



LABRYS &
KYRGYZ INDIGO

41



Lessons Learned

Advocating against draft anti-LGBT legislation
in Kyrgyzstan

The problem of stigmatization and discrimination of LGBT people in Kyrgyzstan (and largely in Central Asia) is informed by a long-standing culture of criminalization of homosexuality, an anachronistic legacy of Tsarist Russian laws and later – of the Soviet Union. Although homosexuality in Kyrgyzstan was decriminalized in 1998, there is still a very strong homo- and trans-negativity in the country. Societal norms and values ostracize homosexuality and non-binary gender identities through negative stereotyping, stigmatization and direct discrimination.

On 26 March 2014 the already existing homo- and transphobia in Kyrgyzstan was taken one step further towards re-criminalization of the LGBT communities by members of the Kyrgyz Parliament. They introduced a draft law, which proposes criminal and administrative liability for dissemination of any information that may form a positive attitude to “non-traditional sexual relations”. The draft law suggests amendments into the Penal Code, the Administrative Code, and laws on mass media, as well as peaceful assemblies – prohibiting any public mentioning of homosexuality, including reports about human rights violations against LGBT communities in Kyrgyzstan.

The draft law violates several articles of the Kyrgyz Republic’s Constitution such as the right to access information, right to freedom of peaceful assembly, right to be free from any forms of discrimination. It also substantially violates the country’s international human rights commitments under the various UN treaty bodies, such as ICCPR, CEDAW, UNCAT, UPR.

The work of all existing LGBT and other organizations working for LGBT in Kyrgyzstan is at risk of becoming illegal because all of the activities may be interpreted as “formation of a positive attitude to non-traditional sexual relations”.

ANALYSIS AND STRATEGY

Based on the results of the baseline research and needs assessment amongst the LGBT community in Kyrgyzstan conducted in 2012, Alliance partner COC and its in-country partners - Labrys and Kyrgyz Indigo - decided to develop a strategy on the promotion of human rights of LGBT communities.

This strategy targeted not only working with the LGBT community, but also law enforcement and healthcare providers, as well as informing UN treaty bodies and other multilateral institutions.

Following introduction of the draft anti-LGBT law, COC decided after intense consultation with the in-country partners to allow for a major revision of the work plan for 2014; this flexibility enabled Labrys and Kyrgyz Indigo to efficiently respond to the unforeseen introduction of the draft law.

The desired output was: informing key stakeholders on the national and international levels about the anti-constitutional draft law. The desired outcome was: withdrawal of the anti-LGBT draft law. The desired impact was to contribute to development of a society, in which LGBT people are not discriminated against.

Labrys and Kyrgyz Indigo decided to form the Coalition for Justice and Non-discrimination to develop a comprehensive and joint strategy to oppose this draft law. The Coalition has over 20 members that represent stakeholder groups, including mainstream organisations, community-based organisations, individual experts in the field of human rights, gender and media. The vast majority of Bridging the Gaps in-country partners in Kyrgyzstan are members of this Coalition. COC-Netherlands is an observing member of the Coalition.

Due to time pressure the Coalition developed an urgent ad-hoc strategy of reacting to the draft law, which consisted of two stages:

1. Work ‘behind closed doors’, reaching out to initiators of the draft law, as well as potential allies with requests for expert analyses of the draft law.
2. Public appeals to action targeting national and international stakeholders, based on the analyses¹.

Mid 2014 due to the parliamentary recess, Coalition members had time to reflect and decided to develop a more comprehensive strategy based on lessons learned from:

1. The fight against laws on administrative liability for sex work in Kyrgyzstan. This fight was initiated and headed by sex worker community based organization Tais Plus ;
2. COC’s experience in lobbying and advocacy in the Netherlands;
3. Experiences in other countries in Eastern Europe, such as Moldova, Russia, and Ukraine.

¹ Link to the Google Drive folder of the Coalition with all the analyses, including consequences for HIV/AIDS prevention, conflicts potential, political and psychological consequences, as well as contradictions with Kyrgyzstan’s international human rights commitments:
<https://drive.google.com/open?id=0B3Li0QRyJ-c1UHVxSnZVaktuT3c&authuser=0>

OUR INTERVENTIONS

COC has been active in Kyrgyzstan since 2006 with financial support from the Dutch Ministry of Foreign Affairs in close collaboration with in-country LGBT organisations. COC built the capacity of its partners by conducting and funding trainings and workshops on organisational development, community empowerment, health and rights. In the framework of the Bridging the Gaps programme, COC has conducted training on lobby and advocacy and has coached Kyrgyz activists in Geneva, Warsaw and Amsterdam on working with the UN, OSCE, Global Fund, and other multilateral organisations.

Owing to this technical and financial assistance, in-country partners Labrys and Kyrgyz Indigo have been able to engage in lobby and advocacy on LGBT rights in Kyrgyzstan.

National level:

- Labrys mobilised LGBT community members to write postcards to initiators of the anti-LGBT law sharing their thoughts on why the law should not be passed.
- Labrys participated in the special panel on LGBT and freedom of expression organised by PEN International in Kyrgyzstan, the world's leading association of writers that defend freedom of expression around the world. Following which members of PEN International adopted a resolution², for the first time in its history, which denounces adoption of anti-LGBT laws. The resolution was presented to the Kyrgyz President in person.
- Members of the Coalition for Justice and Non-discrimination organised extensive lobby of various key stakeholders, including representatives of the President's Office, the Parliament, the Ombudsman, as well as international players present in Kyrgyzstan (diplomatic missions, offices of international organisations).

International level:

- Labrys and (more recently) Kyrgyz Indigo have been involved in international advocacy, submitting reports with documented human rights violations to national offices of international Human Rights protection mechanisms, for example Human Rights Council (Universal Periodic Review), CEDAW (Convention on the Elimination of all forms of Discrimination against Women) Committee,

Human Rights Committee (International Convention on Civil and Political Rights), and the Human Dimension Implementation Meeting of the OSCE (Organization for Security and Co-operation in Europe).

- Labrys has launched the #supportLGBTkg public campaign, inviting citizens all over the world to support the fight against the anti-LGBT draft law in Kyrgyzstan by posting pictures with slogans on social media and writing letters to Parliament and the President³.
- Labrys has also organised a consultative meeting with LGBT activists from Russia, Ukraine, Moldova, as well as members of the Coalition in Kyrgyzstan, to develop a more comprehensive strategic plan of reacting to the anti-LGBT draft law. The strategy includes strategic litigation, mobilization of international solidarity, internal community solidarity, media and direct action, coalition solidarity. The Coalition has been working according to this strategy since then.
- Labrys and Kyrgyz Indigo organised and participated in a number of meetings with multilateral organisations in Kyrgyzstan and abroad to raise their awareness about the draft law. Among these were: Parliamentary Assembly of the Council of Europe (PACE) and the EU mission in Kyrgyzstan.

Maximizing international visibility:

- During high level meetings in Geneva in 2012, 2013 and 2014, COC trained and coached 10 activists from Kyrgyzstan on how to lobby policy-makers. The activists have been capacitated to conduct elevator pitches, writing fact sheets and one-pagers, and proposing concrete actions to fight the draft law and other human rights violations against LGBT. This resulted in many treaty bodies to formulate recommendations focusing on improving the position of LGBT.
- In December 2014 COC organized meetings for LGBT activists at the Dutch Ministry of Foreign Affairs to share and exchange information, increase mutual understanding and strengthen the relationship. Further, COC organised a demonstration at the Homo monument in Amsterdam on International Human Rights Day in close collaboration with Kyrgyz LGBT activists. The demonstration with more than 200 people showed solidarity and asked Kyrgyz Parliament and the President to withdraw the draft law.
- In December 2014 representatives of Labrys met with US Congressmen, as well as USAID and US State Department in Washington DC, to raise their awareness about the anti-LGBT draft law.

² <http://www.pen-international.org/wp-content/uploads/2014/10/18.-RESOLUTION-on-Anti-LGBTQI-Legislation-which-Restricts-the-right-to-Freedom-of-Expression.pdf>

³ <http://www.labrys.kg/ru/media/gallery/full/10.html>

- The Coalition members reached out to the World Bank with a joint letter expressing concern over the anti-LGBT draft law, calling the World Bank to raise these issues in negotiations with the Kyrgyz Republic. Labrys also participated in a documentary produced by World Bank's Sexual Orientation Gender Identity (SOGI) taskforce on the anti-LGBT draft law⁴.

The added value of Bridging the Gaps:

- COC initiated a meeting with its in-country partners and AFEW Kyrgyzstan to set up collaboration. Following this meeting AFEW Kyrgyzstan, Labrys and Kyrgyz Indigo decided to join forces in sensitizing law enforcement on LGBT issues. AFEW Kyrgyzstan invited Labrys and Kyrgyz Indigo to teach the staff at the Police Academy on LGBT issues. This resulted in the Police Academy inviting Labrys and Kyrgyz Indigo to develop a LGBT module to be incorporated in the Academy's curriculum on harm reduction. The Police Academy plans to teach this module as part of its regular training curriculum. In the beginning of 2015 the module has been officially approved.
- The collaboration between AFEW Kyrgyzstan, Labrys and Kyrgyz Indigo continued and strengthened. They jointly selected 2 law enforcement officers, 1 representing the Police Academy, to take part in the international Law Enforcement and Public Health Conference in Amsterdam. Together with a Kyrgyz Indigo staff member they participated in this conference, which led to increased mutual understanding and the start of a fruitful collaboration.
- In 2014, when two members of Labrys visited the Netherlands, financially supported by the Dutch Embassy in Kazakhstan, Bridging the Gaps made a short film about the situation in Kyrgyzstan regarding the draft anti-LGBT law by interviewing the activists. This video has been launched on the BtG website, Facebook page and YouTube⁵.
- In November 2014, COC co-funded and organised a strategy meeting of Central Asian LGBT activists, including the BtG in-country partners, and potential donors to explore opportunities for more concerted efforts in the region.

THE RESULTS

The progress is monitored via quarterly meetings of the Coalition, where members report to each other on activities implemented, challenges encountered and dealt with, as well as any changes of plans. In these meetings, the Coalition monitors progress and regularly tweaks its plans on the basis of:

1. Lessons learnt from on-going advocacy activities conducted by Labrys and Kyrgyz Indigo, such as the public campaign, for example COC hired a Kyrgyz media specialist with an extensive professional network, consisting amongst others journalists and parliamentarians.
2. Lessons learnt from the on-going discussions with members of Parliament on their stand against the draft legislation
3. Lessons learnt from the on-going involvement in high level meetings to raise international awareness

There are also urgent meetings of the Coalition called for agreeing on actions that require immediate attention.

Results on the output level were:

National media, civil society, LGBT community, governmental agencies, Parliament and the President's Office were informed about the non-compliance of the anti-LGBT draft law with the country's national and international human rights commitments.

UN treaty bodies, OSCE, PACE and EU Parliament, embassies, and other international organisations were informed. Following sessions on Kyrgyzstan in 2014 and 2015, UN CEDAW, UPR and HRCtee have recommended the Kyrgyz Government to ensure that its legislation protects all of its citizens regardless of their sexual orientation and/or gender identity, among others⁶.

Interim results on the outcome level were:

Since the project is on-going we can only present interim results.

The expectation was that the draft law would quickly progress through the legislative procedures, as the draft was extremely popular within the Parliament: starting with just 1 initiator, in the next few months 27 more MPs signed on as initiators of the draft law. Also in its first reading the draft law was voted with 79 in favour out of 86 MPs.

⁴ <https://youtu.be/ljVhAsgfQME>
⁵ <https://youtu.be/v1TUXjSzkH8>

⁶ List of recommendations to Kyrgyzstan during the UPR process - http://www.upr-info.org/sites/default/files/document/kyrgyzstan/session_21_-_january_2015/recommendations_and_pledges_kyrgyzstan_2015.pdf

However, the consideration of the anti-LGBT draft law in second reading was postponed indefinitely, following official statements by PACE and EU Parliament to withdraw the anti-LGBT draft law⁷.

The Coalition uses its social network to reach out to influential stakeholders in the public and private sphere, such as lawyers, policy makers, government officials and non-governmental organisations. This way it was possible to organise a meeting with a representative of the Office of the President. Although unexpected due to its status, the Office expressed its support to the cause and promised to do its best in ensuring that the President hears all sides of the story before making a decision.

The Kyrgyz President has stated in an official interview that he might have to veto the anti-LGBT draft law⁸. This is a positive sign, especially since the President previously did not want to comment on his stand. This shows that our lobby strategy and interventions used are being noted.

The on-going advocacy efforts have led to a strong Coalition that works together in the fight against the draft anti-LGBT legislation;

SUSTAINABILITY

The Coalition will continue to function as an advocacy platform aiming at legislative and policy changes to uphold human rights and strengthen civil society. The Coalition has already expanded its focus from the single issue of the anti-LGBT law to issues such as the 'Foreign Agent Act', which is a draft law that limits the operations of NGOs, or the draft law on administrative liability for sex work that has resurfaced on 8 April 2015.

The joint work of COC's in-country partners, Labrys and Kyrgyz Indigo, on opposing this draft law has brought closer together Kyrgyzstan's most outspoken LGBT activists, contributing to the building of a stronger movement both in Kyrgyzstan and in the region of Eastern Europe and Central Asia. This cooperation has also yielded more opportunities for funding for both of the organisations, who have in the last three years significantly diversified their financial portfolio of funders, which now include the US State Department, Dutch, US and Norwegian embassies, Sigrid Rausing Trust, Freedom House, as well as the UN.

⁷ PACE statement - <http://assembly.coe.int/nw/xml/News/News-View-EN.asp?newsid=5470&lang=2&cat=137>

EU Parliament statement: <http://www.lgbt-ep.eu/press-releases/european-parliament-urges-kyrgyzstan-to-drop-anti-lgbt-bill/>

⁸ President Atambayev's interview to Euronews: [http://www.euronews.com/2015/04/01/kyrgyzstan-will-push-for-close-engagement-with-eu-says-president-almazbek-/](http://www.euronews.com/2015/04/01/kyrgyzstan-will-push-for-close-engagement-with-eu-says-president-almazbek/)

LEARNING AND FLEXIBILITY

In the course of reactions to the draft law, all staff members of Labrys and Kyrgyz Indigo were involved in the activities. This ensured their learning and capacity building in practice, where the experienced members mentored and passed on their skills to the new staff members.

When assessing the capacity of the organizations involved, Labrys and Kyrgyz Indigo realized that they were lacking expertise in the area of media relations. COC was consulted and decided to provide the financial means so an expert could be hired.

COC, Labrys and Kyrgyz Indigo benefitted from good practices and lessons learned in other countries and by other key populations. The experiences in Russia, Moldova and Ukraine by the LGBT movement in counteracting anti-LGBT legislative initiatives proved very useful for the Kyrgyz activists. Regional and bilateral meetings were organized to share and exchange. The practical knowledge and skills of Tais Plus (community based sex work organization) in opposing the anti-sex work draft law also inspired the Coalition.

Based on regular consultations COC supported the work of the Coalition by accommodating the financial needs of Labrys and Kyrgyz Indigo.

Underlying assumptions, potential risks, and how were these risks mitigated

The major risk identified was the safety of organisations that were engaged in opposing the draft law, as well as the LGBT communities, as open opposition would draw greater attention to the issues discussed, as well as to main actors involved in these issues. To mitigate the risk of physical attacks, Labrys and Kyrgyz Indigo strengthened their security procedures. Labrys set up additional CCTVs across the perimeter of the building it owns, while Kyrgyz Indigo started a fundraising campaign to buy a safe house for its operations. Both of the organisations conducted awareness raising seminars for LGBT communities on the consequences of the draft law and safety measures.

Another risk identified was that the human rights response would be perceived as a foreign interference, led by Dutch organisations. Therefore, COC supported in-country organizations Labrys and Kyrgyz Indigo to take the lead in cooperation with the Coalition, to fight against the draft anti-LGBT law from a community-led approach. Labrys and Kyrgyz Indigo have been in the drivers' seat the whole time and have grown into strong advocates for LGBT rights.

ADDED VALUE OF INVOLVEMENT OF DUTCH MINISTRY OF FOREIGN AFFAIRS (MOFA)

The Dutch government has been a leading force in the fight against discriminatory legislation and human rights violations, especially with regards to the rights of LGBT people. COC has a track record of working with the Dutch Ministry of Foreign Affairs throughout the last decades. COC is in regular contact with the LGBT policy officer at MoFA where they share information about latest developments related to the anti-LGBT draft law. Together they discuss the most effective approach, with COC ensuring that these are in line with the strategies of the LGBT movement in Kyrgyzstan, and MoFA presenting international opportunities for the Dutch government to raise concerns about the anti-LGBT law. One of the international fora where Dutch officials have put the anti-LGBT draft law on the agenda were meetings of the Council of the European Union – Working Party on Human Rights (COHOM).

Similarly with the draft anti-LGBT law in Kyrgyzstan, the COC has also worked closely together with relevant Dutch embassies, e.g. in Geneva and Warsaw, to offer Kyrgyz LGBT activists a stage abroad where they can inform an audience of interested diplomats about the human rights violations surrounding the draft law. In Geneva, the Dutch mission to the UN is very supportive by meeting activists and organizing round tables, whereto also other LGBT friendly missions are invited. Labrys is also in regular contact with the Dutch Embassy in Kazakhstan, which carries responsibility for Kyrgyzstan as well, after personal introduction in 2012. Labrys keeps the Embassy staff updated as to any developments concerning the draft law, as well as the situation of LGBT people in Kyrgyzstan in general.

ENDING NOTES

Our approach is unique because COC is a community based organization that has been present in Kyrgyzstan with a long term commitment to LGBT cause for almost 10 years. Throughout these years COC's in-country partners, Labrys and Kyrgyz Indigo, have grown to become very experienced community based organisations with membership and clear system of accountability to constituency. In tackling the challenge of the anti-LGBT draft law, instead of reinventing the wheel we were ready to learn from good practices and lessons learned from sex workers and LGBT movements in Russia and other neighbouring countries.

The collaboration between COC and AFEW, and our in-country partners, have led to a strong partnership with the Police Academy, where LGBT issues are now included in a module on harm reduction, and two members of the Academy participated in the LEPH conference in 2014 together with a staff member of Kyrgyz Indigo. As a result of the work of the Coalition that was supported by COC, our in-country partners, Labrys and Kyrgyz Indigo, are now considered as equal partners by other civil society actors and international organisations such as the UN, OSCE, EU and others.



Lessons Learned publications in this series:

43. Raising awareness of stakeholders and mobilization of transgender and intersex communities
42. LGBTI refugee programme
41. Advocating against draft anti-LGBT legislation in Kyrgyzstan
40. Integrated Training for Health Care Providers in South Africa
39. A comparison of urban and rural LGBT support groups in Botswana
38. Identifying gaps to focus on in future work through community dialogues with law enforcement, healthcare workers, students and rural villages in Lesotho
37. Creating access to health services for LGBT Community in primary health care settings in the four regions of Swaziland.
36. Lessons learned at Equidad's HIV/STI testing centres for MSM in Ecuador
35. Raising awareness in the face of ignored deficiencies in the National Police Force of Panama
34. Safety for human rights advocates and defenders in the Central American context
33. Health Care Providers' sensitization and capacity development; and community mobilization through arts and theatre in Lusaka (Zambia)
32. Moving beyond individual counselling of LGBTI people to address central psychosocial issues on community level in Tshwane (Pretoria)
31. Bonela Challenging structural barriers through the Gender and Sexual Minority Rights Coalition in Gaborone (Botswana)
30. CEDEP Advocacy Approaches in Malawi
29. GALZ Lessons learnt amongst MSM in the uptake of Male Circumcision (Zimbabwe)
28. Uptake of Post-Exposure Prophylaxis (PEP) by Men who have Sex with Men in Tshwane (Pretoria).
27. OUT's Peer Education Programme for MSM / LGBT's in Tshwane, Pretoria
26. The Pink Ballot Agreement
25. Peer Education Programme (Malawi)
24. Schorer Monitor
23. Health, culture and network: Interventions with homosexuals living with HIV/AIDS at Rio de Janeiro polyclinics
22. Telling a story about sex, advocating for prevention activities – informational materials about safe sex and harm reduction for gay men and MSM from 14 to 24 years.
21. Mainstreaming of LGBTI/MSM/WSW issues in all areas of service provision: Empowering Service Providers and Policy Makers in Botswana through trainings
20. Now we are talking! – Developing skills and facing challenges.
19. Towards a Comprehensive Health Care Service Model for Transgender People in Ecuador
18. Comparative analysis and account of the outreach process to implement a method to change behaviors of youngsters with homo/lesbo erotic feelings in Costa Rica
17. Methodology for behavioral change in teenagers with same sex feelings, from the Greater Metropolitan Area, in Costa Rica
16. Breeding Ideas: building up a young peer educators' network.
15. Prevention Images: notes about a photography workshop with young MSM and people living with HIV/AIDS in Rio de Janeiro
14. Advocacy campaign to prohibit hate lyrics targeted at men having sex with men during a dance hall concert in Suriname.
13. Interactions between young multipliers and young gays and bisexuals in internal and external activities in Rio de Janeiro (Brazil).
12. Information Stands: Prevention Project aimed at young gay men from Tegucigalpa (Honduras)
11. Ndim'lo (This is me) Photovoice with lesbian and bisexual women in the Western Cape, South Africa
10. Me&3 Campaign for lesbian and gay individuals in Pretoria (South Africa)
9. Sensitization of the National Police by transgender organizations in Ecuador
8. Exercising 'Knowledges': Implementing training and prevention activities.
7. Public Incidence Activities: In search of public spaces accessible to teenagers with same sex feelings in the Greater Metropolitan area of Costa Rica. "Specific Case: Incidence with the National Institute for Women - INAMU - Costa Rica"
6. My body, your body, our sex: A Sexual Health Needs Assessment For Lesbians and Women Who Have Sex With Women, Durban, South Africa
5. Working with buddy groups in Zimbabwe
4. 'MAN TO MAN', a joint approach on sexual health of MSM in the Netherlands via the Internet
3. Lessons learned from project "Visual information on sexual health and the exercise of citizenship by the GLBTI beneficiaries of the Organization in Quito, Ecuador".
2. Coffee afternoons: Prevention Project aimed at young gay men from Tegucigalpa (Honduras)
1. Womyn2Womyn (W2W) quarterly open day, for lesbian and bisexual (LB) women at the Prism Lifestyle Centre in Hatfield, Pretoria (South Africa)

available at:

<http://lessons-learned.wikispaces.com/English>

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