britain in times of Margaret Thatcher. In fact, there is no "propaganda of heterosexuality" or "propaganda of homosexuality". It is impossible to become gay as a result of upbringing or under the influence of "fashion". Would you personally become gay if you saw them in the movies? Hardly ever. "But what about the children? Children see it! " - you say. If you leave your emotions and calmly ask yourself the question "Would I become gay when I was little, if I saw something like that in the cinema or on the street," then the answer will come by itself. You can also read research on teenagers. Thus, the authors of the study "Same-sex sex is not spread in teenage social networks (http://fowler.ucsd.edu/same_sex_sexual_attraction_does_not_spread.pdf)" proved that the influence of friends on sexual orientation is zero. It is easy for friends to adopt bad habits, but not the ability to fall in love with a person of the same sex. So if you are really worried about your child, then it is better to keep an eye on whether he uses alcohol or drugs. Your child will definitely give up same-sex relationships if they don't feel the need for it.

What causes homophobia

After science has accumulated a sufficient amount of data on the harmlessness of homosexuality, researchers began to study the reverse side of the issue - homophobia. Work on this topic began to appear back in 1996, when a team of researchers conducted an experiment. They gathered a group of men and divided them into two subgroups - homophobic and non-homophobic. To this end, they were asked several control questions, for example, "Will you be nervous being in a group of homosexuals?" After that, researchers from both groups began to show pornography of a wide variety of types: heterosexual, male homosexual, and female homosexual (that is, lesbian). The researchers clarify that there was no violence in the video, that is, the action was mutually agreed between partners, while all the actors were adults (as well as the participants in the experiment). Images included: kissing, undressing, oral sex, vaginal sex, anal sex. At the same time, during the viewing, a device was put on the participants' genitals, which measured the erection. The result confirmed the hypothesis of the researchers - homophobes got aroused by gay porn, which was fixed by the corresponding devices. And people who were positive or indifferent towards gays remained completely calm at the while watching same-sex sex. One suggested explanation for homophobic erection on male homosexual pornography was that gay hatred lies in the field of repressed homosexuality. This is one explanation.

It is not surprising that in the analyzed poll, 63% of citizens of Kazakhstan have an extremely negative attitude to the "legalization of same-sex marriage." First, as we understand from the previous questions and the answers to them, no one really knows "what is homosexuality." And most likely they believe that this is all only about sex and "sexual desire". Secondly, the problem of people's perception of "marriage" and "love" is probably superimposed here - https://www.kok.team/ru/2017-10-09/kak-kazahstancy-otnosyatsya-k-gomoseksualnosti

every third marriage in Kazakhstan ends in divorce (https://www.kursiv.kz/news/tendencii-weekly/tendencii-lubvi/). And if the heterosexual majority is not sure what marriage and love are, then there is no point in discussing homosexual marriages. As the history of marriage equality shows, societies, before reaching the level of readiness to accept gay marriages, went through a stage of desexualization of homosexuality, when people ceased to define homosexuality only through sexual practices, and understood that it was about emotional, romantic attachment - love.

Tools for "AST Kazakhstan" data recheck

You can check the validity of research using alternative research. Let's turn to the existing World Value Survey (http://www.worldvaluessurvey.org). The World Value Survey appeared in 1981, but data for Kazakhstan was collected only in 2010-2014. According to this international poll, 67% of Kazakhstanis believe that homosexuality cannot be justified and 73% indicate that they would not like to have homosexual neighbors. But further analysis shows that this figure only confirms the fact that the majority simply do not have homosexual acquaintances.

A good case study should take into account a significant proportion of the characteristics and several scenarios, variables that allow clarifying the answers to the main questions. For example, what if your neighbor, your son or daughter, or another relative, or maybe even your boss, turns out to be homosexual? Will your attitude towards such a person change? How will your attitude towards homosexuality change?

Based on the data from the World Value Survey, it can be assumed that attitude towards a person will not change, since 76% of residents of Kazakhstan indicate that they trust their neighbors. For comparison, only 18% of citizens "completely trust" their neighbors in Russia, in Sweden - 29%, and in Kazakhstan - 24% have full confidence in their neighbors. To the question "Will you stop communicating with your friend if he confesses to being homosexual?" We will most likely receive a negative answer, because 86% of Kazakhstani citizens say that friendship is important to them, and 48% of them indicate that it is very important (for comparison, in Russia there are 35% of such people, and in Sweden 68%). If friendship is so important to a person, then he / she will make an attempt to understand the issues of sexual orientation and understand that homosexuality is a variant of normal sexual orientation. The situation is exactly the same with the question about work colleagues: 65% of Kazakhstani residents communicate with their friends and colleagues every day (57% in Russia and 70% in Sweden).

Most importantly, 60% of Kazakhstanis indicate that they would like to see their children tolerant and respectful of other people. This means that if we engage in education, we destroy stereotypes, we can soon see a prosperous society. All that remains is to understand yourself, understand others and begin to respect each other.

I, TIMUR ZIAPPAROV, HEREBY CERTIFY THAT THE ABOVE IS AN EXACT AND ACCURATE TRANSLATION OF THE ORIGINAL DOCUMENT SUBMITTED TO ME IN THE RUSSIAN LANGUAGE AND THAT I AM COMPETENT IN BOTH ENGLISH AND RUSSIAN LANGUAGES TO RENDER SUCH TRANSLATION.

DATE 11/17/2020

SIGNATURE

+7 917 893 60 87

"That's When I Realized I Was Nobody" A Climate of Fear for LGBT People in Kazalthetan

Available to English Pycoses

Map of Kazakhstan. © 2015 Human Rights Watch

Summary

Harassment, discrimination, and the threat of violence color the everyday lives of LGBT people in Kazakhstan. They are faced with hostility behind the closed doors of private homes and in public places, such as in parks and outside nightclubs. State institutions fail to provide consistent care and protection. In many cases, the abuses suffered by LGBT people are immediately—even instinctively—shrouded in shame due to homophobic attitudes.

While Kazakhstan decriminalized consensual same-sex conduct in 1998, a climate of intense homophobia remains. Legal recognition of transgender people has become more difficult in recent years, with coerced sterilization now a prerequisite. Media portrayals of LGBT people are laden with scandal and hate. In early 2015, a "propaganda" law that seemed aimed at curtailing positive expressions of sexual and gender diversity threatened to make this dire situation even worse.

At present there are only a handful of LGBT rights activists active in Kazakhstan, most of whom operate independently in "initiative groups" or through HIV prevention activities without formal institutional backing, and who sometimes avoid publicity for fear of provoking backlash. Other mainstream human rights and public health organizations have on occasion addressed LGBT rights issues in their work as well.

Homophobia was deeply entrenched by Soviet laws. Since Kazakhstan gained independence from the Soviet Union in 1991, fear and abuse have continued to drive LGBT people in Kazakhstan to conceal their identities and curtail their free expression. This is the case even when it is crucial to provide information about sexual orientation or gender identity, such as when a person is seeking health care. A 2009 survey of nearly 1,000 LGBT people conducted by the Soros Foundation-Kazakhstan found that more than 81 percent of respondents felt that gay and lesbian people "face disapproval and disrespect from those in the general population." Kazakh sexual and reproductive health experts have commented that sexuality remains a sensitive topic in Kazakhstan.

While the state has the obligation to protect the rights of all people, the Kazakh government's deafening silence on the human rights of LGBT people, combined with the acerbic anti-gay rhetoric of some members of parliament, has contributed to the social sanctioning of discrimination against people based on their real or perceived sexual orientation and gender identity. In recent years politicians have invoked "family values," Kazakhstan's membership in the Organization of Islamic Cooperation, and the need to maintain the country's birth rate as reasons for proposing anti-LGBT laws.

In this report, Human Rights Watch describes the hostility and abuse faced by LGBT people in Kazakhstan and the inadequate official responses in the rare cases when victims report abuses or seek social services. National human rights bodies such as the National Commissioner for Human Rights and the National Center for Human Rights, which have a specific mandate to cover human rights issues, have been criticized for their insufficient responses and failures to provide adequate remedies for those who face discrimination. It is against this backdrop that the adoption of anti-LGBT "propaganda" legislation generated such intense fear among LGBT individuals.

LGBT people in Kazakhstan courageously adjust their daily lives to avoid harm or exposure—curtailing their movement and silencing themselves for safety. But as much as these tactics reflect the resilience of individuals, they also expose the government's failure to uphold its human rights commitments, and point to what Anara A. (not her real name), a transgender person in Almaty, described as "a deep sense of alienation—that nothing around you in society is there for you to take part in."

President Nursultan Nazarbaev, who has been Kazakhstan's leader for nearly 25 years, construes his country's development as a "great journey from disorderliness to prosperity." Kazakhstan is deeply invested in a veneer of international respectability. The country is economically attractive thanks to its vast oil and gas resources and its international economic relationships; Nazarbaev has repeatedly promised palatable social reform.

Kazakhstan has also played a proud leadership role in international forums, including as the chair of the Organization for Security and Cooperation in Europe (OSCE) in 2010 and in its election to the UN Human Rights Council in 2012. International ambitions continue to pulse among the country's political elite. "Expo 2017," scheduled to be held in Astana, is being branded as an opportunity for investors to participate in the "energy of the future." Kazakhstan hopes to gain a non-permanent seat on the UN Security Council in 2017-18, and Almaty is currently bidding against Beijing to host the 2022 Winter Olympic Games.

These cosmopolitan aspirations and Kazakhstan's significant economic development, however, have not been matched with meaningful human rights reforms. Indeed, Kazakhstan's stated commitments to reform ring hollow in the face of serious and ongoing human rights abuses in the country.

Kazakhstan has long been a country of quiet repression, but since December 2011, when strikes in western Kazakhstan were brought to a violent end, the government's overall human rights record has significantly worsened. At that time, authorities began an overt crackdown on outspoken critics, putting an opposition leader and other activists in jail following unfair trials, and shutting independent and opposition media outlets. Freedom of assembly is heavily restricted and people who participate in unsanctioned protests are regularly fined and thrown in jail.

The country's new criminal code, which was signed into law by President Nazarbaev on July 3, 2014, and entered into force in January 2015, contains articles relating to the rights to freedom of speech, assembly, religion, and association that do not meet international human rights standards set out in treaties Kazakhstan has ratified. While Kazakhstan has stated a zero-tolerance policy toward torture, the UN Committee Against Torture in November 2014 noted concern about "persistent allegations of torture and ill-treatment committed by law enforcement officials."

For LGBT people, widespread homophobia, the failure of the government to protect people against abuses on the basis of sexual orientation and gender identity, and recent attempts to adopt anti-gay "propaganda" legislation signal continuing human rights violations and decreasing space for free expression.

Recommendations

To the Government of Kazakhstan

- Publicly acknowledge the scope and gravity of the problem of violence and discrimination against lesbian, gay, bisexual, and transgender (LGBT) people in Kazakhstan, and work with human rights organizations and LGBT activists to improve protections.
- Ensure that the National Center on Human Rights and the National Commissioner on Human Rights include an effective mechanism for receiving complaints from victims of abuse, including LGBT people, who might require that their personal information be kept confidential.
- Commit the Ministry of Health to engage effectively with men who have sex
 with men (MSM) and transgender populations on HIV education, prevention,
 counseling, testing, and treatment activities, including by making strong
 public statements against discrimination.
- Amend Kazakhstan's gender recognition procedure to allow transgender people to change their legal gender on all documents through a process of self-declaration that is free of medical procedures or coercion.

To the Organization for Security and Cooperation in Europe

- In consultation with human rights organizations and LGBT activists, include LGBT rights as an integral part of the OSCE's support and training programs in Kazakhstan.
- In communications with senior officials, including officials within the
 National Security Committee, Ministry of Internal Affairs, and the Office of
 the Procurator General, emphasize the need for public declarations of a
 policy of zero tolerance for police abuse or neglect, including in cases
 involving LGBT people.

To the Governments of the United States, the European Union, and Individual EU Member States

• Raise the issue of homophobic rhetoric and acts of violence against LGBT people in routine and high-level meetings with government.

- Make available financial and other support to LGBT rights and other human rights organizations that provide legal, psychological, and other services.
- In line with the June 2013 EU guidelines to promote and protect the
 enjoyment of all human rights by LGBTI persons and the USAID "LGBT
 Vision for Action," contribute to combating any form of anti-LGBTI violence
 by seeking assistance and redress for victims of such violence, and by
 supporting civil society and governmental initiatives to monitor cases of
 violence.

To the United Nations Office of the High Commissioner for Human Rights (OHCHR)

- Include LGBT rights among the priority issues to be addressed by the
 Regional Office for Central Asia, in line with the OHCHR "Free and Equal"
 campaign launched in July 2013 and phased into a field office activity in 2014,
 which "aims to raise awareness of homophobic and transphobic violence and
 discrimination, and encourage greater respect for the rights of LGBT people."
- Engage with the government of Kazakhstan to develop amendments to
 ensure all relevant national legislation is consistent with international human
 rights standards, including on LGBT rights, as identified by UN treaty
 monitoring bodies and other UN mechanisms.

To Donors and UN Technical Agencies with Projects in Kazakhstan

- Work with the government to draft and implement a comprehensive sex education policy as a matter of upholding the rights to education, information, and health.
- Work with the Ministry of Health to ensure that HIV surveillance data is collected on transgender populations.
- Ensure that all efforts are made to overcome the difficulties of reaching men
 who have sex with men and transgender women with safe and confidential
 HIV services.

To the International Olympic Committee

 Hold Kazakhstan accountable for the values enshrined in the Olympic Charter, including by ensuring that the non-discrimination clauses in Principle 6 of the Charter are upheld in domestic law in advance of the July 2015 decision on the 2022 Winter Games and in the event that Kazakhstan is awarded the games.

Methodology

The report is based on in-depth Human Rights Watch research from January to June 2015, including interviews with lesbian, gay, bisexual, and transgender people in three cities in Kazakhstan in March 2015. Human Rights Watch interviewed 23 LGBT people, as well as a number of human rights activists and public health and social services practitioners and experts.

Interviews were conducted in English with the assistance of an interpreter in safe locations selected by participants. A handful of interviews were conducted in Russian with a Russian-speaking researcher.

Human Rights Watch informed all interviewees of the purpose of the interview and how information collected would be used, and received verbal consent before conducting the interview. No incentives were offered or provided for interviewees. At least 10 LGBT people declined to be interviewed by Human Rights Watch because they said they feared retaliation or lacked confidence in human rights procedures or advocacy to bring about change. Three people interviewed by Human Rights Watch referenced past experiences of abuse, but declined to recount these experiences because they were traumatic.

Additional information was gathered from published sources, including laws, United Nations documents, academic research, and media.

All interviewees' names were changed for security reasons and the report uses pseudonyms, as indicated in the relevant citations. In some cases, Human Rights Watch has withheld additional identifying information to protect interviewees' privacy and safety.

A Climate of Fear

The LGBT people Human Rights Watch interviewed in Kazakhstan said that fear influences all aspects of their lives—fear that their sexual orientation or gender identity will impede their access to education, employment, and health care; fear of violence while walking down the street; and, too often, dread at the prospect of

everyday interactions with intolerant and sometimes psychologically abusive family members.[1] Some described feelings of isolation and exhaustion from constantly masking their identities to protect themselves. Every LGBT person interviewed by Human Rights Watch said that discretion was essential to secure a measure of safety.

But even invisibility comes with its own problems. Because LGBT people keep quiet in order to stay below the radar, society does not acknowledge the gravity of the abuses they experience, officials fail to take them seriously, and abuses are severely under-reported.

Inadequate Official Responses Fuel Distrust

Harassment, neglect, and discrimination against LGBT people are both pervasive and underreported in Kazakhstan. A 2009 survey of nearly 1,000 LGBT people conducted by the Soros Foundation-Kazakhstan found that nearly 75 percent of respondents who had experienced violence did not report the incident to the police. Of those who had attempted to report to the police, 38.5 percent received a "negative response."[2]

Many LGBT people understand violence perpetrated against them as a source of shame or accept it as a "fact of life." This appears to affect not only their willingness to report abuses but also the responses of officials when they do come forward, reinforcing their lack of confidence in authorities.

In addition to shortcomings in law and policy discussed in later sections of this report, LGBT people are often reluctant to come forward because they fear reprisals from abusers and because police do not take their complaints seriously. Those who attempt to report incidents have encountered inadequate, negligent, and ignorant responses from social services and law enforcement.

LGBT people Human Rights Watch interviewed told us they distrust police because of their own or their friends' negative experiences, and that they lack confidence in the authorities' willingness to pursue their complaints. One activist in Astana described his opinion about responses from the police: "If LGBT people go to the police, we risk getting insulted at best, and at worst—attacked again. Most of the time it's insulted and intimidated; they threaten to expose us to our families and communities."[3]

Several people provided Human Rights Watch with examples of what happened when they tried to file reports of the incidents with the police.

In one case, a gay man in Almaty said he had attempted to report a random

mugging to the police who were standing a few hundred meters away from him when the incident took place. He explained: "I ran over to the police and told them what happened. I pointed to where it had happened, across the park. They shrugged and laughed at me, saying, 'Oh you were over there, walking from that direction? Well that's where the faggot night club is so we can't help you." He said that since that incident in March 2014, he has been attacked again, and several of his friends have been similarly mugged in parks at night. None have reported any of the instances to the police. "We don't report anything, we even accept that this is our fate and worse – that we deserve this as punishment for who we are," he said.[4]

In another case, Anya L., a transgender woman in Almaty, told Human Rights Watch about a time when two men forced their way into her apartment and beat her until she was unconscious.[5] She said that although she was discovered by a neighbor and taken to the hospital, the ensuing police investigation was characterized by intense prejudice. "The police asked a lot of useless questions. They didn't believe what I said about the violence, and they didn't stay on topic," Anya L. said. "They asked me questions about my body and harassed me when I gave them honest answers, and they must have asked 10 times, 'Why do you look like this as a man?' and 'Why are you acting like this?'" Overwhelmed by such harassing questions, Anya L. asked the officers to leave. They told her they would only depart if she agreed to sign an order that said she was dropping the case. "I signed it just so they would leave and stop the questions. I was still wearing a neck brace and I was still in pain and I didn't need to answer more questions about my genitalia," she said.[6]

In a case of domestic violence, Galina T., a 40-year-old lesbian in Astana, told Human Rights Watch that she hid material facts – including her sexual identity and nature of the relationship—from the police out of fear of their reaction to her sexual identity and the potential for future blackmail.[7] She explained that she had been in co-habiting relationships in the past seven years with two different female partners who abused her. She reported some cases to the police but never told them the perpetrator was her intimate partner. All of these cases were resolved by the police issuing warnings to her cohabiter.

In 2014, during a domestic dispute, Galina T.'s partner stabbed her with a knife. "I did not report it, I just went to the hospital and took care of the wound," she explained. "I knew the police would want to investigate something so violent, and they would ask questions – and I couldn't risk having my girlfriend tell them we were a couple and then running away to leave me to deal with that." [8] While Galina T. cannot say what would have happened had she reported the stabbing to the police, she described a fear so overwhelming that she preferred keeping silent about the knife attack to reporting it and risking that her sexual identity would be exposed in the course of a police investigation.

Damira K., 19, told Human Rights Watch her mother verbally abused and humiliated her repeatedly over the course of several months after discovering Damira had a girlfriend. [9] For example, immediately after discovering text messages between Damira and her girlfriend, the mother verbally harassed Damira in front of several relatives, and later that night took off her own pants and threw them at Damira's face, saying, "Well, if you are attracted to women, you must enjoy this." She then denied Damira food for two weeks in an attempt to coerce her into visiting a psychotherapist who, her mother said, could "correct" her sexual orientation.

A few months later, one night in December 2014, Damira's mother became enraged when she read Damira's Facebook postings about lesbianism and immediately destroyed the computer. At that point Damira's mother brought up an incident from when Damira was five years old when she had left her alone in a room with an uncle who apparently had been drinking and he had put his fingers inside of her. "It would have been better if he had just raped you then," her mother shouted. Damira began to cry softly. "That's when I realized I was nobody."

Damira sought advice from her city's crisis center and police, but neither service provider offered her the kind of support she sought. "My voice was shaky, cracking when I called the police. I was so nervous and exhausted," she recalled. The police asked Damira if she was planning to file a complaint against her mother. She said no. "I didn't really know what that meant. It sounded strange to file a complaint against my own mother, I wasn't sure what would happen then – maybe it could get worse." The police then hung up the phone without offering any other advice or options. At the crisis center, Damira spoke with two counselors. "I don't think they understood sexuality, so most of their questions were about that – not about the abuse," she said. When the session finished, one of the counselors told her: "Oh well, it's your mother and she loves you and only wants the best for you."[10]

Four people who had been employed at gay clubs in three cities in Kazakhstan told Human Rights Watch that club owners negotiated special relationships with police to protect their businesses and clients. Their descriptions of these relationships differed considerably. One club owner said the police were "completely friendly as long as everyone stayed inside."[11] Another club owner said the police demanded regular bribes, and that he believed known gay clubs paid up to twice the amount of non-gay clubs "because the police know they can use that information [about the clientele being gay] against us in the negotiation."[12] Another former club employee described the relationship between the clubs and police as cosmetic: "It's only to create safety in the immediate area for business purposes. The police are still completely homophobic, so once you walk away from the club you're in danger again."[13]

A young gay man in Astana summed up his intense distrust of the police, a distrust

echoed by almost a dozen of the LGBT people interviewed by Human Rights Watch: "Without protections in any laws, how can we trust the police enough to even contact them? The combination of knowing there is no protection and knowing there is general homophobia in society means I have to distrust the police in order to survive." [14]

NEW DATA ON TRANSGENDER INDIVIDUALS IN KAZAKHSTAN

A 2015 survey conducted by AlmaTQ, an initiative group (unregistered activist group) in Almaty formed in 2014 to support transgender and queer people, provides the only data on the transgender population to date. Though the survey does not provide results representative of the transgender population in Kazakhstan, it is the first ever dataset on this difficult to reach population. Forty-one respondents from 11 cities and towns across the country responded to an online questionnaire. Eight respondents said they had experienced physical abuse due to prejudice against transgender people; 20 said they had not. Of the 20 who answered that they had not experienced physical abuse, more than half reported they believed they avoided abuse because no one knew about their gender identity.

When LGBT people in Kazakhstan face discrimination, they can also turn to national human rights institutions, such as the National Commissioner for Human Rights, to seek remedy.[15] However, this institution has not been found to be fully compliant with the Principles relating to the Status of National Institutions ("the Paris Principles").[16]

In its 2014 review of Kazakhstan, the UN Committee on Elimination of Racial Discrimination (CERD) highlighted structural insufficiencies that limit the ability of these offices to deal with cases of discrimination. According to the Committee, "the Commissioner lacks adequate budgetary and human resources" and "the mandate of the Commissioner excludes consideration of complaints against various State authorities." The Committee also noted "the low number of complaints" and the "absence of court decisions in administrative, civil, and criminal proceedings on acts of racial discrimination, which are indicative of a lack of practical remedies for victims of such acts." [17]

When asked about how they are seeking recourse to justice, LGBT people in Kazakhstan told Human Rights Watch they did not trust either of the national human rights institutes or other bodies, such as the courts, to fully safeguard their identity if they were to bring forth a complaint, and were thus reluctant to make use of them. And in a 2015 report, Kazakhstan's leading human rights NGO, Kazakhstan Bureau for Human Rights and Rule of Law, found a similar situation with respect to court cases, noting: "To this date we have no knowledge of any court cases regarding discrimination [against] sexual minorities."[18]

Obstacles to Effective Health Care

Due to abusive experiences in medical settings and society-wide homophobic attitudes, LGBT individuals in Kazakhstan often conceal their identities from health care providers. In a 2014 essay, the director of the Kazakhstan Association

on Sexual and Reproductive Health argued: "In spite of all the efforts made in the last twenty years by NGOs and international organizations, sexuality remains an extremely sensitive issue here."[19]

A 2009 Soros Foundation survey found that 66 percent of LGBT people conceal their identity from health care providers,[20] while a 2012 survey of 400 men who have sex with men (MSM) in Almaty, conducted by researchers at Johns Hopkins University, recorded that barely 3 percent of respondents had told their health care providers of their same-sex intimate relations.[21] A 2009 evaluation of the Global Fund's HIV project in Kazakhstan noted that "MSM remain one of the hardest to reach groups with the minimal level of coverage by preventive activities." The report attributed the inadequate prevention interventions to "Negative and sometimes hostile attitude of the society, including medical personnel and the law enforcement agencies towards MSM, as well as self-stigmatization of this group." It noted that, as a result, "MSM tried to avoid visiting medical institutions due to the fear of being seen by acquaintances or police...." [22]

Nikolai B., a 38-year-old gay man in Almaty, told Human Rights Watch that in March 2014 he took his gay male friend to the hospital after the latter complained of a fever and pain in his rectum. "The doctor examined him and then stepped back and said 'I don't help faggots," Nikolai B. said. The medical workers left the room. He followed them into the hallway, begging them to return. "The nurses never came back—no one did," Nikolai B. said. His friend died two days later; since the doctors never returned to the room, he never learned the cause of death. [23]

After intruders brutally beat a transgender woman in her Almaty apartment, a neighbor helped her go to a government hospital in the city. There, she said, doctors asked her questions about her genitalia before examining her injuries and repeatedly made pejorative remarks, which made her feel unsafe during her sevenday stay for recovery. She told Human Rights Watch she could not repeat the terms they used because they were so hurtful, and that she would never go back to a government hospital no matter what her injury was. [24]

A Step Back for Gender Recognition

Transgender people in Kazakhstan face intense social prejudice and discrimination. Bigotry on behalf of police, health care staff, and other officials can mean transgender people have few, if any, places to turn for refuge or services.

In the 2015 AlmaTQ survey of 41 transgender people in Kazakhstan, when asked what needed to happen to help them become more fully integrated in society, nearly two-thirds of respondents answered that they needed to change their legal

gender on documents, while only two respondents had actually been able to do so.

For transgender people in Kazakhstan, as detailed below, the legal gender recognition procedure requires humiliating, invasive, and abusive procedures in order to change gender on official documents. Transgender people who attempted to go through the procedure described being harassed and insulted by officials, and coerced into having medically unnecessary procedures performed.

A transgender woman in Almaty explained that she was not planning to attempt to change her legal gender because she was "horrified of our state institutions." She explained that, "Every time I need to interact with officials, I just present as male. I tie my hair up and they just think I'm a punk or something. I've done this at the bank, the airport, the tax office."[25]

Among the most fundamental barriers to realizing the human rights of transgender people, including protecting them from violence and discrimination, are obstacles to having their gender identity legally recognized. [26] When transgender people carry documents that list a sex or gender that does not match their identity and appearance, officials subject them to humiliating and sometimes abusive scrutiny.

A transgender man in Almaty told Human Rights Watch that the four times he has traveled internationally, airport security officials have harassed him. "First, the guard looks at my documents and is confused; next he looks at me and asks what's going on; then I tell him I'm transgender; then I show him my medical certificates; then he gathers his colleagues around, everyone he can find, and they all look and point and laugh at me and then eventually let me go."[27] A transgender woman in Almaty told Human Rights Watch that in early 2015 police held her without charge after officers stopped her as she was walking home from work, and harassed her when they saw her "male" ID document.[28]

For some transgender people, the difficulty in obtaining legal recognition of their gender identity can prevent them from getting jobs. Producing official documents is a requirement for obtaining work in Kazakhstan, and transgender individuals face added scrutiny and possible accusations of fraud if they do not conform to the gender set forth on their official documents. As Slava N., a transgender man, explained: "Since I can't change my documents, I have to work only as an underthe-table freelancer. I can only do small jobs, and even then only for people who trust me."[29] He said that since transitioning, he has been verbally harassed at a bank where he had to show his (female) documents in order to access his account.

Vadim K., a 42-year-old transgender man in Astana, explained his experience after he began his transition in 2012. "When I walked into an office and applied for a job and gave them my [birth-assigned female name], when they saw my documents, they told me to go to a psychiatric clinic.... I worry [when applying for jobs]: what

will happen first? Will they call the police or the ambulance? Both are ways of punishing me, making me disappear—because they think I'm mentally ill and they think that's criminal."[30] Based on reading message boards about gender transitioning, Vadim understood that hormones and other medical procedures would be expensive, and obtaining formal employment would be difficult. He prepared for this by registering an enterprise in his birth-assigned (female) name, then listing himself (Vadim) as the president of the company. He tells his clients the owner of the company is his sister and that she lives abroad, which has enabled him to maintain some basic income after he visibly transitioned.

Previously, Kazakhstan allowed individuals to change their legally recognized gender under a Ministry of Health directive, Order No. 435, that dates back to 2003.[31] The procedure required invasive and abusive processes, but it did not explicitly mandate genital surgery. During that period, people who wanted to change their legal gender had to receive a diagnosis of "gender identity disorder," involving several medical tests and a 30-day psychiatric evaluation. Once the diagnosis was delivered, the person had to appear before a special commission to confirm the diagnosis.

In 2009, a new health code[32] introduced the "the right to sex change," specifying sex reassignment surgery as a possibility. The government then considered the specific meaning and implementation of this right and drafted guidelines.[33] The guidelines, passed in 2011, specifically added increasingly coercive and humiliating procedures to the previous requirements in order for the commission to confirm a diagnosis. [34] The new procedure reads:

Gender reassignment medical measures are realized upon the results of the Commission's decision, and include two stages:

- 1. Hormonal therapy;
- 2. Surgical correction.[35]

Numerous international bodies have called for the clear separation of medical procedures from legal procedures in gender recognition processes, including the Council of Europe.[36]

The Yogyakarta Principles note that: "No one shall be forced to undergo medical procedures, including sex reassignment surgery, sterilization or hormonal therapy, as a requirement for legal recognition of their gender identity."[37] The UN Special Rapporteur on Torture has called upon all states "to repeal any law allowing intrusive and irreversible treatments, including forced genital-normalizing surgery, involuntary sterilization, unethical experimentation ... when enforced or administered without the free and informed consent of the person concerned." He also called upon states "to outlaw forced or coerced sterilization

in all circumstances and provide special protection to individuals belonging to marginalized groups."[38]

Media Distortions

Consistently negative media portrayals distort public perceptions of LGBT people in Kazakhstan. A recent incident involving the prosecution of an advertising agency for creating and circulating a poster that depicted two men kissing illustrates some of the underlying dynamics.

On August 24, 2014, a copy of an unpublished poster, designed by Havas Worldwide Kazakhstan, an Almaty-based advertising agency, was posted on Facebook. The image depicted two male cultural icons, Kazakh composer Kurmangazy Sagyrbaiuly and Russian poet Aleksandr Pushkin, kissing. The embrace shown on the poster is a reference to the intersection of Kurmangazy and Pushkin streets in Almaty, which is also the location of a gay-friendly club, Studio 69.

to be as strict as possible with ourselves, invisible. We are e or provoke anyone – that's how we've learned to survive. till does this against us, calling us propaganda. Even been so silent, we are getting targeted."

ın in Astanap

Within a month, the Almaty mayor's office filed a suit against the advertising agency. Separately, a group of individuals studying or working at a national conservatory and orchestra named after Kurmangazy also filed suit against the agency. The class action plaintiffs claimed the poster was "unethical" and offensive not only "to the honor and dignity of the composer's and poet's descendants" but to "all people not indifferent to their art...." The mayor's office contended that the poster "offends the image of these great artists and violates widespread moral norms and behaviors, given that it shows nontraditional sexual relations, which are unacceptable to society."[39]

An Almaty court ruled in favor of the mayor's office, finding the poster "unethical" and fined both Havas and its director a total of approximately \$1,700 for violating Kazakhstan's law on advertising. A second Almaty court, ruling on a class action

lawsuit against the advertising agency, stated that "the poster leaves a lasting, negative impression amongst a large group of people toward the memory of Kurmangazy Sagyrbaiuly." The 34 plaintiffs were awarded 34 million tenge (approximately US\$186,000) in damages in October 2014.[40]

The kissing poster case is a high profile example of the repercussions people in Kazakhstan can face when they express information about LGBT people in a neutral or positive light. A journalist working in Karaganda told Human Rights Watch: "I get backlash when I publish stories about LGBT people that are not purely scandalous." She recounted an incident after she published a television report about gay people when a man, having recognized her from TV, accosted her in a grocery store and shouted: "You cannot convince me LGBT people are good and right. If I see faggots in the street, I would beat them up." [41]

In the case of the Kurmangazy-Pushkin poster, the impact of the public backlash went beyond hateful rhetoric in social media networks. The publication of the poster on Facebook prompted leaders of the Bolashak (Future) national movement [42] to organize a roundtable against homosexuality in Almaty in August. [43] Then, on September 11, 2014, Bolashak leaders called on Kazakhstan lawmakers to adopt a law banning LGBT "propaganda," akin to the 2013 Russian law banning "propaganda of nontraditional sexual relationships among minors." [44]

When asked about the pending propaganda bill, interviewees expressed to Human Rights Watch a variety of fears related to it, many of which were related to access to information. For example, public health practitioners told Human Rights Watch that they feared the law would force them to censor or otherwise demarcate HIV education materials.

Askar B., a 28-year-old gay man in Almaty, explained that he was concerned about young people – based on his own experience. He said:

I knew when I was 12 that I liked boys. I went looking for information of course, to explain what this was. What happens if this law is in place? A gay boy gets harassed at school and under this new law no one will stand up for him because they're afraid of "promoting" homosexuality – even the law in this case would be against him. But it's not propaganda, it's his life and he's trying to learn about it. [45]

He referenced Deti-404, or "Children 404," an online support group for LGBT children in Russia where they can go to discuss violence and harassment they face at school and home and receive help. Deti-404 administrators have been sued multiple times in various Russian courts under the "propaganda" law.[46]

"When you read Deti-404 you get an idea of how this law has affected children in Russia. It will be the same here, if not worse," explained Askar B.[47] He told

Human Rights Watch he thought part of the information access problem in Kazakhstan is that, without fact-based information about LGBT people, outspoken homophobic government officials can claim expert status:

These deputies involved in the bill know so much about homosexuality, they say. But the problem is that they speak authoritatively and come across as experts even though everything they're saying is nonsense. If they legally scare us into silence with the propaganda law, they will have the last word on all of these issues. [48]

People in same-sex relationships who are raising children in Kazakhstan described to Human Rights Watch their struggles to counter the tide of negative opinions and distorted information their children were exposed to outside of the home.

"All of the Russian language resources [that I have found] online cite the Regnerus study. I was so upset to see this, but there's not any counter-sourcing in Russian language," explained Ninel V., a 26-year-old lesbian mother, referring to a paper published in 2012 by the University of Texas sociologist, Mark Regnerus. [49] The widely-discredited paper purported to demonstrate that children raised in same-sex households have poor outcomes as adults.[50] She described searching the Internet for Russian-language materials about same-sex parenting as "impossibly frustrating because everything available reinforces the hate I already feel from people around me."

For Elena R., a woman who has been raising her 12-year-old daughter in Astana with her partner, who began transitioning from female to male two years ago, the struggle to counter the onslaught of distorted information about LGBT people her daughter receives is overwhelming. "Even my mother tells my other family members to be careful around me, and that I'm like a pedophile because I'm queer and I have a child," she said. Elena R. explained that she attempts to talk with her daughter on a regular basis. "I try to remind her that I'm her mother, I'm a normal human being," she said. "But she spends most of her time with her friends or at school, so the majority of the information she receives is hateful, people tell her I'm a freak and unnatural and immoral." [51]

Anara K., a transgender woman in Almaty, said it was important for her safety to "stay invisible" and explained that similar fears kept most LGBT people in Kazakhstan from publicly disclosing their identities. This "invisibility" inevitably contributes to public ignorance on matters of gender and sexuality, and she worries that "[w]hen [LGBT issues] come up in the form of a propaganda law, that means their introduction to the subject is skewed from the outset."[52]

According to a submission on Kazakhstan made to the UN Human Right Council

by the Sexual Rights Initiative and Labrys, a national NGO in Kyrgyzstan, "well-known sexologists repeatedly make remarks in the media about reasons why people can be LGBT that are scientifically unproven." The report noted that "stereotypes expressed by medical professionals through means of media and during individual consultations that can and have been harmful."[53] A physician at a government-run HIV clinic in Almaty told Human Rights Watch that she sees evidence of misleading information in the questions some of her gay and bisexual patients ask: "Instead of asking about sexual behaviors or protection methods, they ask about whether they are really mentally ill." The same physician said that faculty at the Almaty medical school contribute to the problem: "I hear my colleagues talking about how they refuse to treat people because they are gay, for example, and I know the students overhear this as well."[54] The UNESCO country programming document for Kazakhstan notes that "teachers generally ... encounter a shortage of comprehensive teaching and learning materials on HIV and AIDS."[55]

LGBT people grapple with the barrage of inaccurate and hateful information by sharing personal stories in networks of friends and on the Internet, and seeking what limited scientific information there is available in Russian and Kazakh languages online. But despite this resilience, the unchecked deluge of homophobic vitriol can have profound impact. Or, as Ninel V., the young lesbian mother, explained: "The problem is that we start to believe these nasty things about ourselves because there's no counter-argument in public." [56]

The government of Kazakhstan should publicly counter hateful and inaccurate statements, including by introducing accurate information about gender and sexuality in school curriculums and providing sensitivity training to public officials. They should make it clear in all public government messaging that LGBT people are entitled to equal protection under the law, equal protection of their human rights, and full and equal respect.

Kazakhstan's "Propaganda" Law

On May 18, 2015, Kazakhstan's Constitutional Council found two pieces of pending anti-gay "propaganda" legislation unconstitutional. The later stages of the process by which amendments, including the amendment introducing the ban on "propaganda" of nontraditional sexual orientation, had been introduced, debated, and passed through the parliament and executive office, however, was troublingly non-transparent. The months-long consideration of the laws since the propaganda clauses were introduced also stoked fears among LGBT people in Kazakhstan

because of the hateful message the laws sent and the potential impact had they come into force.

The two draft laws passed the upper house of Kazakhstan's parliament, the Senate, on February 19, 2015. The bills were titled: "On Protecting Children from Information Harmful to Their Health and Development" and an accompanying set of laws entitled "On Amendments and Additions to Several Legal Acts of the Republic of Kazakhstan Concerning the Protection of Children from Information Harmful to Their Health and Development."

The draft laws appeared to include a broad ban on the publication or sharing of information relating to same-sex relations in settings where children might receive or encounter that information. [57] Specifically, according to information available online, an amendment to the draft bill "On Protecting Children from Information Harmful to their Health and Development" broadly prohibited "propagandizing nontraditional sexual orientation" among children. An amendment to the draft bill "On Amendments and Additions to several legal acts of the Republic of Kazakhstan concerning the protection of children from information harmful their health and development" would have introduced changes to the law "On Broadcasting," including a ban on the broadcasting of "foreign television and radio material that contains information harmful to the health and development of children, and which propagandizes nontraditional sexual orientation."

As discussed in more detail below, while such laws speak of concerns for children, the risk is that such a law could be applied to any and all materials that include positive portrayals of LGBT individuals of any kind, including materials aimed at adult readers.

On March 26, Human Rights Watch wrote to the Kazakhstan presidential administration seeking clarity on the content of the draft legislation, but never received a reply.

people see hat's the all kinds of



Nearly everyone Human Rights Watch interviewed in Kazakhstan in March 2015 as the drafts moved from the Senate to the president for signature expressed fear of the impending laws. As one 28-year-old lesbian in Astana explained: "If the law comes into effect, it's not about its specific use. It's about giving sanction to the homophobia that is already everywhere around us. We feel it constantly, this law would just put it on paper."[58] As a doctor at an HIV clinic in Almaty put it: "If the propaganda bill becomes law, the LGBT community will go into deeper hiding. We will become a clinic that registers deaths of young men because they don't get care in time due to fear of being honest about themselves – and this fear will be in law."[59]

Enshrining Discrimination

The provisions in the draft laws are discriminatory and would limit free expression and freedom of the media in Kazakhstan by effectively preventing dissemination of information and any positive affirmation of LGBT people.

The final stages of the process surrounding the draft laws were troublingly nontransparent, making it very difficult to fully verify the progress of the draft laws. A number of local and international human rights groups expressed concern about the bills. Amnesty International issued a public urgent action alert about the draft legislation on March 26, 2015. [60] On April 14, 2015, the International Partnership for Human Rights, along with the Kazakhstan International Bureau for Human Rights and Rule of Law, wrote an open letter to the International Olympic Committee calling on them to ensure the "propaganda" law did not pass. [61]



Even if the propaganda law doesn't impact the majority of LGBT people because we live our lives as invisible, it will be another tool in the toolkit of oppression – and an official one this time around."

- Anara K., a transgender woman in Almaty

On March 17, 2015, the website of the Constitutional Council indicated that the bills were on its docket for review.[62] On May 26, a Constitutional Council's spokesperson announced that the bills had been found unconstitutional given their "vague wording." On June 25, the Kazakhstanska Pravda newspaper reportedly published the Constitutional Council decision dated May 18. [63]

Media reports quoting the Constitutional Council clarify that the rejection of the legislation was strictly on technical grounds and that the government of Kazakhstan reserves the right to "enact laws that restrict citizens' rights to access and distribute information as part of its responsibility to 'defend marriage and family, motherhood, fatherhood and childhood." [64] Another media report quoted a member of parliament saying the draft legislation would be introduced in parliament again before the end of this year, reiterating that the Constitutional Council's decision was only technical.[65]

While the Constitutional Council set an important precedent by rejecting this

discriminatory legislation, its decision does not address the discriminatory elements of the draft "propaganda" legislation. Authorities should do more to tackle homophobic attitudes and discrimination in Kazakhstan. This includes providing sensitivity training, including about sexual orientation and gender identity, to police, health care workers, and social service providers, and the government should publicly condemn acts of violence and discrimination.

Russia's "Propaganda" Law

On June 29, 2013, Russian president Vladimir Putin signed Federal Law No. 135-FZ which, like the legislation proposed in 2015 in Kazakhstan, bans the "promotion of nontraditional sexual relationship to minors," a reference that is universally understood to be lesbian, gay, and bisexual relationships.[66] In a report published in December 2014, Human Rights Watch documented LGBT people being beaten, abducted, humiliated, and called "pedophiles" or "perverts," in some cases by homophobic vigilante groups and in others by strangers on the subway, on the street, at nightclubs, at cafes, and in one case, at a job interview.[67]

As reactions to Russia's "propaganda" law demonstrate, such legislation violates international human rights standards and can stoke hate and violence against LGBT people. A legal opinion issued in June 2013 by the Venice Commission, the Council of Europe's advisory panel on constitutional matters, concluded that Russia's federal anti-LGBT (at that time draft) law was "incompatible with the European Convention on Human Rights and international human rights standards" and should be repealed. [68]

Like in Kazakhstan, Russia's law was promoted and drafted by politicians who purported it would protect children from a potential harmful subject matter. However, in a January 2014 review of Russia's compliance with the Convention on the Rights of the Child, the Committee on the Rights of the Child recommended that the Russian authorities repeal the law and "ensure that children who belong to LGBTI groups or children of LGBTI families are not subjected to any forms of discrimination by raising the awareness of the public on equality and nondiscrimination based on sexual orientation and gender identity." [69]

Human Rights Watch wrote on June 23, 2015 to Kazakhstan's Constitutional Council and Presidential Administration seeking clarity on the content of the drafts that were under consideration and the Constitutional Council's decision. On July 13, the Constitutional Council replied, confirming the date they issued their decision (May 18) on the constitutionality of the bills, noting that the decision had been published on June 25 in two official newspapers. However, the Constitutional Council did not provide Human Rights Watch copies of the final drafts of the bills or of the decision as requested.[70]

Kazakhstan's Human Rights Legal Obligations

Despite some protections for discrimination on the basis of sex, which could be interpreted to protect against discrimination against LGBT people, Kazakhstan's laws offer no specific protection for discrimination on the basis of sexual orientation or gender identity. The government's pejorative construal of homosexuality in some policies, moreover, makes it unlikely that authorities will apply existing law in ways that extend meaningful protections to LGBT individuals.

Kazakhstan's Laws

Kazakhstan's laws contain protections against discrimination that can protect sexual orientation. However, the lack of specific mention of sexual orientation leaves protection gaps. Kazakhstan's Constitution, under article 14, part 2, guarantees that: "No one shall be subject to discrimination for reasons of ... sex ... or any other circumstances." It also guarantees, under article 20, "freedom of speech and creative activities."

Kazakhstan's Criminal Code forbids: "Direct or indirect restriction of rights and freedoms of a person (citizen) on the grounds of origin, social, official capacity or property status, gender, race, nationality, language, attitude towards religion, convictions, place of residence, belonging to public association, or any other circumstances."[71] The Administrative Code Article 9 on "Equality in court and law" states: "Everyone is equal in court and law in administrative procedure.

Nobody can be subjected to discrimination on the grounds of origin, social, position, property, sex, race, nationality, language, religious views, convictions, residence or any other circumstances." The Code on Public Health and Healthcare System, in Article 91 on Patients' Rights, states: "The patient has a right to ... medical assistance in order of precedence determined by medical criteria with no discrimination factors."[72]

But beyond the absence of enumerated protections on the grounds of sexual orientation and gender identity, other policies in Kazakhstan openly discriminate on the basis of sexual orientation and gender identity, stigmatizing LGBT people. For example, the "Requirements for Health Status of Law Enforcement Servicemen" deems applicants unfit if they have "personality disorders" including "gender identity disorder [and] sexual preference disorder." [73] The 2001 Concept of Moral and Sex Education in the Republic of Kazakhstan lists

homosexuality in the same section as "teen prostitution," and alcohol and drug consumption.[74] Kazakhstan's National Human Rights Action Plan 2009-2012 only mentions LGBT people once, in the human trafficking section, where it remarks: "The recipients of profit are transnational organizations of dealers and pimps."[75]

International Standards

The International Covenant on Civil and Political Rights (ICCPR), which Kazakhstan ratified in 2006, requires states to "respect and to ensure to all individuals within its territory and subject to its jurisdiction the rights recognized in the present Covenant, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth, or other status." [76]

In the 1994 case of *Toonen v. Australia*, the U.N. Human Rights Committee, the authoritative body responsible for interpreting the ICCPR and monitoring States' compliance with their obligations, held that "sexual orientation" was a status protected from discrimination under the ICCPR's equality clauses.[77] Specifically, it held that "the reference to 'sex' in article 2, paragraph 1 and article 26 is to be taken as including sexual orientation."[78] Two resolutions by the Human Rights Council, in 2011 and in 2014, affirmed these principles.[79]

As party to the ICCPR, Kazakhstan has an obligation to respect freedom of expression; the personal, private, and family lives of individuals; the right to equality; and the ban on discrimination in the enjoyment of those rights.

The Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), which Kazakhstan acceded to in 1998, obligates states in article 1 to eradicate "any distinction, exclusion, or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment, or exercise by women, irrespective of their marital status, on a basis of equality of men and women of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field." CEDAW article 5.a. commits states "to modify the social and cultural patterns of conduct of men and women, with a view to achieving the elimination of prejudices and customary and all other practices which are based on the idea of the inferiority or the superiority of either of the sexes or on stereotyped roles for men and women." Both articles are violated when people are singled out for unequal treatment because they fail to conform to social or cultural expectations for women and men.[80]

The 2006 Yogyakarta Principles on the Application of International Human Rights Law in relation to Sexual Orientation and Gender Identity affirm the standards of the ICCPR and CEDAW. The Principles state: "Everyone is entitled to enjoy all

human rights without discrimination on the basis of sexual orientation or gender identity." They instruct states to amend domestic legislation accordingly, including by targeting public and private acts of discrimination.[81]

The Yogyakarta Principles instruct states to "take all necessary legislative, administrative, and other measures to prevent and provide protection from torture and cruel, inhuman, or degrading treatment or punishment, perpetrated for reasons relating to the sexual orientation or gender identity of the victim, as well as the incitement of such acts." [82]

Acknowledgments

This report was researched by Kyle Knight, researcher in the lesbian, gay, bisexual, and transgender rights program at Human Rights Watch, and Mihra Rittmann, researcher in the Europe and Central Asia division. Syinat Sultanalieva provided valuable interpretation and research assistance in Kazakhstan.

The report was written by Kyle Knight and reviewed by Mihra Rittmann, Graeme Reid, director of the LGBT rights program. Aisling Reidy, senior legal adviser, and Joe Saunders, deputy program director. Kathryn Zehr and Viktoriya Kim, associate and coordinator, respectively, in the Europe and Central Asia division, provided valuable support during the research process. Minky Worden, director of global initiatives, Jane Buchanan, associate director of the Europe and Central Asia division, and Boris Dittrich, advocacy director in the LGBT rights program, engaged with the International Olympics Committee as part of the research for this report.

Adam Frankel, coordinator in the LGBT rights program, and Elizabeth Wilke, associate in the development and outreach department and LGBT rights program, Grace Choi, publications director, and Kathy Mills, publications specialist, provided production assistance.

Human Rights Watch would like to thank the activists, experts, and LGBT people who gave us their valuable time during the research for this report, and shared with us their analysis and personal stories.

Annex I

Letter from Human Rights Watch to the Constitutional Council of the Republic of Kazakhstan

June 16, 2015

Rogov Igor Ivanovich

Chairman of the Constitutional Council of the Republic of Kazakhstan

Kunaev 39

010000 Astana

Kazakhstan

Dear Mr. Igor Ivanovich,

On behalf of Human Rights Watch, please accept our regards

As you may know, Human Rights Watch is an international nongovernmental organization that investigates and reports on human rights abuses in over 90 countries. Human Rights Watch has been moni oring the situation in Kazakhstan for approximately 20 years. We work on a range of human rights issues, including freedom of expression and the media, children's rights, and the rights of lesbian, gay, bisexual and transgender (LGBT) people in countries worldwide.

We are currently preparing a report on LGBT rights in Kazakhstan. In March, colleagues in our LGBT program and Europe and Central Asia division travelled to Kazakhstan and spoke to a range of LGBT people and relevant human rights and health experts to gather information about this issue.

Human Rights Watch makes every effort to ensure that our findings include the government's perspective. We are thus writing to inquire about two bills that had passed the upper house of Kazakhstan's senate, and which were reviewed and ultimately rejected by Kazakhstan's Constitutional Council.

These are "On Protecting Children from Information Harmful to their Health and Development" and "On Amendments and Additions to several legal acts of the Republic of Kazakhstan concerning the protection of children from information harmful to their health and development." There was no transparency in the process by which the bills moved from the Senate to the Constitutional Council and, to date, there are no publicly accessible versions of the final copy of the bills or the Constitutional Council's decision.

On March 26, 2015, we sent a letter to the Presidential Administration inquiring



about the content of the final drafts of the above-mentioned two bills and expressing our serious concern that they appeared to contain discriminatory provisions that, if adopted, would violate Kazakhstan's constitution and international legal obligations. Regrettably, we did not receive a response to our letter.

A government website indicates that on April 29, the draft laws were with the Constitutional Council. According to limited publicly available information, the Constitutional Council announced on May 26, 2015, that the pending legislation was unconstitutional because of the bills' vague wording. Media reports quoting Constitutional Council officials reiterate that the Council's findings are narrowly limited to the vagueness of the legislation.[83] While the Constitutional Council took an important decision in rejecting the propaganda bills, we remain concerned that the decision does not address the discriminatory elements of the bills and potentially leaves open the possibility that such bills could be considered in the future.

During our research on the human rights situation for LGBT people in Kazakhstan, we interviewed people who expressed intense fears of how such laws would sanction hatred, discrimination, and violence against the LGBT community in Kazakhstan. We interviewed victims of violence who had been unable to achieve appropriate redress for the abuses they had suffered because of hateful attitudes and discriminatory behavior on the part of police and social service providers. We heard from LGBT people and public health practitioners how readily-available public information about sexual orientation and gender identity in Kazakhstan was already harmfully distorted, and would only become more restricted and inaccurate if a so-called "propaganda" law came into effect.

We seek clarification about the content of the final drafts of the bills as they were reviewed by the Constitutional Council, and the official analysis of the Council in finding the legislation unconstitutional. Could your office kindly provide Human Rights Watch a copy of the final drafts of the bills, as well as a copy of the decision of the Constitutional Council announced on May 26, 2015?

We would also be happy to receive any additional relevant information or materials you wish to provide on these issues.

Thank you for your attention to this letter. We look forward to your reply by July 1, 2015 so that we may accurately reflect the government of the Republic of Kazakhstan's perspective in our forthcoming report. We can be reached at:

Human Rights Watch

Neue Promenade 5

10178 Berlin, Germany

FAX: +49-30-259306-29

Human Rights Watch

350 5th Avenue, 34th Floor

New York, NY 10118, USA

FAX: +1-212-736-1300

Sincerely,

Hugh Williamson

Director

Europe and Central Asia Division

Graeme Reid

Director

Lesbian, Gay, Bisexual and Transgender Rights Program

Annex II

Letter from the Constitutional Council of the Republic of Kazakhstan to Human Rights Watch

Received July 13, 2015.

STATE INSTITUTION "CONSTITUTIONAL COUNCIL OF THE REPUBLIC OF KAZAKHSTAN"

39 Kunaev St., Astana 010000, Kazakhstan

Tel.: (7172) 74 76 31. Fax: (7172) 74 76 51

Email: org@constcouncil.kz

To: Hugh Williamson

BCILIA

Director, Europe and Central Asia Division

Human Rights Watch

Graeme Reid

Director, Lesbian, Gay, Bisexual, and Transgender Rights Program

Human Rights Watch

Dear Sirs,

We are referring to your letter of June 16, 2015.





Downloads 🗸

DONATE NOW

Chairman of the Senate of the Parliament of the Republic of Kazakhstan who asked to check conformity of the Kazakhstan's laws "On Protecting Children from Information Harmful to their Health and Development" and "On Amendments and Additions to several legal acts of the Republic of Kazakhstan concerning the protection of children from information harmful to their health and development" to the Kazakhstan's Constitution and the request by the Chairman of Mazhilis of the Parliament of the Republic of Kazakhstan to give a formal interpretation of several constitutional provisions. The submission and the request were consolidated into a single constitutional proceeding.

On June 25, 2015, regulatory resolution N3 of the Constitutional Council of the Republic of Kazakhstan of May 18, 2015 was published in official newspapers, namely in Kazakhstanskaya Pravda and Egemen Kazakhstan.

The Constitutional Council and its Apparatus do not comment on the decisions taken.

Sincerely,

A.Temerbekov

Head of Apparatus

Prepared by I.Maripova, tel.:74-76-25

0010932





(https://amanbol.kz/?utm_source=kokteam&utm_medium=banner&utm_campaign=perekhody)

СТАТЬИ

≅ 25 МАЯ 2020 ♥ 1493 □

В КАЗАХСТАНЕ 1,5 МИЛЛИОНА ЛГБТ - ГОВОРИТ АКТИВИСТ ДАНИЯР САБИТОВ

Интервью вышло на казахском языке. Оно доступно на нашей казахоязычной версии сайта. (https://www.kok.team/kz/2020-05-22/kazakstanda-lgbt-okilderinin-sany-15-milliondy-kuraydy-daniyar-sbitov)

Интервью брала Айжан Қалиева

Данияр, как думаете, изменилось ли отношение казахстанских граждан к течению ЛГБТ за последнее время? Как в общем состоит ваша ситуация?

Ситуация с ЛГБТ в Казахстане непростая. С одной стороны, я вижу все больше гетеросексуальных людей, которые не просто поддерживают нашу борьбу за права человека, но и сами в ней участвуют. Они понимают, что если в стране какая-то группа не защищена законом, это значит, что никто не защищен. С другой стороны, количество случаев агрессии – от оскорблений до нанесения тяжких увечий только лишь из-за неприятия ориентации или гендерной идентичности – не снижается. Мы ежемесячно получаем около 10 жалоб на совершенные преступления против ЛГБТ – в прошлом году мы зарегистрировали более 120 таких преступлений ненависти. Но вообще нам еще далеко до досоветского уровня принятия ЛГБТ. Считается, что среди казахов никогда не было геев – это неправда, просто до прихода советской власти это было неважно, и из этого не делали проблему, не обсуждали. Нынешняя казахстанская гомофобия – это результат советского колониального наследия, именно Сталин ввел по всей стране уголовное преследование гомосексуалов, именно в сталинских лагерях ГУЛАГ ненависть к гомосексуальности обрела свою силу. Так что я считаю, то гомофобные казахи далеки от своих корней.

Растет ли число представителей ЛГБТ? Сколько человек вступило в вашу группу за последний год? Можете привести статистику по Казахстану?

ЛГБТ – это не клуб, в который можно вступить или из которого можно выйти. Ориентация и гендерная идентичность - это то, что есть у человека с рождения. Есть заблуждение, что ориентация меняется под воздействием пропаганды. Я родился в маленьком городе Текели, где были только три канала — «Хабар», «Первый канал — Евразия» и «Казахстан». Интернета не было — меня окружали только истории любви мужчины и женщины, я ниоткуда не мог узнать, что бывают геи. Однако уже подростком во время полового созревания я понял, что мне нравятся парни, а к девушкам совсем не тянет. Если говорить вообще о численности ЛГБТ в стране, то обычно говорят о 1,5 млн человек — это менее 10 процентов всех казахстанцев. Они такими родились и такими умрут — на это общество не может повлиять. Но то, какую жизнь они проживут — вот это во многом зависит от общества, будет ли оно уважать человека за то, что он человек, или оно будет делить людей по сортам — кто-то больше человек и заслуживает уважения, а кто-то не совсем человек, и заслуживает только презрения. Такое практиковалось в нацистской Германии, где евреи, геи, азиаты и цыгане не считались людьми.

Как часто собираются представили ЛГБТ? Я слышала, что есть определенные места, где все собираются. Можете подробно рассказать об этом...

Как я уже сказал, ЛГБТ — это не клуб по интересам, это черта человека, как цвет глаз или рост. Однако на основании этой черты мы, к сожалению, не можем быть собой там, где большинство чувствует себя свободно. Например, вы ходите на свидания с парки или кафе, можете танцевать в парах в ночных клубах, держать за руку любимого. Мы не можем, и поэтому нужны безопасные места. Поэтому в городах открываются гей-клубы, в которых все могут быть собой на 100 процентов, без лжи.





Также существуют места, где ЛГБТ собираются вместе, чтобы смотреть кино, играть в настольные игры, обсуждать прочитанные книги или поговорить с психологом. Чаще всего эти места похожи на досуговые центры, где можно выпить чаю и пообщаться в безопасности.

Правительство на вас практически не обращает внимание. А депутаты вовсе не поднимают тему прав представителей ЛГБТ. Для них эта темя табу. Однако часто слышим, что среди чиновников есть геи. Есть ли такие политические персоны, с которыми вы знакомы лично? Кроме этого, такие люди встречаются и среди звезд, журналистов.

К сожалению, вы ошибаетесь. Депутаты Парламента очень активны в гомофобной политике. Ряд депутатов от партии NurOtan регулярно пытаются принять закон о запрете так называемой «гей-пропаганды». Депутат от Компартии Магеррам Магеррамов открыто заявлял, что в Казахстане нужно вернуть Уголовную статью за добровольные сексуальные отношения между мужчинами. Извращенцами нас называла карагандинская судья госпожа Тулегенова и бывший член Высшего судебного совета Николай Мамонтов. Они думают, что могут на гомофобии заработать политические очки, но не понимают, что Казахстан стремительно меняется.

Что прискорбнее всего, гомофобную политику своих партий поддерживают и сами геи, лесбиянки, бисексуальные и трансгендерные люди. ЛГБТ люди есть всюду – и среди политиков, и среди министров, и среди прокуроров и судей – но к сожалению, для них карьера и деньги важнее, чем защита своих братьев и сестер по ориентации или гендерной идентичности.

На почве общественного давления и агрессии вы приняли решение переехать заграницу. Как обстоят дела на сегодняшний день? Нашли новых друзей? Как воспринимают вас там? Есть ли разница? Скучаете по Казахстану?

Я скучаю по друзьям и по еде. Но я нашу еду я могу приготовить сам, а друзья приезжают ко мне в отпуск. К сожалению, свобода — не баурсаки, ее за пару часов не приготовишь. Однако я и другие активисты и активистки прилагаем все силы, чтобы нашим гражданам не нужно было ехать заграницу, чтобы глотнуть свободы.

Оказывают ли помощь представителям ЛГБТ со стороны посольства, в частности, со стороны США? Или может со стороны государства. Если есть, каким образом оказывают помощь – морально или материально?

Дипломатические представительства демократических стран оказывают поддержку ЛГБТ, так как они понимают цену правам человека. Уже несколько лет подряд на 17 мая День борьбы с гомофобией и трансфобией, несколько посольств объединяются, чтобы помочь активистам и активисткам провести в безопасных условиях своих зданий безопасные лекции, мастер-классы или конференции. Также иногда посольства выделяют гранты разных размеров на то, на что вообще-то должно было бы выделять деньги казахстанское правительство — на исследовательскую работу, на оплату юристов и психологов пострадавшим от гомофобных нападений, на организацию конференций или поездки в ООН для представления докладов о реальном положении прав человека в Казахстане.

Недавно в Венгрии ввели запрет на то, чтобы трансгендеры могли указывать пол в своих официальных документах. Есть ли такие трансгендеры в нашей стране, которые сменили документы?





Исследования показывают, что количество трансгендерных людей примерно такое же, как и количество рыжеволосых людей. И если вы хотя бы раз в жизни видели человека с рыжими волосами, то вы абсолютно точно встречались и с трасгендерным человеком. У нас есть, как трансгендерные люди, которые уже завершили так называемый трансгендерный переход, то есть поменяли документы на желаемый гендер, так и те, кто этого не делал. Дело в том, что чтобы поменять гендерную отметку в паспорте, человек по казахстанским законам обязан пройти через операции по изменению формы половых органов. Это требуется вне зависимости от желания самого человека. Представляете, если бы для получения паспорта вас заставляли, например, отрезать палец. Звучит дико, а вот трансгендерные люди обязаны ложиться под нож. Это варварство, с которым нужно бороться. И это очень сильно осложняет жизнь казахстанским трансгендерным женщинам и мужчинам.

BCILIA

6 th

Wieck

Creyconsultino.





(https://amanbol.kz/?utm_source=kokteam&utm_medium=banner&utm_campaign=perekhody)

ARTICLES MAY 25, 2020 1493 likes

THERE IS 1.5 MILLION LGBT MEMBERS IN KAZAKHSTAN, SAYS ACTIVIST DANIYAR SABITOV

The interview was published in the Kazakh language. It's available on the Kazakh version of our website (https://www.kok.team/kz/2020-05-22/kazakstanda-lgbt-okilderinin-sany-15-milliondy-kuraydy-daniyar-sbitov). Interviewed by Aijan Kalieva

Daniyar, what do you think, has Kazakh people's attitude towards the LGBT movement changed recently? What's the overall situation?

The situation with the LGBT community in Kazakhstan is challenging. On the one hand, I see more heterosexuals who not only support our struggle for human rights but are involved in it themselves. They realize that if a particular social group in the country is not protected by law, it means that no one is protected. On the other hand, the number of cases of aggression, ranging from insults to serious bodily assault based only on the refusal to accept one's sexual orientation or gender identity. We receive about 10 complaints on crimes committed against LGBT every month – we logged more than 120 such hate crimes last year. But generally, there's still a long haul ahead to achieve a pre-Soviet level of LGBT acceptance. It's thought that there were no gays among Kazakhs at all, which is not true; the

There are 1.5 million LGBT members in Kazakhstan, says activist Daniyar Sabitov I Kok.team

thing is that before the Soviet regime is was unimportant, people were not making a problem out of it and were not discussing it. The current Kazakh homophobia is the result of the Soviet colonialist past; in particular, Stalin initiated the criminal persecution of homosexuals, and right in Stalin's GULAG camps the hatred towards homosexuals acquired its strength. So I think that homophobe Kazakhs are far cry from their roots.

Is the number of LGBT members rising? How many people joined your community in the last year? Could you provide the statistics for Kazakhstan?

LGBT community is not the hobby club you can join and leave. Sexual orientation and gender identity are the things the person is born with. There is also a misconception that orientation can change under the propaganda influence. I was born in the small town of Tekeli where there were only 3 TV channels available – "Khabar", "First Channel – Eurasia" and "Kazakhstan". I had no Internet, I was on y surrounded by love stories between a man and a woman and had nowhere to get to know about gays from. However, in my teen puberty period, I realized that I liked boys and had zero interest in girls. If we talk about the number of LGBT members in the country, it's usually estimated at 1.5 million people – less than 10% of the Kazakhstan population. They were born this way and will de this way, and society cannot influence it anyhow. But the kind of lifestyle they will have to live pretty much depends on the society – will it respect the person for being a human being or will it sort them out, assuming that someone is more of the person and deserves more respect, and someone is not the person at all and deserves the disdain only. It is similar to German practice where Jews, gays, Asians, and gypsy were not considered people.

How often do LGBT members meet? I heard that there were particular places where they all meet. Could you tell more about it?

As I've already said, the LGBT community is not a hobby club, it is rather a human feature, just like eye color or height. But unfortunately, because of those special features, we cannot be ourselves in the places where most of the people feel free a . For example, when you go on dates in parks or cafes, party in the clubs, hold your beloved's hand. But we can't, and that's why we need safe places. That's why gay clubs open to provide the space where everyone can be a hundred percent themselves, with no need to lie.

There are also places where LGBT members gather together to watch a movie, play board games, discuss books they read and talk to a psychologist. Such places often look like leisure clubs where people can have a cup of tea and safe communication.

The government pays little if any attention to your community. And deputies point the issue of LGBT rights at all. This is a taboo for them. However, we often hear that there are gays among public officials. Are there any politicians you know personally? Besides that, you can meet such people among stars and journalists.

Unfortunately, you are mistaken. Parliament deputies are very active in homophobic politics. A number of NurOtan Party deputies always try to pass the law on probation of so-called "gay propaganda". Communist Party deputy, Maggeram Magerramov openly stated that criminal punishment has to be brought back to punish men having a willful same-sex relationship. They were called perverts by Karaganda Judge Ms Tulegenova and a former member of the Supreme Judicial Council Nikolai Mamomtov. They think that they could gain political 'points' for that, but do not realize that Kazakhstan is rapidly changing.

The saddest thing is that the homophobic politics of their parties is supported by gays, lesbians, bisexuals and transgender themselves. LGBT members can be found everywhere – among politicians,

There are 1.5 million LGBT members in Kazakhstan, says activist Daniyar Sabitov I Kok.team ministers, prosecutors and judges, but, unfortunately, career and money are more important for them than the protection of their brothers and sisters in orientation or gender identity.

Based on social pressure and aggression, you decided to move abroad. How is everything going today? Have you found new friends? How do people treat you there? Is there any difference? Do you miss Kazakhstan?

I miss my friends and food. But I can cook our traditional dishes at home, and friends come to visit on vacation. Unfortunately, freedom is not as easy as Kazakh donuts - you cannot enjoy it just in a couple of hours. However, other activists and I do everything possible to create the world for our fellow citizens so they wouldn't have to go abroad to feel some kind of freedom.

Is there any assistance offered for LGBT members from an embassy, particularly, from the US part, maybe from the government as well? If there is any, in what way that assistance is being provided – psychologically or financially?

The diplomatic mission of democratic countries assists LGBT community as they know the value of human rights. For already a few years in a row, on May 17, on the International Day Against Homophobia and Transphobia, several diplomatic missions unite to help activists conduct lectures, workshops, and conferences in safe conditions. Sometimes they also grant different amounts of money for the things that are supposed to be sponsored by the Kazakh government – on research work, fees of attorneys and psychologists working with victims of homophobic attacks, organization of conferences and travels to the UN for reporting on the real status of human rights in Kazakhstan.

Not a long ago, in Hungary, a ban for transgender people to indicate their sex in official documents came into force. Are there transgenders who changed their documents in our country?

Researches show that the number of transgender people is almost equal to the number of people who have read hair. If you have ever seen a person with red hair in your life, you've also seen a transgender person as well. We have transgenders who completed a so-called 'transitioning', i.e. changed their gender in the documents to a desired one, and those who didn't. The thing is that to change that item in your identity documents, according to Kazakh laws, a person has to go through sex-changing surgeries. It is required regardless of the willing of the person. Just imagine that to get your ID, you would have to cut your finger, for example. It sounds crazy, but transgender people do have to go under the knife. That's a barbarian treatment that has to be fought against. And that makes transgender women's and men's lives in Kazakhstan extremely difficult.

I, TIMUR ZIAPPAROV, HEREBY CERTIFY THAT THE ABOVE IS AN EXACT AND ACCURATE TRANSLATION OF THE ORIGINAL DOCUMENT SUBMITTED TO ME IN THE RUSSIAN LANGUAGE AND THAT I AM COMPETENT IN BOTH ENGLISH AND RUSSIAN LANGUAGES TO RENDER SUCH TRANSLATION.

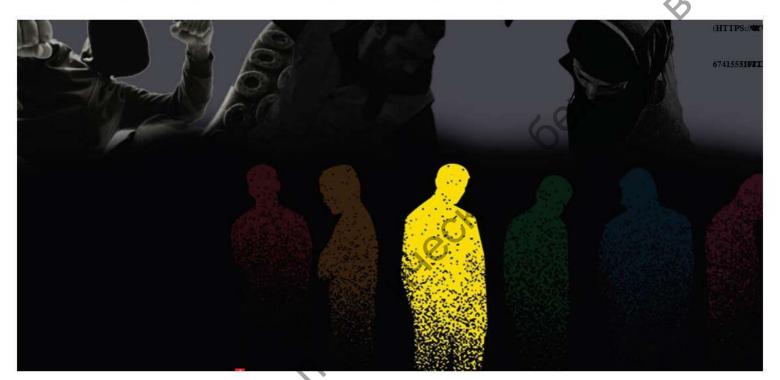
DATE 11/17/2020

SIGNATURE

+7 917 893 60 87



 $\label{eq:control_c$



SEPTEMBER 27, 2019
 □ 1254 □

ARTICLES THE TOP STAN THE TORTURES OF A GAY MAN IN ASTANA: "THEY BURNT ME WITH AN **IRON**"

Editorial Warning: This material contains offensive language and graphic descriptions of brutal violence, sexual harassment and rape. The text was originally Russian and has been translated into English.

Ayan is 21 years old. He works as a teacher in one of the capital's schools. He has always been a good son and a good teacher. He doesn't stand out. He follows a healthy lifestyle. On July 28th, 2019 he was diagnosed with: "A closed fracture of the medial, intermediate sphenoid bone without displacement of bone fragments. Bruised left hand. Closed craniocerebral injury. Concussion. Bruised wounds on the head, face. Thermal burns of 1-2 degrees (from cauterization with an iron). Soft tissue injuries." This is how it happened, as retold by Ayan himself:

No, You are staying!

In the evening of the 27th of July I met a guy on VK*. We talked, as usual, through our fake accounts, exchanged our pictures. By 10 o'clock he offered to meet, and asked for my phone number. We phoned each other and arranged a meeting. He promised to pick me up.

*VK is a social network app similar to Facebook. It is the main way for finding hookups in the country.

The person who came looked nothing like his picture. I wanted to leave, but he insisted I stay and talk. I agreed, thinking that I could just end the conversation whenever I wanted. He bought some beer on the way and drove to the Residential Complex "Makhabbat".

We went to his apartment. He poured himself and me some beer. I declined the drink. We started to talk. I told him that he was not my type, and that on the photo there was a totally different person. He started to get annoyed and said that guys are too picky nowadays, etc. I wanted to leave, but he said: "No, You are staying!"

We argued a little, but I decided to stay to let him say his piece.

After a short conversation he offered to have sex, but I refused. He started to touch me, I fought back and said that I was definitely leaving now. He stopped harassing me, and asked me to stay, since his friend is coming soon to whom he needed to give money. I thought that I should have left, but I was afraid that he would take revenge on me by publishing my phone number or writing some nasty things about me or something similar. I stayed.

He asked me to take the beer and go to the kitchen, so I went to the kitchen. His friend arrived shortly afterwards. They talked for about ten minutes, then came into the kitchen. I had no idea who this second guy was. They sat in the kitchen and started to talk to me, asking "how are you" and other such small talk. Eventually, his friend asked, "are you a faggot?"

Now we will turn you straight.

I was very scared; my heart started pounding. I replied that anyone could be a fag no matter their sexual orientation. Then he asked if I had sex with men. He asked this, of course, in a rude manner. I refused to answer and collected my stuff to leave. I took my clothes, my phone and my charger. But when I approached the door, it was locked.

When I demanded to open the door, one of them said: "Where are you going? Now we will turn you straight!". With these words he grabbed me by my shoulders and pushed me into the living room. I started to scream so that he would stop touching me. He started to punch





me, but I quickly dodged and punched him.

After that he punched me hard in the ear, I hit the cupboard and sat down. He picked me up set me against the wall and began to beat my face, in the eye and nose. I sat down again. My vision blurred. Blood gushed out. My t-shirt was already ripped apart. He lifted me up again, and the second guy hit my ear two more times. My auricle was totally broken, my ear looked like it was crumpled. I hit the cupboard again and fell down while fainting. Then he stepped on my leg and broke it.

I came to my senses after the pain. I started to loudly shout at them. I was sure that other apartments could hear me. I don't understand why no neighbor reacted to it.

These creatures ordered me to shut up and take off my clothes. I started to shout even louder, saying that I would not take off my clothes, that I would force them to undress. In that moment I felt a mix of fear and anger, and had no idea what to do.

They forcefully stripped me. They turned out the pockets of my jeans – everything fell out, money, my phone, documents and condoms. They threw the clothes into the washing machine and poured the powder. Probably, they wanted to remove all of the blood stains from the clothes.

At that moment my head was already in serious pain. I couldn't think straight. They took my belt, it's very dense, with a metal buckle, and began to choke me.

I lost my consciousness, even had hallucinations. I believed that I was home and safe. But they painfully brought me back to reality by hitting my head with the belt buckle.

I woke up sitting down near the sofa, and these freaks were standing above me. The friend that came over hit my head with a beer mug. And the one I met online held the belt and continued to beat my head with the buckle.

It was unbearably painful. I felt that over my neck, my shoulders and my back there were hot streams of blood. I realized that they broke my skull

Then one of them said: "hey, are you enjoying this?!", and they began to kick me in the face. I kept falling from the blows, but they kept lifting me up and hitting me with the mug and the buckle. I couldn't feel any more pain from the shock. But they kept hitting me over and over again. Now my whole head is in stitches. One eye is severely swollen, because they kicked it multiple times.

Call over the other fags, we will fuck them up

too

They began to torture me to know the location of the Astana gay-club. I thought it was weird for them to do all that violence to me just to know the address of a place, and said that I don't know, since I haven't been to any clubs for more than 3 years.

Then they demanded that I call the guys I know who are gay, and call them to the apartment. They said that they would also beat them. I declined calling anyone, was just sitting in silence. They started to kick me again, but I stopped feeling pain from the shock, just heard thuds and crunches.





Then they switched on the iron and said that they would force me to say the location of the local gay-club, and find them a person who would take them there. I gave him the middle finger and said "Here you go! No club!." Then one of them immediately burnt my forearm with the iron. Then I was hit on my head with it. They shouted in Kazakh "Say it, I ordered you!". Then I replied in Kazakh: "Don't eat my dick!"

6 I decided that I would stand it until I die, but I would not betray anyone, I would not let any other guy experience this same terror.

Then they would burn me again on the back, hit me with the iron on the back and side. They did not break my ribs, but left burn marks. Then they wanted to burn my penis, but I kicked one of them, and he dropped the iron. The iron fell on my thigh, leaving a bruise there.

I started to shout: "What do you even want from me?!". They threw my phone at me, said to unlock it, and started digging into my phone, found my dad's contact and wrote him an SMS saying that I was on my way to some place called Burundai* and that I owe some money to a guy Marat, and for that I urgently needed money.

Burundai is a village near Almaty 3 million tenge in exchange for your life.

*Tenge is the currency of Kazakhstan. 3 million tenge is about 7000-8000 USD When sending the message they asked: "can your parents pay a million tenge for y ur life?". I said to them that nothing they would do would be successful, I started to threaten them by saying that I would I would find a way out of this nightmare and have my revenge even if I pass away. After they heard this, they beat me up again, and I fainted again. They brought me back to consciousness by a punch and said that my parents should find 3 million tenge in a day as a ransom for my life. I replied that they would not receive anything. They said that they would bury me in the morning if that happened. I replied by saying that I did not care what they would do to me.

After that, the first guy who brought me ther started to rape me. He raped me the way I was: all swollen, beaten down and covered in blood.

You know, before that moment I never understood how raped women feltl... I felt so low, so miserable. It was as if I had lost my identity and stopped being human. I don't know if I can ever have sex like I used to before. I can't even think about it now.

After that they repea ed their demands: "3 million tenge in exchange for your life."

I mainta ned hat it would never happen. Then they started to burn me with cigarettes. One of them even dialed someone and asked them to come in the morning in a car to bury me alive in a place where no one could find me.

Then I asked them to let me shower so I could wash off the blood. They let me go, but forbade me from limping, even though they broke my leg. When I limped they would kick me in the leg again.

Suck it Fag!



CITIL

I went to shower myself and tried to wash off the blood. But they still kept torturing me by switching the water from boiling hot to ice cold. They shouted: "fags like you do not deserve to live! They should all be killed!"

I stopped responding to them since I didn't want to be beaten again.

When I left the shower, the floor was slippery. They started to hit me again. I fell and could not stand back up. Under their beatings I crawled from the bathroom to the living room. I was already so crushed and exhausted that I had no hope that I could survive. In my mind I already said good-bye to all my friends and relatives. It was upsetting that I would have to die at the hands of these scum.

Then they threw my torn up t-shirt at me and forced me to wash the floor. They ordered me to make sure that not a single drop of blood left .It was next to impossible with the blood still oozing from my wounds. Sure enough, they saw blood and kicked me in the head. I fell once more. Blood began running from all of my wounds again and even stained the sofa. This made them even more furious and they started to hit me again. Then they forced me to wash the walls, since they beat me while pressing me to the wall. I used the same t-shirt to wash the walls, and washed it in the bathroom. The t-shirt stayed in the bathroom.

They demanded 3 million tenge once more. They forced me to look for guys who were queer, to lure them into the apartment. They gave me my phone so I would chat with some guys, and they set a timer for periods of 10 minutes, or sometimes 30 minutes, so I would find someone. I was faking the searches. They figured it out., took my phone and started to do it themselves. They started to write to my colleagues offering sex on my behalf. They wrote to my relatives, friends, whoever they found in my contacts. They messaged through WhatsApp and all my dating apps. However, it was 4 in the morning, so no one inswered their messages.

While the phone was with me I wrote an SMS to my dad, saying that I was being beaten and asked him to call the ambulance and police. I wrote a similar message to a female friend in a group chat with all friends. Unfortunately, I wrote the wrong house number.

Then the guy who brought me into the apartment went to sleep. The second guy continued to beat me. At some point I requested to go to the bathroom to wash my face. I had trouble moving my lips, I continued to feel the smell and taste of blood and burning. I was getting sick because of these smells, however I couldn't vomit since I was hungry and there was nothing to vomit.

When I washed my face I saw the second guy standing in the doorway. He pulled down his pants and ordered me to: "suck it, fag!". He raped me orally, making me lick his anus. He even forced me to swallow his sperm.

If you move I will cut you up.

After that he took my phone and started taking videos of me. Before that he read all of my personal information in my documents. He forced me to tell all of my personal information, about myself, about people close to me: who I was, my name, where I lived, my sexual orientation, what I did, who my parents were and where they worked, etc. After shooting the video he said he would demand 6 million tenge as blackmail. If my parents couldn't comply and send the money in a day he would upload the video to YouTube. This situation had no solution since my parents could not find so much money.



After that he ordered me to tie myself up with an extension cord. I know how to make fake knots, which look tight, but would easily untie if you knew the right technique. He did not suspect anything. He brought another cable from the balcony and tied my legs and hands behind my back. In such position they left me, naked and tied up, he left me lying on the cold floor. He then went to sleep with a knife lying near him, and if he saw me moving he would cut me up. The other guy was in his deep sleep for quite a while.

I was laying on the floor for one and a half to two hours. It was the morning of July 28th, about six in the morning. The bastards were sleeping. I tried to untie myself.

6 In my head I only had 2 desires: To jump off from the balcony or to stab them.

The first guy woke up and left to the kitchen. I understood that I had no chance to save myself, that I would be killed and buried. I started to panic. When I was beaten this thought never crossed my mind.

As it turned out the guy who left to the kitchen had fallen asleep there. I understood by his snoring. I had hope again. I continued to work with the ropes and finally could untie myself. My first instinct was to take the knife and stab them both. But then I accidentally hit the pillow. It fell to the floor, revealing the keys to the entrance door under it.

Run!!!

I took the keys, quietly, listening to the snoring, and went to the washing machine, took my underwear and pants, dressed hastily, threw a blanket over myself and ran out from the apartment to the staircase.

The first thought I had was: Run! But how would I run, my broken leg was swollen and hurt severely. But I realized that I could just close the door from outside, locking them inside. I did not lock the door on the same floor, since I was afraid that they would wake up from the noise and just run away through the balcony. It was the second floor. If I jumped out, naked and beaten up, I would have easily died but they were healthy and large. It didn't cost them anything to jump down.

I could not go upstairs, so I went down to the first floor. I was crawling down the stairs on all fours. I knocked at the door of one apartment, no answer. Then I saw another apartment, which had its door sligh ly open and had some female voices coming out of it. I jumped to the door on one eg, looked inside the apartment and asked them to call the ambulance and police.

The women were shocked by my appearance. The called the ambulance and police. When two policemen arrived, I was in tears, unable to properly answer any of their questions. The women spoke with the policemen, suggesting they call in a whole division, for fear that the two men could be too dangerous for just two officers to handle. The division arrived, and I gave them the keys to the apartment. Soon enough, they went up and arrested the two assailants.

You are offering escort services?!





The ambulance arrived five minutes after the police. The paramedic told me to go downstairs myself, so they could offer first-aid there. The police wanted to do the identification right on the spot, so I identified the criminals.

The level of professionalism of the police, to put it mildly, was at zero. They tried to interrogate me on the spot, they did not let the medics reach me to provide me with first-aid, and one of the policemen said that I, apparently, work as an escort and was a victim of a violent client. I was shocked by such an assumption.

After that, the medics finally took me over from the police and brought me to the traumatology center at about half-past eight. There I was diagnosed with second grade concussion (later also a closed head injury), multiple extensive bruises and hematomas, I and II degree burns of 4-5% of the body, as well as closed fractures of the bones of the arm and leg. They stitched my wounds on my face and head, they also let out the blood from a large hematoma covering my eye: it was like a giant bubble filled with blood. All of these operations were done without anesthesia. It was excruciatingly painful. It was so painful that I puked my own blood, which I swallowed lots of that night.

After all the operations and examinations I was hospitalized. Immediately a case officer arrived, who asked questions such as: "why did you go there? You are offering escort services?!"

I was vocally appalled by the police. I was shocked that they were trying to frame the situation so differently from the reality. I felt humiliated..

The officer asked for the contact details of any relative, so I gave my dad's phone number. My dad arrived immediately when I testified to the investigator. He heard the reasons why and how I met the guy. He started to worry a lot and his heart began to ache, so he simply left and went back home.

Before leaving my dad told the policemen that if he had found out about it earlier, he would have personally executed me by hanging.

What, these fags still weren't all beaten up already?

After that an investigator from a different district arrived. He needed to collect the evidence since the crime was committed in his district. I testified to him too. During our conversation he received a call from, possibly, another policeman. The phone's speaker was set to maximum volume, and I distinctly heard the person calling say: "what, these fags still weren't all beaten?"

I made a remark to him saying that such moments bring disgrace to the police, the workers of which should know, follow and protect the law, while not violating it. I threatened that I would not leave it like this.





In the second half of the day I had a confrontation with my aggressors. They were brought to me, camera was rolling and questions were asked in Kazakh to me and them. The criminals admitted that they beat me, hit me with their hands, legs, belt buckle, that they choked me and burned me with an iron and cigarettes. However they refused to admit that they raped and blackmailed me.

After the confrontation the forensic expert arrived. She took a swab to analyze. She also asked a few questions and left.

Overall I believe everyone was in shock when they heard what happened to me: the police, doctors and forensic experts.

When the criminals were taken away, I asked what type of punishment those bastards were going to face. He replied that they would face charges for the crimes of sexual violence, physical harm by a group of people and blackmailing.

The next day my cousin brother contacted me and sent a lawyer to represent me. Of course I had to explain everything to the lawyer from the beginning. As a result, everyone in my family now knows about what happened, which was the last thing I wanted.

To be more specific, I did not want my sexual orientation to be known like this. These bastards had invaded my life and turned everything upside down. My sister stopped talking to me. My brother tries to ignore this topic. The relationship with my parents is very tense.

When I was discharged from the hospital I decided that I cannot return home and decided o stay at my girl friend's place. However, my father found my friend's address, went there and took me home. When I arrived home, all of my relatives were sitting there. They all looked at me with arrogant and contemptuous looks and began judging me. They asked tactless questions and said that they were disgusted by the thought that I had sex with men. Now relatives insist that I would be better off married. This pressure is very hard to fight.

200 thousand tenge and a smartphone in exchange for forgiveness in court

Apart from having family issues I also had some financial issues. I can't work because of my health issues. I can't pay my credit loan, I do not even have a phone since it was taken as evidence along with the clothes

The scumbags were in the detention facility. The trial was to take place over a period of 2 months. The 28th of September will be exactly 2 months since that day. It turned out that the one who brought me to the apartment was already convicted before. His name is Zhuldybai. The second ne's name is Musa. I remembered his name well, since his cousin brother and twin bro her Isa came to my hospital. They asked me to forgive that bastard.

To be honest, I was shocked by their request. How shameless you should be to come with such a request. This is not just someone stealing a phone or a simple fight on the street. They even promised money, so during the trial I would say that I forgave him, so his term would be reduced from 20 years to just 5 years.

Ignoring my decision, my father demanded 15 million as compensation in exchange for forgiveness. He explained by saying that I would need money to run away from the city or even the country right after the end of the trial. But their relatives said that they could only





give 200-300 thousand tenge and a new phone.

I decided that I would demand through the court compensation for the medical bills, my inability to work and provide for myself. I live with my parents and they provide for me.

My mom now constantly asks me when wI would start working again, but the fact of the matter is that I can't work. I cannot do it physically nor mentally. I was sitting at home, refusing to go out for more than a month. My wounds and burns only just finished healing. I cannot properly walk and still limp heavily. My eye still swells sometimes. Moreover, my job is related to people: children and parents. I am afraid that gossip will begin to stir. I cannot even present my situation as a fight, since my professional reputation will suffer regardless.

I won't remain silent and will reach the end.

It is very hard for me and I do not even know what to do. I am thankful for the support from my friends, Astana LGBT-rights-activists, and the people who work with MSM. They morally support me and promised to come to the trial.

Despite how painful it was, I decided that I would not stay silent about what happened to me. I do not want the same thing to happen to someone else. I want to warn and protect other queer people. I was lucky. I survived. But how many people were less lucky than me? How many are killed every day? And those who survive, will they ever find enough strength to share what happened to them? Will they go to the police where they would be mocked and made fun of? And do they even reach a trial without agreeing for a miserably small compensation in hopes that they would receive just a small fraction of the justice t ey deserve?

I made a decision: I would no longer remain silent and will reach the end! We should not be silent when there is a crime committed against us. The police must fulfil their responsibilities, and not stand on the side of criminals.

But I really need the support of the LGBT community. It will be hard to do it on my own.

While those bastards were torturing me they said that there was a movement that they represent or are a part of This movement is engaged in attacking homosexuals, beating and blackmailing them.

Supposedly they did so with a guy from Shymkent*, beating, then killing him and burying his body so nobody would find him. Another guy was supposedly beaten down, but not kille in exchange for him paying them money so they would not kill or out him. All of that happened last year, and this year I was their first victim. They have not mentioned the name of thi movement, and if they did I cannot remember, since I was dealing with other issues.

*Shymkent is a city in the South of Kazakhstan, which is much more conservative than many other cities in Kazakhstan.

I want to address the other victims of these scumbags. Guys, don't stay silent. If you report the crime, these men will serve longer terms in jail. Going through all of this was a difficult decision, but we have been through so much already, that now justice is worth fighting for.







☐ 19 ABIYCTA 2018
☐ 2418 □

статьи СОМОФОГ УДЕБУ гомофобия в высшем СУДЕБНОМ СОВЕТЕ КАЗАХСТАНА

Одна из важных сторон публичного камингаута в том, что на него, как на красную тряпку, реагируют гомофобы разных сортов. Это позволяет определить, кто есть кто. И одно дело, когда «сжигать», «убивать», «лишать» призывают граждане, которые не наделены властью. И совсем другое, когда слова ненависти звучат от государственных чиновников, потому что эти люди определяют, как нам жить.

К публикации на Nur.kz оставил комментарий (https://www.facebook.com/PortalNURKZ/posts/1895758783837262? comment_id=1897462040333603&comment_tracking=%7B%22tn%22%3A%22R%2348%22%7D&_5xts_ Hnr4wXN3IXqt99stt6X2Yfw-

ts__[0]=68 ARA6skLvU5qZ4cyu0MHDkg-гомофобия (/ru/tag/gomofobiya)

U8fOFSBk1cp0RY2tuTgwZPbM_6N9cuW1sozWKvg9_QHZSTSnC9dsZjdnDv9fSAQVxr1X9M9H5SD4<u>1hZBQnyMFDtmSe</u>mEC& UK-R) Николай Мамонтов, член Высшего судебного совета Казахстана. То, что он написал вы можете прочесть на скриншоте. Я же хочу выделить только один фрагмент: «Сабитов еще не осознал глубину своего физиологического и морального падения, поскольку в "простом" народе активные и пассивные представители его нынешнего увлечения именуются единым словом "п....с". Государство не должно допускать пропаганду и расширение идей извращенческого направления психики. Если самостоятельно не способно избавить общество от набирающих силу и массовость представителей новомодного увлечения, то, может быть, следует договориться с Р. Кадыровым о проведении в отношении таких "романтиков" в горных условиях терапевтических и иных профилактических мероприятий в целях возрождения и укрепления естественных мужских свойств и качеств? Ну а те, кто поддерживает или безразлично относится к идеологии геев и проводимой ими агрессивной пропаганде, просто не задумываются в будущей судьбе своих детей,

внуков, иных не окрепших физически и нравственно жителях Казахстана».

колай Мамонтов Причины падения Римской импер которых было эбщественное распутство и нравствен есный разерат, современные тенденции в некоторых ный разврат, соврименные тенденіция в некоторы-пейских госудірістціки, коюзрым менять восстрінням пейских госудірістціки, коюзрым менять восстрінням пействет восоцій», нінняму не учат. Государство і его пействето соответствующих стеципільня, сенным зак-тевенного соответствующих пействінням, пействінням зак-тевенного соответствующим і пействінням прифессий, представ законням поститання режисанням закоупиль, заге-титим уницій з трасных фонарет, сонічає пахнонствія ко хлубах в праготечесский рукумае і падарстві за ром сехранть здеровья и разработанным узим и д-нежиме Сабірови егую не осозіна тлубнеу сцоюто обно избавить общество от набирающих ситу и ость представителей новомодього увлечения, то, може эрождення и укреплення естоственных мужских свойсс честв? Ну а те, кто поддерживает или безраалично отно сопосни гесо и проводимой ими агрессивной пропитани осто не задумываются в будущей судьбе своих детей.

mamontov.png?itok=rHWuN5SJ)

И, пока я все еще не осознал «глубину своего физиологического и морального падения», я позволю себе прокомментировать этот пассаж. Помимо обычной гомофобной риторики я бы хотел остановиться к предложению властям пригласить президента Чеченской республики Рамзана Кадырова, чтобы он и его молодчики провели «профилактические мероприятия» в отношении ЛГБТ. Если кто забыл, то я напомню, к какой «профилактике» призывает г-н (https://www.kok.team/files/styles/full_hd/public/images/parme2001/1006/pitelate были убиты более 20 геев, несколько десятков

подверглись пыткам, шантажу и

вымогательству, - все это делала полиция. Теперь прочитайте еще раз – член Высшего судебного совета Казахстана Николай Мамонтов пожелал, чтобы чеченский геноцид в отношении геев повторился и в Казахстане.

Вопрос о сомнениях г-на Мамонтова в способности нашего государства самостоятельно заниматься внутренними делами страны и его идею использовать для этих целей силовые структуры соседнего государства я оставлю на усмотрение Агентства по делам государственной службы и противодействию коррупции.

От осознания того, кем был и кем является Мамонтов становится не по себе. Всю жизнь прослужил судьей на разных инстанциях, и выносил решения о судьбах людей. С 1999 года по 2014 год он был судьей Верховного суда Республики Казахстан, а в 2016 назначен президентом Нурсултаном Назарбаевым членом Высшего судебного совета Республики Казахстан при сохранении должности судьи Верховного суда в отставке.

А теперь пару слов о том, чем занимается Высший судебный совет — он «создан в целях обеспечения конституционных полномочий Президента Республики Казахстан по формированию судов, гарантий независимости судей и их неприкосновенности». Нужно ли что-то еще добавлять? Можем ли мы ожидать от судебной системы справедливых решений, когда на высоких постах работают люди, которые плевали на закон. Люди, для которых обоснованием вынесения решений являются личные человеконенавистнические суждения.

BCILIA

oex

Mieck

The Aconsulting in the second subject to the





ARTICLES

AUGUST 19, 2018 2418 likes

HOMOPHOBIA IN THE SUPREME JUDICIAL COUNCIL IN KAZAKHSTAN

One of the key aspects of the public coming out, that triggers homophobes as a red flag. It helps determine who is who. And one thing is when call-outs to "burn" and "kill" are sent by regular people having no power, but when words of hatred are expressed from state officials, is a completely different thing as those people rule our life.

Nikolai Mamontov, the member of the Supreme Judicial Council, left the comment on Nur.kz. (https://www.facebook.com/PortalNURKZ/posts/1895758783837262?comment_id=1897462040333603&comment_tracking=%7B%22tn%22%3A%22R%2348%22%7D& xts [0]=68.ARA6skLvU5qZ4cyu0MHDkg-Hpr4wXN3IXqt99stt6X2YfwU8fOFSBk1cp0RY2tuTgwZPbM_6N9cuW1sozWKvg9_QHZSTSnC9dsZjdnDv9fSAQVxr1X9M9H5SDA1bZBQpyMFDtcSemEC&_tn =-UK-R)

You can see what he wrote on this screenshot. I would like to point out one piece of it: "Sabitov hasn't yet realized the severity of his physiological and moral degradation as in common terms active and passive representative of his current interest is simply called "fag...s". The State shouldn't let the propaganda and spread of ideas of pervy psychological direction. If it can't free the society of the representatives of the modern interest, gathering momentum and massive involvement, then, maybe, it makes sense to have a

https://www.kok.team/ru/2018-08-19/gomofobiya-v-vysshem-sudebnom-sovete-kazahstana

Homophobia in the Supreme Judicial Council in Kazakhstan I Kok.team talk with R. Kadyrov to conduct therapeutic and preventive measures in the mountains in regard of those "delicate flowers" in the name of revival and strengthening of the natural men features and qualities? And those who support or nonchalant about the gay ideology and the aggressive propaganda conducted by them, just don't care about the future of their children, grandchildren, and other people of Kazakhstan who didn't firm up physically and morally".

And, while I haven't yet realized "the severity of my physiological and moral degradation", I will let myself comment on that passage. Besides the regular homophobic rant, I would like to pay more attention to the offer of officials to invite the President of Chechen Republic Ramzan Kadyrov and let his yobs take the "preventive measures" against LGBT. If someone forgot, I will remind you that those measures taken by police in 2017 led to the death of more than 20 gays, a few dozens were tortured, blackmailed and extortion. Now read it once again – the member of the Supreme Judicial Council of Kazakhstan Nikolai Mamontov wished that Chechen genocide in regard of gays continued in Kazakhstan.

I will leave the doubts of Mamontov in abilities of our government to conduct domestic affairs of a country by itself and his idea to use security agencies of the neighboring country for it on Civil Service and Anti-Corruption Agency.

I feel sick out of realization of who Mamontov was and is. He served all his life as a judge in various courts passed his rulings on people's lives. From 1999 until 2014, he was a judge at the Supreme Court of Kazakhstan, and in 2016 was appointed to the position of the member of the Supreme Judicial Council of the Republic of Kazakhstan by a president Nursultan Nazarbayev, with remaining of the position of the judge emeritus of the Supreme Court.

Now a few words on what the Supreme Judicial Council does – it was established to maintain constitutional powers of the President of Kazakhstan on courts establishment, guarantee the judicial independence and inviolability". Do I need to add anything? How can we expect just decisions from the judicial system if people who don't care about the law at all serve the high office; people who base their decisions on personal misanthropic perceptions.

I, TIMUR ZIAPPAROV, HEREBY CERTIFY THAT THE ABOVE IS AN EXACT AND ACCURATE TRANSLATION OF THE ORIGINAL DOCUMENT SUBMITTED TO ME IN THE RUSSIAN LANGUAGE AND THAT I AM COMPETENT IN BOTH ENGLISH AND RUSSIAN LANGUAGES TO RENDER SUCH TRANSLATION.

DATE 11/17/2020

SIGNATURE

+7 917 893 60 87



BCILIA

США ПРЕДУПРЕЖДАЕТ О ГОМОФОБИИ В КАЗАХСТАНЕ

НОВОСТИ

₾ 30 MAPTA 2017 ♥ 1675 □



30 MAPTA На сайте консульской службы Государственного департамента США в

(https://travel.state.gov/content/passports/en/country/kazakhstan.html) советов американским туристам Казахстан назван гомофобной страной без законодательного ограничения однополых отношений. Правительство США предупреждает своих граждан, желающих приехать в нашу страну, о том, что в казахстанском обществе широко распространено негативное отношение к ЛГБТ-людям. Они иногда подвергаются физическому насилию и оскорблениям, а также становятся объектом нежелательного внимания со стороны полиции. Как следует из отчета "О правах человека в Казахстане (https://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm? year=2016&dlid=265538)", размещенного на сайте Государственного департамента США, в Казахстане нет официальной статистики о дискриминации и насилии на основании сексуальной ориентации и гендерной идентичности (СОГИ), поэтому составителям отчета приходится основываться на информации, предоставленной международными и местными правозащитными организациями. Как следует из этих данных представители ЛГБТ-сообщества редко обращаются в правоохранительные органы по факту насилия поскольку боятся встретиться с враждебным отношением, насмешками и даже насилием.

BCILIA

Wieck

6ex

The Month of the Market of the



USA WARNS ABOUT HOMOPHOBIA IN KAZAKHSTAN

NEWS

MARCH 30, 2017 1675 likes



March 30

On the website of consular service of the US State Department in the section (https://travel.state.gov/content/passports/en/country/kazakhstan.html) of advice for Americans tourists, Kazakhstan was called a homophobic country without lawful limitation of same-sex relationships

The US government warns its citizens wishing to come to our country that negative attitudes towards LGBT people are widespread in Kazakhstani society. They are sometimes physically assaulted and abused and are also subject to unwanted police attention. As follows from the report "On Human Rights in Kazakhstan

(https://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2016&dlid=265538)", posted on the website of the US State Department. In Kazakhstan there are no official statistics on discrimination and violence based on sexual orientation and gender identity (SOGI), therefore the authors of the report have to rely on information provided by international and local human rights organizations. As follows from these data, representatives of the LGBT community rarely turn to law enforcement agencies on the fact of violence because they are afraid to meet with hostility, ridicule, and even violence.

The USA warns about homophobia in Kazakhstan I Kok.team

I, TIMUR ZIAPPAROV, HEREBY CERTIFY THAT THE ABOVE IS AN EXACT AND ACCURATE TRANSLATION OF THE ORIGINAL DOCUMENT SUBMITTED TO ME IN THE RUSSIAN LANGUAGE AND THAT I AM COMPETENT IN BOTH ENGLISH AND RUSSIAN LANGUAGES TO RENDER SUCH TRANSLATION.

DATE 11/17/2020

Creyconsultino. In

SIGNATURE

+7 917 893 60 87

oe*

Wieck

LGBT human rights: freedom or infringement in Kazakhstan?



LEARN READ TAKE LOOK

Photo courtesy of legacy.fox48tv.com

Discussions on LGBT human rights in Kazakhstan, it seems, have been hushed or at least have not reached its full potential. From time to time, the local media erupts with news on brutal infringement of LGBT human rights with vivid examples of violence against representatives of the local LGBT community. Yet, no substantial actions have been taken towards opening a dialogue and providing constructive solutions in this regard.

Article 19, the UK's human rights organization proposed introducing a concept of an anti-LGBT crime to the Kazakhstani Criminal Code. The human rights organization noted the absence of clear definition of crimes based on hate towards LGBT people in Kazakhstan's judicial practice and law. The absence of such a definition, according to Article 19, in a way encourages negatives comments and actions towards LGBT people.

This was also noted back in 2009 by the research conducted by **Soros-Kazakhstan Fund** in *Invisible and Unprotected: Lesbians, Gays, Bisexuals and Transgenders of Kazakhstan.* According to Soros' research, since the time homosexual relationships as criminal offence (in the 1959 KazSSR Criminal Code) were taken out from the Kazakhstani legislation in 1995, a legal framework for LGBT hate crimes has not been included in the Criminal Code. Since 1998, the Criminal Code includes sexual battery that includes "homosexuality, lesbian and any forceful or coercive actions of sexual nature or taking advantage of victim's helpless state" (Article 121), "sexual intercourse, homosexual, lesbian or other actions of sexual nature with individuals that have not reached the age of 16" (Article 122) and sexual coercion through treats to one's property or using material or any other dependence of the victim (Article 123).

All in all, as Soros and Article 19 note, Kazakhstan's Criminal Code does not include provisions for discrimination of individuals of homosexual orientation. Hence, as Soros notes, there is absence of "any legal mechanisms of protection from discrimination in various spheres of life" leading to violation and abuse of the law enforcement practice in cases concerning LGBT people.

Article 19 stated that the current legal practice in Kazakhstan went against the international norms adopted by the country. This includes, the Article 20 (2) International Covenant o Civil and Political Rights that forbids "any advocacy of national, racial or religious hatred". "Human Rights Committee closing remarks spoke for the inclusion of sexual orientation as an addition to the abovementioned characteristics of hate," the organization noted. "The Criminal Code must clearly fine crimes based on LGBT hate. Also, the courts must correctly classify such criminal activities and sentence according to these classifications," the Article 19 added.

The lack of legal framework for such cases causes real problems. For example, in April 2015 in Ust-Kamenogorsk, two men killed their companion after he told them that he was gay. They were allegedly insulted by the fact that they had drunk from the glass shared with the homosexual person. The men attacked their drinking partner and beat him to death. Their actions were classified as "a crime committed with extreme atrocity by a group of people from molester motives" in the Criminal Code. One of them was sentenced to 16 years, while the other one got 15 years of imprisonment.

Article 19 does not agree with such a classification. "However, in regards to the Criminal Code of Kazakhstan, acts from molester motives are "characterized by undetermined criminal purposes". These crimes are committed without any apparent reason. Although the court considered molester motives as agg avating circumstances and punished the criminals severely, we cannot agree with this trea ment. The actions of the convicts cannot be treated as hooligan. In this particular case the crime was committed due to the hate towards LGBT people," the representatives of Article 19 stated.

It seems that the discourse of LGBT human rights in Kazakhstan is problematized by the absence of both legal framework and lack of desire to open a constructive dialogue between the law inforcement, human rights organizations and general population. Interestingly, the local human rights organization Eurasian Human Rights argues for the fact that there is no visible discrimination against LGBT people. Ermek Abdrasulov, the Vice President of the organization stated that the legislation of a given country corresponds to the sense of justice and legal culture of that country. He added that he had not witnessed any cases of discrimination against LGBT people. Abdrasulov emphasized that in fact there was a great deal of criticism for giving such freedom for LGBT community in Kazakhstan.

However, doesn't the presence of such criticism point towards a souring problem in the country?

There is still a sense of a lacking tolerance for LGBT community in Kazakhstan. Unconsciously, it seems even human rights organizations in the country use the discourse of intolerance towards LGBT people. Hence, there is so much to be done towards a better human rights on legal and private levels.



Главная (/En) » Статьи (Https://Www.kok.team/En/Category/Articles) » MMA Fighter Kuat "Naiman" Khamitov Considers LGBT People Worse Than Dogs."



[™] MAY 20, 2020 ♥ 1329 □

MMA FIGHTER KUAT "NAIMAN" KHAMITOV CONSIDERS LGBT PEOPLE 'WORSE THAN DOGS.' On May 17, a video in support of Kazakh LGBT people

(https://www.instagram.com/p/CARpgvvJ4wU/) appeared in social networks, which was recorded by diplomats from different countries. The video had spread through different channels and everywhere it was posted it caused heated arguments on whether lesbian, gay, bisexual, and transgender people can be considered humans.

Kazakhstani MMA fighter (mixed martial arts) and three-time world champion Kuat Khamitov (https://www.instagram.com/kuat_khamitov/) also participated in the discussion by stating that 'These people are worse than dogs!' and adding that 'Dogs can be offended [by this comparison].'

В своей публикации сотрудники дипмиссии отметили, что члены данного сообщества имеют такие же права на свободу, уважение и защиту, как и все остальные.

Кроме того на страничке посольства США появилось видеообращение представителей дипмиссий разных стран мира, которое приурочено ко дню борьбы с гомофобией, бифобией и трансфобией (IDAHOBIT).

74.



kuat_khamitov • Эти люди, хуже чем собаки!

50мин. Нравится: 52 Ответить

Посмотреть 18 предыдущих ответов

(https://www.kok.team/files/styles/full_hd/public/images/paragraph/1516/gomofobiya-kuata-1.jpg?itok=n5cAFtya)



kuat_khamitov @ @tanushal421 согласен! Собаки могут обидеться)

30мин. Ответит



akanovatomiris @kuat_khamitov как жаль, что так много людей со схожими взглядами. Узкое мышление - вот с чем надо бороться. Вам бы побольше самообразованием заниматься. Научиться быть человеком для начала. Не пойму откуда такое гомофобное мнение. Почему так переживаете за ориентацию других людей?

27мин. Нравится: 2 Ответить

(https://www.kok.team/files/styles/full_hd/public/images/paragraph/1517/gomofobiya-kuata-2.jpg?itok=qmpt2HXN)

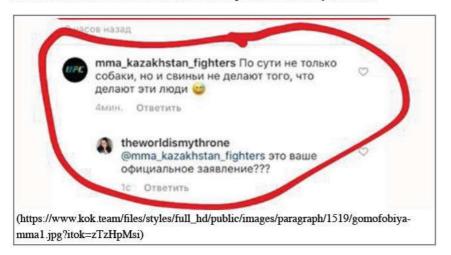
Moreover, MMM Kazakhstan Fighters

(https://www.instagram.com/mma_kazakhstan_fighters/) supported its fighter by comparing LGBT people not only with dogs, but also with pigs. Given the fact that dogs and pigs are

BCILIA

6ex

considered unclean animals in Islam, such a comparison is extremely offensive.



The fact that a well-known in Kazakhstan champion and a national sports organization take liberties to do homophobic attacks has outraged social network users.

LGBT activist Nurbibi Nurkadilova (https://www.instagram.com/theworldismythrone/) wrote an open letter (https://www.instagram.com/p/CAS62lrFYOj/) to Kuat Khamitov, in which she reports that as an open LGBT person, she is offended by the statements of Kuat Khamitov, whom she considers the pride of the nation and the international representative of Kazakhstan. The activist states that she does not understand what Khamitov had in mind when he compared her and other LGBT people with dogs. She said that a well-known athlete, whose opinion millions are listening to, simply does not have the right to hate speech because this can lead to terrible consequences. In Kazakhstan, dozens of hate crimes (https://www.kok.team/en/2020-03-16/kokteam-submission-to-the-unhrc-at-the-upr) are committed every year because of hatred based on sexual orientation and gender identity, and LGBT people live in constant fear (https://adcmemorial.org/publications/lgbti-v-regione-czentralnoj-azii-repressii-diskriminacziya-isklyuchennost/).

The editorial board of Kok team endorses Nurbibi's statement and, in turn, writes an open letter to Alik Aidarbayev, the President of the National MMA Federation in Kazakhstan and the Chairperson of the Board of KazMunayGas.

Dear Mister Aidarbayev,

We ask you to publicly condemn the homophobic statements by Kuat Khamitov and the MMA Kazakhstan Fighters Instagram account, as well as to undertake to change the organization's culture and promote tolerance within the organization.

Your fighter, Kuat Khamitov, plans (https://www.sports.kz/news/moy-debyut-doljen-sostoyatsya-y-las-vegase-kuat-hamitov-rasskazal-o-perehode-v-ufc) to participate in the UFC competitions, but can he do it, having a reputation of a homophobe? We are sure that you know about the UFC fight for its reputation in the LGBT world. In 2019, the organizers of the championship released "We Are All Fighters" (https://www.youtube.com/watch? v=LauQZZ5iQU8) T-shirts during the month of LGBT pride, and the proceeds were sent to support the international LGBT organization GLAAD.

Simultaneously with this open letter, we will send letters to IMMAF and UFC demanding that Kuat Khamitov not be allowed to participate in competitions until he and the National MMA Federation in Kazakhstan offer a public apology to LGBT people in Kazakhstan.

BCILIA





"Don't Provoke, Don't Challenge"
The Censorship and
Self-Censorship of the LGBT
Community in Kazakhstan

2015

Treycons

BCILIA

ARTICLE 19

Free Word Centre 60 Farringdon Road EC1R 3GA

United Kingdom T: +44 20 7324 2500 F: +44 20 7490 0566 E: info@article19.org

W: www.article19.org Tw: @article19org

Fb: facebook.com/article19org

ISBN: 978-1-910793-23-7

@ ARTICLE 19, 2015

This work is provided under the Creative Commons Attribution-Non-Commercial-ShareAlike 2.5 licence. You are free to copy, distribute and display this work and to make derivative works, provided you:

- do not use this work for commercial purposes;
 do distribute any works derived from this publication under a licence identical to this one.

To access the full legal text of this licence, please visit: http://creativecommons.org/licenses/by-nc-

SIHIROL ARTICLE 19 would appreciate receiving a copy of any materials in which information from this

This report is published with the technical assistance of the British Embassy to Kazakhstan. It does not necessarily reflect the official views of the Embassy.



Contents

Exe	ecutive Summary	2
Red	commendations	4
Inti	roduction	1-0,
1.	Background: LGBT rights in Kazakhstan Violence and Harassment Discrimination and violation of other rights in practice International Standards on Equality and non-discrimination National Legislation on non-discrimination	10 11 15 16 18
2.	Obstacles to Freedom of Expression Legislative framework and media environment Censorship of LGBT People, Issues and Information Self-censorship by LGBT People	21 22 25 30
3.	Public Discourse around LGBT Peop e Regulating "hate speech": standards and legislation Discourse on LGBT issues by public figures Media portrayals of LGBT people Civil Society discourse on LGBT people	32 32 35 37 40
Cor	nclusion	41
Anı	nex 1: Methodology	42
rey consultino		

BCILIA

Executive Summary

This report examines challenges faced by lesbian, gay, bisexual and transgender (LGBT) people in Kazakhstan when exercising the right to freedom of expression. It is based on pilot research conducted in September 2015, including interviews with LGBT people in six cities of Kazakhstan, analysis of Kazakhstan's domestic legislation and media monitoring.

The findings of the research demonstrate an environment in which expression related to LGBT identities is directly censored - often justified on the grounds of protecting 'morality' or 'traditional values'. At the same time, societal prejudices and a lack of legal protections against discrimination based on sexual orientation and gender identity have created an environment in which LGBT people resort to self-censorship to avoid harassment or even violence.

The situation is further exacerbated by the absence of platforms where LGBT people can publicly express themselves or access relevant information around the issues they face. Despite a few positive examples, media coverage tends to be sensationalist, if not openly homophobic and discriminatory. This has created an atmosphere of distrust between LGBT people and media workers, further reinforcing practices of self-censorship. The situation is compounded by openly homophobic rhetoric propagated by influential public figures, which encourage negative attitudes towards LGBT people.

Censorship restricts the flow of information from and about LGBT people, preventing them from expressing themselves and denying them opportunities to assert other fundamental rights - such as the right to education and the right to health. It also violates the rights of all people to openly discuss issues relating to sexual orientation and gender identity, and prevents them accessing information on a wide range of related concerns. Attempts to justify this on the grounds of protecting children and upholding morality contradict the principles of the universality of human rights. Freedom of Expression is a fundamental Treyconsulti human right and cannot be denied to a whole section of the population, due to societal prejudices.

Restrictions on the rights of LGBT people occur against the backdrop of a broader disregard for freedom of expression within Kazakhstan. Despite constitutional guarantees of freedom of expression, this right is repeatedly violated, due to broad, contradictory or simply repressive legislation, a lack of procedural safeguards and an absence of political will.

Ensuring the right to free expression of LGBT people demands the introduction of a variety of measures to tackle intolerance and prejudice on all grounds, and ensure universal equality and non-discrimination. Legislation and judicial practices must be reformed to promote freedom of expression and equality for all, while including an explicit recognition of sexual orientation and gender identity as a protected characteristic. Moreover, the Kazakh author ties must take the lead on rejecting homophobia and transphobia, with public officials demonstrating a firm commitment to respect the principles of equality, tolerance and diversity related to sexual orientation and gender identity.

At the same time, the government must seek to challenge the dominant rhetoric on sexual orientation and gender identity within Kazakhstan, in order to tackle hate speech against LGBT people and facilitate an environment in which LGBT people are able to express the right to freedom of expression. ARTICLE 19 believes that resolving tensions and intolerance related to sexual orientation and gender identity cannot be achieved by suppressing the expression of differences but rather by debating them openly. This requires a series of measures, aimed at promoting more positive discourse on LGBT issues. These should combine positive policy measures, aimed at tackling the root causes of prejudice and intolerance against LGBT people, with the development of a coherent legal framework for prohibiting the advocacy of hatred against LGBT people that constitutes incitement to discrimination, hostility, or violence that nevertheless upholds the fundamental principles of freedom of speech.

It is also essential that LGBT people can rely on the broader support of civil society to promote expression, as part of anti-discrimination networks, challenging intolerance and prejudice on any grounds and promoting the universality and indivisibility of human rights for all people.

reyconsulti

Recommendations

The government and parliament of Kazakhstan should:

- Include sexual orientation and gender identity as grounds for protection from discrimination in all legislation, and specify that sexual orientation and gender identity is a ground for prohibition of incitement to hatred in Article 174 of the Criminal Code, while also ensuring that this provision is reformed to prevent its abusive application against minority and dissenting views.
- Refrain from adopting, and also repeal, any laws that discriminate based on sexual orientation or gender identity, including any laws aimed at prohibiting dissemination of information on sexual orientation and gender identity.
- Simplify procedures for gender reassignment treatment and for changing legal gender identity.
- Amend Kazakh legislation to align it with its international obligations to establish a presumption in favour of the exercise of the right to free expression
- Refrain from filtering, blocking, removal and other technical or legal limits on access to content on LGBT identities. Protect against all extra-judicial blocking of online information, and ensure that blocking can only occur on the order of a judicial body in pursuant to a clearly defined law, fully complying with international standards on freedom of expression.
- Create independent equality institutions, with proper financial support, with mandates to develop data collection mechanisms and to promote empirical and other research on discrimination on various grounds, including sexual orientation and gender identity. Any comprehensive policy for tackling inequality, discrimination and other forms of prejudice against LGBT people should be evidence-based.

- Organise public information and education campaigns, in collaboration with civil society, to combat negative stereotypes of, and discrimination against, LGBT people. In particular, public information and education campaigns should be integrated into primary, secondary and tertiary education, and complemented with concrete anti-bullying policies, including the provision of support services for victims of bullying, including peer-led initiatives.
- Encourage media to take an unbiased approach to covering challenges faced by LGBT people, including by offering incentive for this from the The Ministry of Innovation and Development.
- Provide trainings for public officials and other public figures on the right of LGBT people to equality and non-discrimination. Instruct politicians and other influential people in society on the importance of avoiding statements that might promote discrimination or undermine equality. Develop and adopt ethical codes and "no discrimination" policies for elected officials.

Civil Society Organisations should:

Treyconsultin

- Respect pluralism and promote the rights to freedom of expression and equality for all people, including on the grounds of sexual orientation and gender identity;
- Develop coalitions of CSOs working on the universality of human rights, to push for legislative change promoting tolerance and non-discrimination, on all grounds, including sexual orientation and gender identity;
- Lead on public information and education campaigns aimed at combating negative stereotypes of LGBT people and promoting and protecting universal human rights;
 - Undertake monitoring of incidences of intolerance and prejudice concerning LGBT people and provide data to the government and equality bodies (as established).

Media Organisations should:

- Recognise the moral and social responsibility to promote equality and nondiscrimination, including based on sexual orientation and gender identity of media organisations.
- Ensure that workforces are diverse and representative of society as a whole;
- Address as far as possible issues of concern to all groups in society, including LGBT people
- Adopt and implement professional codes of conduct that reflect equality principles Avoiding unnecessary references to sexual orientation or gender identity that may promote intolerance;
- Raise awareness of the harm caused by discrimination and negative stereotyping of LGBT people.

Recorrinc' Recommendations are largely derived from those included in existing ARTICLE 19 policies, including The Camden Principles, (ARTICLE 19, 2009), https://www.article19.org/data/files/ pdfs/standards/the-camden-principles-on-freedom-of-expression-and-equality.pdf; Responding to Hate Speech Against LGBT People (ARTICLE 19, October 2013), https://www.article19.org/ data/files/medialibrary/37343/LGBTI-Incitement-Paper-30-Sept-AS-FINAL.pdf and 'Prohibiting Incitement to discrimination, hostility of violence', (ARTICLE 19, December 2012) https://www. article 19.org/data/files/medialibrary/3548/ARTICLE-19-policy-on-prohibition-to-incitement.pdf

Introduction

Freedom of expression is a fundamental human right. It is essential for the fulfilment of other human rights, as it is only through being able to inform and express oneself that other rights can be claimed. The right to freedom of expression encompasses the right to freely express one's sexual orientation or gender identity, as well as the freedom to seek, receive and impart information on issues related to sexual orientation or gender identity.

In Kazakhstan, this right is particularly important for lesbian, gay, bisexual and transgender (LGBT) people, who frequently face discrimination, including biased media coverage and homophobic speech, from both public figures and society more broadly, and struggle to access platforms for disseminating the ideas and views of LGBT people. Such discrimination will be only be overcome by ensuring LGBT people are able to express themselves.

This study focuses on challenges faced by LGBT people in Kazakhstan when exercising their right to freedom of expression looking at the broader societal context concerning the rights of LGBT people. It finds a society where legislative discrimination, societal prejudices, and violence have created an environment in which LGBT people are censored, or resort to self-censorship. It also looks at public discourse about LGBT people and the issues affecting them, finding that distorted and negative discussion and coverage of LGBT people, including the denial of opportunities for LGBT people to be heard, reinforces obstacles to freedom of expression.

The report is based on data collected from interviews with 33 members of the LGBT community, all aged 16 or older: 15 females, 11 males and 7 transgender people. Respondents came from six cities in Kazakhstan: Astana, Almaty, Karaganda ¹ Semey, Ust-Kamenogorsk, and Shymkent. All were interviewed on the condition of anonymity in this publication: pseudonyms are used in the report to protect the anonymity of participants. Research also relied on monitoring o popular media sites, social networks and political speeches, and analysis of Kazakhstan's domestic legislation. Local human rights defenders were also interviewed in free form.

Researchers encountered challenges in conducting the survey in Karaganda. This city has some evidence of civic activism around LGBT issues - in October 2013 local LGBT activists held a pride day in response to an initiative of members of the local town council to ban unconventional sex. However, of 5 planned meetings, all were cancelled last minute. At the last moment only one speaker was found who agreed to talk. This may indicate concerns about speaking with a researcher; however, we were not able to explore these further.

reyconsulti

BCILIA

The research is not intended to be comprehensive, but constitutes pilot research on which we hope to build in the future. It includes a limited sample of interviewees from urban areas of Kazakhstan, while monitoring of media relies on a narrow pool of publications, observed over a 6 month time-frame. Neverthe ess it provides an illustration of the challenges faced by LGBT people across the country in exercising their right to freedom of expression.

Milech

Key Consulting.

BCILIA

Defining Freedom of Expression

reyconsultin

"Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers"

Article 19, Universal Declaration of Human Rights

Article 19 of the UDHR guarantees the right to freedom of expression. This is elaborated upon and given legal force by Article 19 of the International Covenant on Civil and Political Rights (ICCPR), which protects the right of all people to seek, receive, and impa t information of any form, including political discourse, commentary on one's own and on public affairs, canvassing, discussion of human rights, journalism, cultural and artistic expression, teaching, and religious discourse. Importantly, the right protects expression that others may find deeply offensive.*

The right to freedom of expression and information therefore protects the right of all people, including LGBT people, to seek, receive, and impart information on all issues relating to sexual orientation and gender identity.

The Human Rights Committee (HR Committee), the monitoring body for the ICCPR, explicitly stated that this also protects the right to publicly "giv[e] expression to [their] sexual identity and seek [...] understanding for it."

General Comment No. 34, HR Committee, CCPR/C/GC/34, 12 September 2011, para. 11 - Fedotova v. Russian Federation, CCPR/C/106/D/1932/2010, Communication No. 1932/2010, 30 November 2012, para. 10.7

1. Background: LGBT rights in Kazakhstan

"There is no justification ever, for the degrading, the debasing or the exploitation of other human beings – on whatever basis: nationality, race, ethnicity, religion, gender, sexual orientation, disability, age or caste"

Prince Zeidb in Ra'ad, United Nations High Commissioner for Human Rights, 2014³

While this report focuses on freedom of expression, the extent of discrimination, harassment, and violence faced by LGBT people is also briefly covered in this chapter, in order to illustrate the environment in which LGBT people are seeking to exercise this right. The magnitude of threats and stigntatisation faced by LGBT people encourages self-censorship, while engender ng media coverage and public rhetoric that mirrors and reinforces negative a titudes.

LGBT people in Kazakhstan are subject to significant violations of their rights based on their sexual orientation and gender identity.⁴ Pervasive societal discrimination and harassment is exacerbated by weak legislative provisions around non-discrimination and equality, and a lack of recognition of the grounds of sexual orientation and gender identity. In a context in which 'sodomy' was de-criminalised as recently as 1999, statements and actions by the government and other public figures rejecting LGBT identities serve to legitimise stigmatisation of LGBT people, reinforcing societal attitudes. For example, in 2015, Parliament attempted to pass legislation which would prohibit dissemination of information on LGBT issues, under the guise of protecting children (see in Chapter 2), while there have even been calls by some parliamentarians to criminalize homosexuality.⁵

Opening Statement by Zeid Ra'ad Al Hussein United Nations High Commissioner for Human Rights at the Human Rights Council 27th Session , Geneva, 8 September, 2014, http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=14998#sthash.u8qLIQUI.dpuf

- See for example, Soros.KZ, 'Unacknowledged and Unprotected: LGBT people in Kazakhstan', 2009, http://www.soros.kz/uploads/user_67/2013_09_04__04_43_19__269.pdf
- Human Rights Campaign, 'Kazakhstan Lawmaker Calls for Criminalization of Same-Sex Sexual Activity', January 2014, http://www.hrc.org/blog/entry/ kazakhstan-lawmaker-calls-for-criminalization-of-same-sex-sexual-activity

By not ensuring robust protections against discrimination, including for LGBT people, Kazakhstan is failing to meet its obligations under international human rights law to promote and encourage respect for human rights and for fundamental freedoms for all.

Violence and Harassment

Despite legislative guarantees against discrimination in Kazakhstan (see be ow), LGBT people in Kazakhstan who provided information for this report reported societal prejudice, leading to harassment, interference into their private lives, and even violence, related to their sexual orientation or gender identity. Where people feel exposed to violence or harassment, there is a high risk they will resort to self-censorship to prevent themselves becoming targets of attack.

There are no accurate statistics available on physical volence against LGBT people in Kazakhstan, since authorities are not required to record such instances as bias-motivated attacks. Victims are also unlikely to report such incidences to the police. However, there have been several high profile physical attacks against LGBT people over the past few years.

There have been numerous attacks against LGBT people by vigilante groups, inspired by the far right Russian movement 'Occupy Paedophilia', whose physical attacks on homosexual men in Russia have drawn international condemnation. Members of this movement, which states its goal to be the prevention of sexual abuse of children and protection of Russian values, are openly homophobic, with some conflating homosexuality with paedophilia. 8

- In 2009 Soros Foundation-Kazakhstan conducted a survey of nearly 1000 LGBT people, finding that three quarters of respondents (74.5%) who had experienced violence did not report the incident to the police. 'Soros.KZ, 'Unacknowledged and Unprotected: LGBT people in Kazakhstan', 2009, http://www.soros.kz/uploads/user_67/2013_09_04__04_43_19__269.pdf, p. 75
- For example, Human Rights Watch, "Russia: Sochi Games Highlight Homophobic Violence", HRW, 3 Feb 2014, available at: https://www.hrw.org/news/2014/02/03/russia-sochi-gameshighlight-homophobic-violence (last accessed on 10 Nov 2015).
- The Guardian, How anti-gay groups use 'Russian Facebook' to persecute LGBT people, February 2014, http://www.theguardian.com/technology/2014/feb/11/russia-violent-anti-gay-groups-vkontakte-LGBTI-sochi

reyconsulti

The group first spread to Kazakhstan in 2013, as copy-cat groups appeared on social networks. Sergey Popravko, leader of a branch of the movement in Ust-Kamenogrosk, told a local reporter, "1 aim to catch (presumed paedophiles) using boys...I will fight gays as well, if they propagate their way of life." 9

The movement employs criminal tactics to humiliate gay men. For example, in 2013, A Juvenile Criminal Court in Almaty found five members of *Occupy Paedophilia Almaty* guilty of extortion, sentencing the leader to four years' in a penal colony, and the remaining conspirators to three years. ¹⁰ Those convicted had been engaged in kidnapping, and illegally detaining, homosexual men, and forcing them to state their sexual orientation in front of a camera. ¹¹ By threatening to disseminate the videotapes online, the members of the movement extorted 100,000 to 300,000 Tenge (up to US\$2,000 at the time) from their victims. ¹²

Worryingly, media coverage of this trial, and of other cases of violence perpetrated by *Occupy Paedophilia* members in other cities, covered the details of the cases extremely vaguely, with some reporting that the violent attacks by Occupy Paedophilia members targeted individuals engaging in sex with minors under the age of consent; others suggested the movement targeted homosexuals. Inaccurate media coverage reinforces stigmatisation and prejudicial attitudes, ignoring the responsibilities of the media (*see Section 3*).

In April 2015, V. Vinogradov was murdered by two men, Y. Sinkin and D. Protosevich in Ust-Kamenogorsk, allegedly because of his sexual orientation.

In Ust-Kamenogorsk, in the Specialized Inter-District Criminal Court of East Kazakhstan Region, which considered the case, the two defendants confessed that they had murdered Vinogradov, having felt insulted by his sexual orientation, after he came out in front of his drinking companions.

- Adhere's of Occupy Pedophilia Movement are back to Ust-Kamenogorsk, 13 Sep 2015, available at: http://tengrinews.kz/kazakhstan_news/v-ust-kamenogorsk-vernulis-adeptyi-okkupay-pedofilyay-280764/ (last accessed on 10 Nov 2015).
- Occupy Pedophilia activists in Almaty have been sentenced to several years in prison, 29 Nov 2013, available at: http://mir24.tv/news/society/9400828 (last accessed on 10 Nov 2015).
- Occupy Pedophilia activists sentenced in Almaty, 30 November 2013, http://tengrinews.kz/ crime/aktivistov-okkupay-pedofilyay-osudili-v-almatyi-246459/
- 12 Ibio
- ¹³ See Shared a Glass. http://178.90.222.138/news/show/28657

reycons'

The court on 13 Aug 2015 found the defendants guilty under paras 5, 7 and 9 of part 2 of Article 99 of Kazakh Criminal Code: murder with exceptional cruelty by a group of persons upon prior conspiracy motivated by hooliganism. The court sentenced the men to 15 and 16 years of incarceration; however, since the Criminal Code lacks the provisions for considering homophobic motivation as an aggravating element to a crime, the murder could not be classified as a hate crime.

The failure of the justice system to guarantee the protection of LGBT people, or provide remedies to redress violation, leaves LGBT people particularly exposed and vulnerable, which is likely to reinforce self-censorship — explored in the next chapter. It is compounded by day-to-day harassment, of which several survey respondents spoke. Maya, an artist, spoke of how she does not hold her girlfriend's hand in the street, and they don't hug each other. Otherwise, they are subject to verbal harassment and are called "damn lesbians" or told "you need a man." Similarly, Aibek, a university student, spoke of harassment at university, after his classmates found out he was gay, on seeing he was a member of LGBT groups on online social networks. He spoke about feelings of social isolation, as students openly discussed his sexuality, pushed him, and told jokes at his expense. "So far no one threatens me, but there is stigmatisation. It is difficult to stand."

The situation is exacerbated by feelings of isolation among LGBT people, the absence of a coordinated LGBT rights movement, and limited social connections between LGBDT people. There is no support network for LGBT people. As Tatyana put it: "I am less bothered by harassment. I am more upset with the fact that gays and lesbians themselves don't feel like communicating with each other; they are not united."

BCITIA

Defining discrimination

Under international law, discrimination is understood as:

- (i) any distinction, exclusion, restriction or preference against a person
- (ii) based on a protected characteristic recognised under international human rights law, including sexual orientation and gender identity,

BCILIA

- (iii) which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life.*
- *See Article 2(2) of the ICCPR; Article 1, ICERD; Article 1, CEDAW and Article 2, Convention on the Rights of Persons with Disabilities. The Human Rights Committee comes to a similar interpretation in General Comment No. 18, paras. 6 and 7

Discrimination and violation of other rights in practice

"As men and women of conscience, we reject discrimination in general, and in particular discrimination based on sexual orientation and gender identity. Where there is a tension between cultural attitudes and universal human rights, rights must carry the day."

Ban Ki-moon, United Nations Secretary-General, 2010

In practice, LGBT people in Kazakhstan face pervasive discrimination in their daily lives.

Transgender people face particular challenges in attaining legal recognition of their gender, as recorded in official identity documents, such as passports. In 2009, Kazakhstan passed a new code on pub ic healthcare, which recognised a right to gender reassignment surgery; 14 however, subsequent guidelines regulating gender reassignment which were passed in the aftermath have made it increasingly difficult to exercise this right. Kazakh law now requires individuals to undergo surgery – including both sterilisation and genital reassignment, 15 in order to change their legal identity. If they do not change their legal gender, they face challenges in a range of daily activities, including seeking employment, opening a bank account and even booking travel. Compelling people to undertake invasive surgery in order to change their legal gender violates human rights, compelling transgender people to give up their reproductive rights, as well as undermining the rights to family life and privacy.

Finding and maintaining employment is a major issue for LGBT people, with several interviewees speaking of challenges in this regard. Due to the restrictive processes for changing a person's legal gender describe above, many transgender people struggle to find employment that corresponds to their qualifications due to discrepancy between their legal identity and physical appearance. The only jobs they can find are in the informal economy, where employers do not require identification and pay in cash. For example, despite having a degree in law,

14 Code on People's Health and System of Healthcare of the Republic of Kazakhstan, 2009, art. 88.

CLEACOUR SULLI

Rules for Medical Examination and Change in Sex of Individuals with Sexual Identity Disorders. Approved by Order # 187 issued by the Kazakh Ministry of Healthcare and Social Development on 31 March 2015. Misha is currently working as a painter because he does not have personal documents corresponding to his gender identity. Work as a painter does not require an official recruitment process, presenting personal documents, or signing a labour contract. In not signing a contract, his labour social rights are not protected.

Lesbian, gay, and bisexual interviewees also spoke of discrimination in the workplace. Kirill, a lecturer, was fired after his colleagues started suspecting he was gay. Gulnaz, a journalist, described how she was forced to resign after her bos found out her sexual orientation and pressured her to leave. Other responden s reported maintaining successful careers only by remaining silent about their sexual identity when around colleagues.

International Standards on Equality and Non-Discrimination¹⁶

By failing to protect LGBT people, Kazakhstan violates its international commitments to protect people from discrimination. The right to equality and non-discrimination is protected under all major international and regional human rights instruments, ¹⁷ including the International Covenant on Civil and Political Rights (ICCPR), to which Kazakhstan is a signatory. Article 2 of the ICCPR obliges states to protect the rights of all individuals within its jurisdiction, 'without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.' The list of prohibited grounds, however, is not exhaustive; and the UN Human Rights Committee has interpreted the protections for equality and non-discrimination under the ICCPR to include the grounds of sexual orientation and gender identity. ¹⁸ In particular, it recommended that signatory States should guarantee equal rights to all, regardless of their sexual orientation, ¹⁹ and has welcomed legislative steps taken by States to comply with this obligation. ²⁰

- F r further information on international standards on equality and non-discrimination, p rticularly with regard to the rights of LGBT people, see: ARTICLE 19, 'Traditional Values?' Attempts to Censor Sexuality' (2013) https://www.article19.org/data/files/medialibrary/3637/LGBTI-propaganda-report-ENGLISH.pdf
- See, for example: Article 7 of the UDHR; Articles 2(1) and 26 of the ICCPR; Article 2(2) of the International Covenant on Economic, Social and Cultural Rights; Article 1 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; Article 2(1) of the Convention on the Rights of the Child; Article 1(1) and Article 24 of the American Convention on Human Rights, and Article 2 and Article 19 of the African Charter on Human and Peoples' Rights.

reycons'

The monitoring bodies for all of the major international human rights treaties, for example the *International Covenant on Economic, Social and Cultural Rights, the Convention on the Elimination of All Forms of Discrimination against Women, and the Convention on the Rights of the Child,* support the inclusion of sexual orientation and gender identity as protected characteristics in the guarantees for equality and non-discrimination under those instruments.²¹ The European Court of Human Rights reached the same conclusion regarding regional protections against discrimination. It has argued emphatically that "predisposed bias on the part of a heterosexual majority against a homosexual minority" cannot amount to sufficient justification for interferences with fundamental human rights.

Discrimination, censorship, and speech which target LGBT people for their sexual orientation and gender identity are often justified in Kazakhstan on the grounds of protecting morality and/or children and upholding Kazakh traditions; however, attempts to silence a whole segment of the population cannot be framed as an issue of morality or the protection of children. These must be called what they are: a violation of human rights.

- Toonen v. Australia, HR Committee, Communication No. 488/1992, para. 8.7; and Young v Australia, Communication No. 941/2000, para. 10.4
 - HR Committee Concluding observations on Chile (CCPR/C/CHL/CO/5, para 16), San Marino (CCPR/C/SMR/CO/2, para 7), and Austria (CCPR/C/AUT/CO/4, para. 8)
- See, for example: HR Committee Concluding observations on El Salvador (CCPR/C/SLV/CO/6, para. 3(c)), Greece (CCPR/CO/83/ GRC, para. 5), Finland (CCPR/CO/82/FIN, para. 3(a)) and Slovakia (CCPR/CO/78/SVK, para. 4.)
- See: General Comment No. 20, Committee on Economic, Social and Cultural Rights, E/C.12/GC/20, 2 July 2009, para. 32; General Comment No. 2, Committee Against Torture, CAT/C/GC/2, 24 January 2008, para 21; General Comment No. 28, Committee on the Elimination of Discrimination Against Women, CEDAW/C/GC/28, 16 December 2010, para 18; General Comment No. 4, Committee on the Rights of the Child, CRC/GC/2003/4, 1 July 2003, para. 6

reyconsulti

National Legislation on non-discrimination²²

"They should pass anti-discriminatory laws, then people will have protection tools" Sanzhar²³ LGBT activist

Kazakh legislation provides protections for equality and non-discrimination. However, despite guarantees on paper, implementation of this legislation is weak facilitating the situation described above and leaving all minorities exposed to discrimination, with few opportunities for effective legal remedies available. LGBT people are particularly vulnerable, as the law does not recognise sexual orientation and gender identity as protected characteristics.

Article 14 of the Kazakh Constitution states that "everyone shall be equal under law and in court", providing that "no one may be discriminated because of origin, social status, official status or property status, sex, race, ethnic background, language, religion, beliefs, place of residence or on any other grounds". A progressive reading of this law, in line with international human rights law, would interpret "any other grounds" as including sexual orientation and gender identity.

The Constitution further prohibits 'any discrimination' within the workplace (Article 24/3), and forbids 'advocating war, social, racial, national, religious, class and clannish superiority as well as the cult of cruelty and violence' (Article 20).

ARTICLE 19 believe the e should be interpreted expansively to include sexual orientation and gender identity within the protected characteristics.

ARTICLE 19's analysis of Kazakh legislation is informed by 'A Preliminary Review of Some Aspects of Inequality and Discrimination in Kazakhstan', produced by the Kazakhstan International Bureau of Human Rights and Rule of Law, March 2015, available at: http://ihahr. org/sites/default/files/files/kazahstan-diskriminaciya-2015-doklad.doc (last accessed on 10 Nov

Creyconsultil Pseudonyms have been used throughout this report to protect the anonymity of respondents: see Annex 1: Methodology

In addition to constitutional guarantees, a number of laws and regulations prohibit discrimination:

- Article 145 of the Criminal Code prohibits 'direct or indirect restriction of the rights and freedoms of the individual (citizen) on such grounds as: origin, s cial status, official status or property status, sex, race, nationality, language attitude to religion, beliefs, place of residence, membership of public associations or on any other grounds.'
- The Code of Administrative Offences prohibits acts motivated by the stirring of hate and enmity (or discord) on various grounds. It also prohibits the production, storage, import, transport or dissemination on Kazakhstani media of products containing information aimed at inciting social, racial, ethnic, religious, birth status or ancestry hatred (rozn¹). However, these only prohibit discriminatory content on limited grounds, and do not establish administrative liability for discrimination. In addition, the offence of "stirring discord" can be applied broadly, to unduly restrict the right to freedom of expression. These laws should be reviewed and brought in line with Article 20(2) and Article 19(3) of the ICCPR (explained below).
- Procedural safeguards are included in the Code of Criminal Proceedings and the Code of Civil Proceedings, which prohibit discrimination on the aforementioned grounds during criminal and civil litigation respectively.
- The Labour Code includes a number of provisions prohibiting discrimination on 'sex, age, physical disadvantages, race, ethnic background, language, property status, social status and official position, place of residence, religion, political beliefs, ancestry or membership of public associations'; and regulating against this. However, the complaints procedure established for dealing with discrimination is identical to that established for regular administrative procedures, failing to address it as a violation of human rights.
- Finally, a number of anti-discriminatory provisions are also included in the Code of Public Health and Healthcare and associated legislation governing provision of medical care; although these do not specify any protected grounds.

Treyconsultin

As with the constitutional protections, such legislation should be interpreted to prevent direct or indirect discrimination on the grounds of sexual orientation or gender identity, by recognising sexual orientation and gender identity as a protected characteristic. Moreover, despite legislative protections, Kazakhstan has been criticised for having no regulatory definition of discrimination; which makes it very difficult for law-enforcement and other oversight authorities to interpret and

Mieck

BCILIA

Treyconsulting. In ²⁴ Commentary on official report produced by Kazakhstan as a party to International Convention On the Elimination of All Forms of Racial Discrimination and submitted by it to the Committee on Elimination of Racial Discrimination pursuant to Article 9 of the MLKRD, 2004,

2. Obstacles to Freedom of Expression

"Freedom of speech is generally not for us in this country"
Vladimir, transgender respondent

While the right to freedom of expression is constitutionally guaranteed in Kazakhstan, in reality, this right is severely limited due to repressive legislation and practices. Legislative initiatives to promote and protect freedom of expression of minority groups are extremely weak. On the contrary, LGBT people have come under particular attack recently, as parliament has sought to legislate to limit the dissemination of information related to LGBT issues, which target the right to free expression of all people about sexual orientation and gender identity.

The available information indicates that LGBT people struggle to exercise the right to freedom of expression, including both imparting information and receiving information related to LGBT issues. Interviewees reported a range of concerns, including direct censorship, blocking of online content; indirect censorship by media outlets (see Section 3); and self-censorship, relating to stigmatization and isolation of LGBT people. Despite constitutional guarantees to the right to free expression, an overwhelming majority of interviewees (88%) described freedom of expression as "impossible in our country".

Only a quarter (24%) of interviewees said they could freely express their views on issues related to sexual orientation or gender identity, with the remaining three quarters saying they could not, as they felt threatened and insulted and their privacy no respected.

Two thirds of respondents (67%) reported retracting their opinions on issues related to sexual orientation or gender identity, following an argument/debate with an interlocutor. This was usually by arguing that sexual orientation and gender identity was sodomy, a perversion, or a disease, demonstrating the hostility and aggression faced by LGBT people in seeking to express themselves.

reyconsulti

Legislative framework and media environment

The ICCPR protects the right of all people to seek, receive, and impart information of any form, including political discourse, commentary on one's own and on public affairs, canvassing, discussion of human rights, journalism, cultural and artistic expression, teaching, and religious discourse. Importantly, the right protects expression that others may find deeply offensive - as reflected in General Commen No. 34 of the UN Human Rights Committee.²⁵

CILIA

At the same time, freedom of expression is not an absolute right and may be subject to limitations under exceptional circumstances. Article 19(3) of the ICCPR, provides that any limitation on the right to freedom of expression must meet a "three-part test": any restriction must be provided for by law and pursue one of an exhaustive list of legitimate aims, namely: respect for the rights or reputations of others, public order, public health or morals, or national security, and thirdly be necessary in a democratic society. Additionally, under Article 20(2) of the ICCPR, States are obliged to "prohibit" by law any "advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence." ARTICLE 19 considers that States should interpret the characteristics of nationality, race and religion in Article 20(2) expansively, and not treat differently analogous advocacy of hatred based on sexual orientation or gender identity.

Freedom of speech is guaranteed by Article 20 of the Kazakh Constitution, which forbids censorship and ensures the right to freely receive and disseminate information by any means not prohibited by law. This in itself falls short of the standards established in Article 19 of the ICCPR, by failing to state that any restriction included in the law must be necessary, for the respect of the rights or reputations of others and for the protection of national security or of public order (ordre public), or of public health or morals. The same article also imposes restrictions on the right to freedom of expression when it comes to: "Propaganda of, or agitation f r, the forcible change of the constitutional system, violation of the integrity of the Republic, undermining of state security, and advocating war, social racial, national, religious, class and clannish superiority as well as the cul of cruelty and violence." This is much broader than the prohibition required by Article 20(2).

rey consulti UN Human Rights Committee, General comment No. 34, Article 19: Freedoms of opinion and expression http://www2.ohchr.org/english/bodies/hrc/docs/gc34.pdf

The right to freedom of expression is further regulated by over 10 different laws and subordinate acts, including the Law on Mass Media, the Law on TV and Radio Broadcasting, the National Security Law, the Law on State Secrets, the Law on the Leader of the Nation, and the Civil, Criminal and Administrative Codes. These laws contain restrictions and obstacles to freedom of expression, which are abused by the Kazakh authorities to limit dissenting, critical and minority voices. Particularly concerning are criminal libel and defamation laws, overbroad laws criminalizing the incitement of social, national, clan, racial, or religious discord (explored in chapter 3); and criminal charges for "spreading false information." Legislation confers sanctions on offences, providing the government with an effective tool to control expression inside the country. In this context, the media environment is dominated by pro-government media, with independent outlets subject to judicial and administrative harassment.

There have recently been worrying attempts by the Kazakh parliament to pass legislation which would severely restrict the right to disseminate information regarding LGBT issues, similar to Russia's infamous law prohibiting "the promotion among children of non-traditional sexual relations" ²⁸ – the so-called "homosexual propaganda ban". In February 2015, the Kazakh parliament approved a draft Law 'On the Protection of Children Against Information, Damaging Their Health and Development.' Although a full version of the draft bill was never made public, one provision available online would have prohibited the dissemination of information "propagandizing non-traditional sexual orientation" to minors. ²⁹ In May, however, the Kazakh Constitutional Council recognized the draft law as unconstitutional, on the grounds that it contained "vague and ambiguous definitions and terms," and sent it back to Parliament for further discussion."

- Freedom House, 'Freedom of the Press 2015: Kazakhstan', https://freedomhouse.org/report/ f eedom press/2015/kazakhstan
- ²⁷ Ihid

Treyconsultil

- Federal law #135-FZ of 29 June 2013 On the introduction of amendments to Article 5 of the Federal law "On the protection of children from information harmful to their health and development" and diverse legislative acts of the Russian Federation aimed at protecting children from information which propagandises the rejection of traditional family values. http://www.rg.ru/2013/06/30/deti-site-dok.html (accessed 05/11/2015)
- Human Rights Watch, 'Kazakhstan: Anti-Gay Laws Found Unconstitutional', May 28th 2015, https://www.hrw.org/news/2015/05/28/kazakhstan-anti-gay-laws-found-unconstitutional,
- "Draft Law on prohibition of gay propaganda declared unconstitutional in Kazakhstan", 27 May 2015, available at: http://informburo.kz/novosti/zakon-o-zaprete-gey-propagandy-priznan-nekonstitucionnym-5321.html (last accessed on 11 Nov 2015).

CILIA

This decision is concerning, as this decision was not made on the basis that the draft law violates Constitutional guarantees of non-discrimination and freedom of expression. Indeed, although the current status of the draft law is unclear, there are concerns that it may resurface, following statements by the Ministry on Investment and Development that the law will be analysed and further developed.31 CILIA

If passed, this law would violate the rights to freedom of expression and equality o LGBT people, by restricting the flow of information from and about LGBT people, preventing them from expressing themselves and denying them opportunities to assert other fundamental rights - such as the right to education and the right to health. Additionally, it would also violate the rights of all people to openly discuss issues relating to sexual orientation and gender identity, and prevent them accessing information on a wide range of related concerns. A tempts to justify these bans on the grounds of protecting children and upholding morality contradict the principles of the universality of human rights, stemming from the fact that the rights contained within the Universal Declaration of Human Rights represent a coherent and universally agreed-upon framework or protecting the rights of all human beings, and cannot be denied to a whole section of the population, due to societal prejudices.

This is reinforced by responses of international human rights mechanisms to prohibitions on "homosexual propaganda". The UN Human Rights Committee found in a 2012 decision that the prohibition of "homosexual propaganda" in Ryazan, Russia violated $t\underline{h}\underline{e}$ right to freedom of expression. The decision affirmed that the right to equality protects individuals on the basis of their sexual orientation and gender identity, and places a positive obligation upon States to respect the freedom of expression rights of LGBT people. The decision finds support in the jurisprudence of the European Court of Human Rights and Inter-American Court of Human Rights the reports of the Office of the High Commissioner for Human Rights, UN treaty monitoring bodies and UN special mandates, as well as in declarations of international and regional political bodies.32

- reyconsulti "Draft law on protection of children from undesirable information will be further developed in Kazakhstan", 27 May 2015, available at: http://www.zakon.kz/4715287-zakonoproekt-ozashhite-detejj-ot.html (last accessed on 11 Nov 2015).
 - ARTICLE 19, 'Traditional Values? Attempts to Censor Sexuality', March 2013, https://www. article19.org/data/files/medialibrary/3637/LGBTI-propaganda-report-ENGLISH.pdf

Censorship of LGBT People, Issues and Information

A number of respondents to our survey raised concerns about censorship both on and offline. There are worrying cases where broad criminal and civil provisions, ostensibly with legitimate aims (for example the protection of reputation, or prevention of incitement to hatred), have been abusively applied to censor speech relating to issues around sexual orientation and gender identity.

One of the most high profile cases of censorship in Kazakhstan in recent years concerns an advertising poster for a gay club in Almaty, portraying a kiss be ween two 19th century cultural icons, Alexander Pushkin, a Russian poet, and Kurmangazy Sagyrbaiuly, a Kazakh composer. The poster was designed by Havas Worldwide Kazakhstan, an advertising agency, as a submission to the Central Asian Advertising Festival, and was published on social media networks in August 2014 by a member of staff at a competing agency. The publication of the poster caused an uproar on social media, resulting in several lawsuits filed against the agency, and almost \$150,000 awarded against the agency for moral damages."

An initial claim was filed by the Almaty City Administration, which filed a class action, arguing that the poster was "unethical" and "offends the image of these great artists and violates widespread mo al norms and behaviours, given that it shows non-traditional sexual relations, which are unacceptable to society."33 On 24th September 2014, the Almaty Specialized Inter-district Administrative Court ruled that the advertising agency Havas Worldwide Kazakhstan had violated the Law On Advertising and obliged the agency to pay a fine of 185,200 Tenge (US\$690), and its director Dariya Khamitzhanova to pay a fine of 129,640 Tenge

Then, in September 2014, 34 students and professors, working and studying at a national musical conservatory named after Kurmangazy, filed a class action lawsuit for the protection of their honour, dignity and business reputation against the advertising agency. They argued that the poster insulted both the honour and dignity of Pushkin and Kurmangazy's descendants and of "all people not

CITIA

Treyconsulting Human Rights Watch, 'Kazakhstan: Lawsuits Over Same-Sex Kiss on Poster', October 2014, https://www.hrw.org/news/2014/10/01/kazakhstan-lawsuits-over-same-sex-kiss-poster

SKAIIIE BOILLA indifferent to their art".34 Each of them sought one million Tenge in recovery of moral damage. On 28 October the court ruled the satisfaction of their claims, ordering the agency to pay 34 million Tenge (around US\$126,000), causing it to become financially bankrupt.

Both judgments are a clear violation of the right to free expression. The scope of the right to freedom of expression includes both artistic representations and commercial advertising, and encompasses provocative expression that may be rely on dis ...tolerance aga ...der identity. offensive. The Court's finding that the image impacted on those who respect Kurmangazy seems particularly tenuous. Moreover, restrictions on expression premised upon the concept of "public morals" cannot rely on discriminatory precepts which justify discrimination and promote intolerance against people,

International Standards on Blocking of Online Content*

ARTICLE 19 believes that online blocking is never justified. It is an ineffective tool (there are almost always ways to circumnavigate it). Meanwhile international human rights bodies have expressed their deep concern about blocking measures, arguing that mandatory blocking of entire websites, IP addresses, ports, network protocols or types of uses (such as social networking) is an extreme measure – analogous to banning a newspaper or broadcaster – which can only be justified in accordance with international standards.

The UN Special Rapporteur on Freedom of Expression has, however, recognised that website blocking may be justified in limited circumstances in order to deal with categories of content prohibited under international law, namely: child pornography, incitement to commit genocide, advocacy of national racial or religious hatred that constitutes incitement to discrimination, hostility or violence, and incitement to terrorism.

Nonetheless, blocking measures must always comply with the three-part test under Article 19(3) ICCPR and established minimum criteria that must be met in order to justify website blocking under international law, namely:

Blocking should be clearly laid out by law;

Treyconsultin

- Any determination on what content should be blocked must be undertaken by a competent judicial authority, or a body which is independent of any political, commercial or other unwarranted influences;
- Blocking orders must be strictly limited in scope in line with the requirements of necessity and proportionality under Article 19 (3);
- Lists of blocked websites, together with full details regarding the necessity and justification for blocking each individual website, should be published;
 - An explanation should also be provided to the affected websites as to why they have been blocked.

*For further information, see: Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, Report to the General Assembly A/66/290, 10 August 2011, available at http://www.ohchr.org/Documents/Issues/Opinion/A.66.290.pdf; and UN Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, Report to the Human Rights Council, A/HRC/ 17/27, 16 May 2011, paras. 70 and 71 available at: http://www2.ohchr.org/english/bodies/hrcouncil/docs/17session/A. HRC.17.27_en.pdf

MILLEBOURA

Respondents also spoke of online censorship. The Kazakh government has extensive powers to block and filter online content, and several respondents reported difficulties accessing information on LGBT issues - which they attributed to the sites being blocked.

While B Cillip

In 2014, Kazakhstan passed legislation enabling the office of the Prosecutor General to shut down websites or block access to pages without a court order if they contain "illegal material." Sourts may also issue orders for the suspension or closure of websites or internet resources, all of which are considered to be 'media outlets' under Kazakh law.

Internet service providers (ISPs) are obliged to remove material at the request of the prosecutor's office, without a court order, or by order of the court, although there is very little transparency around the process, including regarding which sites or materials have been blocked and on what grounds.

In 2015, Freedom House noted multiple incidences of blocking and filtering of web content in Kazakhstan, predominantly on the grounds of preventing the dissemination of terrorist material; however, there is evidence of websites being blocked seemingly without court decisions, or a prosecutorial request.36

Multiple survey respondents referred to regular blocking of LGBT websites and forums, with transgender interviewees noting particular challenges in accessing information on issues relating to gender identity. Three transgender interviewees noted that it had taken them almost six months to find a platform where they could search and exchange information on this topic. However, while blocking of online content is clearly an issue within Kazakhstan, given the lack of transparency around how and when sites or pages are blocked, it is extremely difficult to verify the practice of blocking LGBT sites or content. Moreover, during the course of this study, researchers were able to access sites interviewees cited as previously blocked.

- reyconsultil Law of the Republic of Kazakhstan of 23 April 2014, No 200-V, 'On the introduction of changes and additions to several legislative acts of the Republic of Kazakhstan related to activities of organs of interior affairs', http://online.zakon.kz/Document/?doc_id=31539059
 - Freedom House, Freedom on the Net 2015, https://freedomhouse.org/report/freedom-net/2015/ kazakhstan

There is a clear need to better understand the obstacles to LGBT people accessing information online. This could involve multiple factors, including extrajudicial blocking of information, a lack of material available in Russian and Kazakh languages, or low levels of online literacy among those seeking information. However, the matter is complicated by the lack of transparency around blocking procedures. In line with international standards, the government of Kazakhstan should refrain from all extra-judicial blocking of online information, and ensure reliable information is available on which sites have been blocked and on what grounds. This would contribute to improving access of LGBT people to information on sexual orientation and gender identity.

...k again:
...akte, a popul
...tent replaced to One interviewee also reported a technical attack against an LGBT site, and spoke of how an LGBT discussion group on VKontakte, a popula social media site in Kazakhstan was broken into, and the content replaced with materials on Islam.

Self-Censorship

During the course of the survey, the majority of respondents spoke of resorting to self-censorship to avoid discrimination or violence. Over half of interviewees (58%) reported that they do not disseminate information about LGBT issues, because of self-censorship or fear of violence. A minority of the respondents said they did disseminate information, but were aware of the risks of being insulted or threatened when doing so. Just less than half of interviewees reported having difficulties in expressing their views (42%). Only a quarter (24%) reported not facing such difficulties; however, of these respondents, half reported having no such difficulties because they simply do not speak of LGBT issues in order to avoid conflicts.

While B Cillip

One of the key spaces for expression in Kazakhstan is social media, given the lack of a strong independent media sphere. However, LGBT people also face difficulties speaking openly about LGBT issues and exchanging information on social media, with just under half (42%) of interview es feeling threatened in social networks. Half of respondents (51%) spoke of concealing their sexual orientation or gender identity online, in order to avoid harassment or intimidation from friends and colleagues. At the same time, in order to be able to participate in online discussions the same amoun of respondents (51%) reported having more than one account, using pseudon ms to participate in online discussions on LGBT issues. Just less than one fifth (18%) of interviewees communicate on LGBT forums without using pseudonyms or being anonymous. Various reasons were given for concealing identity online – the most frequent being fear of social stigma, intimidation or attack.

According to Timur, an activist, things are better for LGBT people than 10 years ago, probably because of a new generation of people who studied abroad. In his experience, Astana residents are not interested in an individual's personal life unless t ey demonstrate it publicly: "if you don't provoke, don't challenge, no one will do anything to you, no one cares about you." Another respondent, Pavel, a journalist, was concerned that speaking of LGBT issues would provoke a tough response from the authorities, resulting in even greater shrinkage of space available for LGBT people, for example the passing of a law on "homosexual propaganda", or re-criminalisation of homosexuality.

(reycons)

"We don't trouble anyone and let no one trouble us. Why are you bringing this up?! I personally don't want human rights lawyers to protect us. Our principle is that it is excellent to live as if we don't exist. My identity is my personal business" 'avel

However, one respondent alluded to concerns of influence 'alentina, a musician, spoke of trying her beet 'he is not a member of LGBT onling he says that her onling for 'raid of influence 'alentina' at 'in any one of the says that her onling for 'in any of the says that her onling for 'in any of the says that her onling for 'in any of the says that her onling for 'in any of the says that her onling for 'in any of the says that her onling for 'in any of the says that her online for 'in any of afraid of influencing them: "I'm afraid that I can influence their choice; I'm afraid that I can influence their sexual identity." The premise that she could propagate her sexual orientation is absurd; however it is a worrying manifestation of how LGBT people censor their sexuality having internalised concerns about sexual orientation and gender identity being contagious, as expressed by political figures and in the media.

Media coverage is explored in greater detail in the next chapter; however, interviewees also spoke of censoring themselves in their dealings with the media. This is linked to a deep mistrust of the media, and fear that journalists will deliberately misrepresent LGBT issues, in order to sensationalize the topic. Over two thirds of respondents (67%) would not speak about LGBT issues on the media as "it is very dangerous" Just 55% of interviewees would speak on the media reliably anonymously, as others did not trust journalists to maintain anonymity or report reliably on conversations.

3. Public Discourse around **LGBT** People

KNITIE BOILIA

Public discourse around LGBT people, propagated by traditional media, by public officials, and on social media, is often negative, discriminatory, or sensationalist. Such speech serves to reinforce negative attitudes towards LGBT people, reinforcing self-censorship. Tackling this requires a combination of positive policy measures, aimed at enabling factual and sensitive discussion of LGBT issues while ensuring a clear legal framework that prohibits advocacy of hatred that constitutes incitement to hostility, violence or discrimination, including on the grounds of sexual orientation and gender identity.

Regulating "hate speech": standards and legislation

There is no universally accepted definition of the term "hate speech" in international law. The term is usually used to refer to expression that is abusive, insulting, intimidating or harassing and/or which incites to violence, hatred or discrimination against groups identified by a specific set of characteristics. For example, the Council of Europe Comm tree of Ministers has indicated that the term "hate speech" includes:

"[A]II forms of expression which spread, incite, promote or justify racial hatred, xenophobia, anti-Semitism or other forms of hatred based on intolerance, including intolerance expressed by aggressive nationalism and ethnocentrism, discrimination and hostility towards minorities, migrants and people of immigrant origin"37

im. Creyconsultim Council of Europe Committee of Ministers, Recommendation, No. R (97) 20 of the Committee of Ministers to Member States on "Hate Speech", October 1997, http://www.coe.int/t/dghl/ standardsetting/media/doc/cm/rec%281997%29020&expmem_EN.asp

KANTIGERILLE The lack of a consensus regarding definition of "hate speech" is also reflected in domestic legislation. In many States, prohibitions are often formulated in broad terms, which are impermissible under international law since they violate the right to freedom of expression. It is only in very narrow circumstances that S ates are required by international human rights law to prohibit the most severe forms of "hate speech" - the advocacy of hatred that constitutes incitement to hostility, discrimination or violence.

It is essential, however, that any legislation regulating such speech conforms to international standards on acceptable limits to the right to freedom of expression and information. Establishing whether express on reaches the prohibited threshold under Article 20(2) of the ICCPR is a difficult process, however, requiring analysis of the expression on a case-by-case bas s, looking at the context, the position of the speaker, their intent, the context of their message, the audience of their message and the means of dissemination.38

Where it is clear that expression constitutes incitement to discrimination, hostility or violence (in line with the test), the next step is to determine appropriate sanctions. The selection of sanctions should be guided by an assessment of the severity of the offence. ARTICLE 19 believes that it is preferable to employ civil and administrative law sanctions, given the necessity test (Article 19(3) of the ICCPR), which requires that the least intrusive effective remedy should be employed when restricting speech.³⁹ Moreover, the experience of many jurisdictions

- reyconsulting. This test was proposed by ARTICLE 19, 'Prohibiting incitement to discrimination, hostility or violence', December 2012, https://www.article19.org/data/files/medialibrary/3572/12-12-01-PO-incitement-WEB.pdf; and incorporated into the Rabat Plan of Action on the prohibition of advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence of the Office of the High Commissioner of Human Rights, http://www.ohchr. org/Documents/Issues/Opinion/SeminarRabat/Rabat draft outcome.pdf
 - ARTICLE 19, 'Prohibiting incitement to discrimination, hostility or violence', December 2012

shows that civil and administrative law sanctions are better suited as responses to the harm caused by "hate speech." 40 Only in the most serious cases of incitement, when the authorities conclude that the particular incitement has reached the highest level of severity, should States impose criminal sanctions.

SKAIIIE BOILLA Prohibitions that unnecessarily censor contentious viewpoints, even where these viewpoints are offensive, are often counter-productive to promoting equality for LGBT people, and fail to address the underlying social roots of the kinds of prejudice of which homophobia and transphobia are symptomatic. In most instances, equality is better promoted through positive measures, aiming to increase understanding and tolerance, rather than censorship of views perceived as injurious to LGBT people or any other community.41

In Kazakhstan, Article 174 of the Criminal Code contains provisions prohibiting the incitement to social, national, ethnic, racial, class or religious hatred. Gender identity and sexual orientation are not included in the list of grounds for which incitement is prohibited. Additionally, paragraph 3 of Article 20(2) of the Kazakh Constitution prohibits propaganda of social, racial, ethnic, religious, birth status and ancestry superiority, as well as the cult of cruelty and violence. These two provisions, theoretically, could be interpreted to prohibit the incitement of hatred, and propagation of the cult of cruelty and violence targeting LGBT people; however, given the lack of protections for LGBT people in other laws, this seems unlikely.

The purpose of prohibiting incitement, in accordance with international law, should be to protect minorities and vulnerable groups, but the vague provisions included in Kazakhstan's legislation, fall far short of the high threshold for 'incitement to hostility, discrimination or violence' discussed above. This allows for inconsistent, or even counter-productive, application. Indeed, Kazakhstan has a track record of applying criminal incitement provisions in order to restrict the freedom of expression of critical groups, and to persecute minorities.42

- For example, in Brazil, it has been documented that criminal law has not been efficient due to institutional bias among law enforcement agencies, while sanctions have been levied effectively in civil proceedings. See, Tanya Hernandez, Hate Speech and the Language of Racism in Latin America, 32 U. Pa. J. Int'l L. 805 2010-2011
- For more information, see: ARTICLE 19, 'Responding to Hate Speech against LGBT people', October 2013
- See for example, Human Rights Watch, 'World Report 2015: Kazakhstan', https://www.hrw.org/ world-report/2015/country-chapters/kazakhstan

reycons)

Discourse on LGBT issues by public figures

Media monitoring has established that some of the worst examples of homophobic speech in Kazakhstan are propagated by government officials - including ministers and parliamentarians. Such speech by influential public figures is particularly concerning, as they are able to influence public decision and establish rhetorical frameworks through which LGBT identities are perceived and expressed.

Examples of discriminatory speech by politicians and public figures include

- Calls by parliamentarians of the ruling Nur Otan party to criminalize homosexuality, which they describe as immoral and a crime against humanity.⁴³ One MP, Aldan Smayil stated: "If we don't take actions now, we will not stop this [homosexuality]. There are now 20 gay clubs in Almaty and 4 in Astana! It is shameful!... We should pass a law, which will criminalise them."44
- A characterization of LGBT identities as a neo-colonial plot designed to reduce the Kazakh population, by Vladislav Kosarev, General Secretary of the Communist People's Party of Kazakhstan, which currently holds 7 out of 98 seats in parliament. The statement was made to a journalist writing about LGBT people in Kazakhstan. "Why are you trying to make people think that there are actually such poor relationships in our country? Homosexuality should not exist. It should be recognised as a deformation of human consciousness... it is planting misanthropic relationships, which neo-colonialism is pushing in all countries in order to reduce the population."45
- An analogy between LGBT identities and fascism, to illustrate how ideas abominable to society can be legitimized, put forward by Imangali Tasmagambetov, then Mayor of Astana (now Minister of Defence) at a forum of reyconsulting. educators in August 2014. He was urging the need to be vigilant against online technologies that seek to brainwash children and normalize 'amoral' ideas:
 - Kazakhstan: Parliament Becomes Scene of Homophobic Rants, 28 May 2013, http://www. eurasianet.org/taxonomy/term/3882
 - In Kazakhstan, they suggest imprisoning gays and lesbians, 24 May 2013, http://www.rosbalt. ru/exussr/2013/05/24/1132907.html
 - See The Kazakh Gays Complaining About Their Uneasy Life, 13 March 2013, http://tengrinews. kz/show/kazahstanskie-gei-jaluyutsya-na-neprostuyu-jizn-230029/

The Bollin

"...given modern information technologies [it is possible to] both generate and destroy moral values, especially among the younger generation... This is how it works: a phenomenon, which was earlier unacceptable, is brought up for discussion. It is masked by arguments about freedom of speech, freedom of expression and national interest. After some time... people then perceive [this phenomenon] as something regular and appropriate. Ultimately the publi accepts new laws protecting something, which was absolutely unbelievable some time ago. You can remember fascism that led to war and death camps» He then continued to cite "non-traditional sexual orientation", as a prime example that has been entirely normalized in many Western States "It has not just become a political standard in some developed countries. It has been so transformed that the senators of California State approved a mandatory training course to study the history of successes made by gays and lesbians. I assume that you can see how it is "promoted" on international mass media. It is reasonable to ask: what is next?"46

KNIIIE B CILIA

Where such speech clearly constitutes incitement to hatred, discrimination or violence, sanctions should be employed in line with the standards and recommendations outlined above. However, if speech does not meet the threshold to be classified as hate speech, banning the expression of such opinions is likely to be counter-productive, reinforcing negative opinions of LGBT people, rather than promoting equality. As such, proper consideration of the facts of the indivual case is essential.

In any case, as recommended in the Camden Principles on Freedom of Expression and Equality, pressure should be put on politicians and other leadership figures in society to refrain from statements that promote discrimination or undermine equality.⁴⁷ Instead they should be encouraged to use the platforms, afforded to them by their positions, in order to promote tolerance, including by contesting discriminatory statements or behaviour.

- Tasmagambetov Discovered a Brainwash Conspiracy, August 2014, http://news.nur.kz/
- reyconsultil ARTICLE 19, The Camden Principles on Freedom of Expression and Equality, April 2009, https://www.article19.org/data/files/pdfs/standards/the-camden-principles-on-freedom-ofexpression-and-equality.pdf

Media portrayals of LGBT people

MILLEBOLLIA "Why push the public to make a decision about whether LGBT people are good or bad? You should just provide credible and neutral information so that people choose how to feel about LGBT [issues]... People should just be informed' **Timur**

Mass media coverage of LGBT stories and issues is rare, but where it does exist, it is often negative or sensationalist. Interviewees complained of a lack of professionalism among journalists covering these issues, resulting in distortion of facts or censorship of key points made by LGBT people. Consequently LGBT people are unwilling to speak to the media, reinforcing the cycle of censorship and self-censorship outlined above.

The brief survey of online publications conducted as part of this research found that the majority of publications on LGBT issues are sensationalist, aimed at grabbing headlines, with few examples of serious professional journalism. There are cases of independent media outlets covering LGBT issues in a more sensitive manner, for example some of the coverage of a symbolic marriage ceremony between two lesbian women in Karaganda.48

Language used in mainstream media articles was, however, typically reflective of negative and discriminatory societal attitudes, rather than challenging them in a factual and sensitive manner.

In May 2015, as Kazakhstan sought to secure its bid to host the 2022 Winter Olympics, website zakon.kz published an article titled 10 Athletes Who Will Not be Welcome in Kazakhstan, 49 listing LGBT athletes from around the world. The text itself was not openly inflammatory, listing LGBT sportsmen and sportswomen from around the world; however, by failing to analyse or challenge why these sportsmen and sportswomen would not be welcome, the text served to reinforce this prejudice. Moreover, the title was replicated by some media, with text endorsing the message, further reinforcing such negative attitudes. Nur.kz, a popular online portal, went further and used the derogatory and homophobic term pediki as a tag

- See Different Marriage: She and She. http://www.voxpopuli.kz/main/1074-drugaya-svadba-ona-iona.html (accessed 05/11/2015)
- http://www.zakon.kz/4665051-10-sportsmenov-kotorym-v-kazakhstane.html

reyconsulti

is a supplied to the supplied Even where LGBT people have engaged with media to promote more informed and balanced coverage, the results have been disappointing. In April 2015, women's entertainment website comode.kz published an article titled Sex Affirmation: How I Became a Man. 50 A transgender man agreed to give an interview provided that he could approve the article before publication. Despite discussing challenges faced by transgender people in Kazakhstan during the interview, the article focused on what toilet he used, where he bought his clothes and what his name was prior to gender reassignment. Although he refused to approve the article, it was published. Members of Kazfeminita, an initiative group working on promoting LGBT rights, who had also commented on challenges faced by transgender people prior to publication, contacted the editor-in-chief requesting the withdrawal of the publication. While the editors withdrew the comment made by the representative of Kazfeminita, the publication remained online. Survey participants who had participated in media talk shows or given interviews to journalists similarly reported their dissatisfaction with the media. Key points they wanted to make on the media in front of the public were not made as they were cut off. Their statements were taken out of context ending up with tenuous report.

Media in Kazakhstan tend to report on public affairs concerning LGBT people in a discriminatory or insensitive manner. For example, while the media barely covered the case of the identity-motivated murder of a gay man in Ust-Kamenogorsk (referred to in section one), in 2013 Kazakh media reported widely on the trial of a women who was charged with the murder of her partner, another woman.51 As noted above, the couple's wedding had previously been reported in the press; and the media covered each court session in detail, focusing on issues of their personal lives. Domestic violence within heterosexual couples does not receive the same level of attention in the media as that which occurs in LGBT couples. In the first nine months of 2015, the General Prosecutor's office registered 163 murders of women,⁵² and while some media have written of the problem of domestic violence in general, this rarely focuses on individual cases of violence.

- http://comode.kz/post/relations/smena-pola-kak-ia-stala-muzhchinoi/
- See New Details of Murder of the Lesbian Family in Astana. http://tengrinews.kz/crime/ novyie-podrobnosti-ubiystva-v-seme-lesbiyanok-v-astane-255370/
- reyconsulti. Activists of the Occupy Pedophilia Movement turn out to be extrortionists, 13th May 2013, http://kz.mir24.tv/news/21383

MILLE Similarly, as noted above, some coverage of Occupy Paedophilia has conflated homosexuality with paedophilia: for example, one publication reported on how the movement sought to combat paedophilia, then wrote of how the movement targeted gay men,⁵³ without pointing out that homosexuality is a sexual orientation is not criminal, should never be punished, and as such is incomparable with paedophilia. Additionally, some media outlets reproduce extremely offensive speech by politicians and other opinions leaders (see examples below) which, while perhaps being permissible speech under international law, is nevertheless offensive, and serves to further marginalise LGBT individuals in public discourse. Unless such speech constitutes advocacy of hatred that constitutes incitement to hostility, discrimination or violence, the criminalisation of such speech, or banning media from reproducing it, would contradict the principle of free speech. Nevertheless, in such incidences, as in those outlined above, it is important that media outlets recognise their moral and social respons bility as opinion formers, and understand how such speech might encourage discrimination, and ensure that speech is reported on in a more ethical manner, including, where appropriate, an analysis of why such speech would be considered discriminatory or intolerant.

Much of the media's approach to covering LGBT issues can be explained by a need to attract readers. As Inna, a journalist put it: 'The most important [thing] is to get the public interested in the report. The more intimate a report is, the more clicks it gets; and the higher the rating. Everyone wants a high rating. The higher the rating, the more advert sing." This focus of journalists towards ratings comes at the cost of paying attention to media ethics and professionalism, with little focus on the quality and ethical stand of the report. Facts are often misquoted or misrepresented, with no real opportunity for affected individuals to exercise a right to reply or correction.

The result of this is to reinforce mistrust between the LGBT community and the media; which in turn prevents the dissemination of informative, fact-based information on LGBT identities and issues. Additionally, the situation deprives LGBT people of an avenue where they could expose the challenges they face and

reyconsultil

⁵³ Activists of the Occupy Pedophilia Movement turn out to be extrortionists, 13th May 2013, http://kz.mir24.tv/news/21383

campaign for their rights. Serik, a survey respondent, explained how transgender people could not challenge the inadequate healthcare they receive through the media, since they are 'perceived as something exotic, like animals in the zoo.' A second respondent, Vladimir, argued that the problem with poor government services and media were intricately linked. In his opinion, government officials are unaware of issues facing transgender people, and the media do not report on this. At the same time, ensuring better media coverage will require political will, given the weakness of independent non-state media. "If the government policies aim at supporting transgender people, then the mass media will report in ... [a more sensitive] manner".

MILLEBOURA

While much of the media on LGBT people would not reach the threshold of Article 20(2) of the ICCPR, qualifying as "hate speech", there is clearly a need to increase quality coverage of LGBT issues, as a first step to challenging prevalent negative rhetoric and prejudices.

Civil Society discourse on LGBT people

Although a number of civil society organisations in Kazakhstan have engaged extensively in the promotion and protection of the rights of LGBT people, there are numerous examples of human rights defenders who fail to respect the universality of human rights, and fail to uphold the principles of non-discrimination.

Interviews with human rights defenders conducted as part of this project demonstrated prejudicial attitudes among some representatives of NGOs. A majority of civil society representatives interviewed stated that they did not wish to work with LGBT people although some mentioned they would be prepared to do so, particularly if funding was available.

Interviewers recorded incidences of homophobic language, with a number of respondents referring to LGBT identities as a deviation or illness that required treatment. One respondent denied that LGBT people face discrimination with Kazakhstan, and said that she could not work with LGBT people, as would not want to "propagate" this way of life.

The failure to uphold the right of non-discrimination in enjoying human rights, in this case including the right to free expression, the right to access to information and the right to freedom of peaceful assembly, but to cite a few, is an indicator of the work ahead inside the human rights community in Kazakhstan.

Conclusion

reyconsulti

States are obliged to ensure an environment in which the fundamental rights of all citizens, including the right to freedom of expression, can be respected. In Kazakhstan, despite constitutional guarantees of freedom of expression, this right is repeatedly violated, due to broad, contradictory, or simply repressive legislation a lack of procedural safeguards, and an absence of political will.

LGBT people face particular challenges in exercising this right, arising from several inter-related reasons. ARTICLE 19's research found evidence of attempts to prevent censor speech and other expression related to sexual orientation and gender identity on the grounds of protecting morals or traditional values, an reasoning which is clearly discriminatory, and violates international human rights standards on equality and non-discrimination.

A second problem is self-censorship: LGBT people feel insufficiently protected to exercise the right to expression. This is related to societal discrimination, harassment and violence, reinforced by prejudiced and homophobic statements by public figures, proposed discriminatory egislation and a failure by authorities to properly respond to homophobic incidents, all of which serve to legitimize negative attitudes and reinforce self-censorship.

The situation is exacerbated by the absence of platforms where LGBT people can publicly express themselves or access relevant information around the issues they face. Aside from a few positive examples, media coverage tends to be sensationalist, if not openly homophobic and discriminatory. This has created an atmosphere of distrust between LGBT people and media workers, further reinforcing practices of self-censorship. It is essential that LGBT people can rely on the broader support of civil society to promote expression, as part of anti-discrimination networks, challenging intolerance and prejudice on any grounds and promoting the universality and indivisibility of human rights for all people.

This situation not only deprives LGBT people of the right to express themselves, but also severely restricts the flow of information on issues related to sexual orientation and gender identity. This deprives all people of the right to information; and is particularly concerning for LGBT people who struggle to access information on healthcare and education, further violating their rights to health and education.

ING B CILIA

Annex 1: Methodology

This study focuses on challenges faced by LGBT people in Kazakhstan when exercising their right to free expression. It is based on data collected from interviews with 33 members of the LGBT community, all aged 16 or older: 15 females, 11 males and 7 transgender people.

Respondents came from six cities in Kazakhstan: Astana, Almaty, Karaganda, Semey, Ust-Kamenogorsk, and Shymkent. All knew the purpose of the research, and were interviewed on the condition of anonymity in this publication: pseudonyms are used in the report to protect the anonymity of participants.

Research also relied on monitoring of popular media sites, social networks and political speeches, and analysis of Kazakhstan's domestic legislation. Local human rights defenders were interviewed in free form.

The research is not intended to be comprehensive, and constitutes pilot research on which we hope to build in the future. It includes a limited sample of interviewees from urban areas of Kazakhstan, while monitoring of media relies on a narrow pool of publications, observed over a 6 month time frame. Nevertheless, it provides an illustration of the challenges faced by LGBT people across the country eir, eyconsultino, illino, ill in exercising their right to freedom of expression.

A THOTHITIMECKOE YOU WILLIAM BOLLING CONSTITUTE OF THE PROPERTY OF **DEFENDING FREEDOM OF EXPRESSION AND INFORMATION** ARTICLE 19 Free Word Centre 60 Farringdon Road London EC1R 3GA T +44 20 7324 2500 F +44 20 7490 0566 E info@article19.org W www.article19.org Tw @article19org facebook.com/article19org © ARTICLE 19