

Kyrgyzstan Anti-LGBTI ‘Propaganda’ Law: Full Statement & Advocacy Materials

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Summary

On 14 August 2023, the President of Kyrgyzstan signed a law¹ to amend the child protection law. This amendment prohibits sharing information on diverse sexual orientation or gender identity, as so-called “promotion of non-traditional sexual relations”. Human rights and freedoms in Kyrgyzstan reach an alarming rock bottom with this so-called ‘propaganda law’. This law deeply interferes with the right to private life of trans and LGBTI persons, and moreover severely restricts freedom of expression, freedom of press, the rule of law, non-discrimination, and equality before the law for all people in Kyrgyzstan.

In July, the European Parliament already warned against the law and about the alarming deterioration of democratic standards and human rights in Kyrgyzstan.² The Parliament is concerned about a number of Kyrgyz draft laws that are aimed at suppressing fundamental rights and freedoms.

¹ https://erkin-too.kg/wp-content/uploads/2023/08/15_08_compressed.pdf

² <https://www.europarl.europa.eu/plenary/en/texts-adopted.html>

This anti-LGBTI law copies the infamous Russian anti-LGBTI laws and discourse. The law was adopted to target human rights defenders, organisations, and journalists. TGEU stresses that this law threatens the safety of the Kyrgyz LGBTIQ community, the work of LGBTIQ human rights organisations, and has wider negative implications for democracy and human rights in the country. **We therefore call upon decision-makers and allies worldwide to take action to support democracy in the country and support LGBTIQ organisations and communities in Kyrgyzstan.**

What is in the law?

On August 14, 2023 President of Kyrgyzstan, Sadyr Japarov, signed a law amending three legislative acts on offences, child protection, and mass media. These included amendments to the Code of the Kyrgyz Republic on offences, the laws of the Kyrgyz Republic 'On measures for the prevention of harm to the health of children, their recovery, intellectual, mental, spiritual and moral development in the Kyrgyz Republic' and 'On the mass media'. Among other things, human rights defenders are convinced that it prohibits sharing information about diverse SOGIESC, using so-called 'propaganda' of non-traditional sexual relationships.

Copied from the Russian law, this article³ introduces the concepts of 'propaganda', 'family values', and 'non-traditional sexual relationships' without defining them. Accordingly, the article can be widely interpreted at the subjective discretion of any authority or individual.

It defines information harmful to the health and development of children as follows: "4) [information] denying family and traditional-social values, promoting non-traditional sexual relations and forming disrespect towards parents or other family members". If information deemed to be "harmful to children" is disseminated through the media or the Internet, individuals will be fined 5,000 soms (50EUR)⁴ and legal entities will be fined 25,000 soms (230EUR), with a minimum wage of 1970 soms (about 20 euros)⁵ in 2022 in Kyrgyzstan.

Information that promotes disrespect for parents and other family members is also prohibited. This includes:

³ Law of the Kyrgyz Republic "On measures for the prevention of harm to the health of children, their recovery, intellectual, mental, spiritual and moral development in the Kyrgyz Republic" (Bulletin of the Jogorku Kenesh of the Kyrgyz Republic, 2015, No. 7, art. 988). Article 2. Types of information harmful to the health and development of children, subparagraph 4) denying family and traditional social values, promoting non-traditional sexual relations and forming disrespect for parents or other family members.

⁴ https://erkin-too.kg/wp-content/uploads/2023/08/15_08_compressed.pdf

⁵ <https://wageindicator.org/salary/minimum-wage/kyrgyzstan/archive/20220101>

- obscene language
- pornography
- information that can make children want to:
 - use drugs, tobacco, or alcohol
 - engage in prostitution, vagrancy, or begging.

This law supports the authoritarian direction the Kyrgyz government chose to take, lashing out against minorities and restricting fundamental rights and freedoms of individuals as well as the press. Under the pretext of child protection, the government restricts freedom of speech and access to information for trans children and adolescents. This law will affect access to sexuality education and sexual and reproductive health information for all children and adolescents, regardless of their gender or sexual identity. Given the patriarchal and conservative character of society, access to information will likely primarily be reduced for girls. Additionally, the law will significantly worsen the situation for LGBTI people by increasing transphobic and homophobic attitudes in society, as seen in Russia⁶ after the adoption of similar 'anti-propaganda' laws.

General deterioration of the human rights and freedoms situation in Kyrgyzstan

In recent years, the Kyrgyz government conducted activities against freedom of expression, blocked media websites, conducted police raids on the office of the media channel, and deported a journalist⁷.

The government is increasingly using children as a reason for these moves. On 30 August 2023, the Ministry of Culture announced its decision to block TikTok in Kyrgyzstan. The government cited "increasing concerns about the harmful impact of the TikTok social network on children's mental development and health"⁸.

Bloggers in Kyrgyzstan are also [under increasing scrutiny](#), alongside political and investigative journalists.⁹ They regularly face intimidation, physical attacks, detention and

⁶ See the Russia chapter:

<https://ecom.ngo/resource/files/2021/05/regionaljny-obzor-trans-soobschestv-i-konteksti-12-stran-v-ostochnoy-evropi-i-tsentraljnoj-azii.pdf>

⁷ <https://www.hrw.org/world-report/2023/country-chapters/kyrgyzstan>

⁸ <https://www.rferl.org/a/kyrgyzstan-tiktok-ban-children/32571122.html>

⁹ <https://freedomhouse.org/country/kyrgyzstan/freedom-world/2023>

interference in their work. The Kyrgyz government continues to actively restrict freedom of expression and civic engagement, as well as freedom of association and peaceful assembly.¹⁰

Critiquing the government results in harsh crackdowns not only for journalists, but also for civil society activists and human rights defenders. In spring 2023, nearly 30 activists, journalists, bloggers, and human rights defenders were arrested¹¹ on charges of preparing mass riots. They were peacefully opposing a government decision to transfer a Kyrgyz reservoir to Uzbekistan. The preliminary detention of many was repeatedly extended by court order, despite the lack of compelling reasons to keep them behind bars.

Along with the already existing laws, the Kyrgyzstani government has previously initiated amendments to the law on mass media, and the so-called 'foreign agents' law. The 'foreign agents' law¹² includes imprisonment of up to 10 years for civil society activists who engage in NGO activities that in turn "incite citizens to refuse to fulfil civic duties or to commit other unlawful acts." Such broad, vague, and ambiguous wording in the amendments gives a wide scope for arbitrary interpretation.

The latest Rights Tracker report¹³ shows that LGBT+ people are among the top five groups and communities at risk of violations of their rights to opinion and expression, assembly and association, freedom from forced disappearance, and freedom from arbitrary arrest.

A concrete example of tools that can be used to intimidate human rights defenders can be found in Annex 1. The annex contains a case study of a human rights defender who worked in Kyrgyzstan, whose privacy was violated and who was harassed and barred from re-entering Kyrgyzstan.

What can you do?

Whereas the amendments regarding the "ban on propaganda"

- violate both the Constitution of the country and international conventions adopted by the Kyrgyz Republic;¹⁴

¹⁰<https://www.iphronline.org/kyrgyzstan-tightening-the-screws-on-free-speech-and-civic-engagement.html>

¹¹<https://www.iphronline.org/kyrgyzstan-tightening-the-screws-on-free-speech-and-civic-engagement.html>

¹²<https://www.amnesty.org/en/latest/news/2023/06/kyrgyzstan-drop-amendments-to-ngo-legislation-shackling-right-to-freedom-of-association/>

¹³ <https://rightstracker.org/country/KGZ?tab=snapshot&atRisk=11>

¹⁴ <https://tgeu.org/kyrgyzstan-proposes-anti-lgbti-propaganda-law/>

- entails a decline of democracy in the country and attacks on fundamental human rights and already lowers the country's democracy and freedom of expression indices;
- affects the progress and development of the country, including the achievement of political agendas such as the Sustainable Development Goals¹⁵;
- has ambiguous, vague terms and does not meet the principle of proportionality;
- reduce freedom of expression, including media freedom;
- can be widely used to harass (perceived) LGBTI organisations, individual activists, private individuals/ families with LGBTI family members;
- will reduce the ability of organisations and initiatives to support already marginalised and vulnerable LGBTI communities;
- will not protect trans children, but will leave them in an information vacuum regarding gender diversity;
- encourage individual aggressors to attack and persecute other citizens for a (perceived) membership of the community;
- and since the rights of trans people are a matter of social, economic justice and respect for human values in society,

TGEU urges:

Kyrgyzstani lawmakers

- Remove the "promotion of non-traditional sexual relations" amendments.
- Remove the draft law on 'foreign agents', and by removing controversial amendments to the mass media draft law, and thus upholding Kyrgyzstan's international human rights obligations.

International institutions and governments

- Use your political leverage to contact Kyrgyzstani parliamentarians, urging them to remove the amendments targeting LGBTI people.
- Remind Kyrgyzstani parliamentarians of Kyrgyzstan's obligations under international human rights law¹⁶.
- Publicly condemn the adoption of the law and any anti-LGBTI and anti-rights initiatives in the country.

¹⁵ How human right data is there for countries striving toward the SDGs:
<https://www.universal-rights.org/monitoring-the-sdgs-find-out-how-human-rights-measurement-initiative-data-can-help/>

¹⁶ Including the Convention on the Rights of the Child, ratified by Kyrgyzstan in 1994 (Arts. 2, 3, 8, 12, 13, 13, 14, 15, 16, 16, 17, 19, 24, 27, 28, 37).

- Review and restructure your policies and programmes in Kyrgyzstan or Central Asia to make sure that they are human rights based and prioritise the most vulnerable communities, including trans people.
- Continue to monitor LGBTI human rights on a regular basis, for example by including the situation of LGBTI people in regular and ad-hoc country-monitoring reports.
- Provide financial support to Kyrgyzstani trans and/or LGBTI organisations and activists, technical assistance on digital and mental security.
- Proactively establish relationships with LGBTI organisations (for information and speedy reaction, but also for better protection of organisations / activists).
- Support possibilities to provide long-term multi visas to local activists.
- Provide support to independent media who produce incisive political and investigative reporting.

Civil society

- Speak up and act to put international pressure onto the [Ministry of Foreign Affairs](#) of Kyrgyzstan, the [Presidential Administration](#), and the [Parliament](#) to encourage them to remove the amendments.
- Express solidarity with trans and LGBTI people in Kyrgyzstan by organising creative protests, e.g. in front of [Kyrgyzstani missions](#) across the world, supporting LGBTI organisations online, sending pictures, memes and other forms of support.

International Mass media

- Spread correct information about the amendments to the laws, avoiding exaggerated focus on 'propaganda' only, incorrect and hateful language about communities, victimised or scandalous descriptions of communities, and liaise with local organisations for facts and an appropriate tone of reporting.
- Show how attacks on specific vulnerable communities, such as against trans people, are linked to attacks on journalists and bloggers, undermining freedom of expression, the human rights community as a whole, state your concern for the expected shrinking space for civil society, undermining democracy, fundamental rights and freedoms in Kyrgyzstan, and mention the negative effects the laws are likely to have on sustainable development, public health, and levels of corruption.

Funders

- Provide urgent financial support to LGBTI organisations in Kyrgyzstan, including the capacity to respond to the immediate threat and to build up long-term structures for

self-organising, resilience, mental health, well-being and advocacy to protect the rights of LGBTI people.

Annex 1

Case against a queer person from Kyrgyzstan

TGEU met with Kyrgyz activists right after the law on propaganda was signed. Local activists shared their concerns about their safety and the future of LGBTI organisations and initiatives. Activists shared that the news of the law has a significant impact on their mental health. One of the country's leading activists shared that he felt watched by unknown individuals when he walks from home to work or when he is in public spaces.

Activists have also shared cases they have already received related to violations of privacy and harassment in connection with legitimate human rights activities of individuals.

On 6 April 2022, two unknown men, allegedly agents of the Kyrgyzstan's State Committee for National Security ("SCNS"), reportedly approached a local activist, Mr. A., near his organisation's office. They reportedly introduced themselves as representatives of a "Russian analytical centre", without showing business cards. They asked him several questions about the activities of the non-governmental organisation where he worked. They showed knowledge of details of his personal life, which were not publicly available, for example, his city of birth and the name of his school. Three weeks later, when Mr. A. was on his way to work, the same men waited for him at the bus stop near his home where he usually took the bus. They reportedly insisted on driving him to work. During a one-hour drive to his office, they reportedly offered unspecified "cooperation". They **showed Mr. A. screenshots from a video secretly filmed in the apartment he was renting and said that they had video evidence of his sexual orientation**. They reportedly threatened to distribute the video and publicly disclose his sexual orientation if he did not agree to cooperate. Mr. A. was given two hours to decide, after which he was supposed to call them.

On the same day, Mr. A. told his colleagues and the management of the organisation what had happened and that he felt forced to reveal his sexual orientation. It was decided he would go to Kazakhstan, his country of origin, for safety reasons.

The next day, Mr. A. left Kyrgyzstan and informed the men of his departure. A month later, he tried to return to Kyrgyzstan through the Ak-Zhol-road checkpoint. The Border Guard Service of Kyrgyzstan reportedly refused his entry without explanation. The customs officers on Kazakhstan's side of the border, upon Mr. A's request, are reported to have provided him with the refusal-of-entry act. The document was signed by the Border Service of Kyrgyzstan's SCNS and did not contain any justification or details of the refusal.¹⁷

¹⁷ The case was provided by an international organisation working in the EECA region at the request of TGEU, the activist's surname has been changed.

A similar case occurred with another activist, Mr. B., who worked for another human rights organisation. He was made to sit in a car by unknown people in civilian clothes. The men did not identify themselves. They showed him photographs depicting his personal life and made with a hidden camera in his home.