

Human Rights Council 29 Statement under Item 6 UPR Outcomes Kyrgyzstan



*Submitted by Federatie van Nederlandse Verenigingen
tot Integratie van Homoseksualiteit - COC Nederland*

Mr. President,

This statement is made on behalf of Kyrgyz Indigo, Labrys and COC Nederland.

We would like to express our gratitude for implemented work by all respective stakeholders in the reviewing process of Kyrgyzstan in securing and advancing human rights. We commend the valuable recommendations on LGBTI issues, including harmonization of national legislation to international human rights norms, comprehensive anti-discrimination and anti-hate legislation, and prevention of violence and torture against LGBTI individuals.

To our grave concern, and in disregard of the accepted recommendations, violations of basic human rights of LGBTI people are on the increase in Kyrgyzstan. The proposed discriminatory anti-propaganda bill that prohibits "formation of positive attitudes towards non-traditional sexual relations is still under discussion in the Parliament. Its main supporter, MP Diykanbaev, gave a commitment at the anti-LGBTI meeting last week that he would make sure to approve it in the second and third reading sessions before the summer break. If approved, the anti-propaganda legislation will shut all doors for LGBTI human rights defenders to protect the rights of LGBTI people and to engage in important national and global discussions, similar to Post-2015 Agenda. It limits fundamental rights to freedoms of expression, association, assembly and the right to information that are guaranteed in the Constitution of Kyrgyzstan. Even the Ministry of Justice recommended the Parliament to withdraw the bill, because it violates the Constitution. The same recommendation was provided by a parliamentary working group, comprised of MPs, governmental and UN officials. In absolute disregard, the bill initiators ignored the recommendations and submitted the bill. On June 19 the bill was supposed to be discussed at the second reading, however it was sent to be voted next week without prior discussion. This violates the procedural norms of the Parliament that require thorough discussion of the bill.

The public discussion of the bill itself caused the growth of hate crimes and violence against LGBTI individuals that were documented by local LGBTI organizations. Offices of LGBTI organizations "Kyrgyz Indigo" and "Labrys" were attacked several times by unknown groups in last two years. Last May, on the International Day against Homophobia and Transphobia, activists were forcefully outed by local newspaper after an aggressive attack by ultra right-wing organizations "Kalys" and "Kirk choro" on a commemoration event. One activist was physically attacked, others were threatened and humiliated. The police intervened, bringing in not only the attackers but also the victims, who were brought into arbitrary custody with illegal time period of detention. While the attackers had access to basic needs and to phone calls, the victims received no such legally required treatment.

We acknowledge the commitment of Kyrgyzstan to do its best for keeping its status as "an island of democracy" in Central Asia and its commitment to human rights. We, LGBTI organizations, always ready and willing to support the state and its actions to implement recommendations through conducting comprehensive analysis and research, proposing legislative initiatives and policies, as well as other activities that can improve situation with

human rights of LGBTI people in Kyrgyzstan. For instance, we have already conducted a comprehensive analysis of accordance of national legislation to international standards in relation to sexual orientation and gender identity. We have already done preparatory legal work for comprehensive anti-discrimination legislation as well as anti-hate legislation. The state and civil society can only together build a democratic, fair and equal society, where every individual's rights and freedoms are secured.

Mr President,

We need a steadfast government, taking up to its international commitments to guarantee human rights standards. We need to be recognized as equal partners by the state. We need to be involved in state policy development when it concerns sexual orientation and gender identity. And most importantly, we need to be protected and treated as equal citizens.

Thank you, Mr. President

APPENDIX

The recommendations concerning LGBTI rights, formulated during the interactive dialogue and listed below have been examined by Kyrgyzstan and enjoy the support of Kyrgyzstan:

- 117.1. Continue harmonizing national legislation with the Constitution and international human rights norms (Venezuela (Bolivarian Republic of));
- 117.5. Review the compliance of national legislation with the provisions of ICCPR (Sweden);
- 117.40. Ensure that national legislation conforms to international human rights standards on non-discrimination, particularly concerning sexual orientation and gender identity, gender and racial discrimination (Brazil);
- 117.41. Ensure equal rights and opportunities to all persons without distinction and promote policies to prevent discrimination based on sexual orientation and gender identity (Uruguay);
- 117.42. Ensure that allegations of violence, torture, inhuman and degrading treatment of LGBT persons, by government and non-government actors, are investigated promptly and efficiently and that perpetrators are brought to justice (Sweden);
- 117.43. Undertake all necessary measures to prevent discrimination and violence against LGBTI persons (Slovenia);
- 117.106. Ensure that its legislation protects the rights of everyone, regardless of their sexual orientation and gender identity, minority status or any other basis, to freedom of expression and assembly, freedom from discrimination and equality before the law (Finland);
- 118.18. Adopt comprehensive anti-discrimination legislation effectively fighting and preventing discrimination on all grounds, including ethnicity, religion, gender and sexual orientation (Czech Republic);
- 118.19. Review and strengthen existing legislation in order to introduce comprehensive anti-discrimination laws with special emphasis on ethnic, religious and gender issues and make the National Council on Gender Issues fully operational (Poland);
- 118.20. Enact specific legislation to prohibit discrimination against persons based on sex, race, colour, religion, national origin and sexual orientation (Canada);
- 118.21. Withdraw the draft law on “formation of positive attitude to non-traditional sexual relations” and develop and implement comprehensive anti-discrimination legislation, in close cooperation with civil society (Austria);
- 118.22. Include sexual orientation and gender identity in the national legislation on discrimination, and establish policies and initiatives to address discrimination against LGBTI persons (Chile);
- 118.23. Criminalize homophobic hate speech in the public discourse (Serbia);
- 118.24. Adopt and implement legislation ensuring effective protection of LGBT people, inter alia on the prohibition of discrimination and hate crimes, a confidential complaints mechanism and protection of LGBT minors (Netherlands);
- 119.12. That any changes in legislation uphold fundamental freedoms and ensure non-discrimination, including on the basis of religion or sexual orientation (Australia);
- 119.13. Refrain from adopting the discriminatory draft law on “formation of positive attitude to non-traditional sexual relations” (Canada);
- 119.14. Repeal any law or bill that does not meet international standards on non-discrimination on the grounds of sexual orientation (Spain);
- 119.15. Make additional efforts to fight against homophobia, discrimination and violence against LGBT persons (Montenegro);
- 119.16. Adopt public policies that protect against all forms of discrimination and violence based on sexual orientation and gender identity (Spain);
- 119.21. Refrain from adopting any legislation, such as the draft law on “foreign agents” and the draft law on “dissemination of information about non-traditional sexual relations” that will limit the fundamental rights to freedom of expression, association and assembly (Denmark);
- 119.27. Refrain from any action incompatible with the non-discrimination of religious and ethnic minorities as well as of LGBT persons (Switzerland);