

LGBT Issues in Kyrgyzstan

The Propaganda Bill

Same-sex sexual activity was decriminalized in Kyrgyzstan in 1998, but the Kyrgyz lesbian, gay, bisexual, and transgender (LGBT) community experiences routine discrimination and violence. Despite human rights guarantees enumerated in the Kyrgyz Constitution, LGBT individuals in practice do not enjoy the same liberties as heterosexual citizens.

The Jogorku Kenesh (Kyrgyz parliament) is currently considering a law that would exacerbate this inequality by severely curtailing the basic freedoms of LGBT people and their allies. Emulating Russia's 2013 law banning "homosexual propaganda," it poses a threat to the human rights of the LGBT community in the country and the region at large.

The bill now awaits its third and final reading in the Kyrgyz parliament. If it passes, it will be sent to President Almazbek Atambayev, who must decide whether to sign the legislation or veto it.

Facts about the Bill

- The bill is more severe than the Russian law; it seeks to ban the dissemination of all public information that portrays "non-traditional sexual relations" in a positive light, not just information that is presented to minors. The bill also contains harsher penalties, including prison terms of up to one year, in addition to administrative fines. It is the first bill of its kind in the region that seeks to incarcerate LGBT individuals.
- If passed, the bill would severely impede the essential work of LGBT organizations and limit the freedoms of speech, expression, and assembly of activists, civil society leaders, journalists, and members of the LGBT community.
- The bill has received overwhelming support in the Jogorku Kenesh. The last reading of the bill was approved by a vote of 90-2. Proponents have simultaneously ramped up homophobic rhetoric. Baktybek Kalmamatov, a member of parliament, referred to LGBT people when he stated: "Who are they...to be protected? They are damaging me, my children. I loathe them, they should not eat in the same places we eat at, sit where we rest."
- In June 2015, the Kyrgyz Minister of Justice issued a statement calling for removal of the legislation from consideration; she argued that the bill runs counter to basic human rights, as enshrined in the country's constitution. Despite the statement, support for the bill remains strong in parliament.
- Activists warn that the law could be used to blackmail members of the LGBT community and repress LGBT people and activists more generally, given the vague definition of propaganda.

- Members of the Kyrgyz LGBT community have experienced increased hostility since the introduction of the bill, including violent attacks. Police have reportedly already detained individuals for violating the bill, even though it is not yet law.
- The bill, if passed, could have serious implications for public health, as it would directly conflict with programs to prevent and stem the spread of HIV/AIDS.
- Passage of such a law in Kyrgyzstan, a country sometimes described as an island of democracy in Central Asia, could have negative implications for other countries in the region considering similar legislation.
- The United States should partner with the Council of Europe to promote its leverage, particularly given the Kyrgyz parliament's status as a "Partner for Democracy" within the council's Parliamentary Assembly. Such partnership should include dialogue with the Kyrgyz government on respect for human rights, fundamental freedoms, and nondiscrimination, inclusive of LGBT issues.
- American businesses with interests in Kyrgyzstan should encourage Kyrgyz government leadership to promote a safe environment for their employees and the general public through respect for human rights and basic freedoms.
- The World Bank should engage with Kyrgyz leadership to stress that the passage of any law marginalizing the LGBT community would contribute to structural inequalities in the country, thus undermining development efforts. The Bank has asserted that the advancement of human rights is a central goal of development and should highlight this message in dialogues with President Atambayev and the Kyrgyz parliament.

Opportunities for Action

- The U.S. Embassy in Bishkek should build on its successes by continuing to meet with and share resources with the Kyrgyz LGBT community. Additionally, Secretary of State John Kerry, U.S. Special Envoy for the Human Rights of LGBTI Persons Randy Berry, and U.S. Ambassador Sheila Gwaltney should raise concerns over the bill in bilateral engagements with Kyrgyz leadership. Discussions should be framed in the context of human rights, basic freedoms, and nondiscrimination.
- U.N. member states should encourage Kyrgyz leadership to honor their commitment to the protection of human rights. Kyrgyzstan is currently a member of the United Nations Human Rights Council and recently supported a United Nations resolution calling for the promotion and protection of human rights defenders. The bill, if enacted, would violate the commitments in that resolution.

A Voice for Change

"Members of Parliament try to hide behind a wall of family values, religion, and tradition to encourage the escalation of violence and the consolidation of discrimination against the LGBTQI community at a legislative level. Community representatives are already regularly subjected to threats, blackmail, bullying and violence; they remain invisible. ...Now is our chance to raise our voices, to make ourselves heard and change national policy. We as activists don't have the right to stop fighting or to give up. We must always remember those standing behind us, waiting to be seen and heard."

–Ruslan Kim, LGBTIFAQ organization Kyrgyz Indigo