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#35

LGBT IN KYRGYZSTAN:
FROM ANTI-GAY
PROPAGANDA BILL TO
HATE CRIME?

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KEY POINTS

- In 2014, the Kyrgyz Parliament proposed a bill establishing criminal and administrative liability for promoting “non-traditional” forms of sexual relations. Whereas the legislative draft is still under the Parliament’s consideration, the devastating impact of its adoption can be well foreseen even now. The already homophobic Kyrgyz society is likely to turn even more violent toward LGBT persons, jeopardizing their physical security and basic human rights.
- In fact, even without homosexual relations being criminalized, LGBTs in Kyrgyzstan undergo inhumane treatment by local law enforcement and judiciary bodies. Existing unauthorized detention coupled with physical and sexual abuse will now be granted “legitimate” grounds with the adoption of the law.
- Moreover, the opaque phrasing of the bill might be exploited to justify mistreatment of persons who have little or nothing to do with the LGBT. The legislation that prohibits “propaganda” of homosexual relations fails to identify what specific actions will be regarded as such. As a result, any act deemed by authorized bodies as contributing to “propaganda” will be followed up by corresponding penalty. For the same reason, human rights defenders and organizations will be deprived of any opportunity to carry on their activities, leaving the LGBT community to their own means.
- Seeing that the adoption of the law is almost uncontested, and therefore very likely to occur in 2016, the question arises as to how to protect the LGBT community in Kyrgyzstan against the adverse consequences of the anti-gay propaganda bill and prevent social rejection.

KEY DEFINITIONS AND ABBREVIATIONS

BISEXUAL PEOPLE are people who are emotionally and/or sexually attracted to persons of more than one gender.¹

DISCRIMINATION is an unequal or unfair treatment which can be based on a range of grounds, such as age, ethnic background, disability, sexual orientation or gender identity.²

GAY is a man who is sexually and/or emotionally attracted to men.³

GENDER refers to people's internal perception and experience of maleness and femaleness, and the social construction that allocates certain behaviours into male and female roles.⁴

HATE CRIME is a criminal act motivated by bias or prejudice towards particular groups of people.⁵

HATE SPEECH is a public expression which spreads, incites, promotes or justifies hatred, discrimination or hostility towards minorities.⁶

INTERSEX PEOPLE are people born with physical, hormonal or genetic features that are neither wholly female nor wholly male; a combination of female and male; or neither female nor male.⁷

LESBIAN is a woman who is sexually and/or emotionally attracted to women.⁸

1 Annual Review of the Human Rights Situation of Lesbian, Gay, Bisexual, Trans- and Intersex People in Europe, ILGA-Europe, Brussels, 2015.

2 Ibid.

3 Ibid.

4 Ibid.

5 "What Is Hate Crime," ODIHR Hate Crime Reporting; <<http://hatecrime.osce.org/what-hate-crime>> (accessed 15 December 2015).

6 Annual Review.

7 Shadow Report "Discriminatory Laws and Practices, Hate Speech and Hate Crimes against LGBTI Communities of Kyrgyzstan," Labrys, Bishkek, 2015.

8 Annual Review.

LGBTI is a term which stands for Lesbian, Gay, Bisexual, Transgender and Intersex.

SEX refers to biological makeup such as primary and secondary sexual characteristics, genes, and hormones.⁹

TRANSGENDER PEOPLE are people who regard the sex that was identified at birth as not reflecting, or not fully reflecting their gender identity.¹⁰

9 Ibid.

10 Shadow Report.

INTRODUCTION

In 2010, Mikhail Kudryashov, a young gay man, was forcibly kept in a Bishkek detention facility where he was being humiliated and physically abused for four hours. Several financial police officers beat him with glass bottles and a coat hanger, and threatened him with rape.¹¹ In 2012, a lesbian A. was attacked near a gay club by three young men, who harassed her because of her “masculine appearance”.¹² In 2014, a transgender man D. encountered humiliation from border officers at Manas airport, after they had discovered discrepancy between his gender marker and the actual appearance.¹³

These three documented examples represent just a small fraction of all cases of Lesbian, Gay, Bisexual and Transgender (LGBT) rights abuse in Kyrgyzstan. With the anticipated adoption of the anti-gay propaganda bill, LGBT people will confront more opposition and violence, as well as the threat of complete exclusion from their communities. This policy paper therefore argues for the need to adequately protect the LGBT community in Kyrgyzstan against discrimination and the adverse consequences of the bill. The paper first provides an overview of the parliamentary debate on the legislation, presenting pro and contra opinions of the Members of Parliament (MPs). It then reviews the position of the Kyrgyz President as regards the draft bill. The next section discusses the current status of LGBT people in Kyrgyzstan, focusing on cases of the abuse of their human rights. This section is followed by an analysis of the potential implications that the adoption of the law entails, also drawing a parallel between the bill and the corresponding Russian law. The paper is concluded by a set of recommendations to introduce legislative and institutional changes that would prevent repression and alienation of LGBT people from the Kyrgyz society.

11 “They Said We Deserved This”. Police Violence against Gay and Bisexual Men in Kyrgyzstan,” Human Rights Watch, USA, 2014.

12 Shadow Report.

13 Ibid.

PARLIAMENTARY DISCOURSES ON THE DRAFT LAW

The numerous incidents of mistreatment of LGBT people, both by the community and public officers, have been taking place even despite the fact that Kyrgyzstan decriminalized homosexual relations in 1998. This vulnerability of LGBT is at risk of further exacerbation in light of the recent legislative developments. Since 2014, MPs from numerous political parties have been lobbying for the adoption of an anti-gay propaganda law. The legislative draft prohibits any reference to LGBT in public and media and bans assemblies among the LGBT representatives and their defenders.¹⁴

The draft law was submitted for public discussion on 24 March 2014 and consequently registered for consideration by the Kyrgyz Parliament on 6 May 2014.¹⁵ On 15 October 2014, the legislation was approved by absolute majority of votes (79 out of 86) in first reading.¹⁶ According to Kurmanbek Dyikanbaev (“Respublika”), one of the initial authors of the bill, the rationale behind the legislative act is to preserve traditional family values and prevent the West from promoting homosexuality in the Kyrgyz society.¹⁷ This stance was highly supported by Tursunbai Bakir uulu (“Ar Namys”), as well as Tynchtykbek Shainazarov (“Onuguu Progress”), who even proposed to increase the penalty for promoting a favorable image of “non-traditional” sexual relations.¹⁸ Homosexuality

14 “Kyrgyzstan: Reject Anti-LGBT Bill,” Human Rights Watch, 24 June 2015; <<https://www.hrw.org/news/2015/03/05/kyrgyzstan-reject-anti-lgbt-bill>> (accessed 21 October 2015).

15 Information on the Draft Law, Jogorku Kenesh of the Kyrgyz Republic; <<http://kenesh.kg/lawprojects/lps.aspx?view=projectinfo&id=122027>> <<http://kenesh.kg/lawprojects/lps.aspx?view=projectinfo&id=122027>> (accessed 21 October 2015).

16 “Parliament Approved Anti-Gay Propaganda Bill in First Reading,” Kloop.kg, 15 October 2014; <<http://kloop.kg/blog/2014/10/15/parlament-odobril-antigejskij-zakon-v-pervom-chtenii/>> (accessed 1 February 2016).

17 “Kyrgyzstan Is Ready for Adoption of Anti-Gay Propaganda Law,” Global Voices, October 25, 2014; <<https://ru.globalvoices.org/2014/10/25/31936/>> (accessed 1 February 2016).

18 “Parliament Approved Anti-Gay Propaganda Bill in First Reading.”

in general is considered as a deviation from the norm – from both the physiological (Abdumitalip Kochkorbaev, “Ata Zhurt”), and religious (Tursuntai Salimov, “SDPK”) points of view.¹⁹

Those MPs, who voted against adoption of the law, referred to the notion of human rights and equality of all before the law:

“Our legislators confuse the two concepts here: the moral and the legal one. From the morality point of view, one can understand them: people want to avoid any form of deviation. However, god created all of us different: some are smarter, others are less; we are also physiologically different... [T]here are persons with a not-traditional sexual orientation amongst us, [b]ut it is not that they were brought to Kyrgyzstan from Europe or America. They are also our citizens. That is why they should enjoy the same rights as everyone else. Our Constitution guarantees equality of all at the legal level.”²⁰ MP Omurbek Abdylrahmanov (“Ar Namys”).

Another reason against the adoption of the draft legislation is the on-going inhumane treatment of LGBT people by law enforcement bodies, which – according to MPs Natalia Nikitenko and Asiya Sasykbaeva – will only aggravate after the bill receives a legal status.²¹ Galina Skripkina, another MP who had also voted against, supported the very idea of the law, but was not satisfied with its design, arguing for a need to improve the format and define the subject of liability.²²

On 24 June 2015, the bill passed second reading, with 88 out of 90 votes in favor.²³ To acquire a legal status, it must now pass third reading and then be signed by the President.

19 Ibid. “Opinions on Draft Legislation Divided among Kyrgyz MPs,” 24.kg, 19 January 2015; <http://24.kg/parlament/5156_v_parlamente_kyrgyzystana_mneniya_po_zakonoproektu_protiv_gey-propagandyi_razdelilis/> (accessed 1 February 2016).

20 “Opinions on Draft Legislation Divided among Kyrgyz MPs.”

21 “Kyrgyzstan Is Ready for Adoption of Anti-Gay Propaganda Law.”

22 “Parliament Approved Anti-Gay Propaganda Bill in First Reading.”

23 “MPs Want to Adopt Anti-Gay Propaganda Law by the End of February,” Kloop.kg, 19 January 2016; <<http://kloop.kg/blog/2016/01/19/deputaty-hotyat-razobratsya-s-antigejskim-zakonom-do-kontsa-fevralya/>> (accessed 1 February 2016).

REACHING OUT TO THE PRESIDENT

Whereas it is President Atambayev who will have the last word in the legislative process, an unexpected outcome seems to be unlikely. Atambayev's administration gives quite ambiguous comments related to his stance on the bill. That is, any specific position on the draft law can only be shared after it reaches the President, as a bill usually undergoes several changes during the legislative process.²⁴ Sapar Isakov, Head of the Foreign Policy Department of the Presidential Administration, also added that "once the draft reaches the President, the issue will be thoroughly discussed and studied, with participation of experts, and only then the final decision will be taken".²⁵

In the interview to Euronews during his visit to Europe in March 2015, the Kyrgyz President addressed the question related to the draft bill also in a very evasive manner:

*"You know you are confusing Kyrgyzstan with other 'stans'. Our Parliament considers any laws. When I am asked such questions it show[s] that many people think in old way. In Kyrgyzstan it's the Parliament that decides what laws to adopt. And often the laws are such that I have to veto them."*²⁶

During the interview and throughout the visit, Atambayev repeatedly alleged Kyrgyzstan's strong will to engage with the EU closer, arguing that Europe should extend all the way to Bishkek,

24 "Atambayev's Position on the Foreign Agents and LGBT Draft Bills Appealed to the European Colleagues," Gezitter.org, 31 March 2015; <http://www.gezitter.org/society/38618_pozitsiya_a_atambaeva_po_proektam_zakonov_ob_lgbt_i_inostrannyih_agentah_ponravilas_evropeyskim_kollegam/> (accessed 25 March 2016).

25 Ibid.

26 "Kyrgyzstan Will Push for "Closer Engagement" with EU Says President Almazbek Atambayev," Euronews, 1 April 2015; <<http://www.euronews.com/2015/04/01/kyrgyzstan-will-push-for-close-engagement-with-eu-says-president-almazbek-/>> (accessed 25 March 2016).

as well as stressed similarity of the European and Kyrgyz values.²⁷ Remarkably, none of the European leaders brought up the LGBT issue during the meetings with the Kyrgyz President, despite the strong encouragement to do so from the side of Human Rights Watch and other international human rights organizations.²⁸ Furthermore, seeing that five months later Kyrgyzstan became a full-fledged member of the Eurasian Economic Union – Putin’s “pet project”, the above claims seem to convey nothing but glory.²⁹

With the recent expiration of the U.S. lease on the Manas Transit Center, termination of the 1993 agreement on co-operation with the U.S. and initiatives like denomination of a mountain peak after Vladimir Putin, co-operation of the Kyrgyz with the West (including the EU) appears even more dubious.³⁰ This tendency of rapprochement with Russia casts serious doubts on Atambayev’s will to oppose the resonant bill that happens to duplicate the Russian law.



THE LGBT COMMUNITY IN KYRGYZSTAN TODAY

The public seems to be also in favor of the draft bill. Kyrgyzstani citizens of different social background, ethnicity, age and gender

27 Ibid.

28 “Kyrgyzstan: European Leaders Should Raise Rights Concerns,” Human Rights Watch, 22 March 2015; <<https://www.hrw.org/news/2015/03/22/kyrgyzstan-european-leaders-should-raise-rights-concerns>> (accessed 26 March 2016). Joint Open Letter, “EU: Use Brussels Visit of Kyrgyzstan’s President to Secure Human Rights Commitments,” OMCT, 23 March 2015; <<http://www.omct.org/human-rights-defenders/statements/european-union/2015/03/d23070/>> (accessed 26 March 2016).

29 Olga Dzyubenko and Dmitry Solovyov, “Kyrgyzstan Set for Closer Ties with Russia after Polls,” Reuters, 4 October 2015; <<http://www.reuters.com/article/us-kyrgyzstan-election-count-idUSKCN0RY0P720151004>> (accessed 27 March 2016).

30 Charles Recknagel, “Kyrgyz Voters Choose Russia,” Radio Free Europe/Radio Liberty, 5 October 2015; <<http://www.rferl.org/content/kyrgyz-elections-voters-choose-russia/27289387.html>> (accessed 27 March 2016).

mostly supported the idea of suppressing any LGBT-related reference, as they were approached by the journalists of the 24.kg information agency and Delo newspaper. The respondents were primarily concerned with the so-called “attempt” of the Western countries to dictate their values and therefore destroy the genuine culture of Kyrgyzstan, in order to undermine the sovereignty of the latter.³¹ The interviewees also remarked the deviant nature of homosexual relations, opposing it against the “commonly accepted formula” of male-female relationship.³² In the meantime, the draft bill has provoked a massive public outcry among representatives of the civil society and the international community. The legislation is believed to trigger more hostility and violence in the Kyrgyz society toward LGBT representatives as well as limit freedom of expression in general. These concerns are well grounded as LGBT in Kyrgyzstan have been and are subject to inhumane treatment by the authorities.

The 2014 Human Rights Watch report revealed shocking details of ill-treatment by police officers that 40 interviewed gay and bisexual men had undergone due to their non-traditional sexual orientation.³³ A lack of accountability and consequent impunity of the law enforcement officers encourage police officers to abuse their authority for money extortion through psychological, physical and sexual humiliation of LGBT people. Meanwhile, due to negative perception of homosexuality in the Kyrgyz society, victims withhold from reporting the abuses, fearing disclosure of their sexual orientation to their families and the community.

Police offices are not the only facilities where LGBT individuals face discrimination and humiliation. Civil registration offices reject requests of transgender persons to change gender markers in their

31 “Do We Need the Anti-Gay Propaganda Law?” Delo №, 10 April 2014; <<http://delo.kg/index.php/health-7/7091-nuzhen-li-nam-zakon-o-zapretegej-propagandy>> (accessed 25 March 2016). Anara Mamytova, “Anti-Gay Propaganda Law of the Kyrgyz Republic: Pro and Contra,” www.24.kg, 19 January 2015; <http://www.24kg.org/perekrestok/5122_zakon_kr_o_zaprete_propagandyi_gomoseksualizma_pro_i_contra/> (accessed 25 March 2016).

32 Ibid.

33 “They Said We Deserved This”.

passports to make them suit their gender identity and appearance. The authorities oblige the requester to undergo sex reassignment surgery and provide medical certificate of a “certified standard”³⁴. However, there is no officially accepted certificate to serve as a sample. As a result, transgender people are subject to discriminatory treatment whenever disparity between their appearance and the passport data is detected.

When it comes to healthcare services, LGBT individuals encounter embarrassing procedures of compulsory HIV/AIDS and hepatitis tests.³⁵ Medical staff expresses a biased attitude toward such patients and discloses their sexual orientation or gender identity (SOGI) in front of other inmates/visitors. In many cases, even LGBT-friendly personnel fails to provide efficient assistance and care, as most doctors lack expertise and knowledge about proper medical prescriptions for transgender and intersex people.

LGBT people also face severe discrimination at work and therefore are deprived from an equal chance to receive a well-paid job with good prospects. For instance, an anonymous gay man, who was employed at the Children’s Creativity Center, was fired once his sexual orientation was discovered. Moreover, his two-month salary was withheld under a threat of disclosure of his orientation to the family.³⁶ Such a vulnerable socio-economic position pushes LGBT – and especially transgender - persons to engage in sex work, where these individuals also suffer from mistreatment and biased attitude.³⁷



ADOPTION OF THE LAW: “WHY BOTHER?”³⁸

34 Shadow Report.

35 Interview with an anonymous LGBT activist and human rights defender (11 December 2015, Bishkek).

36 Shadow Report.

37 Ibid.

38 Michael Pollan, “Why Bother,” *The New York Times Magazine*, 20 April 2008; <<http://michaelpollan.com/articles-archive/why-bother/>> (accessed 12 February 2016).

An anonymous LGBT activist argues that despite all the stumbling blocks in the work of the LGBT non-governmental organizations (NGOs) and the strongly homophobic climate in the Kyrgyz society, activists and human rights defenders still have an opportunity today to promote equality of LGBT and provide them with the necessary assistance.³⁹ For instance, the organization, with which the respondent is affiliated, offers legal and psychological consultation for victims of public and domestic violence. Additionally, the NGOs assist in reporting the assaults to the police and courts. NGOs also initiate and arrange various training events and media campaigns. All of these activities will be considered illegal with the adoption of the draft legislation, since they can be easily interpreted as “propaganda”. Such misinterpretation would be a result of the vague wording of the bill, which does not indicate precisely what activities fall within the so-called propaganda. Consequently, the opaque provisions would make it easy for the authorities to apply them in any suitable situation and even put charges against an individual who is not affiliated with the LGBT community.

The interviewee also suggests that the adoption of the draft bill will prevent LGBT people from seeking healthcare services, psychological support and legal assistance to address cases of abuse.⁴⁰ A similar stance is expressed by Syinat Sultanalieva, another LGBT activist and former Head of the Advocacy Department of the Kyrgyzstan-based LGBT organization “Labrys”:

“You can’t really convince a gay or lesbian person to look after their health and safety unless they are proud of who they are, if they don’t have problems with internal homophobia or transphobia, because it is a really huge problem in the community and because people don’t think that they’re normal, they think that they are sick...”⁴¹

Not surprisingly, homophobia in the Kyrgyz society has reportedly flourished with the introduction of the bill.

39 Interview with an anonymous LGBT activist and human rights defender.

40 Ibid.

41 “Voices for Equality: Syinat Sultanalieva,” Human Rights First, 26 January 2015; <<http://www.humanrightsfirst.org/blog/voices-equality-syinat-sultanalieva>> (accessed 13 December 2015).

“Now people think that they have a right to do it [discriminate LGBTs]... These people proceed with mob justice and decide themselves whom they can discriminate and humiliate... This is happening because before [the legislative initiative] no “authorized discrimination” was in place.”⁴²

This notion of “authorized discrimination”, or rather institutionalized discrimination, obviously represents the most devastating impact of the Jogorku Kenesh’s initiative. Granted with such a legal back-up, nationalist groups such as “Kalys”, “Kyrgyz El Zhashtar Keneshi”, and “Kyrgyz Choroloru”, as well as homophobes in general, are likely to increase the number and scope of their attacks against LGBT persons and organizations, in complete impunity.

Comparing the Kyrgyz bill with its Russian equivalent leads to the conclusion that the one proposed by Jogorku Kenesh surpasses its benchmark. Apart from administrative sanctions established by the Russian law, the Kyrgyz version also introduces criminal liability for any contribution to a positive (or even neutral) image of “non-traditional forms” of sexual relations. Notably, even without criminal charges, the federal law of 2013 strengthened homophobia in the society and increased the number of attacks against LGBT people and activists.

The 2015 Annual Review by ILGA-Europe⁴³ indeed revealed the dire consequences of the adoption of the Russian law. Since the adoption, nearly every public assembly advocating rights of LGBT has been subject to aggression from homophobic groups. Moreover, numerous events in support of LGBT have been hindered because venues and hotels canceled reservations after receiving intimidating requests from the police. Several LGBT NGOs have been forced to either shut down or declare themselves “foreign agents”. Furthermore, employees of several educational facilities have been fired after their sexual orientation had been disclosed to the management. Public hate speeches, inter alia from Mem-

42 Interview with an anonymous LGBT activist and human rights defender.

43 ILGA-Europe stands for European Region of the International Lesbian, Gay, Bisexual, Trans- and Intersex Association.

bers of Parliament, have appeared on a more frequent basis, inflaming even more opposition toward the LGBT community. On top of that, physical assaults (some with lethal outcome) against LGBT people have continued to take place.⁴⁴

According to the anonymous interviewee, the law lobbied by Jogorku Kenesh will cause similar repercussions. Moreover, the legislation will be likely abused to serve the interests of public officials and allow them to issue charges against individuals, regardless of their sexual orientation. This assumption is based on the reflections shared with the interviewee by her Russian counterparts. That is, the anti-gay propaganda law in Russia is applied whenever there is a need to fire or smear someone. Also, the Russian law contains vague definitions which lead to misinterpretation and misuse of its provisions. Likewise, perverse application of the Kyrgyz law after its adoption is expected to occur.⁴⁵



RECOMMENDATIONS

Once adopted, the anti-gay propaganda bill is expected to give a sense of institutionalized impunity to the public and hence allow for mob justice. Moreover, it will minimize the scope of work of human rights organizations, making it unlawful to advocate for LGBT rights. These repercussions, coupled with the already existing mistreatment by law enforcement and judiciary structures, will force the LGBT community into the shadows. Therefore, the below list represents recommendations addressed to relevant actors.

To the Parliament of the Kyrgyz Republic:

In view of the aforementioned implications, the proposed bill needs to be withdrawn from any further consideration by the Parliament. While preserving traditional values and norms of the Kyrgyz society, the MPs are encouraged to bring their initiatives in

44 Annual Review.

45 Interview with an anonymous LGBT activist and human rights defender.

compliance with the international human rights standards, with a particular focus on principles of equality and non-discrimination. Notwithstanding, given the aggressive stance toward the LGBT community expressed by the MPs, state agencies and the public, adoption of the law seems to be inevitable. In this regard, the Kyrgyz Parliament is encouraged to consider the following set of alternative recommendations.

- The draft bill as a legal instrument is rather weak and lacks coherence and consistency. The bill therefore should be revised to allow for more precise and clear wording. The revisions are to be proceeded through public and/or expert debates conducted during the Parliament sessions:
- In particular, an explicit and detailed definition of what propaganda is needs to be provided. This is necessary to outline the scope of activities that can indeed serve as a ground for administrative liability. For instance, in order to ensure work of the LGBT organizations, it is essential to distinguish between the notions of awareness-raising and propaganda. Merging the two concepts would completely diminish the working scope and opportunities of LGBT activists and human rights defenders, depriving LGBT people from their central source of support and assistance.
- In the meantime, it is crucial to withdraw criminal liability for “propaganda” of homosexual relations. This will prevent the law enforcement bodies from abusing provisions of the law and detaining LGBT individuals and their defenders on an authoritative basis.
- Currently, the national legislation of the Kyrgyz Republic lacks provisions prohibiting discrimination and hate speeches based on SOGI. Due to this fact, the LGBT community is unable to seek justice when they face such discrimination during employment, in health care facilities and other public institutions (border and customs services, civic registration offices). Therefore, there is a strong need for provisions establishing corresponding protective grounds as well as administrative liability for their violation.
- There is high demand to design hate crime legislation that

would qualify SOGI as bias. That is, article 97 of the Criminal Code of the Kyrgyz Republic establishes a prison sentence of between 12 to 25 years for a murder committed due to interethnic, race or religious hostility.⁴⁶ Meanwhile, article 299 sets up administrative and criminal liability for “incitement to national, racial, religious or interregional hatred”, if it is committed in public or via mass media as well as by individuals through their official positions or by organized groups.⁴⁷ Thereby, it is recommended to introduce amendments and include SOGI as characteristics protected by both articles.

To the Parliament and the Ministry of Internal Affairs:

- The activity of nationalist and patriotic movements such as “Kalys”, “Kyrgyz El Zhashtar Keneshi”, and “Kyrgyz Choroloru” should be regulated by law, to prevent them from actions violating LGBT rights and human rights in general.

To the Ministry of Education and the Ministry of Healthcare:

- In the long run, it is fundamental to modify the curriculum in higher education institutions, especially for students of health care, law enforcement and judiciary departments, and introduce corresponding courses on proper treatment of homosexual, transgender and intersex people. It is crucial to promote tolerance and diversity, and prevent the perception of homosexuality as a deviation from the norm, in order to hinder homo- and transphobic atmosphere in public structures.

To civil society activists and international donors:

- A public mechanism of monitoring and reporting hate crimes, with a specific focus on crimes against LGBT, needs to be established. Such a mechanism should be initiated by civil society activists and can be funded through development aid programmes. The international community can also get involved by providing capacity-building support through training of the monitoring groups to provide high-quality and timely reports. These data will allow to collect statistics on hate crimes

46 Criminal Code of the Kyrgyz Republic, 1 October 1997.
47 Ibid.

in general as well as to track cases of abuse against LGBT individuals. With this reporting mechanism set forth, human rights defenders and international donors will acquire a solid image of what initiatives need to and can be taken to protect the rights of LGBT. Moreover, it will allow for timely and effective support (psychological and/or legal) to the victims.

- A similar mechanism of gathering complaints in detention and correctional facilities also needs to be established, to prevent discrimination and inhumane treatment of LGBT within the penitentiary structures.
- It is recommended to improve legislative literacy among LGBT people through awareness-raising activities (training, distribution of prospects, personal consultations with a legal officer).



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